

# SESSION LAWS

OF THE

## STATE OF WASHINGTON

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REGULAR SESSION, THIRTY-FOURTH LEGISLATURE  
Convened January 10, 1955, Adjourned March 10, 1955

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EXTRAORDINARY SESSION, THIRTY-FOURTH LEGISLATURE  
Convened March 11, 1955, Adjourned March 24, 1955

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Compiled in Chapters by EARL COE  
Secretary of State



MARGINAL NOTES AND INDEX

By  
RICHARD O. WHITE  
Code Reviser

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Published by Authority

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## PREFACE

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The Thirty-Fourth Legislature of the State of Washington convened at 12 o'clock noon, January 10, 1955 (being the second Monday in January), and adjourned *sine die* March 10, 1955.

All acts passed by the session, approved by the Governor or allowed to become law without his signature, took effect ninety days after adjournment, or 12 o'clock **midnight**, June 8, 1955, except relief bills, appropriations and other acts declaring an emergency.

A handwritten signature in black ink, appearing to read "Earl Coe", written in a cursive style.

EARL COE

Secretary of State



# LAWS OF WASHINGTON

PASSED AT THE

## Thirty-Fourth Regular Session 1955

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### CHAPTER 1.

[ S. B. 2. ]

#### APPROPRIATION—LEGISLATIVE PRINTING.

AN ACT appropriating the sum of sixty-five thousand dollars, or so much thereof as may be necessary, for the printing ordered by the legislature; and declaring an emergency.

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

SECTION 1. There is hereby appropriated out of the general fund the sum of sixty-five thousand dollars, or so much thereof as may be necessary, to pay for such printing as may be ordered by the thirty-fourth legislature, or either branch thereof. Appropriation.

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

Passed the Senate January 10, 1955.

Passed the House January 10, 1955.

Approved by the Governor January 13, 1955.

CHAPTER 2.

[ S. B. 3. ]

APPROPRIATION—SUBSISTENCE EXPENSES FOR LEGISLATORS.

AN ACT appropriating the sum of one hundred thirty thousand five hundred dollars, or so much thereof as may be necessary, for the actual and necessary expenses of the members of the legislature for lodging and subsistence actually incurred and paid by them while absent from their places of residence in the service of the state; and declaring an emergency.

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

Appropriation.

SECTION 1. There is hereby appropriated out of the general fund the sum of one hundred thirty thousand five hundred dollars, for the actual and necessary expenses of the members of the thirty-fourth legislature, actually expended by them for subsistence and lodging while absent from their usual places of residence in the service of the state, at a rate not exceeding fifteen dollars per day, to be evidenced by the duly verified vouchers of the respective members of the legislature.

Emergency.

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

Passed the Senate January 10, 1955.

Passed the House January 10, 1955.

Approved by the Governor January 13, 1955.



CHAPTER 3.

[ S. B. 18. ]

APPROPRIATION—EXPENSES OF LEGISLATURE.

AN ACT appropriating the sum of one hundred seventy-five thousand dollars for the actual and necessary expenses of the legislature, and declaring an emergency.

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

SECTION 1. There is hereby appropriated out of the general fund the sum of one hundred seventy-five thousand dollars, or so much thereof as may be necessary, for the purpose of paying the expenses, except legislative printing, of the thirty-fourth legislature. From the amount hereby appropriated the Senate shall not expend more than eighty thousand dollars; the House of Representatives shall not expend more than ninety-five thousand dollars. Appropriation.

SEC. 2. None of the funds appropriated herein shall be expended by or for the Legislative Council, the Legislative Budget Committee or any other Legislative interim Committee. Prohibited expenditures.

SEC. 3. This act is necessary for the immediate support of the state government and shall take effect immediately. Emergency.

Passed the Senate January 13, 1955.

Passed the House January 14, 1955.

Approved by the Governor January 19, 1955.

CHAPTER 4.

[ S. B. 20. ]

ELECTIONS—CITY PRIMARIES.

AN ACT relating to city elections; adding a new section to chapter 29.21, RCW; and declaring an emergency.

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

New section.

SECTION 1. There is added to chapter 29.21 RCW, a new section to read as follows:

City primary election procedure where no more than two file for each position.

No primary shall be held in any city if, after the last day allowed for candidates to withdraw, there are no more than two candidates filed for each position to be filled. In such event, the city clerk shall immediately notify all candidates concerned and if the county auditor has jurisdiction of such primary election, he shall also be notified. Names of candidates that would have been printed upon the city primary ballot, but for the provisions of this act, shall be printed upon the city general election ballot alphabetically in groups under the designation of the respective titles of the offices for which they are candidates: *Provided*, That should the provisions of this act be in conflict with any provision in any charter of a city, said charter provision shall not be affected.

**Note: Above proviso relating to city charters eliminated by Sec. 2, Chapter 101, Laws of 1955.**

Emergency.

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

Passed the Senate January 19, 1955.

Passed the House January 26, 1955.

Approved by the Governor January 28, 1955.

## CHAPTER 5.

[ H. B. 1. ]

## REVISED CODE OF WASHINGTON.

An Act relating to the Revised Code of Washington; repealing chapter 282, Laws of 1947, chapter 252, Laws of 1943, and chapter 149, Laws of 1941; and enacting RCW 1.08.040 and 1.08.050.

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

SECTION 1. Chapter 282, Laws of 1947, chapter 252, Laws of 1943, and chapter 149, Laws of 1941, are each repealed. Repeal.

SEC. 2. RCW 1.08.040 is enacted to read as follows: Enactment.

The Revised Code of Washington containing the certificate of the temporary code committee and any supplement or addition thereto or reprint edition thereof, which contains the certificate of the statute law committee referred to in RCW 1.08.037, shall be deemed official, and shall be prima facie evidence of the laws contained therein. RCW deemed official and prima facie evidence of law, when.

[SEC. 3.] RCW 1.08.050 is enacted to read as follows: Enactment.

The legislature shall amend or repeal laws by reference to code numbers. The reviser shall assign code numbers to such permanent and general laws as are hereafter enacted at any legislative session. Procedure to amend and repeal laws. Reviser to assign code numbers.

Passed the House January 20, 1955.

Passed the Senate January 27, 1955.

Approved by the Governor February 1, 1955.

CHAPTER 6.

[ H. B. 2. ]

CITY AND TOWN ORDINANCES—RECORDING—EVIDENCE OF PASSAGE.

AN ACT relating to city and town ordinances and amending section 2062 of the Code of 1881 and RCW 5.44.080; and declaring an emergency.

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

Amendment.

SECTION 1. Section 2062 of the Code of 1881 and RCW 5.44.080 are each amended to read as follows:

Recording of ordinances.

All ordinances passed by the legislative body of any city or town shall be recorded in a book to be kept for that purpose by the city or town clerk, and when so recorded the record thereof so made shall be received in any court of the state as prima facie evidence of the due passage of such ordinance as recorded. When the ordinances of any city or town are printed by authority of such municipal corporation, the printed copies thereof shall be received as prima facie evidence that such ordinances as printed and published were duly passed.

Record as evidence.

Printed copies as evidence.

Emergency.

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

Passed the House January 20, 1955.

Passed the Senate January 27, 1955.

Approved by the Governor February 1, 1955.

## CHAPTER 7.

[H. B. 3.]

## JUSTICE COURT DISTRICTS.

AN ACT relating to justice court districts; repealing section 8, chapter 156, Laws of 1951, section 1, chapter 206, Laws of 1953, and RCW 3.14.010; repealing section 11, chapter 156, Laws of 1951 and RCW 3.14.030; and repealing section 12, chapter 156, Laws of 1951, section 6, chapter 206, Laws of 1953 and RCW 3.14.040; and declaring an emergency.

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

SECTION 1. Section 8, chapter 156, Laws of 1951, Repeal. section 1, chapter 206, Laws of 1953, and RCW 3.14.010; section 11, chapter 156, Laws of 1951 and RCW 3.14.030; section 12, chapter 156, Laws of 1951, section 6, chapter 206, Laws of 1953, and RCW 3.14.040 are each repealed.

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

Passed the House January 20, 1955.

Passed the Senate January 27, 1955.

Approved by the Governor February 1, 1955.

CHAPTER 8.

[ H. B. 4. ]

EDUCATION—FLAG DISPLAY AND EXERCISES.

AN ACT relating to education; providing for display of the United States flag and exercises relating thereto; prescribing penalties and amending section 4, chapter 90, Laws of 1919 and RCW 28.02.030; and amending section 5, chapter 90, Laws of 1919 and RCW 28.87.180; and declaring an emergency.

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

**Amendment.** SECTION 1. Section 4, chapter 90, Laws of 1919 and RCW 28.02.030 are each amended to read as follows:

**Flag procurement and replacement.** The board of directors of every school district shall procure a United States flag, which shall be replaced with a new one whenever it becomes tattered, torn or faded. They shall cause the flag to be displayed upon or near each public school building during school hours, except in unsuitable weather. They shall cause appropriate flag exercises to be held in every school at least once in each week at which exercises the pupils shall recite the following salute to the flag: "I pledge allegiance to the flag of the United States of America and to the republic for which it stands, one nation under God, indivisible, with liberty and justice for all."

**Flag display.**

**Flag salute.**

**Amendment.** SEC. 2. Section 5, chapter 90, Laws of 1919 and RCW 28.87.180 are each amended to read as follows:

**Penalty.** Any member of a board of school directors or any person employed by any board of school directors wilfully refusing or neglecting to comply with RCW 28.02.030, shall be guilty of a misdemeanor and upon conviction shall be fined in a sum not to exceed ten dollars and may be discharged from further service by the school board.

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

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

Passed the House January 20, 1955.

Passed the Senate January 27, 1955.

Approved by the Governor February 1, 1955.

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## CHAPTER 9.

[ H. B. 5. ]

### COUNTY ROAD ENGINEER—OFFICE—SUPPLIES—RECORDS.

AN ACT relating to the office of county road engineer; and repealing section 10, chapter 77, Laws of 1895, and amending chapter 36.80, RCW, by adding a new section thereto; and declaring an emergency.

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

SECTION 1. Section 10, chapter 77, Laws of 1895 is hereby repealed and chapter 36.80, RCW, is amended by adding a new section to read as follows:

Repeal; new section.

36.80.015 Office at county seat. The county road engineer shall keep his office at the county seat in such room or rooms as are provided by the county, and he shall be furnished with all necessary cases and other suitable articles, and also with all blank books and blanks necessary to the proper discharge of his official duties. The records and books in the county road engineer's office shall be public records, and shall at all proper times be open to the inspection and examination of the public.

Office location, furnishings and supplies.

Records.

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

Emergency.

Passed the House January 20, 1955.

Passed the Senate January 27, 1955.

Approved by the Governor February 1, 1955.

CHAPTER 10.

[ H. B. 6. ]

SHERIFFS—COMPLAINT OF CRIMINAL VIOLATIONS.

AN ACT relating to sheriffs and adding a new section to chapter 36.28, RCW; and declaring an emergency.

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

New section.

SECTION 1. There is added to chapter 36.28, RCW, a new section to read as follows:

Complaint of all criminal violations.

In addition to the duties contained in RCW 36.28-.010, it shall be the duty of all sheriffs to make complaint of all violations of the criminal law, which shall come to their knowledge, within their respective jurisdictions.

Emergency.

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

Passed the House January 20, 1955.

Passed the Senate January 27, 1955.

Approved by the Governor February 1, 1955.

CHAPTER 11.

[ H. B. 7. ]

JUSTICES OF THE PEACE AND CONSTABLES.

AN ACT relating to justices of the peace and constables; amending section 1693, Code of 1881, section 5, page 223, Laws of 1854, and RCW 3.04.060; amending section 1, chapter 156, Laws of 1951, and RCW 3.12.021; amending section 9, chapter 7, Laws of 1891, and RCW 3.16.060; amending section 1, chapter 73, Laws of 1891, section 1, page 199, Laws of 1887, section 1, page 44, Laws of 1883, section 1710, Code of 1881, section 17, page 333, Laws of 1873, section 23, page 226, Laws of 1854, and RCW 3.20.020; amending section 2800, Code of 1881, section 17, page 225, Laws of 1854, and RCW 3.08.040; repealing and reenacting section 1, chapter 68, Laws of 1888, section 1689, Code of 1881, section 1, page 222, Laws of 1854, and RCW 3.04.010; amend-



ing section 4, chapter 68, Laws of 1888, and RCW 3.04.030; amending section 1691, Code of 1881, section 3, page 223, Laws of 1854, and RCW 3.04.040; amending section 1692, Code of 1881, section 4, page 223, Laws of 1854, and RCW 3.04.050; amending section 1693, Code of 1881, section 5, page 223, Laws of 1854, and RCW 3.04.060; amending section 1694, Code of 1881, section 6, page 223, Laws of 1854, and RCW 3.04.070; amending section 1695, Code of 1881, section 7, page 224, Laws of 1854, and RCW 3.04.080; repealing and reenacting section 1724, Code of 1881, section 31, page 339, Laws of 1873, section 25, page 227, Laws of 1854, and RCW 3.04.110; amending section 2801, Code of 1881, section 311, page 264, Laws of 1869, section 18, page 225, Laws of 1854, and RCW 3.08.060; amending section 3, page 120, Laws of 1888, and RCW 3.12.010; repealing and reenacting section 2, chapter 66, Laws of 1897, section 1, chapter 7, Laws of 1891, and RCW 3.16.010; repealing and reenacting section 3, chapter 105, Laws of 1905, and RCW 3.16.020; enacting RCW 3.16.008, 3.16.030 and 3.16.050; and repealing section 5, chapter 156, Laws of 1951, section 7, chapter 7, Laws of 1891; section 4, chapter 145, Laws of 1909, and RCW 3.12.100; sections 3 and 4, chapter 41, Laws of 1913; and section 3, chapter 145, Laws of 1909 and section 2, chapter 110, Laws of 1915; and declaring an emergency.

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

SECTION 1. Section 1, chapter 68, Laws of 1888, section 1689, Code of 1881, section 1, page 222, Laws of 1854, and RCW 3.04.010 are each repealed and reenacted to read as follows:

Repeal;  
reenactment.

At each general election for the election of county and precinct officers, there shall be elected by the qualified electors of each election precinct one or more justices of the peace.

Justices of the  
peace; election.

SEC. 2. Section 4, chapter 68, Laws of 1888, and RCW 3.04.030 are each amended to read as follows:

Amendment.

The qualifications, terms of office, duties, powers, and jurisdiction of justices of the peace shall be as provided by law, except that no justice of the peace shall have jurisdiction of any action brought to enforce or collect any claim or demand which said justice had, in any manner, attempted to collect as agent or otherwise.

Justices of the  
peace; qualifi-  
cations, term,  
powers and  
duties.

Amendment.

SEC. 3. Section 1691, Code of 1881, section 3, page 223, Laws of 1854, and RCW 3.04.040 are each amended to read as follows:

Justices of the peace; qualifications.

No person shall be eligible to the office of justice of the peace who is not a citizen of the United States and the state, and an elector of the precinct in which he is elected; nor shall any sheriff, coroner, or clerk of the superior court be eligible to or hold the office.

Amendment.

SEC. 4. Section 1692, Code of 1881, section 4, page 223, Laws of 1854, and RCW 3.04.050 are each amended to read as follows:

Justices of the peace; certificate of election and oath of office.

Every person elected justice of the peace shall be entitled to a certificate of election, and shall take an oath of office; which oath shall be indorsed on the back of the certificate of election, and together with the certificate, filed in the office of the county auditor.

Amendment.

SEC. 5. Section 1693, Code of 1881, section 5, page 223, Laws of 1854, and RCW 3.04.060, are each amended to read as follows:

Justices of the peace; bond.

Every person elected a justice of the peace shall, at the time of filing his oath of office in the office of the county auditor, enter into a bond to the state, with two or more sureties, residents of the county, or a corporate surety to be approved by the board of county commissioners, if in session, and if not in session, by the chairman of such board, and to be filed and recorded in the office of the county clerk, in the sum of five hundred dollars, conditioned that he will faithfully pay over, according to law, all moneys which shall come into his hands by virtue of his office as justice of the peace. The bond may be in the following form:

Form.

Know all men by these presents, that we J P, A B, and C D, are held and firmly bound unto the state of Washington, in the sum of five hundred dollars, for

the payment of which we jointly and severally bind ourselves, our heirs, executors, and administrators.

Sealed with our seals; dated this.....day of....., A. D. 19.....

Whereas, the said J P has been duly elected a justice of the peace in and for the precinct of..... in the county of....., A. D. 19..... Now the condition of the above obligation is such that if the said J P shall faithfully pay over, according to law, all moneys which shall come into his hands by virtue of his office as justice of the peace, then this obligation shall be void, otherwise in full force.

SEC. 6. Section 1694, Code of 1881, section 6, page 223, Laws of 1854, and RCW 3.04.070 are each amended to read as follows: Amendment.

The bond shall be filed in the office of the county clerk, and every person aggrieved by a breach of the condition thereof may, by an action upon the bond, have a judgment against the justice and his sureties for such sum as he may show himself entitled to, with costs, and interest at the rate of twenty-five percent per annum. Upon any such judgment stay of execution shall not be allowed. Justices of the peace; filing of bond.  
Action on bond.

SEC. 7. Section 1695, Code of 1881, section 7, page 224, Laws of 1854, and RCW 3.04.080 are each amended to read as follows: Amendment.

Every justice of the peace shall hold office for a term of four years and until his successor is elected and qualified. Justices of the peace; term of office.

SEC. 8. Section 1724, Code of 1881, section 31, page 339, Laws of 1873, section 25, page 227, Laws of 1854, and RCW 3.04.110 are each amended to read as follows: Amendment.

Every justice of the peace shall keep a docket in a well bound book, in which he shall enter: Justices of the peace; docket.

Contents.

- (1) The titles of all actions commenced before him;
- (2) The object of the action or proceeding, and if a sum of money is claimed, the amount of the demand;
- (3) The date of the notice, and the time of its return; and if an order to arrest the defendant is made, the statement of the facts on which the order is issued;
- (4) The time when the parties, or either of them, appear, or their nonappearance, if default is made;
- (5) A brief statement of the nature of the plaintiff's demand, and the amount claimed; and if any set-off is pleaded, a similar statement of the setoff and the amount estimated, and every motion, rule, order, and exception, with the decision of the court thereon;
- (6) Every continuance, stating at whose request, and for what time;
- (7) The demand for a trial by jury, when the same is made, and by whom made, the order for the jury, and the time appointed for the trial and return of the jury;
- (8) The names of the jurors who appear and are sworn; the names of witnesses sworn, and at whose request;
- (9) The verdict of the jury, and when received; and if the jury disagrees and is discharged, the fact of such disagreement and discharge;
- (10) The judgment of the court, and the time when rendered;
- (11) The time of issuing execution, and the name of the officer to whom delivered, and an account of the debt and costs, and the fees due to each person separately;
- (12) The fact of an appeal having been made and allowed, and the time when;

(13) Satisfaction of the judgment, or any money paid thereon, and the time when;

(14) And such other entries as may be material.

SEC. 9. Section 2800, Code of 1881, section 17, page 225, Laws of 1854, and RCW 3.08.040 are each amended to read as follows: Amendment.

Every person elected or appointed to the office of constable shall, within the time prescribed for filing his oath of office, enter into a bond to the state with two or more sureties, residents of the county, or a corporate surety, in the sum of one thousand dollars, conditioned that he will execute all process to him directed and delivered, and pay over all moneys received by him by virtue of his office, and in every respect discharge all the duties of constable according to law. The bond shall be approved, by the board of county commissioners, if in session, and if not in session, by the chairman of such board and filed and recorded in the office of the county clerk. Constables;  
bond.

SEC. 10. Section 2801, Code of 1881, section 311, page 264, Laws of 1869, section 18, page 225, Laws of 1854; and RCW 3.08.060 are each amended to read as follows: Amendment.

Any constable may, within his county, serve any writ, process or order, lawfully directed to him by any justice of the peace, judge of the superior court, or coroner, and generally do and perform all acts, by law required of constables. It shall be the duty of all constables to make complaint of all violations of the criminal law, which come to their knowledge, within their respective jurisdictions. Constables;  
powers and  
duties.

SEC. 11. Section 3, page 120, Laws of 1888 and RCW 3.12.010 are each amended to read as follows: Amendment.

Each incorporated city in the state having a population of not more than five thousand inhabitants, together with the adjoining precincts, if any lying partly within and partly without such city shall, for Justices of the  
peace; cities  
not exceeding  
5,000 popula-  
tion.

the purposes of this title, and for fixing and limiting the number of justices of the peace to be elected in such city, be deemed and considered one precinct, and the qualified electors within the limits thereof shall vote for and elect two justices of the peace, and no more.

Amendment.

SEC. 12. Section 1, chapter 156, Laws of 1951, and RCW 3.12.021 are each amended to read as follows:

Justices of the peace; cities of 5,000 or more population.

The number of justices of the peace to be elected in cities having a population of five thousand or more, according to the last census, shall be as follows: five thousand to twenty thousand, one; twenty thousand to seventy-five thousand, two; seventy-five thousand to one hundred twenty-five thousand, three; one hundred twenty-five thousand to one hundred seventy-five thousand, four; and one additional for each one hundred fifty thousand or major fraction thereof above one hundred seventy-five thousand.

Repeal; enactment.

SEC. 13. Section 5, chapter 156, Laws of 1951, and section 7, chapter 7, Laws of 1891, are each repealed; and RCW 3.16.008 is enacted to read as follows:

Justices of the peace; salary.

The salaries of the justices of the peace shall be paid monthly out of the county treasury, and from the same funds out of which other salaried county officers are paid. The county auditor, on the first Monday of each month, shall draw his warrant upon the county treasurer in favor of each of the justices for the amount of the salary due him for the preceding month: *Provided*, That the auditor shall not draw his warrant for the salary of any justice of the peace for any month until the justice first shall have filed his duplicate receipt with the auditor, properly signed by the treasurer, showing that he has made the statement and settlement for that month.

Repeal; reenactment.

SEC. 14. Section 2, chapter 66, Laws of 1897, section 1, chapter 7, Laws of 1891, and RCW 3.16.010 are each repealed and reenacted to read as follows:

In cities with a population of more than five thousand and not more than thirty-five thousand inhabitants, the constable shall receive an annual salary of seven hundred and twenty dollars.

Constables; salary in cities of 5,001 to 35,000 population.

SEC. 15. Section 3, chapter 105, Laws of 1905 and RCW 3.16.020 are each repealed and reenacted to read as follows:

Repeal; reenactment.

In cities with more than thirty-five thousand and not more than one hundred thousand inhabitants, each constable shall receive an annual salary of nine hundred and sixty dollars.

Constables; salary in cities of 35,001 to 100,000 population.

SEC. 16. RCW 3.16.030 is enacted to read as follows:

Enactment.

In cities with in excess of one hundred thousand inhabitants, according to the last federal census, each constable shall receive an annual salary of twelve hundred dollars.

Constables; salary in cities exceeding 100,000 population.

SEC. 17. Section 5, chapter 156, Laws of 1951 and section 7, chapter 7, Laws of 1891 are each repealed; and RCW 3.16.050 is enacted to read as follows:

Repeal; enactment.

The salaries of constables, as prescribed in this chapter, shall be paid monthly out of the county treasury, and from the same funds out of which other salaried county officers are paid, and the county auditor, on the first Monday of each month, shall draw his warrant upon the county treasurer in favor of each of said constables for the amount of salary due him for the preceding month: *Provided*, That the auditor shall not draw his warrant for the salary of any such officer for any month until the latter first shall have filed his duplicate receipt with the auditor, properly signed by the treasurer, showing that he has made the statement and settlement for that month.

Constables; salary payment.

SEC. 18. Section 9, chapter 7, Laws of 1891 and RCW 3.16.060 are each amended to read as follows:

Amendment.

Constables;  
travel  
expenses.

In addition to their salaries, the county commissioners shall pay the actual traveling expenses of salaried constables, in cities of five thousand or over, while on official duties, to be audited by such commissioners.

Amendment.

SEC. 19. Section 1, chapter 73, Laws of 1891, section 1, page 199, Laws of 1887, section 1, page 44, Laws of 1883, section 1710, Code of 1881, section 17; page 333, Laws of 1873, section 23, page 226, Laws of 1854, and RCW 3.20.020 are each amended to read as follows:

Justices of the  
peace; juris-  
diction in civil  
actions.

Every justice of the peace shall have jurisdiction and cognizance of the following civil actions and proceedings:

(1) Of an action arising on contract for the recovery of money only in which the sum claimed is less than three hundred dollars;

(2) Of an action for damages for injuries to the person, or for taking or detaining personal property, or for injuring personal property, or for an injury to real property when no issue raised by the answer involves the plaintiff's title to or possession of the same, when the amount of damages claimed is less than three hundred dollars; also of actions to recover the possession of personal property, when the value of such property, as alleged in the complaint, is less than three hundred dollars;

(3) Of an action for a penalty less than three hundred dollars;

(4) Of an action upon a bond conditioned for the payment of money, when the amount claimed is less than three hundred dollars, though the penalty of the bond exceeds that sum, the judgment to be given for the sum actually due, not exceeding the amount claimed in the complaint;

(5) Of an action on an undertaking or surety bond taken by him or his predecessor in office, when



the amount claimed is less than three hundred dollars;

(6) Of an action for damages for fraud in the sale, purchase, or exchange of personal property, when the damages claimed are less than three hundred dollars;

(7) To take and enter judgment on confession of a defendant, when the amount of the judgment confessed is less than three hundred dollars;

(8) To issue writs of attachment upon goods, chattels, moneys, and effects, when the amount is less than three hundred dollars;

(9) Of all other actions and proceedings of which jurisdiction is specially conferred by statute, when the amount involved is less than three hundred dollars, and the title to, or right of possession of, or to a lien upon, real property is not involved.

SEC. 20. Section 4, chapter 145, Laws of 1909 and RCW 3.12.100, sections 3 and 4, chapter 41, Laws of 1913, and section 3, chapter 145, Laws of 1909, and section 2, chapter 110, Laws of 1915 are each repealed. Repeal.

SEC. 21. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately. Emergency.

Passed the House January 26, 1955.

Passed the Senate January 31, 1955.

Approved by the Governor February 8, 1955.

## CHAPTER 12.

[ H. B. 8. ]

## FOOD FISH AND SHELLFISH—FISHERIES CODE.

AN ACT relating to food fish and shellfish; enacting a fisheries code to be known as Title 75 of the Revised Code of Washington; providing penalties, and repealing chapter 9, Laws of 1949; chapter 107, Laws of 1949; chapter 99, Laws of 1949; sections 1, 2, 6, 7, 8, 10, 13 through 23, and 25 through 87, chapter 112, Laws of 1949; sections 1 through 38, 42 through 45, and 47 through 49, chapter 271, Laws of 1951; chapter 7, Laws of 1951, 1st extraordinary session; chapter 147, Laws of 1953; and sections 1 through 9, 11, and 15 through 18, chapter 207, Laws of 1953; and declaring an emergency.

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

## TITLE 75

## FOOD FISH AND SHELLFISH

## Chapter 75.04

## DEFINITIONS

**75.04.010 Scope of definitions.** Terms used in this title or in any rule or regulation of the director of fisheries shall have the meaning given to them in this chapter.

**75.04.020 "Director" — "Department" — "Person."** "Director" means the director of fisheries.

"Department" means the department of fisheries.

"Person" includes any individual, any corporation, any government agency, or any group of two or more individuals acting together to forward a common purpose.

**75.04.030 "Fish"—"Fishing."** "Fish" and its derivatives, "fishing," "fished," etc., includes any means or effort made directly or indirectly to kill, injure, disturb, capture, or catch any of the various species of food fish and shellfish.

**75.04.040 "Food fish"—"Shellfish."** "Food fish" and "shellfish" shall be construed to include any and all species of marine and fresh water life classified as such by statute or by the director.

**75.04.050 "Waters of the state."** "Waters of the state" includes all waters within the territorial limits of the state.

**75.04.060 "Offshore waters."** "Offshore waters" includes the waters of the Pacific Ocean and the straits, bays, inlets, coves, and estuaries thereof outside the territorial limits of the state.

**75.04.070 "Personal use."** "Personal use"—The taking or possession of food fish or shellfish "for personal use" means taking or fish-

ing for food fish and shellfish by angling or by such other means and with such gear as the director may authorize for fishing for personal use, or possessing the same for the use of the person fishing for, taking, or possessing the same and not for sale or barter.

**75.04.080 "Commercial purposes."** "Commercial purposes"—The taking, fishing for, possession, processing, or otherwise dealing in or disposing of food fish and shellfish for "commercial purposes" means taking or fishing for food fish with any gear unlawful for fishing for personal use, or taking or possessing the food fish and shellfish in excess of the limits permitted for personal use, or taking, fishing for, handling, processing, or otherwise disposing of or dealing in food fish with the intent of disposing of such food fish, shellfish, or parts thereof for profit, or by sale, barter, trade, or in commercial channels.

**75.04.090 "Resident."** A "resident" means a person who for the preceding one hundred and eighty days has maintained a permanent place of abode within the state with the intent to permanently reside within the state.

**75.04.100 "Angling."** "Angling" means fishing for personal use with one line attached to a pole held in hand while landing the fish, or with a hand operated line without rod or reel, to which may be attached not to exceed two single hooks, or one artificial bait with no more than four multiple hooks.

**75.04.110 "Salmon."** "Salmon" includes the sockeye, silver, chinook, chum, humpback salmon and the so called salmon trout, and each and every species of the genus *oncorhynchus*, commonly known as salmon.

## Chapter 75.08

### ADMINISTRATION AND ENFORCEMENT

**75.08.010 Fisheries code.** This title shall be known and may be cited as the "fisheries code of the state of Washington."

**75.08.020 General duties of director—Patrol vehicles and crafts—Reports and recommendations.** The director shall devote his time to the duties of his office and enforce the laws and regulations of the director relating to propagation, protection, conservation, preservation, and management of food fish and shellfish.

The director shall purchase, construct, charter, and operate vehicles, boats, and aircraft necessary to properly patrol the shores and waters of the state and the offshore waters in the enforcement of this title and the regulations of the director.

The director shall make an annual report on or before the first day of June of each year to the governor, containing a detailed statement of his official actions, of the operation and result of the

laws pertaining to the fish and shellfish industry, the method of taking fish and shellfish, the number of fish and shellfish propagated, and full and complete statistics of the fishing business, and suggestions as to needed legislation whenever he deems it necessary.

**75.08.025 Agreements with department of defense—Regulation, patrol of defense areas.** The authority of the director under the provisions of this title shall extend to negotiating agreements with the department of defense of the United States, or representatives thereof, for the purpose of coordinating and correlating the control of fishing in the waters of the state over which the department of defense, for national defense purposes, has assumed control, to the end that such waters may be utilized for fishing consistent with the safety of fishermen, personnel of the department of defense, and the public; to promulgate and enforce regulations for restricted fishing in said areas and to provide for such patrol of said areas as may be necessary.

**75.08.030 Installations and facilities—Establishment, maintenance.** The director shall establish and maintain state fish hatcheries, rearing stations, cultural stations, eyeing stations, brood ponds, trap sites, buildings, dock and harbor facilities, food fish and shellfish sanctuaries, rights of way, and such other installations and facilities as in his judgment may be necessary for the exercise of the powers and discharge of the duties of the director and the department.

**75.08.040 Lands, waterrights, rights of way—Acquisition, use, and management.** The director shall select and acquire by gift or easement, or whenever funds are appropriated for such purpose, by purchase, lease, or condemnation brought in the name of the state, and by any other lawful means at his disposal, such lands, waterrights, and rights of way, and construct all necessary facilities thereon, as may be necessary for the exercise of the powers and discharge of the duties of the department.

The director shall have authority to sell, lease, convey, or grant concessions upon any property, real or personal, heretofore or hereafter acquired for the state and under the control of the department.

This section amended by sec. 1, chap. 212, Laws of 1955.

**75.08.050 Oyster reserve—Conservation and development.** The director shall examine all oyster reserves and do or cause to be done such things as may be deemed advisable to conserve, protect, and develop such reserves.

**75.08.054 Oyster seed—Importation and inspection.** The director shall have the power to promulgate regulations governing the importation of oyster seed for the purpose of planting in the waters of this state, and he shall have the duty and authority to require

them to be inspected for disease, infestations and pests at such places and in such manner and at such times as he shall deem advisable in order to insure that the oysters in the waters of this state shall not be endangered by the importations of diseased or infested oysters or pests which prey on oysters, and it shall be unlawful for any person to import oysters in this state for the purpose of planting the same in the waters of this state or to plant oyster seed in the waters of this state without first having obtained the authority from the director to do so. The director shall give such authority only after an adequate inspection under his direction has been made and the seed in question has been found to be free of disease, infestation, pests and other substances which might endanger the oysters in the waters of this state.

**75.08.056 Oyster seed—Costs of inspection.** Persons importing oyster seed under the provisions of RCW 75.08.054 shall pay for the actual cost of inspecting the same not to exceed six cents per case. The cost shall be determined by the director of fisheries and shall be prorated among the importers according to the number of cases of oyster seeds each imports. The director of fisheries shall have the authority and it shall be his duty to specify the time and manner of payment.

**75.08.060 State shellfish and shrimp lands.** The director shall examine the clam, mussel and oyster beds located on lands belonging to the state, and with the approval of the state commissioner of public lands, withdraw such lands from sale and lease and make reserves or public beaches thereof. He shall take such steps as are advisable for the conservation, protection, and development of such reserves. He shall do whatever may be necessary for the protection and development of the oyster, shrimp, clam, and mussel beds on state lands or lands under the jurisdiction of the state.

**75.08.070 Territorial authority of director—Regulations same as fisheries commissions.** The authority of the director under the provisions of this title shall extend to all areas and waters within the territorial limits of the state and to the offshore waters; and the director is authorized under the provisions of this title to promulgate and publish regulations corresponding to the recommendations and regulations of the Pacific Marine Fisheries Commission, the International Fisheries Commission, and the International Pacific Salmon Fisheries Commission.

**75.08.080 Rules and regulations—Scope.** The director shall investigate the habits, supply and economic use of, and classify, the food fish and shellfish in the waters of the state and the offshore waters, and from time to time, make, adopt, amend, and promulgate rules and regulations as follows:

(1) Specifying the times when the taking of any or all the various classes of food fish and shellfish is lawful or prohibited.

(2) Specifying and defining the areas, places, and waters in which the taking and possession of the various classes of food fish and shellfish is lawful or prohibited.

(3) Specifying and defining the types and sizes of gear, appliances, or other means that may be lawfully used in taking the various classes of food fish and shellfish, and specifying the times, places, and manner in which it shall be lawful to possess or use the same.

(4) Regulating the possession, disposal, and sale of food fish and shellfish within the state, whether acquired within or without the state, and specifying the times when the possession, disposal, or sale of the various species of food fish or shellfish is prohibited.

(5) Regulating the prevention and suppression of all infectious, contagious, dangerous, and communicable diseases and pests affecting food fish and shellfish.

(6) The fixing of the size, sex, numbers, and amounts of the various classes of food fish and shellfish that may be taken, possessed, sold, or disposed of.

(7) Regulating the landing of the various classes of food fish and shellfish or parts thereof within the state.

(8) Regulating the destruction of predatory seals and sea lions and other predators destructive of food fish or shellfish, and specifying the proof of the destruction of the same that shall be required.

(9) Specifying the statistical and biological reports that shall be required from licensed or nonlicensed fishermen, dealers, boat-houses, handlers, or processors of food fish and shellfish.

(10) Specifying which species of marine and freshwater life are food fish and shellfish.

(11) Classifying the species of food fish and shellfish or parts thereof that may be used for purposes other than human consumption.

(12) Promulgating such other rules and regulations as may be necessary to carry out the provisions of this title and the purposes and duties of the department.

Subdivisions (1), (2), (3), (4), (6), and (7), shall not apply to licensed oyster farms or oysters produced thereon.

**75.08.090 Rules and regulations—Adoption, promulgation, publication.** All rules and regulations of the director, acting director or such person designated by the director, and all amendments to, or modifications or revocations of existing rules and regulations shall be made and adopted by the director and shall be promulgated by publication in a newspaper of general circulation published at

the state capital and shall take effect and be in force at the times specified therein.

**75.08.100 Rules and regulations—As evidence.** Rules and regulations of the director shall be admitted as evidence in the courts of the state when accompanied by an affidavit from the director or assistant director certifying that the rule or regulation has been lawfully adopted, promulgated, and published, and the affidavit shall be prima facie evidence of proper adoption, promulgation, and publication of the rule or regulation.

**75.08.110 Printing of laws, regulations—Approval required.** No person shall print or cause to be printed a booklet or pamphlet of the fisheries laws or regulations of the director or portions thereof without the approval of the director.

**75.08.120 Director may designate fishing areas.** The director is authorized to designate the mouths and fishing limits of all rivers and streams, or other fishing areas by driving piling or by establishing monuments or by description of landmarks or section lines, and his designation shall be final.

**75.08.130 Damaging of printed matter and signs prohibited.** No person shall destroy, tear down, shoot at, deface, or erase any printed matter or signs placed or posted by or under the instructions of the director.

**75.08.140 Brands on fish, etc., from private hatcheries and Indian reservations.** The director shall have authority to require that brands, tags, or other devices be placed upon or attached to all food fish and shellfish sold from private hatcheries or Indian reservations, and to designate such brands, tags, or devices, and the director shall be authorized to charge a fee for such tags.

**75.08.150 Enforcement of laws and regulations—Ex officio deputies.** Every fisheries inspector, deputy fisheries inspector, game protector, sheriff, constable, marshal, and police officer within his respective jurisdiction, shall enforce all laws and all rules and regulations adopted by the director for the protection of food fish and shellfish, and the police officers specified, and United States game wardens, any forest officer appointed by the United States government, state forest wardens and rangers, and each of them, by virtue of their election or appointment, are constituted ex officio deputy fisheries inspectors within their respective jurisdictions.

**75.08.160 Right of entry—Aircraft operated by department.** The director and his duly authorized and acting assistants, fisheries inspectors, deputy fisheries inspectors, and department employees may, in the course of their duties, enter upon any land or waters in this state and remain thereon with any necessary equipment while

performing such duties, and such action by such persons shall not constitute trespass.

It shall be lawful for any aircraft operated by the department to land and take off from any of the beaches or waters of the state and it shall be unlawful for any person to interfere with the operation of such aircraft.

**75.08.170 Inspection and searches without warrant—Seizure of unlawful fish, shellfish.** The director and any fisheries inspector or deputy inspector shall have the power to inspect and search without warrant, any person, boat, fishing appliance, cannery, and any property used in catching, packing, curing, preparing, or storing of food fish or shellfish, or any vehicle, conveyance, container, receptacle, cold storage plant, warehouse, market, tavern, restaurant, club, hotel, or other place, except any private domicile used exclusively as such, or any quarters in any boat, building or other property used exclusively as a private domicile, where he has reason to believe that food fish or shellfish are kept for sale, barter, or other purpose, and which he has reason to believe contain evidence of violations of the fisheries code or of any rule, regulation, or order made by the director.

Any hindrance or interference with any such officer while engaged in making such search shall be prima facie evidence that the person interfering with or hindering such officer is guilty of a violation of this title.

Any of the officers above named may at any time seize and take possession of any food fish or shellfish which has been unlawfully caught, taken, or killed or which is unlawfully possessed in violation of the provisions of the fisheries code or of any order, rule, or regulation made by the director and the same shall be confiscated to the state.

**75.08.180 Search warrants—When to be issued.** Any court having jurisdiction, upon complaint showing probable cause for believing that any food fish or shellfish, or any parts thereof, caught, taken, killed, or had in possession or under control by any person, or shipped or transported contrary to law or rule or regulation of the director, are concealed or kept in any place, shall issue a search warrant and cause a search to be made in any such place for any food fish or shellfish or any parts thereof and may cause any place or container to be entered and searched.

**75.08.190 Arrest without warrant—When authorized—Resisting officer.** The director, and any fisheries inspector, or deputy fisheries inspector, shall have authority to arrest, without writ, order or process, any person in the act of violating any of the provisions of this title, or any of the rules, regulations, or orders made by the director, and they are hereby made peace officers. If any person



knowingly or wilfully resists or opposes such officer in the discharge of his duties or aids and abets such resistance or opposition, he shall be guilty of a gross misdemeanor and shall be fined not less than two hundred and fifty dollars.

**75.08.200 Service, execution of warrants, processes—Assistance.** The director, all fisheries inspectors, and all deputy fisheries inspectors may serve and execute all warrants and processes issued by the courts in enforcing the provisions of law and all rules and regulations of the director pertaining to food fish and shellfish.

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

**75.08.210 Failure to make reports and returns.** It shall be unlawful for any person engaged in the fishing industry or licensed under this title to fail to make any report or return required of him by the fisheries code or by the director.

**75.08.220 False information and reports.** Every person who intentionally gives false or misleading information to the department as to the time, area, or waters in which any food fish or shellfish were taken or who shall intentionally prepare and submit a false or misleading report to the department shall be guilty of a gross misdemeanor and shall be punished by a fine of not less than two hundred and fifty dollars and not more than one thousand dollars or by imprisonment in the county jail for not more than one year or by both such fine and imprisonment.

**75.08.230 Disposition of moneys collected.** All license fees, taxes, fines, and moneys realized from the sale of property seized or confiscated under the provisions of this title, and all bail moneys forfeited under prosecutions instituted under the provisions of this title, and all moneys realized from the sale of any of the property, real or personal, heretofore or hereafter acquired for the state and under the control of the department, and all moneys collected for damages and injuries to any such property, and all moneys collected for rental or concessions from such property, shall be paid into the state treasury general fund: *Provided*, That fifty percent of all money received as fines together with all of the costs shall be retained by the county in which the fine was collected.

All fines collected shall be remitted monthly by the justice of the peace or by the clerk of the court collecting the same to the county treasurer of the county in which the same shall be collected, and the county treasurer shall at least once a month remit fifty percent of the same to the state treasurer and at the same time shall furnish a statement to the director showing the amount of

finances so remitted and from whom collected: *Provided*, That in instances wherein any portion of a fine assessed by a court is suspended, deferred, or otherwise not collected, the entire amount collected shall be remitted by the county treasurer to the state treasurer and shall be credited to the general fund.

**75.08.240 Payment of appropriations and claims—Remittances and statements by director.** All appropriations for the department, and the fisheries division of the state treasurer and all claims against those departments, shall be paid from the general fund.

The director shall make weekly remittances to the state treasurer of all moneys collected by him from any source whatever, together with a statement showing from whence the moneys are derived. A duplicate of this statement shall be sent to the state auditor.

**75.08.250 Auditing of expenses—Drawing warrants.** All expenses incurred under the provisions of this title shall be audited by the state auditor, upon bills presented, properly certified by the director, or his duly authorized assistant, and the said auditor shall draw warrants upon the state treasurer for the amount.

**75.08.260 General penalty for violations.** Unless otherwise provided for in the fisheries code any person who violates any of the provisions of the fisheries code, or any of the rules or regulations of the director made pursuant thereto, or who aids or abets or assists in the violation thereof, shall be guilty of a gross misdemeanor, and upon a conviction thereof shall be punished by imprisonment in the county jail of the county in which the offense is committed for not less than thirty days or more than one year, or by a fine of not less than twenty-five dollars or more than one thousand dollars, or by both such fine and imprisonment.

**75.08.270 Justice and superior courts have concurrent jurisdiction.** Every justice of the peace shall have jurisdiction concurrent with the superior court of all misdemeanors and gross misdemeanors committed in violation of the fisheries code and of the rules, regulations, and orders made by the director in accordance with existing law and to impose any penalty or confiscation provided for such offenses.

**75.08.280 Venue as to violations occurring in offshore waters.** Violations of the fisheries code or the regulations of the director occurring in the offshore waters may be prosecuted in the superior court or justice courts of any county bordering on the Pacific Ocean, or in any county in which the food fish or shellfish are landed.

**Chapter 75.12****TAKING OF FOOD FISH, SHELLFISH**

**75.12.010 Commercial fishing for salmon in certain waters unlawful—Odd years.** It shall be unlawful to fish for, catch, or take any species of salmon for commercial purposes, except as hereinafter provided, within the waters of the Straits of Juan de Fuca, Puget Sound and waters connected therewith within the state of Washington described as lying to the southerly, easterly and south-easterly of a line described as follows:

Commencing at a concrete monument on Angeles Point in Clallam county, state of Washington, near the mouth of the Elwha River on which is inscribed "Angeles Point monument" in the latitude  $48^{\circ} 9' 3''$  north, longitude  $123^{\circ} 33' 01''$  west of Greenwich Meridian; thence running east on a line  $81^{\circ} 30'$  true from said point across the flashlight and bell buoy off Partridge Point and thence continued to where said line intersects longitude  $122^{\circ} 40'$  west; thence north on said line to where said line intersects the southerly shore of Sinclair Island at high tide; thence along the southerly shore of said island to the most easterly point thereof; thence north  $46^{\circ}$  east true to the line of high tide at Carter Point, the most southerly point of Lummi Island; thence northwesterly along the westerly shore line at high tide of said Lummi Island to where said shore line at high tide intersects line of longitude  $122^{\circ} 40'$  west; thence north on said line to where said line intersects the mainland at the line of high tide; including within said area the southerly portion of Hale Passage, Bellingham Bay, Padilla Bay, Fidalgo Bay, Guemes Channel, Skagit Bay, Similk Bay, Saratoga Passage, Holmes Harbor, Possession Sound, Admiralty Inlet, Hood Canal, Puget Sound, and all inlets, passages, waters, waterways, and the tributaries thereof: *Provided*, That, subject to such seasons and regulations as may be established from time to time by the director, fishing for salmon for commercial purposes within the above described waters with gill nets, round haul nets, and troll lines with not to exceed six hooks per boat shall be lawful, and subject to such regulations and to such shorter seasons as the director may establish from time to time, it shall be lawful to fish for salmon for commercial purposes within the above described waters with any lawful gear during the period extending from the fifth day of October to and including the thirtieth day of the following November, except during the hours beginning 4:00 o'clock p. m. of Friday and ending at 4:00 o'clock a. m. of the Sunday following.

*And provided*, That subject to such regulations and to such shorter seasons as the director may establish from time to time, it shall be lawful to fish for salmon for commercial purposes with any

lawful gear in each odd year during the period running from the first day of August to the first day of September, both dates inclusive, in the waters lying inside of the following described line: A line commencing at a red wooden monument located on the most easterly point of Dungeness Spit and thence projected to a similar monument located at Point Partridge on Whidby Island and a line commencing at a red wooden monument located on Olele Point and thence projected easterly to a similar monument located at Bush Point on Whidby Island.

**75.12.020 Taking or molesting fish at or near racks, dams.** It shall be unlawful to catch, kill, or in any manner menace, maim or destroy, any food fish at any rack, dam or other obstruction or in the waters and on the beaches within one mile below any rack, dam or other obstruction when the same are within the territorial limits of the state of Washington or in waters of the Columbia River over which this state has concurrent jurisdiction, unless otherwise specified in the orders of the director.

**75.12.030 Reserved.**

**75.12.040 Gill nets in Columbia River—Maximum length permitted.** It shall be unlawful to construct, install, use, operate, or maintain gill nets which shall exceed 250 fathoms in length in the waters of the Columbia River in this state for the purpose of catching salmon.

**75.12.050 Drag seines unlawful in Columbia River.** It shall be unlawful to construct, install, use, operate, or maintain any drag seine in the waters of the Columbia River in the state for the purpose of taking salmon, and it shall be unlawful to take salmon with such gear.

**75.12.060 Fixed appliances for catching salmon unlawful.** It shall be unlawful to construct, install, use, operate, or maintain within any waters of the state any pound net, round haul net, lampara net, fish trap, fish wheel, scow fish wheel, set net, weir, or any fixed appliance for the purpose of catching salmon, and it shall be unlawful to take salmon by any such means.

**75.12.070 Shooting, gaffing, etc., food or shellfish.** Unless otherwise provided for in the regulations of the director, it shall be unlawful to shoot, gaff, snag, snare, spear, stone, or otherwise molest any food fish or shellfish in any of the waters of the state.

**75.12.080 Discharge of explosives in water unlawful.** It shall be unlawful to use or discharge, in any of the waters of this state, any explosive substance of any kind, character or description except under permit of the director. Where explosives are discharged for the purpose of unlawfully taking or destroying food fish or

shellfish the person so offending shall be fined not less than two hundred and fifty dollars.

**75.12.090 Taking caught fish or stealing gear—Penalty.** It shall be unlawful to take from any building, vehicle, scow, live box, container, trap, seine, line or net, any caught or impounded fish or shellfish with the intent of depriving the rightful owner of such food fish or shellfish and it shall be unlawful to wilfully steal or otherwise molest any of the fishing or shellfishing gear operated under a license from the state. Any person violating this section shall be guilty of a gross misdemeanor and shall be subject to a fine of not less than two hundred and fifty dollars.

**75.12.100 Purchase, etc., of food or shellfish taken unlawfully.** It shall be unlawful for any person to purchase, handle, deal in, sell, or have in his possession any food fish or shellfish which were taken from any of the waters of this state contrary to the provisions of the fisheries code or the regulations of the director.

**75.12.110 Taking, etc., food or shellfish not to be used for human consumption unlawful.** It shall be unlawful to take or fish for or have in possession any food fish or shellfish of any kind, character, or description, or parts thereof, unless the same are to be used for human consumption or bait: *Provided*, That the director shall have the power from time to time to make, adopt, amend, and promulgate in the manner provided by law, rules and regulations permitting the taking, possession, sale, or use of any species of food fish or shellfish or parts thereof for uses other than human consumption and bait.

**75.12.120 Waste of food or shellfish unlawful—Purchase for canning, etc.** It shall be unlawful for any person to wantonly waste or destroy food fish or shellfish taken or caught in any of the waters of the state, or the offshore waters, and no person engaged in the canning, preserving, or curing of food fish and shellfish shall purchase or engage a greater quantity than he is able to can, preserve, or cure within sixty hours after the same are taken from the water, unless such food fish or shellfish have been kept artificially chilled and in good marketable condition.

**75.12.130 Director authorized to take fish or shellfish.** The director may, for the purpose of carrying out his duties, take or remove or cause to be taken or removed in any manner, at any time, any fish or shellfish of any kind, character, or description from any waters or beaches of the state.

**Chapter 75.16****CONSERVATION AND PROPAGATION****75.16.010 Taking food fish for propagation purposes restricted.**

It shall be unlawful for any person or government agency whatsoever, save the director and those authorized by him, to take food fish or shellfish for propagation or scientific purposes within the waters of this state. The director or those authorized by him may take salmon or other food fish or shellfish for public propagation or scientific purposes under such regulations as the director may prescribe to safeguard the interest of the fisheries of this state.

**75.16.020 Planting fish—Consent required.** It shall be unlawful to liberate, release, implant, transplant, or place food fish of any kind or description in any stream, river, pond, lake, or other waters of the state, either fresh or salt, without first obtaining the written consent of the director.

**75.16.030 Prevention and suppression of infectious diseases and pests.** The director shall have general supervision of the prevention of the spread and suppression of infectious, contagious, and communicable diseases and pests affecting food fish or shellfish, and shall have the power to prohibit the transportation or transplanting within the state from without, or from one area to another within the state, or the transportation from points in this state to points outside the state of any food fish or shellfish, or any material, organism, boats, scows, gear, or other equipment whatsoever which in his judgment may transmit any infectious or contagious disease or pests communicable to any food fish or shellfish.

The director shall have the power to make and enforce rules and regulations to prevent the spread, and effect the suppression of all infectious, contagious, dangerous, and communicable diseases and pests affecting food fish or shellfish.

**75.16.040 Destruction of seals, sea lions, and other fish predators.**

The director shall cause his employees and hunters employed for the purpose, to kill and destroy seals and sea lions and other fish predators in the waters of the state and the offshore waters. He may expend such moneys as may from time to time be appropriated by the legislature for such purposes including, but not limited to purchase of firearms, ammunition, dynamite, and other materials necessary to carry out the purposes hereof. He shall keep as nearly as possible an accurate record of the number of seals and sea lions that are so destroyed.

Any person other than an employee of the department killing or causing to be killed in the waters of the state, any common seal or sea lion shall be entitled to receive a bounty of not less than

three dollars nor more than ten dollars, the amount to be designated by the director, from any moneys which may be appropriated by the legislature for the purposes of this section.

All moneys appropriated for such purposes by the legislature shall be expended under the direction of and upon vouchers approved by the director, who shall adopt rules and regulations providing for the proof of such killing and the surrender and destruction of the scalp, snout, or tail of such seal or sea lion. Any person who shall receive, or attempt to receive, any bounty for the killing of any common seal or sea lion not taken in the waters of the state of Washington is guilty of a gross misdemeanor and shall pay a fine of not less than two hundred and fifty dollars.

**75.16.050 Acceptance of funds or property—Disbursement of funds.** The director may accept money or real property from the United States, counties, municipalities, or other governmental units, or from any person, under conditions requiring the use of such property or money for specific purposes in furtherance of the protection, rehabilitation, preservation, or conservation of the state food fish and shellfish resources, or with the advice of the attorney general, in settlement of any claim for damages to such food fish and shellfish resources. Any real property so accepted must be useful for the protection, rehabilitation, preservation, or conservation of such fisheries resources.

The director is hereby designated the agent of the state to accept and receive all such funds and deposit them with the state treasurer who shall credit them to the contingent receipts fund created by RCW 43.79.250.

Whenever any money has been received and is to be spent for a specific purpose, the director shall submit to the governor duplicate copies of a statement setting forth the facts regarding such funds and the need for such expenditure and the estimated amount to be expended.

If the governor approves such estimate in whole or in part, he shall endorse on each copy of such statement his approval, with the amount approved, and transmit one copy of the same to the director authorizing him to make the expenditure. No expenditure shall be authorized in excess of the actual amount received, nor shall funds be expended for any purpose except the specific purpose for which they were received, unless the same were received in settlement of a claim for damages to the food fish or shellfish resources of the state, and in that event such funds so received may be expended for the protection, rehabilitation, preservation, or conservation of such resources.

**75.16.060 Fish stations, laboratories—Agreements with United States, etc.** (1) Consent of the state is hereby given to the United

States for the continuance of present established fish cultural stations and laboratories located in this state as of April 1, 1949; for the establishment of one or more additional fish cultural stations, substations or laboratories to be constructed, maintained, and operated by the United States or the state, under the terms of agreements to be entered into between the United States and the director and the state game commission: *Provided*, That this consent shall be effective as to additional establishments only when the location of such additional establishments has been approved in advance by the director and the state game commission. The Secretary of the Interior, and his duly authorized agents are hereby accorded the right to conduct scientific investigations, fish hatching and fish cultural stations and all operations connected therewith at any and all times and in any manner that may by the Secretary be considered necessary and proper, in accordance with the provisions of certain acts of congress entitled: "An Act to provide for a five-year construction and maintenance program for the United States Bureau of Fisheries," approved May 21, 1930, and the provisions of the act of May 11, 1938 (Ch. 193, 52 Stat. 354, 16 U. S. C. 755-757), as amended by "An Act to amend the Act of May 11, 1938, for the conservation of the Fishery Resources of the Columbia River, and for other purposes," approved August 8, 1946, or acts amendatory thereof, at presently established stations and laboratories and at additional establishments when approval of the location of any such additional establishment has been given as provided in this section.

(2) The director and the state game commission are hereby authorized to enter into agreements with the United States for the construction and installation of fish cultural stations, laboratories, and devices in the Columbia River basin for improvement of feeding and spawning conditions for fish, for the protection of migratory fish from irrigation projects and for facilitating free migration of fish over obstructions, in accordance with the act of congress of May 11, 1938 (Ch. 193, 52 Stat. 354, 16 U. S. C. 755-757), as amended by "An Act to amend the Act of May 11, 1938, for the conservation of the Fishery Resources of the Columbia River, and for other purposes," approved August 8, 1946, or acts amendatory thereof.

(3) The director and the state game commission may acquire by gift, purchase, lease, easement, or condemnation the necessary title to, interest therein, rights of way over or licenses covering the use of lands where such construction or improvement is to be carried on by the United States.

(4) The director and the state game commission are hereby authorized to receive funds from the federal government for the construction, maintenance and operation of fish cultural stations,



substations, laboratory or fish conservation devices or for any other purpose deemed necessary by the director or the state game commission for the rehabilitation and conservation of the fisheries resources of the Columbia River basin.

(5) After the construction and installation of any such fish cultural station, substation, laboratory or fish conservation devices, the department or the state game commission may maintain and operate the same in accordance with the terms of the agreement entered into with the United States in regard thereto.

**75.16.070 Contracts and agreements as to fish or shellfish propagation.** The director shall have the power to enter into contracts and agreements with the United States, or any state or territory thereof, or with any foreign government, or with any person, for the purpose of securing food fish or shellfish or eggs of the same, and for the erection and maintenance of eyeing stations, fish or shellfish hatcheries, rearing ponds, and other appliances or installations for the propagation of fish or shellfish within or without the territorial limits of the state; and the director shall execute and carry out any such contracts or agreements.

## Chapter 75.18

### PRESERVATION OF SALMON RESOURCES

**75.18.005 Preamble.** The state of Washington has a major and substantial interest in the fisheries and fishing industry within its boundaries and a special interest in its salmon resources. Salmon within the waters of the state, including its coastal waters and offshore waters contiguous thereto, constitute a commercial asset and a vital food resource in which the state of Washington has a special interest, in that such salmon spawn in the fresh water streams of the state of Washington, migrate to the sea and, in response to their anadromous cycle, return to the fresh water streams of Washington, from which they originate, to spawn and die. Serious conditions and hazards detrimental to the preservation of this salmon supply have arisen and are now present, both in the fresh water streams of the state of Washington and in the salt waters of bays, inlets, canals, coves, sounds and estuaries, and in its coastal waters and offshore waters contiguous thereto, as a result of the extensive catching and taking of silver and chinook salmon within the described waters in such quantities as substantially to deplete the spawning and the source of existing and future salmon supplies and resources.

The preservation of the salmon industry and the salmon resources of the state of Washington is vital to the state's economy, and effective measures and remedies are necessary to prevent loss

of such salmon resources due to the taking of immature fish and salmon present in the state's coastal and offshore waters, from which waters such salmon migrate, feed and return to the streams of this state to spawn.

It has proven impossible in seeking to regulate catching and taking of such salmon to distinguish between salmon taken from waters of the Pacific Ocean over which the state has jurisdiction and those taken outside the limits of the state's jurisdiction and brought within the boundaries of the state.

Research by the department of fisheries of the state has established that silver and chinook salmon found in the waters of district No. 2 and the Columbia River district, as herein defined, are substantially mature salmon. The silver and chinook salmon found during certain periods within the waters of district No. 1, herein defined, are for the most part immature salmon, the taking of which would prevent the return of an adequate number of such salmon to the spawning grounds in the streams of the state and risk the destruction or substantial depletion of the state's salmon resources, and would constitute an irreparable economic waste.

**75.18.010 Fishery districts created.** The following fishery districts are hereby created:

(1) District No. 1, as used in this chapter, shall include the Straits of Juan de Fuca, and the waters of the Pacific Ocean over which the state of Washington has jurisdiction, exclusive of bays, inlets, canals, coves, sounds and estuaries.

(2) District No. 2, as used in this chapter, shall include all lands and waters over which the state of Washington has jurisdiction, excepting therefrom district No. 1, as herein defined.

**75.18.020 Commercial fishing—Silver salmon—District No. 1.** It shall be unlawful for commercial purposes to fish for or take in the waters of district No. 1, as herein defined, silver salmon (*Oncorhynchus kisutch*) between the first day of November and the fifteenth day of June of the year following, both dates inclusive.

**75.18.030 Commercial fishing—Chinook salmon—District No. 1.** It shall be unlawful for commercial purposes to fish for or take in the waters of district No. 1, as herein defined, chinook salmon (*Oncorhynchus tshawytscha*) between the first day of November and the fourteenth day of March of the year following, both dates inclusive.

**75.18.040 Possession, transportation of silver salmon—District No. 1.** It shall be unlawful for commercial purposes for any person to have in his possession or transport through the waters of district No. 1, as herein defined, any fresh silver salmon (*Oncorhynchus kisutch*) taken from said waters or from the waters of the Pacific

Ocean during the period from the first day of November and the fifteenth day of June of the year following, both dates inclusive.

**75.18.050 Possession, transportation of chinook salmon—District No. 1, Pacific Ocean.** It shall be unlawful for commercial purposes for any person to have in his possession or transport through the waters of district No. 1, as herein defined, any fresh chinook salmon (*Oncorhynchus tshawytscha*) taken from said waters or from the waters of the Pacific Ocean during the period from the first day of November and the fourteenth day of March of the year following, both dates inclusive.

**75.18.060 Processors, wholesalers, etc.—Possession of silver salmon—District No. 1, Pacific Ocean.** It shall be unlawful for any person in the state of Washington engaged in the business of canning, packing, processing, freezing, salting, smoking, kippering, preserving in ice, or otherwise involved in dealing in or curing any food fish or shellfish, or in wholesale selling of food fish or shellfish for commercial purposes, to have in his possession any silver salmon (*Oncorhynchus kisutch*) caught or taken during the period from the first day of November of any year to the fifteenth day of June of the following year from the waters of the Pacific Ocean or district No. 1.

**75.18.070 Same, chinook salmon. Closed season dates, director may vary—Notice, hearing.** It shall be unlawful for any person in the state of Washington engaged in the business of canning, packing, processing, freezing, salting, smoking, kippering, preserving in ice, or otherwise involved in dealing in or curing any food fish or shellfish, or in wholesale selling of food fish or shellfish for commercial purposes, to have in his possession any chinook salmon (*Oncorhynchus tshawytscha*) caught or taken during the period from the first day of November of any year to the fourteenth day of March of the following year from the waters of the Pacific Ocean or district No. 1: *Provided*, That with respect to the closed seasons defined in this chapter, the director of fisheries, upon due notice and hearing, and upon investigation, may, in accordance with his judgment, vary any of the opening or closing dates thereof. Notice of such hearing shall appear in not less than two issues of a newspaper of general circulation at the state capital.

**75.18.080 Commercial taking, transporting, delivery of chinook or silver salmon—Permits—Fees—Revocation.** Every person or persons, firm or corporation operating a fishing vessel of any description used in the commercial taking or catching of chinook or silver salmon in offshore waters and the transporting or bringing the same in and through the waters of the state of Washington and delivering the same in any place or port in the state of Washington shall, as a condition of doing so, obtain a permit from the

director of fisheries. The fee for said permit shall be ten dollars for the vessel and ten dollars for each member of the crew thereof, such permit to be effective during the fiscal year in which issued: *Provided*, That persons operating fishing vessels licensed under RCW 75.28.080 and 75.28.100 shall not be required to pay any permit fees hereunder: *Provided further*, That if it appears to the director of fisheries, after investigation, that the operation of such vessel under such permit tends to result in the impairment, depletion, or destruction of the salmon resource and supply of this state and in bringing into this state salmon products prohibited by law, in that event, the director under such regulations and terms as he may prescribe may revoke said permit to use and operate such boat in the waters of this state, and in the event of the revocation of such permit, the further operation of such vessel as hereinabove set forth shall then be unlawful.

**75.18.090 Construction.** Nothing in this chapter shall be construed to restrict or impair the authority of the director of fisheries consistent with and pursuant to the provisions of this chapter from issuing and publishing such regulations as, after investigation, he may deem necessary to administer this chapter and to effectuate its purposes, or to administer and effectuate all other acts governing or affecting the department of fisheries, nor shall anything herein be construed to restrict or impair the authority of the director to issue and publish regulations he may find necessary under the provisions of The Pacific Marine Fisheries Compact.

### Chapter 75.20

#### RESTRICTIONS AS TO DAMS, DITCHES, AND OTHER USES OF WATERS AND WATERWAYS

**75.20.010 Columbia River fish sanctuary — Established.** All streams and rivers tributary to the Columbia River downstream from McNary Dam are hereby reserved as an anadromous fish sanctuary against undue industrial encroachment for the preservation and development of the food and game fish resources of said river system and to that end there shall not be constructed thereon any dam of a height greater than twenty-five feet that may be located within the migration range of any anadromous fish as jointly determined by the director of fisheries and the director of game, nor shall waters of the Cowlitz River or its tributaries or of the other streams within the sanctuary area be diverted for any purpose other than fisheries in such quantities that will reduce the respective stream flows below the annual average low flow, as delineated in existing or future United States Geological Survey reports: *Provided*, That when the flow of any of the streams re-

ferred to in this section is below the annual average, as delineated in existing or future United States Geological Survey reports, water may be diverted for use, subject to legal appropriation, upon the concurrent order of the director of fisheries and director of game.

**75.20.020 Columbia River fish sanctuary—Acquisition and abatement of dams—Water rights—Condemnation actions.** The director of fisheries and the director of game, shall acquire and abate any dam or other obstruction, or acquire any water right which may have become vested on any streams or rivers tributary to the Columbia River downstream from McNary Dam which may be in conflict with the provisions of RCW 75.20.010. Any condemnation action necessary under the provisions of this section shall be instituted under the provisions of chapter 120, Laws of 1947, and in the manner provided for the acquisition of property for public use of the state.

**75.20.030 Columbia River fish sanctuary — Rivers not included in sanctuary.** The provisions of RCW 75.20.010 and 75.20.020 shall not apply to the waters of the North Fork of the Lewis River, nor the White Salmon River (Big White Salmon River).

**75.20.040 Fish guards required—Penalty for failure.** Every ditch, channel, canal or waterpipe used for conducting water from any lake, river or stream, for irrigation, manufacturing, domestic or other purposes, shall be provided at its entrance or intake with a fish guard so as to prevent the passage of fish into such ditch, channel or waterpipe and subject to the approval of the director, which shall be constantly maintained at all times when water is taken or admitted into such ditch, channel, canal, or waterpipe: *Provided*, That such fish guards and screens shall be installed at such places and times as shall be prescribed by the director upon thirty days' notice to the owner or owners of any such water conduit. Every owner, manager, agent or person in charge of such ditch, channel, canal, or waterpipe who shall fail to comply with the provisions of this section is guilty of a gross misdemeanor.

Each day the end of the ditch, channel, canal or waterpipe is not equipped with this covering as provided shall constitute a separate offense. If within thirty days after notice to equip any such ditch, channel, canal, or waterpipe such person shall fail to do so, the director is hereby authorized to take possession of the same in the name of the state of Washington, and to close the same to the entrance of any water until such time as the ditch shall be properly equipped, and the expense incident thereto shall constitute a lien upon the ditch, channel, canal, or waterpipe and upon the real and personal property of the person owning the same. Notice of such lien shall be filed and recorded in the office of the county auditor in the county in which such action is taken.

**75.20.050 Water flow to be maintained—May refuse permit to divert water.** It is hereby declared to be the policy of this state that a flow of water sufficient to support game fish and food fish populations be maintained at all times in the streams of this state.

The supervisor of hydraulics shall give the director of fisheries and the director of game notice of each application for a permit to divert water, or other hydraulic permit of any nature, and the director of fisheries and director of game shall have thirty days after receiving such notice in which to state their objections to the application, and the permit shall not be issued until such thirty days period has elapsed.

The supervisor of hydraulics may refuse to issue any permit to divert water, or any hydraulic permit of any nature, if, in the opinion of the director of fisheries or director of game, such permit might result in lowering the flow of water in any stream below the flow necessary to adequately support food fish and game fish populations in the stream.

The provisions of this section shall in no way affect existing water rights.

**75.20.060 Fishways required in dams, obstructions—Remedies for failure.** Every dam or other obstruction across or in any stream shall be provided with a durable and efficient fishway, which shall be maintained in a practical and effective condition in such place, form and capacity as the director may approve, for which plans and specification shall be furnished by the director upon application to him, and which shall be kept open, unobstructed and supplied with a sufficient quantity of water to freely admit the passage of fish through the same. Every owner, manager, agent or person in charge of such dam or obstruction who shall fail to comply with the provisions of this section is guilty of a gross misdemeanor.

If any person or government agency fails to construct and maintain such fish ladder or fishway or to remove such dam or obstruction in a manner satisfactory to the director, then within thirty days after written notice thereof has been served upon the owner, his agent, or the person in charge thereof, the director may construct a suitable fish ladder or fishway, or remove such dam or obstruction, and the actual cost in case of construction of fishway thereof shall constitute a lien upon the dam and upon all the personal property of the person or government agency owning the same. Notice of such lien shall be filed and recorded in the office of the county auditor of the county in which such dam or obstruction is situated. Such lien may be foreclosed in any action brought in the name of the state.

If any person or government agency fails to make any such fishway or remove such dam or obstruction in a manner satisfactory to the director, then within thirty days after written notice thereof has been served on the owner, his agent, or the person in charge, such dam or obstruction shall thereby become a public nuisance and the director may take possession thereof in his own name or in the name of the state and destroy it and no liability shall attach for such destruction.

**75.20.070 Unlawful to fish in or interfere with fishways, screens, etc.** It shall be unlawful for any person to fish for, take, injure, kill, or molest any fish in any fishway or fish ladder, fish screens, or other protective devices, or to interfere in any manner whatsoever with the proper operation of any fishway, fish ladder, fish screens, or other protective devices.

**75.20.080 Unlawful to interfere with or damage fish ladders, guards, etc., or fish traps.** It shall be unlawful for any person to break open, open, unlock, damage, interfere with, injure, or destroy any fish ladder, fish guard, screen, fish stop, fish protective device, bypass, or part thereof, or any fish trap operated by the department.

**75.20.090 If fishway is impractical, fish hatcheries may be provided in lieu.** In the event that any person or government agency desires to construct or maintain a dam or other hydraulic work in any of the streams of this state of a type making a fish ladder or fishway thereover impracticable, in the opinion of the director, then such person or government agency, before any construction work shall commence on such dam or other hydraulic work shall at the option of the director (1) convey to the state a site or sites of a size and dimensions satisfactory to the director, at such place as may be selected by the director, and erect thereon a fish hatchery or fish hatcheries, rearing ponds and other buildings according to plans and specifications to be furnished by said person or government agency subject to the approval of the director and enter into an agreement with director secured by good and sufficient bond, to furnish all water and lights, without expense, and necessary sums of money to operate and maintain said hatchery or hatcheries and rearing ponds or (2) enter into an agreement with the director secured by good and sufficient bond to pay to the state such initial money and make such annual payments of additional money to the state as the director may determine are necessary to expand, maintain, and operate additional facilities at existing hatcheries within a reasonable distance of such dam or other hydraulic work to compensate for the damages sustained by the erection of any such dam or other hydraulic work. Any decision of the director hereunder shall be subject to review in the superior court of the state for Thurston county.

Any person or government agency who fails to comply with the provisions of this section is guilty of a gross misdemeanor and each day that such person or government agency carries on construction work on such dam or hydraulic work or operates any such dam or hydraulic work without complying with the provisions of this section constitutes a separate offense.

**75.20.100 Hydraulic projects—Plans must be approved.** In the event that any person or government agency desires to construct any form of hydraulic project or other project that will use, divert, obstruct, or change the natural flow or bed of any river or stream or that will utilize any of the waters of the state or materials from the stream beds, such person or government agency shall submit to the department of fisheries and the department of game full plans and specifications of the proposed construction or work, complete plans and specifications for the proper protection of fish life in connection therewith, the approximate date when such construction or work is to commence, and shall secure the written approval of the director of fisheries and the director of game as to the adequacy of the means outlined for the protection of fish life in connection therewith and as to the propriety of the proposed construction or work and time thereof in relation to fish life, before commencing construction or work thereon. If any person or government agency commences construction on any such works or projects without first providing plans and specifications subject to the approval of the director of fisheries and the director of game for the proper protection of fish life in connection therewith and without first having obtained written approval of the director of fisheries and the director of game as to the adequacy of such plans and specifications submitted for the protection of fish life, he is guilty of a gross misdemeanor. If any such person or government agency be convicted of violating any of the provisions of this section and continues construction on any such works or projects without fully complying with the provisions hereof, such works or projects are hereby declared a public nuisance and shall be subject to abatement as such.

*Provided,* That in case of an emergency arising from weather or stream flow conditions the department of fisheries or department of game, through their authorized representatives, shall issue oral permits to a riparian owner for removing any obstructions or for repairing existing structures without the necessity of submitting prepared plans and specifications.



**Chapter 75.24****SHELLFISH**

**75.24.010 Oyster reserves established.** The following named areas constitute the existing oyster reserves of the state, such reserves being more completely described in maps and plats on file in the office of the commissioner of public lands and in the office of the auditor of the county in which the reserve is located:

**1. PUGET SOUND OYSTER RESERVES:**

- (a) Totten Inlet reserves (sometimes known as Oyster Bay reserves), located in Totten Inlet, Thurston county;
- (b) Eld Inlet reserves (sometimes known as Mud Bay reserves), located in Mud Bay, Thurston county;
- (c) Oakland Bay reserves, located in Oakland Bay, Mason county;
- (d) North Bay reserves (sometimes known as Case Inlet reserves), located in Case Inlet, Mason county.

**2. WILLAPA HARBOR OYSTER RESERVES:**

- (a) Nemah reserve, south and west sides of reserve located along Nemah River channel, Pacific county;
- (b) Long Island reserve, located at south end and along west side of Long Island, Willapa Harbor, Pacific county;
- (c) Long Island Slough reserve, located at south end and along east side of Long Island, Willapa Harbor, Pacific county;
- (d) Bay Center reserve, located in the Palix River channel, extending from Palix River bridge to beyond Bay Center to north of Goose Point, Willapa Harbor, Pacific county;
- (e) Willapa River reserve, located in the Willapa River channel extending west and up-river from a point approximately one-quarter mile from the blinker light marking the division of Willapa River channel and the North River channel, Willapa Harbor, Pacific county.

**75.24.020 Oyster reserve boundaries marked.** As soon as an appropriation is made therefor, the director shall erect monuments, establishing the boundaries of the several oyster reserves in the state.

**75.24.030 Sale, lease, disposal of oyster reserves.** The oyster reserves of the state shall not be sold, leased, or otherwise disposed of: *Provided*, That in event the director recommends the sale, lease, or disposal of any of the reserves, or parts thereof, the same may be sold, leased or disposed of by the land commissioner in the manner provided by law for the sale, lease, or disposal of state land.

**75.24.040 Taking shellfish from oyster reserves.** It shall be unlawful to take shellfish from the oyster reserves of the state except as authorized by the director.

**75.24.050 Taking shellfish contrary to law or orders—Penalty—Confiscation of property.** If any person takes oysters or clams from any of the state oyster reserves or any tideland under the jurisdiction of the state of Washington, contrary to statutes or orders of the director, or goes upon said oyster or clam land and rakes up, or otherwise prepares oysters or clams to facilitate the taking of same, he is guilty of a gross misdemeanor, and any oyster or clam taking appliance such as boats, dredges, motor vehicles or other appliances used in violation of such statutes or any of such orders may be seized by the director and shall be confiscated by the state.

**75.24.060 Reserves to be productive, self-maintaining—Furnish shellfish stock—Development.** It is hereby declared to be the policy of the state to improve the oyster reserves of the state to the end that all may finally become productive, and to have these reserves yield a revenue sufficient for their maintenance and betterment. In fixing the price at which oysters and other shellfish shall be sold from the reserves, the director shall take into consideration such policy. It is further declared to be the policy of the state to maintain the oyster reserves for the purpose of furnishing a supply of shellfish to growers and processors and for the stocking of public beaches.

The director shall protect all reserves, reseed, replant, issue cultch permits and do such other things as in his judgment are necessary for their care and protection.

**75.24.070 Sale of shellfish from reserves.** The director shall have the power to determine whether oysters and other shellfish from the oyster reserves of the state shall be sold by the bushel at a price set by the director or whether certain quantities or all of such oysters and other shellfish should be sold for cash at public auction or by sealed bids in such amounts as the director shall from time to time determine.

To maintain the permanency of local communities and industries, the prospects of fulfillment of contract requirement, and to restrain monopolistic controls endangering competition in the industry, the director shall have the power to determine the number of bushels which shall be sold to any person, firm, or corporation; and when sold at public auction, the right to reject any and all bids.

The director shall have the power to determine the time, place, and manner of holding the auctions and sales provided for in this section.

**75.24.080 Infested shellfish areas—Designation—Restrictions.** The director shall have the power to determine and designate

areas in which infection or infestation of shellfish is present. These shall be called "restricted shellfish areas." No person shall transplant any shellfish within such restricted areas nor transport any shellfish, or any material, or organism, or boats, scows, or other equipment used in taking, handling, or processing shellfish into or out of such restricted areas without first having obtained a permit from the director.

**75.24.090 Culled shellfish must be returned to beds—Penalty.**

It shall be unlawful for any person to destroy oysters or clams taken from their natural beds, by assorting or culling them on land or shore and leaving the culled oysters or clams there to die; but in all cases the culled oysters or clams must be returned to their natural beds, or to the private beds for cultivation; and if any person offends against the provisions of this section, or in any way wantonly destroys the oysters or clams, he is guilty of a gross misdemeanor.

This section amended by sec. 7, chap. 212, Laws of 1955.

## Chapter 75.28

### LICENSES

**75.28.010 License required.** It shall be unlawful for any person to engage in any phase of the fishing industry, or to operate any fishing gear known as or classified as commercial fishing gear by the director, or to fish for, take, deliver, or land any fish in the state, whether taken from waters within or without the jurisdiction of the state, without first obtaining and having in possession such licenses as are herein specified.

Any person violating any of the provisions of this chapter is guilty of a gross misdemeanor and upon conviction thereof shall be fined not less than twenty-five dollars.

**75.28.020 Qualifications for license—Oregon licenses recognized in concurrent waters.** No license provided for in this title shall be issued to any person who is not a citizen of the United States, or who is not a bona fide resident of the United States, or who is not of the age of sixteen years or over; nor shall any license be issued to any corporation unless it is authorized to do business in this state: *Provided*, That all gear licenses, personal licenses and boat licenses issued by the state of Oregon shall be recognized by this state as valid in the concurrent waters of the Columbia River.

**75.28.030 Application for license—Remittance of fees.** The director shall issue licenses herein required to any qualified person, upon the receipt of a lawful application therefor upon a blank to be furnished for that purpose, accompanied by the required fee. Applicants for fishing gear licenses shall indicate at the time of application the species of food fish or shellfish that they intend to

take with said gear. The director shall make weekly remittances of the fees collected to the state treasurer.

**75.28.040 Expiration and renewal of licenses.** All licenses shall expire at the close of the thirty-first day of March following their issuance, and shall be renewed annually thereafter upon application and payment of license fees required by this title.

This section amended by sec. 2, chap. 212, Laws of 1955.

**75.28.050 Compensation fee to person issuing license.** Any person deputized by the director to issue fishing licenses may charge the sum of twenty-five cents in addition to collecting the fee prescribed by law, for issuing each such license, which shall be retained by him for his services.

**75.28.060 Licenses nontransferable—Must be carried—Nonresident gear.** All fishing gear licenses issued under the provisions of this title shall be nontransferable, and it shall be unlawful for any gear which is licensed as herein specified to be operated or caused to be operated by any person other than the licensee or an agent or employee of the licensee. In the event the gear is operated by a nonresident, the gear shall be required to be licensed as nonresident gear and the fees provided for nonresidents shall be paid for such license. All licenses for fishing gear issued under the provisions of the fisheries code shall be carried in the possession of the licensee or authorized representative of the licensee who shall be in charge of the operation of such gear.

This section amended by sec. 3, chap. 212, Laws of 1955.

**75.28.070 Carrying or display of certain other licenses.** Fishing guide licenses, fish buyer licenses, and personal commercial fishing licenses shall be carried on the person of the licensee. Fish broker licenses, clam or oyster farm licenses, oyster reserve licenses, wholesale fish dealer licenses, retail fish dealer licenses, fish canning licenses, fish byproducts licenses, boat house operator licenses, and branch licenses shall be kept and displayed at the business premises of the licensee.

**75.28.080 Personal commercial fishing license.** A personal commercial fishing license shall be obtained by each and every person who takes or assists in taking any fish or shellfish, except razor and hard shell clams, from the waters or beaches of the state for commercial purposes.

The fee for such license is ten dollars per annum.

The personal license shall be carried on the person whenever such person is engaged in the taking, landing, or selling of any fish or shellfish: *Provided*, That this section does not apply to those persons engaged solely as employees of any person holding a valid oyster or clam farm license.

**75.28.090 Fishing guide license.** A fishing guide license shall be obtained by every person acting as a professional guide for hire

for others in the taking of food fish or shellfish from the waters or beaches of the state. The fee for such license is fifteen dollars per annum for residents of the state and seventy-five dollars per annum for nonresidents.

This section amended by sec. 4, chap. 212, Laws of 1955.

**75.28.100 Commercial fishing vessel license.** A license is required for each and every commercial vessel which delivers or lands fish or shellfish within the state, for which license there shall be paid a fee of ten dollars per annum: *Provided*, That nothing in this section shall apply to vessels operated by any person having an oyster or clam farmer's license and used exclusively for that purpose.

Each annual application for a commercial fishing vessel license shall contain the name and address of the owner of the vessel, the name and address of the operator of the vessel, the name and number of the vessel, a description of the vessel and fishing gear to be carried thereon, and such information as may be required by the department.

At the time of issuance of such license the director shall furnish each applicant with a certificate of registration and two license plates with the registration number stamped thereon. Such registration shall be known as the "State of Washington license and registration number" and shall not be transferable. The registration certificate shall be carried aboard the vessel at all times and the license plates shall be affixed and carried in plain sight on each side of the vessel well forward.

The license provided for herein shall be invalid in the event the vessel is operated by anyone other than the operator listed in the annual application. In the event of change of name, ownership or operator of the vessel, the director shall be notified in writing and will issue a new certificate of registration which will reflect the change of name or ownership or operator, as the case may be. A fee of one dollar shall be charged for the new certificate of registration.

Registrants shall report immediately any change of name, ownership, or operator of the vessel. Defaced, mutilated, or lost license plates shall be replaced immediately and a fee of two dollars shall be charged for such new plates.

**75.28.110 Hand line or jigger license.** A license is required for hand lines or jiggers used in the taking or catching of food fish for commercial purposes in the waters of the state for which license there shall be paid a fee of seven dollars and fifty cents per annum by residents and thirty-seven dollars and fifty cents per annum by nonresidents: *Provided*, That not more than three hooks shall be attached to any one hand line or jigger used for commercial pur-

poses. Each license shall entitle the licensee to use two or less hand lines or jiggers.

**75.28.120 Set line license.** A license is required for each set line used in the taking or catching of food fish for commercial purposes in the waters of the state, for which license there shall be paid a fee of fifteen dollars per annum by residents and seventy-five dollars per annum by nonresidents: *Provided*, That not more than five hundred hooks may be attached to any one set line.

**75.28.130 Troll line license.** A license is required for troll lines used in the taking or catching of food fish for commercial purposes in the waters of the state, for which license there shall be paid a fee of seven dollars and fifty cents per annum by residents and thirty-seven dollars and fifty cents per annum by nonresidents. Each license shall entitle the licensee to use six or less troll lines.

**75.28.140 Gill net or pole net license.** A license is required for each and every gill net or pole net used in the taking or catching of food fish in the waters of the state, for which license there shall be paid a fee of fifteen dollars per annum by residents and seventy-five dollars per annum by nonresidents.

**75.28.150 Set net license.** A license is required for each three hundred fathoms or less of set nets used in the taking or catching of food fish in the waters of the state, for which license there shall be paid a fee of fifteen dollars per annum by residents and seventy-five dollars per annum by nonresidents.

**75.28.160 Dip bag net license.** A license is required for each and every dip bag net used in the taking or catching of food fish for commercial purposes in the waters of the state, for which license there shall be paid a fee of seven dollars and fifty cents per annum by residents and thirty-seven dollars and fifty cents per annum by nonresidents.

**75.28.170 Drag seine license.** A license is required for each and every drag seine, beach seine, or drag bag seine used in the taking or catching of food fish or shellfish in the waters of the state, for which license there shall be paid a fee of fifteen dollars per annum by residents and seventy-five dollars per annum by nonresidents: *Provided*, That there shall be paid an additional fee of three cents by residents and fifteen cents by nonresidents for each foot by which any such seine exceeds three hundred feet in length.

**75.28.180 Lampara net license.** A license is required for each and every lampara or round haul net used in the taking or catching of food fish or shellfish in the waters of the state, for which license there shall be paid a fee of thirty-seven dollars and fifty cents per annum.

**75.28.190 Purse seine license.** A license is required for each and every purse seine used in the taking or catching of food fish in the waters of the state, for which license there shall be paid a fee of seventy-five dollars per annum.

**75.28.195 Reel purse seine, drum purse seine, license.** A license is required for each and every reel purse seine or drum purse seine used in the taking or catching of salmon in the waters of the state for which license there shall be paid a fee of seventy-five dollars.

**75.28.200 Beam trawl license.** A license is required for each and every beam trawl used in the taking or catching of food fish or shellfish in the waters of the state, for which license there shall be paid a fee of thirty-seven dollars and fifty cents per annum by residents and one hundred eighty-seven dollars and fifty cents per annum by nonresidents.

**75.28.210 Otter trawl license.** A license is required for each and every otter trawl used in the taking or catching of food fish or shellfish in the waters of the state for which license there shall be paid a fee of thirty-seven dollars and fifty cents per annum by residents and one hundred eighty-seven dollars and fifty cents per annum by nonresidents.

**75.28.220 Reef net license.** A license is required for each and every reef net used in the taking or catching of food fish in the waters of the state, for which license there shall be paid a fee of twenty-two dollars and fifty cents per annum by residents and one hundred twelve dollars and fifty cents per annum by nonresidents.

**75.28.230 Fyke net license.** A license is required for each and every fyke net used in the taking or catching of food fish or shellfish in the waters of the state, for which license there shall be paid a fee of fifteen dollars per annum by residents and seventy-five dollars per annum by nonresidents.

**75.28.240 Brush weir license.** A license is required for each and every brush weir used in the taking or catching of food fish in the waters of the state, for which license there shall be paid a fee of seventy-five dollars per annum by residents and three hundred and seventy-five dollars per annum by nonresidents.

**75.28.250 Ring net license.** A license is required for ring nets used in the taking of or fishing for food fish or shellfish within the state.

For a license for twenty-five ring nets or less there shall be paid a fee of seven dollars and fifty cents per annum by residents and thirty-seven dollars and fifty cents per annum by nonresidents, and for each ring net in excess of twenty-five there shall be paid an additional fee of ten cents per annum by residents and one dollar and twenty-five cents by nonresidents.

**75.28.260 Bottom fish pots license.** A license is required for bottom fish pots used in the taking of or fishing for food fish within the state.

For a license for one hundred bottom fish pots or less there shall be paid a fee of fifteen dollars per annum by residents and seventy-five dollars per annum by nonresidents, and for each bottom fish pot in excess of one hundred there shall be paid an additional fee of ten cents per annum by residents and fifty cents by nonresidents.

**75.28.270 Shellfish pots license.** A license is required for shellfish pots used in the taking of or fishing for shellfish within the state.

For a license for one hundred shellfish pots or less there shall be paid a fee of fifteen dollars per annum by residents and seventy-five dollars per annum by nonresidents, and for each shellfish pot in excess of one hundred there shall be paid an additional fee of ten cents per annum by residents and fifty cents by nonresidents.

**75.28.280 Clam or oyster farm license.** A license is required for each and every clam or oyster farm being operated for commercial purposes on privately owned or leased tidelands in the state, for which license there shall be paid a fee of fifteen dollars per annum.

This section amended by sec. 8, chap. 212, Laws of 1955.

**75.28.285 Clam digger's license.** A clam digger's license shall be required of any person digging clams for commercial purposes from the waters or beaches of this state, and the fee for such license shall be five dollars per annum for hard shell clams, and five dollars per season, as defined by the director of fisheries, for razor clams: *Provided*, That such license shall not be required for licensed clam farmers or their agents or employees who dig only on licensed clam farms.

**75.28.290 Oyster reserve license.** An oyster reserve license is required of any person taking shellfish from the reserves of this state. The fee for such license is fifteen dollars per annum.

**75.28.300 Wholesale fish dealer's license.** A wholesale fish dealer's license is required for any business in the state engaged in the freezing, salting, smoking, kippering, preserving in ice or otherwise involving the dealing in or curing of any food fish or shellfish or any wholesale selling of food fish and shellfish, and for any fisherman selling his catch direct to retail fish dealers. The fee for said license is thirty-seven dollars and fifty cents per annum.

This section amended by sec. 11, chap. 212, Laws of 1955.

**75.28.310 Retail fish dealer's license.** A retail fish dealer's license is required for any business in the state engaged in the selling of fresh, frozen, or cured food fish or shellfish directly to the consumer whether or not such business involves the taking or catching of such food fish or shellfish, and the fee for said license is five dollars per annum for the principal place of business of such retail fish dealer, and five dollars per annum for each branch retail



operation or business of such retail fish dealer: *Provided*, That this section shall not apply to businesses primarily engaged in serving food fish or shellfish for consumption on the business premises.

**75.28.320 Fish canner's license.** A fish canning license is required for any business in the state engaged in the canning of food fish and shellfish, for commercial purposes, in hermetically sealed containers which are processed by exposure to heat for pasteurization or sterilization, and the fee for said license is thirty-seven dollars and fifty cents per annum.

**75.28.325 Custom canning license—Container markings—Commingling prohibited.** A person engaged in canning for hire shellfish or food fish taken by others for their personal use is engaged in the business of custom canning for personal use and shall pay a license fee of thirty-seven dollars and fifty cents per annum: *Provided*, That each and every can or container used in canning or perserving personal use caught fish or shellfish have been embossed in a permanent and legible manner on the lid or cover thereof the words "Personal Use Only—Not for Sale." It shall be unlawful to commingle personal use caught fish or shellfish at any time prior to or during the period of canning or processing.

**75.28.330 Fish byproducts license.** A fish byproducts license is required for any business in the state engaged in the manufacture or preparation for commercial purposes of fertilizer, oil, meal, caviar, fish bait, or other byproducts from fish or shellfish and the fee for said license is thirty-seven dollars and fifty cents per annum.

**75.28.350 Fish buyer's license.** A fish buyer's license shall be obtained by every wholesaler, canner, byproducts manufacturer, or broker for each and every fish buyer engaged as a representative in the state for such wholesaler, canner, byproducts manufacturer or broker, and the fee for said license is seven dollars and fifty cents per annum.

The term "fish buyer" as used in this section means a buyer who ordinarily makes his purchases at a place or places other than his employer's business premises, and who buys for only one person. In the event the buyer buys for two or more persons, he shall be deemed a wholesale fish dealer and shall be required to be licensed as such.

**75.28.360 Boat house operator's license.** A boat house operator's license is required for any business engaged in the renting of boats to individuals for the purpose of taking or catching food fish or shellfish and the fee for said license is twenty-five dollars per annum, plus one dollar for each boat used by the boat house operator in the operation of his business.

**75.28.370 Branch plant license.** A branch license is required for each branch plant in the state of any wholesale, canning, by-products manufacturing or boat house business enterprise having more than one place of business. One such place shall be designated as headquarters and said license shall be obtained for each and every other place of business or branch plant. The fee for said license is seven dollars and fifty cents per annum.

**75.28.380 Forfeiture of license for violations.** Upon conviction of any person of a violation of any provision of this title, or rule or regulation of the director, the judge or justice of the peace may, in addition to the penalty imposed by law, forfeit the license of such person. Upon subsequent conviction of any such person of any violation of any provisions of this title or rule or regulation of the director, the forfeiture of such license shall be mandatory. The director may prohibit the issuance of a license to any person convicted two or more times of any such violation or prescribe the conditions under which license may be issued.

#### Chapter 75.32

### PRIVILEGE AND CATCH FEES ON FOOD FISH AND SHELLFISH

**75.32.010 "Columbia River district" defined.** The "Columbia River district" as used in this chapter shall include the counties of Klickitat, Skamania, Clark, Wahkiakum, Cowlitz, and that portion of Pacific county lying south of the northern boundaries of township 10 north, range 9 west, W. M.; township 10 north, range 10 west, W. M.; and township 10 north, range 11 west, W. M.

**75.32.020 Privilege fees required.** In addition to all other taxes, licenses or fees provided by law there shall be paid to the state of Washington by those engaged in the fishing industry in this state the privilege fees as provided for in this chapter.

**75.32.030 Cannery, processors, dealers—Other than Columbia River district—Privilege fees.** Cannery, curers, freezers, wholesale fish dealers, retail fish dealers or fish byproducts manufacturers of food fish or shellfish, except those located within the Columbia River district, shall pay a privilege fee equal to two percent of the primary market value on all fresh or frozen chinook and silver salmon which they receive, handle, deal in, or deal with as original receiver in the state, and they shall pay a privilege fee equal to one percent of the primary market value on all other fresh or frozen food fish and shellfish or parts thereof which they receive, handle, deal in or deal with, as original receiver in the state: *Provided*, That any person or sales agency selling fresh or frozen food fish or shellfish previously landed in the state to others residing outside

the state of Washington, shall be responsible for and shall pay the privilege taxes herein provided.

This section amended by Sec. 12, chap. 212, Laws of 1955.

**75.32.040 Cannery, processors, dealers—Columbia River district—Privilege fees.** Cannery, curers, freezers, retail dealers, wholesale dealers or fish byproducts manufacturers of food fish or shellfish located within the Columbia River district shall pay the following privilege fees on all fresh or frozen food fish, or parts thereof, and all fresh or frozen shellfish, or parts thereof, which they receive, handle, deal in or deal with as original receiver:

- On all chinook salmon, three-fourths cent per pound;
- On all steelhead, three-fourths cent per pound;
- On all blueback salmon, three-fourths cent per pound;
- On all silver salmon, three-fourths cent per pound;
- On all sturgeon, three-fourths cent per pound;
- On all striped bass, three-fourths cent per pound;
- On all chum salmon, three-sixteenths cent per pound;
- On all shad, three-sixteenths cent per pound;
- On all smelt, three-tenths cent per pound;
- On all tuna (albacore), twenty-five cents per hundred pounds;
- On all pilchard, three and three-fourths cents per hundred pounds;
- On all halibut, three and three-fourths cents per hundred pounds;
- On all other fish, three and three-fourths cents per hundred pounds;
- On all clams, three-tenths cent per pound;
- On all crabs, seven and one-half cents per dozen;
- On all livers, ten cents per hundred pounds;

Where the fees are computed on the basis of poundage the fees shall be computed and paid on the basis of the total whole or round weight of the fish or shellfish handled by the person as an original receiver.

**75.32.060 Fishing guides—Privilege fees.** Fishing guides shall pay a fee equal to one percent of the gross revenue they receive for services rendered to persons fishing for or taking food fish or shellfish.

This section repealed by sec. 14, chap. 212, Laws of 1955.

**75.32.070 Catch fees required—Exceptions.** A catch fee shall be paid by every person taking food fish or shellfish, or parts thereof, from the waters or beaches of this state for commercial purposes, and the fee shall be equal to two percent of the primary market value of all fresh or frozen chinook and silver salmon so taken, and one percent of the primary market value of all other species of food fish and shellfish, or parts thereof: *Provided*, That catch taxes shall not be paid by those taking shellfish from licensed oyster or clam farms nor by those taking food fish or shellfish from the waters of the Columbia River.

**75.32.075 Reserved.**

**75.32.080 Payment of catch fees—“Original receiver” defined—Responsibility for privilege taxes.** The catch fees provided for herein shall be deducted from the payments made by the original receiver to the person catching or landing the food fish or shellfish, and the original receiver shall collect the fees and remit them to the director, and in event he fails to do so he is liable for such fees as he fails to collect and remit.

“Original receiver” means the person first receiving, handling, dealing in, or dealing with the fresh or frozen fish or shellfish within the state of Washington as a canner, curer, freezer, retail dealer, wholesale dealer, byproducts manufacturer, or branch plant; and the privilege fees provided for herein shall be paid on all fresh or frozen food fish or shellfish handled by the original receivers regardless of where the fish or shellfish were caught: *Provided*, That no tax shall be paid on frozen food fish or frozen shellfish that has been previously landed in another state, territory, or country: *Provided further*, That any person or sales agency selling fresh or frozen food fish or shellfish previously landed in the state to others residing outside the state of Washington, shall be responsible for and shall pay the privilege taxes herein provided.

This section amended by sec. 6, chap. 212, Laws of 1955. Amendment vetoed.

**75.32.090 Payment of privilege fees.** The privilege fees herein provided for are due and payable in bimonthly installments, and the fees accruing during each bimonthly period shall be paid on or before the fifteenth day of the month immediately following the end of the bimonthly period. On or before the day payment is required as provided above the person paying the privilege fees shall make out a return under oath, upon such forms and setting forth such information as the director may require, and transmit the same, together with a remittance for the fees due to the director.

**75.32.100 Delinquent payments—Interest—Lien.** In the event the fees provided for are not paid as herein provided, interest shall accrue at the rate of eight percent per annum, and the delinquent payments together with the accrued interest thereon shall constitute a first lien upon the cannery, packing plant, building, boats, scows, or other equipment used by the person owing the fees in the taking, handling, or processing of food fish or shellfish.

**75.32.110 Director may make rules, etc., to insure payment of fees.** The director shall have the authority to promulgate such rules, regulations, and orders, and to require such reports as in his judgment shall be necessary to insure the payment of the fees herein required.

**75.32.120 Penalty for violations.** In event any person wilfully violates the provisions of this chapter, or any of the rules, regula-

tions, or orders of the director made pursuant to this chapter, he is guilty of a gross misdemeanor and subject to a fine, or imprisonment, or both.

**75.32.130 Director may require bond after wilful violation—License revocation for failure.** In event any person wilfully violates any of the provisions of this chapter or the rules, regulations, and orders of the director made pursuant to the provisions of this chapter, the director shall have the authority to require such person to post a bond, in an amount not to exceed five thousand dollars, conditioned upon his faithful performance of the provisions of the chapter and the rules, regulations, and orders of the director made pursuant to this chapter, and in event such person fails to post such a bond within thirty days after the same is demanded by the director, the director shall forthwith cancel and revoke any license or licenses to engage in the fishing industry that such person was theretofore issued by the state of Washington.

### Chapter 75.36

#### SEIZURE AND FORFEITURE OF PROPERTY FOR VIOLATIONS

**75.36.010 Seizure of property without warrant—Where authorized—Deposit of cash bond in lieu.** The director, fisheries inspectors, deputy fisheries inspectors, and ex officio fisheries inspectors may seize without warrant all food fish, shellfish, or parts thereof taken, killed, transported, or possessed contrary to law or rule or regulation of the director and may seize in a similar manner any boat, vehicle, gear, appliance, or other device used in violation of the fisheries code or the regulations of the director, or held with intent to violate the fisheries code or the regulations of the director, and the articles seized shall be forfeited to the state, regardless of the ownership of the articles seized: *Provided*, That the owner of the boat, vehicle, gear, appliance, or other device so seized may recover the same by depositing into court a cash bond equal to the value of the seized articles if the value of the same be less than five thousand dollars, or a cash bond in the amount of five thousand dollars, if the value of the seized boat, vehicle, gear, appliance, or other device be in excess of five thousand dollars, and the cash bond shall thereafter be subject to forfeiture to the state in lieu of the seized boat, vehicle, gear, appliance, or other device.

**75.36.020 Forfeiture may be in addition to other penalties.** The court shall have the power and jurisdiction in any prosecution for violation of the fisheries code or regulations of the director, in addition to imposing any penalty provided by law, to order for-

feited to the state any articles seized under the provisions of this chapter.

**75.36.030 Service of process and forfeiture where identity of violator not known.** In event it appears upon affidavit that the identity of the person responsible for the violation for which the seizure was made, is unknown or that for any reason the state is unable to prosecute the person responsible for the violation for which the seizure was made, the court nevertheless shall have the power and jurisdiction to forfeit such articles so seized upon a hearing duly held after service of summons describing the articles seized and giving notice of pending forfeiture by publication in the manner provided by law for the service of summons in civil actions.

**75.36.040 Concurrent jurisdiction of justice and superior courts.** Justice courts and superior courts shall have concurrent jurisdiction to order the forfeitures provided for in this chapter.

**75.36.050 Sale or destruction of property forfeited—Disposition of proceeds.** In the event of seizure and forfeiture of any articles as provided in this chapter, the director may sell or destroy all or any of such articles at public auction. The time, place, and manner of holding such sale shall be within the discretion of the director. Notice of the time and place of any such sale shall be published once a week for at least two consecutive weeks in advance of such sale, in at least one newspaper of general circulation in the county wherein the sale is to be held.

The proceeds from all such sales shall be deposited with the state treasurer to credit of the general fund.

## Chapter 75.40

### COMPACTS

**75.40.010 Compact with Oregon as to Columbia River fisheries authorized.** Should congress by virtue of the authority vested in it under article 1, section 10, of the Constitution of the United States, providing for compacts and agreements between states, ratify the recommendations of the conference committees of the states of Washington and Oregon, appointed to agree on legislation necessary for the regulation, preservation and protection of fish in the waters of the Columbia River, or its tributaries, over which said states have concurrent jurisdiction, or which would be affected by said concurrent jurisdiction, said recommendation being as follows: "We further recommend that a resolution be passed by the legislatures of Washington and Oregon, whereby the ratification by Congress of the laws of the states of Washington and

Oregon shall act as a treaty between said states, subject to modification only by joint agreement by said states"; and said recommendation having been approved by resolution adopting the report of the conference committee, then, and in that event, there shall exist between the states of Washington and Oregon a definite compact and agreement, the purport of which shall be substantially as follows:

All laws and regulations now existing or which may be necessary for regulating, protecting or preserving fish in the waters of the Columbia River, or its tributaries, over which the states of Washington and Oregon have concurrent jurisdiction, or which would be affected by said concurrent jurisdiction, shall be made, changed, altered and amended in whole or in part, only with the mutual consent and approbation of both states.

**75.40.020 Director to represent state in changing Columbia River fishing seasons.** The director is hereby authorized for and on behalf of the state of Washington to give to the state of Oregon such consent and approbation of the state of Washington as is necessary under and pursuant to the compact entered into between the states of Washington and Oregon, as set out in RCW 75.40.010, to change the open and closed seasons in the Columbia River district as permitted in this chapter.

**75.40.030 Pacific Marine Fisheries Compact—Provisions.** Should congress, by virtue of the authority vested in it under article 1, section 10, of the Constitution of the United States, providing for compacts and agreements between the states, ratify The Pacific Marine Fisheries Compact, recommended by the Interstate Committee on Offshore Fisheries of the Western Regional Legislative Conference of the Council of State Governments, after the enactment of this compact by two or more of the states of California, Oregon and Washington, then, and in that event, there shall exist between the contracting states a definite compact and agreement, the purport of which shall be substantially as follows:

## THE PACIFIC MARINE FISHERIES COMPACT

The contracting states do hereby agree as follows:

### ARTICLE I.

The purposes of this compact are and shall be to promote the better utilization of fisheries, marine, shell and anadromous, which are of mutual concern, and to develop a joint program of protection and prevention of physical waste of such fisheries in all of those areas of the Pacific Ocean over which the states of California, Ore-

gon and Washington jointly or separately now have or may hereafter acquire jurisdiction.

Nothing herein contained shall be construed so as to authorize the aforesaid states or any of them to limit the production of fish or fish products for the purpose of establishing or fixing the prices thereof or creating and perpetuating a monopoly.

#### ARTICLE II.

This agreement shall become operative immediately as to those states executing it whenever two or more of the states of California, Oregon and Washington have executed it in the form that is in accordance with the laws of the executing states and the congress has given its consent.

#### ARTICLE III.

Each state joining herein shall appoint, as determined by state statutes, one or more representatives to a commission hereby constituted and designated as The Pacific Marine Fisheries Commission, of whom one shall be the administrative or other officer of the agency of such state charged with the conservation of the fisheries resources to which this compact pertains. This commission shall be a body with the powers and duties set forth herein.

The term of each commissioner of The Pacific Marine Fisheries Commission shall be four years. A commissioner shall hold office until his successor shall be appointed and qualified but such successor's term shall expire four years from legal date of expiration of the term of his predecessor. Vacancies occurring in the office of such commissioner from any reason or cause shall be filled for the unexpired term, or a commissioner may be removed from office, as provided by the statutes of the state concerned. Each commissioner may delegate in writing from time to time to a deputy the power to be present and participate, including voting as his representative or substitute, at any meeting of or hearing by or other proceeding of the commission.

Voting powers under this compact shall be limited to one vote for each state regardless of the number of representatives.

#### ARTICLE IV.

The duty of the said commission shall be to make inquiry and ascertain from time to time such methods, practices, circumstances and conditions as may be disclosed for bringing about the conservation and the prevention of the depletion and physical waste of the fisheries, marine, shell, and anadromous in all of those areas of the Pacific Ocean over which the states of California, Oregon and Washington jointly or separately now have or may hereafter



acquire jurisdiction. The commission shall have power to recommend the coordination of the exercise of the police powers of the several states within their respective jurisdictions and said conservation zones to promote the preservation of those fisheries and their protection against over-fishing, waste, depletion or any abuse whatsoever and to assure a continuing yield from the fisheries resources of the signatory parties hereto.

To that end the commission shall draft and, after consultation with the advisory committee hereinafter authorized, recommend to the governors and legislative branches of the various signatory states hereto legislation dealing with the conservation of the marine, shell and anadromous fisheries in all of those areas of the Pacific Ocean over which the states of California, Oregon and Washington jointly or separately now have or may hereafter acquire jurisdiction. The commission shall, more than one month prior to any regular meeting of the legislative branch in any state signatory hereto, present to the governor of such states its recommendations relating to enactments by the legislative branch of that state in furthering the intents and purposes of this compact.

The commission shall consult with and advise the pertinent administrative agencies in the signatory states with regard to problems connected with the fisheries and recommend the adoption of such regulations as it deems advisable and which lie within the jurisdiction of such agencies.

The commission shall have power to recommend to the states signatory hereto the stocking of the waters of such states with marine, shell or anadromous fish and fish eggs or joint stocking by some or all of such states and when two or more of the said states shall jointly stock waters the commission shall act as the coordinating agency for such stocking.

#### ARTICLE V.

The commission shall elect from its number a chairman and a vice chairman and shall appoint and at its pleasure, remove or discharge such officers and employees as may be required to carry the provisions of this compact into effect and shall fix and determine their duties, qualifications and compensation. Said commission shall adopt rules and regulations for the conduct of its business. It may establish and maintain one or more offices for the transaction of its business and may meet at any time or place within the territorial limits of the signatory states but must meet at least once a year.

#### ARTICLE VI.

No action shall be taken by the commission except by the affirmative vote of a majority of the whole number of compacting states

represented at any meeting. No recommendation shall be made by the commission in regard to any species of fish except by the vote of a majority of the compacting states which have an interest in such species.

#### ARTICLE VII.

The fisheries research agencies of the signatory states shall act in collaboration as the official research agency of The Pacific Marine Fisheries Commission.

An advisory committee to be representative of the commercial fishermen, commercial fishing industry and such other interests of each state as the commission deems advisable shall be established by the commission as soon as practicable for the purpose of advising the commission upon such recommendations as it may desire to make.

#### ARTICLE VIII.

Nothing in this compact shall be construed to limit the powers of any state or to repeal or prevent the enactment of any legislation or the enforcement of any requirement by any state imposing additional conditions and restrictions to conserve its fisheries.

#### ARTICLE IX.

Continued absence of representation or of any representative on the commission from any state party hereto, shall be brought to the attention of the governor thereof.

#### ARTICLE X.

The states agree to make funds available annually to the support of the commission in proportion to the primary market value of the products of their fisheries as recorded in the latest published reports (five year average): *Provided*, No state shall contribute less than two thousand dollars per annum and the annual contribution of each state above the minimum shall be figured to the nearest one hundred dollars.

The states agree to make available annual funds in the amounts scheduled below, which amounts are calculated in the manner set forth herein, on the basis of the latest five year catch records. Subsequent budgets shall be recommended by a majority of the commission and the total amount thereof allocated equitably among the states in accordance with the above formula.

## SCHEDULE OF INITIAL ANNUAL STATE CONTRIBUTIONS

California .....	\$11,000
Oregon .....	2,000
Washington .....	2,000
	<hr/>
Total .....	\$15,000

## ARTICLE XI.

This compact shall continue in force and remain binding upon each state until renounced by it. Renunciation of this compact must be preceded by sending six months' notice in writing of intention to withdraw from the compact to the other parties hereto.

**75.40.040 Director to represent state on Pacific fisheries commission.** In the event the compact set forth in RCW 75.40.030 becomes effective, the director of fisheries, ex officio, shall act as the representative of this state on The Pacific Marine Fisheries Commission, in accordance with the provisions of, and with the powers and duties provided in the compact.

**75.40.050 Offshore fishing in Pacific—Rules and regulations.** In the event the compact set forth in RCW 75.40.030 becomes effective, the director shall have the power and he is hereby authorized from time to time to make, adopt, amend and promulgate, governing offshore fishing in the Pacific Ocean by citizens of this state, rules and regulations, prohibiting wastage of food or shellfish, establishing open and closed season for all fishing, designating areas open or closed to fishing, setting minimum and maximum sizes of fish and shellfish that may be taken, declaring the kinds of food or shellfish that may be used for bait, and regulating fishing gear to be used as to mesh, size and length of nets and number, length and size of line and hooks: *Provided*, That no rule or regulation shall be issued governing the conduct of citizens of this state unless like rules or regulations or statutes have been made or will become effective jointly as to the citizens of the states of Oregon and California.

**75.40.060 Fraser River sockeye salmon fishery—Adoption, enforcement of convention authorized.** The director and his duly authorized agents are hereby authorized to adopt and to enforce the provisions of the convention between the United States and the Dominion of Canada for the protection, preservation and extension of the sockeye salmon fishery of the Fraser River system, signed at Washington, District of Columbia, on the twenty-sixth day of May, 1930, and the regulations of the commission promulgated under authority of said convention.

**75.40.070 Penalty for violation of rules and regulations.** Any person violating any of the rules or regulations of the director issued in accordance with this chapter, shall be guilty of a misdemeanor.

### Chapter 75.98

## CONSTRUCTION

**75.98.010 Continuation of existing law.** The provisions of this title insofar as they are substantially the same as statutory provisions repealed by this chapter, and relating to the same subject matter, shall be construed as restatements and continuations, and not as new enactments.

**75.98.020 Title, chapter, section headings not part of law.** Title headings, chapter headings, and section or subsection headings, as used in this title do not constitute any part of the law.

**75.98.030 Invalidity of part of title not to affect remainder.** If any provision of this title, or its application to any person or circumstance is held invalid, the remainder of the title, or the application of the provision to other persons or circumstances is not affected.

**75.98.040 Construction of certain sections.** Nothing in RCW 43.25.010, 43.25.045, 43.25.047, 75.08.025, 75.28.020, 75.28.030, 75.28.080, 75.28.195, 75.28.310, 75.28.325, 75.28.370, 75.32.030, and 75.32.080 shall be construed to restrict or impair the authority of the director of fisheries consistent with and pursuant to the provisions thereof from issuing and publishing such regulations as, after investigation, he may deem necessary to administer said sections and to effectuate their purposes, or to administer and effectuate all other acts governing or affecting the department of fisheries, nor shall anything herein be construed to restrict or impair the authority of the director to issue and publish regulations he may find necessary under the provisions of the Pacific Marine Fisheries Compact.

**75.98.050 Repeals and savings.** The following acts or parts of acts are repealed:

- (1) Chapter 9, Laws of 1949;
- (2) Chapter 107, Laws of 1949;
- (3) Chapter 99, Laws of 1949;
- (4) Sections 1, 2, 6, 7, 8, 10, 13 through 23, and 25 through 87, chapter 112, Laws of 1949;
- (5) Sections 1 through 38, 42 through 45, and 47 through 49, chapter 271, Laws of 1951;
- (6) Chapter 7, Laws of 1951, 1st extraordinary session;
- (7) Chapter 147, Laws of 1953;

(8) Sections 1 through 9, 11, and 15 through 18, chapter 207, Laws of 1953.

Such repeals shall not be construed as affecting any existing right acquired under the provisions of the statutes repealed, nor any rule, regulation or order adopted pursuant thereto, nor as affecting any proceeding instituted thereunder.

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

Passed the House January 26, 1955.

Passed the Senate January 31, 1955.

Approved by the Governor February 8, 1955.

## CHAPTER 13

[ H. B. 9. ]

### MUTUAL SAVINGS BANKS CODE

**AN ACT** relating to mutual savings banks; enacting a mutual savings banks code to be known as Title 32 of the Revised Code of Washington; providing penalties and repealing chapter 175, Laws of 1915; chapter 156, Laws of 1921; chapter 86, Laws of 1925, extraordinary session; chapter 184, Laws of 1927; chapter 74, Laws of 1929; chapter 123, Laws of 1929; sections 1, 2, and 4 through 12, chapter 132, Laws of 1931; chapter 10, Laws of 1935; chapter 87, Laws of 1935; chapter 95, Laws of 1937; chapter 15, Laws of 1941; chapter 135, Laws of 1945; chapter 228, Laws of 1945; chapter 119, Laws of 1949; and chapter 238, Laws of 1953; and declaring an emergency.

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

## TITLE 32

### MUTUAL SAVINGS BANKS

#### Chapter 32.04

#### GENERAL PROVISIONS

**32.04.010 Scope of title.** This title shall not be construed as amending or repealing any other law of the state authorizing the incorporation of banks or regulating the same, but shall be deemed to be additional legislation for the sole purpose of authorizing the incorporation and operation of mutual savings banks as herein prescribed. Savings banks incorporated on the stock plan and other

stock banks having savings departments as authorized by RCW 30.20.060, or by any other law of the state heretofore or hereafter enacted, shall not be in any manner affected by the provisions of this title, or any amendment thereto.

**32.04.020 Definitions.** The use of the term "savings bank" in this title refers to mutual savings banks only.

The use of the words "mutual savings" as part of a name under which business of any kind is or may be transacted by any person, firm, or corporation, except such as were organized and in actual operation on June 9, 1915, or as may be thereafter organized and operated under the requirements of this title is hereby prohibited.

The use of the term "supervisor" in this title refers to the supervisor of banking.

**32.04.030 Offices—Branches.** (1) A savings bank shall not do business or be located in the same room with, or in a room connecting with, any other bank, or a trust company that receives deposits of money or commercial paper, or a national banking association.

(2) No savings bank, or any officer or director thereof, shall receive deposits or transact any of its usual business at any place other than its principal place of business or an authorized branch.

(3) A savings bank, with the approval of the supervisor, may take over and operate one branch in the city in which the principal place of business of the bank is located, but only upon the conditions and subject to the following limitations:

(a) If the guaranty fund amounts to at least five hundred thousand dollars.

(b) Not more than three branches may be established in the county in which the principal place of business of the bank is located, and none in any other county.

(c) A branch shall not be established at a place at which the supervisor would not permit a proposed new savings bank to engage in business, by reason of any consideration contemplated by RCW 32.08.040, 32.08.050 and 32.08.060, the provisions of which, insofar as applicable, including those relating to appeals, shall extend to applications to establish branches.

*This section amended by sec. 1, chap. 80, Laws of 1955.*

**32.04.040 Changing place of business.** Any savings bank may make a written application to the supervisor for leave to change its place of business to another place in the same county. The application shall state the reasons for such proposed change, and shall be signed and acknowledged by a majority of its board of trustees. If the proposed place of business is within the limits of the city or town in which the present place of business of the savings bank is located, such change may be made upon the written ap-

proval of the supervisor; if beyond such limits, notice of intention to make such application, signed by two principal officers of the savings bank, shall be published once a week for two successive weeks immediately preceding such application in a daily newspaper published in the city of Olympia and shall be published in like manner in a newspaper to be designated by the supervisor, published in the county in which the present place of business of the bank is located. If the supervisor grants his certificate authorizing the change of location, which in his discretion he may do, the savings bank shall cause such certificate to be published once in each week for two successive weeks in the newspapers in which the notice of application was published. When the requirements of this section have been fully complied with, the savings bank may, upon or after the day specified in the certificate, remove its property and effects to the location designated therein, and thereafter its principal place of business shall be the location so specified; and it shall have all the rights and powers in such new location which it possessed at its former location.

**32.04.050 Reports.** A savings bank shall render to the supervisor, in such form as he shall prescribe, at least three regular reports each year exhibiting its resources and liabilities as of such dates as the supervisor shall designate, which shall be the dates designated by the comptroller of the currency of the United States for reports of national banking associations. Every such report, in a condensed form to be prescribed by the supervisor, shall be published once in a newspaper of general circulation, published in the place where the bank is located. A savings bank shall also make such special reports as the supervisor shall call for. A regular report shall be filed with the supervisor within twelve days and proof of the publication thereof within twenty days from the date of the issuance of the call for the report. A special report shall be filed within such time as the supervisor shall indicate in the call therefor. A savings bank that fails to file within the prescribed time any report required by this section or proof of the publication of any report required to be published shall be subject to a penalty to the state of ten dollars for each day's delay, recoverable by a civil action brought by the attorney general in the name of the state.

**32.04.060 Expenses of operation limited.** No savings bank shall in the course of any fiscal year (which fiscal year shall be deemed to expire on the last day of December in each year) pay or become liable to pay either directly or indirectly for expenses of management and operation more than two and one-half percent of its average assets during such year.

**32.04.070 Certified copies of records as evidence.** Copies from the records, books, and accounts of a savings bank shall be competent evidence in all cases, equal with originals thereof, if there is annexed to such copies an affidavit taken before a notary public or clerk of a court under seal, stating that the affiant is the officer of the bank having charge of the original records, and that the copy is true and correct and is full so far as the same relates to the subject matter therein mentioned.

**32.04.080 Employees' pension plan.** A mutual savings bank may provide for pensions for its disabled or superannuated employees and may pay a part or all of the cost of providing such pensions in accordance with a plan adopted by its board of trustees and approved in writing by the supervisor of banking. Whenever the trustees of the bank shall have formulated and adopted a plan providing for such pensions it shall, within ten days thereafter, transmit the same to the supervisor of banking. The supervisor of banking shall thereupon examine such plan and investigate the feasibility and practicability thereof and within thirty days of the receipt thereof by him notify the bank in writing of his approval or rejection of the same. After the approval of the supervisor the mutual savings bank shall be authorized and empowered to put such plan into effect.

This section amended by sec. 2, chap. 80, Laws of 1955.

**32.04.090 Reserved.**

**32.04.100 Penalty for falsification.** Every person who knowingly subscribes to or makes or causes to be made any false statement or false entry in the books of any savings bank, or knowingly subscribes to or exhibits any false or fictitious security, document or paper, with the intent to deceive any person authorized to examine into the affairs of any savings bank, or makes or publishes any false statement of the amount of the assets or liabilities of any such savings bank shall be guilty of a felony.

**32.04.110 Penalty for concealing or destroying evidence.** Every trustee, officer, employee, or agent of any savings bank who for the purpose of concealing any fact suppresses any evidence against himself, or against any other person, or who abstracts, removes, mutilates, destroys, or secretes any paper, book, or record of any savings bank, or of the supervisor of banking, or anyone connected with his office shall be guilty of a felony.

**32.04.120 Specific penalties invoked.** The provisions of RCW 9.38.040, 9.45.130 and 9.45.140 shall apply to the corporations authorized under this title.

**32.04.130 General penalty.** Any person who does anything forbidden by chapter 32.04, 32.08, 32.12, 32.16 or 32.24 of this title for



which a penalty is not provided in this title, or in some other law of the state, shall be guilty of a gross misdemeanor and be punished accordingly.

## Chapter 32.08

### ORGANIZATION AND POWERS

**32.08.010 Authority to organize — Incorporators — Certificate.** When authorized by the supervisor, as hereinafter provided, not less than nine nor more than thirty persons may form a corporation to be known as a "mutual savings bank." Such persons must be citizens of the United States; at least four-fifths of them must be residents of this state, and at least two-thirds of them must be residents of the county where the bank is to be located and its business transacted. They shall subscribe and acknowledge an incorporation certificate in triplicate which shall specifically state:

(1) The name by which the savings bank is to be known, which name shall include the words "mutual savings bank";

(2) The place where the bank is to be located, and its business transacted, naming the city or town and county;

(3) The name, occupation, residence, and post office address of each incorporator;

(4) The sums which each incorporator will contribute in cash to the initial guaranty fund, and to the expense fund respectively, as provided in RCW 32.08.090 and 32.08.100;

(5) A declaration that each incorporator will accept the responsibilities and faithfully discharge the duties of a trustee of the savings bank, and is free from all the disqualifications specified in RCW 32.16.010.

**32.08.020 Notice of intention.** At the time of executing the incorporation certificate, the proposed incorporators shall sign a notice of intention to organize the mutual savings bank, which shall specify their names, the name of the proposed corporation, and its location as set forth in the incorporation certificate. The original of such notice shall be filed in the office of the supervisor within sixty days after the date of its execution, and a copy thereof shall be published at least once a week for four successive weeks in a newspaper designated by the supervisor, the publication to be commenced within thirty days after such designation. At least fifteen days before the incorporation certificate is submitted to the supervisor for examination, as provided in RCW 32.08.030, a copy of such notice shall be served upon each savings bank doing business in the city or town named in the incorporation certificate, by mailing such copy (postage prepaid) to such bank.

**32.08.030 Submission of certificate—Proof of service of notice.**

After the lapse of at least twenty-eight days from the date of the first due publication of the notice of intention to incorporate, and within ten days after the date of the last publication thereof, the incorporation certificate executed in triplicate shall be submitted for examination to the supervisor at his office in Olympia, with affidavits showing due publication and service of the notice of intention to organize prescribed in RCW 32.08.020.

**32.08.040 Examination and action by supervisor.** When any such certificate has been filed for examination the supervisor shall thereupon ascertain from the best source of information at his command, and by such investigation as he may deem necessary, whether the character, responsibility, and general fitness of the person or persons named in such certificate are such as to command confidence and warrant belief that the business of the proposed bank will be honestly and efficiently conducted in accordance with the intent and purpose of this title, and whether the public convenience and advantage will be promoted by allowing such proposed bank to be incorporated and engage in business, and whether greater convenience and access to a savings bank would be afforded to any considerable number of depositors by opening a mutual savings bank in the place designated, whether the population in the neighborhood of such place, and in the surrounding country, affords a reasonable promise of adequate support for the proposed bank, and whether the contributions to the initial guaranty fund and expense fund have been paid in cash. After the supervisor has satisfied himself by such investigation whether it is expedient and desirable to permit such proposed bank to be incorporated and engage in business, he shall within sixty days after the date of the filing of the certificate for examination indorse upon each of the triplicates thereof over his official signature the word "approved" or the word "refused," with the date of such indorsement. In case of refusal he shall forthwith return one of the triplicates so indorsed to the proposed incorporators from whom the certificate was received.

**32.08.050 Appeal from adverse decision.** From the supervisor's refusal to issue a certificate of authorization, the applicants or a majority of them, may within thirty days from the date of the filing of the certificate of refusal with the secretary of state, appeal to a board of appeal composed of the governor, the attorney general and the supervisor of banking by filing in the office of the supervisor a notice that they appeal to such board from his refusal. The procedure upon the appeal shall be such as the board may prescribe, and its determination shall be certified, filed, and recorded in the same manner as the supervisor's, and shall be final.

**32.08.060 Procedure upon approval.** In case of approval, the supervisor shall forthwith give notice thereof to the proposed incorporators, and file one of the triplicate certificates in his own office, shall transmit another triplicate to the county auditor of the county in which such bank is to be located and shall transmit the third triplicate to the secretary of state. Upon receipt from the proposed incorporators of the same fees as are required for filing and recording other incorporation certificates, the county auditor and the secretary of state shall file the certificate in their respective offices, and the secretary of state shall record the same. Upon the filing of said incorporation certificate in triplicate approved as aforesaid in the offices of the supervisor, the secretary of state and county auditor, the persons named therein and their successors shall thereupon become and be a corporation, which corporation shall have the powers and be subject to the duties and obligations prescribed in this title and its corporate existence shall continue for the period of fifty years from the date of the filing of such certificates, unless sooner terminated pursuant to law, but such corporation shall not receive deposits or engage in business until authorized so to do by the supervisor as provided in RCW 32.08.070.

**32.08.070 Authorization certificate.** Before a mutual savings bank shall be authorized to do any business the supervisor shall be satisfied that the corporation has in good faith complied with all the requirements of law and fulfilled all the conditions precedent to commencing business imposed by this title. If satisfied that the corporation has in good faith complied with all the requirements of law, and fulfilled all the conditions precedent to commencing business imposed by this title, the supervisor shall within six months after the date upon which the proposed organization certificate was filed with him for examination, but in no case after the expiration of that period, issue under his hand and official seal in quadruplicate an authorization certificate to such corporation. Such authorization certificate shall state that the corporation therein named has complied with all the requirements of law, that it is authorized to transact at the place designated in its certificate of incorporation, the business of a mutual savings bank. One of the quadruplicate authorization certificates shall be transmitted by the supervisor to the corporation therein named, and the other three authorization certificates shall be filed by the supervisor in the same public offices where the certificate of incorporation is filed, and shall be attached to said incorporation certificate.

**32.08.080 Conditions precedent to reception of deposits.** Before such corporation shall be authorized to receive deposits or transact business other than the completion of its organization, the supervisor shall be satisfied that:

(1) The incorporators have made the deposit of the initial guaranty fund required by this title;

(2) That the incorporators have made the deposit of the expense fund required by RCW 32.08.090 and if the supervisor shall so require, have entered into the agreement or undertaking with him and have filed the same and the security therefor as prescribed in said section;

(3) That the corporation has transmitted to the supervisor the name, residence, and post office address of each officer of the corporation;

(4) That its certificate of incorporation in triplicate has been filed in the respective public offices designated in this title.

**32.08.090 Expense fund—Agreement to contribute further—Security.** Before any mutual savings bank shall be authorized to do business, its incorporators shall create an expense fund from which the expense of organizing such bank and its operating expenses may be paid, until such time as its earnings are sufficient to pay its operating expenses in addition to such dividends as may be declared and credited to its depositors from its earnings. The incorporators shall deposit to the credit of such savings bank in cash as an expense fund the sum of five thousand dollars. They shall also enter into such an agreement or undertaking with the supervisor as trustee for the depositors with the savings bank as he may require to make such further contributions in cash to the expense fund as may be necessary to pay its operating expenses until such time as it can pay them from its earnings, in addition to such dividends as may be declared and credited to its depositors. Such agreement or undertaking shall fix the maximum liability assumed thereby which shall be a reasonable amount approved by the supervisor and the same shall be secured to his satisfaction, which security in his discretion may be by a surety bond executed by a domestic or foreign corporation authorized to transact within this state the business of surety. The agreement or undertaking and security shall be filed in the office of the supervisor. Such agreement or undertaking and such security need not be made or furnished unless the supervisor shall require the same. The amounts contributed to the expense fund of said savings bank by the incorporators or trustees shall not constitute a liability of the savings bank except as hereinafter provided.

**32.08.100 Guaranty fund.** Before any mutual savings bank shall be authorized to do business, its incorporators shall create a guaranty fund for the protection of its depositors against loss on its investments, whether arising from depreciation in the market value of its securities or otherwise:

(1) Such guaranty fund shall consist of payments in cash made by the original incorporators and of all sums credited thereto from the earnings of the savings bank as hereinafter required.

(2) The incorporators shall deposit to the credit of such savings bank in cash as an initial guaranty fund at least five thousand dollars.

(3) Prior to the liquidation of any such savings bank such guaranty fund shall not be in any manner encroached upon, except for losses and the repayment of contributions made by incorporators or trustees as hereinafter provided, until such fund together with undivided profits exceeds twenty-five percent of the amount due depositors.

(4) The amounts contributed to such guaranty fund by the incorporators or trustees shall not constitute a liability of the savings bank, except as hereinafter provided, and any loss sustained by the savings bank in excess of that portion of the guaranty fund created from earnings may be charged against such contributions pro rata.

**32.08.110 Guaranty fund—Purpose.** The contributions of the incorporators, or trustees of any such savings bank under the provisions of RCW 32.08.100, and the sums credited thereto from its net earnings under the provisions of RCW 32.08.120, shall constitute a guaranty fund for the security of its depositors, and shall be held to meet any contingency or loss in its business from depreciation of its securities or otherwise, and for no other purpose except as provided in RCW 32.08.130, and RCW 32.12.090(5).

**32.08.120 Guaranty fund—Replenishment—Dividends.** (1) If at the close of any dividend period the guaranty fund of a savings bank is less than ten percent of the amount due to depositors, there shall be deducted from its net earnings and credited to its guaranty fund not less than five percent of its net earnings for such period.

(2) The balance of its net earnings for such dividend period, plus any earnings from prior accounting periods not previously disbursed and not reserved for losses or other contingencies or required to be maintained in the guaranty fund, shall be available for dividends.

(3) While the trustees of such savings bank are paying its expenses or any portion thereof, the amounts to be credited to its guaranty fund shall be computed at the same percentage upon the total dividends credited to its depositors instead of upon its net earnings. If the guaranty fund accumulated from earnings equals or exceeds ten percent of the amount due to depositors, the minimum dividend shall be four percent, if the net earnings for such period are sufficient therefor.

**32.08.130 Reimbursement fund.** When the portion of the guaranty fund created from earnings amounts to not less than five thousand dollars (including in the case of a savings bank converted from a building and loan or savings and loan association or society the amount of the initial guaranty fund), the board of trustees, with the written consent of the supervisor, may establish a reimbursement fund from which to repay contributors to the expense fund and the initial guaranty fund (excepting the initial guaranty fund in the case of a bank converted from a building and loan or savings and loan association or society), and may transfer to the reimbursement fund any unexpended balance of contributions to the expense fund. At the close of each dividend period the trustees may place to the credit of the reimbursement fund not more than one percent of the net earnings of the bank during that period. Payments from the reimbursement fund may be made from time to time in such amounts as the board of trustees shall determine, and shall be made first to the contributors to the expense fund in proportion to their contributions thereto until they shall have been repaid in full, and then shall be made to the contributors to the guaranty fund in proportion to their contributions thereto until they shall have been repaid in full. In case of the liquidation of the savings bank before the contributions to the expense fund and the initial guaranty fund have been fully repaid as above contemplated, any portion of the contributions not needed for the payment of the expenses of liquidation and the payment of depositors in full shall be paid to the contributors to the expense fund in proportion to their contributions thereto until they have been repaid in full, and then shall be paid to the contributors to the guaranty fund in proportion to their contributions thereto until they have been repaid in full.

**32.08.140 Powers of bank.** Every mutual savings bank incorporated under this title shall have, subject to the restrictions and limitations contained in this title the following powers:

(1) To receive deposits of money, to invest the same in the property and securities prescribed in this title, to declare dividends in the manner prescribed in this title, and to exercise by its board of trustees or duly authorized officers or agents, subject to law, all such incidental powers as shall be necessary to carry on the business of a savings bank.

(2) To issue transferable certificates showing the amounts contributed by any incorporator or trustee to the guaranty fund of such bank, or for the purpose of paying its expenses. Every such certificate shall show that it does not constitute a liability of the savings bank, except as otherwise provided in this title.

(3) To purchase, hold and convey real property as prescribed in RCW 32.20.280.

(4) To pay depositors as hereinafter provided, and when requested, pay them by drafts upon deposits to the credit of the savings bank in any city in the United States, and to charge current rates of exchange for such drafts.

(5) To borrow money in an emergency for the purpose of repaying depositors, and to pledge or hypothecate securities as collateral for loans so obtained, under the conditions prescribed in this title.

(6) To collect or protest promissory notes or bills of exchange owned by such bank or held by it as collateral, and remit the proceeds of the collections by drafts upon deposits to the credit of the savings bank in any city in the United States, and to charge the usual rates or fees for such collection and remittance for such protest.

(7) To sell gold or silver received in payment of interest or principal of obligations owned by the savings bank, or from depositors in the ordinary course of business.

(8) To act as insurance agent for the purpose of writing fire insurance on property in which the bank has an insurable interest, the property to be located in the city in which the bank is situated and in the immediate contiguous suburbs, notwithstanding anything in any other statute to the contrary.

(9) To let vaults, safes, boxes or other receptacles for the safe-keeping or storage of personal property, subject to laws and regulations applicable to, and with the powers possessed by, safe deposit companies.

(10) To elect or appoint in such manner as it may determine all necessary or proper officers, agents, boards, and committees, to fix their compensation, subject to the provisions of this title, and to define their powers and duties, and to remove them at will.

(11) To make and amend bylaws consistent with law for the management of its property and the conduct of its business.

(12) To wind up and liquidate its business in accordance with this title.

(13) To adopt and use a common seal and to alter the same at pleasure.

(14) To do all other acts authorized by this title.

**32.08.150 Merchandising—Exchange—Borrowing—Certificates of deposit.** (1) A savings bank shall not purchase, deal or trade in any goods, wares, merchandise, or commodities whatsoever except such personal property as may be necessary for the transaction of its authorized business.

(2) Such banks shall not, nor shall any officer thereof in his attendance upon the business of such bank, in any manner buy or sell exchange on credit banks or bankers or buy or sell gold or silver except as in this title expressly authorized.

(3) Such bank shall not:

(a) Borrow money or pledge or hypothecate any of its securities as collateral for the repayment of money borrowed except with the written approval of the supervisor, and in pursuance of a resolution adopted by a vote of a majority of its board of trustees duly entered upon its minutes whereon shall be recorded by ayes and noes the vote of each trustee, a certified copy of such minutes being filed with the supervisor;

(b) Make or issue any certificate of deposit payable either on demand or at a fixed day.

**32.08.160 Writing of fire insurance restricted.** When a savings bank is itself acting as an insurance agent, a trustee, officer, or employee of the bank shall not act as an insurance agent to write fire insurance on property in which the bank has an insurable interest, and no part of a room used by a savings bank in the transaction of its business shall be occupied or used by any person other than the bank in the writing of fire insurance.

## Chapter 32.12

### DEPOSITS—EARNINGS—DIVIDENDS

**32.12.010 Limitation of deposits.** When the aggregate amount of deposits and dividends to the credit of any depositor, including in such aggregate all deposits and dividends credited to the depositor as trustee or beneficiary of any voluntary and revocable trust and all deposits and dividends credited to the depositor and another, or others, in either joint or several form, is ten thousand dollars or more, such aggregate shall not be increased by the receipt from the depositor of any further deposit but may be increased by the crediting of dividends or by the consolidation of savings banks having common depositors. Additional accounts may, however, be maintained in the name of a parent as trustee for a dependent or minor child, or in the name of a child as trustee for a dependent parent, but not more than one thousand dollars shall be deposited to any such additional account during any six months period; and additional accounts may be maintained by a person, society, or corporation as administrator, executor, guardian, or trustee under a will: *Provided*, That notwithstanding anything contained in this section, mutual savings banks may accept deposits to the fullest extent that such deposits are insured by the United States government, or any agency thereof, including the Federal Deposit Insurance Corporation.

Every such bank may further limit the aggregate amount which an individual or any corporation or society may have to his or its credit to such sum as such bank may deem expedient to receive;



and may in its discretion refuse to receive a deposit, or may at any time return all or any part of any deposits or require the withdrawal of any dividend.

**32.12.020 Repayment of deposits and dividends.** The sums deposited with any savings bank, together with any dividends credited thereto, shall be repaid to the depositors thereof respectively, or to their legal representatives, after demand in such manner, and at such times, and under such regulations, as the board of trustees shall prescribe, subject to the provisions of this section and RCW 32.12.030. Such regulations shall be posted in a conspicuous place in the room where the business of such savings bank shall be transacted, and shall be available to depositors upon request. All such rules and regulations, and all amendments thereto, from time to time in effect, shall be binding upon all depositors.

(1) Such bank may at any time by a resolution of its board of trustees require a notice of not more than six months before repaying deposits, in which event no deposit shall be due or payable until the required notice of intention to withdraw the same shall have been personally given by the depositor: *Provided*, That such bank at its option may pay any deposit or deposits before the expiration of such notice. But no bank shall agree with its depositors or any of them in advance to waive the requirement of notice as herein provided.

(2) Except as provided in subdivision (3) of this section the savings bank shall not pay any dividend, or deposit, or portion thereof, or any check drawn upon it by a depositor unless the passbook of the depositor is produced, and the proper entry is made therein at the time of the payment.

(3) The board of trustees of any such bank may by its bylaws provide for making payments in cases of loss of passbook, or other exceptional cases where the passbooks cannot be produced without loss or serious inconvenience to depositors, the right to make such payments to cease when so directed by the supervisor upon his being satisfied that such right is being improperly exercised by any such bank; but payments may be made at any time upon the judgment or order of a court.

(4) If any person dies leaving in any such bank an account on which the balance due him does not exceed five hundred dollars and no executor or administrator of his estate has been appointed, such bank may in its discretion pay the balance of his account to his widow (or if the decedent was a married woman, then to her husband), next of kin, funeral director, or other creditor who may appear to be entitled thereto. As a condition of such payment such bank may require proof by affidavit as to the parties in interest, the filing of proper waivers, the execution of a bond of indemnity with

surety or sureties by the person to whom the payment is to be made, and a proper receipt and acquittance for such payment. For any such payment pursuant to this section such bank shall not be liable to the decedent's executor or administrator thereafter appointed, unless the payment was made within six months after the decedent's death, and an action to recover the amount is commenced within six months after the date of payment.

**32.12.030 Deposits of minors, in trust, of joint tenants. (1)**

When any deposit shall be made by or in the name of any minor, the same shall be held for the exclusive right and benefit of such minor, and free from the control or lien of all other persons, except creditors, and shall be paid, together with dividends thereon, to the person in whose name the deposit shall have been made, and his receipt or acquittance shall be a valid discharge.

(2) When any deposit shall be made by any person in trust for another, and no other or further notice of the existence and terms of a legal and valid trust shall have been given in writing to such savings bank, in the event of the death of the trustee, the deposit or any part thereof, together with the dividends thereon, may be paid to the person for whom the deposit was made.

(3) After any deposit shall be made by any person in the names of such depositor and another person and in form to be paid to either or the survivor of them, such deposit and any additions thereto made by either of such persons after the making thereof, shall become the property of such persons as joint tenants, and the same, together with all dividends thereon, shall be held for the exclusive use of such persons and may be paid to either during the lifetime of both or to the survivor after the death of one of them, and such payment and the receipt or acquittance of the one to whom such payment is made shall be a valid and sufficient release and discharge to such savings bank for all payments made on account of such deposit prior to the receipt by such savings bank of notice in writing not to pay such deposit in accordance with the terms thereof. The making of the deposit in such form shall, in the absence of fraud or undue influence, be conclusive evidence, in any action or proceeding to which either such savings bank or the surviving depositor is a party, of the intention of both depositors to vest title to such deposit and the additions thereto in such survivor.

**32.12.040 Reserved.**

**32.12.050 Accounting—Entry of assets, real estate, securities, etc. (1)** No savings bank shall by any system of accounting, or any device of bookkeeping, directly or indirectly, enter any of its assets upon its books in the name of any other individual, partner-

ship, unincorporated association, or corporation, or under any title or designation that is not in accordance with the actual facts.

(2) The bonds, notes, mortgages, or other interest bearing obligations purchased or acquired by a savings bank, shall not be entered on its books at more than the actual cost thereof, and shall not thereafter be carried upon its books for a longer period than until the next declaration of dividends, or in any event for more than one year, at a valuation exceeding their present cost as determined by amortization, that is, by deducting from the cost of any such security purchased for a sum in excess of the amount payable thereon at maturity and charging to "profit and loss" a sufficient sum to bring it to par at maturity, or adding to the cost of any such security purchased at less than the amount payable thereon at maturity and crediting to "profit and loss" a sufficient sum to bring it to par at maturity.

(3) No such bank shall enter, or at any time carry on its books, the real estate and the building or buildings thereon used by it as its place of business at a valuation exceeding their actual cost to the bank.

(4) Every such bank shall conform its methods of keeping its books and records to such orders in respect thereof as shall have been made and promulgated by the supervisor. Any officer, agent, or employee of any savings bank who refuses or neglects to obey any such order shall be punished as hereinafter provided.

(5) Real estate acquired by a savings bank, other than that acquired for use as a place of business, may be entered on the books of the bank at the actual cost thereof but shall not be carried beyond the current dividend period at an amount in excess of the amount of the debt in protection of which such real estate was acquired, plus the cost of any improvements thereto.

An appraisal made by two or more persons appointed by the board of trustees, shall be made of every such parcel of real estate within six months from the date of conveyance and also within six months from date when any expenditure to improve such real estate is added to the book value. If the value at which such real estate is carried on the books is in excess of the value found on appraisal the book value shall, at the end of the dividend period during which such appraisal was made, be reduced to an amount not in excess of such appraised value.

(6) No such bank shall enter or carry on its books any asset which has been disallowed by the supervisor or the trustees of such bank, or any debt owing to it which has remained due without prosecution and upon which no interest has been paid for more than one year, or on which a judgment has been recovered which

has remained unsatisfied for more than two years, unless the supervisor upon application by such savings bank has fixed a valuation at which such debt may be carried as an asset, or unless such debt is secured by first mortgage upon real estate, in which latter case it may be carried at the actual cash value of such real estate as determined by written appraisal signed by two or more persons appointed by the board of trustees and filed with it.

**32.12.060 Bad debts—Uncollected judgments.** Any debt due a savings bank on which interest is one year or more past due and unpaid, unless such debt is well secured and in course of collection by legal process or probate proceedings, shall be considered a bad debt, and shall be charged off of the books of such bank. A judgment held by a savings bank shall not be considered an asset of the corporation after two years from the date of its rendition, unless with the written permission of the supervisor specifying an additional period: *Provided*, That time consumed by any appeal shall be excluded.

**32.12.070 Computation of earnings.** (1) Gross current operating earnings. Every savings bank shall close its books, for the purpose of computing its net earnings, at the end of any period for which a dividend is to be paid, and in no event less frequently than semiannually. To determine the amount of gross earnings of a savings bank during any dividend period the following items may be included:

(a) All earnings actually received during such period, less interest accrued and uncollected included in the last previous calculation of earnings;

(b) Interest accrued and uncollected upon debts owing to it secured by authorized collateral, upon which there has been no default for more than one year, and upon corporate bonds, or other interest bearing obligations owned by it upon which there is no default;

(c) The sums added to the cost of securities purchased for less than par as a result of amortization;

(d) Any profits actually received during such period from the sale of securities, real estate or other property owned by it;

(e) Such other items as the supervisor, in his discretion and upon his written consent, may permit to be included.

(2) Net current earnings. To determine the amount of its net earnings for each dividend period the following items shall be deducted from gross earnings:

(a) All expenses paid or incurred, both ordinary and extraordinary, in the transaction of its business, the collection of its debts and the management of its affairs, less expenses incurred and in-

terest accrued upon its debts deducted at the last previous calculation of net earnings for dividend purposes;

(b) Interest paid or accrued and unpaid upon debts owing by it;

(c) The amounts deducted through amortization from the cost of bonds or other interest bearing obligations purchased above par in order to bring them to par at maturity.

The balance thus obtained shall constitute the net earnings of the savings bank for such period.

This section amended by sec. 3, chap. 80, Laws of 1955.

**32.12.080 Misleading advertisement of surplus or guaranty fund.**

No savings bank shall put forth any sign or notice or publish or circulate any advertisement or advertising literature upon which or in which it is stated that such savings bank has a surplus or guaranty fund other than as determined in the manner prescribed by law.

**32.12.090 Dividends—Rate—Declaration of — Extra — Notice of changed rate.** (1) Every savings bank shall regulate the rate of dividends not to exceed six percent per annum upon the amounts to the credit of depositors therewith, in such manner that depositors shall receive as nearly as may be all the earnings of the bank after transferring the amount required by RCW 32.08.120 and such further amounts as its trustees may deem it expedient and for the security of the depositors to transfer to the guaranty fund, which to the amount of ten percent of the amount due its depositors the trustees shall gradually accumulate and hold. Such trustees may also deduct from its net earnings, and carry as reserves for losses, or other contingencies, or as undivided profits, such additional sums as they may deem wise.

(2) Every savings bank may classify its depositors according to the character, amount or duration of their dealings with the savings bank, and may regulate the dividends in such manner that each depositor shall receive the same ratable portion of dividends as all others of his class.

(3) Unimpaired contributions to the initial guaranty fund and to the expense fund, made by the incorporators or trustees of a savings bank, shall be entitled to have dividends apportioned thereon, which may be credited and paid to such incorporators or trustees. Whenever the guaranty fund of any savings bank is sufficiently large to permit the return of such contributions, the contributors may receive dividends thereon not theretofore credited or paid at the same rate paid to depositors.

(4) A savings bank shall not:

(a) Declare, credit or pay any dividend except as authorized by a vote of a majority of the board of trustees duly entered upon its minutes, whereon shall be recorded the ayes and noes upon each vote;

(b) Pay any dividend other than the regular quarterly or semi-annual dividend, or the extra dividend prescribed in subsection (5) of this section;

(c) Declare, credit or pay dividends on any amount to the credit of a depositor for a longer period than the same has been credited: *Provided*, That deposits made not later than the tenth business day of the month commencing any semiannual or quarterly dividend period, or the fifth business day of any month, or withdrawn upon one of the last three business days of the month ending any quarterly or semiannual dividend period, may have dividends declared upon them for the whole of the period or month when they were so deposited or withdrawn: *Provided further*, That, if the bylaws so provide, accounts closed between dividend periods may be credited with dividends at the rate of the last dividend, computing from the first dividend period to the date when closed.

(5) The trustees of any savings bank whose undivided profits and guaranty fund, determined in the manner prescribed in RCW 32.12.070, amount to more than twenty-five percent of the amount due its depositors, shall at least once in three years divide equitably the accumulation beyond such twenty-five percent as an extra dividend to depositors in excess of the regular dividend authorized.

A notice posted conspicuously in a savings bank of a change in the rate of dividends shall be equivalent to a personal notice.

## Chapter 32.16

### OFFICERS AND EMPLOYEES

**32.16.010 Board of trustees—Number—Qualifications.** (1) There shall be a board of trustees who shall have the entire management and control of the affairs of the savings bank. The persons named in the certificate of authorization shall be the first trustees. The board shall consist of not less than nine nor more than thirty members.

(2) A person shall not be a trustee of a savings bank, if he

(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 savings bank.

(3) Nor shall a person be a trustee of a savings bank solely by reason of his holding public office.

**32.16.020 Oath of trustees—Declaration of incumbency.** (1) Each trustee, whether named in the certificate of authorization or elected to fill a vacancy, shall, when such certificate of authorization has been issued, or when notified of such election, take an oath that he will, so far as it devolves on him, diligently and honestly administer the affairs of the savings bank, and will not knowingly violate, or willingly permit to be violated, any of the provisions of law applicable to such savings bank. Such oath shall be subscribed by the trustee making it and certified by the officer before whom it is taken, and shall be immediately transmitted to the supervisor and filed and preserved in his office.

(2) Prior to the first day of March in each year, every trustee of every savings bank shall subscribe a declaration to the effect that he is, at the date thereof, a trustee of the savings bank, and that he has not resigned, become ineligible, or in any other manner vacated his office as such trustee. Such declaration shall be acknowledged in like manner as a deed to be entitled to record and shall be transmitted to the supervisor and filed in his office prior to the tenth day of March in each year.

**32.16.030 Vacancies, when to be filled.** A vacancy in the board of trustees shall be filled by the board as soon as practicable, at a regular meeting thereof.

**32.16.040 Quorum—Meetings—Statement of securities dealings and loans.** (1) A quorum at any regular or special or adjourned meeting of the board of trustees shall consist of not less than five of whom the president shall be one, except when he is prevented from attending by sickness or other unavoidable detention, when he may be represented in forming a quorum by the first vice president, or in case of his absence for like cause, by the second vice president; but less than a quorum shall have power to adjourn from time to time until the next regular meeting.

Regular meetings of the board of trustees shall be held at least once a month.

(2) The board of trustees shall by resolution duly recorded in the minutes, designate an officer or officers whose duty it shall be to prepare and submit to each trustee at each regular meeting of the board, or to an executive committee of not less than five members of such board, a written statement of all the purchases and sales of securities, and of every loan, made since the last regular meeting of the board, describing the collateral to such indebtedness as of the date of meeting at which such statement is submitted; but such officer or officers may omit from such state-

ment loans of less than one thousand dollars, except as hereinafter provided. Such statement shall also contain a list giving the aggregate of loans to each individual partnership, unincorporated association, or corporation whose liability to the savings bank has been increased one thousand dollars or more since the last regular meeting of the board, together with a description of the collateral to such indebtedness held by the savings bank at the date of the meeting at which such statement is submitted. A copy of such statement, together with a list of the trustees present at such meeting, verified by the affidavit of the officer or officers charged with the duty of preparing and submitting such statement shall be filed with the records of the savings bank within one day after such meeting, and shall be presumptive evidence of the matters therein stated.

**32.16.050 Compensation of trustees.** (1) A trustee of a savings bank shall not directly or indirectly receive any pay or emolument for his attendance at meetings of the board, or for any other services as trustee, except as provided in this section.

(2) Trustees acting as officers of the savings bank, whose duties require and receive their regular and faithful attendance at the institution, and the trustees appointed as a committee to examine the vouchers and assets pursuant to RCW 32.16.100, to perform the duties required by RCW 32.16.040(2), or to render other special services as members of committees provided for in the bylaws, may receive such compensation as in the opinion of a majority of the board of trustees shall be just and reasonable; but such majority shall be exclusive of any trustee to whom such compensation is voted.

(3) An attorney for a savings bank, although he is a trustee thereof, may receive a reasonable compensation for his professional services, including examinations and certificates of title to real property on which mortgage loans are made by the savings bank; or if the bank requires the borrowers to pay all expenses of searches, examinations, and certificates of title, including the drawing, perfecting, and recording of papers, such attorney may collect of the borrower and retain for his own use the usual fees for such services, excepting any commissions as broker or on account of placing or accepting such mortgage loans.

(4) If an officer or attorney of a savings bank receives, on any loan made by the bank, any commission which he is not authorized by this section to retain for his own use, he shall immediately pay the same over to the savings bank.

**32.16.060 Change in number of trustees.** The board of trustees of every savings bank may, by resolution incorporated in its by-



laws, increase or reduce the number of trustees named in the original charter or certificate of authorization.

(1) The number may be increased to a number designated in the resolution not exceeding thirty: *Provided*, That reasons therefor are shown to the satisfaction of the supervisor and his written consent thereto is first obtained.

(2) The number may be reduced to a number designated in the resolution but not less than nine. The reduction shall be effected by omissions to fill vacancies occurring in the board.

**32.16.070 Restrictions on trustees.** (1) A trustee of a savings bank shall not

(a) Have any interest, direct or indirect, in the gains or profits of the savings bank, except to receive dividends (i) upon the amounts contributed by him to the guaranty fund and the expense fund of the savings bank as provided in RCW 32.08.090 and 32.08.100, and (ii) upon any deposit he may have in the bank, the same as any other depositor and under the same regulations and conditions.

(b) Become a member of the board of directors of a bank, trust company, or national banking association of which board enough other trustees of the savings bank are members to constitute with him a majority of the board of trustees.

(2) Neither a trustee nor an officer of a savings bank shall

(a) For himself or as agent or partner of another, directly or indirectly use any of the funds or deposits held by the savings bank, except to make such current and necessary payments as are authorized by the board of trustees.

(b) Receive directly or indirectly and retain for his own use any commission on or benefit from any loan made by the savings bank, or any pay or emolument for services rendered to any borrower from the savings bank in connection with such loan, except as authorized by RCW 32.16.050.

(c) Become an indorser, surety, or guarantor, or in any manner an obligor, for any loan made by the savings bank.

(d) For himself or as agent or partner of another, directly or indirectly borrow any of the funds or deposits held by the savings bank, or become the owner of real property upon which the savings bank holds a mortgage. A loan to or a purchase by a corporation in which he is a stockholder to the amount of fifteen percent of the total outstanding stock, or in which he and other trustees of the savings bank hold stock to the amount of twenty-five percent of the total outstanding stock, shall be deemed a loan to or a purchase by such trustee within the meaning of this section, except when the loan to or purchase by such corporation occurred without his knowledge or against his protest. A deposit in a bank shall not be deemed a loan within the meaning of this section.

**32.16.080 Removal of trustees—Vacancies—Eligibility to reelection.** (1) Whenever, in the judgment of three-fourths of the trustees, the conduct and habits of a trustee of any savings bank are of such character as to be injurious to such bank, or he has been guilty of acts that are detrimental or hostile to the interests of the bank, he may be removed from office, at any regular meeting of the trustees, by the affirmative vote of three-fourths of the total number thereof: *Provided*, That a written copy of the charges made against him has been served upon him personally at least two weeks before such meeting, that the vote of such trustees by ayes and noes is entered in the record of the minutes of such meeting, and that such removal receives the written approval of the supervisor which shall be attached to the minutes of such meeting and form a part of the record.

(2) The office of a trustee of a savings bank shall immediately become vacant whenever he

(a) Fails to comply with any of the provisions of RCW 32.16.020 relating to his official oath and declaration;

(b) Becomes disqualified for any of the reasons specified in RCW 32.16.010(2);

(c) Has failed to attend the regular meetings of the board of trustees, or to perform any of his duties as trustee, for a period of six successive months, unless excused by the board for such failure;

(d) Violates any of the provisions of RCW 32.16.070 imposing restrictions upon trustees and officers, except subsection (2) (c) thereof.

(3) A trustee who has forfeited or vacated his office shall not be eligible to reelection, except when the forfeiture or vacancy occurred solely by reason of his

(a) Failure to comply with the provisions of RCW 32.16.020, relating to his official oath and declaration; or

(b) Neglect of his official duties as prescribed in subsection (2) (c) of this section; or

(c) Disqualification through becoming a nonresident, or becoming a trustee, officer, clerk or other employee of another savings bank, or becoming a director of a bank, trust company, or national banking association under the circumstances specified in RCW 32.16.070(1) (b) and such disqualification has been removed.

**32.16.090 Removal of trustee, officer or employee on objection of supervisor.** Whenever the supervisor finds that any trustee, officer, or employee of any savings bank is dishonest, reckless, or incompetent, or fails to perform any duty of his office, he shall notify the board of trustees of such savings bank, in writing, of his objections to any such trustee, officer or employee, and such

board shall within twenty days after receiving such notification meet and consider such objections, first giving notice to the supervisor of the time and place of such meeting. If the board finds the objections to be well-founded, such trustee, officer or employee shall be immediately removed.

**32.16.100 Examination by trustees' committee—Report.** The trustees of every savings bank, by a committee of not less than three of their number, on or before the first days of January and July in each year, shall fully examine the records and affairs of such savings bank for the purpose of determining its financial condition. The trustees may employ such assistants as they deem necessary in making the examination. A report of each such examination shall be presented to the board of trustees at a regular meeting within thirty days after the completion of the same, and shall be filed in the records of the savings bank.

**32.16.110 Officers.** The board of trustees shall elect from their number, or otherwise, a president and two vice presidents and such other officers as they may deem fit.

**32.16.120 Fidelity bonds.** The trustees of every savings bank shall have power to require from the officers, clerks, and agents thereof such security for their fidelity and the faithful performance of their duties as the trustees deem necessary. Such security may be accepted from any company authorized to furnish fidelity bonds and doing business under the laws of this state, and the premiums therefor may be paid as a necessary expense of the savings bank.

## Chapter 32.20

### INVESTMENTS

**32.20.010 Definitions.** The words "mutual savings bank" and "savings bank," whenever used in this chapter, shall mean a mutual savings bank organized and existing under the laws of the state of Washington.

The words "its funds," whenever used in this chapter, shall mean and include moneys deposited with a mutual savings bank, sums credited to the guaranty fund of a mutual savings bank, and the income derived from such deposits or fund, or both.

**32.20.020 Investments limited by chapter.** A mutual savings bank shall have the power to invest its funds in the manner hereinafter in this chapter specified and not otherwise.

**32.20.030 Bonds or obligations of United States and Canada.** A mutual savings bank may invest its funds in the bonds or obligations of the United States or the Dominion of Canada or those for

which the faith of the United States or the Dominion of Canada is pledged to provide for the payment of the interest and principal, including bonds of the District of Columbia: *Provided*, That in the case of bonds of the Dominion or those for which its faith is pledged the interest and principal is payable in the United States or with exchange to a city in the United States and in lawful money of the United States or its equivalent.

**32.20.040 Federally insured or secured loans, securities, etc.** A mutual savings bank may invest its funds:

(1) In such loans and advances of credit and purchases of obligations representing loans and advances of credit as are eligible for insurance by the Federal Housing Administrator, and may obtain such insurance.

(2) In such loans secured by mortgage on real property as the Federal Housing Administrator insures or makes a commitment to insure, and may obtain such insurance.

(3) In such other loans as are insured or guaranteed in whole or in part by the United States or through any corporation, administrator, agency or instrumentality which is or hereafter may be created by the United States, and may obtain such insurance or guarantee.

(4) In capital stock, notes, bonds, debentures, or other such obligations of any national mortgage association.

(5) In such loans as are secured by contracts of the United States or any agency or department thereof assigned under the "Assignment of Claims Act of 1940," approved October 9, 1940, and acts amendatory thereof or supplementary thereto, and may participate with others in such loans.

(6) In notes or bonds secured by mortgages issued under sections 500 to 505, inclusive, of Title III of the Servicemen's Readjustment Act of 1944 (Public Law 346, 78th congress), and any amendments thereto, and the regulations, orders or rulings promulgated thereunder.

No law of this state prescribing the nature, amount, or form of security or requiring security upon which loans or advances of credit may be made or prescribing or limiting interest rates upon loans or advances of credit, or prescribing or limiting the period for which loans or advances of credit may be made shall be deemed to apply to loans, advances of credit or purchases made pursuant to the foregoing subdivisions (1), (2), (3), (4), (5), and (6).

**32.20.050 Bonds of state of Washington and its agencies.** A mutual savings bank may invest its funds in the bonds or interest bearing obligations of this state, or any agency thereof, issued pursuant to the authority of any law of this state, whether such bonds or interest bearing obligations are general or limited obligations of the state or such agency.

**32.20.060 Bonds of other states.** A mutual savings bank may invest its funds in the bonds or obligations of any other state of the United States upon which there is no default.

**32.20.070 Bonds and warrants of counties, municipalities, etc., of Washington.** A mutual savings bank may invest its funds in the valid warrants or bonds of any county, city, town, school district, port district, water district, or other municipal corporation in the state of Washington issued pursuant to law and for the payment of which the faith and credit of such county, municipality, or district is pledged and taxes are leviable upon all taxable property within its limits.

A mutual savings bank may invest its funds in the water revenue, sewer revenue, or electric revenue bonds of any city or public utility district of this state for the payment of which the entire revenue of the city's or district's water system, sewer system, or electric system, less maintenance and operating costs, is irrevocably pledged.

**32.20.080 Municipal bonds in adjoining state.** A mutual savings bank may invest its funds in the valid bonds of any incorporated city having a population in excess of three thousand inhabitants as shown by the last decennial federal census or of any county or school district situated in one of the states of the United States which adjoins the state of Washington: *Provided*, That the indebtedness of such city or school district, together with the indebtedness of any other district or other municipal corporation or subdivision (except a county) which is wholly or in part included within the boundaries or limits of the city or school district, less its water debt and sinking fund, does not exceed twelve percent, or the indebtedness of the county less its sinking fund does not exceed seven percent, of the valuation thereof for the purposes of taxation.

**32.20.090 Municipal bonds in any state.** A mutual savings bank may invest its funds in the bonds of any county, incorporated city, or the school district of any such city, situated in the United States: *Provided*, That such county, city, or school district has a population as shown by the federal census next preceding the investment, of not less than forty-five thousand inhabitants, and has power to levy taxes on the taxable real property therein for the payment of such obligations without limitation of rate or amount, and at the time of the investment the indebtedness of such county does not exceed seven percent of the valuation of such county for the purposes of taxation, or the indebtedness of such city or school district, together with the indebtedness of any district (other than local improvement district) or other municipal cor-

poration or subdivision, except a county, which is wholly or in part included within the bounds or limits of said city or school district, less its water debt and sinking fund, does not exceed twelve percent of the valuation of such city or school district for purposes of taxation: *Or provided*, That such county, city, or school district has a population as shown by the last decennial federal census of not less than one hundred fifty thousand inhabitants, and has taxable real property with an assessed valuation in excess of two hundred million dollars, and has power to levy taxes on the taxable real property therein for the payment of such obligations without limitation of rate or amount.

**32.20.100 Revenue bonds of certain cities in any state.** A mutual savings bank may invest its funds in the water revenue or electric revenue bonds of any incorporated city situated in the United States: *Provided*, That the city has a population as shown by the last decennial federal census of at least forty-five thousand inhabitants, and the entire revenue of the city's water or electric system less maintenance and operating costs is irrevocably pledged to the payment of the interest and principal of the bonds.

**32.20.110 District bonds secured by taxing power.** A mutual savings bank may invest its funds in the bonds of any port district, water district, sanitary district, sewer district, tunnel district, bridge district, flood control district, park district, or highway district in the United States which has a population as shown by the last decennial federal census of not less than one hundred fifty thousand inhabitants, and has taxable real property with an assessed valuation in excess of two hundred million dollars and has power to levy taxes on the taxable real property therein for the payment of the bonds without limitation of rate or amount.

**32.20.120 Local improvement district bonds.** A mutual savings bank may invest not to exceed fifteen percent of its funds in the bonds or warrants of any local improvement district of any city or town of this state (except bonds or warrants issued for an improvement consisting of grading only), unless the total indebtedness of the district after the completion of the improvement for which the bonds or warrants are issued, plus the amount of all other assessments of a local or special nature against the land assessed or liable to be assessed to pay the bonds, exceed fifty percent of the value of the benefited property, exclusive of improvements, at the time the bonds or warrants are purchased or taken by the bank, according to the actual valuation last placed upon the property for general taxation.

Before any such bonds or warrants are purchased or taken as security the condition of the district's affairs shall be ascertained

and the property of the district examined by at least two members of the board of investment who shall report in writing their findings and recommendations; and no bonds or warrants shall be taken unless such report is favorable, nor unless the executive committee of the board of trustees after careful investigation is satisfied of the validity of the bonds or warrants and of the validity and sufficiency of the assessment or other means provided for payment thereof: *Provided*, That, excepting bonds issued by local improvement districts in cities of the first or second class, for improvements ordered after June 7, 1927, no local improvement district bonds falling within the twenty-five percent in amount of any issue last callable for payment, shall be acquired or taken as security.

**32.20.130 Bonds of irrigation, diking, drainage districts.** A mutual savings bank may invest not to exceed five percent of its funds in the bonds of any irrigation, diking, drainage, diking improvement, or drainage improvement district of this state, unless the total indebtedness of the district after the completion of the improvement for which the bonds are issued, plus the amount of all other assessments of a local or special nature against the land assessed or liable to be assessed to pay the bonds, exceeds forty percent of the value of the benefited property, exclusive of improvements, at the time the bonds are purchased or taken by the bank, according to the actual valuation last placed upon the property for general taxation.

Before any such bonds are purchased or taken as security the condition of the district's affairs shall be ascertained and the property of the district examined by at least two members of the board of investment of the mutual savings bank, who shall report in writing their findings and recommendations; and no bonds shall be taken unless such report is favorable, nor unless the executive committee of the board of trustees after careful investigation is satisfied of the validity of the bonds and of the sufficiency of the assessment or other means provided for payment thereof: *Provided*, That no mutual savings bank shall invest a sum greater than three percent of its funds, or, in any event, more than three hundred thousand dollars, in the bonds of any one district described in this section.

**32.20.140 Railroad obligations.** A mutual savings bank may invest its funds in the obligations of a railroad corporation, other than a street railroad corporation, which comply with the following requirements:

(1) For a period of six years prior to the investment the railroad corporation shall have paid punctually the matured principal and interest of its bond indebtedness and shall either (a) own and op-

erate not less than five hundred miles of standard gauge railroad, exclusive of sidings, in the United States or the Dominion of Canada, or (b) have had operating revenues of at least ten million dollars each year for at least five of the six fiscal years next preceding the investment, and

(2) In each of the six fiscal years next preceding the investment the railroad corporation shall either (a) have had earnings, after deducting rent for hire of equipment and joint facilities from total income, of not less than the remaining deductions from total income as defined in the accounting regulations of the interstate commerce commission, and in the fiscal year next preceding the investment have had earnings, after deducting rent for hire of equipment and joint facilities from total income, of not less than one and one-half times the remaining deductions from total income as defined in such accounting regulations, and which obligations shall be either (i) fixed interest bearing bonds secured by a mortgage on railroad property operated by the railroad corporation, or (ii) bonds secured by a first mortgage upon terminal, depot, bridge, or tunnel property, including lands, buildings, and appurtenances used in the service of transportation by a railroad corporation, or (iii) collateral trust bonds secured by irrevocable pledge of other railroad bonds, which pledged bonds are legal investments for mutual savings banks under this chapter, and which pledged bonds have a par value not less than the par value of the bonds they secure, or (b) in at least five of the six fiscal years next preceding the investment have had earnings, after deducting rent for hire of equipment and joint facilities from total income, of not less than twice the remaining deductions from total income as defined by the accounting regulations of the interstate commerce commission.

Not more than fifteen percent of the funds of any savings bank shall be invested in the bonds, notes, and certificates defined herein and in RCW 32.20.150, and not more than three percent of its funds shall be invested in the bonds, notes, and certificates of any one such railroad corporation.

**32.20.150 Railway mortgage bonds.** A mutual savings bank may invest its funds in the mortgage bonds of any class one railroad, as defined by the interstate commerce commission, meeting the following requirements:

(1) Such railroad shall have carried fifty net revenue ton miles per year each year for the five years next preceding the proposed investment for each dollar of mortgage bonds of the funded debt of the railroad prior or equal in lien to such bonds, and

(2) Such railroad shall have had a traffic density of at least one million net revenue ton miles per mile of line mortgaged to secure



such bonds each and every year for a period of at least five years prior to the investment by the bank in such bonds, and

(3) The trust indentures of such bonds and of any bonds prior in lien to such bonds secured by mortgages on said railroad and portions thereof shall prohibit the issuance of any additional bonds equal or prior in lien to such bonds except for the purpose of retiring existing prior lien bonds.

**32.20.160 Railroad equipment obligations or equipment trust certificates.** A mutual savings bank may invest not to exceed fifteen per cent of its funds in railroad equipment obligations or equipment trust certificates which comply with the following requirements:

(1) They must be the whole or part of an issue originally made payable within not more than fifteen years in annual or semi-annual installments substantially equal in amount, beginning not later than one year after the date of the issue;

(2) They must be secured by or be evidence of a prior or preferred lien upon or interest in, or of reservation of title to, the equipment in respect of which they have been issued or sold, or by an assignment of or prior interest in the rent or purchase notes given for the hiring or purchase of such equipment;

(3) The total amount of principal of such issue of equipment obligations or trust certificates shall not exceed eighty-five per cent of the cost or purchase price of the equipment in respect of which they were issued.

**32.20.170 Utility bonds.** A mutual savings bank may invest its funds in the bonds of any corporation which at the time of the investment is incorporated under the laws of the United States or any state thereof, or the District of Columbia, and is transacting the business of supplying electrical energy, or artificial gas or natural gas purchased and supplied in substitution for, or in mixture with, artificial gas, for light, heat, power, and other purposes, or of supplying water for municipal, industrial, and domestic use, or is transacting any or all of such business: *Provided*, That at least seventy-five per cent of the gross operating revenues of the corporation are derived from such business, and not more than fifteen per cent of the gross operating revenues are derived from any one kind of business other than supplying electricity or gas or electricity and gas or water: *Provided further*, That the corporation is subject to regulation by a public service commission or public utility commission, or other similar regulatory body duly established by the laws of the United States or the states in which the corporation operates, subject to the following conditions:

(1) The corporation shall make public in each year a statement and a report giving the income account covering the previous fiscal

year and a balance sheet showing in reasonable detail the assets and liabilities at the end of the year;

(2) The outstanding fully paid capital stock of the corporation shall be equal to at least two-thirds of the total debt secured by mortgage lien on any part or all of its property: *Provided*, That in the case of a corporation having nonpar value shares, the amount of capital which the shares represent shall be the capital as shown by the books of the corporation;

(3) The corporation shall have been in existence for a period of not less than eight fiscal years and at no time within the period of eight fiscal years next preceding the date of the investment shall the corporation have failed to pay promptly and regularly the matured principal and interest of all its indebtedness direct, assumed, or guaranteed, but the period of life of the corporation, together with the period of life of any predecessor corporation or corporations from which a major portion of its property was acquired by consolidation, merger, or purchase shall be considered together in determining the required period;

(4) For a period of five fiscal years next preceding the investment the net earnings of the corporation shall have averaged per year not less than twice the average annual interest charges on its total funded debt applicable to that period, and for the last fiscal year preceding such investment such net earnings shall have been not less than twice the interest charges for a full year on its total funded debt outstanding at the time of such investment, and for such period the gross operating revenues of the corporation shall have averaged per year not less than one million dollars;

(5) In determining the qualifications of any bond under this section where a corporation has acquired its property or any substantial part thereof within five years immediately preceding the date of the investment by consolidation or merger, or by the purchase of all or a substantial portion of the property of any other corporation or corporations, the gross operating revenues, net earnings, and interest charges of the several predecessor or constituent corporations shall be consolidated and adjusted so as to ascertain whether the requirements of subdivision (4) of this section have been complied with;

(6) The gross operating revenues and expenses of a corporation for the purposes of this section shall be, respectively, the total amount earned from the operation of, and the total expense of maintaining and operating, all property owned and operated by or leased and operated by the corporation, as determined by the system of accounts prescribed by the public service commission, or public utility commission or other similar regulatory body having jurisdiction. The gross operating revenues and expenses, as

defined above, of subsidiary companies may be included: *Provided*, That all the mortgage bonds and a controlling interest in the stock or stocks of the subsidiary companies are pledged as part security for the mortgage debt of the principal company;

The net earnings of any corporation for the purpose of this section shall be the balance obtained by deducting from its gross operating revenues, its operating and maintenance expenses, taxes other than federal and state income taxes, rentals, and provisions for renewals and retirements of the physical assets of the corporation, and by adding to said balance its income from securities and miscellaneous sources but not, however, to exceed fifteen percent of said balance;

(7) The bonds must be part of an issue of not less than one million dollars and must be mortgage bonds secured by a first or refunding mortgage secured by property owned and operated by the corporation issuing or assuming them, or must be underlying mortgage bonds secured by property owned and operated by the corporations issuing or assuming them: *Provided*, That such bonds are to be refunded by a junior mortgage providing for their retirement: *Provided further*, That the bonds under the junior mortgage comply with the requirements of this section, and that the underlying mortgage is either a closed mortgage or remains open solely for the issue of additional bonds which are to be pledged under the junior mortgage. The aggregate principal amount of bonds secured by the first or refunding mortgage plus the principal amount of all the underlying outstanding bonds shall not exceed sixty percent of the value of the physical property owned as shown by the books of the corporation and subject to the lien of the mortgage or mortgages securing the total mortgage debt: *Provided*, That if a refunding mortgage, it must provide for the retirement on or before the date of their maturity of all bonds secured by prior liens on the property.

Not more than fifteen percent of the funds of any mutual savings bank shall be invested in the bonds defined herein and in RCW 32.20.180 and not more than three percent of its funds shall be invested in the bonds of any one such corporation.

This section amended by sec. 4, chap. 80, Laws of 1955.

**32.20.180 Telephone company bonds.** A mutual savings bank may invest its funds in the bonds of any corporation which at the time of the investment is incorporated under the laws of the United States or any state thereof, or the District of Columbia, and is authorized to engage, and is engaging, in the business of furnishing telephone service in the United States: *Provided*, That the corporation is subject to regulation by the federal communications commission or a public service commission, or public utility commission, or other similar federal or state regulatory body, duly

established by the laws of the United States or the states in which such corporation operates, subject to the following conditions:

(1) The corporation shall have been in existence for a period of not less than eight fiscal years and at no time within the period of eight fiscal years next preceding the date of the investment shall the corporation have failed to pay promptly and regularly the matured principal and interest of all its indebtedness direct, assumed, or guaranteed, but the period of life of the corporation together with the period of life of any predecessor corporation or corporations from which a major portion of its property was acquired by consolidation, merger or purchase shall be considered together in determining the required period; and the corporation shall make public in each year a statement and a report giving the income account covering the previous fiscal year and a balance sheet showing in reasonable detail the assets and liabilities at the end of the year;

(2) The outstanding fully paid capital stock of the corporation shall at the time of the investment be equal to at least two-thirds of the total debt secured by all mortgage liens on any part or all of its property;

(3) For a period of five fiscal years next preceding the investment the net earnings of the corporation shall have averaged per year not less than twice the average annual interest charges on its total funded debt applicable to that period, and for the last fiscal year preceding such investment such net earnings shall have been not less than twice the interest charges for a full year on its total funded debt outstanding at the time of such investment, and for such period the gross operating revenues of the corporation shall have averaged per year not less than one million dollars;

(4) The bonds must be part of an issue of not less than one million dollars and must be secured by a first or refunding mortgage, and the aggregate principal amount of bonds secured thereby, plus the principal amount of all underlying outstanding bonds shall not exceed sixty percent of the value of the property real and personal owned absolutely and subject to the lien of the mortgage: *Provided*, That if a refunding mortgage, it must provide for the retirement of all bonds secured by prior liens on the property. Not more than thirty-three and one-third percent of the property required as security for the bonds in order to comply with the provisions of this subdivision may consist of stock or unsecured obligations of affiliated or other telephone companies, or both;

(5) In determining the qualifications of any bond under this section where a corporation has acquired its property or any substantial part thereof within five years immediately preceding the date of the investment by consolidation or merger or by the pur-

chase of all or a substantial portion of the property of any other corporation or corporations, the gross operating revenues, net earnings, and interest charges of the several predecessor or constituent corporations shall be consolidated and adjusted so as to ascertain whether the requirements of subdivision (3) of this section have been complied with;

(6) The gross operating revenues and expenses of a corporation for the purpose of this section shall be respectively the total amount earned from the operation of, and the total expense of maintaining and operating, all property owned and operated by or leased and operated by the corporation, as determined by the system of accounts prescribed by the federal communications commission or the public service commission, or public utility commission, or other similar federal or state regulatory body having jurisdiction;

(7) The net earnings of any corporation for the purpose of this section shall be the balance obtained by deducting from its gross operating revenues, its operating and maintenance expenses, provision for depreciation of the physical assets of the corporation, taxes other than federal and state income taxes, rentals, and miscellaneous charges, and by adding to the balance its income from securities and miscellaneous sources but not, however, to exceed fifteen percent of the balance. The term funded debt shall be construed to mean all interest bearing debt maturing more than one year from date of issue.

**32.20.190 Telephone and electric company bonds, notes, etc.** A mutual savings bank may invest not to exceed five percent of its funds in the bonds, notes, or debentures of corporations engaged in the business of furnishing telephone service or electrical energy, meeting the following requirements, even though less than seventy-five percent of the gross revenues are derived from the operation of such property:

(1) Such corporation shall be subject to regulation by the interstate commerce commission, or by the federal communications commission or by a similar regulatory body of the United States, or by the public service commission or similar regulatory body of the states in which it operates;

(2) The official reports issued by the corporation for a period of ten fiscal years next preceding the investment in any such bonds, notes, or debentures shall show annual gross revenues of not less than fifty million dollars during any year;

(3) Such corporation shall have paid regularly and promptly each and every year for ten years next preceding the investment, the matured interest and matured principal of all its indebtedness, direct, guaranteed, or assumed;

(4) The net earnings of the corporation available for fixed charges for the ten year period next preceding such investment shall have been not less than three times such fixed charges during any year;

(5) Such bonds, notes, or debentures shall be part of an original issue of at least five million dollars; and

(6) Not more than two percent of the funds of any mutual savings bank shall be invested in such bonds, notes, or debentures of any one such corporation.

**32.20.200 Obligations of industrial corporations.** A mutual savings bank may invest not to exceed fifteen percent of its funds in such interest bearing obligations of industrial corporations incorporated under the laws of the United States, or any state thereof, or the District of Columbia, as are legal for investment by savings banks in the state of New York.

*This Section repealed by Sec. 7, Chap. 80, Laws of 1955.*

**32.20.210 Obligations of International Bank for Reconstruction and Development.** A mutual savings bank may invest not to exceed five percent of its funds in interest bearing obligations of the International Bank for Reconstruction and Development.

**32.20.220 Bankers' acceptances and bills of exchange.** A mutual savings bank may invest not to exceed twenty percent of its funds in bankers' acceptances and bills of exchange of the kind and character following:

(1) Bankers' acceptances, and bills of exchange made eligible by law for rediscount with federal reserve banks, provided the same are accepted by a bank or trust company which is a member of the federal reserve system and which has a capital and surplus of not less than two million dollars.

(2) Bills of exchange drawn by the seller on the purchaser of goods and accepted by such purchaser, of the kind made eligible by law for rediscount with federal reserve banks, provided the same are indorsed by a bank or trust company which is a member of the federal reserve system and which has a capital and surplus of not less than two million dollars.

The aggregate amount of the liability of any bank or trust company to any mutual savings bank, whether as principal or indorser, for acceptances held by such savings bank and deposits made with it, shall not exceed twenty-five percent of the paid up capital and surplus of such bank or trust company, and not more than five percent of the funds of any mutual savings bank shall be invested in the acceptances of or deposited with a bank or trust company of which a trustee of such mutual savings bank is a director.

**32.20.230 Notes secured by collateral securities or real estate mortgages.** A mutual savings bank may invest its funds in prom-

issory notes payable to the order of the savings bank, secured by the pledge or assignment of any bonds, warrants, or interest bearing obligations lawfully purchasable by a savings bank, or secured by pledge or assignment of one or more real estate mortgages of the class described in RCW 32.20.250 and 32.20.270, but no such loan shall exceed ninety percent of the cash market value of such securities so pledged. Should any of the securities so held in pledge depreciate in value after the making of such loan, the savings bank shall require an immediate payment of such loan, or of a part thereof, or additional security therefor, so that the amount loaned thereon shall at no time exceed ninety percent of the market value of the securities so pledged for such loan.

**32.20.240 Notes secured by pledge of passbook.** A mutual savings bank may invest its funds in promissory notes made payable to the order of the savings bank, secured by the pledge and assignment of the passbook of the mutual savings bank as collateral security for the payment thereof. No such loan shall exceed the balance due the holder of such passbook as shown therein.

**32.20.250 Real estate mortgages.** A mutual savings bank may invest not to exceed seventy percent of its funds in loans secured by first mortgages on real estate subject to the following restrictions:

In all cases of loans upon real property, a note secured by a mortgage on the real estate upon which the loan is made shall be taken by the savings bank from the borrower;

The savings bank shall also be furnished by the borrower, either

(1) A complete abstract of title of the mortgaged property, which abstract shall be signed by the person or corporation furnishing the abstract of title, and which abstract shall be examined by a competent attorney and shall be accompanied by his opinion approving the title and showing that the mortgage is a first lien; or

(2) A policy of title insurance; or

(3) A duplicate certificate of ownership issued by a registrar of titles.

The real estate subject to such first mortgage must be improved to such extent that the net annual income thereof or reasonable annual rental value thereof in the condition existing at the time of making the loan is sufficient to pay the annual interest accruing on such loan in addition to taxes and insurance and all accruing charges and expenses.

No loan on real estate shall be for an amount greater than sixty percent of the value of such real estate, including improvements, except that in the case of property improved with a single family occupancy detached dwelling not more than fifteen years old, such loan may be for an amount not greater than two-thirds of the value of such real estate, including improvements, or if such

dwelling is not more than two years old and is occupied by the owner, such loan may be for an amount not greater than eighty percent of the first ten thousand dollars of value and fifty percent of the remainder of the value of such real estate, including improvements; and in the event such savings bank obtains, as additional collateral, an assignment of a policy or policies of life insurance issued by a company authorized to do business in this state, such loan may exceed the limits herein specified, but such excess shall not be more than eighty percent of the cash surrender value of such assigned life insurance.

No mortgage loan shall be made in excess of fifty percent of the value of the security unless its terms require the payment of principal and interest in annual, semiannual, quarterly or monthly payments, at a rate which if continued would repay the loan in full in not more than twenty years, beginning within one year and continuing until the loan is reduced to fifty percent or less of the value of the security.

The mortgage shall contain provisions requiring the mortgagor to maintain insurance on the buildings on the mortgaged premises to such reasonable amount as shall be stipulated in the mortgage, the policy to be deposited with the savings bank and to be payable to it in event of loss: *Provided*, That the savings bank may, at its option, forego insurance in either of the following cases:

- (1) A loan upon agricultural land, or
- (2) A loan upon a feehold interest in urban property subject to an outstanding lease.

A loan may be made on real estate which is to be improved by a building or buildings to be constructed with the proceeds of such loan, if it is arranged that such proceeds will be used for that purpose and that when so used the property will be improved to the extent required by this section.

No mortgage loan, or renewal or extension thereof for a period of more than one year, shall be made except upon written application showing the date, name of the applicant, the amount of loan requested, and the security offered, nor except upon the written report of at least two members of the board of investment of the bank certifying on such application according to their best judgment the value of the property to be mortgaged; and the application and written report thereon shall be filed and preserved with the savings bank records.

Every mortgage and assignment of a mortgage taken or held by a savings bank shall be taken and held in its own name, and shall immediately be recorded in the office of the county auditor of the county in which the mortgaged property is located.



A mortgage on real estate shall be deemed a first mortgage and lien within the meaning of this section even though

(1) There is outstanding upon the real estate a lease to which the mortgage is subject, and two members of the board of investment of the bank deem the lease advantageous to the owner of the mortgaged property, and the mortgagee in case of foreclosure of the mortgage can compel the application upon the mortgage debt of substantially all the rents thereafter to accrue; and/or

(2) There are outstanding nondelinquent taxes or special assessments or both, and the sum of the assessments and the amount of the loan does not exceed the limits herein specified.

This Section amended by Sec. 5, Chap. 80, Laws of 1955.

**32.20.260 Real estate contracts.** Limits of total investment in contracts and certain mortgages. A mutual savings bank may invest not to exceed fifteen percent of its funds in contracts for the sale of real estate subject to the following restrictions:

(1) That it acquire the title in fee to the property covered by such contract;

(2) That the property subject to the contract is such as would be eligible, and that the balance owing thereon is no greater and is payable within the times prescribed under RCW 32.20.250 for a mortgage loan secured by the property;

(3) That the purchaser shall not be in default in any of the terms of the contract.

The total amount which a mutual savings bank may invest in contracts for the sale of realty, mortgages upon real estate and participations therein, and mortgages upon leasehold estates shall not exceed seventy percent of its funds.

**32.20.270 First mortgages upon leaseholds.** A mutual savings bank may invest its funds in loans secured by first mortgages upon leasehold estates in improved real property, subject to the following restrictions:

In all cases of loans upon leasehold estates, a note secured by a mortgage upon the leasehold interest upon which the loan is made shall be taken by the savings bank from the borrower.

The savings bank shall also be furnished by the borrower, either

(1) A complete abstract of title of the mortgaged property, which abstract shall be signed by the person or corporation furnishing the abstract of title, and which abstract shall be examined by a competent attorney and shall be accompanied by his opinion approving the title and showing that the mortgage is a first lien upon the leasehold estate; or

(2) A policy of title insurance; or

(3) A duplicate certificate of ownership issued by a registrar of titles.

The leasehold estate subject to such mortgage must be an interest in real estate in a city which has a population in excess of one hundred thousand according to the latest decennial federal census.

The mortgage shall contain provisions requiring the mortgagor to maintain insurance on the buildings in such reasonable amount as shall be stipulated in the mortgage, the policy to be payable to the savings bank in case of loss.

No mortgage loan upon a leasehold, or any renewal or extension thereof for a period of more than six months, shall be made except on a written application showing the date, the name of the applicant, the amount of the loan requested, and the security offered, nor except upon the written report of at least two members of the board of investment of the bank certifying upon such application according to their best judgment the value of the leasehold interest to be mortgaged and recommending the loan; and the application and written report thereon shall be filed with the bank records.

Every leasehold mortgage and every assignment of a leasehold mortgage taken or held by a savings bank shall be taken and held in its own name and shall immediately be recorded in the office of the county auditor of the county in which the property under lease is situated.

No mutual savings bank shall loan upon a leasehold interest in real estate unless,

(1) The lease contains a provision requiring the feeholder or his successors in interest to notify, in writing, the holder of any mortgage on the leasehold estate of any default on the part of the lessee in the performance of the obligations of the lease within ten days after such default occurs and unless the lease also provides that in the event of default of the lessee in the performance of any of the covenants of the lease, no forfeiture of the lease shall take place until thirty days after the holder of the mortgage on the leasehold estate has been served by the feeholder or his successors in interest with written notice of the default and of intention to forfeit the lease, or

(2) In the event the lease does not contain the provisions above described, the savings bank, prior to such loan, has obtained an agreement from the owner of the feehold to notify the savings bank of any default on the part of the lessee in the performance of the obligations of the lease within ten days after such default occurs, and that in event of default of the lessee in performance of any of the covenants of the lease, no forfeiture of the lease shall take place until thirty days after the savings bank has been served by the feeholder or his successors in interest with written notice

of the default and of intention to forfeit the lease. Such agreement shall be signed by the owner of the feehold estate and by all other persons or corporations holding a mortgage or other interest in the feehold estate, and shall be in such form as to bind their successors in interest, and shall be immediately recorded in the office of the county auditor of the county in which the property is situated.

No loan shall be made upon a leasehold interest in real estate for a period in excess of ten years, or in any case where the lease is to expire in less than twenty years, nor upon a leasehold interest where the lease has run less than five years at the date of making or purchasing the loan.

No loan shall be made upon a leasehold interest in real estate unless its terms require substantially equal semiannual, quarterly or monthly payments which, if continued at the same rate, would extinguish the debt at least ten years prior to the expiration of the lease.

Whenever used in this section the words "annual gross income" of the leasehold estate shall mean the sum remaining after deducting all of the expenses of operation, repairs, maintenance, cost of management, taxes, assessments and insurance premiums, for a given year, from the gross revenue of that year.

Whenever used in this section the words "minimum gross income" shall be the least annual gross income, as above defined, actually obtained during the three-year period preceding the date of the loan.

Whenever used in this section the words "standard annual rental" shall mean the maximum rental to be paid under the lease during the life of the loan and for a period ending three years after the maturity of the loan. In event the rental during the life of the loan, and including a period ending three years after the maturity of the loan, is uniform, then such uniform rental shall be the standard annual rental.

Whenever used in this section the words "standard net income" shall mean the remainder obtained by deducting the standard annual rental from the minimum annual gross income as above defined.

Whenever used in this section the words "appraised value of the leasehold estate" shall mean the sum obtained by a summation of the present values of a series of annual payments each equal in amount to the standard net income for the unexpired period of the leasehold estate. In the calculation of present value of future income such income shall be subjected to compound discount at a rate not less than eight per cent per annum.

No savings bank shall make any loan upon a leasehold estate unless the standard net income thereof as above defined shall be equal to or greater than the standard annual rental.

In event the standard net income is greater than, but less than twice, the standard annual rental, the savings bank may loan not to exceed thirty-five percent of the appraised value of the leasehold estate as defined herein.

In event the standard net income is greater than twice but less than four times the standard annual rental, the savings bank may loan not to exceed forty percent of the appraised value of the leasehold estate as defined herein.

In event the standard net income is greater than four times but less than eight times the standard annual rental, the savings bank may loan not to exceed forty-five percent of the appraised value of the leasehold estate as defined herein.

In event the standard net income is greater than eight times the standard annual rental, the savings bank may loan not to exceed fifty percent of the appraised value of the leasehold estate as defined herein.

Not more than seventy-five percent of the funds of a mutual savings bank shall be invested in mortgage loans upon real estate or real estate leaseholds or both.

**32.20.275 First mortgages participated in by others.** A mutual savings bank may invest in loans secured by first mortgages which are eligible for investment by such banks, the making or holding of which is participated in by others. The note, mortgage and insurance may run to the participants as their interests may appear and may be held by any one of the participants.

**32.20.280 Investments in real estate.** A mutual savings bank may invest its funds in real estate as follows:

(1) A tract of land whereon there is or may be erected a building or buildings suitable for the convenient transaction of the business of the savings bank, from portions of which not required for its own use revenue may be derived: *Provided*, That the cost of the land and building or buildings for the transaction of the business of the savings bank shall in no case exceed twenty-five percent of the guaranty fund of the savings bank, except with the approval of the supervisor; and before the purchase of such property is made, or the erection of a building or buildings is commenced, the estimate of the cost thereof, and the cost of the completion of the building or buildings, shall be submitted to and approved by the supervisor;

(2) Such lands as shall be conveyed to the savings bank in satisfaction of debts previously contracted in the course of its business;

(3) Such lands as the savings bank shall purchase at sales under judgments, decrees, or mortgages held by it.

All real estate purchased by any such savings bank, or taken by

it in satisfaction of debts due it, shall be conveyed to it directly by name, and the conveyance shall be immediately recorded in the office of the proper recording officer of the county in which such real estate is situated.

Every parcel of real estate purchased or acquired by a savings bank, shall be sold by it within five years from the date on which it was purchased or acquired, or in case it was acquired subject to a right of redemption, within five years from the date on which the right of redemption expires, unless:

(1) There is a building thereon occupied by the savings bank as its offices, or

(2) The supervisor, on application of the board of trustees of the savings bank, extends the time within which such sale shall be made.

**32.20.290 Depository of funds.** No savings bank shall deposit any of its funds with any bank, trust company, or other moneyed corporation or concern which has not been approved by the supervisor as a depository for the savings bank's funds and designated a depository by vote of a majority of the trustees of the savings bank, exclusive of any trustee who is an officer, director, or trustee of or who is interested in the depository so designated.

**32.20.300 Reserved.**

**32.20.310 Deposit of securities.** A savings bank may deposit securities owned by it, for safekeeping, with any duly designated depository for the bank's funds. The written statement of the depository that it holds for safekeeping specified securities of a savings bank may be taken as evidence of the facts therein shown by any public officer or any officer of the bank or committee of its trustees whose duty it is to examine the affairs and assets of the bank.

**32.20.320 Investment of funds—Working fund.** The trustees of every savings bank shall as soon as practicable invest the moneys deposited with it in the securities prescribed in this title: *Provided*, That for the purpose of paying withdrawals in excess of receipts, and meeting accruing expenses, or for the purpose of awaiting a more favorable opportunity for judicious investment, any such bank may keep on hand or on deposit in one or more banks or trust companies in this state or in the city of New York, state of New York, the city of Chicago, state of Illinois, the city of Portland, state of Oregon, or the cities of San Francisco or Los Angeles, state of California, an available fund not exceeding twenty percent of the aggregate amount credited to its depositors, but the sum deposited by any such savings bank in any one bank or trust company shall not exceed twenty-five percent of the paid

up capital and surplus of the bank or trust company in which the deposit is made, and no more than five percent of the aggregate amount credited to the depositors of any such savings bank shall be deposited in a bank or trust company of which a trustee of such savings bank is a director.

### Chapter 32.24

#### INSOLVENCY AND LIQUIDATION

**32.24.010 Liquidation of solvent bank.** If the trustees of any solvent mutual savings bank deem it necessary or expedient to close the business of such bank, they may, by affirmative vote of not less than two-thirds of the whole number of trustees, at a meeting called for that purpose, of which one month's notice has been given, either personally or by mailing such notice to the post office address of each trustee, declare by resolution their determination to close such business and pay the moneys due depositors and creditors and to surrender the corporate franchise. Subject to the approval and under the direction of the supervisor, such savings bank may adopt any lawful plan for closing up its affairs, as nearly as may be in accordance with the original plan and objects.

**32.24.020 Procedure to liquidate and dissolve.** When the trustees, acting under the provisions of RCW 32.24.010, have paid the sums due respectively to all creditors and depositors, who, after such notice as the supervisor of banking shall prescribe, claim the money due and their deposits, the trustees shall make a transcript or statement from the books in the bank of the names of all depositors and creditors who have not claimed or have not received the balance of the credit due them, and of the sums due them, respectively, and shall file such transcript with the supervisor and pay over and transfer all such unclaimed and unpaid deposits, credits, and moneys to the supervisor. The trustees shall then report their proceedings, duly verified, to the superior court of the county wherein the bank is located, and upon such report and the petition of the trustees, and after notice to the attorney general and the supervisor, and such other notice as the court may deem necessary, the court shall adjudge the franchise surrendered and the existence of the corporation terminated. Certified copies of the judgment shall be filed in the offices of the secretary of state, supervisor of banking and auditor of the county wherein the bank is located and shall be recorded in the office of the secretary of state.

**32.24.030 Transfer to another bank for consolidation or liquidation.** A mutual savings bank may for the purpose of consolidation or voluntary liquidation transfer its assets and liabilities to another mutual savings bank, by the affirmative vote or with the written

consent of two-thirds of the whole number of its trustees, but only with the written consent of the supervisor and upon such terms and conditions as he may prescribe.

Upon any such transfer being made, or upon the liquidation of any such mutual savings bank for any cause whatever, or upon its being no longer engaged in the business of a mutual savings bank, the supervisor shall terminate its certificate of authority, which shall not thereafter be revived or renewed. When the certificate of authority of any such corporation has been revoked, it shall forthwith collect and distribute its remaining assets, and when that is done, the supervisor shall certify the fact to the secretary of state, whereupon the corporation shall cease to exist and the secretary of state shall note the fact upon his records.

In case of the consolidation with or voluntary liquidation of a mutual savings bank by another mutual savings bank, as herein provided, any sums advanced by its incorporators, or others, to create or maintain its guaranty fund or its expense fund shall not be liabilities of such mutual savings bank unless the mutual savings bank, so assuming its liabilities shall specifically undertake to pay the same, or a stated portion thereof.

**32.24.040 Unsafe practices—Notice to correct.** Whenever it appears to the supervisor that any mutual savings bank is conducting its business in an unsafe manner or that it refuses to submit its books, papers, or concerns to lawful inspection, or that any trustee or officer thereof refuses to submit to examination on oath touching its concerns, or that it has failed to carry out any authorized order or direction of the supervisor, such supervisor may give notice to the mutual savings bank so offending or delinquent or whose trustee or officer is thus offending or delinquent to correct such offense or delinquency, and if the mutual savings bank fails to comply with the terms of such notice within thirty days from the date of its issuance, or within such further time as the supervisor may allow, then the supervisor may take possession of such mutual savings bank as in the case of insolvency.

**32.24.050 Liquidation of bank in unsound condition or insolvent.** Whenever it appears to the supervisor that any offense or delinquency referred to in RCW 32.24.040 renders a mutual savings bank in an unsound or unsafe condition to continue its business, or that it has suspended payment of its obligations, or is insolvent, such supervisor may take possession thereof without notice.

Upon taking possession of any mutual savings bank, the supervisor shall forthwith proceed to liquidate the business, affairs, and assets thereof and such liquidation shall be had in accordance with the provisions of law governing the liquidation of insolvent banks and trust companies.

**32.24.060 Possession by supervisor—Bank may contest.** Within ten days after the supervisor takes possession thereof, a mutual savings bank may serve notice upon such supervisor to appear before the superior court in the county wherein such corporation is located, at a time to be fixed by said court, which shall not be less than five nor more than fifteen days from the date of the service of such notice, to show cause why such corporation should not be restored to the possession of its assets. Upon the return day of such notice, or such further day as the matter may be continued to, the court shall summarily hear said cause and shall dismiss the same, if it finds that possession was taken by the supervisor in good faith and for cause, but if it finds that no cause existed for the taking possession of such corporation, it shall require the supervisor to restore the bank to the possession of its assets and enjoin him from further interference therewith without cause.

**32.24.070 Receiver prohibited except in emergency.** No receiver shall be appointed by any court for any mutual savings bank, nor shall any assignment of any such bank for the benefit of creditors be valid, excepting only that a court otherwise having jurisdiction may in case of imminent necessity appoint a temporary receiver to take possession of and preserve the assets of the mutual savings bank. Immediately upon any such appointment, the clerk of the court shall notify the supervisor by telegram and mail of such appointment and the supervisor shall forthwith take possession of the mutual savings bank, as in case of insolvency, and the temporary receiver shall upon demand of the supervisor surrender up to him such possession and all assets which have come into his hands. The supervisor shall in due course pay such receiver out of the assets of the mutual savings bank such amount as the court shall allow.

**32.24.080 Transfer of assets when insolvent—Penalty.** Every transfer of its property or assets by any mutual savings bank in this state, made in contemplation of insolvency, or after it has become insolvent, with the view to the preference of one creditor over another, or to prevent equal distribution of its property and assets among its creditors, shall be void. Every trustee, officer, or employee making any such transfer shall be guilty of a felony.



**Chapter 32.98****CONSTRUCTION**

**32.98.010 Continuation of existing law.** The provisions of this title insofar as they are substantially the same as statutory provisions repealed by this chapter and relating to the same subject matter, shall be construed as restatements and continuations, and not as new enactments.

**32.98.020 Title, chapter, section headings not part of law.** Title headings, chapter headings, and section or subsection headings, as used in this title do not constitute any part of the law.

**32.98.030 Invalidity of part of title not to affect remainder.** If any provision of this title, or its application to any person or circumstance is held invalid, the remainder of the title, or the application of the provision to other persons or circumstances is not affected.

**32.98.050 Repeals and saving.** The following acts or parts of acts are each repealed:

- (1) Chapter 175, Laws of 1915;
- (2) Chapter 156, Laws of 1921;
- (3) Chapter 86, Laws of 1925, extraordinary session;
- (4) Chapter 184, Laws of 1927;
- (5) Chapter 74, Laws of 1929;
- (6) Chapter 123, Laws of 1929;
- (7) Sections 1, 2, and 4 through 12, chapter 132, Laws of 1931;
- (8) Chapter 10, Laws of 1935;
- (9) Chapter 87, Laws of 1935;
- (10) Chapter 95, Laws of 1937;
- (11) Chapter 15, Laws of 1941;
- (12) Chapter 135, Laws of 1945;
- (13) Chapter 228, Laws of 1945;
- (14) Chapter 119, Laws of 1949;
- (15) Chapter 238, Laws of 1953;

but such repeals shall not be construed as affecting any existing right acquired under the provisions of the statutes repealed, nor as affecting any proceeding instituted thereunder.

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

Passed the House January 26, 1955.

Passed the Senate January 31, 1955.

Approved by the Governor February 8, 1955.

## CHAPTER 14

[ H. B. 11. ]

## COMMISSION MERCHANTS CODE

AN ACT relating to persons buying and selling agricultural products; enacting a commission merchants code to be known as Title 20 of the Revised Code of Washington; providing penalties and repealing chapter 197, Laws of 1939 and section 1, chapter 244, Laws of 1951; and declaring an emergency.

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

## TITLE 20

COMMISSION MERCHANTS—AGRICULTURAL  
PRODUCTS

## Chapter 20.04

## DEFINITIONS AND EXCLUSIONS

**20.04.010 Introductory.** Terms used in this title, unless the context clearly indicates otherwise, shall have the meaning given to them in this chapter.

**20.04.020 "Director" defined.** "Director" means the director of agriculture or his duly authorized representative.

**20.04.030 "Person."** "Person" means any natural person, firm, partnership, exchange, association, trustee, receiver, corporation, and any member, officer, or employee thereof or assignee for the benefit of creditors.

**20.04.040 "Agricultural product."** "Agricultural product" includes any horticultural, viticultural, berry, poultry, grain, livestock, bee or other farm product.

**20.04.050 "Commission merchant and credit buyer."** "Commission merchant and credit buyer" includes any person who receives any agricultural product to be sold on commission, or for or on behalf of another with or without compensation, or who purchases or receives any agricultural product and who fails to pay in full for it at the time of receiving it or at the time its value may be determined, or who may contract with growers in such manner that the grower accepts seed as bailee and agrees to return the crop grown from such seed, the grower to be paid for services rendered in producing the crop.

**20.04.060 "Cash buyer."** "Cash buyer" includes any person who purchases or offers to purchase any agricultural product for the

purpose of processing or resale and who pays in full, in cash or by check that shall be paid on presentation, for such agricultural product at the time of receiving it or at the time the price of the agricultural product may be determined if the price or value is subject to determination by inspection, grade, test, or pack out.

**20.04.070 "Consignor."** "Consignor" means any person forwarding, delivering, consigning, shipping, or selling as the producer thereof any agricultural product to any commission merchant and credit buyer or cash buyer for resale or processing.

**20.04.080 "Agent."** "Agent" means any employee of a commission merchant and credit buyer or cash buyer and who operates all or a portion of his term of employment at any location or on any route within the state other than the principal place of business of his employer, and who is charged with the receiving, purchasing, or soliciting of agricultural products from the seller for the exclusive account of his employer.

**20.04.090 "Bona fide fixed or permanent location."** "Bona fide fixed or permanent location" means any permanent warehouse, building, or structure, at which a permanent business is carried on as such throughout the year in good faith and not for the purpose of evading this title, and at which stocks of the property being transported are produced, stored, or kept in quantities reasonably adequate for, and usually carried for the requirements of the business. It shall not mean residences or premises or buildings appurtenant thereto, tents, temporary stands or other temporary quarters, nor permanent quarters occupied pursuant to any temporary arrangement.

**20.04.100 "Retail merchant."** "Retail merchant" means any person operating from a bona fide fixed or permanent location at which place all of the retail business of such person is transacted, and whose business is exclusively retail except for the occasional wholesaling of small quantities of surplus commodities which have been taken in exchange for merchandise from the producers thereof at the bona fide fixed or permanent location.

**20.04.110 "Broker."** "Broker" means any person engaged in the business of negotiating the sale of any agricultural product for others, who does not at any time during such negotiation or sale receive or have in his possession or under his control, actually or constructively, the agricultural product or the proceeds derived from such sale.

**20.04.120 Persons excluded.** The provisions of this title shall not apply to any person who sells exclusively his own produce as the producer thereof, nor to any retail merchant as defined

herein, nor to cooperative marketing associations incorporated under chapter 19 of the session laws of 1913, as amended (chapter 23.56 RCW), or under chapter 115 of the session laws of 1921, as amended (chapter 24.32 RCW). Nor shall they apply to any warehouseman or grain dealer licensed under the state grain warehouse acts with respect to his operations as such licensee; nor to any nurseryman who is required to be licensed under the horticultural laws of the state with respect to his operations as such licensee; nor to any processor or dealer licensed under the now existing dairy laws of the state with respect to his operations as such licensee.

## Chapter 20.08

### LICENSES AND FEES

**20.08.010 Operation without license prohibited.** On and after June 8, 1939, no person shall receive or purchase within this state, sell or offer for sale within this state, promote the sale of, or solicit consignments for sale on commission within this state, or for the purpose of resale or processing within this state, any agricultural product without a license as provided in this title.

**20.08.020 Application for license—Contents.** Every person receiving agricultural products for sale on commission, or for the purpose of resale, shall annually, on or before January 1st, file an application with the director for a license to do business as a commission merchant and credit buyer, or as a cash buyer of agricultural products, or both, or as an agent for a licensed commission merchant and credit buyer or licensed cash buyer. Such application shall state the kind or kinds of agricultural products which the applicant proposes to handle, the full name of the person applying for the license, and if the applicant is a partnership, the full name of each member of the partnership, or the officers of the exchange, association, or corporation, and the name of the local agent of the exchange, association, or corporation, the city or town, and street numbers at which the business is to be conducted, and a detailed statement of his financial condition at the time of making application. In the case of partnerships, a verified copy of the partnership agreement shall accompany the application.

**20.08.030 Financial statement with application.** An applicant shall also, at the time of making application for license, and from time to time, when required, make and file a verified statement exhibiting his financial condition as of a prescribed date: *Provided*, That such financial statement shall be confidential and not subject to public inspection.

**20.08.040 Investigation before issuance of license—Hearing before denial.** The director may withhold the issuance of a license to an applicant, for a period not to exceed thirty days pending an investigation, for the purpose of determining (1) whether the applicant is violating or has violated any of the provisions of this title or (2) whether the application contains any materially false or misleading statement or involves any misrepresentation, concealment, or withholding of facts respecting any violation of this title by any officer, agent, or employee of the applicant. If, after investigation, it appears to the director that the applicant should be refused a license, the applicant shall be given notice and an opportunity for hearing.

**20.08.050 Cash buyer's license—Fee—Bond.** If an applicant is applying for a license to do a business in agricultural products as a cash buyer, and no part of his business is to be conducted or carried on as a commission merchant and credit buyer, the director shall issue to such applicant, on payment of twenty-five dollars, a cash buyer's license entitling him to conduct the business of purchasing agricultural products for the purpose of processing or resale at the place or places named in the application: *Provided*, That should any or all of such applicant's business include the purchase for resale of any livestock, cattle, horses, mules, swine, sheep, goats, or any hay, grain, or straw, such applicant before being issued a license shall be required to execute and deliver to the director a substantial bond in a sum not to exceed five thousand dollars, and with surety satisfactory to the director. Such bond shall be governed in all respects by the terms of RCW 20.12.020, 20.12.030 and 20.12.040, relating to bonds for commission merchants and credit buyers.

**20.08.060 Commission merchant and credit buyer's license—Fee.** If the business of an applicant includes the carrying on of a business of commission merchant and credit buyer, the director shall issue to such applicant, on payment of twenty-five dollars and the execution and delivery of a bond as hereinafter provided, a license entitling him to conduct the business of dealing in or receiving and selling agricultural products on commission at the place or places named in the application.

**20.08.070 Agent's license—Fee.** If the business of an applicant is to act as an agent in the employ of a commission merchant and credit buyer or cash buyer, the director shall issue to such applicant, upon the payment of two dollars, an agent's license, entitling him to receive, purchase, or solicit agricultural products for the account of or delivery to only and exclusively his licensed employer.

**20.08.080 Broker's license—Fee.** If the business of an applicant is to act as a broker, the director shall issue to such applicant, upon the payment of two dollars, a broker's license, entitling him to do business as a broker as defined in this title.

**20.08.090 License plates on vehicles used.** Each licensee operating as a commission merchant and credit buyer or as a cash buyer, and who utilizes any motor vehicle in his operations as such licensee, shall secure from the director, and maintain prominently displayed upon the vehicle on both the front and rear thereof, a license plate in such form as prescribed and furnished by the director. One set of such license plates shall be furnished by the director to each commission merchant and credit buyer or cash buyer free with his license, but for each subsequent set of such license plates, he shall pay to the director a fee of twenty-five cents. Such license plates shall not be transferable from one vehicle to another.

**20.08.100 Reports of changes in set-up of licensees.** Any change in the organization of any firm, association, exchange, corporation, or copartnership licensed under this title shall be reported immediately to the director.

**20.08.110 Disposition of license fees—Commission merchants fund.** All sums received by the director in license fees under this title shall be paid by him to the state treasurer and be deposited in a special fund to be known as the commission merchants fund and shall be used solely for the purpose of carrying out the provisions of this title.

## Chapter 20.12

### BONDS AND INSURANCE

**20.12.010 Liability policy or bond required of licensees.** The director, in issuing licenses either to commission merchants and credit buyers or cash buyers, shall require before issuance thereof the filing with him of a verified copy of a liability insurance policy or bond of an insurance company or association authorized to transact business in this state, in such sum and upon such conditions as the director may deem necessary to protect adequately the interests of the public in the use of the public highways, which liability insurance policy or bond shall bind the obligors and undertake the payment of compensation for injuries to persons and loss of or damage to property within this state by such licensee or by any motor vehicle or vehicles operated by him in the conduct of his business. Such insurance policy or bond shall be conditioned to pay any sum up to five thousand dollars as the result of personal injury or death to one individual, and up to ten thousand dollars as

the result of personal injuries or deaths in any single accident, and up to five thousand dollars as the result of damage to property in any single accident.

**20.12.020 Accountability bond by commission merchant and credit buyer.** (1) Before any commission merchant and credit buyer's license shall be issued, every applicant therefor shall execute and deliver to the director a substantial bond in the sum of five thousand dollars, and with surety satisfactory to the director.

(2) All such bonds shall be of a standard form as to terms and conditions, approved by the director, and they shall be conditioned for faithful and correct accounting for, and handling of, agricultural products received, provide for the payment to the consignor of all money or things of value received for goods consigned, and to secure the consignor against all fraudulent acts of the commission merchant and credit buyer licensee in the resale or the handling of goods of the consignor. The total liability of the surety upon the bond shall be limited to the face of the bond, and when claims by consignors exceed the face of the bond, recoveries under the bond shall be prorated. However, it shall not be necessary for any consignor suing on the bond to join other consignors as parties to the action, and the claim of prorating shall be a matter of defense and the burden of establishing the pro rata shall be on the surety. Such bond shall be subject to cancellation and liability thereunder may be terminated by the surety by the service of a notice of its intention so to do upon the principal in the bond and upon the director at Olympia, and after thirty days from the service of such notice, the surety shall be released from any and all liability accruing thereafter.

**20.12.030 Action on bond, who may maintain—Attorney's fee.** An action may be brought by the director or a consignor on the bond furnished by a commission merchant and credit buyer and recovery may be had against the commission merchant and credit buyer and the surety on the bond for the amount due such consignor. In such action, the court shall allow the consignor a reasonable attorney's fee.

**20.12.040 Attorney's fee when defendant prevails—Disposition of recoveries.** If the court finds for the defendant commission merchant and credit buyer in an action as provided in RCW 20.12.030, the complainant shall receive no attorney's fees. If the complainant is a person other than the director he shall pay a reasonable attorney's fee to defendant. Any sums collected by the director in a suit on the bond shall, after collection, be promptly paid over to the parties entitled thereto.

**Chapter 20.16****DEALINGS WITH CONSIGNORS—MANIFESTS—  
COMMISSIONS**

**20.16.010 Manifest of cargo to be carried on vehicles.** Each commission merchant and credit buyer and each cash buyer licensee operating a motor vehicle in the conduct of his business as such licensee, shall carry on the vehicle used by him a manifest on a form to be prescribed or approved by the director, showing at all times a description of the cargo on the vehicle, where and from whom purchased, and the weight or measure upon which the purchase was made, and if purchased upon weight, where and by whom weighed and the weight obtained at said weighing. Such manifest shall be kept in triplicate, one copy to be given to the consignor or seller, one copy preserved by the licensee, and the original, signed by him, shall be furnished to the director on request. False statements on any such manifest as to the nature, quantity, weight, count, grade, quality, or any other essential feature of the cargo, shall be grounds for suspension or cancellation of the cash buyer's or commission merchant and credit buyer's license.

**20.16.020 Receipts to consignors—Deduction for damage, etc.—Official inspection.** A commission merchant and credit buyer or any cash buyer shall render to the consignor or vendor, on receiving any agricultural product, a statement in writing showing what agricultural products were received, the date received and the condition thereof. Before any claims for deductions may be made on the grounds that the agricultural products were received in a damaged condition or were not of the purported grade, quality, weight, or maturity, the commission merchant and credit buyer or cash buyer shall call a duly authorized agent of the director for prompt inspection of such damaged products, and procure from such agent a certificate in triplicate as to the condition, grade, quality, weight, maturity, and disposition of the agricultural products, and transmit one copy of the certificate to the consignor, and one copy to the director. A reasonable fee shall be paid to the director for such services, and in case of partial damage or total loss, this fee may be charged against the consignment or the consignor or vendor. The certificate may be used as evidence in any hearing conducted by the department of agriculture or in any civil or criminal action brought in any court in the state. Such claim must be made by the licensee within five days from the date of receipt of the goods at the point where the condition on which claim is made became apparent.



**20.16.030 Reconsignment from overstocked markets.** If the local market should be overstocked, the commission merchant and credit buyer may relieve the condition by reconsigning all or part of any consignment, but he shall send the consignor a copy of the account sales of such reconsigned goods. In all such instances, the commission merchant and credit buyer shall be entitled to only two-thirds of his regular filed commission.

**20.16.040 Schedule of commissions and charges—Maximum—Deviation.** The commission merchant and credit buyer licensee shall file with the director at the time of furnishing bond, a schedule of his commissions and charges for services in connection with agricultural products handled on account of or as agent for other parties, upon a form prescribed by the director, and the licensee shall not deviate from such designated commissions or charges during the license period until ten days have elapsed after the filing of a notice of such proposed deviation. Such commissions or charges shall not exceed fifteen percent, except by a written contract and agreement between the commission merchant and credit buyer and the consignor of agricultural products: *Provided*, That when a rate of commissions or charges or a deviation therefrom is filed by one or more licensees, any other licensee may file the same rate and such rate will be effective as of the effective date of the first similar filing.

## Chapter 20.20

### RECORDS—REPORTS—AUDITS

**20.20.010 Statement of business transacted to be filed.** Any licensee, whether he has a license to do a business as a commission merchant and credit buyer or as a cash buyer, shall from time to time, when required by the director, make and file a verified statement upon a form prescribed by the director showing the volume of agricultural products received, the volume sold on commission, and the volume otherwise disposed of or held for resale during a designated period of time, and showing such other pertinent information as the director may require.

**20.20.020 List of agents and changes.** Each licensed commission merchant and credit buyer or cash buyer shall file with the director a list of agents subject to license and shall immediately report to the director any changes in this list.

**20.20.030 Record of dealings to be kept.** Every person licensed to do business as a commission merchant and credit buyer or as a cash buyer under this title shall keep an accurate and complete record of all dealings in agricultural products, showing the name

of the consignor or vendor, the date of purchase or receipt of products, the amount purchased or received, the price paid or received, to whom sold, the sale price and the terms thereof, the grade or quality of the merchandise, the quantity or weights thereof when required by the director, and such other pertinent information as the director may require.

**20.20.040 Memoranda of transactions to consignors or vendors.** Each commission merchant and credit buyer and each cash buyer shall promptly deliver or mail to the consignor or vendor a memorandum of record of each transaction involving a consignment or purchase or receipt of agricultural products and their resale, or other disposal, except as to the names and addresses of persons to whom such products are sold, together with a payment in settlement therefor. The memorandum shall show the date of purchase or receipt of the products, amount purchased or received, and price paid or received.

**20.20.050 Right of entry for inspection—Audit of books—Reports.** The director may enter and inspect the premises, yards, warehouses, storage and transportation facilities, or any agricultural products therein, and inspect or audit the books of each licensee during the business hours of any day, and such licensee shall furnish reports concerning his business, in such form and manner as the director may prescribe.

**20.20.060 Reports and payments to consignors on pooled commodities.** Whenever by agreement in writing between the consignor and the commission merchant and credit buyer, any agricultural products are pooled or commingled with other agricultural products of like kind for the purpose of marketing, and their identity thereby becomes lost, the commission merchant and credit buyer handling such transaction shall be required to render only a report showing average gross pool price, date received, and charges of pool deducted and prorated, and shall not be required to make payment until ten days after demand by the consignor after the pool has been closed.

## Chapter 20.24

### INVESTIGATIONS—VIOLATIONS—PENALTIES

**20.24.010 Director may make full investigations and take testimony.** The director may investigate, upon the verified affidavit of an interested party or upon his own initiative the records of any licensee or any person applying for a license, or any transaction involving the solicitation, receipt, sale, or attempted sale of agricultural products on a commission basis, or the purchase thereof

for the purpose of processing or resale, or the failure to make proper and true accounts and settlements at prompt and regular intervals, the making of false statements as to condition, quality, or quantity of goods received or while in storage, the making of false statements as to the market conditions with attempt to deceive, or the failure to make payment for goods received, or other alleged injurious transactions, and for such purpose may examine at the place of business of the licensee that portion of his ledgers, books of account, memoranda, or other documents relating to the transactions involved, of any commission merchant and credit buyer and any cash buyer, and may take testimony relating to such transactions, records, or business, under oath.

**20.24.020 Procedure on failure of licensee to account and make payment to consignor.** If a consignor fails to obtain within a reasonable time proper and complete accounting and payment of any transactions, he may make a demand upon the licensee for such account and payment of goods shipped. If such accounting and payment has not been received by the consignor within forty-eight hours after making his demand, he may file with the director a copy of his demand, together with an affidavit setting forth the nature and amount of the goods consigned or delivered, date of the consignment or delivery, the amount he believes due and owing to him, together with bills of lading and delivery receipts showing the goods were shipped to and received by the licensee. The director shall attempt to secure an explanation or adjustment, and failing to secure a satisfactory settlement within seven days after demand has been made by the director upon the licensee, he shall then notify the licensee that a hearing is to be held and he shall then hold a hearing to determine whether to suspend or revoke the license of the commission merchant and credit buyer or cash buyer.

**20.24.030 Refusal, revocation or suspension of license.** The director may decline to grant or may revoke or suspend a license after due notice and hearing, if he is satisfied that the applicant or licensee is guilty of any violation of the provisions of this title, or of any of the following practices:

- (1) The imposition of false charges for handling or services rendered;
- (2) Failure to account promptly and properly or to make proper settlements;
- (3) Attempted payment by check with insufficient funds to cover, or the stopping payment on a check given as a cash payment;
- (4) False statements as to condition, quality, or quantity of goods received or held for sale on commission, when the facts might have been determined by reasonable inspection;

(5) False or misleading statement or statements as to market conditions with intent to deceive;

(6) Participation in an illegal combination or combinations to fix prices;

(7) The direct or indirect purchase of consigned goods by the applicant or licensee for his own account, without prior authority therefor or without notifying consignor thereof;

(8) Apparent bankruptcy or insolvency of the applicant or licensee, or evidence or indications that bankruptcy or insolvency may shortly occur;

(9) Evidence of dealings of such a nature as to satisfy the director of the inability of the applicant or licensee to conduct properly the business of commission merchant and credit buyer or of cash buyer, or indication of an intent to deceive or defraud consignors or sellers;

(10) Fraud or deception by the applicant or licensee in obtaining or applying for his license, including the making of false financial statements;

(11) Neglect by the commission merchant and credit buyer licensee or applicant to file a new or additional bond when notified by the director that the bond previously filed is unsatisfactory or has been canceled;

(12) Failure or refusal by the commission merchant and credit buyer licensee or applicant to file with the director a schedule of his maximum and minimum commissions and other charges for services in connection with agricultural products handled on account of or as an agent for another, within thirty days after issuance of his license;

(13) Failure or refusal by a cash buyer licensee to maintain a correct manifest of cargo, or to make a copy available, on request, as required by this title;

(14) Fraud or deception by the licensee in his dealings with purchasers, including misrepresentation of goods as to grade, quality, weights, quantity, or any other essential fact in connection therewith;

(15) Conducting business as a commission merchant and credit buyer under a cash buyer's license;

(16) Violation by the licensee or applicant of any order of the director or any law of the state setting up standards of grade, quality, or size for any agricultural product, or the violation of any Washington quarantine upon any agricultural product.

**20.24.040 Reparation to injured party as condition to issuance or restoration of license.** When a license or application has been denied, revoked, or suspended after due notice and hearing, the director, in the order denying such application or revoking or sus-

pending such license, may provide that, before a license will be issued, the applicant or licensee shall make such reparation to the injured party as the director believes reasonable, just and equitable, and until such reparation is made, a license may be denied by the director.

**20.24.050 Suspected violations—Demand for explanation—Hearing.** In the event the director has reason to suspect that any licensee or applicant is violating or has violated the provisions of this title, he shall attempt to secure a satisfactory explanation and failing to secure an explanation or settlement, he shall cause a notice to be served upon such licensee or applicant, setting forth the provisions of this title which the licensee or applicant is charged with violating, and setting a date in the notice upon which a hearing will be had to determine whether or not the licensee or applicant is violating or has violated such provisions.

**20.24.060 Penalty for violations.** Any person violating any provisions of this title shall be guilty of a misdemeanor and shall be punished by a fine of not less than fifty dollars. Each day's violation shall constitute a separate offense.

**20.24.070 Venue.** Any prosecution brought under this title may be brought in any county of this state in which the defendant, or any of them, resides, or in which the unlawful act was committed, or in which the defendant, or any of them, has his principal place of business.

## Chapter 20.98

### CONSTRUCTION

**20.98.010 Short title.** This act shall be known and cited as the "Washington commission merchants act."

**20.98.020 Continuation of existing law.** The provisions of this title insofar as they are substantially the same as statutory provisions repealed by this chapter and relating to the same subject matter, shall be construed as restatements and continuations, and not as new enactments.

**20.98.030 Title, chapter, sections headings not part of law.** Title headings, chapter headings, and section or subsection headings, as used in this title do not constitute any part of the law.

**20.98.040 Invalidity of part of title not to affect remainder.** If any provision of this title, or its application to any person or circumstance is held invalid, the remainder of the title, or the application of the provision to other persons or circumstances is not affected.

**20.98.050 Repeals and saving.** Chapter 197, Laws of 1939, and section 1, chapter 244, Laws of 1951 are repealed, but such repeal shall not be construed as affecting any existing right acquired under the provisions of the statutes repealed, nor as affecting any proceeding instituted thereunder.

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

Passed the House January 26, 1955.

Passed the Senate January 31, 1955.

Approved by the Governor February 8, 1955.

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## CHAPTER 15

[ H. B. 10 ]

### PARTNERSHIPS CODE

AN ACT relating to partnerships including limited partnerships; enacting a partnerships code to be known as Title 25 of the Revised Code of Washington; repealing chapter 92, Laws of 1945, chapter 137, Laws of 1945, and that act entitled "An Act to authorize the formation of limited partnerships," enacted December 2, 1869 (Code of 1881, sections 2370 through 2379), and section 1, chapter 106, Laws of 1927; and declaring an emergency.

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

## TITLE 25

### PARTNERSHIPS

#### Chapter 25.04

#### GENERAL PARTNERSHIPS

##### Part I

#### PRELIMINARY PROVISIONS

**25.04.010 Name of chapter.** This chapter may be cited as the uniform partnership act.

**25.04.020 Definition of terms.** In this chapter:  
 "Court" includes every court and judge having jurisdiction in the case;

“Business” includes every trade, occupation, or profession;  
 “Person” includes individuals, partnerships, corporations, and other associations;

“Bankrupt” includes bankrupt under the federal bankruptcy act or insolvent under any state insolvent act;

“Conveyance” includes every assignment, lease, mortgage, or encumbrance;

“Real property” includes land and any interest or estate in land.

**25.04.030 Interpretation of knowledge and notice.** (1) A person has knowledge of a fact within the meaning of this chapter not only when he has actual knowledge thereof, but also when he has knowledge of such other facts as in the circumstances shows bad faith.

(2) A person has notice of a fact within the meaning of this chapter when the person who claims the benefit of the notice:

(a) States the fact to such person, or

(b) Delivers through the mail, or by other means of communication, a written statement of the fact to such person or to a proper person at his place of business or residence.

**25.04.040 Rules of construction.** (1) The rule that statutes in derogation of the common law are to be strictly construed shall have no application to this chapter.

(2) The law of estoppel shall apply under this chapter.

(3) The law of agency shall apply under this chapter.

(4) This chapter shall be so interpreted and construed as to effect its general purpose to make uniform the law of those states which enact it.

(5) This chapter shall not be construed so as to impair the obligations of any contract existing when the chapter goes into effect, nor to affect any action or proceedings begun or right accrued before this chapter takes effect.

**25.04.050 Rules for cases not provided for in this chapter.** In any case not provided for in this chapter the rules of law and equity, including the law merchant, shall govern.

## Part II

### NATURE OF A PARTNERSHIP

**25.04.060 Partnership defined.** (1) A partnership is an association of two or more persons to carry on as co-owners a business for profit.

(2) Any association formed under any other statute of this state, or a statute adopted by any authority, other than the authority of this state, is not a partnership under this chapter, unless such asso-

ciation would have been a partnership in this state prior to the adoption of this chapter.

(3) This chapter shall apply to limited partnerships except insofar as the statutes relating to such partnerships are inconsistent herewith.

**25.04.070 Rules for determining the existence of a partnership.** In determining whether a partnership exists, these rules shall apply:

(1) Except as provided by RCW 25.04.160 persons who are not partners as to each other, are not partners as to third persons.

(2) Joint tenancy, tenancy in common, tenancy by the entireties, joint property, common property, or part ownership does not of itself establish a partnership, whether such co-owners do or do not share any profits made by the use of the property.

(3) The sharing of gross returns does not of itself establish a partnership, whether or not the persons sharing them have a joint or common right or interest in any property from which the returns are derived.

(4) The receipt by a person of a share of the profits of a business is prima facie evidence that he is a partner in the business, but no such inference shall be drawn if such profits were received in payments:

- (a) As a debt by installments or otherwise,
- (b) As wages of an employee or rent to a landlord,
- (c) As an annuity to a widow or representative of a deceased partner,
- (d) As interest on a loan, though the amount of payment vary with the profits of the business,
- (e) As the consideration for the sale of a good will of a business or other property by installments or otherwise.

**25.04.080 Partnership property.** (1) All property originally brought into the partnership stock or subsequently acquired by purchase or otherwise, on account of the partnership, is partnership property.

(2) Unless the contrary intention appears, property acquired with partnership funds is partnership property.

(3) Any estate in real property may be acquired in the partnership name. Title so acquired can be conveyed only in the partnership name.

(4) A conveyance to a partnership in the partnership name, though without words of inheritance, passes the entire estate of the grantor unless a contrary intent appears.



## Part III

RELATIONS OF PARTNERS TO PERSONS DEALING  
WITH THE PARTNERSHIP

**25.04.090 Partner agent of partnership as to partnership business.** (1) Every partner is an agent of the partnership for the purpose of its business, and the act of every partner, including the execution in the partnership name of any instrument, for apparently carrying on in the usual way the business of the partnership of which he is a member binds the partnership, unless the partner so acting has in fact no authority to act for the partnership in the particular matter, and the person with whom he is dealing has knowledge of the fact that he has no such authority.

(2) An act of a partner which is not apparently for the carrying on of the business of the partnership in the usual way does not bind the partnership unless authorized by the other partners.

(3) Unless authorized by the other partners or unless they have abandoned the business, one or more but less than all partners have no authority to:

(a) Assign the partnership property in trust for creditors or on the assignee's promise to pay the debts of the partnership,

(b) Dispose of the good will of the business,

(c) Do any other act which would make it impossible to carry on the ordinary business of a partnership,

(d) Confess a judgment,

(e) Submit a partnership claim or liability to arbitration or reference.

(4) No act of a partner in contravention of a restriction on authority shall bind the partnership to persons having knowledge of the restriction.

**25.04.100 Conveyance of real property of the partnership.** (1) Where title to real property is in the partnership name, any partner may convey title to such property by a conveyance executed in the partnership name; but the partnership may recover such property unless the partner's act binds the partnership under the provisions of subsection (1) of RCW 25.04.090, or unless such property has been conveyed by the grantee or a person claiming through such grantee to a holder for value without knowledge that the partner, in making the conveyance, has exceeded his authority.

(2) Where title to real property is in the name of the partnership, a conveyance executed by a partner, in his own name, passes the equitable interest of the partnership, provided the act is one within the authority of the partner under the provisions of subsection (1) of RCW 25.04.090.

(3) Where title to real property is in the name of one or more but not all the partners, and the record does not disclose the right of the partnership, the partners in whose name the title stands may convey title to such property, but the partnership may recover such property if the partners' act does not bind the partnership under the provisions of subsection (1) of RCW 25.04.090, unless the purchaser or his assignee, is a holder for value, without knowledge.

(4) Where the title to real property is in the name of one or more or all the partners, or in a third person in trust for the partnership, a conveyance executed by a partner in the partnership name, or in his own name, passes the equitable interest of the partnership, provided the act is one within the authority of the partner under the provisions of subsection (1) of RCW 25.04.090.

(5) Where the title to real property is in the names of all the partners a conveyance executed by all the partners passes all their rights in such property.

**25.04.110 Partnership bound by admission of partner.** An admission or representation made by any partner concerning partnership affairs within the scope of his authority as conferred by this chapter is evidence against the partnership.

**25.04.120 Partnership charged with knowledge of or notice to partner.** Notice to any partner of any matter relating to partnership affairs, and the knowledge of the partner acting in the particular matter, acquired while a partner or then present to his mind, and the knowledge of any other partner who reasonably could and should have communicated it to the acting partner, operate as notice to or knowledge of the partnership, except in the case of a fraud on the partnership committed by or with the consent of that partner.

**25.04.130 Partnership bound by partner's wrongful act.** Where, by any wrongful act or omission of any partner acting in the ordinary course of the business of the partnership or with the authority of his copartners, loss or injury is caused to any person, not being a partner in the partnership, or any penalty is incurred, the partnership is liable therefor to the same extent as the partner so acting or omitting to act.

**25.04.140 Partnership bound by partner's breach of trust.** The partnership is bound to make good the loss:

(1) Where one partner acting within the scope of his apparent authority receives money or property of a third person and misapplies it; and

(2) Where the partnership in the course of its business receives money or property of a third person and the money or property so

received is misapplied by any partner while it is in the custody of the partnership.

**25.04.150 Nature of partner's liability.** All partners are liable:

(1) Jointly and severally for everything chargeable to the partnership under RCW 25.04.130 and 25.04.140.

(2) Jointly for all other debts and obligations of the partnership; but any partner may enter into a separate obligation to perform a partnership contract.

**25.04.160 Partner by estoppel.** (1) When a person, by words spoken or written or by conduct, represents himself, or consents to another representing him to any one, as a partner in an existing partnership or with one or more persons not actual partners, he is liable to any such person to whom such representation has been made, who has, on the faith of such representation, given credit to the actual or apparent partnership, and if he has made such representation or consented to its being made in a public manner he is liable to such person, whether the representation has or has not been made or communicated to such person so giving credit by or with the knowledge of the apparent partner making the representation or consenting to its being made.

(a) When a partnership liability results, he is liable as though he were an actual member of the partnership.

(b) When no partnership liability results, he is liable jointly with the other persons, if any, so consenting to the contract or representation as to incur liability, otherwise separately.

(2) When a person has been thus represented to be a partner in an existing partnership, or with one or more persons not actual partners, he is an agent of the persons consenting to such representation to bind them to the same extent and in the same manner as though he were a partner in fact, with respect to persons who rely upon the representation. Where all the members of the existing partnership consent to the representation, a partnership act or obligation results; but in all other cases it is the joint act or obligation of the person acting and the persons consenting to the representation.

**25.04.170 Liability of incoming partner.** A person admitted as a partner into an existing partnership is liable for all the obligations of the partnership arising before his admission as though he had been a partner when such obligations were incurred, except that this liability shall be satisfied only out of the partnership property.

## Part IV

## RELATIONS OF PARTNERS TO ONE ANOTHER

**25.04.180 Rules determining rights and duties of partners.** The rights and duties of the partners in relation to the partnership shall be determined, subject to any agreement between them, by the following rules:

(1) Each partner shall be repaid his contributions, whether by way of capital or advances to the partnership property and share equally in the profits and surplus remaining after all liabilities, including those to partners, are satisfied; and must contribute toward the losses, whether of capital or otherwise, sustained by the partnership according to his share in the profits.

(2) The partnership must indemnify every partner in respect of payments made and personal liabilities reasonably incurred by him in the ordinary and proper conduct of its business, or for the preservation of its business or property.

(3) A partner, who in aid of the partnership makes any payment or advance beyond the amount of capital which he agreed to contribute, shall be paid interest from the date of the payment or advance.

(4) A partner shall receive interest on the capital contributed by him only from the date when repayment should be made.

(5) All partners have equal rights in the management and conduct of the partnership business.

(6) No partner is entitled to remuneration for acting in the partnership business, except that a surviving partner is entitled to reasonable compensation for his services in winding up the partnership affairs.

(7) No person can become a member of a partnership without the consent of all the partners.

(8) Any difference arising as to ordinary matters connected with the partnership business may be decided by a majority of the partners; but no act in contravention of any agreement between the partners may be done rightfully without the consent of all the partners.

**25.04.190 Partnership books.** The partnership books shall be kept, subject to any agreement between the partners, at the principal place of business of the partnership, and every partner shall at all times have access to and may inspect and copy any of them.

**25.04.200 Duty of partners to render information.** Partners shall render on demand true and full information of all things affecting the partnership to any partner or the legal representative of any deceased partner or partner under legal disability.

**25.04.210 Partner accountable as a fiduciary.** (1) Every partner must account to the partnership for any benefit, and hold as trustee for it any profits derived by him without the consent of the other partners from any transaction connected with the formation, conduct, or liquidation of the partnership or from any use by him of its property.

(2) This section applies also to the representatives of a deceased partner engaged in the liquidation of the affairs of the partnership as the personal representatives of the last surviving partner.

**25.04.220 Right to an account.** Any partner shall have the right to a formal account as to partnership affairs:

- (1) If he is wrongfully excluded from the partnership business or possession of its property by his copartners,
- (2) If the right exists under the terms of any agreement,
- (3) As provided by RCW 25.04.210,
- (4) Whenever other circumstances render it just and reasonable.

**25.04.230 Continuation of partnership beyond fixed term.** (1) When a partnership for a fixed term or particular undertaking is continued after the termination of such term or particular undertaking without any express agreement, the rights and duties of the partners remain the same as they were at such termination, so far as is consistent with a partnership at will.

(2) A continuation of the business by the partners or such of them as habitually acted therein during the term, without any settlement or liquidation of the partnership affairs, is prima facie evidence of a continuation of the partnership.

## Part V

### PROPERTY RIGHTS OF A PARTNER

**25.04.240 Extent of property rights of partner.** The property rights of a partner are (1) his rights in specific partnership property, (2) his interest in the partnership, and (3) his right to participate in the management.

**25.04.250 Nature of a partner's right in specific partnership property.** (1) A partner is co-owner with his partners of specific partnership property holding as a tenant in partnership.

(2) The incidents of this tenancy are such that:

(a) A partner, subject to the provisions of this chapter and to any agreement between the partners, has an equal right with his partners to possess specific partnership property for partnership purposes; but he has no right to possess such property for any other purpose without the consent of his partners.

(b) A partner's right in specific partnership property is not as-

signable except in connection with the assignment of rights of all the partners in the same property.

(c) A partner's right in specific partnership property is not subject to attachment or execution, except on a claim against the partnership. When partnership property is attached for a partnership debt, the partners, or any of them, or the representatives of a deceased partner, cannot claim any right under the homestead or exemption laws.

(d) On the death of a partner, his right in specific partnership property vests in the surviving partner or partners, except where the deceased was the last surviving partner, when his right in such property vests in his legal representative. Such surviving partner or partners, or the legal representative of the last surviving partner, has no right to possess the partnership property for any but a partnership purpose.

(e) A partner's right in specific partnership property is not subject to dower, curtesy, or allowances to widows, heirs, or next of kin.

**25.04.260 Nature of partner's interest in the partnership.** A partner's interest in the partnership is his share of the profits and surplus, and the same is personal property.

**25.04.270 Assignment of partner's interest.** (1) A conveyance by a partner of his interest in the partnership does not of itself dissolve the partnership, nor, as against the other partners in the absence of agreement, entitle the assignees, during the continuance of the partnership, to interfere in the management or administration of the partnership business or affairs, or to require any information or account of partnership transactions, or to inspect the partnership books; but it merely entitles the assignee to receive in accordance with his contract the profits to which the assigning partner would otherwise be entitled.

(2) In case of a dissolution of the partnership, the assignee is entitled to receive his assignor's interest and may require an account from the date only of the last account agreed to by all the partners.

**25.04.280 Partner's interest subject to charging order.** (1) On due application to a competent court by any judgment creditor of a partner, the court which entered the judgment, order, or decree, or any other court, may charge the interest of the debtor partner with payment of the unsatisfied amount of such judgment debt with interest thereon; and may then or later appoint a receiver of his share of the profits, and of any other money due or to fall due to him in respect of the partnership, and make all other orders,

directions, accounts and inquiries which the debtor partner might have made, or which the circumstances of the case may require.

(2) The interest charged may be redeemed at any time before foreclosure, or in case of a sale being directed by the court may be purchased without thereby causing a dissolution:

(a) With separate property, by any one or more of the partners, or

(b) With partnership property, by any one or more of the partners with the consent of all the partners whose interests are not so charged or sold.

(3) Nothing in this chapter shall be held to deprive a partner of his right, if any, under the exemption laws, as regards his interest in the partnership.

## Part VI

### DISSOLUTION AND WINDING UP

**25.04.290 Dissolution defined.** The dissolution of a partnership is the change in the relation of the partners caused by any partner ceasing to be associated in the carrying on as distinguished from the winding up of the business.

**25.04.300 Partnership not terminated by dissolution.** On dissolution the partnership is not terminated, but continues until the winding up of the partnership affairs is completed.

**25.04.310 Causes of dissolution.** Dissolution is caused:

(1) Without violation of the agreement between the partners,  
(a) By the termination of the definite term or particular undertaking specified in the agreement,

(b) By the express will of any partner when no definite term or particular undertaking is specified,

(c) By the express will of all the partners who have not assigned their interests or suffered them to be charged for their separate debts, either before or after the termination of any specified term or particular undertaking,

(d) By the expulsion of any partner from the business bona fide in accordance with such a power conferred by the agreement between the partners;

(2) In contravention of the agreement between the partners, where the circumstances do not permit a dissolution under any other provision of this section, by the express will of any partner at any time;

(3) By any event which makes it unlawful for the business of the partnership to be carried on or for the members to carry it on in partnership;

(4) By the death of any partner;

- (5) By the bankruptcy of any partner of the partnership;
- (6) By decree of court under RCW 25.04.320.

**25.04.320 Dissolution by decree of court.** (1) On application by or for a partner the court shall decree a dissolution whenever:

(a) A partner has been declared a lunatic in any judicial proceeding or is shown to be of unsound mind,

(b) A partner becomes in any other way incapable of performing his part of the partnership contract,

(c) A partner has been guilty of such conduct as tends to affect prejudicially the carrying on of the business,

(d) A partner wilfully or persistently commits a breach of the partnership agreement, or otherwise so conducts himself in matters relating to the partnership business that it is not reasonably practicable to carry on the business in partnership with him,

(e) The business of the partnership can only be carried on at a loss,

(f) Other circumstances render dissolution equitable.

(2) On the application of the purchaser of a partner's interest under RCW 25.04.270 and 25.04.280:

(a) After the termination of the specified term or particular undertaking,

(b) At any time if the partnership was a partnership at will when the interest was assigned or when the charging order was issued.

**25.04.330 General effect of dissolution on authority of partner.** Except so far as may be necessary to wind up partnership affairs or to complete transactions begun but not then finished, dissolution terminates all authority of any partner to act for the partnership,

(1) With respect to the partners,

(a) When the dissolution is not by the act, bankruptcy or death of a partner; or

(b) When the dissolution is by such act, bankruptcy or death of a partner, in cases where RCW 25.04.340 so requires.

(2) With respect to persons not partners, as declared in RCW 25.04.350.

**25.04.340 Right of partner to contribution from copartners after dissolution.** Where the dissolution is caused by the act, death or bankruptcy of a partner, each partner is liable to his copartners for his share of any liability created by any partner acting for the partnership as if the partnership had not been dissolved unless:

(1) The dissolution being by act of any partner, the partner acting for the partnership had knowledge of the dissolution, or

(2) The dissolution being by the death or bankruptcy of a part-



ner, the partner acting for the partnership had knowledge or notice of the death or bankruptcy.

**25.04.350 Power of partner to bind partnership to third persons after dissolution.** (1) After dissolution a partner can bind the partnership except as provided in subsection (3) of this section:

(a) By any act appropriate for winding up partnership affairs or completing transactions unfinished at dissolution;

(b) By any transaction which would bind the partnership if dissolution had not taken place, provided the other party to the transaction:

(i) Had extended credit to the partnership prior to dissolution and had no knowledge or notice of the dissolution; or

(ii) Though he had not so extended credit, had nevertheless known of the partnership prior to dissolution, and, having no knowledge or notice of dissolution, the fact of dissolution had not been advertised in a newspaper of general circulation in the place (or in each place if more than one) at which the partnership business was regularly carried on.

(2) The liability of a partner under subsection (1) (b) shall be satisfied out of partnership assets alone when such partner had been prior to dissolution:

(a) Unknown as a partner to the person with whom the contract is made; and

(b) So far unknown and inactive in partnership affairs that the business reputation of the partnership could not be said to have been in any degree due to his connection with it.

(3) The partnership is in no case bound by any act of a partner after dissolution:

(a) Where the partnership is dissolved because it is unlawful to carry on the business, unless the act is appropriate for winding up partnership affairs; or

(b) Where the partner has become bankrupt; or

(c) Where the partner has no authority to wind up partnership affairs; except by a transaction with one who:

(i) Had extended credit to the partnership prior to dissolution and had no knowledge or notice of his want of authority; or

(ii) Had not extended credit to the partnership prior to dissolution, and, having no knowledge or notice of his want of authority, the fact of his want of authority has not been advertised in the manner provided for advertising the fact of dissolution in subsection (1) (b) (ii).

(4) Nothing in this section shall affect the liability under RCW 25.04.160 of any person who after dissolution represents himself or consents to another representing him as a partner in a partnership engaged in carrying on business.

**25.04.360 Effect of dissolution on partner's existing liability.** (1) The dissolution of the partnership does not of itself discharge the existing liability of any partner.

(2) A partner is discharged from any existing liability upon dissolution of the partnership by an agreement to that effect between himself, the partnership creditor and the person or partnership continuing the business; and such agreement may be inferred from the course of dealing between the creditor having knowledge of the dissolution and the person or partnership continuing the business.

(3) Where a person agrees to assume the existing obligations of a dissolved partnership, the partners whose obligations have been assumed shall be discharged from any liability to any creditor of the partnership who, knowing of the agreement, consents to a material alteration in the nature or time of payment of such obligations.

(4) The individual property of a deceased partner shall be liable for all obligations of the partnership incurred while he was a partner but subject to the prior payment of his separate debts.

**25.04.370 Right to wind up.** Unless otherwise agreed, the partners who have not wrongfully dissolved the partnership or the legal representative of the last surviving partner, not bankrupt, have the right to wind up the partnership affairs: *Provided, however,* That any partner, his legal representative, or his assignee, upon cause shown, may obtain winding up by the court.

**25.04.380 Rights of partners to application of partnership property.** (1) When dissolution is caused in any way, except in contravention of the partnership agreement, each partner, as against his copartners and all persons claiming through them in respect of their interests in the partnership, unless otherwise agreed, may have the partnership property applied to discharge its liabilities, and the surplus applied to pay in cash the net amount owing to the respective partners. But if dissolution is caused by expulsion of a partner, bona fide under the partnership agreement and if the expelled partner is discharged from all partnership liabilities, either by payment or agreement under RCW 25.04.360 (2), he shall receive in cash only the net amount due him from the partnership.

(2) When dissolution is caused in contravention of the partnership agreement the rights of the partners shall be as follows:

(a) Each partner who has not caused dissolution wrongfully shall have,

(i) All the rights specified in subsection (1) of this section, and  
(ii) The right, as against each partner who has caused the dissolution wrongfully, to damages for breach of the agreement.

(b) The partners who have not caused the dissolution wrongfully, if they all desire to continue the business in the same name, either by themselves or jointly with others, may do so, during the

agreed term for the partnership and for that purpose may possess the partnership property provided they secure the payment by bond approved by the court, or pay to any partner who has caused the dissolution wrongfully, the value of his interest in the partnership at the dissolution, less any damages recoverable under subsection (2)(a)(ii) of this section, and in like manner indemnify him against all present or future partnership liabilities.

(c) A partner who has caused the dissolution wrongfully shall have:

(i) If the business is not continued under the provisions of subsection (2)(b) all the rights of a partner under subsection (1), subject to subsection (2)(a)(ii), of this section,

(ii) If the business is continued under subsection (2)(b) of this section the right as against his copartners and all claiming through them in respect of their interests in the partnership, to have the value of his interests in the partnership, less any damages caused to his copartners by the dissolution, ascertained and paid to him in cash, or the payment secured by bond approved by the court, and to be released from all existing liabilities of the partnership; but in ascertaining the value of the partner's interest the value of the good will of the business shall not be considered.

**25.04.390 Rights where partnership is dissolved for fraud or misrepresentation.** Where a partnership contract is rescinded on the ground of the fraud or misrepresentation of one of the parties thereto, the party entitled to rescind is, without prejudice to any other right, entitled,

(1) To a lien on, or right of retention of, the surplus of the partnership property after satisfying the partnership liabilities to third persons for any sum of money paid by him for the purchase of an interest in the partnership and for any capital or advances contributed by him; and

(2) To stand, after all liabilities to third persons have been satisfied, in the place of the creditors of the partnership for any payments made by him in respect of the partnership liabilities; and

(3) To be indemnified by the person guilty of the fraud or making the representation against all debts and liabilities of the partnership.

**25.04.400 Rules for distribution.** In settling accounts between the partners after dissolution, the following rules shall be observed, subject to any agreement to the contrary:

(1) The assets of the partnership are:

(a) The partnership property,

(b) The contributions of the partners necessary for the payment of all the liabilities specified in subsection (2) of this section.

(2) The liabilities of the partnership shall rank in order of payment, as follows:

- (a) Those owing to creditors other than partners,
- (b) Those owing to partners other than for capital and profits,
- (c) Those owing to partners in respect of capital,
- (d) Those owing to partners in respect of profits.

(3) The assets shall be applied in the order of their declaration in subdivision (1) of this section to the satisfaction of the liabilities.

(4) The partners shall contribute, as provided by RCW 25.04.180 (1) the amount necessary to satisfy the liabilities; but if any, but not all, of the partners are insolvent, or, not being subject to process, refuse to contribute, the other partners shall contribute their share of the liabilities, and, in the relative proportions in which they share the profits, the additional amount necessary to pay the liabilities.

(5) An assignee for the benefit of creditors or any person appointed by the court shall have the right to enforce the contribution specified in subdivision (4) of this section.

(6) Any partner or his legal representative shall have the right to enforce the contributions specified in subdivision (4) of this section, to the extent of the amount which he has paid in excess of his share of the liability.

(7) The individual property of a deceased partner shall be liable for the contributions specified in subdivision (4) of this section.

(8) When partnership property and the individual properties of the partners are in possession of a court for distribution, partnership creditors shall have priority on partnership property and separate creditors on individual property, saving the rights of lien or secured creditors as heretofore.

(9) Where a partner has become bankrupt or his estate is insolvent the claims against his separate property shall rank in the following order:

- (a) Those owing to separate creditors,
- (b) Those owing to partnership creditors,
- (c) Those owing to partners by way of contribution.

**25.04.410 Liability of persons continuing the business in certain cases.** (1) When any new partner is admitted into an existing partnership, or when any partner retires and assigns (or the representative of the deceased partner assigns) his rights in partnership property to two or more of the partners, or to one or more of the partners and one or more third persons, if the business is continued without liquidation of the partnership affairs, creditors of the first or dissolved partnership are also creditors of the partnership so continuing the business.

(2) When all but one partner retire and assign (or the represen-

tative of a deceased partner assigns) their rights in partnership property to the remaining partner, who continues the business without liquidation of partnership affairs, either alone or with others, creditors of the dissolved partnership are also creditors of the person or partnership so continuing the business.

(3) When any partner retires or dies and the business of the dissolved partnership is continued as set forth in subsections (1) and (2) of this section, with the consent of the retired partners or the representative of the deceased partner, but without any assignment of his right in partnership property, rights of creditors of the dissolved partnership and of the creditors of the person or partnership continuing the business shall be as if such assignment had been made.

(4) When all the partners or their representatives assign their rights in partnership property to one or more third persons who promise to pay the debts and who continue the business of the dissolved partnership, creditors of the dissolved partnership are also creditors of the person or partnership continuing the business.

(5) When any partner wrongfully causes a dissolution and the remaining partners continue the business under the provisions of RCW 25.04.380 (2) (b), either alone or with others, and without liquidation of the partnership affairs, creditors of the dissolved partnership are also creditors of the person or partnership continuing the business.

(6) When a partner is expelled and the remaining partners continue the business either alone or with others, without liquidation of the partnership affairs, creditors of the dissolved partnership are also creditors of the person or partnership continuing the business.

(7) The liability of a third person becoming a partner in the partnership continuing the business, under this section, to the creditors of the dissolved partnership shall be satisfied out of partnership property only.

(8) When the business of a partnership after dissolution is continued under any conditions set forth in this section the creditors of the dissolved partnership, as against the separate creditors of the retiring or deceased partner or the representative of the deceased partner, have a prior right to any claim of the retired partner or the representative of the deceased partner against the person or partnership continuing the business, on account of the retired or deceased partner's interest in the dissolved partnership or on account of any consideration promised for such interest or for his right in partnership property.

(9) Nothing in this section shall be held to modify any right of creditors to set aside any assignment on the ground of fraud.

(10) The use by the person or partnership continuing the busi-

ness of the partnership name, or the name of a deceased partner as part thereof, shall not of itself make the individual property of the deceased partner liable for any debts contracted by such person or partnership.

**25.04.420 Rights of retiring or estate of deceased partner when business is continued.** When any partner retires or dies, and the business is continued under any of the conditions set forth in RCW 25.04.410 (1), (2), (3), (5), (6), or RCW 25.04.380 (2)(b), without any settlement of accounts as between him or his estate and the person or partnership continuing the business, unless otherwise agreed, he or his legal representative as against such persons or partnerships may have the value of his interest at the date of dissolution ascertained, and shall receive as an ordinary creditor an amount equal to the value of his interest in the dissolved partnership with interest, or, at his option or at the option of his legal representative, in lieu of interest, the profits attributable to the use of his right in the property of the dissolved partnership: *Provided*, That the creditors of the dissolved partnership as against the separate creditors, or the representative of the retired or deceased partner, shall have priority on any claim arising under this section as provided by RCW 25.04.410 (8).

**25.04.430 Accrual of actions.** The right to an account of his interest shall accrue to any partner, or his legal representative, as against the winding up partners or the surviving partners or the person or partnership continuing the business, at the date of dissolution, in the absence of any agreement to the contrary.

## Chapter 25.08

### LIMITED PARTNERSHIPS

**25.08.010 Limited partnership defined.** A limited partnership is a partnership formed by two or more persons under the provisions of RCW 25.08.020 having as members one or more general partners and one or more limited partners. The limited partners as such shall not be bound by the obligations of the partnership.

**25.08.020 Formation.** Two or more persons desiring to form a limited partnership shall:

- (1) Sign and swear to a certificate, which shall state:
  - (a) The name of the partnership;
  - (b) The character of the business;
  - (c) The location of the principal place of business;
  - (d) The name and place of residence of each member; general and limited partners being respectively designated;
  - (e) The term for which the partnership is to exist;

(f) The amount of cash and a description of and the agreed value of the other property contributed by each limited partner;

(g) The additional contributions, if any, agreed to be made by each limited partner and the times at which or events on the happening of which they shall be made;

(h) The time, if agreed upon, when the contribution of each limited partner is to be returned;

(i) The share of the profits or the other compensation by way of income which each limited partner shall receive by reason of his contribution;

(j) The right, if given, of a limited partner to substitute an assignee as contributor in his place and the terms and conditions of the substitution;

(k) The right, if given, of the partners to admit additional limited partners;

(l) The right, if given, of one or more of the limited partners to priority over other limited partners, as to contributions or as to compensation by way of income, and the nature of such priority;

(m) The right, if given, of the remaining general partner or partners to continue the business on the death, retirement or insanity of a general partner; and

(n) The right, if given, of a limited partner to demand and receive property other than cash in return for his contribution.

(2) File for record the certificate in the office of the county clerk of the county of the principal place of business.

A limited partnership is formed if there has been substantial compliance in good faith with the foregoing requirements.

**25.08.030 Business which may be carried on.** A limited partnership may carry on any business which a partnership without limited partners may carry on.

**25.08.040 Character of limited partner's contribution.** The contributions of a limited partner may be cash or other property, but not services.

**25.08.050 A name not to contain surname of limited partner—Exception.** (1) The surname of a limited partner shall not appear in the partnership name, unless:

(a) It is also the surname of a general partner; or

(b) Prior to the time when the limited partner became such the business had been carried on under a name in which that surname appeared.

(2) A limited partner whose name appears in a partnership name contrary to the provisions of subsection (1) is liable as a general partner to partnership creditors who extend credit to the partnership without actual knowledge that he is not a general partner.

**25.08.060 Liability for false statements in certificate.** If the certificate contains a false statement, one who suffers loss by reliance on such statement may hold liable any party to the certificate who knew the statement to be false:

- (1) At the time he signed the certificate; or
- (2) Subsequently, but within a sufficient time before the statement was relied upon to enable him to cancel or amend the certificate, or to file a petition for its cancellation or amendment as provided in RCW 25.08.250 (3).

**25.08.070 Limited partner not liable to creditors.** A limited partner shall not become liable as a general partner unless, in addition to the exercise of his rights and powers as limited partner, he takes part in the control of the business.

**25.08.080 Admission of additional limited partners.** After the formation of a limited partnership, additional limited partners may be admitted upon filing an amendment to the original certificate in accordance with the requirements of RCW 25.08.250.

**25.08.090 Rights, powers and liabilities of a general partner.** A general partner shall have all the rights and powers and be subject to all the restrictions and liabilities of a partner in a partnership without limited partners, except that without the written consent or ratification of the specific act by all the limited partners, a general partner or all of the general partners have no authority to:

- (1) Do any act in contravention of the certificate;
- (2) Do any act which would make it impossible to carry on the ordinary business of the partnership;
- (3) Confess a judgment against the partnership;
- (4) Possess partnership property, or assign their rights in specific partnership property, for other than a partnership purpose;
- (5) Admit a person as a general partner;
- (6) Admit a person as a limited partner, unless the right so to do is given in the certificate;
- (7) Continue the business with partnership property on the death, retirement or insanity of a general partner, unless the right so to do is given in the certificate.

**25.08.100 Rights of a limited partner.** (1) A limited partner shall have the same rights as a general partner to:

- (a) Have the partnership books kept at the principal place of business of the partnership, and at all times to inspect and copy any of them;
- (b) Have on demand true and full information of all things affecting the partnership, and a formal account of partnership affairs whenever circumstances render it just and reasonable; and
- (c) Have dissolution and winding up by decree of court.



(2) A limited partner shall have the right to receive a share of the profits or other compensation by way of income, and to the return of his contribution as provided in RCW 25.08.150 and 25.08.160.

**25.08.110 Status of person erroneously believing himself a limited partner.** A person who has contributed to the capital of a business conducted by a person or partnership erroneously believing that he has become a limited partner in a limited partnership, is not, by reason of his exercise of the rights of a limited partner, a general partner with the person or in the partnership carrying on the business, or bound by the obligations of such person or partnership: *Provided, That on ascertaining the mistake he promptly renounces his interest in the profits of the business, or other compensation by way of income.*

**25.08.120 One person both general and limited partner.** (1) A person may be a general partner and a limited partner in the same partnership at the same time.

(2) A person who is a general, and also at the same time a limited partner, shall have all the rights and powers and be subject to all the restrictions of a general partner; except that, in respect to his contribution, he shall have the rights against the other members which he would have had if he were not also a general partner.

**25.08.130 Loans and other business transactions with limited partner.** (1) A limited partner also may loan money to and transact other business with the partnership, and, unless he is also a general partner, receive on account of resulting claims against the partnership, with general creditors, a pro rata share of the assets. No limited partner shall in respect to any such claim:

(a) Receive or hold as collateral security any partnership property; or

(b) Receive from a general partner or the partnership any payment, conveyance, or release from liability, if at the time the assets of the partnership are not sufficient to discharge partnership liabilities to persons not claiming as general or limited partners.

(2) The receiving of collateral security, or a payment, conveyance, or release in violation of the provisions of subsection (1), is a fraud on the creditors of the partnership.

**25.08.140 Relation of limited partners among themselves.** Where there are several limited partners, the members may agree that one or more of the limited partners shall have a priority over other limited partners as to the return of their contributions, as to their compensation by way of income, or as to any other matter. If such an agreement is made, it shall be stated in the certificate, and in the absence of such a statement all the limited partners shall stand upon equal footing.

**25.08.150 Compensation of limited partner.** A limited partner may receive from the partnership the share of the profits or the compensation by way of income stipulated for in the certificate if after such payment is made, whether from the property of the partnership or that of a general partner, the partnership assets are in excess of all liabilities of the partnership except liabilities to limited partners on account of their contributions and to general partners.

**25.08.160 Withdrawal or reduction of limited partner's contribution.** (1) A limited partner shall not receive from a general partner or out of partnership property any part of his contribution until:

(a) All liabilities of the partnership, except liabilities to general partners and to limited partners on account of their contributions, have been paid or there remains property of the partnership sufficient to pay them;

(b) The consent of all members is had, unless the return of the contribution may be rightfully demanded under the provisions of subsection (2); and

(c) The certificate is canceled or so amended as to set forth the withdrawal or reduction.

(2) Subject to the provisions of subsection (1) a limited partner may rightfully demand the return of his contribution:

(a) On the dissolution of a partnership; or

(b) When the date specified in the certificate for its return has arrived; or

(c) After he has given six months' notice in writing to all other members, if no time is specified in the certificate either for the return of the contribution or for the dissolution of the partnership.

(3) In the absence of any statement in the certificate to the contrary or the consent of all members, a limited partner, irrespective of the nature of his contribution, has only the right to demand and receive cash in return for his contribution.

(4) A limited partner may have the partnership dissolved and its affairs wound up when:

(a) He rightfully but unsuccessfully demands the return of his contribution; or

(b) The other liabilities of the partnership have not been paid, or the partnership property is insufficient for their payment as required by subsection (1)(a) and the limited partner would otherwise be entitled to the return of his contribution.

**25.08.170 Liability of limited partner to partnership.** (1) A limited partner is liable to the partnership:

(a) For the difference between his contribution as actually made and that stated in the certificate as having been made; and

(b) For any unpaid contribution which he agreed in the certificate to make in the future at the time and on the conditions stated in the certificate.

(2) A limited partner holds as trustee for the partnership:

(a) Specific property stated in the certificate as contributed by him, but which was not contributed or which has been wrongfully returned, and;

(b) Money or other property wrongfully paid or conveyed to him on account of his contribution.

(3) The liabilities of a limited partner as set forth in this section can be waived or compromised only by the consent of all members; but a waiver or compromise shall not affect the right of a creditor of a partnership, who extended credit or whose claim arose after the filing and before a cancellation or amendment of the certificate, to enforce such liabilities.

(4) When a contributor has rightfully received the return in whole or in part of the capital of his contribution, he is nevertheless liable to the partnership for any sum, not in excess of such return with interest, necessary to discharge its liabilities to all creditors who extended credit or whose claims arose before each return.

**25.08.180 Nature of limited partner's interest in partnership.** A limited partner's interest in the partnership is personal property.

**25.08.190 Assignment of limited partner's interest.** (1) A limited partner's interest is assignable.

(2) A substituted limited partner is a person admitted to all the rights of a limited partner who has died or has assigned his interest in a partnership.

(3) An assignee, who does not become a substituted limited partner, has no right to require any information or account of the partnership transactions or to inspect the partnership books; he is only entitled to receive the share of the profits or other compensation by way of income, or the return of his contribution, to which his assignor would otherwise be entitled.

(4) An assignee shall have the right to become a substituted limited partner if all the members (except the assignor) consent thereto or if the assignor, being thereunto empowered by the certificate, gives the assignee that right.

(5) An assignee becomes a substituted limited partner when the certificate is appropriately amended in accordance with RCW 25.08.250.

(6) The substituted limited partner has all the rights and powers, and is subject to all the restrictions and liabilities of his assignor, except those liabilities of which he was ignorant at the time he became a limited partner and which could not be ascertained from the certificate.

(7) The substitution of the assignee as a limited partner does not release the assignor from liability to the partnership under RCW 25.08.060 and 25.08.170.

**25.08.200 Effect of retirement, death or insanity of a general partner.** The retirement, death or insanity of a general partner dissolves the partnership, unless the business is continued by the remaining general partners:

- (1) Under a right so to do stated in the certificate; or
- (2) With the consent of all members.

**25.08.210 Death of limited partner.** (1) On the death of a limited partner, his executor or administrator shall have all the rights of a limited partner for the purpose of settling his estate, and such power as the deceased had to constitute his assignee a substituted limited partner.

(2) The estate of a deceased limited partner shall be liable for all his liabilities as a limited partner.

**25.08.220 Rights of creditors of limited partner.** (1) On due application to a court of competent jurisdiction by any creditor of a limited partner, the court may charge the interest of the indebted limited partner with payment of the unsatisfied amount of such claim; and may appoint a receiver, and make all other orders, directions, and inquiries which the circumstances of the case may require.

(2) The interest may be redeemed with the separate property of any general partner, but may not be redeemed with partnership property.

(3) The remedies conferred by subsection (1) shall not be deemed exclusive of others which may exist.

(4) Nothing in this chapter shall be held to deprive a limited partner of his statutory exemptions.

**25.08.230 Distribution of assets.** (1) In settling accounts after dissolution the liabilities of the partnership shall be entitled to payment in the following order:

(a) Those to creditors, in the order of priority as provided by law, except those to limited partners on account of their contributions, and to general partners;

(b) Those to limited partners in respect to their share of the profits and other compensation by way of income on their contributions;

(c) Those to limited partners in respect to the capital of their contributions;

(d) Those to general partners other than for capital and profits;

(e) Those to general partners in respect to profits;

(f) Those to general partners in respect to capital.

(2) Subject to any statement in the certificate or to subsequent agreement, limited partners share in the partnership assets in respect to their claims for capital, and in respect to their claims for profits or for compensation by way of income on their contributions respectively, in proportion to the respective amounts of such claims.

**25.08.240 When certificate shall be canceled or amended.** (1) The certificate shall be canceled when the partnership is dissolved or all limited partners cease to be such.

(2) A certificate shall be amended when:

(a) There is a change in the name of the partnership or in the amount or character of the contribution of any limited partner;

(b) A person is substituted as a limited partner;

(c) An additional limited partner is admitted;

(d) A person is admitted as a general partner;

(e) A general partner retires, dies or becomes insane, and the business is continued under RCW 25.08.200;

(f) There is a change in the character of the business of the partnership;

(g) There is a false or erroneous statement in the certificate;

(h) There is a change in the time as stated in the certificate for the dissolution of the partnership or for the return of a contribution;

(i) A time is fixed for the dissolution of the partnership, or the return of a contribution, no time having been specified in the certificate; or

(j) The members desire to make a change in any other statement in the certificate in order that it may accurately represent the agreement between them.

**25.08.250 Requirements for amendment and for cancellation of certificate.** (1) The writing to amend a certificate shall:

(a) Conform to the requirements of RCW 25.08.020 (1) as far as necessary to set forth clearly the change in the certificate which it is desired to make; and

(b) Be signed and sworn to by all members, and an amendment substituting a limited partner or adding a limited or general partner shall be signed also by the member to be substituted or added, and when a limited partner is to be substituted, the amendment shall also be signed by the assigning limited partner.

(2) The writing to cancel a certificate shall be signed by all members.

(3) A person desiring the cancellation or amendment of a certificate, if any person designated in subsections (1) and (2) as a person who must execute the writing refuses to do so, may petition a court of competent jurisdiction to direct a cancellation or amendment thereof.

(4) If the court finds that the petitioner has a right to have the writing executed by a person who refuses to do so, it shall order the county clerk in the office where the certificate is recorded to record the cancellation or amendment of the certificate; and where the certificate is to be amended, the court shall also cause to be filed for record in said office a certified copy of its decree setting forth the amendment.

(5) A certificate is amended or canceled when there is filed for record in the office of the county clerk where the certificate is recorded:

(a) A writing in accordance with the provisions of subsections (1) or (2); or

(b) A certified copy of the order of court in accordance with the provisions of subsection (4).

(6) After the certificate is duly amended in accordance with this section, the amended certificate shall thereafter be for all purposes the certificate provided for by this chapter.

**25.08.260 Parties to actions.** A contributor, unless he is a general partner, is not a proper party to proceedings by or against a partnership, except where the object is to enforce a limited partner's right against or liability to the partnership.

**25.08.270 Name of chapter.** This chapter may be cited as the uniform limited partnership act.

**25.08.280 Rules of construction.** (1) The rule that statutes in derogation of the common law are to be strictly construed shall have no application to this chapter.

(2) This chapter shall be so interpreted and construed as to effect its general purpose to make uniform the law of those states which enact it.

(3) This chapter shall not be so construed as to impair the obligations of any contract existing when the chapter goes into effect, nor to affect any action or proceedings begun or right accrued before this chapter takes effect.

**25.08.290 Rules for cases not provided for in this chapter.** In any case not provided for in this chapter the rules of law and equity, including the law merchant, shall govern.

**25.08.300 Provisions for existing limited partnerships.** (1) A limited partnership formed under any statute of this state prior to June 6, 1945, may become a limited partnership under this chapter by complying with the provisions of RCW 25.08.020; provided the certificate sets forth:

(a) The amount of the original contribution of each limited partner, and the time when the contribution was made; and

(b) That the property of the partnership exceeds the amount sufficient to discharge its liabilities to persons not claiming as general or limited partners by an amount greater than the sum of the contributions of its limited partners.

(2) A limited partnership formed under any statute of this state prior to June 6, 1945 until or unless it becomes a limited partnership hereunder, shall continue to be governed by the provisions of RCW 25.12.010 through 25.12.100, except that such partnership shall not be renewed unless so provided in the original agreement.

**25.08.310 Schedule of repeals.** Except as affecting limited partnerships to the extent set forth in RCW 25.08.300; section 1, chapter 106, Laws of 1927, and that act entitled "AN ACT to authorize the formation of limited partnerships," enacted December 2, 1869, Laws of 1869, page 380, Code of 1881, sections 2370 through 2379 (RCW 25.12.010 through 25.12.100; Rem. Rev. Stats. sections 9966 through 9975), are hereby repealed.

## Chapter 25.12

### LIMITED PARTNERSHIPS EXISTING PRIOR TO JUNE 6, 1945

**25.12.005 Application of chapter.** The provisions of this chapter shall apply only to those limited partnerships which were in existence on or prior to June 6, 1945 and which have not become a limited partnership under chapter 25.08.

**25.12.010 Limited partnership may be formed.** Limited partnerships for the transaction of mercantile, mechanical, or manufacturing business may be formed within this state, by two or more persons, upon the terms and subject to the conditions contained in this chapter.

**25.12.020 Of whom composed—Liability of members.** A limited partnership may consist of two or more persons, who are known and called general partners, and are jointly liable as general partners now are by law, and of two or more persons who shall contribute to the common stock a specific sum in actual money as capital, and are known and called special partners, and are not personally liable for any of the debts of the partnership, except as in this chapter specially provided.

**25.12.030 Certificate to be made, acknowledged and filed.** The persons forming such partnership shall make and severally subscribe a certificate, in duplicate, and file one of such certificates with the county auditor of the county in which the principal place of business of the partnership is to be. Before being filed, the

execution of such certificate shall be acknowledged by each partner subscribing it before some officer authorized to take acknowledgments of deeds; and such certificate shall contain the name assumed by the partnership and under which its business is to be conducted, the names and respective places of residence of all the general and special partners, the amount of capital which each special partner has contributed to the common stock, the general nature of the business to be transacted, and the time when the partnership is to commence, and when it is to terminate.

**25.12.040 False statement—Publication of copy.** Such partnership cannot commence before the filing of the certificate of partnership, and if a false statement is made in such certificate, all the persons subscribing thereto are liable as general partners for all the debts of the partnership. The partners shall, for four consecutive weeks immediately after the filing of the certificate of partnership, publish a copy of it in some weekly newspaper published in the county where the principal place of business of the partnership is, or if no such paper be published therein, then in some newspaper of general circulation therein, and until such publication is made and completed, the partnership is to be deemed general.

**25.12.050 Renewal of limited partnership.** A limited partnership may be continued or renewed by making, acknowledging, filing, and publishing a certificate thereof, in the manner provided in this chapter for the formation of such partnership originally, and every such partnership, not renewed or continued as herein provided, from and after the expiration thereof according to the original certificate, shall be a general partnership.

**25.12.060 Name of firm—When special partner liable as general partner.** The business of the partnership may be conducted under a name in which the names of the general partners only shall be inserted, without the addition of the word "company" or any other general term. If the name of any special partner is used in such firm with his consent or privity, he shall be deemed and treated as a general partner, or if he personally makes any contract respecting the concerns of the partnership with any person except the general partners, he shall be deemed and treated as a general partner in relation to such contract, unless he makes it appear that in making such contract he acted and was recognized as a special partner only.

**25.12.070 Withdrawal of stock and profits—Effect.** During the continuance of any partnership formed under this chapter no part of the capital stock thereof shall be withdrawn, nor any division of interests or profits be made, so as to reduce such capital stock



below the sum stated in the certificate of partnership before mentioned; and if at any time during the continuance or at the termination of such partnership, the property or assets thereof are not sufficient to satisfy the partnership debts then the special partners shall be severally liable for all sums or amounts by them in any way received or withdrawn from such capital stock, with interest thereon from the time they were so received or withdrawn respectively.

**25.12.080 Suits by and against limited partnership—Parties.** All actions, suits or proceedings respecting the business of such partnership shall be prosecuted by and against the general partners only, except in those cases where special partners or partnerships are to be deemed general partners or partnerships, in which case all the partners deemed general partners may join therein; and excepting also those cases where special partners are severally liable on account of sums or amounts received or withdrawn from the capital stock as provided in RCW 25.12.070.

**25.12.090 Dissolution, how accomplished.** No dissolution of a limited partnership shall take place except by operation of law, before the time specified in the certificate of partnership, unless a notice of such dissolution, subscribed by the general and special partners is filed with the original certificate of partnership or the certificate, if any, renewing or continuing such partnership nor unless a copy of such notice be published for the time and in the manner prescribed for the publication of the certificate of partnership.

**25.12.100 Liabilities and rights of members of firm.** In all cases not otherwise provided for in this chapter, all the members of limited partnerships shall be subject to all the liabilities and entitled to all the rights of general partners.

## Chapter 25.98

### CONSTRUCTION

**25.98.010 Continuation of existing law.** The provisions of this title insofar as they are substantially the same as statutory provisions repealed by this chapter and by RCW 25.08.310, and relating to the same subject matter, shall be construed as restatements and continuations, and not as new enactments.

**25.98.020 Title, chapter, section headings not part of law.** Title headings, chapter headings, and section or subsection headings, as used in this title do not constitute any part of the law.

**25.98.030 Invalidity of part of title not to affect remainder.** If any provision of this title, or its application to any person or circumstance is held invalid, the remainder of the title, or the application of the provision to other persons or circumstances is not affected.

**25.98.040 Repeals and saving.** Chapter 92, Laws of 1945, and chapter 137, Laws of 1945, are each repealed but such repeal shall not be construed as affecting any existing right acquired under the provisions of the statutes repealed, nor as affecting any proceeding instituted thereunder.

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

Passed the House January 26, 1955.

Passed the Senate January 31, 1955.

Approved by the Governor February 8, 1955.

## CHAPTER 16.

[H. B. 12.]

## PUBLIC PRINTING.

An Act relating to public printing; and amending section 1, chapter 124, Laws of 1943 and RCW 43.78.080.

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

SECTION 1. Section 1, chapter 124, Laws of 1943 and RCW 43.78.080 are each amended to read as follows: Amendment.

All printing, ruling, binding, and other work done or supplies furnished by the state printing plant for the various state departments, commissions, institutions, boards, and officers shall be paid for on an actual cost basis as determined from a standard cost finding system to be maintained by the state printing plant. In no event shall the price charged the various state departments, commissions, institutions, boards, and officers exceed those established by the Porte Publishing Company's Franklin Printing Catalogue for similar and comparable work. All bills for printing, ruling, binding, and other work done or for supplies furnished by the state printing plant shall be certified and sworn to by the public printer. State printing on cost basis.

The public printing shall be divided into the following classes: Classes of printing:

**FIRST CLASS.** The bills, resolutions, and other matters that may be ordered by the legislature, or either branch thereof, in bill form, shall constitute the first class, and shall be printed in such form as the legislature shall provide. Legislative.

**SECOND CLASS.** The second class shall consist of printing and binding of journals of the senate and house of representatives, and the annual and biennial reports of the several state officers, state commissions, boards, and institutions, with the exception of Journals and reports.

Exceptions.

the reports of the attorney general and the governor's message to the legislature, which shall be printed and bound in the same style as heretofore. Said journals and reports shall be printed on what is known as machine finish book paper weighing not less than fifty pounds to the ream of 25 x 38 inches, and set in brier, or what is known as eight point type, with a six to pica lead between each line, and without unnecessary blanks, broken pages, or paragraphs. All communications, resolutions, reports of committees, messages, and similar documents making up a part of said journals shall be set in nonpareil or what is known as six point type, with a six to pica lead between each line. All tabular matter shall be set in nonpareil or what is known as six point type; the type matter for a page to be 4½ x 7½ inches, which is to include all running heads and footnotes. All reports shall be 6 x 9 inches when trimmed. The general style of all reports shall be the same as those printed in 1918, and the general style of the journals of the house and senate of the session of 1917 shall be followed in the printing and binding of the journals hereafter. There shall be no duplicates of reports or parts of reports printed except by permission of the governor.

Other reports  
and pamphlets.

**THIRD CLASS.** The third class shall consist of all reports, communications, and all other documents that may be ordered printed in book form by the legislature or either branch thereof, and all reports, books, pamphlets, and other like matter printed in book form required by all state officers, boards, commissions, and institutions shall be printed in such form and style, and set in such size type, and printed on such grade of paper as may be desired by the state officer, board, commission, or institution ordering them, and which they think will best serve the purpose for which intended.

FOURTH CLASS. The fourth class shall consist of the session laws, and shall be printed and bound in the same style, size of page and form as the session laws published by this state heretofore, with similar margin notes; the size of type to be eleven point for the laws or body of the book and six point for the marginal notes and index, and shall be printed on machine finish book paper weighing not less than 60 pounds to the ream of 25 x 38 inches: *Provided*, That laws reenacting titles to the Revised Code of Washington which have been introduced in the legislature at the request of the statute law committee shall be printed in the session laws in the same size, form and style of type that is used in the Revised Code of Washington.

Session laws.

Reenactment  
of RCW titles.

FIFTH CLASS. The fifth class shall consist of the printing of all stationery blanks, record books, and circulars, and all printing and binding required by the respective state officers, boards, commissions, and institutions not covered by classes one, two, three and four.

Other printing.

Passed the House February 2, 1955.

Passed the Senate February 1, 1955.

Approved by the Governor February 8, 1955.

CHAPTER 17.

[ H. B. 81. ]

WASHINGTON TOLL BRIDGE AUTHORITY—REFUNDING BONDS FOR STATE FERRY SYSTEM.

AN ACT relating to the refunding by the Washington toll bridge authority of revenue bonds issued in connection with the Washington state ferry system and any toll bridges, approaches and roadways included therein, authorizing the issuance of refunding bonds, making the provisions of RCW 47.60.050 through 47.60.120 relating to issuance and sale of revenue bonds applicable to such refunding bonds, and declaring an emergency.

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

Refunding bonds; authorized.

SECTION 1. The Washington toll bridge authority is hereby authorized to refund, at the maturity thereof, or before the maturity thereof if they are subject to call prior to maturity or if all of the holders thereof consent thereto, upon such terms and conditions as it shall deem best, any or all of its revenue bonds now or hereafter outstanding, issued for the purpose of acquiring, constructing or reconstructing a system of ferries and ferry facilities on and crossing Puget Sound and its tributary waters, and any toll bridges, approaches and roadways included therein, and for rehabilitating, rebuilding, enlarging or improving all or any part of the system, or issued for the purpose of refunding such bonds, which revenue bonds are payable out of all or part of the revenues of such Washington state ferry system. Refunding bonds may be issued hereunder in a sufficient amount to provide additional funds for acquiring, constructing, reconstructing, rehabilitating, rebuilding, enlarging or improving the Washington state ferry system, including any toll bridges, approaches and roadways included therein, and to pay all refunding costs and expenses and to provide adequate reserves for said ferry system and for any such refunding bonds. Various issues and series of such outstanding

Amount.

Scope of single issue.

bonds, including refunding bonds, may be combined and refunded by a single issue of refunding bonds. Such refunding bonds shall bear interest at such rates and mature at such times, without limitation by the interest rates or maturity of the bonds being refunded, and shall contain such other covenants and conditions as the Washington toll bridge authority shall determine by resolution.

Interest rate.

Covenants and conditions.

SEC. 2. Any refunding bonds authorized herein shall constitute obligations of the Washington toll bridge authority only and not of the state of Washington. They shall be payable solely out of all or such part of the revenues derived from the operation of the Washington state ferry system, including any toll bridges, approaches or roadways included therein, as shall be provided in the resolution authorizing the issuance of such refunding bonds.

Washington Toll Bridge Authority obligation only.

Source of payment.

SEC. 3. The bonds herein authorized shall, in the discretion of the Washington toll bridge authority, be exchanged at par for the bonds being refunded or any such bonds not exchanged shall be sold in the manner provided in RCW 47.60.090. The bonds herein authorized shall be issued in accordance with, and shall be subject to, the provisions of RCW 47.60.050, 47.60.060, 47.60.070, 47.60.080, 47.60.100, 47.60.110 and 47.60.120.

Exchange and sale.

Issuance.

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

Emergency.

Passed the House January 28, 1955.

Passed the Senate February 7, 1955.

Approved by the Governor February 8, 1955.

CHAPTER 18.

[ S. B. 415. ]

APPROPRIATION—BILL DRAFTING.

AN ACT relating to the statute law committee; and making an appropriation; and declaring an emergency.

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

Appropriation.

SECTION 1. There is hereby appropriated out of the General Fund, for the Permanent Statute Law Committee, to carry out the provisions of chapter 257, Laws of 1953, salaries and wages, the sum of seventeen thousand six hundred dollars (\$17,600.00), or as much thereof as is necessary to pay the additional cost of preparing and drafting bills for the 1955 Thirty-fourth regular session of the Legislature.

Emergency.

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

Passed the Senate February 9, 1955.

Passed the House February 10, 1955.

Approved by the Governor February 14, 1955.

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CHAPTER 19.

[ H. B. 30. ]

SUPERIOR COURT JUDGES—ALLOCATION TO COUNTIES.

AN ACT relating to judges in the superior courts of certain counties; amending section 5, chapter 125, Laws of 1951 and RCW 2.08.063, and section 6, chapter 125, Laws of 1951 and RCW 2.08.064, and declaring an emergency.

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

Amendment.

SECTION 1. Section 5, chapter 125, Laws of 1951 and RCW 2.08.063 are each amended to read as follows:

Counties of  
Lincoln, Skagit  
and Island.

There shall be in the county of Lincoln one judge of the superior court; in the county of Skagit and



Island jointly, two judges of the superior court; in the county of Walla Walla, two judges of the superior court; in the county of Whitman, one judge of the superior court; in the county of Yakima three judges of the superior court; in the county of Adams, one judge of the superior court.

Counties of  
Walla Walla,  
Whitman,  
Yakima and  
Adams.

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

Amendment.

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

Counties of  
Benton, Frank-  
lin, Clallam,  
Jefferson, Sno-  
homish, Asotin,  
Columbia, Gar-  
field, Cowlitz,  
Klickitat and  
Skamania.

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

Emergency.

Passed the House January 26, 1955.

Passed the Senate February 9, 1955.

Approved by the Governor February 14, 1955.

CHAPTER 20.

[ H. B. 47. ]

LEGAL HOLIDAYS—VETERANS' DAY.

AN ACT relating to holidays, changing the name Armistice Day to Veterans' Day; and amending section 1, chapter 51, Laws of 1927 and RCW 1.16.050, and section 6, page 308, Laws of 1909 and RCW 28.02.060, and section 1, chapter 21, Laws of 1939 and section 2, chapter 56, Laws of 1921 and section 3, chapter 56, Laws of 1921 and RCW 28.02.070.

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

Amendment.

Legal holidays defined.

SECTION 1. Section 1, chapter 51, Laws of 1927 and RCW 1.16.050 are each amended to read as follows: The following are legal holidays: Sunday; the first day of January, commonly called New Year's Day; the twelfth day of February, being the anniversary of the birth of Abraham Lincoln; the twenty-second day of February, being the anniversary of the birth of George Washington; the thirtieth day of May, commonly known as Memorial Day; the fourth day of July, being the anniversary of the Declaration of Independence; the first Monday in September, to be known as Labor Day; the twelfth day of October, to be known as Columbus Day; the eleventh day of November, to be known as Veterans' Day; the twenty-fifth day of December, commonly called Christmas Day; the day on which any general election is held throughout the state; and any day designated by public proclamation of the chief executive of the state as a legal holiday, or as a day of thanksgiving.

When legal holiday falls on Sunday.

Whenever any legal holiday, other than Sunday, falls upon a Sunday, the following Monday shall be a legal holiday.

Amendment.

School holidays.

SEC. 2. Section 6, page 308, Laws of 1909 and RCW 28.02.060 are each amended to read as follows:

No teacher shall be required to teach school on Saturday, Labor Day, Veterans' and Admission Day,

Thanksgiving Day and the day immediately following Thanksgiving Day, Christmas, New Year's, Washington's Birthday, Memorial Day or Fourth of July: *Provided*, That no reduction from the teacher's time or salary shall be made by reason of the fact that a school day happens to be one of the days referred to in this section as a day on which school shall not be taught.

Teachers' salaries.

SEC. 3. Section 1, chapter 21, Laws of 1939 and section 2, chapter 56, Laws of 1921 and section 3, chapter 56, Laws of 1921, (heretofore combined and codified as RCW 28.02.070) are amended to read as follows:

Amendment.

On the Friday preceding November 11th when November 11th falls on a non-school day, each teacher, or the principal in charge of the school building, in all elementary and high schools of the state shall prepare and present a program suitable to observance of Veterans' and Admission Day.

School observance of Veterans' and Admission Day.

The program must be at least 60 minutes in length, setting forth the part taken by the United States and the state of Washington in the world war for the years nineteen hundred seventeen and nineteen hundred and eighteen, the principles for which the allied nations fought, and the heroic deeds of American soldiers and sailors, the leading events in the history of our state and of Washington Territory, the character and struggles of the pioneer settlers and other topics tending to instill a loyalty and devotion to the institutions and laws of our state.

Program.

It shall be the duty of the superintendent of public instruction and of each county superintendent of schools, by advice and suggestion, to aid in the suitable observance of Veterans' and Admission Day.

Duties of Superintendent of public instruction and county superintendents.

Passed the House January 25, 1955.

Passed the Senate February 9, 1955.

Approved by the Governor February 14, 1955.

CHAPTER 21.

[ H. B. 80. ]

WASHINGTON TOLL BRIDGE AUTHORITY—REVENUE BONDS.

AN ACT relating to revenue bonds issued by the Washington toll bridge authority; requiring such bond resolutions to provide for setting aside funds; requiring the placing of a percentage of the proceeds from sale of such bonds in the authority revolving fund with certain exceptions; amending section 4, chapter 220, Laws of 1953 and RCW 47.60.070; and declaring an emergency.

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

Amendment.

SECTION 1. Section 4, chapter 220, Laws of 1953 and RCW 47.60.070 are each amended to read as follows:

Resolution provisions.

Each such resolution providing for the issuance of revenue bonds shall provide for setting aside the necessary amounts for the reasonable and proper operation, maintenance, and repair expenses, and shall fix and determine the amounts to be set apart and applied to the payment of the interest on and retirement of the revenue bonds, and the amounts to be set apart and paid into any special funds for renewals, replacements, rebuilding, enlarging, or improving the system. Each such resolution made hereafter shall provide for one per cent of the proceeds of the sale of revenue bonds to be placed in the "authority revolving fund," as established by RCW 47.60.180 if the bond issue be in an amount up to ten million dollars, and one-half of one per cent if the issue be in an amount from ten million dollars to fifty million dollars, and one-fourth of one per cent if the issue be from fifty million dollars to one hundred million dollars, and if the issue be one hundred million dollars or over, one-eighth of one per cent: *Provided*, That no such payments shall be made to the authority revolving fund from proceeds derived from the sale of bonds for the construction, maintenance, and oper-

Proceeds from bonds for joint facilities.

ation of facilities between the state of Washington and any other state, territory, or province, where such other state, territory, or province, or any political subdivision thereof, joins with the state of Washington in the construction or operation of such facility: *Provided further*, That no such payments shall be made into the authority revolving fund from the proceeds of bonds sold for the purpose of refunding outstanding revenue bonds of the Washington toll bridge authority.

Proceeds from  
refunding  
bonds.

SEC. 2. This act is necessary for the public health, welfare and safety, and shall take effect immediately.

Emergency.

Passed the House January 28, 1955.

Passed the Senate February 9, 1955.

Approved by the Governor February 14, 1955.

## CHAPTER 22.

[ H. B. 82. ]

### TOLL BRIDGE AUTHORITY—PUGET SOUND AND HOOD CANAL BRIDGES—CONTINUOUS PROJECTS.

AN ACT relating to the financing and operation of the Puget Sound ferry and toll bridge system and the disposal of surplus property of the ferry system; declaring such ferry system and the toll bridges hereafter constructed by the Washington state toll bridge authority to be continuous projects; and amending section 1, chapter 32, Laws of 1953 and RCW 47.60.130.

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

SECTION 1. Section 1, chapter 32, Laws of 1953 and RCW 47.60.130 are each amended to read as follows:

Amendment.

Section 1. Such ferry system, including any toll bridges, approaches, and roadways incidental thereto, may be financed and operated in combination or separately as one or more units as the authority may

Financing and  
operation of  
system.

Ferry system and bridges over Puget Sound and Hood Canal is continuous project.

Rental, lease or charter of acquired property.

Sale of surplus property.

Proceeds of sale.

determine, and such ferry system together with any toll bridge hereafter constructed by the authority upon or across the waters of Puget Sound or Hood Canal, or any part of either, replacing one or more presently operated ferry routes, is declared to be a continuous project within the meaning of RCW 47-.56.070. The authority is empowered to rent, lease, or charter any property acquired under this chapter. Whenever the authority shall determine that any land, including improvements thereon, is no longer needed for the purposes of the ferry system, it may offer the same for sale upon notice and bids in the manner of letting contracts for state highway improvements. The authority may reject all such bids if the highest bid does not equal the reasonable fair market value of the real property plus the value of the improvements thereon, computed on the basis of the reproduction value, less depreciation. It may accept the highest and best bid and request the attorney general to prepare the necessary instrument of conveyance which shall be executed by the governor. The proceeds of all such sales shall be paid into the separate trust fund of the state treasury established pursuant to RCW 47.60.150.

Passed the House January 28, 1955.

Passed the Senate February 9, 1955.

Approved by the Governor February 14, 1955.

CHAPTER 23.

[ H. B. 27. ]

DRUGS—UNLAWFUL POSSESSION.

AN ACT relating to drugs; prohibiting the possession in certain circumstances of amytal, luminal, veronal, barbital, acid diethyl barbiturates or other salts, derivatives or compounds of these substances; and defining a crime.

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

SECTION 1. It shall be unlawful for any person to possess amytal, luminal, veronal, barbital, acid diethyl barbiturates or other salts, derivatives or compounds of the foregoing substances, except upon the order or prescription of a physician, surgeon, dentist or veterinary surgeon duly licensed to practice in the state of Washington: *Provided, however,* That the above provision shall not apply to the possession by drug jobbers, drug wholesalers and drug manufacturers, to registered pharmacists or to physicians, dentists or veterinary surgeons.

Unlawful to possess certain drugs.

Exempt persons.

SEC. 2. Everyone who violates the provisions of this act shall be guilty of a gross misdemeanor.

Penalty.

Passed the House January 27, 1955.

Passed the Senate February 11, 1955.

Approved by the Governor February 18, 1955.

CHAPTER 24.

[ H. B. 35. ]

DRUGS—UNLAWFUL SALES, DISTRIBUTION, ETC.

AN ACT prohibiting the sale, gift, barter, exchange or distribution of amytal, luminal, veronal, barbital, acid diethylbarbituric and para-amino-benzene sulfonamide and their derivatives; permitting upon approval by the state board of pharmacy the sale without prescription of sulfa drugs for external or topical application when so marked and labeled and of veterinary sulfa products when so marked and labeled; amending section 1, chapter 6, Laws of 1939, as last amended by section 1, chapter 57, Laws of 1945, and RCW section 69.40.060.

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

Amendment.

SECTION 1. Section 1, chapter 6, Laws of 1939, as last amended by section 1, chapter 57, Laws of 1945, and RCW section 69.40.060 are each amended to read as follows:

Unlawful to sell, give, exchange or distribute certain drugs.

It shall be unlawful for a person, firm, or corporation to sell, give away, barter, exchange or distribute amytal, luminal, veronal, barbital, acid diethylbarbituric, or any salts, derivatives, or compounds thereof, or any preparation or compound containing any of the foregoing substances, or their salts, derivatives, or compounds, or any registered, trademarked, or copyrighted preparation or compound registered in the United States patent office containing more than one grain to the avoirdupois or fluid ounce of the above substances; or to sell, give away, barter, exchange or distribute para-amino-benzene sulfonamide, sulfanilamid, sulfamidyl, prontylin, prontosil, neo prontosil, neo prontylin, edimalin, sulfonamid or any salts, derivatives, or compounds thereof or any registered, trademarked, or copyrighted preparation or compound registered in the United States patent office containing such substances, except upon the written or oral order or prescription of a physician, surgeon, dentist, or veterinary surgeon licensed to

Prescription exception.



practice in the state, and shall not be refilled without the written or oral order of the prescriber: *Provided*, That the above provisions shall not apply to the sale at wholesale by drug jobbers, drug wholesalers, and drug manufacturers to pharmacies or to physicians, dentists, or veterinary surgeons, nor to each other, nor to the sale at retail in pharmacies by pharmacists to each other or to physicians, surgeons, dentists or veterinary surgeons licensed to practice in this state; nor to the sale of sulfa drugs and their compounds for external or topical application when so marked and labeled or to the sale of veterinary sulfa products and their compounds when so marked and labeled but only after each of the drugs or products has been approved as being safe for use without medical supervision by regulation of the board of pharmacy of the state.

Exempt  
transactions.

Passed the House January 27, 1955.

Passed the Senate February 11, 1955.

Approved by the Governor February 18, 1955.

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## CHAPTER 25.

[ H. B. 36. ]

### NARCOTIC DRUGS—SALES BY APOTHECARY—LABELS.

AN ACT relating to narcotic drugs; permitting the filling of oral prescriptions for certain drugs; amending sections 6 and 10, chapter 22, Laws of 1951 second extraordinary session and RCW 69.33.060 and 69.33.100; and declaring an emergency.

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

SECTION 1. Section 6, chapter 22, Laws of 1951 second extraordinary session and RCW 69.33.060 are each amended to read as follows:

Amendment.

(1) An apothecary, in good faith, may sell and dispense narcotic drugs to any person upon a written prescription or an oral prescription in pursuance to

Apothecary  
sale of nar-  
cotics on  
prescription.

regulations promulgated by the United States commissioner of narcotics under the existing federal narcotic laws, of a physician, dentist, or veterinarian, dated and signed by the person prescribing on the day when issued and bearing the full name and address of the patient for whom, or of the owner of the animal for which, the drug is dispensed, and the full name, address, and registry number under the federal narcotic laws of the person prescribing, if he is required by those laws to be so registered. If the prescription be for an animal, it shall state the species of animal for which the drug is prescribed. The person filling the prescription shall write the date of filling and his own signature on the face of the prescription. The prescription shall be retained on file by the proprietor of the pharmacy in which it is filled for a period of two years, so as to be readily accessible for inspection by any public officer or employee engaged in the enforcement of this chapter. The prescription shall not be refilled.

Sale of stock of narcotics of pharmacy.

(2) The legal owner of any stock of narcotic drugs in a pharmacy, upon discontinuance of dealing in said drugs, may sell said stock to a manufacturer, wholesaler, or apothecary, but only on an official written order.

Apothecary sale of narcotics to physicians, etc.

(3) An apothecary, only upon an official written order, may sell to a physician, dentist, or veterinarian, in quantities not exceeding one ounce at any one time, aqueous or oleaginous solutions of which the content of narcotic drugs does not exceed a proportion greater than twenty percent of the complete solution, to be used for medical purposes.

Amendment.

SEC. 2. Section 10, chapter 22, Laws of 1951 second extraordinary session and RCW 69.33.100 are each amended to read as follows:

Sale of narcotics by manufacturer or wholesaler; labels.

(1) Whenever a manufacturer sells or dispenses a narcotic drug, and whenever a wholesaler sells or dispenses a narcotic drug in a package prepared by

him, he shall securely affix to each package in which that drug is contained a label showing in legible English the name and address of the vendor and the quantity, kind, and form of narcotic drug contained therein. No person except an apothecary for the purpose of filling a prescription under this chapter, shall alter, deface, or remove any label so affixed.

(2) Whenever an apothecary sells or dispenses any narcotic drug on a prescription issued by a physician, dentist, or veterinarian, he shall affix to the container in which such drug is sold or dispensed, a label showing his own name, address, and registry number, or the name, address, and registry number of the apothecary for whom he is lawfully acting; the name and address of the patient or, if the patient is an animal, the name and address of the owner of the animal and the species of the animal; the name, address, and registry number of the physician, dentist, or veterinarian, by whom the prescription was issued, and such directions as may be stated on the prescription. No person shall alter, deface, or remove any label so affixed.

Sale of narcotics by apothecary: labels.

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

Emergency.

Passed the House January 27, 1955.

Passed the Senate February 11, 1955.

Approved by the Governor February 18, 1955.

CHAPTER 26.

[ H. B. 37. ]

GARNISHMENT—AFFIDAVIT—CONTENTS—DEPOSIT.

AN ACT relating to garnishment fees; amending section 1, chapter 110, Laws of 1931 and RCW 7.32.030.

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

Amendment.

SECTION 1. Section 1, chapter 110, Laws of 1931 and RCW 7.32.030 are each amended to read as follows:

Affidavit.

Before the issuance of the writ of garnishment the plaintiff or someone in his behalf shall make application therefor by affidavit, stating the facts authorizing the issuance of the writ, and that the plaintiff has reason to believe, and does believe, that the garnishee, stating his name and residence, is indebted to the defendant, or that he has in his possession, or under his control, personal property or effects belonging to the defendant, or that the garnishee is an incorporated or joint stock company, and that the defendant is the owner of shares in such company or has an interest therein, and shall deposit with the clerk of the court a sum sufficient to pay the appearance fee for each garnishee defendant named in the writ. The clerk shall credit such sum to each garnishee defendant upon the filing of his answer and it shall be credited by the clerk upon any judgment thereafter awarded such garnishee defendant against either the plaintiff or the defendant for costs or attorney's fees. If no answer is filed by the garnishee defendant on or before the time allowed by law for the filing thereof, the said sum shall be returned to the plaintiff. If the plaintiff thereafter recovers costs against the garnishee defendant, said sum shall be added thereto. If said sum is applied on a judgment of the garnishee defendant against the defendant it shall be taxed

Deposit.

as costs against the defendant and in favor of the plaintiff.

Passed the House January 27, 1955.

Passed the Senate February 14, 1955.

Approved by the Governor February 18, 1955.

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## CHAPTER 27.

[ S. B. 50. ]

### LOG PATROLS—UNLAWFUL AREAS OF OPERATION.

AN ACT relating to log patrols and amending section 9, chapter 140, Laws of 1953 and RCW 76.40.020.

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

SECTION 1. Section 9, chapter 140, Laws of 1953 and RCW 76.40.020 are each amended to read as follows: Amendment.

From and after June 11, 1953 it shall be unlawful for any person, firm, association or corporation to directly or indirectly engage in the activities of a log patrol on or adjacent to the waters of this state, except that area in the state of Washington on the Columbia River above Grand Coulee Dam drained by the Columbia River and its tributaries, and except as hereinafter provided. Unlawful areas of operation.  
Exceptions.

Passed the Senate January 27, 1955.

Passed the House February 16, 1955.

Approved by the Governor February 23, 1955.

CHAPTER 28.

[ S. B. 72. ]

APPROPRIATION, DEFICIENCY—MEDICAL SERVICES.

AN ACT making a deficiency appropriation for medical services, as provided by law, for the department of health; and declaring an emergency.

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

Deficiency appropriation.

SECTION 1. By reason of a deficiency existing in the appropriation for medical services made by the Thirty-third Regular Session of the Legislature, the sum of four million five hundred and twenty-one thousand two hundred and sixteen dollars and twenty-four cents, or so much thereof as may be necessary, is hereby appropriated to the department of health, from the general fund for the biennium ending March 31, 1955.

Emergency.

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

Passed the Senate January 31, 1955.

Passed the House February 16, 1955.

Approved by the Governor February 23, 1955.

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CHAPTER 29.

[ S. B. 145. ]

HOMESTEADS—VALUE.

AN ACT relating to homesteads, and amending section 3, chapter 196, Laws of 1945 and RCW 6.12.050.

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

Amendment.

SECTION 1. Section 3, chapter 196, Laws of 1945 and RCW 6.12.050 are each amended to read as follows:

Maximum value of claim.

Homesteads may be selected and claimed in lands and tenements with the improvements thereon, as

defined in RCW 6.12.010, regardless of area but not exceeding in net value, of both the lands and improvements, the sum of six thousand dollars. The premises thus included in the homestead must be actually intended or used as a home for the claimants, and shall not be devoted exclusively to any other purpose.

Use of  
premises.

Passed the Senate January 28, 1955.

Passed the House February 16, 1955.

Approved by the Governor February 23, 1955.

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## CHAPTER 30.

[ S. B. 175. ]

### SURETY BONDS—PREMIUMS.

AN ACT relating to surety bonds, allowing fiduciaries the lawful expense of reasonable bond premium, providing for the recovery of surety bond premiums as court costs, providing for the payment of premiums for bonds for appointive or elective public officers or their deputies or employees; and amending chapter 79 of the Laws of 1947, being an act to provide for an insurance code for the state of Washington by adding thereto three sections to be known as RCW 48.28.020, 48.28.030, and 48.28.040.

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

SECTION 1. There is added to chapter 79, Laws of 1947 and to chapter 48.28 RCW a new section to read as follows:

New section.

(RCW 48.28.020) Any fiduciary required by law to give bonds, may include as part of his lawful expense to be allowed by the court or official by whom he was appointed, the reasonable amount paid as premium for such bonds to the authorized surety insurer or to the surplus line surety insurer which issued or guaranteed such bonds.

Fiduciary may  
include bond  
premium as  
expense.

New section.

SEC. 2. There is added to chapter 79, Laws of 1947 and to chapter 48.28 RCW a new section to read as follows:

Bond pre-  
miums as costs.

(RCW 48.28.030) In any proceeding the party entitled to recover costs may include therein such reasonable sum as was paid to such surety insurer as premium for any bond or undertaking required therein, and as may be allowed by the court having having jurisdiction of such proceeding.

New section.

SEC. 3. There is added to chapter 79, Laws of 1947 and to chapter 48.28 RCW a new section as follows:

Official bond  
premiums;  
payment.

(RCW 48.28.040) The premium for bonds given by such surety insurers for appointive or elective public officers and for such of their deputies or employees as are required to give bond shall be paid by the state, political subdivision, or public body so served.

Passed the Senate February 2, 1955.

Passed the House February 16, 1955.

Approved by the Governor February 23, 1955.

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## CHAPTER 31.

[ S. B. 212. ]

### INSURANCE—CERTIFICATES OF AUTHORITY.

AN ACT relating to insurance; providing for expiration of certificates of authority of insurers; amending section .05.12, chapter 79, Laws of 1947 and RCW 48.05.120; and declaring an emergency.

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

Amendment.

SECTION 1. Section .05.12, chapter 79, Laws of 1947 and RCW 48.05.120 are each amended to read as follows:

Certificates of  
authority; ex-  
piration dates.

(1) All certificates of authority issued or renewed within the period of April 1, 1954, to June 30, 1955, both dates inclusive, shall expire on July 1, 1955,



notwithstanding the date of expiration shown by such certificates. All certificates of authority issued or renewed on and subsequent to July 1, 1955, shall expire on July 1st next succeeding date of issue or renewal. If the insurer qualifies therefor its certificate shall be renewed annually for a period of not more than one year. Renewal.

(2) The commissioner may amend a certificate of authority at any time in accordance with changes in the insurer's charter or insuring powers. Amendment of certificate.

SEC. 2. The provisions of this act are necessary for the immediate support of the state government and its existing public institutions and shall take effect immediately. Emergency.

Passed the Senate February 4, 1955.

Passed the House February 16, 1955.

Approved by the Governor February 23, 1955.

CHAPTER 32.

[ S. B. 5. ]

NONPROFIT CORPORATIONS—POWERS RELATING TO INSOLVENTS.

AN ACT relating to certain nonprofit corporations and providing for care, management and liquidation of property and assets of insolvent or financially embarrassed persons and businesses; and declaring an emergency.

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

Powers of non-profit corporations over insolvents.

SECTION 1. Notwithstanding anything in Title 30, RCW, a corporation not organized or conducted for profit, the objects and purposes of which include the care, management or liquidation of the business, property and assets of insolvent or financially embarrassed persons, corporations, partnerships and other business concerns, may take trust deeds or bills of sale or assignments for the benefit of creditors from such persons, corporations, partnerships or concerns, and may care for, manage or liquidate the businesses, properties and assets accordingly.

Emergency.

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

Passed the Senate January 21, 1955.

Passed the House February 1, 1955.

Approved by the Governor February 23, 1955.

## CHAPTER 33.

[ S. B. 4. ]

## BANKS AND TRUST COMPANIES.

AN ACT relating to banks and trust companies and other financial institutions; enacting a banks and trust companies code to be known as Title 30 of the Revised Code of Washington; providing penalties and repealing chapter 129, Laws of 1905; sections 1, 5 through 8, 10, 12, 14, 15 and 16 through 83, chapter 80, Laws of 1917; sections 1, 4, 5, and 7 through 20, chapter 209, Laws of 1919; chapter 73, Laws of 1921; chapter 129, Laws of 1905; sections 1, 5 through 8, 10, 12, 14, 15, 16 through 83; sections 1, 4, 5, and 7 through 20; chapter 73, Laws of 1921; chapter 94, Laws of 1921; chapter 114, Laws of 1923; chapter 115, Laws of 1923; chapter 44, Laws of 1925 extraordinary session; chapter 55, Laws of 1925 extraordinary session; chapter 114, Laws of 1925 extraordinary session; chapter 179, Laws of 1927; chapter 224, Laws of 1927; chapter 72, Laws of 1929; chapter 73, Laws of 1929; chapter 174, Laws of 1929; chapter 203, Laws of 1929; chapter 8, Laws of 1931; chapter 9, Laws of 1931; chapter 10, Laws of 1931; chapter 11, Laws of 1931; chapter 127, Laws of 1931; chapter 12, Laws of 1933; chapter 42, Laws of 1933; chapter 49, Laws of 1933; chapter 105, Laws of 1933; chapter 9, Laws of 1933 extraordinary session; chapter 42, Laws of 1935; chapter 43, Laws of 1935; chapter 93, Laws of 1935; chapter 31, Laws of 1937; chapter 48, Laws of 1937; chapter 61, Laws of 1937; chapter 59, Laws of 1939; chapter 61, Laws of 1939; chapter 16, Laws of 1941; chapter 38, Laws of 1941; chapter 41, Laws of 1941; chapter 55, Laws of 1943; chapter 114, Laws of 1943; chapter 142, Laws of 1943; chapter 143, Laws of 1943; chapter 148, Laws of 1943; chapter 167, Laws of 1943; chapter 187, Laws of 1943; chapter 69, Laws of 1945; chapter 204, Laws of 1945; chapter 100, Laws of 1947; chapter 129, Laws of 1947; chapter 131, Laws of 1947; chapter 132, Laws of 1947; chapter 146, Laws of 1947; chapter 147, Laws of 1947; chapter 148, Laws of 1947; chapter 149, Laws of 1947; chapter 221, Laws of 1947; chapter 18, Laws of 1951; chapter 23, Laws of 1951; chapter 132, Laws of 1951; chapter 218, Laws of 1951; chapter 226, Laws of 1951; chapter 234, Laws of 1953, and chapter 236, Laws of 1953; and declaring an emergency.

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

## TITLE 30

## BANKS AND TRUST COMPANIES

## Chapter 30.04

## GENERAL PROVISIONS

**30.04.010 Definitions.** Certain terms used in this title shall have the meanings ascribed in this section.

“Banking” shall include the soliciting, receiving or accepting of money or its equivalent on deposit as a regular business.

"Bank," unless a different meaning appears from the context, means any corporation organized under the laws of this state engaged in banking, other than a trust company or a mutual savings bank.

"Branch bank" means any office of deposit or discount maintained by any bank or trust company, domestic or otherwise, other than its principal place of business, regardless of whether it be in the same city or locality.

The term "trust business" shall include the business of doing any or all of the things specified in RCW 30.08.150 (2), (3), (4), (5), (6), (7), (8), (9), (10) and (11).

"Trust company," unless a different meaning appears from the context, means any corporation organized under the laws of this state engaged in trust business.

A "savings account" is an account of a bank in respect of which, by its regulations accepted by the depositor at the time the account is opened, (1) a passbook, certificate or other similar form of receipt must be presented to the bank whenever a deposit or withdrawal is made and (2) the depositor at any time may be required by the bank to give notice of an intended withdrawal before the withdrawal is made.

"Savings bank" shall include (1) any bank whose deposits shall be limited exclusively to savings accounts, and (2) the department of any bank or trust company that accepts, or offers to accept, deposits for savings accounts in accordance with the provisions of this title relative to segregated savings.

"Commercial bank" shall include any bank other than one exclusively engaged in accepting deposits for savings accounts.

"Person," unless a different meaning appears from the context, shall include a firm, association, partnership or corporation, or the plural thereof, whether resident, nonresident, citizen or not.

"Supervisor" means the state supervisor of banking.

"Foreign bank" and "foreign banker" shall include:

(1) Every corporation not organized under the laws of the territory or state of Washington doing a banking business, except a national bank;

(2) Every unincorporated company, partnership or association of two or more individuals organized under the laws of another state or country, doing a banking business;

(3) Every other unincorporated company, partnership or association of two or more individuals, doing a banking business, if the members thereof owning a majority interest therein or entitled to more than one-half of the net assets thereof are not residents of this state;

(4) Every nonresident of this state doing a banking business in his own name and right only.

**30.04.020 Use of words indicating bank or trust company—Penalty.** The name of every bank shall contain the word "bank" and the name of every trust company shall contain the word "trust," or the word "bank." No person except:

(1) A national bank;  
 (2) A bank or trust company authorized by the laws of this state;  
 (3) A foreign corporation authorized by this title so to do, shall  
 (a) Use as a part of his or its name or other business designation or in any manner as if connected with his or its business or place of business any of the following words or the plural thereof, to wit: "bank," "banking," "banker," "trust."

(b) Use any sign at or about his or its place of business or use or circulate any advertisement, letterhead, billhead, note, receipt, certificate, blank, form, or any written or printed or part written and part printed paper, instrument or article whatsoever, directly or indirectly indicating that the business of such person is that of a bank or trust company.

Every person who, and every director and officer of every corporation which, to the knowledge of such director or officer violates any provision of this section shall be guilty of a gross misdemeanor.

**30.04.030 Rules and regulations.** The supervisor shall have power to adopt uniform rules and regulations to govern examinations and reports of banks and trust companies and the form in which they shall report their assets, liabilities, and reserves, charge off bad debts and otherwise keep their records and accounts, and otherwise to govern the administration of this title. He shall mail a copy of the rules and regulations to each bank and trust company at its principal place of business, and they shall be effective thirty days after the mailing thereof. The person doing the mailing shall make and file his affidavit thereof in the office of the supervisor.

**30.04.040 Review of rules and regulations—Appeal.** Any bank or trust company may, within thirty days after a rule or regulation has been served upon it, apply to the superior court of Thurston county for a writ of review to test its reasonableness or lawfulness. In every such hearing the burden shall be upon the corporation to establish the rule or regulation to be unreasonable or unlawful. Appeal may be taken to the supreme court as in other actions.

Pendency of the writ of review shall not stay the operation of the rule or regulation but the court may restrain or suspend it in whole or in part.

**30.04.050 Violations—Penalty.** Every bank and trust company and their officers, employees, and agents shall comply with the

rules and regulations. The violation of any rule or regulation in addition to any other penalty provided in this title, shall subject the offender to a penalty of one hundred dollars for each offense, to be recovered by the attorney general in a civil action in the name of the state. Each day's continuance of the violation shall be a separate and distinct offense.

**30.04.060 Examinations directed.** The supervisor, the deputy supervisor or a bank examiner without previous notice shall visit each bank and each trust company at least once in each year and oftener if necessary, for the purpose of making a full investigation into the condition of such corporation, and for that purpose they are hereby empowered to administer oaths and to examine under oath any director, officer, employee or agent of such corporation. Said supervisor may make such other full or partial examinations as he deems necessary. The supervisor may, in his discretion, accept in lieu of the examinations required in this section the examinations required under the terms of the federal reserve act for banks which are, or may become, members of a federal reserve bank or the deposits of which are insured by the Federal Deposit Insurance Corporation. Any wilful false swearing in any examination shall be perjury.

**30.04.070 Cost of examination.** The supervisor shall collect from each bank, mutual savings bank, trust company or industrial loan company for each examination of its condition the estimated actual cost of such examination.

**30.04.080** Reserved.

**30.04.090 Minimum available funds required—Exception.** Every bank and trust company shall have on hand at all times in available funds, not less than fifteen percent of its total deposits and one hundred percent of its uninvested trust funds; such sums may consist of balances due it from such banks or trust companies as the supervisor may approve, and actual cash or checks on solvent banks located in the same city. This section shall not apply to a corporation which is a member of the federal reserve banking system and duly complies with all of the reserve and other requirements of that system.

This Section amended by Sec. 1, Chap. 356, Laws of 1955.

**30.04.100 Loans restricted by available funds.** No loan shall be made by a bank or trust company unless it has on hand more than the minimum of available funds required by law, and no loan shall be made if thereby its available funds be reduced to less than such minimum. During a period in which a savings bank is requiring notice of intention to withdraw deposits, it shall not make any loan or investment to which it is not irrevocably committed.

**30.04.110 Limit of loans to one person—Exceptions.** The total liability to any bank or trust company of any person for money borrowed, including in the liabilities of a firm or association the liabilities of the several members thereof, shall not at any time exceed ten percent of the capital and surplus of such bank or trust company; but the discount of bills of exchange drawn in good faith against actually existing values and the discount of commercial or business paper of solvent parties, actually owned by the person negotiating the same, shall not be considered as money borrowed by him: *Provided*, That loans secured by collateral security having an ascertained market value of at least fifteen percent more than the amount of the loans secured, shall not be limited by this section.

Loans or obligations shall not be subject under this section to any limitation based upon such capital and surplus to the extent that they are secured or covered by guaranties, or by commitments or agreements to take over or to purchase the same, made by any federal reserve bank or by the United States or any department, bureau, board, commission or establishment of the United States, including any corporation wholly owned directly or indirectly by the United States.

**30.04.120 Loans on own stock prohibited—Shares of other corporations.** The shares of stock of every bank and trust company shall be deemed personal property. No such corporation shall hereafter make any loan or discount on the security of its own capital stock except as hereinafter provided or otherwise permitted by law, nothing herein contained shall authorize the purchase by any such bank or trust company for its own account of any shares of stock of any corporation, except a federal reserve bank of which such corporation shall become a member, and then only to the extent required by such federal reserve bank: *Provided*, That any such bank or trust company may purchase, acquire and hold shares of stock in any other corporation which shares have been previously pledged as security to any loan or discount made in good faith and such purchase shall be necessary to prevent loss upon a debt previously contracted in good faith and stock so purchased or acquired shall be sold at public or private sale or otherwise disposed of within two years from the time of its purchase or acquisition; nor be the purchaser or holder of any such shares, unless such security or purchase shall be necessary to prevent loss upon a debt previously contracted in good faith; in which case the stock so purchased or acquired shall be sold at public or private sale, or otherwise disposed of, within six months from the time of its purchase or acquisition. Banks and trust companies are authorized to make loans on the security of the capital stock of a bank or trust company other than the lending corporation.

**30.04.130 Defaulted debts, judgments to be charged off.** Any debt due a bank or trust company on which interest is one year or more past due and unpaid, unless such debt be well secured and in the course of collection by legal process or probate proceedings, or unless such debt be represented by bonds having a determinable market value currently quoted on the New York stock exchange, shall be considered a bad debt, and shall be charged off of the books of such corporation. Such bonds shall be carried on the books of such corporation at such value as the supervisor may from time to time direct, but in no event shall such carrying value exceed the market value thereof. A judgment held by a bank or trust company shall not be considered an asset of the corporation after two years from the date of its rendition unless with the written permission of the supervisor specifying an additional period: *Provided*, That time consumed by any appeal shall be excluded.

**30.04.140 Pledge of securities or assets prohibited—Exceptions.** No bank or trust company shall pledge or hypothecate any of its securities or assets to any depositor, or creditor, except that it may qualify as depository for United States deposits, postal savings funds or other public funds, or funds held in trust and deposited by any public officer by virtue of his office, or funds held by the United States or the state of Washington, or any officer thereof in trust, or for funds of corporations owned or controlled by the United States, and may give such security for such deposits as are required by law or by the officer making the same: *Provided*, That any bank or trust company may borrow, for temporary purposes, not to exceed in the aggregate amount the paid-in capital and surplus thereof, and may pledge as security therefor assets of such corporation, not exceeding one and one-half times the amount borrowed.

**30.04.150 Limits of indebtedness.** No bank or trust company shall become or at any time be indebted or in any way liable to an amount exceeding the amount of its capital stock and surplus, except on account of demands of the nature following:

(1) Moneys deposited with or collected by the bank or trust company;

(2) Bills of exchange or drafts drawn against money actually on deposit to the credit of the bank or trust company, or for money owed it;

(3) Liabilities to its stockholders for dividends or reserved profits;

(4) Liabilities incurred under the provisions of the federal reserve act;

(5) Liabilities incurred under the provisions of the reconstruction finance corporation act, the federal intermediate credit bank act or to any similar lending or credit corporation now existing or



hereafter created under the authority of an act of the congress of the United States, or of any state;

(6) Liabilities created by the indorsement of accepted bills of exchange payable abroad, actually owned by the indorsing bank or trust company and discounted at home or abroad;

(7) The supervisor, at any time, for good cause shown, by order in writing, for a limited period and to an amount not in excess of the amount approved by the supervisor and stated in the order, may permit a bank or trust company to borrow for temporary purposes in excess of the amount of its paid-in capital stock and surplus and pledge assets to secure the loan; but in such a case the borrower shall make no new loan or investment until the money borrowed shall have been repaid, except such loans as may be made, with the approval of the supervisor, to protect assets already owned: *Provided*, That any such bank or trust company shall have power to borrow in excess of the aggregate amount of the paid-in capital and surplus at such bank and/or trust company of the Reconstruction Finance Corporation, of the federal reserve bank, or the federal intermediate credit bank, or of any other similar lending or credit corporation now or hereafter created by act of congress; and to pledge as security therefor such assets as may meet the requirements of the lending corporation.

**30.04.160 Borrowing to reloan—Rediscounts—Penalty.** When it shall appear to the supervisor that any bank or trust company is habitually borrowing for the purpose of reloaning, he may require such corporation to pay off such borrowed money. Nothing herein shall prevent any bank or trust company from rediscounting in good faith and indorsing any of its negotiable notes, but all such moneys borrowed and all such rediscounts shall at all times show on its books and in its reports. No certificates of deposit shall be issued for the purpose of borrowing money. No officer of any bank or trust company shall issue the note of such corporation for money borrowed or rediscount any of its notes except when authorized by resolution of its board of directors or by an authorized committee thereof. Violation of any provision of RCW 30.04.140 or 30.04.150 or of this section shall constitute a felony.

**30.04.170 Pledge of securities to qualify as depositary under bankruptcy laws.** Any bank or trust company, designated as a depositary for the money of estates under the statutes of the United States pertaining to bankruptcy, may pledge or hypothecate any of its securities or assets in order to qualify as such depositary for funds deposited by a trustee or receiver in bankruptcy appointed by any court of the United States or any referee thereof. Said pledge or hypothecation may be in such amount or such manner

as may be from time to time required by statutes of the United States or rules made in pursuance thereof.

**30.04.180 Dividends—Net profits defined.** No bank or trust company shall declare or pay any dividend to an amount greater than its net profits then on hand, which net profits shall be determined only after deducting:

- (1) All losses;
- (2) All assets or depreciation that the supervisor or a duly appointed examiner may have required to be charged off; and no bank or trust company shall enter or at any time carry on its books any of its assets at a valuation exceeding the actual cost;
- (3) All expenses, interest and taxes due or accrued from said bank or trust company;
- (4) Bad debts as defined by RCW 30.04.130 owing to such bank or trust company.

After providing for the above deductions the board of directors of any bank or trust company may at any regular meeting thereof declare a dividend out of so much of the undivided profits of such bank or trust company as they shall judge expedient: *Provided, however,* That before any such dividend is declared or the net profits in any way disposed of, not less than one-fourth of such net profits shall be carried to a surplus fund until the amount in such surplus fund shall be equal to twenty-five percent of the paid-in capital of such bank or trust company: *Provided, further,* That the supervisor shall in his discretion have the power to require any bank or trust company to suspend the payment of any and all dividends until all requirements that may have been made by the supervisor or any duly appointed examiner shall have been complied with; and upon notice to suspend dividends no bank or trust company shall thereafter declare or pay any dividends until such notice has been rescinded in writing. As to banks or trust companies having segregated savings, sums carried to surplus shall be apportioned between or among departments as the capital is apportioned.

**30.04.190 Transfer of net profits between departments.** A bank or trust company at any time may transfer undivided net profits from one department to another after provision has been made for the required contribution to surplus of the department from which the transfer is made and for the payment of accrued interest on savings deposits if the transfer is made from a savings department. If at any time the earnings of a savings department are insufficient to pay all interest due upon savings deposits, the interest shall be paid by the bank or trust company out of net profits of its other department or departments.

**30.04.200 Dealings in securities restricted.** (1) After July 1, 1938, a certificate of stock of a bank or trust company shall not represent stock of any corporation engaged in the business of selling securities to the public. The ownership, sale or transfer of stock of a bank or trust company shall not be conditioned in any manner whatsoever upon the ownership, sale or transfer of stock of any other such corporation.

(2) After July 1, 1938, no officer or employee of a bank or trust company shall be

(a) an officer of an unincorporated association or a corporation engaged in the business of selling securities to the public, or

(b) an employee or member of any such unincorporated association, an employee or majority stockholder of any such corporation, an employee or member of any partnership engaged in such business, or an employee of any person engaged in such business, or

(c) a trustee, director, officer or employee of a corporation engaged in the business of making loans secured by collateral to any corporation other than its own subsidiaries, or to any person, partnership or association.

(3) After July 1, 1938, a corporation organized under the laws of this state, or licensed to transact business in this state, which is engaged to any extent in the business of selling securities to the public, shall not have an office or transact business in the same room with a bank or trust company or a national banking association, or in a room connected therewith.

**30.04.210 Real estate holdings.** A bank or trust company may purchase, hold and convey real estate for the following purposes and no other:

(1) Such as shall be necessary for the convenient transaction of its business, including with its banking offices other apartments in the same building to rent as a source of income: *Provided*, That as to any corporation hereafter organized not to exceed thirty percent of its capital and surplus and undivided profits may be so invested: *And provided further*, Any bank or trust company heretofore organized shall not hereafter invest in the aggregate to exceed thirty percent of its capital, surplus and undivided profits in a bank building without the approval of the supervisor.

(2) Such as shall be purchased or conveyed to it in satisfaction, or on account of, debts previously contracted in the course of its business.

(3) Such as it shall purchase at sale under judgments, decrees, liens or mortgage foreclosures, against securities held by it.

(4) Such as a trust company receives in trust or acquires pursuant to the terms or authority of any trust.

(5) Such as it may take title to or for the purpose of investing in real estate conditional sales contracts.

No real estate specified in subdivision (4) shall be considered an asset of the corporation holding the same in trust nor shall any real estate except that specified in subdivision (1) be carried as an asset on the corporation's books for a longer period than five years from the date title is acquired thereto, unless an extension of time be granted by the supervisor.

**30.04.220 Corporations existing under former laws.** Every corporation, which on March 10, 1917, was actually and publicly engaged in banking or trust business in this state in full compliance with the laws hereof, which were in force immediately prior to March 10, 1917, may, if it otherwise complies with the provisions of this title, continue its said business, subject to the terms and regulations hereof and without amending its articles of incorporation, although its name and the amount of its capital stock, the number or length of terms of its directors or the form of its articles of incorporation do not comply with the requirements of this title: *Provided*,

(1) That any such bank, which was by the supervisor lawfully permitted to operate, although its capital stock was not fully paid in, shall pay in the balance of its capital stock at such times and in such amounts as the supervisor may require;

(2) That, except with written permission of the supervisor, any bank or trust company which shall amend its articles of incorporation must in such event comply with all the requirements of this title.

**30.04.230 Holding corporations—Restrictions—Penalty.** A corporation or association organized under the laws of this state, or licensed to transact business in the state, shall not hereafter acquire any shares of stock of any bank, trust company or national banking association which, in the aggregate, enable it to own, hold or control more than twenty-five percent of the capital stock of such bank, trust company or national banking association: *Provided, however*, That the foregoing restriction shall not apply as to any legal commitments existing on February 27, 1933.

A person who does, or conspires with another or others in doing, an act in violation of this section shall be guilty of a gross misdemeanor. A corporation that violates this section, or a corporation whose stock is acquired in violation hereof, shall forfeit its charter if it be a domestic corporation, or its license to transact business if it be a foreign corporation; and the forfeiture shall be enforced in an action by the state brought by the attorney general.

**30.04.240 Trust business to be kept separate.** Every corporation doing a trust business shall maintain in its office a trust department in which it shall keep books and accounts of its trust business, separate and apart from its other business. Such books and accounts shall specify the cash, securities and other properties, real and personal, held in each trust, and such securities and properties shall be at all times segregated from all other securities and properties. Such corporation shall also cause each bond, warrant, note, mortgage, deed or other security of any nature to be labeled to indicate the trust to which it belongs. Any person connected with a bank or trust company who shall commingle any funds or securities of any kind held by such corporation in trust, for safekeeping or as agent for another, with the funds or assets of the corporation shall be guilty of a felony.

**30.04.250 Deposits in other banks.** A bank or trust company shall not deposit any of its funds in another bank or trust company, except a federal reserve bank, unless such other bank or trust company shall have been appointed a depository for its funds by vote of a majority of the directors of the depositing bank.

**30.04.260 Legal services, advertising of—Penalty.** No trust company or other corporation which advertises that it will furnish legal advice, construct or prepare wills, or do other legal work for its customers, shall be permitted to act as executor, administrator or guardian; and any trust company or other corporation whose officers or agents shall solicit legal business or personally solicit the appointment of such trust company or corporation as executor, administrator or guardian shall be ineligible for a period of one year thereafter to be appointed executor, administrator or guardian in any of the courts of this state.

Any trust company or other corporation which advertises that it will furnish legal advice, construct or prepare wills, or do other legal work for its customers, and any officer, agent or employee of any trust company or corporation who shall solicit legal business or personally solicit the appointment of such trust company or corporation as executor, administrator or guardian shall be guilty of a gross misdemeanor.

**30.04.270 Official communications.** Each official communication, directed by the supervisor or by one of his deputies to any bank, trust company, mutual savings bank or industrial loan company or to any officer thereof relating to an investigation or examination conducted by the banking department or containing suggestions or recommendations relative to the conduct of the business of the bank, trust company, mutual savings bank or industrial loan company shall be submitted by the officer receiving it to the board

of directors at the next meeting of such board and shall be duly noted in the minutes of the meeting of such board.

**30.04.280 Compliance enjoined — Banking, trust business, branches.** No person shall engage in banking except in compliance with and subject to the provisions of this title, except it be a national bank or except insofar as it may be authorized so to do by the laws of this state relating to mutual savings banks, nor shall any corporation engage in a trust business except in compliance with and subject to the provisions of this title, nor shall any bank engage in a trust business except as herein authorized, nor shall any bank or trust company establish any branch except in accordance with the provisions of this title. The practice of collecting or receiving deposits or cashing checks at any place or places other than the place where the usual business of a bank or trust company and its operations of discount and deposit are carried on shall be held and construed to be establishing a branch.

**30.04.290 Foreign companies—Authority to do business.** A foreign corporation, whose name contains the words "bank," "banker," "banking," or "trust," or whose articles of incorporation empower it to do a banking or trust business and which desires to engage in the business of loaning money or mortgage securities or in buying and selling exchange, coin, bullion or securities in this state may do so, but only upon filing with the supervisor and with the secretary of state a certified copy of a resolution of its governing board to the effect that it will not engage in banking or trust business in this state, which copy shall be duly attested by its president and secretary. Such corporation shall also comply with the general corporation laws of this state relating to foreign corporations doing business herein.

**30.04.300 Foreign branch banks.** A branch of any foreign bank or banker actually and publicly engaged in banking in this state on March 10, 1917, in full compliance with the laws hereof, which were in force immediately prior to March 10, 1917, and which branch has a capital not less in amount than that required for the organization of a state bank as provided in this title at the time and place when and where such branch was established, may continue its said business, subject to all of the regulations and supervision provided for banks. The amount upon which it pays taxes shall be prima facie evidence of the amount and existence of such capital. No such bank or banker shall set forth on its or his stationery or in any manner advertise in this state a greater capital, surplus and undivided profits than are actually maintained at such branch. Every foreign corporation, bank and banker, and every officer, agent and employee thereof who violates any provi-

sion of this section or which violates the terms of the resolution filed as required by RCW 30.04.290 shall for each violation forfeit and pay to the state of Washington the sum of one thousand dollars. A civil action for the recovery of any such sum may be brought by the attorney general in the name of the state.

**30.04.310 Penalty—General.** Every bank or trust company which violates or fails to comply with any provision of chapter 30.04 to 30.24, inclusive, and chapter 30.44 of this title or any lawful direction or requirement of the supervisor shall be subject, in addition to any penalty now provided, to a penalty of not more than one hundred dollars for each offense, to be recovered by the attorney general in a civil action in the name of the state. Each day's continuance of the violation shall be a separate and distinct offense.

**30.04.320 Reserved.**

**30.04.330 Saturday closing authorized.** Any bank, which term for the purpose of this section shall include but not be limited to any state bank, national bank or association, mutual savings bank, savings and loan association, trust company, federal reserve bank, federal home loan bank, and federal savings and loan association, federal credit union, and state credit union doing business in this state, may remain closed on Saturdays and any Saturday on which a bank remains closed shall be, with respect to such bank, a holiday and not a business day. Any act, authorized, required or permitted to be performed at or by or with respect to any bank, as herein defined, on a Saturday, may be performed on the next succeeding business day, and no liability or loss of rights of any kind shall result from such closing.

## Chapter 30.08

### ORGANIZATION AND POWERS

**30.08.010 Incorporators—Paid-in capital requirements—Business district—Additional amount.** When authorized by the supervisor, as hereinafter provided, five or more natural persons, citizens of the United States, may incorporate a bank or trust company in the manner herein prescribed. No bank shall incorporate for less amount nor commence business unless it have a paid-in capital as follows:

In cities having a population of less than 5,000 . . . . .	\$ 25,000.00
In cities having a population of 5,000 and less than 25,000 . . . . .	50,000.00
In cities having a population of 25,000 and less than 100,000 . . . . .	100,000.00
In cities having a population of 100,000 or more . . . . .	150,000.00

*Provided, That on request of any persons desiring to incorporate a*

bank in a city having a population of twenty-five thousand or over, the supervisor shall make an order defining the boundaries of the central business district of such city, which shall include the district in which is carried on the principal retail, financial and office business of such city and banks may be incorporated with a paid-up capital of not less than fifty thousand dollars to be located in such city outside of the central business district of such city as defined by the order of the supervisor, which shall be stated in its articles of incorporation, but any such bank which shall be hereafter incorporated to be located outside such central business district, which shall thereafter change its location into such central business district without increasing its capital stock and surplus to the amount required by then existing laws to incorporate a bank within such central business district, shall forfeit its charter and right to do business. The supervisor may from time to time change the boundaries of said central business district, if, in his judgment, such action is proper.

No trust company shall incorporate for a less amount, nor commence business unless it has a paid-in capital as follows:

In cities, villages or communities having a population of less than 25,000.....	\$ 50,000.00
In cities having a population of 25,000 and less than 100,000 .....	100,000.00
In cities having a population of 100,000 or more.....	200,000.00

In addition to the foregoing, each bank and trust company shall before commencing business have subscribed and paid into it in the same manner as is required for capital stock, an additional amount equal to at least ten percent of the capital stock above required. Such additional amount shall be carried in the undivided profit account and may be used to defray organization and operating expenses of the company. Any sum not so used shall be transferred to the surplus fund of the company before any dividend shall be declared to the stockholders.

**30.08.020 Articles of incorporation—Execution—Contents.** Persons desiring to incorporate a bank or trust company shall execute articles of incorporation in quadruplicate, which shall be submitted for examination to the supervisor at his office in Olympia.

Articles of incorporation shall state:

- (1) The name of such bank or trust company.
- (2) The city, village or locality and county where such corporation is to be located.
- (3) The nature of its business, whether that of a commercial bank, a savings bank or both or a trust company.
- (4) The amount of its capital stock, which shall be divided into shares of not less than twenty dollars each, nor more than one



hundred dollars each, as may be provided in the articles of incorporation.

(5) The period for which such corporation is organized, which shall not exceed fifty years.

(6) The names and places of residence of the persons who as directors are to manage the corporation until the first annual meeting of its stockholders, which meeting shall be held within six months after the issuance of the certificate of authority.

Such articles shall be acknowledged before an officer authorized to take acknowledgments.

**30.08.030 Investigation.** When articles of incorporation complying with the foregoing requirements have been received by the supervisor, together with the fees required by law, he shall ascertain from the best source of information at his command and by such investigation as he may deem necessary, whether the character, responsibility and general fitness of the persons named in such articles are such as to command confidence and warrant belief that the business of the proposed bank or trust company will be honestly and efficiently conducted in accordance with the intent and purpose of this title, whether the resources in the neighborhood of such place and in the surrounding country afford a reasonable promise of adequate support for the proposed bank and whether the proposed bank or trust company is being formed for other than the legitimate objects covered by this title.

**30.08.040 Articles approved or refused—Appeal from refusal.** After the supervisor shall have satisfied himself of the above facts, and, within sixty days after the receipt of such articles of incorporation for examination, he shall endorse upon each of the quadruplicates thereof, over his official signature, the word "approved," or the word "refused," with the date of such endorsement. In case of refusal he shall forthwith return one of the quadruplicates, so endorsed, to the person from whom the articles were received, which refusal shall be conclusive, unless the incorporators, within ten days of the issuance of such notice of refusal, shall appeal to the superior court of Thurston county, which appeal shall be triable de novo in said court: *Provided*, That a copy, certified by the supervisor, of all documents and papers relating to such application filed with, received or obtained by the supervisor and/or the division of banking shall be deemed received, admitted and considered as evidence by the court in such trial de novo in said court.

**30.08.050 Approved articles to be filed and recorded—Organization complete.** In case of approval the supervisor shall forthwith give notice thereof to the proposed incorporators and file one of the quadruplicate articles of incorporation in his own office, and

shall transmit another quadruplicate to the county auditor of the county in which such bank or trust company is located, and another quadruplicate to the secretary of state, and the fourth quadruplicate to the incorporators. Upon receipt from the proposed incorporators of the same fees as are required for filing and recording other articles of incorporation the secretary of state and county auditor shall file such articles in their respective offices, and the secretary of state shall record the same. Upon the filing of articles of incorporation in quadruplicate, approved as aforesaid by the supervisor, with the secretary of state and county auditor, all persons named therein and their successors shall become and be a corporation, which shall have the powers and be subject to the duties and obligations prescribed by this title, and whose existence shall continue for the period of fifty years from the date of the filing of such articles, unless sooner terminated pursuant to law; but such corporation shall not transact any business except as is necessarily preliminary to its organization until it has received a certificate of authority as provided herein.

**30.08.060 Certificate of authority—Contents.** Before any bank or trust company shall be authorized to do business, the supervisor shall be satisfied that such corporation has a paid-in capital in the amount fixed by its articles of incorporation and by this title, that the requisite surplus or reserve fund has been accumulated or paid in cash, and that it has in good faith complied with all the requirements of law and fulfilled all the conditions precedent to commencing business imposed by this title. When so satisfied and within ninety days after the date upon which such proposed articles of incorporation were filed with him for examination, but in no case after the expiration of that period, the supervisor shall issue under his hand and official seal, in quadruplicate, a certificate of authority for such corporation. The certificate shall state that the corporation therein named has complied with the requirements of law, that it is authorized to transact at the place designated in its articles of incorporation the business of a bank or trust company, or both, as the case may be. One of the quadruplicate certificates shall be transmitted by the supervisor to the corporation and the other three shall be filed by the supervisor in the same offices where the articles of incorporation are filed and shall be attached to said articles of incorporation, and the one filed with the secretary of state shall be recorded.

**30.08.070 Failure to commence business—Effect—Extension of time.** Every corporation heretofore or hereafter authorized by the laws of this state to do business as a bank, trust company, mutual savings bank or industrial loan company, which corporation shall have failed to organize and commence business within six months

after certificate of authority to commence business has been issued by the supervisor, shall forfeit its rights and privileges as such corporation, which fact the supervisor shall certify to the county auditor in whose office the certificate of authority was filed, and to the secretary of state, and such certificate of forfeiture shall be filed in the office of the county auditor and filed and recorded in the office of the secretary of state in the same manner as the certificate of authority: *Provided*, That the supervisor may, upon showing of cause satisfactory to him, issue an order under his hand and seal extending for not more than three months the time within which such organization may be effected and business commenced, such order to be transmitted to the offices of such county auditor and the secretary of state and filed and recorded therein.

**30.08.080 Extension of existence—Application—Order — Appeal.** At any time not less than one year prior to the expiration of the time of the existence of any bank, trust company or mutual savings bank, it may by written application to the supervisor, signed and verified by a majority of its directors and approved in writing by the owners of not less than two-thirds of its capital stock, apply to the supervisor for leave to file amended articles of incorporation, extending its time of existence. The supervisor shall forthwith make a complete examination of such applicant. If he determines that the applicant is in sound condition, that it is conducting its business in a safe manner and in compliance with law and that no reason exists why it should not be permitted to continue, he shall issue to the applicant a certificate authorizing it to file amended articles of incorporation extending the time of its existence until such time as it be dissolved by the act of its shareholders owning not less than two-thirds of its stock, or until its certificate of authority becomes revoked or forfeited by reason of violation of law, or until its affairs be taken over by the supervisor for legal cause and finally wound up by him. Otherwise he shall notify the applicant that he refuses to grant such certificate. The applicant may appeal from such refusal in the same manner as in the case of a refusal to grant an original certificate of authority. Otherwise the determination of the supervisor shall be conclusive.

Upon receiving a certificate, as hereinabove provided, the applicant may file amended articles of incorporation, extending the time of its existence for the term authorized, to which shall be attached a copy of the certificate of the supervisor. Such articles shall be filed in the same manner and upon payment of the same fees as for original articles of incorporation.

Should any bank, trust company or mutual savings bank fail to continue its existence in the manner herein provided and be not previously dissolved, the supervisor shall at the end of its original

term of existence immediately take possession thereof and wind up the same in the same manner as in the case of insolvency.

**30.08.090 Increase or decrease of capital stock.** Any bank or trust company may increase or decrease its capital stock or otherwise amend its articles of incorporation, in any manner not inconsistent with the provisions of this title, by a vote of the stockholders representing two-thirds of its capital at any regular meeting, or special meeting duly called for that purpose in the manner prescribed by its bylaws: *Provided*, That notice of a meeting to increase or decrease capital stock shall first be published once a week for four weekly issues in a newspaper published in the place in which such corporation is located, or if there be no newspaper published in such place, then in some newspaper published in the same county. The notice shall state the purpose of the meeting, the amount of the present capital of the bank or trust company and the proposed new capital. A certificate of the fact and the terms of the amendment shall be executed by a majority of the directors and filed as required herein for articles of incorporation. No increase of capital stock shall be valid, until the amount thereof shall have been subscribed and actually paid in and a certificate of increase received from the supervisor. No reduction of the capital stock shall be made to an amount less than is required for capital, nor be valid, nor warrant the cancellation of stock certificates, nor diminish the personal liabilities of the stockholders until such reduction has been approved by the supervisor, nor shall any reduction relieve any stockholder from any liability of the corporation incurred prior thereto. No amendment shall be made whereby a bank becomes a trust company unless such bank shall first receive permission from the supervisor.

**30.08.095 Schedule of fees.** The supervisor shall collect in advance the following fees:

For filing application for certificate of authority and attendant investigation as outlined in the law, the cost thereof, but not less than.....	\$100.00
(If the cost of such attendant examination shall exceed \$100.00, the applicant shall pay such excess when ascertained by the supervisor.)	
For filing application for certificate conferring trust powers upon a state or national bank.....	\$100.00
For filing articles of incorporation, or amendments thereof, or other certificates required to be filed in his office....	\$10.00
For issuing a certificate of increase or decrease of capital stock .....	\$10.00
For issuing each certificate of authority.....	\$10.00
For furnishing copies of papers filed in his office, per folio...	\$ .20

Every bank or trust company shall also pay to the secretary of state or county auditor for filing any instrument with him the same fees as are required of general corporations for filing corresponding instruments, and also the same license fees as are required of general corporations.

**30.08.100 Reserved.**

**30.08.110 National bank may do trust business.** A national bank located within this state and having a paid-up capital of fifty thousand dollars or more, when authorized or permitted so to do, by or under any act of the congress of the United States, may exercise any of the powers conferred upon trust companies by this title.

**30.08.120 Trust business of national bank subject to state regulations.** Before any such national bank shall engage in such trust business, it shall file a certificate with the supervisor, wherein it agrees to conform to all the regulations and restrictions of this title relating to trust companies and trust business, including the examination of its trust business by the supervisor and the payment of the fees therefor, herein prescribed for the examination of banks and trust companies. Upon the filing of such a certificate in a form to be approved by the supervisor, such national bank shall be subject to all the regulations and restrictions of this title relative to trust companies and trust business.

**30.08.130 Reserved.**

**30.08.140 Corporate powers of banks.** Upon the issuance of a certificate of authority to a bank, the persons named in the articles of incorporation and their successors shall thereupon become a corporation and shall have power:

- (1) To adopt and use a corporate seal.
- (2) To have succession for the term of years mentioned in its articles of incorporation.
- (3) To make contracts.
- (4) To sue and be sued, the same as a natural person.
- (5) To elect directors who, subject to the provisions of the corporation's bylaws, shall have power to appoint such officers as may be necessary or convenient, to define their powers and duties and to dismiss them at pleasure, and who shall also have general supervision and control of the affairs of such corporation.
- (6) To prescribe by its stockholders bylaws not inconsistent with law, regulating the manner in which its stock shall be transferred, its directors and officers elected or appointed, its stockholders convened for general or special meetings, its property transferred, its general business conducted and the privileges granted to it by law exercised and enjoyed.

(7) To discount and negotiate promissory notes, drafts, bills of exchange and other evidences of debt, to receive deposits of money and commercial paper, to lend money on real or personal security, to buy and sell bullion, coins and bills of exchange.

(8) To take and receive as bailee for hire upon terms and conditions to be prescribed by the corporation, for safekeeping and storage, jewelry, plate, money, specie, bullion, stocks, bonds, mortgages, securities and valuable paper of any kind and other valuable personal property, and to rent vaults, safes, boxes and other receptacles for safekeeping and storage of personal property.

(9) If the bank be located in a city of not more than five thousand inhabitants, to act as insurance agent.

(10) To accept drafts or bills of exchange drawn upon it having not more than six months sight to run, which grow out of transactions involving the importation or exportation of goods; or which grow out of transactions involving the domestic shipment of goods, provided shipping documents conveying or securing title are attached at the time of acceptance; or which are secured at the time of acceptance by a warehouse receipt or other such document conveying or securing title to readily marketable staples. No bank shall accept, either in a foreign or a domestic transaction, for any one person, company, firm or corporation, to an amount equal at any one time in the aggregate to more than ten percent of its paid up and unimpaired capital stock and surplus unless the bank is secured by attached documents or by some other actual security growing out of the same transaction as the acceptance; and no bank shall accept such bills to an amount equal at any time in the aggregate to more than one-half of its paid up and unimpaired capital stock and surplus: *Provided, however,* That the supervisor, under such general regulations applicable to all banks irrespective of the amount of capital or surplus, as he may prescribe may authorize any bank to accept such bills to an amount not exceeding at any time in the aggregate one hundred percent of its paid up and unimpaired capital stock and surplus: *Provided, further,* That the aggregate of acceptances growing out of domestic transactions shall in no event exceed fifty percent of such capital stock and surplus.

(11) To accept drafts or bills of exchange drawn upon it, having not more than three months sight to run, drawn under regulations to be prescribed by the supervisor by banks or bankers in foreign countries or dependencies or insular possessions of the United States for the purpose of furnishing dollar exchange as required by the usages of trade in the respective countries, dependencies or insular possessions. Such drafts or bills may be acquired by banks in such amounts and subject to such regulations, restrictions and limitations as may be provided by the supervisor: *Provided, however,*

That no bank shall accept such drafts or bills of exchange referred to in this subdivision for any one bank to an amount exceeding in the aggregate ten percent of the paid up and unimpaired capital and surplus of the accepting bank unless the draft or bill of exchange is accompanied by documents conveying or securing title or by some other adequate security, and that no such drafts or bills of exchange shall be accepted by any bank in an amount exceeding at any time the aggregate of one-half of its paid up and unimpaired capital and surplus: *Provided further*, That compliance by any bank which is a member of the federal reserve system of the United States with the rules, regulations and limitations adopted by the federal reserve board thereof with respect to the acceptance of drafts or bills of exchange by members of such federal reserve system shall be a sufficient compliance with the requirements of this subdivision or paragraph relating to rules, regulations and limitations prescribed by the supervisor.

(12) This section is retroactive as of June 10, 1931, and the powers hereby conferred shall inure to the benefit of any bank now holding such certificate, the persons named in the articles of incorporation of said bank and their successors.

**30.08.150 Corporate powers of trust companies.** Upon the issuance of a certificate of authority to a trust company, the persons named in the articles of incorporation and their successors shall thereupon become a corporation and shall have power:

(1) To execute all the powers and possess all the privileges conferred on banks.

(2) To act as fiscal or transfer agent of the United States or of any state, municipality, body politic or corporation and in such capacity to receive and disburse money.

(3) To transfer, register and countersign certificates of stock, bonds or other evidences of indebtedness and to act as attorney in fact or agent of any corporation, foreign or domestic, for any purpose, statutory or otherwise.

(4) To act as trustee under any mortgage, or bonds, issued by any municipality, body politic, or corporation, foreign or domestic, or by any individual, firm, association or partnership, and to accept and execute any municipal or corporate trust.

(5) To receive and manage any sinking fund of any corporation upon such terms as may be agreed upon between such corporation and those dealing with it.

(6) To collect coupons on or interest upon all manner of securities, when authorized so to do, by the parties depositing the same.

(7) To accept trusts from and execute trusts for married women in respect to their separate property and to be their agent in the

management of such property and to transact any business in relation thereto.

(8) To act as receiver or trustee of the estate of any person, or to be appointed to any trust by any court, to act as assignee under any assignment for the benefit of creditors of any debtor, whether made pursuant to statute or otherwise, and to be the depository of any moneys paid into court.

(9) To be appointed and to accept the appointment of executor of, or trustee under, the last will and testament, or administrator with or without the will annexed, of the estate of any deceased person and to be appointed and to act as guardian of the estate of lunatics, idiots, persons of unsound mind, minors and habitual drunkards: *Provided, however,* That the power hereby granted to trust companies to act as guardian or administrator, with or without the will annexed, shall not be construed to deprive parties of the prior right to have issued to them letters of guardianship, or of administration, as such right now exists under the law of this state.

(10) To execute any trust or power of whatever nature or description that may be conferred upon or entrusted or committed to it by any person or by any court or municipality, foreign or domestic corporation and any other trust or power conferred upon or entrusted or committed to it by grant, assignment, transfer, devise, bequest or by any other authority and to receive, take, use, manage, hold and dispose of, according to the terms of such trusts or powers any property or estate, real or personal, which may be the subject of any such trust or power.

(11) Generally to execute trusts of every description not inconsistent with law.

(12) To purchase, invest in and sell promissory notes; bills of exchange, bonds, debentures and mortgages and when moneys are borrowed or received for investment, the bonds or obligations of the company may be given therefor, but no trust company hereafter organized shall issue such bonds: *Provided,* That no trust company which receives money for investment and issues the bonds of the company therefor shall engage in the business of banking or receiving of either savings or commercial deposits: *And provided,* That it shall not issue any bond covering a period of more than ten years between the date of its issuance and its maturity date: *And provided further,* That if for any cause, the holder of any such bond upon which one or more annual rate installments have been paid, shall fail to pay the subsequent annual rate installments provided in said bond such holder shall, on or before the maturity date of said bond, be paid not less than the full sum which he has paid in on account of said bond.



**30.08.160 Report of bond liability—Collateral.** Any trust company receiving moneys for investment, and for which it shall give its bonds as in RCW 30.08.150 (12) provided, shall within ten days after any regular report is called for from banks or trust companies by the supervisor, make a statement of its total liability, on all bonds issued and then in force, certified by its board of directors, and shall at the same time deposit with the state treasurer, for the benefit of the holders of such bonds or obligations, sufficient securities or money so that it will have on deposit with said state treasurer a sufficient amount of said securities, which may be exchanged for other securities as necessity may require, or money to, at any time, pay all of said liability. In the event of its failure to make such deposits, it shall cease doing such business: *Provided*, That whenever money shall have been deposited with the treasurer, it may be withdrawn at any time upon a like amount of securities being deposited in its stead: *And provided further*, That the securities deposited shall consist of such securities as are by this title permitted for the investment of trust funds.

**30.08.170 Securities may be held in name of nominee.** Any trust company incorporated under the laws of this state and any national banking association authorized to act in a fiduciary capacity in this state, when acting in a fiduciary capacity, either alone or jointly with an individual or individuals, may, with the consent of such individual fiduciary or fiduciaries, who are hereby authorized to give such consent, cause any stocks, securities, or other property now held or hereafter acquired to be registered and held in the name of a nominee or nominees of such corporate or association fiduciary without mention of the fiduciary relationship. Any such fiduciary shall be liable for any loss occasioned by the acts of any of its nominees with respect to such stocks, securities or other property so registered.

**30.08.180 Reports of resources and liabilities—Publication.** Every bank and trust company shall make at least three regular reports each year to the supervisor, as of the dates which he shall designate, according to form prescribed by him, verified by the president, manager or cashier and attested by at least two directors, which shall exhibit under appropriate heads the resources and liabilities of such corporation. The dates designated by the supervisor shall be the dates designated by the comptroller of the currency of the United States for reports of national banking associations. Each such report in condensed form, to be prescribed by the supervisor, shall be published once in a newspaper of general circulation, published in a place where the corporation is located, or if there be no newspaper published in such place, then in some newspaper published in the same county.

Every such corporation shall also make such special reports as the supervisor shall call for.

**30.08.190 Time of filing—Penalty.** Every regular report shall be filed with the supervisor within twelve days from the date of issuance of the notice therefor and proof of publication of such report shall be filed with the supervisor within twenty days from such date. Every special report shall be filed with the supervisor within such time as shall be specified by him in the notice therefor.

Every bank and trust company which fails to file any report, required to be filed as aforesaid, or to file proof of publication of any report required to be published, within the time herein specified, shall be subject to a penalty of ten dollars per day for each day's delay. A civil action for the recovery of any such penalty may be brought by the attorney general in the name of the state.

**30.08.200 Reserved.**

## Chapter 30.12

### OFFICERS, EMPLOYEES, AND STOCKHOLDERS

**30.12.010 Directors—Election—Meeting—Vacancies—Oath.** Every bank and trust company shall be managed by not less than five directors, excepting that a bank having a capital of fifty thousand dollars or less may have only three directors. Directors shall be elected by the stockholders and hold office for one year and until their successors are elected and have qualified. In the first instance the directors shall be elected at a meeting held before the bank or trust company is authorized to do business by the supervisor and afterwards at the annual meeting of the stockholders to be held on a day in the month of January of each year to be specified by the bank's bylaws. If for any cause no election is held at that time, it may be held at an adjourned meeting or at a subsequent meeting called for that purpose in the manner prescribed by the corporation's bylaws. The directors shall meet at least once each month and whenever required by the supervisor. A majority of the board of directors shall constitute a quorum for the transaction of business. At all stockholders' meetings, each share shall be entitled to one vote. Any stockholder may vote in person or by written proxy. Every director must be the beneficial owner of at least ten shares of stock, excepting that a director of a bank having a capital stock of fifty thousand or less, need be the owner of only five shares of stock.

Immediately upon election, each director shall take, subscribe, swear to and file with the supervisor an oath that he will, so far as the duty devolves upon him, diligently and honestly administer

the affairs of such corporation and will not knowingly violate or willingly permit to be violated any provision of law applicable to such corporation and that he is the beneficial owner in good faith of the number of shares of stock required by this section, and that the same is fully paid, is not hypothecated or in any way pledged as security for any loan or debt. Vacancies in the board of directors shall be filled by the board.

**30.12.020 Meetings, where held—Corporate records.** All meetings of the directors or stockholders of any bank or trust company, except organization meetings, must be held in the town or city in which the corporation is located. Every such corporation shall keep a book in which shall be recorded the names and residences of the stockholders thereof, the number of shares held by each, when each person became a stockholder and also the transfers of stock, showing the time when made, the number of shares and by whom transferred. In all actions, suits and proceedings, said book shall be prima facie proof of the facts shown therein. All of the corporate books, including the certificate book, stockholders' ledger and minute book shall be kept at the corporation's principal place of business and not elsewhere.

Whenever in the opinion of the supervisor the condition of any bank or trust company is such that any transfer of the capital stock of such bank or trust company would be detrimental to the interests of its depositors, the supervisor may, by written order served upon the directors of such bank or trust company, direct that no transfer of stock shall be made until further order of the supervisor.

**30.12.030 Fidelity bonds—Casualty insurance.** (1) The board of directors of each bank and trust company shall direct and require good and sufficient surety company fidelity bonds issued by a company authorized to engage in the insurance business in the state of Washington on all active officers and employees, whether or not they draw salary or compensation, which bonds shall provide for indemnity to such bank or trust company, on account of any losses sustained by it as the result of any dishonest, fraudulent or criminal act or omission committed or omitted by them acting independently or in collusion or combination with any person or persons. Such bonds may be individual, schedule or blanket form, and the premiums therefor shall be paid by the bank or trust company.

(2) The said directors shall also direct and require suitable insurance protection to the bank or trust company against burglary, robbery, theft and other similar insurance hazards to which the bank or trust company may be exposed in the operations of its business on the premises or elsewhere.

The said directors shall be responsible for prescribing at least once in each year the amount or penal sum of such bonds or policies and the sureties or underwriters thereon, after giving due consideration to all known elements and factors constituting such risk or hazard. Such action shall be recorded in the minutes of the board of directors and thereafter be reported to the supervisor and be subject to his approval.

**30.12.040 Removal of delinquent officer or employee—Hearing—Appeal.** Whenever the supervisor shall find that any director, officer or employee of any bank or trust company is dishonest, reckless or incompetent, or fails to perform any duty of his office, or has consented to or connived at the making of any loan or discount in violation of law or has consented to or connived at any other violation of law by the corporation, he shall notify the board of directors of such corporation in writing of his objections to such director, officer or employee, and such board shall, within twenty days after receiving such notification and upon reasonable notice to the supervisor and to such director, officer or employee of the time and place of the hearing, meet and consider such objections. If the board shall find the objections to be well founded, such director, officer or employee shall be immediately removed.

If upon the hearing the director, officer or employee against whom the objections have been filed is not immediately removed, or if the board fail to meet, consider or act upon the objections within twenty days after receiving the same, the supervisor may forthwith or within thirty days thereafter, by an order in writing filed in his office, remove such director, officer or employee from his directorship, office or employment, or may, for a limited time to be stated in the order, suspend such director, officer or employee therefrom. A copy of the order shall be forthwith mailed to the person removed or suspended and to the bank or trust company.

No director, officer or employee removed upon objections or by the order of the supervisor shall thereafter be elected or appointed to any directorship, office, trust or employment by the same or another bank or trust company without the written consent of the supervisor.

The order of the supervisor suspending or removing a director, officer or employee shall be final and conclusive unless the person suspended or removed shall appeal to the superior court of Thurston county within the time and in the manner provided by law for appeals from the refusal of the supervisor to approve articles of incorporation. Upon the appeal the controversy shall be tried de novo. The order of the supervisor shall remain in full force and effect pending the appeal unless suspended by order of the court.

**30.12.050 Purchase of assets by officer, etc.—Penalty.** A director, officer, employee or other agent of any bank shall not purchase or be interested in the purchase directly or indirectly of any of its assets without the previous written consent of the supervisor and of a majority of the directors of the bank. Whoever knowingly does or participates or aids in the doing of any act in violation of this section shall be guilty of a gross misdemeanor and be punished accordingly, and also shall forfeit to the state double the amount of any loss suffered by the bank or trust company on account of the unlawful purchase, the recovery to be one-half for the use of the bank or trust company and the rest for the use of the state.

**30.12.060 Loans to officers or employees.** Any bank or trust company shall be permitted to make loans to any employee of such corporation, or to purchase, discount or acquire, as security or otherwise, the obligation or debt of any employee to any other person, to the same extent as if the employee were in no way connected with the corporation. Any bank or trust company shall be permitted to make loans to any officer of such corporation, or to purchase, discount or acquire, as security or otherwise, the obligation or debt of any officer to any other person: *Provided*, That the total value of the loans made and obligation acquired for any one officer shall not exceed twenty-five hundred dollars: *And provided further*, That no such loan shall be made, or obligation acquired, unless a resolution authorizing the same shall be adopted by a vote of a majority of the board of directors of such corporation, at a meeting of the board of directors of such corporation held within thirty days next prior to the making of such loan or discount, and such vote and resolution shall be entered in the corporate minutes. No loan shall be made by any bank or trust company to any director of such corporation, nor shall the note or obligation of such director be discounted by any such corporation, or by any officer or employee thereof in its behalf, unless a resolution authorizing the same shall be adopted by a vote of a majority of the entire board of directors of such corporation exclusive of the vote of such interested director, at a meeting of the board of directors of such corporation held within thirty days next prior to the making of such loan or discount, and such vote and resolution shall be entered in the corporate minutes.

The amount of any endorsement or agreement of suretyship or guaranty of any such director to the corporation shall be construed to be a loan within the provisions of this section. Any extension, renewal or modification of the terms of an existing obligation shall be construed to be a loan within the meaning of this section.

**30.12.070 Unsafe loans and discounts to directors.** The supervisor may at any time, if in his judgment excessive, unsafe or

improvident loans are being made or are likely to be made by a bank or trust company to any of its directors, or to any corporation, copartnership or association of which such director is a stockholder, member, co-owner, or in which such director is financially interested, or like discounts of the notes or obligations of any such director, corporation, copartnership or association are being made or are likely to be made, require such bank or trust company to submit to him for approval all proposed loans to, or discounts of the note or obligation of, any such director, corporation, copartnership or association, and thereafter such proposed loans and discounts shall be reported upon such forms and with such information concerning the desirability and safety of such loans or discounts and of the responsibility and financial condition of the person, corporation, copartnership or association to whom such loan is to be made or whose note or obligation is to be discounted and of the amount and value of any collateral that may be offered as security therefor, as the supervisor may require, and no such loan or discount shall be made without his written approval thereon.

**30.12.080 Restrictions on officers and employees.** A director, officer or employee of a bank or trust company shall not:

(1) Have any interest, direct or indirect, in the profits of the corporation except to receive reasonable compensation for services actually rendered, which, in the case of an officer or director, shall be determined by the board of directors; and except to receive dividends upon any stock of the corporation that he may own, the same as any other stockholder and under the same regulations and conditions; and except to receive interest upon deposits he may have with the corporation, the same as other like depositors and under the same regulations and conditions: *Provided, however,* That nothing in this section shall be construed to prevent the payment to an employee of a salary bonus in addition to his normal salary, when such bonus is authorized by a resolution adopted by a vote of a majority of the board of directors of such corporation.

(2) Become a member of the board of directors of any other bank or trust company or a national banking association, of which board enough other directors, officers or employees of the corporation are members to constitute with him a majority of its board of directors.

(3) Receive directly or indirectly and retain for his own use any commission or benefit from any loan made or other transaction had by the corporation, or any pay or emolument for services rendered to any borrower from the corporation or from any person transacting business with it, in connection with the loan or transaction, except that an attorney for the corporation, though he be

a director thereof, may receive reasonable compensation for professional services rendered the borrower or other person.

**30.12.090 False entries, statements, etc.—Penalty.** Every person who shall knowingly subscribe to or make or cause to be made any false statement or false entry in the books of any bank or trust company or shall knowingly subscribe to or exhibit any false or fictitious paper or security, instrument or paper, with the intent to deceive any person authorized to examine into the affairs of any bank or trust company or shall make, state or publish any false statement of the amount of the assets or liabilities of any bank or trust company shall be guilty of a felony.

**30.12.100 Destroying or secreting records—Penalty.** Every officer, director or employee or agent of any bank or trust company who, for the purpose of concealing any fact or suppressing any evidence against himself, or against any other person, abstracts, removes, mutilates, destroys or secretes any paper, book or record of any bank or trust company, or of the supervisor, or of anyone connected with his office, shall be guilty of a felony.

**30.12.110 Commission, etc., for procuring loan—Penalty.** Every officer, director, agent, employee or stockholder of any bank or trust company who shall directly or indirectly receive a bonus, commission, compensation, remuneration, gift, speculative interest or gratuity of any kind from any person, firm or corporation for granting, procuring or endeavoring to procure, for any person, firm or corporation, any loan by or out of the funds of such bank or trust company or the purchase or sale of any securities or property for or on account of such bank or trust company or for granting or procuring permission for any person, firm or corporation to overdraw any account with such bank or trust company, shall be guilty of a felony.

**30.12.120 Loans to officers or employees from trust funds—Penalty.** No corporation doing a trust business shall make any loan to any officer, or employee from its trust funds, nor shall it permit any officer, or employee to become indebted to it in any way out of its trust funds. Every officer, director, or employee of any such corporation, who knowingly violates any provision of this section, or who aids or abets any other person in any such violation, shall be guilty of a felony.

**30.12.130 Trust company as legal representative—Oath by officer.** When any trust company shall be appointed executor, administrator, or trustee of any estate or guardian of the estate of any infant or other incompetent, it shall be lawful for any duly authorized officer of such corporation to take and subscribe for

such corporation any and all oaths or affirmations required of such an appointee.

**30.12.140 Superadded liability of stockholders.** The stockholders of every bank and trust company shall be individually and personally liable, equally and ratably, and not one for another, for all contracts, debts and engagements of such corporation accruing while they remain as stockholders, to the extent of the amount of their stock therein at the par value thereof, in addition to the amount invested in such shares. Persons holding stock as executors, administrators, guardians or trustees, if such relation of trust shall appear in the stock certificate and on the books of the corporation, or as collateral security or in pledge, shall not be personally liable as stockholders, but the assets and funds in the hands of such trustees constituting the trust shall be liable to the same extent as the testator, intestate, ward, or person interested in such funds would be, if living or competent to act, and the person pledging such stock shall be deemed a stockholder and liable under this section. Such liability may be enforced by the supervisor as soon after taking possession of any bank or trust company as in his judgment the same may be necessary. The failure of the stockholders of any bank or trust company immediately upon possession being taken by the supervisor to make good all impairment of its assets shall be conclusive evidence that the enforcement of double liability is necessary.

**30.12.150 Liability when obligations federally insured.** The additional liability imposed by RCW 30.12.140 and the liability for payment of any unpaid balance on subscriptions to the capital stock imposed upon shareholders in banks and trust companies shall not be imposed upon such shareholders with respect to shares in such corporation which are issued after June 11, 1941, by a corporation which provides and furnishes, either through membership in the Federal Deposit Insurance Corporation, or through membership in any other instrumentality of the federal government, insurance or security for the payment of the debts and obligations of the corporation equivalent to that required by the laws of the United States to be furnished and provided by national banking associations.

**30.12.160 Termination of superadded liability.** The additional liability heretofore imposed by RCW 30.12.140 and the liability for payment of any unpaid balance on subscriptions to the capital stock, and any like liability heretofore imposed by any law of this state, upon shareholders in banks or trust companies with respect to their shares, and the additional liability imposed by the Constitution upon such shareholders, with respect to their shares,



and any contractual obligation upon such shareholders for such additional liability arising by virtue of the provisions of such laws, and the existence of such shares, shall cease on December 13, 1941, with respect to all shareholders and all shares issued by any bank or trust company which shall be transacting the business of banking on December 13, 1941, and shall provide and furnish, either through membership in the Federal Deposit Insurance Corporation, or through membership in any other instrumentality of the government of the United States, insurance or security for the payment of the debts and obligations of such banking corporation equivalent to that required by the laws of the United States to be furnished and provided by national banking associations, if not less than five months prior to said date, such bank or trust company shall have caused notice of such prospective termination of liability to be published in a newspaper published in the city, town, or county in which such bank or trust company is located, and if no newspaper is published in such city, town or county, then in a newspaper of general circulation therein. If the bank or trust company fails to give such notice as and when provided herein, a termination of such additional liability may thereafter be accomplished as of the date five months subsequent to publication in the manner above provided.

**30.12.170 Repayment of superadded liability.** Where a bank or trust company or any of the stockholders thereof have paid to the state treasurer in money or securities any or all of the superadded liability upon the capital stock of such bank or trust company and such bank or trust company is still a going concern, such money or securities so paid or deposited shall be repaid by the state treasurer to the persons entitled thereto.

**30.12.180 Levy of assessments.** Whenever the supervisor shall notify the board of directors of a bank or trust company to levy an assessment upon the stock of such corporation and the holders of two-thirds of the stock shall consent thereto, such board shall, within ten days from the issuance of such notice, adopt a resolution for the levy of such assessment, and shall immediately upon the adoption of such resolution serve notice upon each stockholder, personally or by mail, at his last known address, to pay such assessment; and that if the same be not paid within twenty days from the date of the issuance of such notice, his stock will be subject to sale and all amounts previously paid thereon shall be subject to forfeiture. If any stockholder fail within said twenty days to pay the assessment as provided in this section, it shall be the duty of the board of directors to cause a sufficient amount of the capital stock of such stockholder to be sold to make good the deficiency. The sale shall be held at such time and place as shall

be designated by the board of directors and shall be either public or private, as the board shall deem best. At any time after the expiration of sixty days from the expiration of said twenty-day period the supervisor may require any stock upon which the assessment remains unpaid to be canceled and deducted from the capital of the corporation. If such cancellation shall reduce the capital of the corporation below the minimum required by this title or its articles of incorporation the capital shall, within thirty days thereafter be increased to the required amount by original subscription, in default of which the supervisor may take possession of such corporation in the manner provided by law in case of insolvency.

**30.12.190 General penalty—Effect of conviction.** Every person who shall violate, or knowingly aid or abet the violation of any provision of RCW 30.04.010, 30.04.030, 30.04.040, 30.04.050, 30.04.060, 30.04.070, 30.04.080, 30.04.090, 30.04.100, 30.04.110, 30.04.120, 30.04.130, 30.04.180, 30.04.210, 30.04.220, 30.04.280, 30.04.290, 30.04.300, 30.08.010, 30.08.020, 30.08.030, 30.08.040, 30.08.050, 30.08.060, 30.08.080, 30.08.090, 30.08.110, 30.08.120, 30.08.140, 30.08.150, 30.08.160, 30.08.180, 30.08.190, 30.12.010, 30.12.020, 30.12.030, 30.12.060, 30.12.070, 30.12.080, 30.12.130, 30.12.140, 30.12.150, 30.12.160, 30.12.180, 30.12.190, 30.16.010, 30.16.020, 30.20.010, 30.20.030, 30.20.060, 30.40.010, 30.44.010, 30.44.020, 30.44.030, 30.44.040, 30.44.050, 30.44.060, 30.44.070, 30.44.080, 30.44.090, 30.44.100, 30.44.130, 30.44.140, 30.44.150, 30.44.160, 30.44.170, 30.44.240, 30.44.250, 43.19.020, 43.19.030, 43.19.050, 43.19.060 and 43.19.090, and every person who fails to perform any act which it is therein made his duty to perform, shall be guilty of a misdemeanor. No person who has been convicted for the violation of the banking laws of this or any other state or of the United States shall be permitted to engage in or become an officer or official of any bank or trust company organized and existing under the laws of this state.

**30.12.200 Group-plan life insurance for officers and employees.** A bank, mutual savings bank, trust company or savings and loan association, in the discretion of its governing board, may pay a part not exceeding three-fifths of the cost of group-plan life insurance for such of its active officers and employees as will participate in paying the rest of the cost: *Provided*, That the terms and conditions of any such insurance be approved by the state insurance commissioner.

This Section amended by Sec. 1, Chap. 288, Laws of 1955.

**Chapter 30.16****CHECKS**

**30.16.010 Certification—Effect—Penalty.** No director, officer, agent or employee of any bank or trust company shall certify a check unless the amount thereof actually stands to the credit of the drawer on the books of such corporation and when certified must be charged to the account of the drawer. Every violation of this provision shall be a gross misdemeanor. Any such check so certified by a duly authorized person shall be a good and valid obligation of the bank or trust company in the hands of an innocent holder.

**30.16.020 Forged or raised checks—Liability.** No bank or trust company shall be liable to a depositor for the payment by said corporation of a forged or raised check, unless within sixty days after the return to the depositor of the voucher of such payment, such depositor shall notify said corporation that the check so paid was raised or forged.

**30.16.030 Stop-payment orders.** Revocation, countermand and stop-payment orders relating to the payment of any check drawn against the account of a depositor in any bank or trust company shall be confirmed in writing within fifteen days and shall remain in effect for six months from the time of delivery thereof to such bank or trust company and thereafter until such bank or trust company shall have given ten days' notice of the expiration of such period by notice in writing mailed to the last known address of such depositor.

**30.16.040 Renewal of stop orders.** Revocation, countermand, or stop-payment orders may be renewed in writing from time to time, and shall be effective for not more than six months from the date of delivery of the renewal notice to such bank or trust company.

**30.16.050 Belated checks.** Whenever any check payable on demand at any bank or trust company doing business in this state shall be presented for payment more than one year from its date such bank or trust company may, unless expressly instructed by the maker to pay the same, refuse payment thereof, and no liability shall thereby be incurred to the maker thereof for dishonoring the instrument by nonpayment.

**Chapter 30.20****DEPOSITS**

**30.20.010 Joint deposits—Payment and release.** When a deposit has been or shall hereafter be made in any national bank, state bank or trust company in the name of two or more persons, payable to any of such persons, such deposit or any part thereof, or any interest, or dividends thereon, may be paid to any of said persons, whether the other be living or not, and the receipt or acquittance of the persons so paid shall be valid and sufficient release and discharge of such corporation for any payment so made.

**30.20.015 Joint deposits with right of survivorship.** After any commercial or savings deposit shall be made in a national bank, state bank, trust company or any banking institution subject to the supervision of the supervisor of banking of this state, by any person in the names of such depositor and another person and in form to be paid to either or the survivor of them, such deposit and any additions thereto made by either of such persons after the making thereof, shall become the property of such persons as joint tenants with the right of survivorship, and the same, together with all interests thereof, in the case of savings accounts, shall be held for the exclusive use of such persons and may be paid to either during the lifetime of both or the survivor after the death of one of them. The making of the deposit in such form shall, in the absence of fraud or undue influence, be conclusive evidence, in any action or proceeding to which either such bank or the surviving depositor is a party, of the intention of both depositors to vest title to such deposit and the additions thereto in such survivor.

**30.20.020 Payment to surviving spouse—Accounting to estate.** On the death of any depositor of any bank or trust company, such bank or trust company may pay to the surviving spouse, the moneys in said bank or trust company on deposit to the credit of said deceased depositor in cases where the amount of deposit does not exceed the sum of five hundred dollars upon receipt of an affidavit from the surviving spouse, to the effect that the depositor died intestate and had on deposit in all banks and trust companies within the state of Washington money not exceeding the sum of five hundred dollars. The payment of such deposit made in good faith to the spouse making the affidavit shall be a full acquittance and release of the bank for the amount of the deposit so paid.

No probate proceeding shall be necessary to establish the right of said surviving spouse to withdraw said deposits upon the filing of said affidavit: *Provided, however,* Whenever an administrator is appointed in an estate where a withdrawal of deposits has been

had in compliance with this section, the spouse so withdrawing said deposits shall account for the same to the administrator.

**30.20.030 Deposits of persons under disability.** When any deposit has been or shall hereafter be made in any bank or trust company in his or her own name, by any minor, married woman or person under disability, such corporation may disregard such disability and pay such money or a check or order of such person, the same as in other cases.

**30.20.040 Unclaimed deposits, state of.** The cashier or secretary of every savings bank, savings and loan society, and every institution in which deposits of money are made, shall, within fifteen days after the first day of December, in the year 1905, and within fifteen days of the first day of December, of each and every second succeeding year thereafter, return to the secretary of state a sworn statement showing the amount standing to his credit, the last known place of residence or post office address, and the fact of death if known to said cashier or secretary of every depositor who shall not have made a deposit therein, or withdrawn therefrom any part of his deposit, or any part of the interest thereon, for the period of more than ten years next preceding; and the cashiers and secretaries of such savings banks, savings and loan societies and institutions for deposit of savings shall give notice of these deposits in one or more newspapers published in or nearest to the city, county or town where such banks are situated at least once a week for four successive weeks, the cost of such publications to be paid pro rata out of said unclaimed deposits: *Provided, however,* That this section shall not apply to or affect the deposit made by or in the name of any person known to the said cashier or secretary to be living. The secretary of state shall annually turn over all reports made by him to the attorney general for proceedings for forfeiture, if he shall be so advised.

This Section repealed by Sec. 33, Chap. 385, Laws of 1955.

**30.20.050 Penalty for failure to furnish statement.** Any cashier or secretary of any of the banking institutions mentioned in RCW 30.20.040 neglecting or refusing to make the sworn statement required by RCW 30.20.040 shall be guilty of a misdemeanor and on conviction thereof shall be fined in any sum not less than fifty dollars nor more than one thousand dollars or confined in the county jail not less than ten days nor more than ninety days, or both such fine and imprisonment.

This Section repealed by Sec. 33, Chap. 385, Laws of 1955.

**30.20.060 Savings deposits, regulations.** Any bank or trust company which shall conduct a savings account department shall repay all deposits to the depositor or his lawful representative when required at such time or times and with such interest as the regulations of the corporation shall prescribe. Such regulations shall

be prescribed by the directors of any such bank or trust company and may contain provisions with respect to the terms and conditions upon which any such savings account will be maintained by said bank or trust company. Such regulations shall be posted in a conspicuous place in a room where the savings account business of any such bank or trust company shall be transacted and shall be available to depositors upon request. All such rules and regulations and all amendments thereto from time to time in effect shall be binding upon all depositors. A passbook shall be issued to each savings account depositor covering such deposits, in which shall be entered each deposit by and each payment to such depositor, and no payment or checks against any savings account shall be made unless accompanied by and entered in the passbook issued therefor, except for good cause and assurance satisfactory to the corporation.

**30.20.070 Publication of deposits.** Each bank and each branch bank, doing a commercial banking business in this state shall, on or before the first days of February and August of each year, publish in a newspaper of general circulation in the county in which it has its office, a statement showing the total amount of its deposits as of a date not more than thirty-two days prior to such publication.

**30.20.080 Ineligibility to receive deposits of public funds.** A bank or branch bank which fails to publish the statement prescribed by RCW 30.20.070 shall be ineligible to receive deposits of funds of the state or of any subdivision, municipality, county, public corporation, quasi public corporation, quasi municipal corporation, irrigation district, or port district therein.

## Chapter 30.24

### TRUST COMPANY INVESTMENTS

**30.24.010 Provisions of chapter to control.** Any corporation, association, or person handling or investing trust funds as a fiduciary shall be governed in the handling and investment of such funds as in this chapter specified.

**30.24.015 Guardians, guardianships and funds are subject to chapter.** In addition to other fiduciaries, a guardian of any estate is a fiduciary within the meaning of this chapter; and in addition to other trusts, a guardianship of any estate is a trust within the meaning of this chapter; and in addition to other trust funds, guardianship funds are trust funds within the meaning of this chapter.

**30.24.020 General criterion specified.** In acquiring, investing, reinvesting, exchanging, selling and managing property for the

benefit of another, a fiduciary shall exercise the judgment and care under the circumstances then prevailing, which men of prudence, discretion and intelligence exercise in the management of their own affairs, not in regard to speculation but in regard to the permanent disposition of their funds, considering the probable income as well as the probable safety of their capital. Within the limitations of the foregoing standard, and subject to any express provisions or limitations contained in any particular trust instrument, a fiduciary is authorized to acquire and retain every kind of property, real, personal or mixed, and every kind of investment specifically including but not by way of limitation, debentures and other corporate obligations, and stocks, preferred or common, which men of prudence, discretion and intelligence acquire for their own account.

**30.24.030 Investment in insured savings accounts.** A corporation doing a trust business may invest trust funds in savings accounts with itself to the extent that such deposits are insured by the Federal Deposit Insurance Corporation.

**30.24.035 Investments in securities of certain investment trusts.** Within the standards of judgment and care established by law, and subject to any express provisions or limitations contained in any particular trust instrument, guardians, trustees and other fiduciaries, whether individual or corporate, are authorized to acquire and retain securities of any open-end or closed-end management type investment company or investment trust registered under the federal investment company act of 1940 as now or hereafter amended.

**30.24.040 Court may permit deviation from terms of trust instrument.** Nothing contained in this chapter shall be construed as restricting the power of a court of proper jurisdiction to permit a fiduciary to deviate from the terms of any will, agreement, or other instrument relating to the acquisition, investment, reinvestment, exchange, retention, sale, or management of fiduciary property.

**30.24.050 Scope of chapter.** The provisions of this chapter shall govern fiduciaries acting under wills, agreements, court orders, and other instruments now or hereafter in force.

**30.24.060 Fiduciary may hold trust property though not qualified investment.** In the absence of express provisions to the contrary in the trust instrument, any fiduciary may hold during the life of the trust all securities or other property, real or personal, received into or acquired by the trust from any source, excepting such as are purchased by the fiduciary in administering the trust,

even though such securities or other property are not qualified investments under the provisions of this chapter: *Provided*, That any investment of trust funds made under this chapter or any prior law, which was a qualified investment at the time the same was made shall remain a qualified investment.

**30.24.070 Terms of trust instrument controlling.** Any fiduciary may invest funds held in trust under an instrument creating such trust, in any manner and/or in any investment and/or in any class of investments authorized by such instrument, whether or not the same is otherwise qualified for the investment of trust funds. The terms "legal investment" or "authorized investment" or words of similar import, as used in any such instrument, shall be taken to mean any investment which is permitted by the terms of RCW 30.24.020.

**30.24.080 Securities in default ineligible.** Nothing in this chapter shall be construed as authorizing any fiduciary to invest funds held in trust, in any bonds, mortgages, notes or other securities, during any default in payment of either principal or interest thereof.

**30.24.090 Dealings with self or affiliate.** Unless the instrument creating the trust expressly provides to the contrary, any fiduciary in carrying out the obligations of the trust, may not buy or sell investments from or to himself or itself or any affiliated or subsidiary company or association.

## Chapter 30.28

### COMMON TRUST FUNDS

**30.28.010 Funds authorized—Investment—Rules and regulations.** Any bank or trust company qualified to act as fiduciary in this state may establish common trust funds for the purpose of furnishing investments to itself as fiduciary, or to itself and others, as co-fiduciaries; and may, as such fiduciary or co-fiduciary, invest funds which it lawfully holds for investment in interests in such common trust funds, if such investment is not prohibited by the instrument, judgment, decree, or order creating such fiduciary relationship, and if, in the case of co-fiduciaries, the bank or trust company procures the consent of its co-fiduciary or co-fiduciaries to such investment: *Provided*, That any bank or trust company qualified to act as fiduciary in this state, which is not a member of the federal reserve system, shall, in the operation of such common trust fund, comply with the rules and regulations as made from time to time by the supervisor and the supervisor is hereby authorized and



empowered to make such rules and regulations as he may deem necessary and proper in the premises.

**30.28.020 Accounting.** Unless ordered by a court of competent jurisdiction the bank or trust company operating such common trust funds is not required to render a court accounting with regard to such funds; but it may, by application to the superior court, secure approval of such an accounting on such conditions as the court may establish.

**30.28.030 Applicability of chapter.** This chapter shall apply to fiduciary relationships in existence on June 11, 1943, or thereafter established.

**30.28.040 Interpretation.** This chapter shall be so interpreted and construed to effectuate its general purpose to make uniform the laws of those states which enact it.

**30.28.050 Chapter designated "uniform common trust fund act."** This chapter may be cited as the uniform common trust fund act.

## Chapter 30.30

### TRUSTEES' ACCOUNTING ACT

**30.30.010 Scope of chapter—Exceptions.** This chapter shall not apply to resulting trusts, constructive trusts, business trusts where certificates of beneficial interest are issued to the beneficiaries, investment trusts, voting trusts, insurance trusts prior to the death of the insured, trusts in the nature of mortgages or pledges, trusts created by judgment or decree of a federal court or of the superior court when not sitting in probate, liquidation trusts or trusts for the sole purpose of paying dividends, interest or interest coupons, salaries, wages or pensions; nor shall this chapter apply to executors, administrators or guardians.

**30.30.020 Trustee's annual statement.** The trustee or trustees appointed by any will, deed or agreement heretofore or hereafter executed shall mail or deliver at least annually to each adult income trust beneficiary a written itemized statement of all current receipts and disbursements made by the trustee of the funds of the trust both principal and income, and upon the request of any such beneficiary shall furnish him an itemized statement of all property then held by such trustee, and may also file any such statement in the superior court of the county in which the trustee or one of the trustees resides.

**30.30.030 Intermediate and final accounts—Contents—Filing.** In addition thereto any such trustee or trustees whenever it or they so desire, may file in the superior court of the county in which the

trustees or one of the trustees resides an intermediate account under oath showing:

- (1) The period covered by the account;
- (2) The total principal with which the trustee is chargeable according to the last preceding account or the inventory if there is no preceding account;
- (3) An itemized statement of all principal funds received and disbursed during such period;
- (4) An itemized statement of all income received and disbursed during such period, unless waived;
- (5) The balance of such principal and income remaining at the close of such period and how invested;
- (6) The names and addresses of all living beneficiaries, including contingent beneficiaries, of the trust, and a statement as to any such beneficiary known to be under legal disability;
- (7) A description of any possible unborn or unascertained beneficiary and his interest in the trust fund.

In addition thereto, after the time for termination of the trust shall have arrived, the trustee or trustees may file a final account in similar manner.

**30.30.040 Account — Court may require — Petition.** Upon the petition of any settlor or of any beneficiary of such a trust after due notice thereof to the trustee the superior court in the county where the trustee or one of the trustees resides may direct the trustee or trustees thereof to file in said court such an account at any time subsequent to one year from the day on which such a report was last filed, or if none, then after one year from the inception of the trust.

**30.30.050 Account filed—Return day—Notice.** When any such account shall have been filed the clerk of the court where filed shall fix a return day therefor, and issue a notice as provided for herein. If each of the beneficiaries and the guardians and guardians ad litem, if any, appointed pursuant to RCW 30.30.060, is personally served with a copy of the notice, whether within or outside the state of Washington, at least twenty-five days prior to the return day, then no publication of the notice shall be required; otherwise the trustees shall cause notice as provided for herein to be given by publishing the same at least once a week for three successive weeks preceding the return day, the first publication to be at least twenty-five days preceding the return day, such publication to be in a newspaper of general circulation in the county, or if none then in an adjoining county. And in any event at least twenty-five days prior to the return day a copy of the notice shall be either served upon each beneficiary not represented by guardian or guardian ad litem or mailed to each such beneficiary not so

served at such beneficiary's address last known to the trustee; and shall be either served upon each guardian and guardian ad litem appointed pursuant to RCW 30.30.060, or mailed to each such guardian and guardian ad litem not so served at such guardian or guardian ad litem's address last known to the trustee. Proof of service of the notice may be made by affidavit as provided for service of summons in civil actions, or by written admission of service signed by the person served. The notice shall state the time and place for the return day, the name or names of the trustee or trustees who have filed the account, that the account has been filed, that the court is asked to settle such account, and that any objections or exceptions thereto must be filed with the clerk of said court on or before such return day.

**30.30.060 Account filed—Objections—Representation of beneficiaries.** Upon or before the return day any beneficiary of the trust may file his written objections or exceptions to the account filed or to any action of the trustee or trustees set forth therein. The court shall appoint either the legal guardian of a beneficiary, or a guardian ad litem to represent the interests of any such beneficiary who is an infant or of unsound mind or otherwise legally incompetent, or who is yet unborn or unascertained, and such beneficiary shall be bound by any action taken by such representative. Every unborn or unascertainable beneficiary shall be concluded by any action taken by the court for or against any living beneficiary of the same class or whose interests are similar to the interests of such unborn or unascertainable beneficiary.

**30.30.070 Court to determine accuracy, validity—Decree.** At the same time or at some later date fixed by the court if so requested by one or more of the parties, the court without the intervention of a jury and after hearing all the evidence submitted shall determine the correctness of the account and the validity and propriety of all actions of the trustee or trustees set forth therein including the purchase, retention and disposition of any of the property and funds of the trust, and shall render its decree either approving or disapproving the same or any part thereof, and surcharging the trustee or trustees for all losses, if any, caused by negligent or wilful breaches of trust.

**30.30.080 Effect of decree.** The decree so rendered shall be deemed final, conclusive and binding upon all the parties interested including all incompetent, unborn and unascertained beneficiaries of the trust subject only to the right of appeal hereinafter stated.

**30.30.090 Appeal from decree.** The decree so rendered shall be a final order from which any party in interest may appeal as in civil actions to the supreme court of the state of Washington.

**30.30.100 Settlor may waive or increase accounting requirements—Waiver by beneficiary.** The settlor of any trust governed by this chapter may waive any or all of the provisions of RCW 30.30.020 requiring periodical statements to beneficiaries, or may add additional duties, in the instrument creating the trust; and any adult beneficiary entitled to an accounting under either RCW 30.30.020 or 30.30.030 may waive such an accounting by a separate instrument delivered to the trustee.

**30.30.110 Waiver—How constituted.** This chapter is declared to be of similar import to the uniform trustees' accounting act. A provision in any will, deed or agreement heretofore or hereafter executed which provides in substance:

(1) That the requirements or provisions of the uniform trustees' accounting act, whether by name or other reference thereto are waived, or that the trustee shall not be required to comply therewith; or

(2) That the requirements or provisions of any other act of like or similar import are waived, or that the trustee shall not be required to comply therewith; shall constitute a waiver by the settlor pursuant to RCW 30.30.100.

**30.30.120 Execution upon trust income or vested remainder—Permitted, when.** Nothing in RCW 6.32.250 shall forbid execution upon the income of any trust created by a person other than the judgment debtor for debt arising through the furnishing of the necessities of life to the beneficiary of such trust; or as to such income forbid the enforcement of any order of the superior court requiring the payment of support for the children under the age of eighteen of any beneficiary; or forbid the enforcement of any order of the superior court subjecting the vested remainder of any such trust upon its expiration to execution for the debts of the remainderman.

## Chapter 30.32

### DEALINGS WITH FEDERAL LOAN AGENCIES

**30.32.010 Membership in federal reserve system—Investment in stock of Federal Deposit Insurance Corporation.** Any bank, trust company or mutual savings bank may become a member of the federal reserve 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.

**30.32.020 Investment in federal home loan bank stock or bonds.** Any savings and loan association, building and loan association, bank, trust company, savings bank, or mutual savings bank may become a member of and invest its funds in the bonds and/or the capital stock of a federal home loan bank, and vote such stock in the manner prescribed by its board of directors.

**30.32.030 May borrow from home loan bank.** Any such bank, trust company, insurance company, or association, may borrow from any home loan bank and as security for borrowing may pledge therewith the notes, mortgages, trust deeds which it holds as shall be required by federal law, and under such rules and regulations as shall be adopted by a federal home loan bank.

**30.32.040 Federal home loan bank as depository.** Any such bank, trust company, insurance company or association, may designate a federal home loan bank as a depository for its funds.

## Chapter 30.36

### CAPITAL NOTES OR DEBENTURES

**30.36.010 Definitions.** Capital notes or debentures, where used in this chapter, shall mean notes or other obligations issued by a bank, trust company or mutual savings bank, for money obtained and used as additional capital or to replace impaired capital stock: *Provided*, Such notes or other obligations are subordinate to the rights of depositors and other creditors.

The term "capital" where used in this chapter shall mean capital stock and/or capital notes.

**30.36.020 Issuance and sale—Status.** With the approval of the supervisor, any bank, trust company or mutual savings bank may at any time, through action of its board of directors, issue and sell its capital notes or debentures. Such capital notes or debentures shall be subordinate to the claims of depositors and other creditors.

**30.36.030 Stock at less than par—Impairment.** Where any bank, trust company or mutual savings bank has issued and has outstanding capital notes or debentures, it may carry its capital stock on its books at a sum less than par, and it shall not be considered impaired so long as the amount of such capital notes or debentures equals or exceeds the impairment as found by the supervisor.

**30.36.040 Impairment to be corrected before retirement of notes or debentures.** Before such capital notes or debentures are retired or paid by the bank, trust company or mutual savings bank, any existing impairment of its capital stock must be overcome or corrected to the satisfaction of the supervisor.

**30.36.050 Not subject to assessments—Liability of holders.** Such capital notes or debentures shall in no case be subject to any assessment. The holders of such capital notes or debentures shall not be held individually responsible, as such holders, for any debts, contracts or engagements of such institution, and as such holders, shall not be held liable for assessments to restore impairments in the capital of such institution.

## Chapter 30.40

### BRANCH BANKS

**30.40.010 Reserved.**

**30.40.020 Branches authorized—Restrictions.** A bank or trust company having a paid-in capital of not less than five hundred thousand dollars may, with the approval of the supervisor, establish and operate branches in any city or town within the state. A bank or trust company having a paid-in capital of not less than two hundred thousand dollars may, with the approval of the supervisor, establish and operate branches within the limits of the county in which its principal place of business is located.

The aggregate paid-in capital stock of every bank or trust company operating branches shall at no time be less than the aggregate of the minimum capital required by law for the establishment of an equal number of banks or trust companies in the cities or towns wherein the principal office or place of business of such bank or trust company and its branches are located.

No bank or trust company shall establish or operate any branch in any city or town outside the city or town in which its principal place of business is located in which any bank, trust company or national banking association regularly transacts a banking or trust business, except by taking over or acquiring an existing bank, trust company or national banking association or the branch of any bank, trust company or national banking association operating in such city or town.

**30.40.030 Stop-payment orders on branch banks.** No stop-payment order, renewal or confirmation issued against check, note, draft or trade acceptance drawn against or payable out of any account or deposit kept or maintained with any branch bank or branch banking office of any bank or banking association doing

business within the state shall be effectual to require compliance therewith by such bank, banking association, branch bank or branch banking office unless and until such stop-payment order, renewal or confirmation has been served upon such bank by delivery of the same or of a copy thereof to some person in charge of such branch bank or branch banking office or employed therein.

**30.40.040 Presentment at branch where payable.** No presentation of any check, note, draft, or trade acceptance drawn upon, made payable at or to be presented for acceptance at or to any branch bank or branch banking office of any bank or banking association doing business within this state shall constitute a valid presentation of such note, draft, or trade acceptance unless and until presentation shall be made at such branch bank or branch banking office.

**30.40.050 Tender of payment at branch bank.** No tender of payment, either in whole or in part, of or upon any note or trade acceptance, made payable at any branch bank or branch banking office or any bank or banking association doing business within this state shall be effectual to modify, alter or change the rights or liabilities of any party to such note or trade acceptance, or to any owner or holder thereof, or of any person liable thereon, unless such tender of payment is made at the branch bank or branch banking office at which such note is made payable or at which such trade acceptance is to be presented.

## Chapter 30.44

### INSOLVENCY AND LIQUIDATION

**30.44.010 Delinquencies, notice to correct—Possession may be taken.** Whenever it shall in any manner appear to the supervisor that any bank or trust company has violated any provision of law or is conducting its business in an unsafe manner or that it refuses to submit its books, papers, or concerns to lawful inspection or that any director or officer thereof refuses to submit to examination on oath touching its concerns, or that it has failed to carry out any authorized order or direction of an examiner, the supervisor may give notice to the bank or trust company so offending or delinquent or whose director or officer is thus offending or delinquent to correct such offense or delinquency and if such bank or trust company fails to comply with the terms of such notice within thirty days from the date of its issuance or within such further time as said supervisor may allow, then the supervisor may take possession of such bank or trust company as in case of insolvency.

**30.44.020 Supervisor may order levy of assessment.** Whenever it shall in any manner appear to the supervisor of banking that

any offense or delinquency referred to in RCW 30.44.010 renders a bank or trust company in an unsound or unsafe condition to continue its business or that its capital or surplus is reduced or impaired below the amount required by its articles of incorporation or by this title, or that it has suspended payment of its obligations or is insolvent, said supervisor may notify such bank or trust company to levy an assessment on its stock or otherwise to make good such impairment or offense or other delinquency within such time and in such manner as he may specify or if he deems necessary he may take possession thereof without notice.

The board of directors of any such bank or trust company, with the consent of the holders of record of two-thirds of the capital stock expressed either in writing or by vote at a stockholders' meeting called for that purpose, shall have power and authority to levy such assessment upon the stockholders pro rata and to forfeit the stock upon which any such assessment is not paid, in the manner prescribed in RCW 30.12.180.

**30.44.030 Supervisor's right to take possession may be contested.** Within ten days after the supervisor takes possession thereof, a bank or trust company may serve a notice upon the supervisor to appear before the superior court of the county wherein such corporation is located and at a time to be fixed by said court, which shall not be less than five nor more than fifteen days from the date of the service of such notice, to show cause why such corporation should not be restored to the possession of its assets. Upon the return day of such notice, or such further day as the matter may be continued to, the court shall summarily hear said cause and shall dismiss the same, if it be found that possession was taken by the supervisor in good faith and for cause, but if it find that no cause existed for the taking possession of such corporation, it shall require the supervisor to restore such bank or trust company to possession of its assets and enjoin him from further interference therewith without cause.

**30.44.040 Notice of taking possession.** Upon taking possession of any bank or trust company, the supervisor shall forthwith give written notice thereof to all persons having possession of any assets of such corporation. No person knowing of the taking of such possession by the supervisor shall have a lien or charge for any payment thereafter advanced or clearance thereafter made or liability thereafter incurred against any of the assets of such corporation.

**30.44.050 Powers and duties of supervisor.** Upon taking possession of any bank or trust company, the supervisor shall proceed to collect the assets thereof and to preserve, administer and liqui-



date the business and assets of such corporation. With the approval of the superior court of the county in which such corporation is located, he may sell, compound or compromise bad or doubtful debts, and upon such terms as the court shall direct borrow, mortgage, pledge or sell all or any part of the real estate and personal property of such corporation. He shall deliver to each purchaser or lender an appropriate deed, mortgage, agreement of pledge or other instrument of title or security. If real estate is situated outside of said county, a certified copy of the orders authorizing and confirming the sale or mortgage thereof shall be filed for record in the office of the auditor of the county in which such property is situated. He may appoint special deputy supervisors and other necessary agents to assist in the administration and liquidation of such corporation, a certificate of such appointment to be filed with the clerk of the county in which such corporation is located. He shall require each special deputy to give a surety company bond, conditioned as he shall provide, the premium of which shall be paid out of the assets of such corporation. He may also employ an attorney for legal assistance in such administration and liquidation.

**30.44.060 Notice to creditors—Claims.** The supervisor shall publish once a week for four consecutive weeks in a newspaper which he shall select, a notice requiring all persons having claims against such corporation to make proof thereof at the place therein specified not later than ninety days from the date of the first publication of said notice, which date shall be therein stated. He shall mail similar notices to all persons whose names appear as creditors upon the books of the corporation. He may approve or reject any claims, but shall serve notice of rejection upon the claimant by mail or personally. An affidavit of service of such notice shall be prima facie evidence thereof. No action shall be brought on any claim after three months from the date of service of notice of rejection.

Claims of depositors may be presented after the expiration of the time fixed in the notice, and, if approved, shall be entitled to their proportion of prior dividends, if there be funds sufficient therefor, and shall share in the distribution of the remaining assets.

After the expiration of the time fixed in the notice the supervisor shall have no power to accept any claim except the claim of a depositor, and all claims except the claims of depositors shall be barred.

**30.44.070 Inventory—List of claims.** Upon taking possession of such corporation, the supervisor shall make an inventory of the assets in duplicate and file one in his office and one in the office of the county clerk. Upon the expiration of the time fixed for the presentation of claims, he shall make a duplicate list of claims presented, segregating those approved and those rejected, to be

filed as aforesaid. He shall also make and file a supplemental list of claims at least fifteen days before the declaration of any dividend, and in any event at least every six months.

**30.44.080 Objections to approved claims.** Objection may be made by any interested person to any claim approved by the supervisor, which objection shall be determined by the court upon such notice to the claimant and objector as the court shall prescribe.

**30.44.090 Dividends.** At any time after the expiration of the date fixed for the presentation of claims, the supervisor, subject to the approval of the court, may declare one or more dividends out of the funds remaining in his hands after the payment of expenses.

**30.44.100 Receiver prohibited except in emergency.** No receiver shall be appointed by any court for any bank or trust company nor shall any assignment of any bank or trust company for the benefit of creditors be valid, excepting only that a court otherwise having jurisdiction may in case of imminent necessity appoint a temporary receiver to take possession of and preserve the assets of such corporation. Immediately upon any such appointment, the clerk of such court shall notify the supervisor by telegraph and mail of such appointment and the supervisor shall forthwith take possession of such bank or trust company, as in case of insolvency, and such temporary receiver shall upon demand of the supervisor surrender up to him such possession and all assets which shall have come into the hands of such receiver. The supervisor shall in due course pay such receiver out of the assets of such corporation such amount as the court shall allow.

**30.44.110 Preferences prohibited—Penalty.** Every transfer of its property or assets by any bank or trust company in this state, made in contemplation of insolvency, or after it shall have become insolvent, with a view to the preference of one creditor over another, or to prevent the equal distribution of its property and assets among its creditors, shall be void. Every director, officer or employee making any such transfer shall be guilty of a felony.

**30.44.120 Receiving deposits when insolvent—Penalty.** An officer, director or employee of any bank or trust company who shall fraudulently receive for it any deposit, knowing that such bank or trust company is insolvent, shall be guilty of a felony.

**30.44.130 Expense of liquidation.** All expenses incurred by the supervisor in taking possession, administering and winding up any such corporation, including the expenses of deputies and other assistants and reasonable fees for any attorney who may be employed by him in connection therewith, and the reasonable compensation

of any special deputy placed in charge of such corporation shall be a first charge upon the assets thereof. Such charges shall be fixed by the supervisor, subject to the approval of the court.

**30.44.140 Liquidation after claims are paid.** When all proper claims of depositors and creditors (not including stockholders) have been paid, as well as all expenses of administration and liquidation and proper provision has been made for unclaimed or unpaid deposits and dividends, and assets still remain in his hands, the supervisor shall call a meeting of the stockholders of such corporation, giving thirty days' notice thereof, by one publication in a newspaper published in the county where such corporation is located. At such meeting, each share shall entitle the holder thereof to a vote in person or by proxy. A vote by ballot shall be taken to determine whether the supervisor shall wind up the affairs of such corporation or the stockholders appoint an agent to do so. The supervisor, if so required, shall wind up such corporation and distribute its assets to those entitled thereto. If the appointment of an agent is determined upon, the stockholders shall forthwith select such agent by ballot. Such agent shall file a bond to the state of Washington in such amount and so conditioned as the supervisor shall require. Thereupon the supervisor shall transfer to such agent the assets of such corporation then remaining in his hands, and be relieved from further responsibility in reference to such corporation. Such agent shall convert the assets of such corporation into cash and distribute the same to the parties thereunto entitled, subject to the supervision of the court. In case of his death, removal or refusal to act, the stockholders may select a successor with like powers.

**30.44.150 Unclaimed dividends—Disposition.** Any dividends to depositors or other creditors of such bank or trust company remaining uncalled for and unpaid in the hands of the supervisor for six months after order of final distribution, shall be deposited in a bank or trust company to his credit, in trust for the benefit of the persons entitled thereto and subject to the supervision of the court shall be paid by him to them upon receipt of satisfactory evidence of their right thereto.

All moneys so deposited remaining unclaimed for five years after deposit shall escheat to the state for the benefit of the permanent school fund and shall be paid by the supervisor into the state treasury. It shall not be necessary to have the escheat adjudged in a suit or action.

**30.44.160 Voluntary closing—Notice.** Any bank or trust company may place itself under the control of the supervisor to be liquidated as herein provided by posting a notice on its door as

follows: "This bank (trust company) is in the hands of the State Supervisor of Banking."

Immediately upon the posting of such notice, the officers of such corporation shall notify the supervisor thereof by telegraph and mail. The posting of such notice or the taking possession of any bank or trust company by the supervisor shall be sufficient to place all of its assets and property of every nature in his possession and bar all attachment proceedings.

**30.44.170 Voluntary liquidation—Notice to creditors.** Any bank or trust company may, upon receipt of written permission from the supervisor, go into voluntary liquidation by a vote of its stockholders owning two-thirds of its capital stock. When such liquidation is authorized, the directors of such corporation shall publish in a newspaper published in the place where such corporation is located, once a week for four consecutive weeks, a notice requiring creditors of such corporation to present their claims against it for payment.

**30.44.180 Unclaimed dividends on voluntary liquidation.** Whenever any bank or trust company shall voluntarily liquidate, any dividends to depositors or other creditors of such bank or trust company remaining uncalled for and unpaid at the conclusion of the liquidation shall be transmitted to the supervisor and shall be deposited by him in a bank or trust company to his credit in trust for the benefit of the persons entitled thereto, and shall be paid by him to them upon receipt of satisfactory evidence of their right thereto.

All moneys so deposited remaining unclaimed for five years after deposit shall escheat to the state for the benefit of the permanent school fund and shall be paid by the supervisor into the state treasury. It shall not be necessary to have the escheat adjudged in a suit or action.

**30.44.190 Disposition of unclaimed personal property.** Whenever any bank or trust company shall be liquidated, voluntarily or involuntarily, and shall retain in its possession at the conclusion of the liquidation, uncalled for and unclaimed personal property left with it for safekeeping, such property shall, in the presence of a least one witness, be inventoried by the liquidating agent and sealed in separate packages, each package plainly marked with the name and last known address of the person in whose name the property stands on the books of the bank or trust company. If the property is in safe deposit boxes, such boxes shall be opened by the liquidating agent in the presence of at least one witness, and the property inventoried, sealed in packages and marked as above required. All the packages shall be transmitted to the super-

visor, together with certificates signed by the liquidating agent and witness or witnesses, listing separately the property standing in the name of any one person on the books of the bank or trust company, together with the date of inventory, and name and last known address of the person in whose name the property stands.

**30.44.200 Duty of supervisor—Notice to owner.** Upon receiving possession of the packages, the supervisor shall cause them to be opened in the presence of at least one witness, the property re-inventoried, and the packages resealed, and held for safekeeping. The liquidated bank, its directors, officers, and shareholders, and the liquidating agent shall thereupon be relieved of responsibility and liability for the property so delivered to and received by the supervisor. The supervisor shall send immediately to each person in whose name the property stood on the books of the liquidated bank or trust company, at his last known address, in a securely closed, postpaid and registered letter, a notice that the property listed will be held in his name for a period of not less than two years. At any time after the mailing of such notice, and before the expiration of two years, such person may require the delivery of the property so held, by properly identifying himself and offering evidence of his right thereto, to the satisfaction of the supervisor.

**30.44.210 Final notice after two years—Sale.** After the expiration of two years from the time of mailing the notice, the supervisor shall mail in a securely closed postpaid registered letter, addressed to such person at his last known address, a final notice stating that two years have elapsed since the sending of the notice referred to in RCW 30.44.200, and that the supervisor will sell all the property or articles of value set out in the notice, at a specified time and place, not less than thirty days after the time of mailing such final notice. Unless such person shall, on or before the day mentioned, claim the property, identify himself and offer evidence of his right thereto, to the satisfaction of the supervisor, the supervisor may sell all the property or articles of value listed in the notice, at public auction, at the time and place stated in the final notice: *Provided*, That a notice of the time and place of sale has been published once within ten days prior to the sale in a newspaper published in the county where the sale is held. Any such property held by the supervisor, the owner of which is not known, may be sold at public auction after it has been held by the supervisor for two years, provided, that a notice of the time and place of sale has been published once within ten days prior to the sale in a newspaper published in the county where the sale is held.

**30.44.220 Disposition of proceeds—Escheat.** The proceeds of such sale shall be deposited by the supervisor in a bank or trust company

to his credit, in trust for the benefit of the person entitled thereto, and shall be paid by him to such person upon receipt of satisfactory evidence of his right thereto.

All moneys so deposited remaining unclaimed for five years after deposit shall escheat to the state for the benefit of the permanent school fund and shall be paid by the supervisor into the state treasury. It shall not be necessary to have the escheat adjudged in a suit or action.

**30.44.230 Procedure as to papers, documents, etc.** Whenever the personal property held by a liquidated bank or trust company shall consist either wholly or in part, of documents, letters, or other papers of a private nature, such documents, letters, or papers shall not be sold, but shall be retained by the supervisor for a period of five years, and, unless sooner claimed by the owner, may be thereafter destroyed in the presence of the supervisor and at least one other witness.

**30.44.240 Transfer of assets and liabilities to another bank or trust company.** A bank or trust company may for the purpose of voluntary liquidation transfer its assets and liabilities to another bank or trust company, by a vote, or with the written consent of the stockholders of record owning two-thirds of its capital stock, but only with the written consent of the supervisor and upon such terms and conditions as he may prescribe. Upon any such transfer being made, or upon the liquidation of any such corporation for any cause whatever or upon its being no longer engaged in the business of a bank or trust company, the supervisor shall terminate its certificate of authority, which shall not thereafter be revived or renewed. When the certificate of authority of any such corporation shall have been revoked, it shall forthwith collect and distribute its remaining assets, and when that is done the supervisor shall certify the fact to the secretary of state, whereupon the corporation shall cease to exist and the secretary of state shall note that fact upon his records.

**30.44.250 Reopening.** Whenever the supervisor has taken possession of a bank or trust company for any cause, he may wind up such corporation and cancel its certificate of authority, unless enjoined from so doing, as herein provided. Or if at any time within ninety days after taking possession, he shall determine that all impairment and delinquencies have been made good, and that it is safe and expedient for such corporation to reopen, he may permit such corporation to reopen upon such terms and conditions as he shall prescribe. Before being permitted to reopen, every such corporation shall pay all of the expenses of the supervisor, as herein elsewhere defined.

**30.44.260 Destruction of records after liquidation.** Where any files, records, documents, books of account or other papers have been taken over and are in the possession of the supervisor in connection with the liquidation of any insolvent banks or trust companies under the laws of this state, the supervisor may, in his discretion at any time after the expiration of one year from the declaration of the final dividend, or from the date when such liquidation has been entirely completed, destroy any of the files, records, documents, books of account or other papers which may appear to the supervisor to be obsolete or unnecessary for future reference as part of the liquidation and files of his office.

### Chapter 30.48—Reserved.

### Chapter 30.49

#### MERGER, CONSOLIDATION, AND CONVERSION

**30.49.010 Definitions.** As used in this chapter:

“Merging bank” means a party to a merger;

“Converting bank” means a bank converting from a state to a national bank, or the reverse;

“Merger” includes consolidation;

“Resulting bank” means the bank resulting from a merger or conversion.

**30.49.020 State to resulting national bank—Laws applicable—Vote required—Termination of franchise.** This section is applicable where there is to be a resulting national bank.

Nothing in the law of this state shall restrict the right of a state bank to merge with or convert into a resulting national bank. The action to be taken by such merging or converting state bank and its rights and liabilities and those of its shareholders shall be the same as those prescribed at the time of the action for national banks merging with or converting into a resulting state bank by the law of the United States, and not by the law of this state, except that a vote of the holders of two-thirds of each class of voting stock of a state bank shall be required for the merger or conversion, and that on conversion by a state into a national bank the rights of dissenting stockholders shall be those specified in RCW 30.49.090.

Upon the completion of the merger or conversion, the franchise of any merging or converting state bank shall automatically terminate.

**30.49.030 State or national to resulting state bank—Law applicable to nationals.** This section is applicable where there is to be a resulting state bank.

Upon approval by the supervisor of banking, state or national banks may be merged to result in a state bank, or a national bank may convert into a state bank as hereafter prescribed, except that the action by a national bank shall be taken in the manner prescribed by and shall be subject to limitations and requirements imposed by the law of the United States which shall also govern the rights of its dissenting shareholders.

**30.49.040 Merger to resulting state bank—Agreement, contents, approval, amendment.** This section is applicable where there is to be a resulting state bank.

(1) The board of directors of each merging state bank shall, by a majority of the entire board, approve a merger agreement which shall contain:

(a) The name of each merging state or national bank and location of each office;

(b) With respect to the resulting state bank, (i) the name and location of the principal and other offices; (ii) the name and residence of each director to serve until the next annual meeting of the stockholders; (iii) the name and residence of each officer; (iv) the amount of capital, the number of shares and the par value of each share; and (v) the amendments to its charters and bylaws;

(c) Provisions governing the manner of converting the shares of the merging state or national banks into shares of the resulting state bank;

(d) A statement that the agreement is subject to approval by the supervisor of banking and the stockholders of each merging state or national bank;

(e) Provisions governing the manner of disposing of the shares of the resulting state bank not taken by dissenting shareholders of merging state or national banks;

(f) Such other provisions as the supervisor of banking requires to enable him to discharge his duties with respect to the merger;

(2) After approval by the board of directors of each merging state bank, the merger agreement shall be submitted to the supervisor of banking for approval, together with certified copies of the authorizing resolutions of each board of directors showing approval by a majority of the entire board and evidence of proper action by the board of directors of any merging national bank;

(3) Within sixty days after receipt by the supervisor of banking of the papers specified in subdivision (2), the supervisor of banking shall approve or disapprove of the merger agreement, and if no action is taken, the agreement shall be deemed approved. The supervisor of banking shall approve the agreement if it appears that:



(a) The resulting state bank meets the requirements of state law as to the formation of a new state bank;

(b) The agreement provides an adequate capital structure including surplus in relation to the deposit liabilities of the resulting state bank and its other activities which are to continue or are to be undertaken;

(c) The agreement is fair;

(d) The merger is not contrary to the public interest.

If the supervisor of banking disapproves an agreement, he shall state his objections and give an opportunity to the merging state or national banks to amend the merger agreement to obviate such objections.

**30.49.050 Same — Stockholders' vote — Notice of meeting — Waiver of notice.** To be effective, a merger which is to result in a state bank must be approved by the stockholders of each merging state bank by a vote of two-thirds of the outstanding voting stock of each class at a meeting called to consider such action, which vote shall constitute the adoption of the charter and bylaws of the resulting state bank, including the amendments in the merger agreement.

Unless waived in writing, notice of the meeting of stockholders shall be given by publication in a newspaper of general circulation in the place where the principal office of each merging state bank is located, at least once each week for four successive weeks, and by mail, at least fifteen days before the date of the meeting, to each stockholder of record of each merging state bank at his address on the books of his bank; no notice of publication need be given if written waivers are received from the holders of two-thirds of the outstanding shares of each class of stock. The notice shall state that dissenting stockholders will be entitled to payment of the value of only those shares which are voted against approval of the plan.

**30.49.060 Same—Effective date—Termination of charters—Certificate of merger.** A merger which is to result in a state bank shall, unless a later date is specified in the agreement, become effective after the filing with and upon the approval of the supervisor of banking of the executed agreement together with copies of the resolutions of the stockholders of each merging state or national bank approving it, certified by the bank's president or a vice president and a secretary. The charters of the merging banks, other than the resulting bank, shall thereupon automatically terminate.

The supervisor of banking shall thereupon issue to the resulting state bank a certificate of merger specifying the name of each merging state or national bank and the name of the resulting state bank. Such certificate shall be conclusive evidence of the merger and of the correctness of all proceedings therefor in all courts and

places, and may be recorded in any office for the recording of deeds to evidence the new name in which the property of the merging state or national bank is held.

**30.49.070 Conversion of national to state bank—Requirements—Procedure.** Except as provided in RCW 30.49.100, a national bank located in this state which follows the procedure prescribed by the laws of the United States to convert into a state bank shall be granted a state charter by the supervisor of banking if he finds that the bank meets the standards as to location of offices, capital structures, and business experience and character of officers and directors for the incorporation of a state bank.

The national bank may apply for such charter by filing with the supervisor of banking a certificate signed by its president and cashier and by a majority of the entire board of directors, setting forth the corporate action taken in compliance with the provisions of the laws of the United States governing the conversion of a national to a state bank, and the articles of incorporation, approved by the stockholders, for the government of the bank as a state bank.

**30.49.080 Resulting bank as same business and corporate entity—Use of name of merging, converting bank.** A resulting state or national bank shall be the same business and corporate entity as each merging state or national bank or as the converting state or national bank with all property, rights, powers and duties of each merging state or national bank or the converting state or national bank, except as affected by the state law in the case of a resulting state bank or the federal law in the case of a resulting national bank, and by the charter and bylaws of the resulting state or national bank.

A resulting state or national bank shall have the right to use the name of any merging state or national bank or of the converting bank whenever it can do any act under such name more conveniently.

Any reference to a merging or converting state or national bank in any writing, whether executed or taking effect before or after the merger or conversion, shall be deemed a reference to the resulting state or national bank if not inconsistent with the other provisions of such writing.

**30.49.090 Rights of dissenting shareholder—Appraisal—Amount due as debt.** The owner of shares of a state bank which were voted against a merger to result in a state bank, or against the conversion of a state bank into a national bank, shall be entitled to receive their value in cash, if and when the merger or conversion becomes effective, upon written demand made to the resulting state or national bank at any time within thirty days after the effective

date of the merger or conversion, accompanied by the surrender of the stock certificates. The value of such shares shall be determined, as of the date of the shareholders' meeting approving the merger or conversion, by three appraisers, one to be selected by the owners of two-thirds of the dissenting shares, one by the board of directors of the resulting state or national bank, and the third by the two so chosen. The valuation agreed upon by any two appraisers shall govern. If the appraisal is not completed within ninety days after the merger or conversion becomes effective, the supervisor of banking shall cause an appraisal to be made.

The expenses of appraisal shall be paid by the resulting state bank.

The resulting state or national bank may fix an amount which it considers to be not more than the fair market value of the shares of a merging or the converting bank at the time of the stockholders' meeting approving the merger or conversion, which it will pay dissenting shareholders of the bank entitled to payment in cash. The amount due under such accepted offer or under the appraisal shall constitute a debt of the resulting state or national bank.

**30.49.100 Provision for successors to fiduciary positions.** Where a resulting state bank is not to exercise trust powers, the supervisor of banking shall not approve a merger or conversion until satisfied that adequate provision has been made for successors to fiduciary positions held by the merging state or national banks or the converting state or national bank.

**30.49.110 Assets, business—Time for conformance with state law.** If a merging or converting state or national bank has assets which do not conform to the requirements of state law for the resulting state bank or carries on business activities which are not permitted for the resulting state bank, the supervisor of banking may permit a reasonable time to conform with state law.

**30.49.120 Resulting state bank—Valuation of certain assets limited.** Without approval by the supervisor of banking no asset shall be carried on the books of the resulting state bank at a valuation higher than that on the books of the merging or converting state or national bank at the time of its last examination by a state or national bank examiner before the effective date of the merger or conversion.

**30.49.130 Severability.** If any provision of this chapter or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to this end the provisions of the chapter are declared to be severable. The invalidity of any provision as

to a national bank or as to the stockholders of a national bank shall not affect its validity as to a state bank or as to the stockholders of a state bank.

## Chapter 30.52

### BANK COLLECTION CODE

**30.52.010 "Bank" and "item" defined.** For the purposes of this chapter: "Bank" shall include any person, firm or corporation engaged in the business of receiving and paying deposits of money within this state. A branch or office of any such bank shall be deemed a bank for the purpose of this chapter.

"Item" means any check, note or other instrument providing for the payment of money.

**30.52.020 Deposits for collection—Agency of bank.** Except as otherwise provided by agreement and except as to subsequent holders of a negotiable instrument payable to bearer or indorsed specially or in blank, where an item is deposited or received for collection, the bank of deposit shall be agent of the depositor for its collection and each subsequent collecting bank shall be subagent of the depositor but shall be authorized to follow the instructions of its immediate forwarding bank and any credit given by any such agent or subagent bank therefor shall be revocable until such time as the proceeds are received in actual money or an unconditional credit given on the books of another bank, which such agent has requested or accepted. Where any such bank allows any revocable credit for an item to be withdrawn, such agency relation shall nevertheless continue except the bank shall have all the rights of an owner thereof against prior and subsequent parties to the extent of the amount withdrawn.

**30.52.030 Provisional credit—Revocation.** (1) In any case in which a bank receives, other than for immediate payment over the counter, a demand item payable by, at or through such bank and gives credit therefor before midnight of the day of receipt, the bank may have until midnight of its next business day after receipt within which to dishonor or refuse payment of such item. Any credit so given, together with all related entries on the receiving bank's books, may be revoked by returning the item, or if the item is held for protest or at the time is lost or is not in possession of the bank, by giving written notice of dishonor, nonpayment, or revocation: *Provided*, That such item or notice is dispatched in the mails or by other expeditious means not later than midnight of the bank's next business day after the item was received. For the purpose of determining when notice of dishonor must be given or pro-

test made under the law relative to negotiable instruments, an item duly presented which is dishonored or credit for which is revoked as authorized by this section, shall be deemed dishonored on the day the item or notice is dispatched. A bank, revoking credit pursuant to the authority of this section, is entitled to refund of, or credit for, the amount of the item.

(2) For the purpose of this section:

(a) An item received by a bank on a day other than its business day, or received on a business day after its regular business hours or during afternoon or evening periods when it has reopened or remained open for limited functions, shall be deemed to have been received at the opening of its next business day;

(b) The term "credit" includes payment, remittance, advice of credit or authorization to charge and, in cases where the item is received for deposit as well as for payment, also includes the passing of appropriate entries to the receiving bank's general ledger without regard to whether the item is posted to individual customers' ledgers.

**30.52.040 Presumptions as to endorsements—Restrictive endorsements—Payable to bearer.** An endorsement of an item by the payee or other depositor "for deposit" shall be deemed a restrictive endorsement and indicate that the endorsee bank is an agent for collection and not owner of the item.

An endorsement of an item in blank made for the purpose of depositing such item with or of obtaining payment thereof from a bank shall be deemed to be an endorsement thereof to or to the order of such bank.

An endorsement "pay any bank or banker" or having equivalent words shall be deemed a restrictive endorsement and shall indicate the creation of an agency relation in any subsequent bank to whom the paper is forwarded, unless coupled with words indicating the creation of a trustee relationship; and such endorsement, and/or an endorsement to or to the order of any bank and/or any other restrictive endorsement, whether creating an agency or trustee relationship, shall constitute a guaranty by the endorser to all subsequent holders and to the drawee or payer of the genuineness of and the authority to make prior endorsements, and also to save the drawee or payer harmless in the event any prior endorsement appearing thereon is defective or irregular in any respect unless such endorsement be coupled with appropriate words disclaiming such liability as guarantor.

Where a deposited item is payable to bearer or endorsed by the depositor in blank or by special endorsement, the fact that such item is so payable or endorsed shall not change the relation of agent of the bank of deposit to the depositor, but subsequent hold-

ers shall have the right to rely on the presumption that the bank of deposit is the owner of the item. The endorsement of an item by the bank of deposit or by any subsequent holder in blank or by special endorsement or its delivery when payable to bearer, shall carry the presumption that the endorsee or transferee is owner provided there is nothing upon the face of the paper or in any prior endorsement to indicate an agency or trustee relation of any prior party. But where an item is deposited or is received for collection endorsed specially or in blank, the bank may convert such an endorsement into a restrictive endorsement by writing over the signature of the endorser the words "for deposit" or "for collection" or other restrictive words to negative the presumption that such bank of deposit or endorsee bank is owner; and in the case of an item deposited or received for collection payable to bearer, may negative such presumption by endorsing thereon the words "received for deposit" or "received for collection" or words of like import.

**30.52.050 Ordinary care required.** It shall be the duty of the initial or any subsequent agent collecting bank to exercise ordinary care in the collection of an item and when such duty is performed such agent bank shall not be responsible if for any cause payment is not received in money or an unconditional credit given on the books of another bank, which bank shall be liable for its own lack of exercise of ordinary care but shall not be liable for the neglect, misconduct, mistakes or defaults of any other agent bank or of the drawee or payor bank.

**30.52.060 Ordinary care defined.** (1) Where an item is received on deposit or by a subsequent agent bank for collection, payable in another town or city, it shall be deemed the exercise of ordinary care to forward such item by mail, not later than the business day next following its receipt either (a) direct to the drawee or payor in the event such drawee or payor is a bank or (b) to another bank collecting agent according to the usual banking custom, either located in the town or city where the item is payable or in another town or city.

(2) Where an item is received on deposit or by a subsequent agent bank for collection, payable by or at another bank in the same town or city in which such agent bank is located, it shall be deemed the exercise of ordinary care to present the item for payment at any time not later than the next business day following the day on which the item is received either (a) at the counter of the drawee or payor by agent or messenger or (b) through the local clearing house under the regular established procedure, or according to the usual banking custom where the collecting or payor bank is located in an outlying district.

(3) The designation of the above methods shall not exclude any other method of forwarding or presentment which under existing rules of law would constitute ordinary care.

**30.52.070 Item deemed paid—When.** Where the item is received by mail by a solvent drawee or payor bank, it shall be deemed paid when the amount is finally charged to the account of the maker or drawer.

**30.52.080 Loss or destruction in transit.** Where an agent bank forwards an item for collection, it shall not be responsible for its loss or destruction in transit or, when in the possession of others, for its inability to repossess itself thereof, provided there has been no lack of ordinary care on its part.

**30.52.090 Methods of payment.** Where ordinary care is exercised, any agent collecting bank may receive in payment of an item without becoming responsible as debtor therefor, whether presented by mail, through the clearing house or over the counter of the drawee or payor, in lieu of money, either (1) the check or draft of the drawee or payor upon another bank or (2) the check or draft of any other bank upon any bank other than the drawee or payor of the item or (3) such method of settlement as may be customary in a local clearing house or between clearing banks or otherwise: *Provided*, That whenever such agent collecting bank shall request or accept in payment an unconditional credit which has been given to it on the books of the drawee or payor or on the books of any other bank, such agent collecting bank shall become debtor for such item and shall be responsible therefor as if the proceeds were actually received by it in money.

**30.52.100 Payment by remitting bank.** Where ordinary care is exercised, any agent collecting bank may receive from any subsequent bank in the chain of collection in remittance for an item which has been paid, in lieu of money, the check or draft of the remitting bank upon any bank other than itself or the drawee or payor of the item or such other method of settlement as may be customary: *Provided*, That whenever such agent collecting bank shall request or accept an unconditional credit which has been given to it on the books of the remitting bank or on the books of any other bank, such agent collecting bank shall become debtor for such item and shall be responsible therefor as if the proceeds were actually received by it in money.

**30.52.110 Dishonor by nonpayment.** Where an item is duly presented by mail to the drawee or payor, whether or not the same has been charged to the account of the maker or drawer thereof or returned to such maker or drawer, the agent collecting bank so

presenting may, at its election, exercised with reasonable diligence, treat such item as dishonored by nonpayment and recourse may be had upon prior parties thereto in any of the following cases:

(1) Where the check or draft of the drawee or payor bank upon another bank received in payment therefor shall not be paid in due course;

(2) Where the drawee or payor bank shall without request or authority tender as payment its own check or draft upon itself or other instrument upon which it is primarily liable;

(3) Where the drawee or payor bank shall give an unrequested or unauthorized credit therefor on its books or the books of another bank; or

(4) Where the drawee or payor shall retain such item without remitting therefor on the day of receipt or on the day of maturity if payable otherwise than on demand and received by it prior to or on such day of maturity: *Provided, however,* That in any case where the drawee or payor bank shall return any such item unpaid not later than the day of receipt or of maturity as aforesaid in the exercise of its right to make payment only at its own counter, such item cannot be treated as dishonored by nonpayment and the delay caused thereby shall not relieve prior parties from liability.

*Provided further,* That no agent collecting bank shall be liable to the owner of an item where, in the exercise of ordinary care in the interest of such owner, it makes or does not make the election above provided or takes such steps as it may deem necessary in cases (2), (3) and (4) above.

**30.52.120 Notice of dishonor.** In case of the dishonor of an item duly presented by mail as provided for in RCW 30.52.110, notice of dishonor of such item to prior parties shall be sufficient if given with reasonable diligence after such dishonor; and further in the event of failure to obtain the return of any such item notice of dishonor may be given upon a copy or written particulars thereof, and delay in giving notice of dishonor caused by an attempt with reasonable diligence to obtain return of such item shall be excused.

**30.52.130 Effect of bank failure.** (1) When the drawee or payor, or any other agent collecting bank shall fail or be closed for business by the supervisor or by action of the board of directors or by other proper legal action, after an item shall be mailed or otherwise entrusted to it for collection or payment but before the actual collection or payment thereof, it shall be the duty of the receiver or other official in charge of its assets to return such item, if same is in his possession, to the forwarding or presenting bank with reasonable diligence.

(2) Except in cases where an item or items is treated as dis-



honored by nonpayment as provided in RCW 30.52.110, when a drawee or payor bank has presented to it for payment an item or items drawn upon or payable by or at such bank and at the time has on deposit to the credit of the maker or drawer an amount equal to such item or items and such drawee or payor shall fail or close for business as above, after having charged such item or items to the account of the maker or drawer thereof or otherwise discharged his liability thereon but without such item or items having been paid or settled for by the drawee or payor either in money or by an unconditional credit given on its books or on the books of any other bank, which has been requested or accepted so as to constitute such drawee or payor or other bank debtor therefor, the assets of such drawee or payor shall be impressed with a trust in favor of the owner or owners of such item or items for the amount thereof, or for the balance payable upon a number of items which have been exchanged, and such owner or owners shall be entitled to a preferred claim upon such assets, irrespective of whether the fund representing such item or items can be traced and identified as part of such assets or has been intermingled with or converted into other assets of such failed bank.

(3) Where an agent collecting bank other than the drawee or payor shall fail or be closed for business as above, after having received in any form the proceeds of an item or items entrusted to it for collection, but without such item or items having been paid or remitted for by it either in money or by an unconditional credit given on its books or on the books of any other bank which has been requested or accepted so as to constitute such failed collecting or other bank debtor therefor, the assets of such agent collecting bank which has failed or been closed for business as above shall be impressed with a trust in favor of the owner or owners of such item or items for the amount of such proceeds and such owner or owners shall be entitled to a preferred claim upon such assets, irrespective of whether the fund representing such item or items can be traced and identified as part of such assets or has been intermingled with or converted into other assets of such failed bank.

**30.52.140 Other rules and laws to apply, when.** In any case not provided for in this chapter the rules of law and equity, including the law merchant and those rules of law and equity relating to trusts, agency, negotiable instruments and banking, shall continue to apply.

**30.52.150 Construction of chapter.** This chapter shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

**30.52.160 Chapter designated "bank collection code."** This chapter may be cited as the bank collection code.

**Chapter 30.56****BANK STABILIZATION ACT**

**30.56.010 "Bank" and "directors" defined.** In this chapter the word "bank" includes savings banks, mutual savings banks, and trust companies, and "directors" shall include trustees.

**30.56.020 Postponement of payments on deposits—Order—Posting.** The supervisor of banking is hereby empowered, upon the written application of the directors of a bank, if in his judgment the circumstances warrant it, to authorize a bank to postpone, for a period of ninety days and for such further period or periods as he may deem expedient, the payment of such proportions or amounts of the demands of its depositors from time to time as he may deem necessary. The period or periods of postponement and the proportions or amounts of the demands to be deferred shall be determined by him according to the ability of the bank to pay withdrawals. By the regulations prescribed for deferred payments, the supervisor may classify accounts and limit payments to depositors of the several classes differently. The supervisor's orders, regulations and directions shall be in writing and be filed in his office, and copies thereof shall be delivered to the bank and be forthwith posted in a conspicuous place in the banking room.

**30.56.030 Business during postponement.** During postponement of payments the bank shall remain open for business and be in charge of its officers, but shall not make any loans, investments or expenditures except such as the supervisor will approve as necessary to conserve its assets and pay the cost of operation. The bank's failure during a period of postponement to repay deposits existing at the commencement of the period, shall not authorize or require the supervisor to take charge of or liquidate the bank, nor constitute ground for the appointment of a receiver.

**30.56.040 Deposits received during postponement.** Deposits received during a period of postponement and for sixty days thereafter shall be kept separate from other assets of the bank, shall not draw interest, shall not be loaned or invested except by depositing with reserve banks or investing in liquid securities approved by the supervisor, and shall be withdrawable upon demand. If during a postponement of payments, or at the expiration thereof, the supervisor shall take charge of the bank for liquidation, deposits made during the period of postponement shall be deemed trust funds and be repaid to the depositors forthwith.

**30.56.050 Plan for reorganization—Conditions.** At the request of the directors of a bank, the supervisor may propose a plan for its reorganization, if in his judgment it would be for the best in-

terests of the bank's creditors and of the community which the bank serves. The plan may contemplate such temporary ratable reductions of the demands of depositors and other creditors as would leave its reserve adequate and its capital and surplus unimpaired after the charging off of bad and doubtful debts; and also may contemplate a postponement of payments as in a case falling within RCW 30.56.020. The plan shall be fully described in a writing, the original of which shall be filed in the office of the supervisor and several copies of which shall be furnished the bank, where one or more copies shall be kept available for inspection by stockholders, depositors and other creditors.

**30.56.060 Approval of plan—Unsecured claims.** If, within ninety days after the filing of the plan, creditors having unsecured demands against the bank aggregating not less than three-fourths of the amount of the unsecured demands of all its creditors, approved the plan, the supervisor shall have power to declare the plan to be in effect. Thereupon the unsecured demands of creditors shall be ratably reduced according to the plan and appropriate debits shall be made in the books. The right of a secured creditor to enforce his security shall not be affected by the operation of the plan, but the amount of any deficiency to which he may be entitled shall be reduced as unsecured demands were reduced. If the plan contemplates a temporary postponement of payments, RCW 30.56-.020, 30.56.030 and 30.56.040 shall be applicable, and the bank shall comply therewith and conduct its affairs accordingly.

**30.56.070 No dividends until reductions paid.** A bank for which such a plan has been put into effect shall not declare or pay a dividend or distribute any of its assets among stockholders until there shall have been set aside for and credited ratably to the creditors whose demands were reduced an amount equal to the aggregate of the reductions.

**30.56.080 Failure to pay in excess of plan, effect.** The failure of a bank operating under such a plan to pay to a creditor at any time a sum greater than the plan then requires, shall not constitute a default nor authorize or require the supervisor to take charge of or liquidate the bank nor entitle the creditor to maintain an action against the bank.

**30.56.090 New bank may be authorized.** If the net assets of a bank operating under such a plan are sufficient to provide the capital and surplus of a newly organized bank in the same place, the supervisor, under such reasonable conditions as he shall prescribe, may approve the incorporation of a new bank and permit it to take over the assets and business and assume the liabilities of the existing bank.

**30.56.100 Chapter designated "bank stabilization act."** This chapter shall be known as the bank stabilization act.

**Chapter 30.98****CONSTRUCTION**

**30.98.010 Continuation of existing law.** The provisions of this title insofar as they are substantially the same as statutory provisions repealed by this chapter and relating to the same subject matter, shall be construed as restatements and continuations, and not as new enactments.

**30.98.020 Title, chapter, section headings not part of law.** Title headings, chapter headings, and section or subsection headings, as used in this title do not constitute any part of the law.

**30.98.030 Invalidity of part of title not to affect remainder.** If any provision of this title, or its application to any person or circumstance is held invalid, the remainder of the title, or the application of the provision to other persons or circumstances is not affected.

**30.98.040 Prior investments or transactions not affected.** Nothing in this title shall be construed to affect the legality of investments, made prior to March 10, 1917, or of transactions had before March 10, 1917, pursuant to any provisions of law in force when such investment were made or transactions had. (Adopted from 1917 c 80 § 77)

**30.98.050 Repeals and saving.** The following acts or parts of acts are repealed:

- (1) Chapter 129, Laws of 1905.
- (2) Sections 1, 5 through 8, 10, 12, 14, 15, 16 through 83, Chapter 80, Laws of 1917.
- (3) Sections 1, 4, 5, and 7 through 20, Chapter 209, Laws of 1919.
- (4) Chapter 73, Laws of 1921.
- (5) Chapter 94, Laws of 1921.
- (6) Chapter 114, Laws of 1923.
- (7) Chapter 115, Laws of 1923.
- (8) Chapter 44, Laws of 1925 ex. s.
- (9) Chapter 55, Laws of 1925 ex. s.
- (10) Chapter 114, Laws of 1925 ex. s.
- (11) Chapter 179, Laws of 1927.
- (12) Chapter 224, Laws of 1927.
- (13) Chapter 72, Laws of 1929.
- (14) Chapter 73, Laws of 1929.
- (15) Chapter 174, Laws of 1929.
- (16) Chapter 203, Laws of 1929.
- (17) Chapter 8, Laws of 1931.
- (18) Chapter 9, Laws of 1931.

- (19) Chapter 10, Laws of 1931.
- (20) Chapter 11, Laws of 1931.
- (21) Chapter 127, Laws of 1931.
- (22) Chapter 12, Laws of 1933.
- (23) Chapter 42, Laws of 1933.
- (24) Chapter 49, Laws of 1933.
- (25) Chapter 105, Laws of 1933.
- (26) Chapter 9, Laws of 1933 ex. s.
- (27) Chapter 42, Laws of 1935.
- (28) Chapter 43, Laws of 1935.
- (29) Chapter 93, Laws of 1935.
- (30) Chapter 31, Laws of 1937.
- (31) Chapter 48, Laws of 1937.
- (32) Chapter 61, Laws of 1937.
- (33) Chapter 59, Laws of 1939.
- (34) Chapter 61, Laws of 1939.
- (35) Chapter 16, Laws of 1941.
- (36) Chapter 38, Laws of 1941.
- (37) Chapter 41, Laws of 1941.
- (38) Chapter 55, Laws of 1943.
- (39) Chapter 114, Laws of 1943.
- (40) Chapter 142, Laws of 1943.
- (41) Chapter 143, Laws of 1943.
- (42) Chapter 148, Laws of 1943.
- (43) Chapter 167, Laws of 1943.
- (44) Chapter 187, Laws of 1943.
- (45) Chapter 69, Laws of 1945.
- (46) Chapter 204, Laws of 1945.
- (47) Chapter 100, Laws of 1947.
- (48) Chapter 129, Laws of 1947.
- (49) Chapter 131, Laws of 1947.
- (50) Chapter 132, Laws of 1947.
- (51) Chapter 146, Laws of 1947.
- (52) Chapter 147, Laws of 1947.
- (53) Chapter 148, Laws of 1947.
- (54) Chapter 149, Laws of 1947.
- (55) Chapter 221, Laws of 1947.
- (56) Chapter 18, Laws of 1951.
- (57) Chapter 23, Laws of 1951.
- (58) Chapter 132, Laws of 1951.
- (59) Chapter 218, Laws of 1951.
- (60) Chapter 226, Laws of 1951.
- (61) Chapter 234, Laws of 1953.
- (62) Chapter 236, Laws of 1953.

Such repeals shall not be construed as affecting any existing right

acquired under the provisions of the statutes repealed, nor as affecting any proceeding instituted thereunder.

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

Passed the Senate January 21, 1955.

Passed the House February 7, 1955.

Approved by the Governor February 23, 1955.

CHAPTER 34.

[ S. B. 10. ]

STATE BAR ACT—INACTIVE MEMBERSHIP FEE.

AN ACT relating to inactive membership fee of state bar; amending section 10, chapter 94, Laws of 1933, and RCW 2.48.140; and declaring an emergency.

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

SECTION 1. Section 10, chapter 94, Laws of 1933, and RCW 2.48.140 are each amended to read as follows: Amendment.

The annual membership fee for inactive members shall be the sum of two dollars, payable on or before the first day of February of each year. Fee of inactive members.

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

Passed the Senate January 21, 1955.

Passed the House February 1, 1955.

Approved by the Governor February 23, 1955.

## CHAPTER 35.

[ S. B. 6. ]

## NEGOTIABLE INSTRUMENTS.

AN ACT relating to the law of negotiable instruments; enacting a negotiable instruments code to be known as Title 62 of the Revised Code of Washington; making the negotiable instrument laws uniform; and repealing sections 1 through 16, pages 400, 401 and 402, Laws of 1854, being "AN ACT in relation to bills of exchange and promissory notes" approved March 20, 1854; and sections 1 through 16, pages 301, 302 and 303, Laws of 1860, being "AN ACT in relation to bills of exchange and promissory notes" approved January 23, 1860; and sections 1 through 16, pages 427, 428 and 429, Laws of 1863, being "AN ACT in relation to bills of exchange and promissory notes" approved January 19, 1863; and sections 2295 through 2310, chapter 170, Code of 1881; and chapter 149, Laws of 1899; and chapter 173, Laws of 1915; and chapter 54, Laws of 1925 Extraordinary Session; and chapter 296, Laws of 1927; and declaring an emergency.

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

## TITLE 62

## NEGOTIABLE INSTRUMENTS

## Chapter 62.01

## NEGOTIABLE INSTRUMENTS

## PART I. FORM AND INTERPRETATION

**62.01.001 Form of negotiable instrument.** An instrument to be negotiable must conform to the following requirements:

- (1) It must be in writing and signed by the maker or drawer;
- (2) Must contain an unconditional promise or order to pay a sum certain in money;
- (3) Must be payable on demand, or at a fixed or determinable future time;
- (4) Must be payable to order or to bearer; and,
- (5) Where the instrument is addressed to a drawee, he must be named or otherwise indicated therein with reasonable certainty.

**62.01.002 Certainty as to sum; what constitutes.** The sum payable is a sum certain within the meaning of this chapter, although it is to be paid—

- (1) With interest; or
- (2) By stated installments; or
- (3) By stated installments, with a provision that upon default



in payment of any installment or of interest, the whole shall become due; or

(4) With exchange, whether at a fixed rate or at the current rate; or

(5) With costs of collection or an attorney's fee, in case payment shall not be made at maturity.

**62.01.003 When promise is unconditional.** An unqualified order or promise to pay is unconditional within the meaning of this chapter, though coupled with—

(1) An indication of a particular fund out of which reimbursement is to be made, or a particular account to be debited with the amount; or

(2) A statement of the transaction which gives rise to the instrument.

But an order or promise to pay only out of a particular fund is not unconditional.

**62.01.004 Determinable future time; what constitutes.** An instrument is payable at a determinable future time, within the meaning of this chapter, which is expressed to be payable—

(1) At a fixed period after date or sight; or

(2) On or before a fixed or determinable future time specified therein; or

(3) On or at a fixed period after the occurrence of a specified event, which is certain to happen, though the time of happening be uncertain.

An instrument payable upon a contingency is not negotiable, and the happening of the event does not cure the defect.

**62.01.005 Additional provisions not affecting negotiability.** An instrument which contains an order or promise to do any act in addition to the payment of money is not negotiable. But the negotiable character of an instrument otherwise negotiable is not affected by a provision which—

(1) Authorizes the sale of collateral securities in case the instrument be not paid at maturity; or

(2) Authorizes a confession of judgment if the instrument be not paid at maturity; or

(3) Waives the benefit of any law intended for the advantage or protection of the obligor; or

(4) Gives the holder an election to require something to be done in lieu of payment of money.

But nothing in this section shall validate any provision or stipulation otherwise illegal.

**62.01.006 Omissions; seal; particular money.** The validity and negotiable character of an instrument are not affected by the fact that—

- (1) It is not dated; or
- (2) Does not specify the value given, or that any value has been given therefor; or
- (3) Does not specify the place where it is drawn or the place where it is payable; or
- (4) Bears a seal; or
- (5) Designates a particular kind of current money in which payment is to be made.

But nothing in this section shall alter or repeal any statute requiring in certain cases the nature of the consideration to be stated in the instrument.

**62.01.007 When payable on demand.** An instrument is payable on demand—

- (1) Where it is expressed to be payable on demand, or at sight, or on presentation; or
- (2) In which no time for payment is expressed.

Where an instrument is issued, accepted, or indorsed when overdue, it is, as regards the person so issuing, accepting, or indorsing it, payable on demand.

**62.01.008 When payable to order.** The instrument is payable to order where it is drawn payable to the order of a specified person or to him or his order. It may be drawn payable to the order of—

- (1) A payee who is not maker, drawer, or drawee; or
- (2) The drawer or maker; or
- (3) The drawee; or
- (4) Two or more payees jointly; or
- (5) One or some of several payees; or
- (6) The holder of an office for the time being.

Where the instrument is payable to order the payee must be named or otherwise indicated therein with reasonable certainty.

**62.01.009 When payable to bearer.** The instrument is payable to bearer—

- (1) When it is expressed to be so payable; or
- (2) When it is payable to a person named therein or bearer; or
- (3) When it is payable to the order of a fictitious or nonexistent person, and such fact was known to the person making it so payable; or
- (4) When the name of the payee does not purport to be the name of any person; or
- (5) When the only or last indorsement is an indorsement in blank.

**62.01.010 Terms when sufficient.** The instrument need not follow the language of this chapter, but any terms are sufficient which clearly indicate an intention to conform to the requirements hereof.

**62.01.011 Date; presumption as to.** Where the instrument or an acceptance or any indorsement thereon is dated, such date is deemed prima facie to be the true date of the making, drawing, acceptance or indorsement as the case may be.

**62.01.012 Antedated and postdated.** The instrument is not invalid for the reason only that it is antedated or postdated, provided this is not done for an illegal or fraudulent purpose. The person to whom an instrument so dated is delivered acquires the title thereto as of the date of delivery.

**62.01.013 When date may be inserted.** Where an instrument expressed to be payable at a fixed period after date is issued undated, or where the acceptance of an instrument payable at a fixed period after sight is undated, any holder may insert therein the true date of issue or acceptance, and the instrument shall be payable accordingly. The insertion of a wrong date does not avoid the instrument in the hands of a subsequent holder in due course; but as to him, the date so inserted is to be regarded as the true date.

**62.01.014 Blanks; when may be filled.** Where the instrument is wanting in any material particular, the person in possession thereof has a prima facie authority to complete it by filling up the blanks therein. And a signature on a blank paper delivered by the person making the signature in order that the paper may be converted into a negotiable instrument operates as a prima facie authority to fill it up as such for any amount. In order, however, that any such instrument when completed may be enforced against any person who became a party thereto prior to its completion, it must be filled up strictly in accordance with the authority given and within a reasonable time. But if any such instrument, after completion, is negotiated to a holder in due course, it is valid and effectual for all purposes in his hands, and he may enforce it as if it had been filled up strictly in accordance with the authority given and within a reasonable time.

**62.01.015 Incomplete instrument not delivered.** Where an incomplete instrument has not been delivered it will not, if completed and negotiated, without authority, be a valid contract in the hands of any holder, as against any person whose signature was placed thereon before delivery.

**62.01.016 Delivery; when effectual; when presumed.** Every contract on a negotiable instrument is incomplete and revocable until delivery of the instrument for the purpose of giving effect thereto.

As between immediate parties, and as regards a remote party other than a holder in due course, the delivery, in order to be effectual, must be made either by or under the authority of the party making, drawing, accepting or indorsing, as the case may be; and in such case the delivery may be shown to have been conditional, or for a special purpose only, and not for the purpose of transferring the property in the instrument. But where the instrument is in the hands of a holder in due course, a valid delivery thereof by all parties prior to him so as to make them liable to him is conclusively presumed. And where the instrument is no longer in the possession of a party whose signature appears thereon, a valid and intentional delivery by him is presumed until the contrary is proved.

**62.01.017 Construction where instrument is ambiguous.** Where the language of the instrument is ambiguous, or there are omissions therein, the following rules of construction apply—

(1) Where the sum payable is expressed in words and also in figures and there is a discrepancy between the two, the sum denoted by the words is the sum payable; but if the words are ambiguous or uncertain, references may be had to the figures to fix the amount;

(2) Where the instrument provides for the payment of interest, without specifying the date from which interest is to run, the interest runs from the date of the instrument, and if the instrument is undated, from the issue thereof;

(3) Where the instrument is not dated, it will be considered to be dated as of the time it was issued;

(4) Where there is a conflict between the written and printed provisions of the instrument, the written provisions prevail;

(5) Where the instrument is so ambiguous that there is doubt whether it is a bill or note, the holder may treat it as either at his election;

(6) Where a signature is so placed upon the instrument that it is not clear in what capacity the person making the same intended to sign, he is to be deemed an indorser;

(7) Where an instrument containing the words "I promise to pay" is signed by two or more persons, they are deemed to be jointly and severally liable thereon.

**62.01.018 Liability of person signing in trade or assumed name.** No person is liable on the instrument whose signature does not appear thereon, except as herein otherwise expressly provided. But one who signs in a trade or assumed name will be liable to the same extent as if he had signed his own name.

**62.01.019 Signature by agent, authority, how shown.** The signature of any party may be made by a duly authorized agent. No particular form of appointment is necessary for this purpose; and

the authority of the agent may be established as in other cases of agency.

**62.01.0195 Signature by agent, authority, notice of limitations.** Where a check or other negotiable instrument is drawn, made or indorsed in the name of or for a corporation, firm, association, estate or person hereinafter called principal by an officer, trustee, attorney or other agent or fiduciary, hereinafter called agent, to the personal order of such agent as payee or indorsee or to the order of a bank in which such agent keeps a personal account or to the order of any third person neither the fact that such check or other negotiable instrument is so drawn or indorsed, or is paid by the drawee, or is deposited in the personal account of such agent or is given by him or its proceeds used in payment of his private debt to the bank in which deposited or to any other person or is negotiated by him in any personal transaction shall singly or collectively be sufficient to put the depositary or drawee bank or any other person, bank, firm or corporation upon inquiry as to the authority of such agent or constitute notice of an infirmity in the check or other negotiable instrument or defect in the title of the agent, in the absence of actual knowledge upon the part of such bank or person that such check or other negotiable instrument was drawn, indorsed, negotiated, deposited or paid without the authority of the principal.

**62.01.020 Liability of person signing as agent, etc.** Where the instrument contains or a person adds to his signature words indicating that he signs for or on behalf of a principal, or in a representative capacity, he is not liable on the instrument if he was duly authorized; but the mere addition of words describing him as an agent, or as filling a representative character, without disclosing his principal, does not exempt him from personal liability.

**62.01.021 Signature by procuration; effect of.** A signature by "procuration" operates as notice that the agent has but a limited authority to sign, and the principal is bound only in case the agent in so signing acted within the actual limits of his authority.

**62.01.022 Effect of indorsement by infant or corporation.** The indorsement or assignment of the instrument by a corporation or by an infant passes the property therein, notwithstanding that from want of capacity the corporation or infant may incur no liability thereon.

**62.01.023 Forged signature; effect of.** Where a signature is forged or made without the authority of the person whose signature it purports to be, it is wholly inoperative, and no right to retain the instrument, or to give a discharge therefor, or to enforce payment thereof against any party thereto, can be acquired through

or under such signature, unless the party, against whom it is sought to enforce such right, is precluded from setting up the forgery or want of authority.

## PART II. CONSIDERATION

**62.01.024 Presumption of consideration.** Every negotiable instrument is deemed prima facie to have been issued for a valuable consideration; and every person whose signature appears thereon to have become a party thereto for value.

**62.01.025 Consideration, what constitutes.** Value is any consideration sufficient to support a simple contract. An antecedent or preexisting debt constitutes value; and is deemed such whether the instrument is payable on demand or at a future time.

**62.01.026 What constitutes holder for value.** Where value has at any time been given for the instrument, the holder is deemed a holder for value in respect to all parties who became such prior to that time.

**62.01.027 When lien on instrument constitutes holder for value.** Where the holder has a lien on the instrument, arising either from contract or by implication of law, he is deemed a holder for value to the extent of his lien.

**62.01.028 Effect of want of consideration.** Absence or failure of consideration is matter of defense as against any person not a holder in due course; and partial failure of consideration is a defense pro tanto, whether the failure is an ascertained and liquidated amount or otherwise.

**62.01.029 Liability of accommodation party.** An accommodation party is one who has signed the instrument as maker, drawer, acceptor or indorser, without receiving value therefor, and for the purpose of lending his name to some other person. Such a person is liable on the instrument to a holder for value, notwithstanding such holder at the time of taking the instrument knew him to be only an accommodation party.

## PART III. NEGOTIATION

**62.01.030 What constitutes negotiation.** An instrument is negotiated when it is transferred from one person to another in such manner as to constitute the transferee the holder thereof. If payable to bearer it is negotiated by delivery; if payable to order it is negotiated by the indorsement of the holder completed by delivery.

**62.01.031 Indorsement; how made.** The indorsement must be written on the instrument itself or upon a paper attached thereto.

The signature of the indorser, without additional words, is a sufficient indorsement.

**62.01.032 Indorsement must be of entire instrument.** The indorsement must be an indorsement of the entire instrument. An indorsement, which purports to transfer to the indorsee a part only of the amount payable, or which purports to transfer the instrument to two or more indorsees severally, does not operate as a negotiation of the instrument. But where the instrument has been paid in part, it may be indorsed as to the residue.

**62.01.033 Kinds of indorsement.** An indorsement may be either special or in blank; and it may also be either restrictive or qualified, or conditional.

**62.01.034 Special indorsement; indorsement in blank.** A special indorsement specifies the person to whom, or to whose order, the instrument is to be payable; and the indorsement of such indorsee is necessary to the further negotiation of the instrument. An indorsement in blank specifies no indorsee, and an instrument so indorsed is payable to bearer, and may be negotiated by delivery.

**62.01.035 Blank indorsement; how changed to special indorsement.** The holder may convert a blank indorsement into a special indorsement by writing over the signature of the indorser in blank any contract consistent with the character of the indorsement.

**62.01.036 When indorsement restrictive.** An indorsement is restrictive, which either—

- (1) Prohibits the further negotiation of the instrument; or
- (2) Constitutes the indorsee the agent of the indorser; or
- (3) Vests the title in the indorsee in trust for or to the use of some other person.

But the mere absence of words implying power to negotiate does not make an indorsement restrictive.

**62.01.037 Effect of restricting indorsement; rights of indorsee.** A restrictive indorsement confers upon the indorsee the right—

- (1) To receive payment of the instrument;
- (2) To bring any action thereon that the indorser could bring;
- (3) To transfer his rights as such indorsee, where the form of the indorsement authorizes him to do so.

But all subsequent indorsees acquire only the title of the first indorsee under the restrictive indorsement.

**62.01.038 Qualified indorsement.** A qualified indorsement constitutes the indorser a mere assignor of the title to the instrument. It may be made by adding to the indorser's signature the words "without recourse" or any words of similar import. Such an in-

dorsement does not impair the negotiable character of the instrument.

**62.01.039 Conditional indorsement.** Where an indorsement is conditional, a party required to pay the instrument may disregard the condition, and make payment to the indorsee or his transferee, whether the condition has been fulfilled or not. But any person to whom an instrument so indorsed is negotiated, will hold the same, or the proceeds thereof, subject to the rights of the person indorsing conditionally.

**62.01.040 Indorsement of instrument payable to bearer.** Where an instrument, payable to bearer, is indorsed specially, it may nevertheless be further negotiated by delivery; but the person indorsing specially is liable as indorser to only such holders as make title through his indorsement.

**62.01.041 Indorsement where payable to two or more persons.** Where an instrument is payable to the order of two or more payees or indorsees who are not partners, all must indorse, unless the one indorsing has authority to indorse for the others.

**62.01.042 Effect of instrument drawn or indorsed to a person as cashier.** Where an instrument is drawn or indorsed to a person as "cashier" or other fiscal officer of a bank or corporation, it is deemed prima facie to be payable to the bank or corporation of which he is such officer; and may be negotiated by either the indorsement of the bank or corporation, or the indorsement of the officer.

**62.01.043 Indorsement where name is misspelled, etc.** Where the name of a payee or indorsee is wrongly designated or misspelled, he may indorse the instrument as therein described, adding, if he think fit, his proper signature.

**62.01.044 Indorsement in representative capacity.** Where any person is under obligation to indorse in a representative capacity, he may indorse in such terms as to negative personal liability.

**62.01.045 Time of indorsement; presumption.** Except where an indorsement bears date after the maturity of the instrument, every negotiation is deemed prima facie to have been effected before the instrument was overdue.

**62.01.046 Place of indorsement; presumption.** Except where the contrary appears, every indorsement is presumed prima facie to have been made at the place where the instrument is dated.

**62.01.047 Continuation of negotiable character.** An instrument negotiable in its origin continues to be negotiable until it has been restrictively indorsed or discharged by payment or otherwise.



**62.01.048 Striking out indorsement.** The holder may at any time strike out any indorsement which is not necessary to his title. The indorser whose indorsement is struck out, and all indorsers subsequent to him, are thereby relieved from liability on the instrument.

**62.01.049 Transfer without indorsement; effect of.** Where the holder of an instrument payable to his order transfers it for value without indorsing it, the transfer vests in the transferee such title as the transferer had therein, and the transferee acquires, in addition, the right to have the indorsement of the transferer. But for the purpose of determining whether the transferee is a holder in due course, the negotiation takes effect as of the time when the indorsement is actually made.

**62.01.050 When prior party may negotiate instrument.** Where an instrument is negotiated back to a prior party, such party may, subject to the provisions of this chapter, reissue and further negotiate the same. But he is not entitled to enforce payment thereof against any intervening party to whom he was personally liable.

#### PART IV. RIGHTS OF THE HOLDER

**62.01.051 Right of holder to sue; payment.** The holder of a negotiable instrument may sue thereon in his own name; and payment to him in due course discharges the instrument.

**62.01.052 What constitutes a holder in due course.** A holder in due course is a holder who has taken the instrument under the following conditions:

- (1) That it is complete and regular upon its face;
- (2) That he became the holder of it before it was overdue, and without notice that it had been previously dishonored, if such was the fact;
- (3) That he took it in good faith and for value;
- (4) That at the time it was negotiated to him he had no notice of any infirmity in the instrument or defect in the title of the person negotiating it.

**62.01.053 When person not deemed holder in due course.** Where an instrument payable on demand is negotiated an unreasonable length of time after its issue, the holder is not deemed a holder in due course.

**62.01.054 Notice before full amount paid.** Where the transferee receives notice of any infirmity in the instrument or defect in the title of the person negotiating the same before he has paid the full amount agreed to be paid therefor, he will be deemed a holder in due course only to the extent of the amount theretofore paid by him.

**62.01.055 When title defective.** The title of a person who negotiates an instrument is defective within the meaning of this chapter when he obtained the instrument, or any signature thereto, by fraud, duress, or force and fear, or other unlawful means, or for an illegal consideration, or when he negotiates it in breach of faith, or under such circumstances as amount to a fraud.

**62.01.056 What constitutes notice of defect.** To constitute notice of an infirmity in the instrument or defect in the title of the person negotiating the same, the person to whom it is negotiated must have had actual knowledge of the infirmity or defect, or knowledge of such facts that his action in taking the instrument amounted to bad faith.

**62.01.057 Rights of holder in due course.** A holder in due course holds the instrument free from any defect of title of prior parties, and free from defenses available to prior parties among themselves, and may enforce payment of the instrument for the full amount thereof against all parties liable thereon.

**62.01.058 When subject to original defenses.** In the hands of any holder other than a holder in due course, a negotiable instrument is subject to the same defenses as if it were nonnegotiable. But a holder who derives his title through a holder in due course, and who is not himself a party to any fraud or illegality affecting the instrument, has all the rights of such former holder in respect of all parties prior to the latter.

**62.01.059 Who deemed holder in due course.** Every holder is deemed prima facie to be a holder in due course; but when it is shown that the title of any person who has negotiated the instrument was defective, the burden is on the holder to prove that he or some person under whom he claims acquired the title as holder in due course. But the last mentioned rule does not apply in favor of a party who became bound on the instrument prior to the acquisition of such defective title.

#### PART V. LIABILITIES OF PARTIES

**62.01.060 Liability of maker.** The maker of a negotiable instrument by making it engages that he will pay it according to its tenor, and admits the existence of the payee and his then capacity to endorse.

**62.01.061 Liability of drawer.** The drawer by drawing the instrument admits the existence of the payee and his then capacity to indorse; and engages that on due presentment the instrument will be accepted or paid, or both, according to its tenor, and that if it be dishonored, and the necessary proceedings on dishonor be duly

taken, he will pay the amount thereof to the holder, or to any subsequent indorser who may be compelled to pay it. But the drawer may insert in the instrument an express stipulation negating or limiting his own liability to the holder.

**62.01.062 Liability of acceptor.** The acceptor by accepting the instrument engages that he will pay it according to the tenor of his acceptance; and admits—

(1) The existence of the drawer, the genuineness of his signature, and his capacity and authority to draw the instrument; and

(2) The existence of the payee and his then capacity to indorse.

**62.01.063 When person deemed indorser.** A person placing his signature upon an instrument otherwise than as maker, drawer or acceptor is deemed to be an indorser, unless he clearly indicates by appropriate words his intention to be bound in some other capacity.

**62.01.064 Liability of irregular indorser.** Where a person, not otherwise a party to an instrument, places thereon his signature in blank before delivery, he is liable as indorser in accordance with the following rules:

(1) If the instrument is payable to the order of a third person, he is liable to the payee and to all subsequent parties.

(2) If the instrument is payable to the order of the maker or drawer, or is payable to bearer, he is liable to all parties subsequent to the maker or drawer.

(3) If he signs for the accommodation of the payee, he is liable to all parties subsequent to the payee.

**62.01.065 Warranty where negotiation by delivery, etc.** Every person negotiating an instrument by delivery or by a qualified indorsement, warrants—

(1) That the instrument is genuine and in all respects what it purports to be;

(2) That he has a good title to it;

(3) That all prior parties had capacity to contract;

(4) That he has no knowledge of any fact which would impair the validity of the instrument or render it valueless.

But when the negotiation is by delivery only, the warranty extends in favor of no holder other than the immediate transferee.

The provisions of subdivision (3) of this section do not apply to persons negotiating public or corporate securities, other than bills and notes.

**62.01.066 Liability of general indorser.** Every indorser who indorses without qualification, warrants to all subsequent holders in due course—

(1) The matters and things mentioned in subdivisions (1), (2) and (3) of RCW 62.01.065; and

(2) That the instrument is at the time of his indorsement valid and subsisting.

And, in addition, he engages that on due presentment, it shall be accepted or paid, or both, as the case may be, according to its tenor, and that if it be dishonored, and the necessary proceedings on dishonor be duly taken, he will pay the amount thereof to the holder, or to any subsequent indorser who may be compelled to pay it.

**62.01.067 Liability of indorser where paper negotiable by delivery.** Where a person places his indorsement on an instrument negotiable by delivery he incurs all the liabilities of an indorser.

**62.01.068 Order in which indorsers are liable.** As respects one another, indorsers are liable prima facie in the order in which they indorse; but evidence is admissible to show that as between or among themselves they have agreed otherwise. Joint payees or joint indorsees who indorse are deemed to indorse jointly and severally.

**62.01.069 Liability of an agent or broker.** Where a broker or other agent negotiates an instrument without indorsement, he incurs all the liabilities prescribed by RCW 62.01.065 of this chapter, unless he discloses the name of his principal, and the fact that he is acting only as agent.

#### PART VI. PRESENTMENT FOR PAYMENT

**62.01.070 Effect of want of demand on principal debtor.** Presentment for payment is not necessary in order to charge the person primarily liable on the instrument; but if the instrument is, by its terms, payable at a special place, and he is able and willing to pay it there at maturity, such ability and willingness are equivalent to a tender of payment upon his part. But except as herein otherwise provided, presentment for payment is necessary in order to charge the drawer and indorsers.

**62.01.071 Presentment where instrument is not payable on demand and where payable on demand.** Where the instrument is not payable on demand, presentment must be made on the day it falls due. Where it is payable on demand, presentment must be made within a reasonable time after its issue, except that in the case of a bill of exchange, presentment for payment will be sufficient if made within a reasonable time after the last negotiation thereof.

**62.01.072 What constitutes a sufficient presentment.** Presentment for payment, to be sufficient, must be made—

(1) By the holder, or by some person authorized to receive payment on his behalf.

(2) At a reasonable hour on a business day;

(3) At a proper place as herein defined;

(4) To the person primarily liable on the instrument, or if he is absent or inaccessible, to any person found at the place where the presentment is made.

**62.01.073 Place of presentment.** Presentment for payment is made at the proper place—

(1) Where a place of payment is specified in the instrument and it is there presented;

(2) Where no place of payment is specified, but the address of the person to make payment is given in the instrument and it is there presented;

(3) Where no place of payment is specified and no address is given and the instrument is presented at the usual place of business or residence of the person to make payment;

(4) In any other case if presented to the person to make payment wherever he can be found, or if presented at his last known place of business or residence.

**62.01.074 Instrument must be exhibited.** The instrument must be exhibited to the person from whom payment is demanded, and when it is paid must be delivered up to the party paying it.

**62.01.075 Presentment where instrument payable at bank.** Where the instrument is payable at a bank, presentment for payment must be made during banking hours, unless the person to make payment has no funds there to meet it at any time during the day, in which case presentment at any hour before the bank is closed on that day is sufficient.

**62.01.076 Presentment where principal debtor is dead.** Where the person primarily liable on the instrument is dead, and no place of payment is specified, presentment for payment must be made to his personal representative if such there be, and if, with the exercise of reasonable diligence, he can be found.

**62.01.077 Presentment to persons liable as partners.** Where the persons primarily liable on the instrument are liable as partners, and no place of payment is specified, presentment for payment may be made to any one of them, even though there has been a dissolution of the firm.

**62.01.078 Presentment to joint debtors.** Where there are several persons not partners, primarily liable on the instrument and no place of payment is specified, presentment must be made to them all.

**62.01.079 When presentment not required to charge the drawer.** Presentment for payment is not required in order to charge the drawer where he has no right to expect or require that the drawee or acceptor will pay the instrument.

**62.01.080 When presentment not required to charge the indorser.** Presentment for payment is not required in order to charge an indorser where the instrument was made or accepted for his accommodation and he has no reason to expect that the instrument will be paid if presented.

**62.01.081 When delay in making presentment is excused.** Delay in making presentment for payment is excused when the delay is caused by circumstances beyond the control of the holder, and not imputable to his default, misconduct or negligence. When the cause of delay ceases to operate, presentment must be made with reasonable diligence.

**62.01.082 When presentment may be dispensed with.** Presentment for payment is dispensed with—

- (1) Where after the exercise of reasonable diligence presentment as required by this chapter cannot be made;
- (2) Where the drawee is a fictitious person;
- (3) By waiver of presentment, express or implied.

**62.01.083 When instrument dishonored by nonpayment.** The instrument is dishonored by nonpayment when,—

- (1) It is duly presented for payment and payment is refused or cannot be obtained; or
- (2) Presentment is excused and the instrument is overdue and unpaid.

**62.01.084 Liability of person secondarily liable, when instrument dishonored.** Subject to the provisions of this chapter, when the instrument is dishonored by nonpayment, an immediate right of recourse to all parties secondarily liable thereon accrues to the holder.

**62.01.085 Time of maturity.** Every negotiable instrument is payable at the time fixed therein without grace. When the day of maturity falls upon Sunday, or a holiday, the instrument is payable on the next succeeding business day.

**62.01.086 Time; how computed.** Where the instrument is payable at a fixed period after date, after sight, or after the happening of a specified event, the time of payment is determined by excluding the day from which the time is to begin to run, and by including the date of payment.

**62.01.087 Rule where instrument payable at bank.** Where the instrument is made payable at a bank it is equivalent to an order

to the bank to pay the same for the account of the principal debtor thereon.

**62.01.088 What constitutes payment in due course.** Payment is made in due course when it is made at or after the maturity of the instrument to the holder thereof in good faith and without notice that his title is defective.

#### PART VII. NOTICE OF DISHONOR

**62.01.089 To whom notice of dishonor must be given.** Except as herein otherwise provided, when a negotiable instrument has been dishonored by nonacceptance or nonpayment, notice of dishonor must be given to the drawer and to each indorser, and any drawer or indorser to whom such notice is not given is discharged.

**62.01.090 By whom given.** The notice may be given by or on behalf of the holder, or by or on behalf of any party to the instrument who might be compelled to pay it to the holder, and who, upon taking it up, would have a right to reimbursement from the party to whom the notice is given.

**62.01.091 Notice given by agent.** Notice of dishonor may be given by an agent either in his own name or in the name of any party entitled to give notice, whether that party be his principal or not.

**62.01.092 Effect of notice given on behalf of holder.** Where notice is given by or on behalf of the holder, it enures for the benefit of all subsequent holders and all prior parties who have a right of recourse against the party to whom it is given.

**62.01.093 Effect where notice is given by party entitled thereto.** Where notice is given by or on behalf of a party entitled to give notice, it enures for the benefit of the holder and all parties subsequent to the party to whom notice is given.

**62.01.094 When agent may give notice.** Where the instrument has been dishonored in the hands of an agent, he may either himself give notice to the parties liable thereon, or he may give notice to his principal. If he give notice to his principal, he must do so within the same time as if he were the holder, and the principal upon the receipt of such notice has himself the same time for giving notice as if the agent had been an independent holder.

**62.01.095 When notice sufficient.** A written notice need not be signed, and an insufficient written notice may be supplemented and validated by verbal communication. A misdescription of the instrument does not vitiate the notice unless the party to whom the notice is given is in fact misled thereby.

**62.01.096 Form of notice.** The notice may be in writing or merely oral and may be given in any terms which sufficiently identify the instrument, and indicate that it has been dishonored by nonacceptance or nonpayment. It may in all cases be given by delivering it personally or through the mails.

**62.01.097 To whom notice may be given.** Notice of dishonor may be given either to the party himself or to his agent in that behalf.

**62.01.098 Notice where party is dead.** When any party is dead, and his death is known to the party giving notice, the notice must be given to a personal representative, if there be one, and if with reasonable diligence he can be found. If there be no personal representative, notice may be sent to the last residence or last place of business of the deceased.

**62.01.099 Notice to partners.** Where the parties to be notified are partners, notice to any one partner is notice to the firm even though there has been a dissolution.

**62.01.100 Notice to persons jointly liable.** Notice to joint parties who are not partners must be given to each of them, unless one of them has authority to receive such notice for the others.

**62.01.101 Notice to bankrupt.** Where a party has been adjudged a bankrupt or an insolvent, or has made an assignment for the benefit of creditors, notice may be given either to the party himself or to his trustee or assignee.

**62.01.102 Time within which notice must be given.** Notice may be given as soon as the instrument is dishonored; and unless delay is excused as hereinafter provided, must be given within the times fixed by this chapter.

**62.01.103 Where parties reside in same place.** Where the person giving and the person to receive notice reside in the same place, notice must be given within the following times—

(1) If given at the place of business of the person to receive notice, it must be given before the close of business hours on the day following.

(2) If given at his residence, it must be given before the usual hours of rest on the day following.

(3) If sent by mail, it must be deposited in the post office in time to reach him in usual course on the day following.

**62.01.104 Where parties reside in different places.** Where the person giving and the person to receive notice reside in different places, the notice must be given within the following times—

(1) If sent by mail, it must be deposited in the post office in time



to go by mail the day following the day of dishonor, or if there be no mail at a convenient hour on that day, by the next mail thereafter.

(2) If given otherwise than through the post office, then within the time that notice would have been received in due course of mail, if it had been deposited in the post office within the time specified in the last subdivision.

**62.01.105 When sender deemed to have given due notice.** Where notice of dishonor is duly addressed and deposited in the post office, the sender is deemed to have given due notice, notwithstanding any miscarriage in the mails.

**62.01.106 Deposit in post office; what constitutes.** Notice is deemed to have been deposited in the post office when deposited in any branch post office or in any letter box under the control of the post office department.

**62.01.107 Notice to subsequent party; time of.** Where a party receives notice of dishonor, he has, after the receipt of such notice, the same time for giving notice to antecedent parties that the holder has after the dishonor.

**62.01.108 Where notice must be sent.** Where a party has added an address to his signature, notice of dishonor must be sent to that address; but if he has not given such address, then notice must be sent as follows—

(1) Either to the post office nearest to his place of residence, or to the post office where he is accustomed to receive his letters; or

(2) If he live in one place, and have his place of business in another, notice may be sent to either place; or

(3) If he is sojourning in another place, notice may be sent to the place where he is so sojourning.

But where the notice is actually received by the party within the time specified in this chapter it will be sufficient, though not sent in accordance with the requirements of this section.

**62.01.109 Waiver of notice.** Notice of dishonor may be waived, either before the time of giving notice has arrived, or after the omission to give due notice, and the waiver may be express or implied.

**62.01.110 Whom affected by waiver.** Where the waiver is embodied in the instrument itself, it is binding upon all parties; but where it is written above the signature of an indorser, it binds him only.

**62.01.111 Waiver of protest.** A waiver of protest, whether in case of a foreign bill of exchange or other negotiable instrument, is deemed to be a waiver not only of a formal protest, but also of presentment and notice of dishonor.

**62.01.112 When notice is dispensed with.** Notice of dishonor is dispensed with when, after the exercise of reasonable diligence, it cannot be given to or does not reach the parties sought to be charged.

**62.01.113 Delay in giving notice; how excused.** Delay in giving notice of dishonor is excused when the delay is caused by circumstances beyond the control of the holder, and not imputable to his default, misconduct or negligence. When the cause of delay ceases to operate, notice must be given with reasonable diligence.

**62.01.114 When notice need not be given to drawer.** Notice of dishonor is not required to be given to the drawer in either of the following cases—

- (1) When the drawer and drawee are the same person;
- (2) Where the drawee is a fictitious person or a person not having capacity to contract;
- (3) When the drawer is the person to whom the instrument is presented for payment;
- (4) Where the drawer has no right to expect or require that the drawee or acceptor will honor the instrument;
- (5) Where the drawer has countermanded payment.

**62.01.115 When notice need not be given to indorser.** Notice of dishonor is not required to be given to an indorser in either of the following cases—

- (1) Where the drawee is a fictitious person or a person not having capacity to contract, and the indorser was aware of the fact at the time he indorsed the instrument;
- (2) Where the indorser is the person to whom the instrument is presented for payment;
- (3) Where the instrument was made or accepted for his accommodation.

**62.01.116 Notice of nonpayment where acceptance refused.** Where due notice of dishonor by nonacceptance has been given notice of a subsequent dishonor by nonpayment is not necessary, unless in the meantime the instrument has been accepted.

**62.01.117 Effect of omission to give notice of nonacceptance.** An omission to give notice of dishonor by nonacceptance does not prejudice the rights of a holder in due course subsequent to the omission.

**62.01.118 When protest need not be made; when must be made.** Where any negotiable instrument has been dishonored it may be protested for nonacceptance or nonpayment, as the case may be; but protest is not required except in the case of foreign bills of exchange.

## PART VIII. DISCHARGE OF NEGOTIABLE INSTRUMENTS

**62.01.119 Instrument; how discharged.** A negotiable instrument is discharged—

- (1) By payment in due course by or on behalf of the principal debtor;
- (2) By payment in due course by the party accommodated, where the instrument is made or accepted for accommodation;
- (3) By the intentional cancellation thereof by the holder;
- (4) By any other act which will discharge a simple contract for the payment of money;
- (5) When the principal debtor becomes the holder of the instrument at or after maturity in his own right.

**62.01.120 When persons secondarily liable on; discharged.** A person secondarily liable on the instrument is discharged—

- (1) By any act which discharges the instrument;
- (2) By the intentional cancellation of his signature by the holder;
- (3) By the discharge of a prior party;
- (4) By a valid tender of payment made by a prior party;
- (5) By a release of the principal debtor, unless the holder's right of recourse against the party secondarily liable is expressly reserved;
- (6) By any agreement binding upon the holder to extend the time of payment, or to postpone the holder's right to enforce the instrument, unless made with the assent of the party secondarily liable, or unless the right of recourse against such party is expressly reserved.

**62.01.121 Right of party who discharges instrument.** Where the instrument is paid by a party secondarily liable thereon, it is not discharged; but the party so paying it is remitted to his former rights as regards all prior parties, and he may strike out his own and all subsequent indorsements, and again negotiate the instrument, except—

- (1) Where it is payable to the order of a third person, and has been paid by the drawer; and
- (2) Where it was made or accepted for accommodation, and has been paid by the party accommodated.

**62.01.122 Renunciation by holder.** The holder may expressly renounce his rights against any party to the instrument, before, at, or after its maturity. An absolute and unconditional renunciation of his rights against the principal debtor made at or after the maturity of the instrument discharges the instrument. But a renunciation does not affect the rights of a holder in due course without notice. A renunciation must be in writing, unless the instrument is delivered up to the person primarily liable thereon.

**62.01.123 Cancellation; unintentional; burden of proof.** A cancellation made unintentionally, or under a mistake, or without the authority of the holder, is inoperative; but where an instrument or any signature thereon appears to have been cancelled the burden of proof lies on the party who alleges that the cancellation was made unintentionally, or under a mistake or without authority.

**62.01.124 Alteration of instrument; effect of.** Where a negotiable instrument is materially altered without the assent of all parties liable thereon, it is avoided, except as against a party who has himself made, authorized or assented to the alteration, and subsequent indorsers. But when an instrument has been materially altered and is in the hands of a holder in due course, not a party to the alteration, he may enforce payment thereof according to its original tenor.

**62.01.125 What constitutes a material alteration.** Any alteration which changes—

- (1) The date;
- (2) The sum payable, either for principal or interest;
- (3) The time or place of payment;
- (4) The number or the relations of the parties;
- (5) The medium or currency in which payment is to be made;

Or which adds a place of payment where no place of payment is specified, or any other change or addition which alters the effect of the instrument in any respect, is a material alteration.

#### PART IX. BILLS OF EXCHANGE—FORM AND INTERPRETATION

**62.01.126 Bill of exchange defined.** A bill of exchange is an unconditional order in writing addressed by one person to another, signed by the person giving it, requiring the person to whom it is addressed to pay on demand or at a fixed or determinable future time a sum certain in money to order or to bearer.

**62.01.127 Bill not an assignment of funds in hands of drawee.** A bill of itself does not operate as an assignment of the funds in the hands of the drawee available for the payment thereof, and the drawee is not liable on the bill unless and until he accepts the same.

**62.01.128 Bill addressed to more than one drawee.** A bill may be addressed to two or more drawees jointly, whether they are partners or not; but not to two or more drawees in the alternative or in succession.

**62.01.129 Inland and foreign bills of exchange.** An inland bill of exchange is a bill which is, or on its face purports to be, both drawn and payable within this state. Any other bill is a foreign bill. Unless the contrary appears on the face of the bill, the holder may treat it as an inland bill.

**62.01.130 When bill may be treated as promissory note.** Where in a bill drawer and drawee are the same person, or where the drawee is a fictitious person, or a person not having capacity to contract, the holder may treat the instrument, at his option, either as a bill of exchange or a promissory note.

**62.01.131 Referee in case of need.** The drawer of a bill and any indorser may insert thereon the name of a person to whom the holder may resort in case of need, that is to say in case the bill is dishonored by nonacceptance or nonpayment. Such person is called the referee in case of need. It is in the option of the holder to resort to the referee in case of need or not as he may see fit.

#### PART X. BILLS OF EXCHANGE—ACCEPTANCE

**62.01.132 Acceptance; how made, etc.** The acceptance of a bill is the signification by the drawee of his assent to the order of the drawer. The acceptance must be in writing and signed by the drawee. It must not express that the drawee will perform his promise by any other means than the payment of money.

**62.01.133 Holder entitled to acceptance on face of bill.** The holder of a bill presenting the same for acceptance may require that the acceptance be written on the bill and, if such request is refused, may treat the bill as dishonored.

**62.01.134 Acceptance by separate instrument.** Where an acceptance is written on a paper other than the bill itself, it does not bind the acceptor except in favor of a person to whom it is shown and who, on the faith thereof, receives the bill for value.

**62.01.135 Promise to accept; when equivalent to acceptance.** An unconditional promise in writing to accept a bill before it is drawn is deemed an actual acceptance in favor of every person who, upon the faith thereof, receives the bill for value.

**62.01.136 Time allowed drawee to accept.** The drawee is allowed twenty-four hours after presentment in which to decide whether or not he will accept the bill; but the acceptance if given dates as of the day of presentation.

**62.01.137 Liability of drawee retaining or destroying bill.** Where a drawee to whom a bill is delivered for acceptance destroys the same, or refuses within twenty-four hours after such delivery, or within such other period as the holder may allow, to return the bill accepted or nonaccepted to the holder, he will be deemed to have accepted the same.

**62.01.138 Acceptance of incomplete bill.** A bill may be accepted before it has been signed by the drawer, or while otherwise incomplete, or when it is overdue, or after it has been dishonored

by a previous refusal to accept, or by nonpayment. But when a bill payable after sight is dishonored by nonacceptance and the drawee subsequently accepts it, the holder, in the absence of any different agreement, is entitled to have the bill accepted as of the date of the first presentment.

**62.01.139 Kinds of acceptance.** An acceptance is either general or qualified. A general acceptance assents without qualification to the order of the drawer. A qualified acceptance in express terms varies the effect of the bill as drawn.

**62.01.140 What constitutes a general acceptance.** An acceptance to pay at a particular place is a general acceptance, unless it expressly states that the bill is to be paid there only and not elsewhere.

**62.01.141 Qualified acceptance.** An acceptance is qualified, which is—

- (1) Conditional, that is to say, which makes payment by the acceptor dependent on the fulfillment of a condition therein stated;
- (2) Partial, that is to say, an acceptance to pay part only of the amount for which the bill is drawn;
- (3) Local, that is to say, an acceptance to pay only at a particular place;
- (4) Qualified as to time;
- (5) The acceptance of some one or more of the drawees, but not of all.

**62.01.142 Rights of parties as to qualified acceptance.** The holder may refuse to take a qualified acceptance, and if he does not obtain an unqualified acceptance, he may treat the bill as dishonored by nonacceptance. Where a qualified acceptance is taken, the drawer and indorsers are discharged from liability on the bill, unless they have expressly or impliedly authorized the holder to take a qualified acceptance, or subsequently assent thereto. When the drawer or an indorser receives notice of a qualified acceptance, he must, within a reasonable time, express his dissent to the holder, or he will be deemed to have assented thereto.

#### PART XI. BILLS OF EXCHANGE—PRESENTMENT FOR ACCEPTANCE

**62.01.143 When presentment for acceptance must be made.** Presentment for acceptance must be made—

- (1) Where the bill is payable after sight, or in any other case, where presentment for acceptance is necessary in order to fix the maturity of the instrument; or
- (2) Where the bill expressly stipulates that it shall be presented for acceptance; or
- (3) Where the bill is drawn payable elsewhere than at the residence or place of business of the drawee.

In no other case is presentment for acceptance necessary in order to render any party to the bill liable.

**62.01.144 When failure to present releases drawer and indorser.** Except as herein otherwise provided, the holder of a bill which is required by RCW 62.01.143 to be presented for acceptance must either present it for acceptance or negotiate it within a reasonable time. If he fail to do so, the drawer and all indorsers are discharged.

**62.01.145 Presentment; how made.** Presentment for acceptance must be made by or on behalf of the holder at a reasonable hour, on a business day and before the bill is overdue, to the drawee or some person authorized to accept or refuse acceptance on his behalf; and—

(1) Where a bill is addressed to two or more drawees who are not partners, presentment must be made to them all, unless one has authority to accept or refuse acceptance for all, in which case presentment may be made to him only.

(2) Where the drawee is dead, presentment may be made to his personal representative;

(3) Where the drawee has been adjudged a bankrupt or an insolvent or has made an assignment for the benefit of creditors, presentment may be made to him or to his trustee or assignee.

**62.01.146 On what days presentment may be made.** A bill may be presented for acceptance on any day on which negotiable instruments may be presented for payment under the provisions of RCW 62.01.072 and 62.01.085 of this chapter.

**62.01.147 Presentment where time is insufficient.** Where the holder of a bill drawn payable elsewhere than at the place of business or the residence of the drawee has not time with the exercise of reasonable diligence to present the bill for acceptance before presenting it for payment on the day that it falls due, the delay caused by presenting the bill for acceptance before presenting it for payment is excused and does not discharge the drawers and indorsers.

**62.01.148 Where presentment is excused.** Presentment for acceptance is excused and a bill may be treated as dishonored by non-acceptance, in either of the following cases—

(1) Where the drawee is dead, or has absconded, or is a fictitious person, or a person not having capacity to contract by bill;

(2) Where after the exercise of reasonable diligence, presentment cannot be made;

(3) Where, although presentment has been irregular, acceptance has been refused on some other ground.

**62.01.149 Where dishonored by nonacceptance.** A bill is dishonored by nonacceptance,—

(1) When it is duly presented for acceptance and such an acceptance as is prescribed by this chapter is refused or cannot be obtained; or

(2) When presentment for acceptance is excused and the bill is not accepted.

**62.01.150 Duty of holder where bill not accepted.** Where a bill is duly presented for acceptance, and is not accepted within the prescribed time, the person presenting it must treat the bill as dishonored by nonacceptance or he loses the right of recourse against the drawer and indorser.

**62.01.151 Rights of holder where bill not accepted.** When a bill is dishonored by nonacceptance, an immediate right of recourse against the drawers and indorsers accrues to the holder and no presentment for payment is necessary.

#### PART XII. BILLS OF EXCHANGE—PROTEST

**62.01.152 In what cases protest necessary.** Where a foreign bill appearing on its face to be such is dishonored by nonacceptance, it must be duly protested for nonacceptance, and where such a bill which has not previously been dishonored by nonacceptance is dishonored by nonpayment it must be duly protested for nonpayment. If it is not so protested, the drawer and indorsers are discharged. Where a bill does not appear on its face to be a foreign bill, protest thereof in case of dishonor is unnecessary.

**62.01.153 Protest; how made.** The protest must be annexed to the bill, or must contain a copy thereof, and must be under the hand and seal of the notary making it, and must specify—

(1) The time and place of presentment;

(2) The fact that presentment was made and the manner thereof;

(3) The cause or reason for protesting the bill;

(4) The demand made and the answer given, if any, or the fact that the drawee or acceptor could not be found.

**62.01.154 Protest; by whom made.** Protest may be made by,—

(1) A notary public; or

(2) By any respectable resident of the place where the bill is dishonored, in the presence of two or more credible witnesses.

**62.01.155 Protest; when to be made.** When a bill is protested, such protest must be made on the day of its dishonor, unless delay is excused as herein provided. When a bill has been duly noted, the protest may be subsequently extended as of the date of the noting.



**62.01.156 Protest; where made.** A bill must be protested at the place where it is dishonored, except that when a bill drawn payable at the place of business, or residence, of some person other than the drawee, has been dishonored by nonacceptance, it must be protested for nonpayment at the place where it is expressed to be payable, and no further presentment for payment to, or demand on, the drawee is necessary.

**62.01.157 Protest both for nonacceptance and nonpayment.** A bill which has been protested for nonacceptance may be subsequently protested for nonpayment.

**62.01.158 Protest before maturity where acceptor insolvent.** Where the acceptor has been adjudged a bankrupt or an insolvent or has made an assignment for the benefit of creditors, before the bill matures, the holder may cause the bill to be protested for better security against the drawer and indorsers.

**62.01.159 When protest dispensed with.** Protest is dispensed with by any circumstances which would dispense with notice of dishonor. Delay in noting or protesting is excused when delay is caused by circumstances beyond the control of the holder and not imputable to his default, misconduct, or negligence. When the cause of delay ceases to operate, the bill must be noted or protested with reasonable diligence.

**62.01.160 Protest where bill is lost, etc.** Where a bill is lost or destroyed or is wrongly detained from the person entitled to hold it, protest may be made on a copy or written particulars thereof.

#### PART XIII. BILLS OF EXCHANGE—ACCEPTANCE FOR HONOR

**62.01.161 When bill may be accepted for honor.** Where a bill of exchange has been protested for dishonor by nonacceptance or protested for better security and is not overdue, any person not being a party already liable thereon may, with the consent of the holder, intervene and accept the bill supra protest for the honor of any party liable thereon or for the honor of the person for whose account the bill is drawn. The acceptance for honor may be for part only of the sum for which the bill is drawn; and where there has been an acceptance for honor for one party, there may be a further acceptance by a different person for the honor of another party.

**62.01.162 Acceptance for honor; how made.** An acceptance for honor supra protest must be made in writing and indicate that it is an acceptance for honor, and must be signed by the acceptor for honor.

**62.01.163 When deemed to be an acceptance for honor of the drawer.** Where an acceptance for honor does not expressly state for whose honor it is made, it is deemed to be an acceptance for the honor of the drawer.

**62.01.164 Liability of the acceptor for honor.** The acceptor for honor is liable to the holder and to all parties to the bill subsequent to the party for whose honor he has accepted.

**62.01.165 Agreement of acceptor for honor.** The acceptor for honor by such acceptance engages that he will on due presentment pay the bill according to the terms of his acceptance: *Provided*, It shall not have been paid by the drawee: *And provided also*, That it shall have been duly presented for payment and protested for nonpayment and notice of dishonor given to him.

**62.01.166 Maturity of bill payable after sight; accepted for honor.** Where a bill payable after sight is accepted for honor, its maturity is calculated from the date of the noting for nonacceptance and not from the date of the acceptance for honor.

**62.01.167 Protest of bill accepted for honor, etc.** Where a dishonored bill has been accepted for honor *supra* protest or contains a reference in case of need, it must be protested for nonpayment before it is presented for payment to the acceptor for honor or referee in case of need.

**62.01.168 Presentment for payment to acceptor for honor; how made.** Presentment for payment to the acceptor for honor must be made as follows:

(1) If it is to be presented in the place where the protest for nonpayment was made, it must be presented not later than the day following its maturity.

(2) If it is to be presented in some other place than the place where it was protested, then it must be forwarded within the time specified in RCW 62.01.104.

**62.01.169 When delay in making presentment is excused.** The provisions of RCW 62.01.081 apply where there is delay in making presentment to the acceptor for honor or referee in case of need.

**62.01.170 Dishonor of bill by acceptor for honor.** When the bill is dishonored by the acceptor for honor it must be protested for nonpayment by him.

#### PART XIV. BILLS OF EXCHANGE—PAYMENT FOR HONOR

**62.01.171 Who may make payment for honor.** Where a bill has been protested for nonpayment, any person may intervene and pay it *supra* protest for the honor of any person liable thereon or for the honor of the person for whose account it was drawn.

**62.01.172 Payment for honor; how made.** The payment for honor supra protest in order to operate as such and not as a mere voluntary payment must be attested by a notarial act of honor, which may be appended to the protest or form an extension to it.

**62.01.173 Declaration before payment for honor.** The notarial act of honor must be founded on a declaration made by the payer for honor, or by his agent in that behalf, declaring his intention to pay the bill for honor and for whose honor he pays.

**62.01.174 Preference of parties offering to pay for honor.** Where two or more persons offer to pay a bill for the honor of different parties, the person whose payment will discharge most parties to the bill is to be given the preference.

**62.01.175 Effect on subsequent parties where bill is paid for honor.** Where a bill has been paid for honor, all parties subsequent to the party for whose honor it is paid are discharged, but the payer for honor is subrogated for, and succeeds to, both the rights and duties of the holder as regards the party for whose honor he pays and all parties liable to the latter.

**62.01.176 Where holder refuses to receive payment supra protest.** Where the holder of a bill refuses to receive payment supra protest, he loses his right of recourse against any party who would have been discharged by such payment.

**62.01.177 Rights of payer for honor.** The payer for honor, on paying to the holder the amount of the bill and the notarial expenses incidental to its dishonor, is entitled to receive both the bill itself and the protest.

#### PART XV. BILLS OF EXCHANGE—BILLS IN A SET

**62.01.178 Bills in sets constitute one bill.** Where a bill is drawn in a set, each part of the set being numbered and containing a reference to the other parts, the whole of the parts constitutes one bill.

**62.01.179 Right of holders where different parts are negotiated.** Where two or more parts of a set are negotiated to different holders in due course, the holder whose title first accrues is as between such holders the true owner of the bill. But nothing in this section affects the rights of a person who in due course accepts or pays the part first presented to him.

**62.01.180 Liability of holder who indorses two or more parts of a set to different persons.** Where the holder of a set indorses two or more parts to different persons, he is liable on every such part, and every indorser subsequent to him is liable on the part he has himself indorsed, as if such parts were separate bills.

**62.01.181 Acceptance of bills drawn in sets.** The acceptance may be written on any part and it must be written on one part only. If the drawee accepts more than one part, and such accepted parts are negotiated to different holders in due course, he is liable on every such part as if it were a separate bill.

**62.01.182 Payment by acceptor of bills drawn in sets.** When the acceptor of a bill drawn in a set pays it without requiring the part bearing his acceptance to be delivered up to him, and that part at maturity is outstanding in the hands of a holder in due course, he is liable to the holder thereon.

**62.01.183 Effect of discharging one of a set.** Except as herein otherwise provided where any one part of a bill drawn in a set is discharged by payment or otherwise the whole bill is discharged.

#### PART XVI. PROMISSORY NOTES AND CHECKS

**62.01.184 Promissory note defined.** A negotiable promissory note within the meaning of this chapter is an unconditional promise in writing made by one person to another signed by the maker engaging to pay on demand, or at a fixed or determinable future time, a sum certain in money to order or to bearer. Where a note is drawn to the maker's own order, it is not complete until indorsed by him.

**62.01.185 Check defined.** A check is a bill of exchange drawn on a bank, payable on demand. Except as herein otherwise provided, the provisions of this chapter applicable to a bill of exchange payable on demand apply to a check.

**62.01.186 Within what time a check must be presented.** A check must be presented for payment within a reasonable time after its issue or the drawer will be discharged from liability thereon to the extent of the loss caused by the delay.

**62.01.187 Certification of check; effect of.** Where a check is certified by the bank on which it is drawn, the certification is equivalent to an acceptance.

**62.01.188 Effect where the holder of check procures it to be certified.** Where the holder of a check procures it to be accepted or certified, the drawer and all indorsers are discharged from liability thereon.

**62.01.189 When check operates as an assignment.** A check of itself does not operate as an assignment of any part of the funds to the credit of the drawer with the bank, and the bank is not liable to the holder unless and until it accepts or certifies the check.

## PART XVII. GENERAL PROVISIONS

**62.01.190 Short title.** This chapter shall be known as the Negotiable Instruments Act.

**62.01.191 Definitions and meaning of terms.** In this chapter unless the context otherwise requires,—

“Acceptance” means an acceptance completed by delivery or notification.

“Action” includes counter-claim and set-off.

“Bank” includes any person or association of persons carrying on the business of banking, whether incorporated or not.

“Bearer” means the person in possession of a bill or note which is payable to bearer.

“Bill” means bill of exchange, and “note” means negotiable promissory note.

“Delivery” means transfer of possession, actual or constructive, from one person to another.

“Holder” means the payee or indorsee of a bill or note, who is in possession of it, or the bearer thereof.

“Indorsement” means an indorsement completed by delivery.

“Instrument” means negotiable instrument.

“Issue” means the first delivery of the instrument, complete in form, to a person who takes it as a holder.

“Person” includes a body of persons, whether incorporated or not.

“Value” means valuable consideration.

“Written” includes printed, and “writing” includes print.

**62.01.192 Person primarily liable on instrument.** The person “primarily” liable on an instrument is the person who by the terms of the instrument is absolutely required to pay same. All other parties are “secondarily” liable.

**62.01.193 Reasonable time, what constitutes.** In determining what is a “reasonable time” or an “unreasonable time,” regard is to be had to the nature of the instrument, the usage of trade or business, if any, with respect to such instruments, and the facts of the particular case.

**62.01.194 Time, how computed; when last day falls on holiday.** Where the day, or the last day, for doing any act herein required or permitted to be done falls on Sunday or on a holiday, the act may be done on the next succeeding secular or business day.

**62.01.195 Application of act.** The provisions of this chapter do not apply to negotiable instruments made and delivered prior to March 22, 1899.

**62.01.196 Cases not provided for in act.** In any case not provided for in this chapter the rules of the law merchant shall govern.

**Chapter 62.98****CONSTRUCTION**

**62.98.010 Continuation of existing law.** The provisions of this title insofar as they are substantially the same as statutory provisions repealed by this chapter, and relating to the same subject matter, shall be construed as restatements and continuations, and not as new enactments.

**62.98.020 Title, chapter, section headings not part of law.** Title headings, chapter headings, and section or subsection headings, as used in this title do not constitute any part of the law.

**62.98.030 Invalidity of part of title not to affect remainder.** If any provision of this title, or its application to any person or circumstance is held invalid, the remainder of the title, or the application of the provision to other persons or circumstances is not affected.

**62.98.040 Repeals and saving.** Sections 1 through 16, pages 400, 401 and 402, Laws of 1854, being "AN ACT in relation to bills of exchange and promissory notes" approved March 20, 1854; and sections 1 through 16, pages 301, 302 and 303, Laws of 1860, being "AN ACT in relation to bills of exchange and promissory notes" approved January 23, 1860; and sections 1 through 16, pages 427, 428 and 429, Laws of 1863, being "AN ACT in relation to bills of exchange and promissory notes" approved January 19, 1863; and sections 2295 through 2310, chapter 170, Code of 1881; and chapter 149, Laws of 1899; and chapter 173, Laws of 1915; and chapter 54, Laws of 1925 Extraordinary Session; and chapter 296, Laws of 1927 are each repealed but such repeal shall not be construed as affecting any existing right acquired under the provisions of the statutes repealed, nor as affecting any proceeding instituted thereunder.

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

Passed the Senate January 21, 1955.

Passed the House February 7, 1955.

Approved by the Governor February 23, 1955.

## CHAPTER 36

[ S. B. 7. ]

## GAME AND GAME FISH

AN ACT relating to game and game fish; enacting a game and game fish code to be known as Title 77 of the Revised Code of Washington; providing penalties and repealing chapter 140, Laws of 1939; chapters 165 and 190, Laws of 1941; chapter 257, Laws of 1943; chapter 179, Laws of 1945; chapter 125, Laws of 1947 and chapter 77.36, RCW; chapters 126, 127, 128, 130, 138 and 275, Laws of 1947; chapters 138, 142, 205 and 238, Laws of 1949; chapters 77, 124, 126 and 262, Laws of 1951; chapters 65, 66, 75 and 127, Laws of 1953; and declaring an emergency.

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

## TITLE 77

## GAME AND GAME FISH

## Chapter 77.04

## DEPARTMENT OF GAME

**77.04.010 Short title.** This title shall be known and may be cited as "Game Code of the State of Washington."

**77.04.020 Composition of department of game.** The department of game shall consist of the state game commission and the director of game. The director of game shall have charge and general supervision of the department of game and may appoint and employ such game protectors, deputy game protectors, and such clerical and other assistants as may be necessary for the general administration of the department.

No person shall be eligible to appointment as director of game unless he has practical knowledge of the habits and distribution of the wild animals, wild birds and game fish of this state.

**77.04.030 Game commission—Appointment.** The governor shall appoint a state game commission, which shall consist of six electors of the state, to hold office for terms of six years each from the date of their appointment, or until their successors are appointed and qualified, unless sooner removed as hereinafter provided. At least three of them shall be residents of that portion of the state lying east of the summit of the Cascade mountains, and at least three shall be residents of that portion of the state lying west of the summit of the Cascade mountains. No two members shall be residents of the same county.

Of the members of the commission first appointed, two, one of whom resides east of the summit of the Cascade mountains and one of whom resides west of the summit of the Cascade mountains, shall be appointed for a term of six years each; two, one of whom resides east of the summit of the Cascade mountains, and one of whom resides west of the summit of the Cascade mountains, shall be appointed for a term of four years each; and two, one of whom resides east of the summit of the Cascade mountains and one of whom resides west of the summit of the Cascade mountains, shall be appointed for a term of two years each.

**77.04.040 Qualifications of members.** No person shall be eligible to appointment as a member of the state game commission unless he has general knowledge of the habits and distribution of wild animals, wild birds and game fish in the state, or who holds any other state, county, or municipal elective or appointive office.

**77.04.050 Removal of members.** The governor may remove any game commissioner for inefficiency, neglect of duty, or misconduct in office, giving him a copy of the charges against him, and an opportunity of being publicly heard in person, or by counsel in his own defense, upon not less than ten days' notice. If such commissioner is removed, the governor shall file in the office of the secretary of state a complete statement of all charges made against the commissioner and his findings thereon, together with a complete record of the proceedings, and there shall be no right of review in any court whatsoever.

**77.04.060 Meetings—Officers—Selection of director—Compensation—Report—Office.** The state game commission shall hold regular meetings on the first Mondays of January, April, July, and October of each year, and special meetings at such times as may be called by the chairman or by two-thirds majority of the members.

The commission at its first regular meeting after the appointment and qualification of its membership, shall meet at the state capitol and organize by electing one of its members as chairman to serve for a term of two years, and until his successor is elected and qualified, and biennially thereafter the commission shall meet at its office and elect one of its members as chairman, who shall serve for a term of two years and until his successor is elected and qualified.

At such meeting, and at any other meeting after a vacancy in the office of the director of game has occurred, the commission shall elect a director of game by a two-thirds vote of its membership, who shall hold office at the pleasure of the commission. The director shall receive such salary as shall be fixed by the commission. The said director shall be ex officio secretary of the state game com-



mission, attend its meetings, keep a record of the business transacted by it, and perform such other duties as the commission may direct.

Each member of the commission shall receive ten dollars for each day actually spent in the performance of his duties and his actual necessary travelling and other expenses in connection therewith, including all expenses in going to, attending, and returning from meetings of the commission.

The commission shall, on or before the last Monday of October in each odd-numbered year, make a full and complete report of the official business transacted by it, which report shall be published in pamphlet form.

The commission shall maintain its office in the principal office of the department of game.

*This Section amended by Sec. 1, Chap. 352, Laws of 1955.*

**77.04.070 Official bond—Oaths.** The director, all appointees and employees of the game department who have the power of arrest, and such other employees or classes of employees as the director shall designate, shall give bond with good and sufficient surety, in amounts fixed and to be approved by the director of game, conditioned for the faithful discharge of their respective duties and to account for all funds and property coming into their possession, and shall take, subscribe, and file the oath required of state officers, such bonds and oaths to be filed with the state auditor. The cost of such bonds shall be paid from the state game fund.

**77.04.080 Powers of director.** The director of game shall exercise all powers and perform all duties prescribed by law, and rules and regulations of the commission.

## Chapter 77.08

### DEFINITIONS

**77.08.010 General terms defined.** As used in this title or in any rule or regulation of the state game commission:

“Director” means the director of game.

“Department” means the department of game.

“Commission” means the state game commission.

“Person” means and includes any individual, any corporation, or any group of two or more individuals acting together to forward a common purpose whether acting in an individual, representative, or official capacity.

“Hunt” and its derivatives, “hunting,” “hunted,” etc., and “trap” and its derivatives, “trapping,” “trapped,” etc., means any effort to kill, injure, capture, or disturb a wild animal or wild bird.

“Fish” and its derivatives, “fishing,” “fished,” etc., means any effort made to kill, injure, disturb, capture, or catch a game fish.

“Closed season” means all of the time during the entire year excepting the “open season” as specified by rule and regulation of the commission.

“Open season” means the time specified by rule and regulation of the commission when it shall be lawful to hunt, trap, or fish for any game animals, fur-bearing animals, game birds, or game fish. Each period of time specified as an open season shall include the first and last days thereof.

“Closed area” means any place in the state described or designated by rule and regulation of the commission wherein it shall be unlawful to hunt or trap for game animals, fur-bearing animals, or game birds.

“Closed waters” means any lake, river, stream, body of water, or any part thereof within this state described or designated by rule and regulation of the commission wherein it shall be unlawful to fish for any game fish.

“Game reserve” means any “closed area” designated by the commission as a game reserve.

“Game fish reserve” means any “closed waters” designated by the commission as a game fish reserve.

“Bag limit” means the maximum number of game animals, game birds, fur-bearing animals, or game fish which may be taken, caught, killed, or possessed by any licensee, specified and fixed by rule and regulation of the commission for any particular period of time, or so specified and fixed as to size, sex, or species.

**77.08.020 “Game fish” defined.** As used in this title or in any rule or regulation of the commission, “game fish” include any *Salmo irideus* commonly known as rainbow trout, *Salmo clarkii* commonly known as cutthroat trout (coastal), *Salmo gairdnerii* commonly known as steelhead, *Salvelinus fontinalis* commonly known as Eastern brook trout, *Oncorhynchus nerka* (kennerly) commonly known as silver trout, *Cristivomer namaycush* commonly known as mackinaw trout, *Micropterus salmoides* commonly known as large-mouth black bass, *Micropterus dolomieu* commonly known as small-mouth black bass, *Prosopium williamsoni* commonly known as white fish, *Perca flavescens* commonly known as yellow perch, *Pomoxis annularis* commonly known as white crappie, *Pomoxis sparoides* commonly known as black crappie, *Helioperca incisor* commonly known as bluegill sunfish, *Eupomotis gibbosus* commonly known as Pumpkinseed sunfish, *Ameiurus nebulosus* commonly known as catfish, *Thymallus montanus* commonly known as Montana grayling, *Salvelinus malma spectabilis* commonly known as Dolly Varden trout or Western charr or bull trout, *Salmo clarkii lewisi* commonly known as cutthroat trout, or Montana black-spotted trout, *Salmo gairdnerii kamloops* commonly known as Kam-

loops trout or rainbow trout, *Salmo trutta* commonly known as brown trout, *Ambloplites rupestris* commonly known as Northern rock bass, *Ameiurus melas* commonly known as black catfish and Golden trout.

## Chapter 77.12

### POWERS AND DUTIES OF COMMISSION

**77.12.010 Policy of protection enunciated.** The wild animals and wild birds in the state of Washington and the game fish in the waters thereof are the property of the state. The game animals, fur-bearing animals, game birds, nongame birds, harmless or song birds, and game fish shall be preserved, protected, and perpetuated, and to that end such game animals, fur-bearing animals, game birds, nongame birds, harmless or song birds, and game fish shall not be taken at such times or places, by such means, in such manner, or in such quantities as will impair the supply thereof.

**77.12.020 Wild life to be classified.** The commission shall, from time to time, investigate and determine the habits and distribution of the various species of wild animals, wild birds, and game fish native to or capable of being adapted to the climatic conditions of the state, and classify the wild animals as game animals, predatory animals, and fur-bearing animals, and classify the wild birds as game birds including migratory game birds and upland game birds, predatory birds, nongame birds, and harmless or song birds.

**77.12.030 Propagation and protection, commission to regulate.** The commission may regulate the propagation and preservation of all game animals, fur-bearing animals, game birds, nongame birds, harmless or song birds, and game fish, and the collection of game fish spawn, and the distribution thereof, and the distribution of fry and adult game fish in any of the rivers, lakes, and streams of the state, and may import such spawn, fry, and adult fish as may be deemed advisable, and, when so propagated, taken, or imported, distribute the same to the various counties as necessities and adaptabilities may require.

The commission may authorize or prohibit the importation of wild animals, wild birds and game fish, and regulate and license the sale and transportation thereof within the state.

**77.12.040 Rules and regulations.** The commission shall, from time to time, adopt, promulgate, amend, or repeal, and enforce, reasonable rules and regulations governing the time, place and manner, or prohibiting the taking of the various classes of game animals, fur-bearing animals, and predatory animals, game birds, predatory birds, nongame birds, and harmless or song birds, and

game fish in the respective areas and throughout the state and the quantities, species, sex and size of such animals, birds and fish that may be taken.

The commission may establish within the state by rule and regulation game reserves and closed areas wherein all hunting and trapping for game animals, game birds and fur-bearing animals, may be prohibited and game fish reserves and closed waters wherein all fishing for game fish may be prohibited.

**77.12.050 Rules and regulations—How promulgated—Certified copy as evidence.** All rules and regulations adopted by the commission and all amendments to, modifications or repeals of existing rules and regulations, shall be adopted by a vote of two-thirds of the entire membership of the commission at any meeting by resolution, entered and recorded in the minutes of the commission, and shall be published at the state capital. The commission, in its discretion, may direct the publication of any such rules and regulations in other newspapers of the state by providing therefor in such resolution.

Any copy of such resolution, certified as a true copy by any member of the commission or the director, or the assistant director, or by any person authorized in writing by the director to make such certification, shall be admissible in any court as prima facie evidence of the adoption, promulgation, and validity of any such rule or regulation.

**77.12.060 Service of process by game officials.** The director, all game protectors, and all deputy game protectors may serve and execute all warrants and process issued by the courts in enforcing the provisions of law and all rules and regulations of the commission pertaining to wild animals, wild birds, and game fish.

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

**77.12.070 Duties of game protectors and other police officers.** Every game protector, deputy game protector, sheriff, constable, marshal, and police officer within his respective jurisdiction, shall enforce all laws and rules and regulations adopted by the commission for the protection of game animals, fur-bearing animals, game birds, nongame birds, harmless or song birds, and game fish, and the police officers specified, and United States game wardens, any forest officer, appointed by the United States government, state forest wardens and rangers, and each of them, by virtue of their election or appointment, are constituted ex officio deputy game protectors within their respective jurisdictions.

**77.12.080 Arrest without warrant.** Any game protector, deputy game protector, or ex officio game protector may, without warrant, arrest any person found violating any law enacted, or any rule or regulation adopted and promulgated by the commission, pertaining to wild animals, wild birds and game fish.

**77.12.090 Search of vehicles, game bags, receptacles, etc.** Any member of the commission, the director, and any game protector, deputy game protector, or ex officio game protector may search without warrant, any conveyance, vehicle, game bag, game basket, game coat or other receptacle for game animals, game birds, or game fish, or any package, box, tent, camp, or other similar place which he has reason to believe contains evidence of violations of law or rules and regulations of the commission.

**77.12.100 Seizure of contraband game and devices—Forfeiture.** Any member of the commission, the director, and all game protectors, deputy game protectors, and ex officio game protectors, may seize without warrant all wild birds, wild animals, game fish, or parts thereof, taken, killed, transported, or possessed contrary to law, or rule or regulation of the commission, and any dog, gun, trap, net, seine, decoy, bait, boat, light, fishing tackle, or other device unlawfully used in hunting, fishing, or trapping, or held with intent to use unlawfully in hunting, fishing, or trapping. The justice of the peace in either of the two nearest incorporated cities or towns nearest the place the seizure is made shall have power and jurisdiction in any prosecution for unlawfully hunting, fishing, or trapping, in addition to any other penalty provided by law, to forfeit for the use of the commission, any wild animal, wild bird, or game fish, and any article or dog so seized and proved to have been unlawfully used or held with intent unlawfully to use. In case it appears upon the sworn complaint of the officer making the seizure that any articles seized were not in the possession of any person, and that the owner thereof is unknown, the court shall have power and jurisdiction to forfeit such articles so seized upon a hearing duly had after service of summons, describing the articles seized, upon the unknown owner by publication in the manner provided by law for the service of summons by publication in civil actions. All dogs, guns, traps, nets, seines, decoys, baits, boats, lights, fishing tackle, or other devices seized under the provisions of this title unless forfeited by order of the court, shall be returned, after the completion of the case, and the fines, if any, have been paid.

**77.12.110 Disposition of forfeited articles.** In the event of the seizure and forfeiture of any articles as provided in RCW 77.12.100, the commission may sell all or any of such articles at public auction. The time, place and manner of holding such sale shall be

within the discretion of the commission: *Provided*, That notice of the time and place of any such sale shall be published once a week for at least two consecutive weeks in advance of such sale, in at least one newspaper of general circulation in the county wherein the sale is to be held. The proceeds from all such sales shall be deposited with the state treasurer to the credit of the state game fund.

**77.12.120 Seizure of contraband game—Search warrant.** Any court having jurisdiction shall, upon complaint showing probable cause for believing that any wild bird, wild animal, game fish, or any part thereof, caught, taken, killed, or had in possession, or under control by any person, or shipped or transported contrary to law or rule or regulation of the commission, is concealed or illegally kept in any game bag, game basket, game coat, or in any other receptacle for game animals, game birds or game fish, or in any package, box, cold-storage locker or plant, warehouse, market, tavern, boarding house, restaurant, club, hotel, eating house, fur store, tannery, tent, camp, building, vehicle, or other place, issue a search warrant and cause a search to be made in any such place for any wild birds, wild animals, game fish, or any part thereof, and may cause any buildings, enclosure, or vehicle to be entered and any apartment, chest, box, locker, crate, basket, package, or other receptacle, to be broken open, and the contents thereof examined.

**77.12.130 Certain devices declared public nuisances.** All nets, seines, lanterns, snares, devices, contrivances, and materials while in use, or had and maintained, for the purpose of catching, taking, or killing, or attracting, or decoying any wild bird, wild animal, or game fish, contrary to law or rule or regulation of the commission, are public nuisances. The director and all game protectors, deputy game protectors, ex officio game protectors, and all police officers, shall without warrant or process, take, seize, abate, or destroy them while being used, had, or maintained for such purpose.

**77.12.140 Acquisition of specimens for propagation.** The commission and the director may secure by purchase, gift, or exchange with the proper authorities of other countries, states, and territories, wild birds, their nests and eggs, wild animals, and game fish, fry or spawn, for stocking or propagating purposes and may sell or otherwise dispose of birds, animals, and fish, fry or spawn, so obtained. No game protector or deputy game protector shall sell or give away any game bird, game animal, or game fish, eggs, fry or spawn, to any person without the written consent of the director.

**77.12.150 Seasons—Opening and Closing—Bag limits.** The director, with the approval in writing of the commission, may entirely close, or shorten the open season fixed by any rule or regulation of the commission for game animals, fur-bearing animals, game

birds, or game fish within the respective game areas, and after a season has been closed or shortened, he may reopen it for all or any portion of the time fixed by rule or regulation of the commission, and he may also fix daily, weekly, or season bag limits on game animals, fur-bearing animals, game birds, or game fish within any game area.

Whenever the director finds that game animals have increased in numbers in any locality of the state to such an extent that they are damaging public or private property, or over-grazing their range, the commission may establish a special hunting season, designate the area and the number and sex of the animals that may be killed by a licensed hunter therein, promulgate necessary rules and regulations, and determine by lot the number of hunters that may hunt within such area and the conditions and requirements incident thereto. The drawing shall take place at the city hall of the town nearest the area to be opened. Notice of the establishing of such special hunting season and of the drawing shall be given in the manner provided for the publishing of orders opening or closing seasons.

The exercise of power herein granted to close or reopen regular or special seasons, or fix bag limits, shall be by a written order signed by the director and filed in the office of the commission, and in the office of the auditor of any county affected by the order.

**77.12.160 Notice of seasons and bag limits—Publication.** The director shall publish the order closing, shortening, or reopening any season, or fixing any bag limit, in a newspaper of general circulation in each county affected, not less than three days prior to the effective date of such order.

**77.12.170 State game fund—Composition.** There is established in the state treasury a fund to be known as the state game fund which shall consist of all moneys received from fees for the sale of licenses and permits, and from fines, forfeitures, and costs collected for violations of this title, or any other statute for the protection of wild animals and birds and game fish, or any rule or regulation of the commission relating thereto: *Provided*, That fifty percent of all fines and bail forfeitures shall not become part of the state game fund and shall be retained by the county in which collected.

All state and county officers receiving any moneys in payment of fees for licenses under this title, or in payment of fines, penalties, or costs imposed for violations of this title, or any other statute for the protection of wild animals and birds and game fish, or any rule or regulation of the commission; from rentals or concessions, and from the sale of real or personal property held for game department

purposes, shall pay them into the state treasury to be placed to the credit of the state game fund: *Provided*, That county officers shall remit only fifty percent of all fines and bail forfeitures.

**77.12.180 Operating revolving fund—Purposes—Deposit—Accounting.** Authority is granted to the director to create from the game fund, a permanent operating revolving fund of fifteen thousand dollars to be used in the purchase of setting hens at game farms and other incidental expenses of the department, and there is hereby appropriated from the game fund to the game department revolving fund the sum of fifteen thousand dollars for the purpose of carrying out the provisions of this section. All moneys hereby appropriated and received by the game department operating fund shall be deposited in the game department revolving fund. The department shall keep separate books of account for the game department revolving fund. If there shall be in said fund at the end of any year unobligated money in excess of fifteen thousand dollars, then the excess shall be placed in the game fund.

**77.12.190 Diversion of license fees prohibited.** No funds accruing to the state from hunting and fishing license fees shall be diverted to any other purpose than the protection, propagation, and restoration of wildlife and game and the expenses of administration of the department.

**77.12.200 Acquisition of property for hatcheries, game farms, etc.—Reimbursement to county and state.** The director, with the approval of the commission, may acquire by gift, purchase, lease or condemnation, lands, buildings, waters, or other necessary property for hatchery sites, eyeing stations, rearing ponds, brood ponds, trap sites, game animal, fur-bearing animal, game bird, nongame bird and game fish farms, habitats and sanctuaries and public hunting and fishing areas together with rights of way for access to any and all such lands, buildings, or waters so acquired, in the manner provided by law for acquiring property for public use: *Provided, however*, That excepting for purposes of clearing title and acquiring access rights of way the power of condemnation may be exercised by the director hereunder only when an appropriation has been specifically made by the legislature for that purpose.

The director shall, on or before the tenth day of January of each year, prepare and transmit a voucher to the auditor of each county wherein the department owns any such lands, which voucher shall describe the lands situate within the county and state the number of acres in each parcel thereof and shall authorize the drawing of a warrant to the county in a sum equal to three cents for each acre shown on the voucher. Each county auditor receiving such a voucher shall execute the same and return it to the director who



shall approve it and transmit it to the state auditor. The state auditor shall draw a warrant in the amount shown on each voucher, payable to each county, and shall transmit said warrant to the county treasurer thereof. Such warrants shall be payable out of any funds appropriated to the department: *Provided*, That no voucher shall include and no payment shall be made to any county wherein the department owns less than one hundred acres, and no voucher shall include and no payment shall be made to any county for any tidelands or any lands owned by the department for game bird farm or fish hatchery purposes.

On or before the tenth day of January of each year, the director shall also prepare and transmit a voucher to the superintendent of public instruction, which voucher shall indicate the total number of acres of land owned by the department within the state, but need not describe the land and shall authorize the drawing of a warrant in favor of the permanent school fund in an amount equal to two cents for each acre shown on the voucher. The superintendent of public instruction shall execute such voucher and return it to the director, who shall approve it and transmit it to the state auditor. The state auditor shall issue a warrant to the permanent school fund in the amount shown on the voucher and shall transmit such warrant to the state treasurer for credit to the permanent school fund. Such warrant shall be payable out of any funds appropriated to the department: *Provided*, That no voucher shall include, and no payment shall be made to the permanent school fund for any tidelands or any lands owned by the department for game bird farm or fish hatchery purposes.

**77.12.210 Control of hatcheries, game farms, etc.—Disposal of property—Procedure.** The commission, acting by and through the director, shall have full control of the maintenance and management of all hatcheries, eyeing stations, rearing ponds, brood ponds, trap sites, game animal, fur-bearing animal, game bird, nongame bird, and game fish farms, habitats and sanctuaries, public hunting and fishing areas, and of the access to any and all of the foregoing and of any and all other real or personal property in any wise owned, leased, or held by the state for game department purposes, and shall have full control of the construction of all buildings and structures of any kind and all improvements of every nature in or upon all such property. The commission may make rules and regulations in relation to the operation, maintenance and use of any such property and the conduct of all persons who are in or on the same.

The commission, acting by and through the director, may, from time to time, sell timber, gravel, sand and other materials or products from real property belonging to the state and held for game department purposes and may sell or lease any such real or like

personal property or grant concessions in or upon the same when in its judgment such action is advantageous to the state. If the commission shall determine to sell or lease any real property, the director shall file with the state land commissioner a certificate containing the following: The legal description of the real property to be sold or leased; a statement that the property is not then necessary for the purposes for which it was acquired; whether such real property is to be sold or leased; and the minimum sale price or rental to be received by the state land commissioner therefor. Upon the filing of such certificate, the state land commissioner shall proceed to appraise and lease or sell such real property in accordance with the statutes relative to lease or sale of public lands of this state: *Provided*, That such lands shall not be sold or leased for less than the amount fixed in the certificate as aforesaid.

All proceeds from such leases or sales shall be transmitted by the state land commissioner to the state treasurer and by him credited to the state game fund.

**77.12.220 Acquisition of additional land by exchange.** Whenever it may become necessary in order to obtain additional lands for hatchery sites, eyeing stations, rearing ponds, brood traps, trap sites, game animal, fur-bearing animal, game bird, nongame bird, and game fish farms, habitats and sanctuaries and public hunting or fishing areas or for rights of way for access to any and all such lands, to transfer or convey lands held by the state to the United States, its agencies or instrumentalities, to any municipal subdivision of this state, or to any public utility company, or to any person, and in the judgment of the commission and the attorney general such transfer and conveyance is consistent with public interest, the commission, acting by and through the director, may enter into agreements accordingly. Whenever the commission shall make any such agreement for any such transfer or conveyance and together with the attorney general certifies to the governor that such agreement has been made setting forth in such certification a description of the land or premises involved, the governor may execute and the secretary of state shall attest and deliver unto the United States or its agencies or instrumentalities, unto any municipal subdivision of the state, or unto any public utility company, or unto any person a deed of conveyance, easement or other instrument necessary to fulfill the terms of the aforesaid agreement.

**77.12.230 Local assessments against game property.** The director is hereby authorized to cause to be paid by state voucher currently when due any lawful local improvement district assessments made against lands held by the state for game purposes. Such payments may be made out of any money appropriated from the state game

fund to the department for capital outlay, maintenance or operations during the biennium for which such appropriation is made.

**77.12.240 Director may kill game in certain circumstances.** The director may remove or kill any wild animal, game fish or wild bird that in his judgment is destroying or injuring property, or when, in the judgment of the commission, such killing or removal is necessary for scientific research, or for proper game or game fish management.

In the event of any such killing of any wild animals, wild birds or game fish, the director shall, whenever in his opinion it is feasible or practical, distribute the meat thereof to state or charitable institutions.

**77.12.250 Entry upon premises in course of duty permitted.** The director and his duly authorized and acting assistants, game protectors, deputy game protectors, agents, appointees or employees may, in the course of their duties, enter upon any land or waters in this state and remain thereon while performing such duties and such action by such persons shall not constitute trespass.

**77.12.260 Cooperative agreements for prevention of damage to private property.** The commission, acting by and through the director, may enter into written agreements with persons in all matters relating to prevention of damage of private property by wild animals and wild birds. Any such agreements may include but need not be limited to provisions concerning herding, feeding, fencing, and other similar actions, to prevent such damage. Under any such agreement the department may participate in the furnishing of money, material, or labor to such extent as may be deemed necessary or advisable by the commission.

**77.12.270 Damages caused by game—Payment authorized.** In accordance with the terms and provisions of RCW 77.12.270 to 77.12.300, inclusive, and pursuant to such rules and regulations as may be promulgated by the commission hereunder, the commission, by and through the director, is hereby authorized to compromise, adjust, settle, and pay claims for damages caused by beaver, deer, or elk out of moneys from time to time appropriated to the department for such purposes.

**77.12.280 Damages caused by game—Maximum payment—Settlement final.** No payment of any such claim shall be made in excess of one thousand dollars, and in the event any claim is not adjusted, compromised, or settled and paid by the commission for a sum up to such amount, and within one year from the filing of such claim the same may be filed with the state auditor and referred to the legislature for settlement. The payment of any claim by the commission shall be full and final payment upon such claim.

**77.12.290 Damages caused by game—Notice of claim required—Damages on public lands excluded.** Notice of all claims for damages caused by beaver, deer, or elk shall be filed in writing with the commission in the offices of the department of game, Seattle, King county, Washington, within ninety days after the claimed damage has occurred. In the event the damages are unascertainable within such ninety day period, the notice shall so state. The failure to file notice of any claim or pending claim shall bar payment thereof. No payment shall be made to any claimant for damages occurring on lands leased by claimant from any public agency.

**77.12.300 Damages caused by game—Rules and regulations as to claims—Exclusion of noncooperating claimants.** The commission may promulgate rules and regulations requiring affidavits and prescribing the forms thereof to be furnished in proof of all claims and providing for the time for the making of any examination, appraisal, or ascertainment of any damages. Such rules and regulations may also provide the method of settling all claims. The commission may by rule and regulation provide that it may refuse to consider and pay any claims of claimants who have refused to enter into a cooperative agreement to prevent damage, who have posted the property whereon the claimed damages have occurred, against hunting during the season immediately preceding the time when said damages occurred, in such manner as may have contributed to the damage claimed, or of any claimant who has killed or wounded any game animal other than pursuant to license during the open season.

**77.12.310 Rules and regulations governing taking of predators for bounty.** The commission shall, from time to time, promulgate, adopt, amend, or repeal, and enforce reasonable rules and regulations designating the times when and areas wherein hunting, trapping, taking or killing of predatory animals and birds may be carried on for the payment of bounty by the state and determining the amount of such bounties within the limitations and in accordance with the provisions set forth in this title.

**77.12.320 Agreements for propagation, protection of game—Acceptance of gifts.** The commission may enter into agreements with persons, municipal subdivisions of this state, the United States, or any of its agencies or instrumentalities regarding all matters concerning propagation, protection and conservation of wild animals, wild birds and game fish and concerning hunting or fishing therefor.

The commission may at any time on behalf of the state accept gifts or grants of personal property for use by the department. Any money, when received by the commission or the department, shall

currently be delivered to the state treasurer for deposit in the state game fund: *Provided*, That any gifts or grants of money received by the commission under conditions, limitations or restrictions may be retained or expended by the commission under any such provisions.

**77.12.330 Areas may be set aside for use of minors.** The commission may, by rule and regulation, set aside for exclusive fishing by minors within ages to be fixed by the commission certain described waters, lakes, rivers, or streams. If any such waters, lakes, rivers, or streams are so set aside, all fishing shall be in accordance with rules and regulations of the commission which may be prescribed therefor and the commission may thereby exclude all persons excepting minors within the ages specified from fishing therein.

**77.12.340 Acquisition of property for office, storage, warehouse, and garage facilities.** The commission is hereby authorized and directed to acquire by gift, purchase, or condemnation, in the manner provided by law for the acquisition of property for public purposes, such land and premises, such building for the office of the department of game, and such property as may be necessary for storage, warehouse and garage facilities of said department.

**77.12.350 Construction of facilities authorized.** The commission is further authorized, whenever such land and premises have been acquired, to cause to be constructed thereon a building for the offices, storage, warehouse and garage facilities aforesaid.

**77.12.360 Use of state land for game purposes.** The commissioner of public lands is authorized upon receipt of written request from the commission, such request bearing the endorsed approval of the board of county commissioners as hereafter provided, to withdraw from lease any state owned lands described or designated in such request if in the judgment of the commissioner of public lands such withdrawal will be of benefit to the state of Washington and upon the condition that the common school fund or any other fund for which the described or designated lands are held shall be paid any sum or sums which the lease of said described or designated lands would increase such fund.

**77.12.370 Approval by board of county commissioners—Hearing.** Prior to the forwarding of any such request to the commissioner of public lands the commission shall present the same to the board of county commissioners of the county wherein the lands to be withdrawn are located and have endorsed thereon the approval of the said board. In the event said board, before approving or disapproving said request, shall deem it advisable it may set the time and place for and call a public hearing. No such hearing shall

take place within thirty days from the time of presentation of the request to the board.

The commission shall publish a notice of all public hearings so set by the board, in a newspaper of general circulation, within the county wherein the lands sought to be withdrawn are located, at least once a week for two successive weeks in advance of any hearing. Such notice shall contain a copy of the request and the time and place for holding the hearing.

The chairman of the board of county commissioners shall be chairman of any such public hearing and the proceedings of the hearing shall be informal with all persons being given reasonable opportunity to be heard.

Within ten days after any such hearing the board of county commissioners shall endorse upon the request for withdrawal, its approval or disapproval thereof. The decision of the said board shall be final and there shall be no appeal allowed therefrom.

**77.12.380 Appraisal of lands—Lease value to be vouchered.** Upon receipt of any such approved request if in the judgment of the commissioner of public lands the requested withdrawal of the lands as designated or described in such request would be of benefit to the people of the state, he shall immediately cause an appraisal to be made of the lease value of such lands and before withdrawal of any such lands, he shall require that the department of game, acting through the director thereof, transmit to him a voucher drawn against the state game fund in favor of the particular fund for the benefit of which such lands are held and in such amount as shall represent the lease value, dependent upon such time as shall be shown in the request of the commission for which such lands are to be withdrawn.

**77.12.390 Warrant to be drawn in favor of fund for which lands were held.** Upon receipt of any voucher, the commissioner of public lands shall immediately execute the same and cause such lands to be withdrawn from lease. The said commissioner shall thereupon forward to the state auditor the said voucher and the state auditor shall thereupon draw a warrant against the state game fund and in favor of the particular fund for which the withdrawn lands have been theretofore held.

**77.12.400 Lease of certain state lands as game lands authorized.** The department is authorized to lease any state-owned lands situated in Yakima and Kittitas counties for use as game lands at the prevailing rates of leases, and payment for such leases may be made out of any funds appropriated to the department for land acquisition and development.

**77.12.410 Grazing of cattle on such state lands—Limitation of elk population.** The present lessees of such state-owned lands shall be allowed to graze without cost such number of livestock as shall be determined by the game commission, commissioner of public lands and a representative of the Washington Cattlemen's Association on the basis of the capacity of such lands for this purpose, that the population of elk will be not more than three thousand west and south of the Yakima river in Yakima and Kittitas counties.

**77.12.420 Improvement of conditions for growth of fish life.** The director of game, with the consent and approval of the commission, is empowered to expend such sums as they deem advisable within the limits of available appropriations from the state game fund, for the purpose of improving natural conditions for the growth of fish life in the state by means of construction of fishways, installation of screens, removal of obstructions to migratory fish, eradicating undesirable types of fish by means of poisoning, and such other methods as they shall deem advisable and practical, and is further empowered to enter into cooperative agreements with state, county and federal municipal agencies, and with private individuals for the purpose of carrying on the work of this type.

**77.12.430 Wildlife restoration—Federal act accepted.** The state hereby assents to the purposes and provisions of the act of congress entitled: "An Act to provide that the United States shall aid the states in wildlife restoration projects, and for other purposes," approved September 2, 1937 (Public No. 415, 75th congress), and the department shall perform such acts as may be necessary to establish and conduct cooperative wildlife restoration projects, as defined in said act of congress, in compliance therewith and with rules and regulations promulgated by the Secretary of Agriculture thereunder.

**77.12.440 Fish restoration and management projects—Federal act accepted.** The state of Washington hereby assents to the purposes and provisions of that certain act of congress entitled: "An Act to provide that the United States shall aid the states in fish restoration and management projects, and for other purposes," approved August 9, 1950 (Public, No. 681, 81st congress), and the state department of game is hereby authorized, empowered, and directed to perform such acts as may be necessary to establish, conduct, and maintain fish restoration and management projects, as defined in said act of congress in compliance with said act and with rules and regulations promulgated by the Secretary of the Interior thereunder.

**Chapter 77.16****PROHIBITED ACTS AND PENALTIES**

**77.16.010 Game derbies—Permit—Rules and regulations.** It shall be unlawful for any person to promote, conduct, hold, or sponsor any contest for the hunting of wild animals or wild birds or for fishing for game fish under any competitive arrangement without first securing a hunting or fishing contest permit from the director and paying the department one dollar therefor.

Such permits may be issued by the director under, and all such contests shall be held in accordance with, rules and regulations which the commission shall adopt concerning the times, places and manner of holding such contests. The commission may prohibit any or all such contests whenever, in its opinion the propagation, preservation or conservation of wild animals, wild birds or game fish will be injuriously affected if such contest is permitted.

**77.16.020 Taking during closed season—Exceeding bag limits—Taking within reserves.** It shall be unlawful for any person to hunt, trap, or fish for any game birds, game animals, fur-bearing animals or game fish during the respective closed seasons therefor. It shall also be unlawful for any person to kill, take, or catch any species of game birds, game animals, fur-bearing animals, or game fish in excess of the number fixed as the bag limit. It shall also be unlawful for any person to hunt or trap for any game birds, game animals, or fur-bearing animals within the boundaries of any game reserve or closed area, and it shall likewise be unlawful for any person to fish for any game fish within any closed waters or within the boundaries of any game fish reserve.

Any person who hunts or traps any elk, moose, antelope, mountain goat, mountain sheep, caribou or deer in violation of this section is guilty of a gross misdemeanor and shall be punished by a fine of not less than two hundred fifty dollars and not more than one thousand dollars or by imprisonment in the county jail for not less than thirty days and not more than one year or by both such fine and imprisonment.

Any person who hunts or traps any game bird in violation of this section is guilty of a misdemeanor and shall be punished by a fine of not less than twenty-five dollars and not more than one hundred dollars or by imprisonment in the county jail for not less than ten days and not more than thirty days or by both such fine and imprisonment.

**77.16.030 Possession during closed season or in excess of bag limits.** It shall be unlawful for any person to have in his possession or under his control any game bird, nongame bird, game animal,



fur-bearing animal, or game fish, or part thereof, during the closed season or in excess of the bag limit.

Any person who has in his possession or under his control any elk, moose, antelope, mountain goat, mountain sheep, caribou, deer, or part thereof in violation of the foregoing portion of this section is guilty of a gross misdemeanor and shall be punished by a fine of not less than two hundred fifty dollars and not more than one thousand dollars or by imprisonment in the county jail for not less than thirty days and not more than one year or by both such fine and imprisonment.

Any person who has in his possession or under his control any game bird or part thereof in violation of the foregoing portion of this section is guilty of a misdemeanor and shall be punished by a fine of not less than twenty-five dollars and not more than one hundred dollars or by imprisonment in the county jail for not less than ten days and not more than thirty days or by both such fine and imprisonment.

*Provided*, That any person who has lawfully acquired possession of any game bird, game animal, or game fish, or part thereof, and who desires to retain it for human consumption or ornamental purposes, or desires to sell the skin, hide, horns, head, or plumage thereof, after the close of the season may do so in accordance with the rules and regulations of the commission.

*Provided, further*, That the owner of any game bird, nongame bird, game animal, fur-bearing animal, or game fish, who has lawfully propagated it or purchased from one who has so propagated it, may possess, ship, sell or otherwise dispose of such bird, animal, or fish, when properly tagged or sealed.

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

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

**77.16.050 Artificial lights prohibited in big game hunting.** It shall be unlawful for any person to hunt any elk, moose, antelope, mountain goat, mountain sheep, caribou or deer with a jack light or other artificial light of any kind and to be found with any torch, lantern, electric, acetylene, gas or other artificial light and with any rifle, shotgun, or other firearm, after sunset, in any wooded section or other place where any of the above mentioned animals may reasonably be expected, shall be prima facie evidence of unlawful hunting. Any person violating the provisions of this section is guilty of a gross misdemeanor and shall be punished by a fine of not less than two hundred fifty dollars and not more than one thousand dollars or imprisonment of not less than thirty days and not more than one year in the county jail or by both such fine and imprisonment.

**77.16.060 Explosives, medicated bait, etc., prohibited in game fishing.** It shall be unlawful for any person to lay, set, use, or prepare any drug, poison, lime, medicated bait, nets, fish, berries, formaldehyde, dynamite, or other explosives, or any tip-up, snare or net, or trot line, or any wire, string, rope, or cable of any kind, in any of the waters of this state with intent thereby to catch, take or kill any game fish. It shall be unlawful to lay, set or use a net capable of taking game fish in any waters of this state except as permitted by regulation of the department of fisheries: *Provided*, That persons may use small landing nets or under written permit issued by the director may use nets or seines in the taking of non-game fish.

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

**77.16.070 Hunting while intoxicated.** It shall be unlawful for any person to hunt with firearms while under the influence of intoxicating liquor.

**77.16.080 Laying out poison, etc., endangering game.** It shall be unlawful for any person to lay, set, or use any poisonous or deleterious substances in any place or manner so as to endanger, injure or kill any game animals, fur-bearing animals, game birds or nongame birds.

**77.16.090 Mutilating or needlessly wasting carcasses.** It shall be unlawful for any person to permit any game animal, fur-bearing animal, game bird, or game fish needlessly to go to waste after

killing the same or to mutilate any such animal or bird so that the species or sex cannot be determined.

**77.16.100 Use of dogs—Field trials for bird dogs.** It shall be unlawful to allow dogs of any kind to accompany any person while such person is hunting deer or elk. Any dog found pursuing any game animal or game bird, or molesting the young of any game animal or game bird or destroying the nest of any game bird during the closed season on game animals or game birds may be declared to be a public nuisance. In addition to any penalty imposed by a court of competent jurisdiction, the court may order the dog destroyed.

During the months of April, May, June and July of each year it shall be unlawful to allow bird dogs, or dogs used for hunting upland game birds, to frequent areas where upland game birds may reasonably be expected to be found.

Competitive field trials for hunting dogs, with or without the shooting or use of privately owned birds, may be held only at such times and places, and under such rules and regulations, as shall be prescribed by the commission.

**77.16.110 Firearms, traps and dogs on game reserves.** It shall be unlawful for any person to carry firearms or traps within the limits of or take any dog upon a game reserve except on public highways. The director may issue permits to persons holding fishing and hunting licenses for the current year to hunt predatory animals and predatory birds in such reserve at any season of the year, and all bona fide residents therein may keep a dog or dogs as otherwise provided by law. Permits may also be issued for rifle ranges, gun clubs, and shooting galleries which in the judgment of the director will not injure or disturb the game in a reserve.

**77.16.120 Taking of nongame birds—Destruction of nests or eggs of birds.** Except as lawfully authorized by permit or license issued by the director, it shall be unlawful for any person to hunt or trap any nongame bird or harmless or song bird or to have in his possession or under his control any of such birds or any part thereof, and unless acting under permit or license so issued, it shall be unlawful for any person to destroy or to have in his possession or under his control the nest or eggs of any game bird, nongame bird, or harmless or song bird.

**77.16.130 Resisting or obstructing officers.** It shall be unlawful for any person to resist or obstruct the director, a game protector, deputy, or ex officio game protector, or other peace officer in the discharge of his duty while enforcing the provisions of this title.

**77.16.140 Giving misinformation as to bountied predator.** Every person who gives untrue or misleading information as to the time, area, or county in which any predatory animal or bird was hunted, trapped, taken, or killed on which a bounty is being claimed shall be guilty of a gross misdemeanor and shall be punished by a fine of not less than two hundred fifty dollars and not more than one thousand dollars or by imprisonment in the county jail for not more than one year or by both such fine and imprisonment.

**77.16.150 Permit required to plant fish, plants, or release animals or birds.** Except as authorized by permit or license lawfully issued by the director, and after departmental inspection of the matter sought to be planted, it shall be unlawful for any person to plant any fish, fish fry, spawn, or any aquatic plant in any waters within the state or to release any wild animals or wild birds on any lands within the state. The words "aquatic plant" include the seeds thereof.

**77.16.155 Importation of domesticated game fish.** Domesticated game fish raised outside of the state may be imported, brought into or sold within this state subject to the following conditions:

(1) When, prior to importation, they are dressed for sale for human consumption; and

(2) Each fish is tagged with a tag, which shall sell for five cents, to be provided by the department in accordance with such rules and regulations as may be promulgated by the game commission;

(3) Compliance with such other rules and regulations relating to the importation of domesticated game fish as the commission shall promulgate: *Provided*, That this section shall not apply to the importation of live domesticated fish, fish fry, or spawn: *And provided further*, That live domesticated fish, fish fry or spawn shall be imported under the provisions of RCW 77.16.150.

**77.16.157 Penalty for violations.** The provisions of RCW 77.16.240 shall apply to all violations of RCW 77.16.150 and 77.16.155.

**77.16.160 Injuring fish ladders, guards, screens, etc.** It shall be unlawful for any person to break open, open, unlock, damage, interfere with, injure, or destroy any fish ladder, fish guard, screen, fish stop, fish protective device, bypass, or part thereof, or any fish trap operated by the department.

**77.16.170 Robbing or injuring traps—Identification of traps.** It shall be unlawful for any person to take any wild animal from a trap not his own, or to spring, pull up, throw away, mutilate, or destroy any trap of licensed trappers, game protectors, or persons employed by the director, or any person authorized by the federal government to catch fur-bearing or predatory animals. All

licensed trappers shall have attached to the chain of the trap an indestructible tag with the true name and address of the owner of trap in English letters not less than one-eighth inch in height.

**77.16.180 Mutilating signs.** It shall be unlawful for any person to destroy, tear down, shoot at, deface, or erase any printed matter or signs placed or posted by or under the instructions of the director.

**77.16.190 Unlawful posting of land.** It shall be unlawful for any person or his agent or employee wilfully to post any notice or warning or wilfully to warn, drive, or attempt to drive, any person off, or prevent his hunting or fishing on any land not owned or lawfully occupied by such person, his agent, or employee, unless such land is a lawfully established game or game fish reserve.

**77.16.200 Private publication of game laws.** No person shall print or cause to be printed a booklet or pamphlet of the game laws or portion thereof except with the approval of the director.

**77.16.210 Fishways to be provided at dams—Abatement of obstructions.** Any person or governmental agency managing, controlling, or owning any dam or other obstruction across any river or stream shall construct and maintain in good condition and repair in connection with such dam or other obstruction durable fishways and fish protective devices in such shape and size that the free passage of all game fish inhabiting such waters will not be obstructed. Such fishways and fish protective devices shall be provided at all times with sufficient water to insure maximum efficiency for the free passage of fish.

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

In addition to the penalty above provided, if any such person be convicted of violating any of the provisions of this title, the dam or other obstruction managed, controlled or owned by such person is hereby declared a public nuisance and shall be subject to abatement as such.

**77.16.220 Screens to be provided at diversion ditches and canals.** It shall be unlawful for any person to divert any water from any lake, river, or stream containing game fish unless the ditch, channel, canal, or water pipe conducting such water is equipped at or near its entrance or intake with a fish guard or screen capable of preventing the passage of game fish into such ditch, channel, or water pipe, and also equipped, if necessary, with a bypass to permit

the passage of game fish from immediately in front of the fish guard or screen back to the waters from which said fish are diverted: *Provided*, That no person who is now otherwise lawfully diverting water from any lake, river, or stream shall be deemed guilty of a violation of this section.

It shall also be unlawful for any person who is not now diverting water from any lake, river, or stream to divert any water therefrom until he has first submitted plans for the fish guard, fish screen, or bypass to the director, obtained his approval thereof, installed such fish guard, screen, or bypass, and obtained the director's approval of such installation. It shall be unlawful for any person to construct any such fish guard, fish screen, or bypass without first submitting plans therefor to the director and obtaining his approval thereof as herein provided.

The director may summarily close any ditch, canal, channel, or water pipe owned or operated by any person convicted of any violation of this section and keep the same closed until it is properly equipped with a fish guard, screen, or bypass, in accordance with the provisions herein.

**77.16.230 Game doing damage may be taken at any time—Limitations.** It shall be lawful for the owner or tenant of any real property on which any crop is being grown or any domestic animals or fowl are being kept to trap or kill at any time on such property, any wild animal or wild bird which is destroying any such crop, or injuring domestic animals or fowl, or any dike, drain or irrigation ditch. Such wild animal or wild bird, when so trapped or killed, shall remain the property of the state, and the person trapping or killing the same shall immediately notify the nearest state game protector as to where such wild animal or wild bird may be found.

It shall be unlawful for any person, after trapping or killing any wild animal or wild bird as above provided, to give away, eat, sell, or dispose of the same or any part thereof for profit: *Provided*, That this section shall not prohibit any license holder from trapping, killing, possessing, or disposing of any wild animal or wild bird as otherwise provided by law or rule and regulation of the commission.

For purposes of this section the word "crop" is defined as meaning an agricultural or horticultural seeded or planted crop and shall exclude all wild shrubs and range land.

**77.16.240 General penalty—Jurisdiction of courts.** Any person violating or failing to comply with any rule or regulation of the commission or violating any of the provisions of this title for which no penalty is provided, shall be guilty of a misdemeanor and shall be punished for each offense by a fine of not less than ten dollars, together with the cost of prosecution, or by imprisonment

for not exceeding ninety days in the county jail or by both such fine and imprisonment. The killing or taking of every single bird, animal or fish, protected by the laws of this state, shall constitute a separate offense.

Every justice of the peace shall have jurisdiction concurrent with the superior courts of all misdemeanors and gross misdemeanors committed in violation of the provisions of this title and may impose any punishment in this title provided for such offenses.

**77.16.250 Carrying loaded shotgun or rifle in vehicles.** It shall be unlawful for any person to carry, transport or convey, or to have in his possession or under his control in any motor-driven or horse-drawn vehicle or in any vehicle propelled by man, any shotgun or rifle containing shells or cartridges therein.

**77.16.260 Shooting firearms on public highway.** It shall be unlawful for any person to shoot any pistol, rifle, shotgun or other firearm from, across or along any public highway.

*This Section amended by Sec. 1, Chap. 85, Laws of 1955.*

**77.16.270 Enforcement.** It shall be the duty of all sheriffs, deputy sheriffs, constables, city marshals, police officers, state game protectors, deputy game protectors, and ex officio game protectors, within their respective jurisdictions, to enforce all of the provisions of RCW 77.16.250 and 77.16.260.

**77.16.280 Penalty.** Any person violating any of the provisions of RCW 77.16.250 and 77.16.260 shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than ten dollars and not more than one hundred dollars or by imprisonment in the county jail for not less than ten days and not more than ninety days or by both such fine and imprisonment.

**77.16.290 Law enforcement officers excluded.** The word "person" as used in RCW 77.16.250 and 77.16.260 does not include any law enforcement officer who is authorized to carry firearms.

**77.16.300 Venue of prosecution.** Any action charging a violation of RCW 77.16.250 through 77.16.290 shall be instituted in the justice court in one of the two incorporated cities or towns nearest the place where the violation is alleged to have been committed.

## Chapter 77.20

### BEAVER, FOX, MINK, MARTEN AND CHINCHILLA

**77.20.010 Beaver protected fur-bearer.** For the purpose of properly administering, perpetuating, protecting, and maintaining the beaver of the state, the same is hereby declared to be a protected fur-bearing animal and may be hunted, trapped, killed, or possessed,

or the pelts thereof sold, only by the commission acting through the director or his duly authorized representatives and pursuant to rules and regulations of the commission.

**77.20.020 Rules and regulations—Cooperative agreements.** The commission may make reasonable rules and regulations for purposes of administration and enforcement of the laws pertaining to beaver and regulating the propagation, hunting, trapping, killing, and possession of beaver and the sale of beaver skins. The commission, through the director, may enter into cooperative agreements with private landowners for the perpetuation, propagation, hunting, trapping, and killing of beaver upon the land of such owners. Under such agreements the commission, through the director, shall designate the maximum number of beaver which may be taken each year from the land of the owner without impairing the supply thereof. All taking, hunting, trapping, or killing of beaver shall be done hereunder only by the commission, acting through the director or his duly authorized representatives, with costs thereof to be paid out of the state game fund.

**77.20.030 Beaver skins, disposal of.** All beaver skins obtained by the director or his representatives under any cooperative agreement made with any landowner, under this title, shall be sold to licensed fur buyers only at auction to the highest bidder. The time of any sale shall be within the discretion of the director. From the proceeds of sales there shall be paid to the owner of the land upon which the beaver was taken under any cooperative agreement, such amount as was stipulated therein and the balance of the proceeds shall be deposited in the state game fund. In the making of any cooperative agreement under the provisions of this title, the commission, through the director, may provide for such compensation to the landowner as may be deemed just and reasonable based upon a percentage payment per pelt sold or upon a fixed fee basis or otherwise.

**77.20.040 Trapping of beaver doing damage—By commission.** The commission, through the director or his duly authorized representatives, may hunt, trap, or kill beaver on private lands when the owners thereof are suffering damage and do not desire to maintain beaver under a cooperative agreement. Beaver may likewise be hunted, trapped, or killed on public lands by the director or his duly authorized representatives whenever and wherever the commission deems it necessary and advisable. All skins so obtained shall be sold in the manner above provided and all proceeds from such sales shall be deposited in the state game fund.

**77.20.045 Trapping of beaver doing damage—By owner.** If beavers or other burrowing animals are damaging or endangering



any land the owner or occupant of such land may notify the state game commission of such danger, and the commission shall cause such animals to be trapped or killed by state trappers in accordance with the provisions of RCW 77.20.010 to 77.20.060, inclusive.

If the commission fails to act within fourteen days after receipt of notice any such owner or occupant may trap or kill such animals, but if he does so such person must notify the commission regarding the number of such animals disposed of and when possible surrender the pelts thereof to the commission.

**77.20.050 Skins to be tagged.** Prior to sale all beaver skins taken under the provisions of this title, shall be properly cared for, preserved, and tagged or sealed by the director or his representatives.

**77.20.060 Penalty.** The hunting, trapping, taking, or killing of any beaver or the possession of the skin or any part of any beaver killed within this state, except as authorized in this title, is unlawful, and any person hunting, trapping, taking, or killing any beaver or possessing the skin or any part thereof in violation of this title, shall be guilty of a gross misdemeanor and shall be punished by a fine of not less than two hundred fifty dollars and not more than one thousand dollars or by imprisonment for not less than thirty days and not more than six months or by both such fine and imprisonment.

**77.20.070 Fox, mink, marten declared personal property.** All fox, mink and marten that have been lawfully imported or acquired, or bred or reared in captivity or enclosures, are hereby declared to be personal property. Any person hereafter acquiring any such fur-bearing animals, shall within ten days furnish satisfactory proof to the director of agriculture that such animals were lawfully obtained. The animals shall not become personal property under the provisions of this section until such proof is furnished.

This section repealed by Sec. 7, Chap. 321, Laws of 1955.

**77.20.080 Branding required—Recording.** The owners of any fox, mink, or marten may mark them by branding with tattoo or other marks for the purpose of identification, but no person shall be entitled to ownership in or rights under any particular branding marks unless and until the branding marks are recorded with the department of agriculture, which may be done in the same manner and with like effect as brands of other animals are recorded.

This section repealed by Sec. 7, Chap. 321, Laws of 1955.

**77.20.090 Quarantine controls over fur ranches.** The raising of fox, mink, marten, and chinchilla shall be deemed an agricultural pursuit, and the director of agriculture is hereby authorized to exercise quarantine controls over ranches where any of said animals are raised.

This section repealed by Sec. 7, Chap. 321, Laws of 1955.

**Chapter 77.24****PREDATORS—BOUNTIES**

**77.24.010 Who may kill predators and claim bounties.** Any resident holder of a state or county hunting and fishing license may hunt, trap, take, or kill any animal or bird classified as predatory in areas and at times designated by the commission and may present such animal or bird to the director or to any person designated by the director as qualified to check bountied predators for payment of bounty. Any citizen of the United States under the age of sixteen years who has been an actual resident of the state for the preceding six months shall not be required to hold a state or county hunting and fishing license to comply with this chapter.

**77.24.020 Payment of bounties—Maximum specified—Review.** Whenever the holder of a state or county hunting and fishing license hunts, traps, takes, or kills any animal or bird classified by the commission as a predator, and furnishes proof thereof, he may be paid a bounty in such amount as specified by the rules and regulations of the commission. Any person who desires to collect a bounty shall furnish such proof and evidence of hunting, trapping, taking, or killing the predator as the commission may require. If the director has reason to doubt the validity of a bounty claim he may deny it, and if a bounty claim is denied, the bounty claimant may appeal to the superior court of the county in which the predators or any of them were hunted, trapped, taken, or killed. The burden of proof as to the method of hunting, trapping, taking, or killing and the area wherein the predator was hunted, trapped, taken, or killed shall be upon the bounty claimant.

Bounties, as fixed by the commission, may in no event exceed the following sums: Cougar, one hundred dollars; lynx, twenty-five dollars; bobcat, twenty-five dollars; coyote, twenty dollars; coyote pup, five dollars; any other animal or bird classified by the commission as predatory, five dollars.

Bounty payments shall be made from any moneys which may be appropriated therefor by the legislature. All moneys appropriated for such payments shall be expended under the direction of and upon vouchers approved by the director.

**77.24.030 Marking of bountied predators.** Before payment of a bounty, the animal or bird or such part thereof as shall be designated by the commission shall be surrendered to the director, or person designated by the director as qualified to check bountied predators, who shall mark such predator or part thereof in order that it can be later identified and, after so marking it, the director or designated person shall return the predator or part thereof to the person hunting, trapping, taking, or killing the same.

**77.24.040 Commission may classify predators.** The commission, upon finding any animal or bird destructive to wild game, domestic herds, birds, and flocks may by rule and regulation classify it as predatory and authorize and control the hunting, trapping, taking, or killing thereof.

**77.24.050 Employment of accredited hunters.** The director shall, from time to time, appoint and employ such number of persons, skilled in hunting, trapping, taking or killing predatory animals and birds, as he deems advisable, to be known as accredited hunters, to carry on the work of eradication and control of predatory animals and birds in this state.

**77.24.060 Disposition of skins and specimens.** All skins and specimens taken by accredited hunters whose salaries are paid out of moneys appropriated from the state game fund shall be disposed of in such manner as the director determines to be for the best interest of the state. If any such skins or specimens are sold, the net proceeds shall be deposited to the credit of the state game fund.

**77.24.070 Scope of chapter.** Nothing herein shall be deemed in derogation of the power and authority of the director of agriculture to cooperate with the United States Fish and Wildlife Service in the control and destruction of predatory animals injurious to livestock, poultry, and the public health.

**77.24.080 Bounty voucher must aggregate two dollars and fifty cents.** For the purpose of facilitating the payment of bounties, no voucher therefor shall be issued in payment thereof until the aggregate bounty claim is at least two dollars and fifty cents.

**77.24.090 Cooperative programs to control predators.** The director may enter into cooperative programs to control predators with sportsmen's groups, granges, or others.

**77.24.100 Department of agriculture may cooperate with Fish and Wildlife Service.** The department of agriculture shall cooperate with the Fish and Wildlife Service, in the control and destruction of predatory animals which are injurious to livestock, poultry, game, and the public health, in accordance with organized and systematic plans of the Fish and Wildlife Service. For this purpose said department may enter into written agreements with the Fish and Wildlife Service covering the methods and procedure to be followed, the extent of supervision to be exercised by each and the use and expenditure of the funds appropriated therefor. The department, in cooperation with the Fish and Wildlife Service, may also enter into cooperative agreements with other governmental agencies, counties, or persons when deemed necessary to promote the control and destruction of predatory animals.

**77.24.110 Expenditures authorized.** The department of agriculture may make such expenditures for equipment, materials, supplies, and other expenses, including expenditures for personal services, as may be necessary to execute the functions imposed upon it by RCW 77.24.100.

**77.24.120 Disposition of skins and specimens.** All skins and specimens taken by hunters whose salaries are paid out of funds appropriated for the administration of RCW 77.24.100 and 77.24.110 shall be disposed of in such manner as the department of agriculture determines to be in the best interest of the state. If any such skins or specimens are sold, the net proceeds shall be deposited to the credit of the general fund of the state.

## Chapter 77.28

### GAME FARMERS

**77.28.010 License required.** The acquisition, breeding, growing, keeping, and sale of wild animals, wild birds, or game fish, whether living or dead, for commercial purposes shall be unlawful unless such acquisition, breeding, growing, keeping and sale is conducted under a game farmer's license as hereinafter provided and in accordance with rules and regulations of the commission which may be prescribed therefor regarding the species of wild animals, wild birds, or game fish which may be acquired, bred, grown, kept, and sold under this title, the particular areas in this state wherein such activities may be carried on and the manner of conducting all such activities.

**77.28.020 License fee.** The director may cause to be issued a game farmer's license that shall authorize the licensee to acquire, grow, breed, keep, or sell all or some of such species of wild animals, wild birds, and game fish as may be designated by the commission as suitable for such acquisition, breeding, growing, keeping, and sale. The cost of such license shall be twenty dollars for the first year and ten dollars for each yearly renewal thereafter. All such licenses shall expire on December 31st annually and application for renewal shall be made prior thereto.

**77.28.030 Application—Content.** A verified application for such license made in triplicate shall be filed by the applicant with the director which application shall contain the following: A description of the lands and waters which applicant desires to use under the required license; the particular right, title or interest of the applicant in said lands and waters and the total acreage thereof; the extent of improvement upon such lands and waters; a map or diagram of such lands and waters showing where the improvements

are located thereon; a statement indicating the species of wild animals, wild birds, or game fish which the applicant desires to acquire, breed, grow, keep, and sell; and such further information as may be required by rule and regulation of the commission.

**77.28.040 Corporate application.** If the applicant is a corporation, the application shall be made in the name of the corporation by the president or authorized officer thereof and shall set forth the names and addresses of all the officers and directors of the corporation and the number of shares of stock owned by such officers and directors. If the applicant is a partnership or unincorporated association, the application shall be made by an authorized partner, member or managing officer and shall set forth the names and addresses of all members of the partnership or association together with their respective financial interests and other rights of ownership and control therein.

**77.28.050 Issuance of license.** If after investigation by the director it appears that the applicant is the owner or tenant of or has a possessory interest in the lands, waters, and riparian rights shown in the application and that the applicant intends in good faith to establish, operate and maintain a farm for the raising of wild animals, wild birds, or game fish in accordance with law and the rules and regulations of the commission, the director may issue a license to the applicant describing therein the lands and waters and certifying that the licensee is lawfully entitled to use the same for acquiring, breeding, growing, keeping, and selling the kinds of wild animals, wild birds, or game fish specified in such license.

**77.28.060 Rights acquired under license.** After such game farmer's license has been granted, the licensee shall be lawfully entitled to acquire, breed, grow, keep, and sell all or any of the wild animals, wild birds, or game fish specified in the license in accordance with law and with the rules and regulations of the commission.

**77.28.070 Game farmer may deal in game bird and game fish eggs.** A licensed game farmer may purchase, sell, give away, or dispose of the eggs of any game bird or game fish lawfully in his possession in such manner as may be provided by rule and regulation of the commission.

**77.28.080 Tagging of product.** All wild animals, wild birds or game fish given away, sold, or in any manner transferred to any person by any licensed game farmer shall, upon delivery thereof, have attached to each such animal, bird or fish, such tag or seal as may be prescribed by the commission.

It shall be unlawful for any person other than a licensed game farmer to keep or possess any such wild animal, wild bird, or game

fish without such tag or seal attached thereto: *Provided*, That any wild animal, wild bird or game fish may be served for food without such tag or seal then being thereon.

**77.28.090 Rights of common carriers.** A common carrier may at any time transport any wild animal, wild bird or game fish or part thereof shipped by the holder of a game farmer's license if such wild animal, wild bird, game fish, or such part thereof is tagged or sealed as aforesaid. Every package containing the tagged or sealed carcass of any wild animal, wild bird, or game fish, or any tagged or sealed part thereof, shall have affixed thereto an additional tag or label upon which shall be plainly written or printed the name of the licensee and the name of the consignee.

**77.28.100 Quarterly reports.** Every holder of a game farmer's license shall make quarterly reports on the first day of January, April, July and October to the director on blanks to be furnished by the director. Such reports shall give a correct statement of the total number of wild animals, wild birds or game fish owned, killed, transported or sold during the quarter; the names of the persons to whom they were transported or sold; the names of the persons by whom they were tagged or sealed; the increase of all classes of wild animals, wild birds, or game fish held by the licensee; and such other data as may be required by rule and regulation of the commission. Each such report shall be verified by the affidavit of the licensee.

**77.28.110. Access to game farmers' premises.** The director or any other officer authorized by him may at all reasonable times with or without warrant, enter and search the premises of any licensed game farmer and inspect his records for the purposes of investigating and determining the number, kind and condition of wild animals, wild birds and game fish possessed by the licensee, or for purposes of enforcing the provisions of this chapter and the rules and regulations of the commission.

**77.28.120 Revocation of license—Notice—Hearing.** Whenever there shall be filed with the director a verified complaint charging that the holder of any game farmer's license has been guilty of any act or omission in violation of law pertaining to wild animal, wild bird or game fish or any rule or regulation of the commission, the director shall immediately note such complaint for hearing before the commission at its next regular meeting. The director shall notify the licensee of any such hearing at least ten days in advance thereof by mailing to him at the address shown on his application for game farmer's license a copy of the aforesaid complaint and a notice of the time and place of holding such hearing.

All such hearings shall be summary before the commission and the licensee shall be given an opportunity to be heard. The commission shall have the power to administer oaths, issue subpoenas for the attendance of witnesses, and the production of books, accounts, documents, and papers, and examine witnesses. At the conclusion of any such hearing, the commission may revoke or cancel the game farmer's license. Any such decision by the commission may be appealed to the superior court of the county in which the game farm is located, within thirty days from receipt of written notice of such revocation or cancellation. Unless the appeal be filed within the time aforesaid, the decision of the commission shall be final. In the event of any such revocation or cancellation of any such license, or upon termination of any proceedings for review, the director shall immediately mail notice of such revocation or cancellation to the licensee. After the expiration of ten days following the mailing of the notice by such director, it shall be unlawful for any such licensee whose license is so revoked or canceled to acquire any wild animal, wild bird, or game fish in the manner provided by law or by rule or regulation of the commission for acquisition of such animals, birds, or fish by game farmers. After the expiration of sixty days following the mailing of such notice by the director, it shall be unlawful for any licensee whose license is so revoked or canceled to hold, keep, breed, grow, possess, or sell any wild animal, wild bird, or game fish in the manner provided by law or by rule and regulation of the commission for holding, keeping, breeding, growing, possessing, or selling such animals, birds, or fish by game farmers.

## Chapter 77.32

### LICENSES

**77.32.010 General rules as to issuance.** It shall be unlawful for any person to hunt, trap, or fish for game animals, fur-bearing animals, game birds or game fish during the season when it is lawful to hunt, trap, or fish for them, or to practice taxidermy for profit, or to receive or purchase or resell raw furs for profit, without first having procured and having in force, and in his personal possession, and on his person while so hunting, trapping, fishing, or practicing taxidermy, or dealing in furs, a license so to do issued to him as provided in this chapter: *Provided*, That nothing in this section shall prevent a person under the age of sixteen years, who is an actual resident of the state, from fishing at any time when it is otherwise lawful to fish: *Provided further*, That a license shall not be required of a person who hunts predatory animals or birds without claiming or intending to claim a bounty.

All licenses under this chapter shall be issued by or under the authority of the director, who may deputize game protectors, any county auditor, or any reputable citizen, to issue such licenses and collect the fees therefor.

All persons so deputized by the director shall, on demand, on or before the thirty-first day of December of each year, pay to the director all fees collected and make and furnish all reports required by the director. The commission may make all necessary rules and regulations regarding the issuance of licenses, the collection and payment of fees collected, and the making and furnishing of reports in connection therewith.

**77.32.020 Supplemental seals—Deer, elk, mountain goat—Penalty.** It shall be unlawful for any person to hunt or kill deer without first having procured from the director a metal tag to be known as a supplemental deer seal, which metal tag shall be procured, in addition to any other license, to hunt game animals required by law. The fee for issuing and procuring such metal tag shall be one dollar and shall be paid in addition to all other license fees prescribed by law. It shall be unlawful for any person to hunt or kill elk without first having procured from the director a metal tag to be known as a supplemental elk seal, which metal tag shall be procured in addition to any other license to hunt game animals required by law. The fee for issuing and procuring such metal tags shall be five dollars and fifty cents and shall be paid in addition to all other license fees prescribed by law.

It shall be unlawful for any person to hunt or kill mountain goat without first having procured from the director a metal tag to be known as a supplemental goat seal, which metal tag shall be procured in addition to any other license to hunt game animals required by law. The fee for issuing and procuring such metal tag shall be five dollars and fifty cents and shall be paid in addition to all other license fees prescribed by law.

It shall be unlawful for any nonresident or alien to hunt or kill elk without first having procured from the director a metal tag to be known as a supplemental nonresident elk seal which metal tag shall be procured in addition to any other license to hunt game animals required by law. The fee for issuing and procuring such metal tag shall be twenty-five dollars and shall be paid in addition to all other license fees provided by law.

It shall be unlawful for any nonresident or alien to hunt or kill mountain goat without first having procured from the director a metal tag to be known as a supplemental nonresident goat seal which metal tag shall be procured in addition to any other license to hunt game animals required by law. The fee for issuing and



procuring such metal tag shall be twenty-five dollars and shall be paid in addition to all other license fees prescribed by law.

Such metal tags shall be in the possession of all persons while engaged in hunting deer, elk or mountain goat. Such metal tags shall be prepared by and under the supervision of the director and shall bear the name "department of game of the state of Washington" and the year for which it is issued, and any other distinguishing marks deemed necessary by the director, and shall be void on the first day of April next following the date of issuance. Any person who kills any deer, elk or mountain goat shall immediately attach his own metal tag to the carcass of any such animal and properly seal the same. All moneys received from the issuance or sale of metal tags as provided herein shall be paid into the state game fund. Any person violating any of the provisions of this section shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than twenty-five dollars and not more than two hundred fifty dollars or by imprisonment in the county jail for not less than ten days and not more than thirty days or by both such fine and imprisonment.

**77.32.030 Reserved.**

**77.32.040 Reserved.**

**77.32.050 Issuer's compensation—State licenses.** Any person deputized by the director to issue combination state hunting and fishing licenses and trapping, taxidermy, or fur dealer licenses, as authorized by this chapter, shall charge the sum of twenty-five cents in addition to collecting the fees prescribed by law for issuing each such license, which sum shall be retained by him for his services.

**77.32.060 Issuer's compensation—Licenses, state, county.** Any person deputized by the director to issue combination county hunting and fishing licenses, state resident fishing licenses, state resident hunting licenses, nonresident state fishing licenses, nonresident state hunting licenses, nonresident state transient licenses and nonresident state game bird licenses shall charge the sum of fifteen cents in addition to collecting the fee prescribed by law, for issuing each such license, which sum shall be retained by him for his services.

**77.32.070 Information required in application.** Every application for a license shall be in writing on a blank form to be furnished for that purpose and signed by the applicant and shall contain information concerning sex, citizenship, age, place of residence, and any other matters required by rule and regulation of the commission.

**77.32.080 Records and reports.** The commission may adopt rules and regulations requiring records to be kept and reports to be made by licensees concerning the time, manner, and place of taking any

wild animals, wild birds, or game fish, the quantities taken, and such other information as may be helpful in enforcing the provisions of this title or the rules and regulations of the commission. Such rules and regulations may prescribe the form of such records and reports and may require licensees to keep such records current while hunting, fishing, or trapping, and to display the same, and may authorize the director to prepare and distribute such record and report forms to licensees.

**77.32.090 Form of licenses.** Licenses issued under this title shall be in such form, of such materials, and of such colors as may be designated by the commission, and the commission may adopt rules and regulations pertaining to the form, material, color, use, possession, and display of such licenses.

**77.32.100 Resident state hunting and fishing license.** Any citizen of the United States, or person who has in good faith declared his intention of becoming a citizen of the United States who has been an actual resident of this state for six months immediately preceding his application, may by paying the sum of seven dollars obtain a state hunting and fishing license, which shall entitle the holder thereof to hunt and fish in any county of the state until the first day of January next following the date of its issuance, when it is lawful to hunt or fish therein.

**77.32.103 Resident state hunting license.** Any citizen of the United States, or person who has in good faith declared his intention of becoming a citizen of the United States who has been an actual resident of this state for six months immediately preceding his application may by paying the sum of four dollars obtain a state hunting license which shall entitle the holder thereof to hunt in any county of the state until the first day of January next following the date of its issuance, when it is lawful to hunt therein.

**77.32.105 Resident state fishing license.** Any citizen of the United States, or person who has in good faith declared his intention of becoming a citizen of the United States who has been an actual resident of this state for six months immediately preceding his application may by paying the sum of four dollars obtain a state fishing license which shall entitle the holder thereof to fish in any county of the state until the first day of January next following the date of its issuance, when it is lawful to fish therein.

**77.32.110 Resident county hunting and fishing license.** Any citizen of the United States, or person who has in good faith declared his intention of becoming a citizen of the United States who has been an actual resident of this state for six months immediately preceding his application, may by paying the sum of three dollars and fifty cents obtain a hunting and fishing license, which shall

entitle the holder thereof to hunt and fish within the county in which he resides and for which the license is issued until the first day of January next following the date of issuance, when it is lawful to hunt or fish therein.

**77.32.113 Resident county fishing license.** Any citizen of the United States, or person who has in good faith declared his intention of becoming a citizen of the United States who has been an actual resident of this state for six months immediately preceding his application may by paying the sum of two dollars and fifty cents obtain a fishing license which shall entitle the holder thereof to fish within the county in which he resides and for which the license is issued until the first day of January next following the date of issuance, when it is lawful to fish therein.

**77.32.120 Allocation of receipts from resident licenses.** Twenty percent of all moneys received from the sale of resident state and county hunting and fishing licenses may be used to acquire lands for public hunting and fishing areas, small game habitat areas and rights of way thereto and for the development and maintenance of such areas for recreational and game purposes.

**77.32.130 Nonresident state hunting and fishing license.** Any citizen of the United States, or alien who is a nonresident of the state, or who has been a resident of the state for less than six months, may by paying the sum of twenty-five dollars obtain a hunting and fishing license, which shall entitle the holder thereof to hunt and fish in any county of the state until the first day of January next following the date of issuance, when it is lawful to hunt or fish therein: *Provided*, That an applicant for such license who is a resident of a state bordering on this state may, by rule or regulation of the state game commission, secure such license for the same amount that a resident of this state may secure a similar license in the state of which the applicant is a resident.

**77.32.140 Nonresident state hunting license.** Any citizen of the United States or alien, who is a nonresident of the state, or who has been a resident of the state for less than six months, may by paying the sum of fifteen dollars obtain a state hunting license, which shall entitle the holder thereof to hunt game birds in any county of the state until the first day of January next following the date of issuance, when it is lawful to hunt therein: *Provided*, That an applicant for such a license who is a resident of a state bordering on this state may by rule or regulation of the state game commission secure such license for the same amount that a resident of this state may secure a similar license in the state of which the applicant is a resident.

**77.32.150 Nonresident state fishing license.** Any citizen of the United States, or alien who is a nonresident, or who has been a resident of the state for less than six months, may by paying the sum of ten dollars obtain a state fishing license, which shall entitle the holder thereof to fish in any county of the state until the first day of January next following the date of issuance, when it is lawful to fish therein: *Provided*, That an applicant for such a license who is a resident of a state bordering on this state may by rule or regulation of the state game commission secure such license for the same amount that a resident of this state may secure a similar license in the state of which the applicant is a resident.

**77.32.160 Transient's limited state fishing license.** Any nonresident of the state or alien who is temporarily sojourning in the state may by paying the sum of three dollars obtain a state fishing license, which shall entitle the holder thereof to fish in any county of the state for a period of seven days following the date of its issuance, when it is lawful to fish therein: *Provided*, That an applicant for such a license who is a resident of a state bordering on this state may by rule or regulation of the state game commission secure such license for the same amount that a resident of this state may secure a similar license in the state of which the applicant is a resident.

**77.32.170 Reserved.**

**77.32.180 Reserved.**

**77.32.185 Fresh water sport fishing licenses—Use of funds.** All funds accruing to the state of Washington from the sale of fresh water sport fishing licenses shall be used exclusively to defray the expenses of the administration and operations of the state department of game and shall not be diverted to any other purpose.

**77.32.190 Trapper's license.** Any citizen of the United States or person who has in good faith declared his intention to become a citizen of the United States who has been a resident of this state for six months, may by paying the sum of five dollars obtain a state trapping license which shall entitle the holder thereof to trap fur-bearing animals, except beaver, for their hides or their pelts only, within any county of the state until the first day of April next following the date of its issuance, at any time when it is lawful to trap such animals.

**77.32.200 Taxidermist's license.** Any person may by paying the sum of five dollars obtain a license, which shall entitle him to practice taxidermy for profit in any county of the state until the first day of January next following the date of its issuance.

**77.32.210 Fur dealer's license.** Any person may, by paying the sum of ten dollars, obtain a license, which shall entitle the holder

thereof to purchase, receive, or resell raw furs for profit in any county of the state until the first day of January next following the date of its issuance.

**77.32.220 Records and reports of taxidermists and fur dealers.** All licensed taxidermists and fur dealers shall permit inspection of their records by the director or his duly authorized representatives at reasonable times concerning all dealings regarding wild animals, wild birds, or game fish and shall make such reports containing such information as may be required by rule and regulation of the commission.

**77.32.230 Free licenses—Certain veterans—Blind persons.** Any bona fide resident of this state who is blind or who is a veteran of the Spanish-American War, or any person sixty-five or more years of age who is an honorably discharged veteran of the United States military or naval forces having a service-connected disability and who has been a resident of this state for five years, upon the making of an affidavit to such effect, shall be given a state hunting and fishing license free of charge upon application therefor.

A special license authorizing fishing only shall be given to the blind.

**77.32.240 Permits for scientific purposes.** The director may issue permits limited as to number and duration for the collection of wild birds, their nests, and eggs, game animals, fur-bearing animals, or game fish for scientific purposes only, within certain game areas or throughout the state. Before any such permit is issued, the applicant therefor shall file an application in writing stating his name, age, and place of residence. The application shall be accompanied by a certificate signed by the president or the curator of the museum of either the University of Washington or the State College of Washington certifying that the applicant is a person of good moral character and is possessed of sufficient scientific knowledge to warrant the issuance of the permit. The applicant shall file a bond running to the state with good and sufficient surety, to be approved by the director, in the penal sum of one thousand dollars, and conditioned for the faithful compliance with all the provisions of the permit and of this section. The director may issue permits without bond to any accredited representative of any museum or institute of natural history of the United States or any state or county presenting credentials under the seal of such museum or institute. Permits shall be valid for the time limited therein, unless sooner revoked, but in no instance for a period of more than one year from the first day of March of the year in which they are issued.

It shall be unlawful for any person having a permit issued under this section to sell or offer for sale any specimens collected, but the holder of any such permit may exchange such specimens with any state university or any museum or institute of natural history of the United States, or any state, or any country, or with any individual holding a similar permit from this state or another state.

Every holder of such permit who violates any of the provisions of this section shall forfeit his permit and the penalty of the bond required for the issuance thereof and he shall be prohibited from being issued a similar permit for a period of one year.

**77.32.250 Licenses nontransferable.** Licenses issued under this title shall not be transferable. Any person hunting, trapping, or fishing, shall, upon the demand of the director, any game protector, deputy game protector, ex officio game protector, sheriff, constable, or police officer, exhibit his license to such officer, and write his name for the purpose of comparison with the signature on the license, and his failure or refusal to exhibit his license and write his name upon demand shall be prima facie evidence that such person has no license or is not the person named in the license in his possession.

**77.32.260 Forfeiture of license by judicial decree.** Upon conviction of any person of a violation of any provision of this title, or rule or regulation of the commission, the judge or justice of the peace may, in addition to the penalty imposed by law, forfeit the license of such person. Upon subsequent conviction of any such person of any violation of any provision of this title or rule or regulation of the commission, the forfeiture of such license shall be mandatory. The commission may by rule and regulation prohibit the issuance of a license to any person convicted two or more times of any such violation or prescribe the conditions under which such license may be issued.

**77.32.270 Suspension of sentence.** Any judge or justice of the peace may suspend the whole or any part of any fine or sentence imposed by him upon any person found guilty of violating any of the provisions of this title or any rule or regulation of the state game commission.

**77.32.280 Revocation for shooting person or livestock.** The director shall revoke the hunting license of any person who shoots any other person or any domestic livestock while hunting. No hunting license shall thereafter be reissued to such person unless the commission, after a hearing held at one of its regular meetings, authorizes the issuance of such license, and providing the licensee shall have paid for all liquidated damages caused by the wrongful shooting. Any person may appeal to the superior court of the

county of his residence from any decision of the commission, providing notice of such appeal is served on the commission and filed in said court within thirty days following the refusal of the commission to issue such license.

## Chapter 77.40

### SHOOTING GROUNDS

**77.40.010 Public shooting grounds—Skagit county.** The following described tidelands situated in Skagit county, to wit: All tidelands of the second class, including detached tidelands, owned by the state situated in front of, adjacent to or abutting upon section 7, township 33 north, range 3 east, Willamette Meridian, lying south of the north line of said section 7, produced west, north of the south line of said section 7, produced west, and east of a line parallel to and one mile west of the east line of said section 7, are hereby declared to be proper for use as a public shooting grounds.

**77.40.020 Grounds withdrawn from sale or lease.** Upon the filing with the commissioner of public lands of a certificate showing that such lands are about to be used for public shooting grounds by the department, they shall be withdrawn from sale or lease and may be thereafter used as a public shooting grounds under the control of the department: *Provided*, That they may be used by the commissioner of public lands for booming purposes. Should the department no longer desire to use the lands for such purposes it shall certify such fact to the commissioner of public lands and the lands shall thereafter be under the supervision, care, and control of the commissioner of public lands and subject to sale or lease as provided by law.

**77.40.030 Deed of tidelands—Mason county.** The commissioner of public lands shall certify, in the manner now provided by law in other cases, to the governor, for deed to the department, all of the following described tidelands, situate in Mason county, to wit: Beginning at a point in front of section 6, township 21 north, range 3 west, W. M., which is S 44° 30' W 920 feet distant from the meander corner on the north line of said section and running thence S 4° 10' E 1073.5 feet, S 13° 10' W 1269.7 feet, S 74° 40' W 670 feet and S 27° 32' W 1125 feet to a point which is N 45° 50' E 1932 feet distant from the southwest corner of said section 6; thence N 9° 30' W 3530 feet and east 1960 feet to said point of beginning, containing an area of 104.68 acres according to the plat thereof on file in the office of the commissioner of public lands subject, however, to a right of way for transmission line over said tract granted to the city of Tacoma.

**77.40.040 Governor to execute deed.** The governor shall execute, and the secretary of state shall attest, a deed conveying to the department all of the tidelands described in RCW 77.40.030.

**77.40.050 Use as public shooting grounds.** All of the tidelands described in RCW 77.40.030 are granted to the department to be used as a public shooting grounds and for no other purposes; and in case the department attempts to use or permits the use of such lands, or any portion thereof, for any other purpose, or in the event that the lands are no longer used as a public shooting grounds, they shall forthwith revert to the state and the department shall certify such reversion to the commissioner of public lands.

**77.40.060 Rules and regulations.** The department may make rules and regulations in relation to the use of such tidelands for the purposes specified.

**77.40.070 Public shooting grounds—Skagit and Snohomish counties.** The following described tidelands situated in Skagit and Snohomish counties, to wit:

All tidelands of the second class, owned by the state, situate in front of, adjacent to, or abutting upon the following described uplands:

Lots 3, 4, 5, 6, 7, 8, 9, and 10, section 25, township 33 north, range 3 east, W. M., with a frontage of 280.40 lineal chains, more or less; also

Lots 10 and 11 and the west side of lots 9 and 12, section 30, township 33 north, range 4 east, W. M., with a frontage of 125.56 lineal chains, more or less; also

Lot 3 and the west side of lots 2 and 4, section 31, township 33 north, range 4 east, W. M., with a frontage of 54.80 lineal chains, more or less; also

All detached tidelands of the second class, owned by the state, lying within or in front of sections 20, 21, 22, 25, 26, 27, 35, and 36, township 33 north, range 3 east, W. M., lots 10 and 11 and the west side of lots 9 and 12, section 30 and section 31, township 33 north, range 4 east, W. M., and section 1, township 32 north, range 3 east, W. M., lying northeasterly of a line running southeasterly from a point one mile west of the northeast corner of said section 20 to a point one mile west of the quarter section corner on the south line of said section 1, are hereby declared to be suitable and proper for use as a public shooting grounds.

**77.40.080 Grounds withdrawn from sale or lease.** Upon the filing with the commissioner of public lands of a certificate showing that such lands are about to be used for a public shooting grounds by the department, the lands shall be withdrawn from sale or lease and may be thereafter used as a public shooting grounds under the



control of the department: *Provided*, That they may be used by the commissioner of public lands for booming purposes. Should the department no longer desire to use such lands for such purposes it shall certify such fact to the commissioner of public lands, and the lands shall thereafter be under the supervision, care, and control of the commissioner of public lands and subject to sale or lease as provided by law.

**77.40.090 Certain tidelands in Skagit, Snohomish, and Island counties.** The commissioner of public lands shall withdraw from sale or lease, except lease for the production of oysters or for booming purposes, the following described second class tidelands and detached tidelands within the boundaries hereinafter set forth:

Those tidelands lying within an area beginning at a point on the meander line at the Skagit-Whatcom line, thence following the meander line in its general southerly direction to the north boundary of the Swinomish Indian Reservation, thence westerly along the north line of said Indian reservation to the base of Marches Point, thence northerly along the meander line to the north meander corner on the west line of section 28, township 35 north, range 2 E., W. M., thence north to the Whatcom county line, thence easterly along said county line to the point of beginning.

Also, all tidelands of the second class, including detached tidelands in Skagit county lying south of the main channel of the Swinomish Slough.

Also, those tidelands in Snohomish and Island counties located in township 32 north, range 3 E., W. M.

Also, those tidelands lying in front of sections 1, 2 and 11 and 12, township 31 north, range 3 E., W. M., in Snohomish county.

All the tidelands described in this section shall be available for use as public shooting grounds under the direction and control of the state game commission.

## Chapter 77.98

### CONSTRUCTION

**77.98.010 Continuation of existing law.** The provisions of this title insofar as they are substantially the same as statutory provisions repealed by this chapter, and relating to the same subject matter, shall be construed as restatements and continuations, and not as new enactments.

**77.98.020 Title, chapter, section headings not part of law.** Title headings, chapter headings, and section or subsection headings, as used in this title do not constitute any part of the law.

**77.98.030 Invalidity of part of title not to affect remainder.**

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

**77.98.040 Repeals and saving.** The following acts or parts of acts

- (1) Chapter 65, Laws of 1953;
- (2) Chapter 66, Laws of 1953;
- (3) Chapter 75, Laws of 1953;
- (4) Chapter 127, Laws of 1953;
- (5) Chapter 77, Laws of 1951;
- (6) Chapter 124, Laws of 1951;
- (7) Chapter 126, Laws of 1951;
- (8) Chapter 262, Laws of 1951;
- (9) Chapter 138, Laws of 1949;
- (10) Chapter 142, Laws of 1949;
- (11) Chapter 205, Laws of 1949;
- (12) Chapter 238, Laws of 1949;
- (13) Chapter 125, Laws of 1947 and Chapter 77.36, RCW;
- (14) Chapter 126, Laws of 1947;
- (15) Chapter 127, Laws of 1947;
- (16) Chapter 128, Laws of 1947;
- (17) Chapter 130, Laws of 1947;
- (18) Chapter 138, Laws of 1947;
- (19) Chapter 275, Laws of 1947;
- (20) Chapter 179, Laws of 1945;
- (21) Chapter 257, Laws of 1943;
- (22) Chapter 165, Laws of 1941;
- (23) Chapter 190, Laws of 1941;
- (24) Chapter 140, Laws of 1939;

are each repealed but such repeal shall not be construed as affecting any existing right acquired under the provisions of the statutes repealed, nor as affecting any proceeding instituted thereunder, nor any rule, regulation or order promulgated thereunder.

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

Passed the Senate January 26, 1955.

Passed the House February 2, 1955.

Approved by the Governor February 23, 1955.

## CHAPTER 37.

[ S. B. 11. ]

## CIVIL PROCEDURE—COURT RULES.

AN ACT relating to civil procedure and repealing section 37, chapter 61, Laws of 1893, and RCW 4.88.290; and declaring an emergency.

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

SECTION 1. Section 37, chapter 61, Laws of 1893, and RCW 4.88.290 are each repealed. Repeal.

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

Passed the Senate January 21, 1955.

Passed the House February 1, 1955.

Approved by the Governor February 23, 1955.

## CHAPTER 38.

[ S. B. 8. ]

## COURTS OF RECORD.

AN ACT relating to courts of record; amending section 4, page 322, Laws of 1889-90; repealing section 1, chapter 15, Laws of 1937 and section 2, chapter 119, Laws of 1911 and section 2, chapter 5, Laws of 1893 and section 3, page 321, Laws of 1899-90, and enacting RCW 2.04.100; amending section 5, page 342, Laws of 1889-90, and RCW 2.08.010; amending section 8, chapter 125, Laws of 1951, and RCW 2.08.069; repealing section 2, chapter 15, Laws of 1937, and section 4, page 342, Laws of 1889-90, and enacting RCW 2.08.120; amending section 1, chapter 37, Laws of 1943, and RCW 2.12.040; amending section 2, chapter 58, Laws of 1933, Extraordinary Session, and RCW 2.16.020; amending section 3, chapter 58, Laws of 1933, Extraordinary Session, and RCW 2.16.030; amending section 4, chapter 58, Laws of 1933, Extraordinary Session, and RCW 2.16.040; amending section 5, chapter 58, Laws of 1933, Extraordinary Session, and RCW 2.16.050; amending section 6, chapter 58, Laws of 1933, Extraordinary Session, and RCW 2.16.060; amending section 1, chapter 54, Laws of 1891, and RCW 2.28.010; amending

section 6, chapter 54, Laws of 1891, and RCW 2.28.060; amending section 11, chapter 54, Laws of 1891, and RCW 2.28.140; amending section 12, chapter 54, Laws of 1891, and RCW 2.28.150; repealing sections 1, 12, 15 and 18 of "An Act relating to the organization, powers and duties of the supreme court, and declaring an emergency to exist", chapter XI, Laws of 1889-90; repealing sections 16 and 18 of "An Act in relation to the organization, powers and duties of the Superior Courts, and declaring an emergency", chapter XI, Laws of 1889-90; repealing sections 14 and 15, chapter 54, Laws of 1891; repealing section 28, chapter 146, Laws of 1891; repealing sections 1 and 2, chapter 5, Laws of 1893; repealing sections 1, 2 and 3, chapter 168, Laws of 1901; and repealing chapter 5, Laws of 1905; and declaring an emergency.

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

Amendment.

SECTION 1. Section 4 of "AN ACT relating to the organization, powers and duties of the Supreme Court, and declaring an emergency to exist," approved December 23, 1889; Laws of 1889-90, page 322, uncodified, is amended to read as follows:

Supreme court; accommodations and supplies.

If proper rooms in which to hold the court, and for the accommodation of the officers thereof, are not provided by the state, together with attendants, furniture, fuel, lights, record books and stationery, suitable and sufficient for the transaction of business, the court, or any three justices thereof, may direct the clerk of the supreme court to provide the same; and the expense thereof, certified by any three justices to be correct, shall be paid out of the state treasury out of any funds therein not otherwise appropriated. Such moneys shall be subject to the order of the clerk of the supreme court, and be by him disbursed on proper vouchers, and accounted for by him in annual settlements with the state auditor.

Repeal; enactment.

SEC. 2. Section 1, chapter 15, Laws of 1937; section 2, chapter 119, Laws of 1911; section 2, chapter 5, Laws of 1893; and section 3, page 321, Laws of 1889-90, being "AN ACT relating to the organization,

powers and duties of the Supreme Court \* \* \* ,” approved December 23, 1889, are each repealed; and RCW 2.04.100 is enacted to read as follows:

If a vacancy occur in the office of a judge of the supreme court, the governor shall appoint a person to hold the office until the election and qualification of a judge to fill the vacancy, which election shall take place at the next succeeding general election, and the judge so elected shall hold the office for the remainder of the unexpired term.

Supreme  
court;  
vacancies.

SEC. 3. Section 5 of “AN ACT in relation to the organization, powers and duties of the Superior Courts, \* \* \* ,” approved March 27, 1890, being Laws of 1889-90, page 342, section 5; and RCW 2.08.010 are each amended to read as follows:

Amendment.

The superior court shall have original jurisdiction in all cases in equity, and in all cases at law which involve the title or possession of real property, or the legality of any tax, impost, assessment, toll or municipal fine, and in all other cases in which the demand or the value of the property in controversy amounts to three hundred dollars, and in all criminal cases amounting to felony, and in all cases of misdemeanor not otherwise provided for by law; of actions of forcible entry and detainer; of proceedings in insolvency; of actions to prevent or abate a nuisance; of all matters of probate, of divorce and for annulment of marriage, and for such special cases and proceedings as are not otherwise provided for; and shall also have original jurisdiction in all cases and of all proceedings in which jurisdiction shall not have been by law vested exclusively in some other court, and shall have the power of naturalization and to issue papers therefor. Said courts and their judges shall have power to issue writs of mandamus, quo warranto, review, certiorari, prohibition and writs of habeas corpus on petition by or on behalf of any person in actual custody in their respective

Superior  
courts;  
original  
jurisdiction.

Power to issue  
certain writs.

counties. Injunctions and writs of prohibition and of habeas corpus may be issued on legal holidays and nonjudicial days.

Amendment.

SEC. 4. Section 8, chapter 125, Laws of 1951, and RCW 2.08.069 are each amended to read as follows:

Superior courts; additional judges.

Unless otherwise provided, upon the taking effect of any act providing for additional judges of the superior court and thereby creating a vacancy, the governor shall appoint a person to hold the office until the election and qualification of a judge to fill the vacancy, which election shall be at the next succeeding general election, and the judge so elected shall hold office for the remainder of the unexpired term.

Repeal; enactment.

SEC. 5. Section 2, chapter 15, Laws of 1937; and section 4, page 342, Laws of 1889-90, being "AN ACT in relation to the organization, powers and duties of the Superior Courts \* \* \*," approved March 27, 1890 are each repealed; and RCW 2.08.120 is enacted to read as follows:

Superior courts; vacancies.

If a vacancy occurs in the office of judge of the superior court, the governor shall appoint a person to hold the office until the election and qualification of a judge to fill the vacancy, which election shall be at the next succeeding general election, and the judge so elected shall hold office for the remainder of the unexpired term.

Amendment.

SEC. 6. Section 1, chapter 37, Laws of 1943, and RCW 2.12.040 are each amended to read as follows:

Retired judge accepting judicial office.

If any retired judge shall accept an appointment or an election to a judicial office, he shall be entitled to receive the full salary pertaining thereto, and his retirement pay under this chapter shall be suspended during such term of office and his salary then received shall be subject to contribution to the judges' retirement fund as provided in this chapter.

SEC. 7. Section 2, chapter 58, Laws of 1933, Extraordinary Session, and RCW 2.16.020 are each amended to read as follows: Amendment.

The judges shall elect from their number a president, who shall be called president judge, and a secretary, who shall hold their offices from the date of one annual meeting of the association to the next. Association of superior court judges; president judge and secretary.

SEC. 8. Section 3, chapter 58, Laws of 1933, Extraordinary Session, and RCW 2.16.030 are each amended to read as follows: Amendment.

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. 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. It shall be the duty of every judge to obey such directions of the president judge, unless excused by him for sufficient cause. Association of superior court judges; relief of trial calendar congestion.

SEC. 9. Section 4, chapter 58, Laws of 1933, Extraordinary Session, and RCW 2.16.040 are each amended to read as follows: Amendment.

At its annual meetings, pursuant to Section 24, Article 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. Association of superior court judges; uniform rules.

Amendment. SEC. 10. Section 5, chapter 58, Laws of 1933, Extraordinary Session, and RCW 2.16.050 are each amended to read as follows:

Association of superior court judges; meetings.

The 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.

Amendment. SEC. 11. Section 6, chapter 58, Laws of 1933, Extraordinary Session, and RCW 2.16.060 are each amended to read as follows:

Association of superior court judges; expenses for attending meetings.

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

Expenses of visiting judges.

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

(3) Upon presenting to the state auditor a statement signed by himself and approved by the president judge, showing 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.

Amendment. SEC. 12. Section 1, chapter 54, Laws of 1891, and RCW 2.28.010 are each amended to read as follows:

Courts of justice; powers.

Every court of justice has power—1. To preserve and enforce order in its immediate presence. 2. To enforce order in the proceedings before it, or before a person or body empowered to conduct a judicial investigation under its authority. 3. To provide for the orderly conduct of proceedings before it or its officers. 4. To compel obedience to its judgments, decrees, orders and process, and to the orders of a judge out of court, in an action, suit or proceeding pending therein. 5. To control, in furtherance of justice, the conduct of its ministerial officers, and of



all other persons in any manner connected with a judicial proceeding before it, in every matter appertaining thereto. 6. To compel the attendance of persons to testify in an action, suit or proceeding therein, in the cases and manner provided by law. 7. To administer oaths in an action, suit or proceeding pending therein, and in all other cases where it may be necessary in the exercise of its powers or the performance of its duties.

SEC. 13. Section 6, chapter 54, Laws of 1891, and RCW 2.28.060 are each amended to read as follows: Amendment.

Every judicial officer has power—(1) To preserve and enforce order in his immediate presence and in the proceedings before him, when he is engaged in the performance of a duty imposed upon him by law. (2) To compel obedience to his lawful orders as provided by law. (3) To compel the attendance of persons to testify in a proceeding pending before him, in the cases and manner provided by law. (4) To administer oaths to persons in a proceeding pending before him, and in all other cases where it may be necessary in the exercise of his powers and the performance of his duties. Judicial officers; powers.

SEC. 14. Section 11, chapter 54, Laws of 1891, and RCW 2.28.140 are each amended to read as follows: Amendment.

If the proper authority neglects to provide any superior court with rooms, furniture, fuel, lights and stationery suitable and sufficient for the transaction of its business and for the jury attending upon it, if there be one, the court may order the sheriff to do so, at the place within the county designated by law for holding such court; and the expense incurred by the sheriff in carrying such order into effect, when ascertained and ordered to be paid by the court, is a charge upon the county. Superior courts; accommodations and supplies.

## Amendment.

SEC. 15. Section 12, chapter 54, Laws of 1891, and RCW 2.28.150 are each amended to read as follows:

Implied powers of courts and judicial officers.

When jurisdiction is, by the Constitution of this state, or by statute, conferred on a court or judicial officer all the means to carry it into effect are also given; and in the exercise of the jurisdiction, if the course of proceeding is not specifically pointed out by statute, any suitable process or mode of proceeding may be adopted which may appear most conformable to the spirit of the laws.

## Repeal.

SEC. 16. The following acts and parts of acts are each repealed:

(1) Sections 1, 12, 15, and 18 of "AN ACT relating to the organization, powers and duties of the supreme court, and declaring an emergency to exist." approved December 23, 1889. (Chapter XI, "Courts", Laws of 1889-90, page 321.)

(2) Sections 16 and 18 of "AN ACT in relation to the organization, powers and duties of the Superior Courts, and declaring an emergency."; approved March 27, 1890. (Chapter XI, "Courts", Laws of 1889-90, page 341.)

(3) Sections 14 and 15, chapter 54, Laws of 1891.

(4) Section 28, chapter 146, Laws of 1891.

(5) Section 1, chapter 5, Laws of 1893.

(6) Sections 1, 2, and 3, chapter 168, page 345, Laws of 1901 (erroneously numbered in session laws as CXLVIII [148]).

## Savings.

(7) Chapter 5, Laws of 1905.

Such repeals shall not be construed as affecting any existing rights acquired under the provisions of the statutes repealed, nor as affecting any proceeding instituted thereunder.

## Emergency.

SEC. 17. This act is necessary for the immediate preservation of the public peace, health and safety,

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

Passed the Senate January 21, 1955.

Passed the House February 1, 1955.

Approved by the Governor February 23, 1955.

## CHAPTER 39.

[ S. B. 9. ]

### INTOXICATING LIQUOR—EXEMPTIONS— SEARCH AND SEIZURE.

AN ACT relating to intoxicating liquors; amending section 32, chapter 62, Laws of 1933, Extraordinary Session and RCW 66.12.010; revising and amending section 33, chapter 62, Laws of 1933, Extraordinary Session, section 3, chapter 216, Laws of 1943, and RCW 66.32.010, 66.32.020, 66.32.030, 66.32-.040, 66.32.050, 66.32.060, 66.32.070, and 66.32.080; and declaring an emergency.

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

SECTION 1. Section 32, chapter 62, Laws of 1933, Extraordinary Session and RCW 66.12.010 are each amended to read as follows: Amendment.

(RCW 66.12.010) Nothing in this title shall apply to wine or beer manufactured in any home for consumption therein, and not for sale. Exempt from title.

SEC. 2. Section 33, chapter 62, Laws of 1933, Extraordinary Session, and section 3, chapter 216, Laws of 1943, amendatory thereof, (heretofore divided and codified as RCW 66.32.010, 66.32.020, 66.32.030, 66.32-.040, 66.32.050, 66.32.060, 66.32.070 and 66.32.080) are divided and amended as set forth in sections 3 through 10 of this act. Division and amendment.

SEC. 3. (RCW 66.32.010) Except as permitted by the board, no liquor shall be kept or had by any person within this state unless the package in which the liquor was contained had, while containing that Package to be sealed.

liquor, been sealed with the official seal adopted by the board, except in the case of:

Exceptions.

- (1) Liquor imported by the board; or
- (2) Liquor manufactured in the state for sale to the board or for export; or
- (3) Beer, purchased in accordance with the provisions of law; or
- (4) Wine or beer exempted in RCW 66.12.010.

Enacted without amendment.

SEC. 4. (RCW 66.32.020) If, upon the sworn complaint of any person, it is made to appear to any judge of the superior court, justice of the peace, or magistrate, that there is probable cause to believe that intoxicating liquor is being manufactured, sold, bartered, exchanged, given away, furnished, or otherwise disposed of or kept in violation of the provisions of this title, such judge, justice of the peace, or magistrate shall, with or without the approval of the prosecuting attorney, issue a warrant directed to a civil officer of the state duly authorized to enforce or assist in enforcing any law thereof, or to an inspector of the board, commanding him to search the premises designated and described in the complaint and warrant, and to seize all intoxicating liquor there found, together with the vessels in which it is contained, and all implements, furniture, and fixtures used or kept for the illegal manufacture, sale, barter, exchange, giving away, furnishing, or otherwise disposing of the liquor, and to safely keep the same, and to make a return of the warrant within ten days, showing all acts and things done thereunder, with a particular statement of all articles seized and the name of the person or persons in whose possession they were found, if any, and if no person is found in the possession of the articles, the return shall so state.

This Section amended by Sec. 1, Chap. 288, Laws of 1955.

Enacted without amendment.

SEC. 5. (RCW 66.32.030) A copy of the warrant, together with a detailed receipt for the property taken shall be served upon the person found in pos-

session of any intoxicating liquor, furniture, or fixtures so seized, and if no person is found in possession thereof, a copy of the warrant and receipt shall be left in a conspicuous place upon the premises wherein they are found.

SEC. 6. (RCW 66.32.040) All liquor seized pursuant to the authority of the warrant shall, upon adjudication that it was kept in violation of this title, be forfeited and upon forfeiture be delivered to the board. Enacted  
without  
amendment.

SEC. 7. (RCW 66.32.050) Upon the return of the warrant as provided herein, the judge, justice of the peace, or magistrate shall fix a time, not less than ten days, and not more than thirty days thereafter, for the hearing of the return, when he shall proceed to hear and determine whether or not the articles seized, or any part thereof, were used or in any manner kept or possessed by any person with the intention of violating any of the provisions of this title. Enacted  
without  
amendment.

SEC. 8 (RCW 66.32.060) At the hearing, any person claiming any interest in any of the articles seized may appear and be heard upon filing a written claim setting forth particularly the character and extent of his interest, and the burden shall rest upon the claimant to show, by competent evidence, his property right or interest in the articles claimed, and that they were not used in violation of any of the provisions of this title, and were not in any manner kept or possessed with the intention of violating any of its provisions. Enacted  
without  
amendment.

SEC. 9. (RCW 66.32.070) If, upon the hearing, the evidence warrants, or, if no person appears as claimant, the judge, justice of the peace, or magistrate shall thereupon enter a judgment of forfeiture, and order such articles destroyed forthwith: *Provided*, That if, in the opinion of the judge, justice of the peace, or magistrate, any of the forfeited articles Enacted  
without  
amendment.

other than intoxicating liquors are of value and adapted to any lawful use, the judge, justice of the peace, or magistrate shall, as a part of the order and judgment, direct that the articles other than intoxicating liquor be sold as upon execution by the officer having them in custody, and the proceeds of the sale after payment of all costs of the proceedings shall be paid into the liquor revolving fund.

Abatement not bar to further prosecution.

SEC. 10. (RCW 66.32.080) Action under RCW 66.32.010 through 66.32.080 and the forfeiture, destruction, or sale of any articles thereunder shall not bar prosecution under any other provision.

Emergency.

SEC. 11. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate January 21, 1955.

Passed the House February 1, 1955.

Approved by the Governor February 23, 1955.

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CHAPTER 40.

[ S. B. 12. ]

JUDICIAL COUNCIL—MEMBERSHIP.

AN ACT relating to the judicial council; amending section 1, chapter 45, Laws of 1925, Extraordinary Session, and RCW 2.52.010; and declaring an emergency.

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

Amendment.

SECTION 1. Section 1, chapter 45, Laws of 1925, Extraordinary Session, and RCW 2.52.010 are each amended to read as follows:

Establishment and membership.

There is hereby established a judicial council, which shall consist of the chief justice and one other judge of the supreme court, two judges of the superior court, two members of the legislature, and three members of the bar who are practicing law and

one of whom is a prosecuting attorney. The judge of the supreme court other than the chief justice shall be chosen by the court. The two judges of the superior court shall be chosen by the judges of the superior court through their association. The members of the legislature shall be the persons last appointed chairman of the judiciary committees of the senate and the house. The members of the bar shall be appointed by the chief justice of the supreme court with the advice and consent of the other judges of the court.

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

Passed the Senate January 21, 1955.

Passed the House February 2, 1955.

Approved by the Governor February 23, 1955.

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## CHAPTER 41.

[ S. B. 13. ]

### LIMITATIONS OF ACTIONS.

AN ACT relating to limitations of actions; repealing section 32, Code of 1881 and RCW 4.16.120; and declaring an emergency.

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

SECTION 1. Section 32, Code of 1881 and RCW Repeal.  
4.16.120 are each repealed.

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

Passed the Senate January 21, 1955.

Passed the House February 2, 1955.

Approved by the Governor February 23, 1955.

## CHAPTER 42.

[ S. B. 16. ]

## CRIMINAL PROCEDURE—TERM OF SENTENCE.

AN ACT relating to criminal procedure; repealing sections 30, 33 and 34, chapter 61, Laws of 1893, and section 1, chapter 35, Laws of 1903, and RCW 10.70.030, 10.73.030, 10.73.070 and 10.73.080; and declaring an emergency.

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

Repeal.

SECTION 1. Sections 30, 33 and 34, chapter 61, Laws of 1893, and section 1, chapter 35, Laws of 1903, and RCW 10.70.030, 10.73.030, 10.73.070 and 10.73.080 are each repealed.

New section.

SEC. 2. A new section is added to chapter 9.95, RCW, to read as follows:

Appeal stays execution.

An appeal by a defendant in a criminal action shall stay the execution of the judgment of conviction.

Time served in county jail during appeal deductible from sentence.

In case the defendant has been convicted of a felony, and has been unable to furnish the bail bond required by RCW 10.73.040 pending the appeal, the time during which he remains in the jail of the county from which the appeal is taken shall be deducted from the term for which he was theretofore sentenced to the penitentiary, if the judgment against him be affirmed.

New section.

SEC. 3. A new section is added to chapter 9.95, RCW, to read as follows:

Commencement of term of sentence.

In the event no appeal is taken from the judgment of conviction of a felony, the term of sentence imposed upon such judgment shall commence to run from the date of the imposition thereof. In the event an appeal is taken from such judgment of conviction, and upon such appeal the judgment is affirmed, the term of sentence shall commence to run from the date upon which the remittitur is filed in the superior court.



SEC. 4. A new section is added to chapter 9.95, RCW, to read as follows: New section.

If a defendant who has been in prison during the pendency of an appeal, upon a new trial ordered by the supreme court shall be again convicted, the period of his former imprisonment shall be deducted by the superior court from the period of imprisonment to be fixed on the last verdict of conviction. Conviction on new trial; former imprisonment deductible.

SEC. 5. The provisions of sections 2, 3, and 4 of this act shall be construed as continuations of the statutory provisions repealed by this act, and not as new enactments. Construction.

SEC. 6. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government, and its existing public institutions, and shall take effect immediately. Emergency.

Passed the Senate January 21, 1955.

Passed the House February 2, 1955.

Approved by the Governor February 23, 1955.

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## CHAPTER 43.

[ S. B. 14. ]

### LIMITATIONS OF ACTIONS BY AND AGAINST STATE, COUNTIES, ETC.

AN ACT relating to civil procedure; providing for limitations of actions by and against state, counties, municipalities and other political subdivisions; providing for the time when actions are deemed commenced for the purpose of tolling any statute of limitations; and amending and dividing section 1, chapter 24, Laws of 1903, and RCW 4.16.160 and 4.16.170; and declaring an emergency.

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

SECTION 1. Section 1, chapter 24, Laws of 1903 (heretofore divided and codified as RCW 4.16.160 and 4.16.170) is divided and amended as set forth in sections 2 and 3 of this act. Division and amendment.

Actions for benefit of county, municipality, or quasi-municipality.

Actions concerning state.

Tolling statute of limitations.

Emergency.

SEC. 2. (RCW 4.16.160) The limitations prescribed in this chapter shall apply to actions brought in the name or for the benefit of any county or other municipality or quasimunicipality of the state, in the same manner as to actions brought by private parties: *Provided*, That there shall be no limitation to actions brought in the name or for the benefit of the state, and no claim of right predicated upon the lapse of time shall ever be asserted against the state: *And further provided*, That no previously existing statute of limitations shall be interposed as a defense to any action brought in the name or for the benefit of the state, although such statute may have run and become fully operative as a defense prior to February 27, 1903, nor shall any cause of action against the state be predicated upon such a statute.

SEC. 3. (RCW 4.16.170) For the purpose of tolling any statute of limitations an action shall not be deemed commenced until the complaint is filed.

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

Passed the Senate January 21, 1955.

Passed the House February 2, 1955.

Approved by the Governor February 23, 1955.

## CHAPTER 44.

[ S. B. 15. ]

## NEW TRIALS—NEWLY DISCOVERED GROUNDS.

AN ACT relating to civil procedure; amending section 2, page 21, Laws of 1875, section 439, page 96, Laws of 1877, section 437, Code of 1881, and RCW 4.76.080; and declaring an emergency.

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

SECTION 1. Section 2, page 21, Laws of 1875, section 439, page 96, Laws of 1877, section 437, Code of 1881, and RCW 4.76.080 are each amended to read as follows: Amendment.

When the grounds for a new trial could not with reasonable diligence have been discovered before, but are discovered after the time when the verdict, report of referee, or decision was rendered or made, the application may be made by petition filed as in other cases, not later than after the discovery, on which notice shall be served and returned, and the defendant held to appear as in an original action. The facts stated in the petition shall be considered as denied without answer. The case shall be tried as other cases by ordinary proceedings, but no motion shall be filed more than one year after the final judgment was rendered. Grounds discovered after verdict, report, or decision.

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

Passed the Senate January 21, 1955.

Passed the House February 2, 1955.

Approved by the Governor February 23, 1955.

CHAPTER 45.

[ S. B. 26. ]

GUARDIANSHIP PROCEEDINGS—TRANSFER OF JURISDICTION AND VENUE.

AN ACT authorizing superior courts to transfer jurisdiction and venue of guardianship proceedings; adding a new section to chapter 11.88, RCW.

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

New section.

SECTION 1. There is added to chapter 11.88 RCW, a new section to read as follows:

Authorization and procedure to transfer jurisdiction and venue of guardianship proceedings.

The superior court of any county having jurisdiction of any guardianship proceeding is authorized to transfer jurisdiction and venue of the guardianship proceeding to the superior court of any other county of the state upon application of the guardian and such notice to a ward or other interested party as the court may require. Such transfers of guardianship proceedings shall be made to the superior court of a county wherein either the guardian or ward resides, as the court may deem appropriate, at the time of making application for such transfer. The original order providing for any such transfer shall be retained as a permanent record by the clerk of the court in which such order is entered, and a certified copy thereof together with the original file in such guardianship proceeding and a certified transcript of all record entries up to and including the order for such change shall be transmitted to the clerk of the court to which such proceeding is transferred.

Passed the Senate January 21, 1955.

Passed the House February 16, 1955.

Approved by the Governor February 23, 1955.

CHAPTER 46.

[ H. B. 70. ]

FIRE DISTRICTS—EMPLOYEES' PENSIONS.

AN ACT adopting the provisions of chapter 41.16 RCW as a pension program for full time fire protection district firemen, and adding a new section to chapter 41.16 RCW.

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

SECTION 1. There is added to chapter 41.16 RCW, New section.  
a new section to read as follows:

Any fire protection district having a full paid fire department may by resolution of its board of fire commissioners provide for the participation of its full time employees in a pension program in the same manner, with the same powers, and with the same force and effect as to such districts as the pension program provided by chapter 41.16 RCW for cities, towns and municipalities, or fire protection districts. Resolution authorizing pension for full time employees.

Passed the House February 1, 1955.

Passed the Senate February 16, 1955.

Approved by the Governor February 24, 1955.

CHAPTER 47.

[ H. B. 127. ]

WASHINGTON FRUIT COMMISSION—DEFINITIONS—  
DELINQUENT ASSESSMENTS.

AN ACT relating to the Washington state fruit commission; amending section 1, chapter 73, Laws of 1947 and RCW 15.28.010, and section 22, chapter 73, Laws of 1947 and RCW 15.28.230.

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

SECTION 1. Section 1, chapter 73, Laws of 1947 and RCW 15.28.010 are each amended to read as follows: Amendment.

As used in this chapter: Definitions.

- "Commission." (1) "Commission" means the Washington state fruit commission.
- "Shipment" or "shipped." (2) "Shipment" or "shipped" includes loading in a conveyance to be transported to market for resale, and includes delivery to a processor or processing plant, but does not include movement from the orchard where grown to a packing or storage plant within this state for fresh shipment;
- "Handler." (3) "Handler" means any person who ships or initiates the shipping operation, whether as owner, agent or otherwise;
- "Dealer." (4) "Dealer" means any person who handles, ships, buys, or sells soft tree fruits other than those grown by him, or who acts as sales or purchasing agent, broker, or factor of soft tree fruits;
- "Processor" or "processing plant." (5) "Processor" or "processing plant" includes every person or plant receiving soft tree fruits for the purpose of drying, dehydrating, canning, pressing, powdering, extracting, cooking, quick-freezing, bringing, or for use in manufacturing a product;
- "Soft tree fruits." (6) "Soft tree fruits" mean Barlett pears and all varieties of cherries, apricots, prunes, plums and peaches;
- "Commercial fruit" or "commercial grade." (7) "Commercial fruit" or "commercial grade" means soft tree fruits meeting the requirements of any established or recognized fresh fruit or processing grade. Fruit bought or sold on orchard run basis and not subject to cull weighback shall be deemed to be "commercial fruit."
- "Cull grade." (8) "Cull grade" means fruit of lower than commercial grade except when such fruit included with commercial fruit does not exceed the permissible tolerance permitted in a commercial grade;
- "Producer." (9) "Producer" means any person who is a grower of any soft tree fruit;
- "District No. 1" or "first district." (10) "District No. 1" or "first district" includes the counties of Chelan, Okanogan, Grant, Douglas, Ferry, Stevens, Pend Oreille, Spokane and Lincoln;

(11) "District No. 2" or "second district" includes the counties of Kittitas, Yakima, Benton, Franklin, Walla Walla, Columbia, Asotin, Garfield, Whitman and Adams; "District No. 2" or "second district."

(12) "District No. 3" or "third district" comprises all of the state not included in the first and second districts. "District No. 3" or "third district."

SEC 2. Section 22, chapter 73, Laws of 1947 and RCW 15.28.230 are each amended to read as follows: Amendment.

All assessments levied and imposed by this chapter shall be due prior to shipment and shall become delinquent if not paid within thirty days after the time established for such payment according to regulations of the commission. A delinquent penalty shall be payable on any such delinquent assessment, calculated as interest on the principal amount due at the rate of ten percent per annum. Any delinquent penalty shall not be charged back against the grower unless he caused such delay in payment of the assessment due. Assessments; due date and delinquencies.

Passed the House February 3, 1955.

Passed the Senate February 16, 1955.

Approved by the Governor February 24, 1955.

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## CHAPTER 48.

[ H. B. 147. ]

### COUNTIES—ELECTION RESERVE FUND.

AN ACT authorizing counties to create an election reserve fund, prescribing the purposes thereof, and adding two new sections to chapter 36.33 RCW.

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

SECTION 1. A new section is added to chapter 36.33 RCW to read as follows: New section.

The board of county commissioners may establish an election reserve fund for the payment of expenses Election re-serve fund established.

Transfers to  
election re-  
serve fund  
authorized.

of conducting regular and special state and county elections and compensation of election and registration officers and annually budget and levy a tax therefor. It may also make transfers into the election reserve fund from the current expense fund and receive funds for such purposes from cities, school districts and other subdivisions.

New section.

SEC. 2. A new section is added to chapter 36.33 RCW to read as follows:

Accumulations  
in current  
expense fund  
and election  
reserve funds.

The limits placed upon the amount to be accumulated in the current expense fund shall not affect the election reserve fund nor shall the existence of the election reserve fund affect the amount which may be accumulated in the current expense fund, nor shall any unexpended balance in the election reserve fund at the end of any budget year revert to the current expense fund but shall be carried forward in the election reserve fund to be used for the purposes for which the fund was created: *Provided*, That at a regular session, the county commissioners may transfer any surplus in said fund to the current expense fund, if they deem it expedient to do so.

Passed the House January 27, 1955.

Passed the Senate February 15, 1955.

Approved by the Governor February 24, 1955.



## CHAPTER 49.

[ H. B. 157. ]

## HIGHWAYS—ACQUISITION OF PROPERTY.

AN ACT relating to highways and acquisition of property therefor; authorizing options for purchase of rights of way for proposed projects or sections to permit review by highway commission prior to final adoption or acquisition.

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

SECTION 1. Whenever it becomes necessary or feasible to purchase rights of way for state highways, and the Washington state highway commission deems it to be in the best interest of the general public, the commission may, and it is hereby authorized, to secure options for purchase of property needed or proposed for any entire project or section thereof or proposed alignment for the location or relocation of any highway, for review by the commission before final adoption or acquisition. Options.

Passed the House February 3, 1955.

Passed the Senate February 15, 1955.

Approved by the Governor February 24, 1955.

## CHAPTER 50.

[ H. B. 341. ]

## ELECTIONS—ABSENTEE VOTING.

AN ACT relating to absentee voting; amending section 5, chapter 41, Laws of 1933 extraordinary session and RCW 29.36.060 and 29.36.070; and adding a new section to chapter 29.36 RCW.

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

SECTION 1. Section 5, chapter 41, Laws of 1933 extraordinary session, (heretofore codified as RCW 29.36.060 and 29.36.070) is divided and amended as set forth in sections 2 and 3 of this act. Division and amendment.

Enacted  
without  
amendment.

SEC. 2. (RCW 29.36.060) Commencing on the sixth day after any election or primary in which absentee voters have participated, the canvassing board shall examine the postmarks, receipt marks and affidavits on the outer envelopes containing absentee ballots and shall open each outer envelope post-marked or received (if not delivered by mail) not later than the primary or election day and upon which the affidavit has been executed according to law in such a way as not to mar the affidavit, the inner envelope or the ballot.

Upon the inner envelopes thus produced must be written the precinct name or number, city and county appearing on the outer envelope which contained it and no other mark except the signatures of the canvassing board.

The inner envelopes thus marked must be filed by the county auditor under lock and key. The outer envelopes to which must be attached the corresponding original absentee voters' certificates shall be sealed securely in one package and shall be kept by the auditor for future use in case any question should arise as to the validity of the vote.

*This Section amended by Sec. 7, Chap. 167, Laws of 1955.*

Canvass.

SEC. 3. (RCW 29.36.070) Upon the canvass of the votes, if there are on file one or more absentee ballot inner envelopes, the canvassing authority shall cause such envelopes to be opened and the ballots to be grouped and counted without regard as to precinct by legislative districts if the election is a state primary or state election, special or general.

These ballots shall be made a part of the returns and handled accordingly.

New section.

SEC. 4. There is added to chapter 29.36 RCW, a new section to read as follows:

List of voters.

After the completion of the canvass of the election returns of any primary or election, the canvassing authority shall cause the names of the persons

casting absentee ballots to be listed alphabetically and by precincts, according to incorporated and unincorporated areas. Such lists of absentee voters shall be sent to the appropriate registration officer who shall enter on the respective voter's registration record in the space provided for that purpose, the month, day and year of the primary or election (for example 11/2/54): *Provided*, That no precinct office shall appear upon an absentee ballot.

Passed the House February 9, 1955.

Passed the Senate February 16, 1955.

Approved by the Governor February 24, 1955.

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## CHAPTER 51.

[ Sub. H. B. 185. ]

### CLASS AA COUNTIES—HEALTH CARE AND GROUP INSURANCE.

AN ACT relating to counties; authorizing class AA counties to enter into health care service and group insurance contracts for the benefit of their employees; adding a new section to chapter 36.32 RCW; and declaring an emergency.

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

SECTION 1. There is added to chapter 36.32 RCW, New section.  
a new section to read as follows:

Any class AA county by a majority vote of its Insurance  
contracts;  
authorized.  
board of county commissioners may enter into contracts to provide health care services and/or group insurance for the benefit of its employees, and may Payment.  
pay all or any part of the cost thereof.

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

Passed the House February 8, 1955.

Passed the Senate February 18, 1955.

Approved by the Governor February 25, 1955.

CHAPTER 52.

[ H. B. 330. ]

FUNERAL DIRECTORS AND EMBALMERS—LICENSES.

AN ACT relating to the licensing of funeral directors and embalmers; and amending section 1, chapter 126, Laws of 1949 and RCW 18.39.030 and 18.39.080.

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

Division and amendment.

SECTION 1. Section 1, chapter 126, Laws of 1949, (heretofore codified as RCW 18.39.030 and 18.39.080) is divided and amended as set forth in sections 2 and 3 of this act.

Qualifications.

SEC. 2. (RCW 18.39.030) An applicant for a license as a funeral director must be at least twenty-one years of age, and of good moral character and must have completed a course of not less than two years in an accredited college. The application must specify a fixed address at which the applicant proposes to engage, or conduct a place of business, as a funeral director: *Provided*, That the requirement that an applicant must have completed a course of not less than two years in an accredited college shall not apply to anyone who was a licensed embalmer, or who was registered as an apprentice embalmer or as an apprentice director, or who was attending an embalming college prior to June 11, 1947.

Exceptions.

SEC. 3. (RCW 18.39.080) Each applicant for a funeral director's license must pass an examination in the following subjects: Funeral directing, the signs of death, the manner in which death may be determined, the preparation, burial, disposal and transportation of dead human bodies, and the shipment of bodies of persons dying of contagious or infectious diseases.

Enacted without amendment.

Passed the House February 11, 1955.

Passed the Senate February 18, 1955.

Approved by the Governor February 25, 1955.

## CHAPTER 53.

[ H. B. 366. ]

## THREE MONTH APPROPRIATION.

AN ACT making appropriations for the payment of salaries of certain officers and employees of the state and for the operation, maintenance and other expenses of certain state institutions, departments and offices, for the purchase, condemnation and improvement of land, the construction of buildings and improvements for the various state institutions designated and mentioned, and for emergencies, and for refunds, and for transfers, and for deficiencies, and for sundry civil expenses of the state government, and for public assistance, and for purposes specified in certain acts of Congress, and for miscellaneous purposes, for the fiscal period beginning April 1, 1955, and ending June 30, 1955, except as otherwise provided, defining terms, limiting allowances and payments; and declaring that this act shall take effect immediately.

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

SECTION 1. The words "capital outlay," whenever used in this act, shall mean and include the purchase, condemnation and improvement of land and erection of buildings, including necessary salaries and wages incident thereto.

"Capital outlay."

The words "salaries and wages," whenever used in this act, shall mean and include salaries of executive officers and employees of state offices, departments and institutions, and all compensation for direct labor or personal service rendered to the state.

"Salaries and wages."

The word "operations," whenever used in this act, shall mean and include necessary traveling expenses of officers and employees, and all expenses necessary for housing cost, supplies, material, services and maintenance of the various institutions, departments and offices of the state government, other than salaries and wages: *Provided*, That no portion of the appropriations made hereunder shall be expended for coupon or scrip books, or other evidences of advance payment for future delivery: *Provided further*, That

"Operations."

Subsistence and lodging expense of officers and employees.

allowances made for subsistence and lodging for the elective or appointive officers and employees while away from their domicile on state business shall equal actual expenses incurred therefor or per diem rates as provided by law, but in no event shall actual expenses claimed exceed such per diem rates provided by law.

Appropriation.

SEC. 2. The following sums, or so much thereof as shall severally be found necessary, are hereby appropriated out of any of the monies in the several funds in the state treasury hereinafter named for the payment of salaries of certain officers and employees of the state, and for the operation of certain state institutions, departments and offices, and for the purchase, condemnation and improvement of land and construction of buildings, and improvements for the various state institutions, and for deficiencies, and for emergencies, and for refunds, and for sundry civil expenses of the state government, and for public assistance, and for purposes specified in certain acts of Congress, and for miscellaneous purposes hereinbelow designated and mentioned and hereinafter expressed, for the fiscal period beginning April 1, 1955, and ending June 30, 1955, except as otherwise provided.

Deficiencies.

Any official who incurs any deficiency shall be considered to have violated the expressed intent of the legislature in making these appropriations.

FROM THE GENERAL FUND.

Governor.

FOR THE GOVERNOR:

Salaries, Wages and Operations	\$17,973.00	
Investigation and Emergency Purposes, to be distributed on vouchers approved by the Governor .....	450.00	
Extradition Expenses (including deficiencies) .....	4,000.00	
Auditing Records of the State Auditor .....	1,500.00	
Total .....	\$23,923.00	

<b>FOR THE GOVERNOR'S MANSION:</b>		
Maintenance, to be distributed on vouchers approved by the Governor .....		Governor's mansion.  \$3,000.00
<b>FOR THE LIEUTENANT GOVERNOR:</b>		
Salary of the Lieutenant Gov- ernor .....	\$1,500.00	Lieutenant governor.
Other Salaries, Wages and Op- erations, and Compensation when serving as Governor..	2,000.00	
Total .....	<hr/>	\$3,500.00
<b>FOR THE SECRETARY OF STATE:</b>		
Salaries and Wages .....	\$27,750.00	Secretary of state.
Operations .....	4,000.00	
Total .....	<hr/>	\$31,750.00
<b>FOR THE STATE TREASURER:</b>		
Salaries and Wages .....	\$27,740.00	State treasurer.
Operations .....	5,100.00	
Total .....	<hr/>	\$32,840.00
<b>FOR THE STATE AUDITOR:</b>		
Salaries and Wages .....	\$64,822.00	State auditor.
Operations .....	13,132.00	
Total .....	<hr/>	\$77,954.00
<b>FROM THE MOTOR VEHICLE FUND.</b>		
Salaries and Wages .....	\$6,282.00	
Operations .....	1,350.00	
Total .....	<hr/>	\$7,632.00
<b>FROM THE VOLUNTEER FIREMEN'S RELIEF AND PENSION FUND.</b>		
Salaries and Wages.....		\$750.00
<b>FROM THE GENERAL FUND.</b>		
<b>FOR THE ATTORNEY GENERAL:</b>		
Salaries and Wages.....	\$63,451.00	Attorney general.
Operations, Printing Briefs, Court Costs and Expenses of Special Litigation in State and Federal Courts .....	17,000.00	
Total .....	<hr/>	\$80,451.00
<b>FOR THE SUPERINTENDENT OF PUB- LIC INSTRUCTION:</b>		
Salaries and Wages .....	\$61,357.00	Superintendent of public instruction.
Operations .....	27,000.00	
Total .....	<hr/>	\$88,357.00

Commissioner of public lands.	<b>FOR THE COMMISSIONER OF PUBLIC LANDS:</b>		
	Salaries, Wages and Plotting State Owned Land into Home Sites and Construction of Roadways Therein .....	\$54,384.00	
	Operations .....	24,000.00	
	Total .....	<u>78,384.00</u>	\$78,384.00
Insurance commissioner.	<b>FOR THE INSURANCE COMMISSIONER:</b>		
	Salaries and Wages .....	\$44,140.00	
	Operations .....	15,160.00	
	To carry out provisions of chapter 117, Laws of 1951, relating to Nursing Homes, and the provisions of chapter 168, Laws of 1951, relating to Maternity Homes .....	5,409.00	
	Total .....	<u>64,709.00</u>	\$64,709.00
Supreme court.	<b>FOR THE SUPREME COURT:</b>		
	Salaries and Wages .....	\$58,166.00	
	Operations .....	5,175.00	
	Total .....	<u>63,341.00</u>	\$63,341.00
State law library.	<b>FOR THE STATE LAW LIBRARY:</b>		
	Salary of State Law Librarian .....	\$1,800.00	
	Salaries and Wages.....	3,975.00	
	Operations .....	4,535.00	
	Total .....	<u>10,310.00</u>	\$10,310.00
Permanent statute law committee.	<b>FOR THE PERMANENT STATUTE LAW COMMITTEE:</b>		
	To carry out provisions of chapter 157, Laws of 1951:		
	Salaries and Wages.....	\$11,445.00	
	Operations .....	1,350.00	
	Total .....	<u>12,795.00</u>	\$12,795.00
Judicial council.	<b>FOR THE JUDICIAL COUNCIL:</b>		
	Salaries, Wages and Operations.....		\$500.00
	<b>FOR THE SUPERIOR COURT JUDGES:</b>		
	Salaries and Wages .....	\$70,925.00	
	Expenses, Judges in Joint Districts .....	1,500.00	
	Total .....	<u>72,425.00</u>	\$72,425.00
Judges' retire- ment fund.	<b>FOR THE JUDGES' RETIREMENT FUND:</b>		
	To be expended in accordance with the provisions of chapter 229, Laws of 1937 .....		
	Additional Retirement Fund Contributions in event of deficit .....	\$8,550.00	
	Total .....	10,000.00	
	<u>18,550.00</u>	\$18,550.00	



<b>FOR THE STATE BOARD OF ACCOUNTANCY:</b>		State board of accountancy.
Salaries and Wages .....	\$4,384.00	
Operations .....	1,753.00	
(Expenditures not to exceed revenues accruing under the Accountancy Act.)		
Total .....	_____	\$6,137.00
<b>FOR THE STATE AERONAUTICS COMMISSION:</b>		State aeronautics commission.
Salaries and Wages .....	\$5,811.00	
Operations .....	2,840.00	
Total .....	_____	\$8,651.00
<b>FOR THE STATE ATHLETIC COMMISSION:</b>		State athletic commission.
Salaries and Wages .....	\$1,410.00	
Operations .....	400.00	
Total .....	_____	\$1,810.00
<b>FOR THE STATE CAPITOL COMMITTEE:</b>		State capitol committee.
Salaries and Wages .....	\$2,100.00	
Operations .....	600.00	
Total .....	_____	\$2,700.00
<b>FROM THE CEMETERY FUND.</b>		
<b>FOR THE CEMETERY BOARD:</b>		Cemetery board.
Salaries, Wages and Operations.....		\$630.00
<b>FROM THE MOTOR VEHICLE EXCISE FUND.</b>		
<b>FOR THE STATE CENSUS BOARD</b>		
Salaries, Wages and Operations		\$3,815.00
<b>FROM THE GENERAL FUND.</b>		
<b>FOR THE STATE BOARD FOR THE CERTIFICATION OF LIBRARIANS:</b>		State board for the certification of librarians.
Salaries, Wages and Operations		\$38.00
<b>FOR THE STATE COUNCIL FOR CHILDREN AND YOUTH:</b>		State council for children and youth.
Expenses of Members .....		\$1,200.00
<b>FOR THE STATE BOARD OF EDUCATION:</b>		State board of education.
General Office, including Junior College Supervision:		
Salaries and Wages .....	\$14,867.00	
Operations .....	4,847.00	
Total .....	_____	\$19,714.00

State employees' retirement board.

FROM THE STATE EMPLOYEES' RETIREMENT SYSTEM EXPENSE FUND.

FOR THE STATE EMPLOYEES'		
RETIREMENT BOARD:		
Salaries and Wages.....	\$30,450.00	
Operations .....	10,478.00	
Total .....	<hr/>	\$40,928.00

FROM THE STATE EMPLOYEES' RETIREMENT FUND.

Pensions, Awards, Disability Payments, Adjustments and Refunds .....	\$1,200,000.00
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FROM THE GENERAL FUND.

State finance committee.

FOR THE STATE FINANCE COMMITTEE:		
Salaries and Wages .....	\$2,835.00	
Operations .....	275.00	
Total .....	<hr/>	\$3,110.00

FROM THE FOREST DEVELOPMENT FUND.

State forest board.

FOR THE STATE FOREST BOARD:		
Under supervision of Department of Public Lands:		
Salaries and Wages .....	\$3,675.00	
Operations .....	1,980.00	
Under Supervision of Division of Forestry:		
Salaries and Wages .....	3,246.00	
Operations .....	234.00	
Division of Forestry for Forest Fire Protection .....	10,773.00	
Total .....	<hr/>	\$19,908.00

FROM THE GENERAL FUND.

State sustained yield forest.

FOR THE STATE SUSTAINED YIELD FOREST:		
Forest No. 1:		
To carry out provisions of chapter 175, Laws of 1933:		
Salaries and Wages .....	\$13,185.00	
Operations .....	2,160.00	

This appropriation shall be disbursed as directed by a committee composed of the governor, commissioner of public lands, state auditor, and director of the department of conservation and devel-

opment. The governor shall be chairman of said committee.

Total ..... \$15,345.00

FROM THE ACCIDENT FUND.

FOR THE BOARD OF INDUSTRIAL

INSURANCE APPEALS:

Salaries and Wages .....	\$22,909.00	
Operations .....	8,720.00	
Total .....		\$31,629.00

Board of industrial insurance.

FROM THE MEDICAL AID FUND.

Salaries and Wages .....	\$22,909.00	
Operations .....	8,720.00	
Total .....		\$31,629.00

FROM THE GENERAL FUND.

FOR THE INTERSTATE COMPACT

COMMISSION:

To carry out provisions of chapter 113, Laws of 1951, relating to the division, apportionment, and use of waters of the Columbia River and its tributaries .....

\$2,478.00

Interstate compact commission.

FOR THE BOARD OF STATE LAND

COMMISSIONERS:

Salaries and Wages .....	\$10,883.00	
Operations .....	4,980.00	
Total .....		\$15,863.00

Board of state land commissioners.

FOR THE STATE LIBRARY

COMMISSION:

Salaries and Wages .....	\$20,147.00	
Operations .....	9,000.00	
Total .....		\$29,147.00

State library commission.

FROM THE PARKS AND PARKWAY FUND.

FOR THE STATE PARKS AND

RECREATION COMMISSION:

Salaries and Wages .....	\$137,500.00	
Operations .....	48,000.00	
Purchase, Condemnation and Improvement of Land, Boat Moorages, Construction of Buildings, and other improvements, including necessary Salaries and Wages incident thereto .....	40,000.00	
Total .....		\$225,500.00

State parks and recreation commission.

FROM THE GENERAL FUND.

State board of pharmacy.	FOR THE STATE BOARD OF PHARMACY:		
	Salaries and Wages .....	\$8,550.00	
	Operations .....	4,000.00	
	(Expenditures not to exceed fees heretofore or hereafter collected.)		
	Total .....	_____	\$12,550.00

FROM THE PUGET SOUND PILOTAGE FUND.

State board of pilotage.	FOR THE STATE BOARD OF PILOTAGE COMMISSIONERS:		
	Salaries and Wages .....	\$465.00	
	Operations .....	59.00	
	Total .....	_____	\$524.00

FROM THE GENERAL FUND.

Pollution control commission.	FOR THE POLLUTION CONTROL COMMISSION:		
	Salaries and Wages .....	\$20,500.00	
	Operations .....	7,195.00	
	Investigation, Research and Surveys of the effects on Fish and Shellfish of Water Pollution caused by Indus- trial Waste .....		
		1,342.00	
	Total .....	_____	\$29,037.00

Board of prison terms and paroles.	FOR THE BOARD OF PRISON TERMS ' AND PAROLES:		
	Salaries and Wages .....	\$54,780.00	
	Operations .....	18,000.00	
	Total .....	_____	\$72,780.00

FROM THE TEACHERS' RETIREMENT FUND.

Board of trust- ees of the state teachers' retirement system.	FOR THE BOARD OF TRUSTEES OF THE STATE TEACHERS' RETIREMENT SYSTEM:		
	Salaries and Wages .....	\$22,635.00	
	Operations .....	4,300.00	
	For the payment of Annuities, Awards and Refunds as pro- vided by law .....		
		1,050,000.00	
	Total .....	_____	\$1,076,935.00

FROM THE GENERAL FUND.

Veterans' rehabilitation council.	FOR THE VETERANS' REHABILITA- TION COUNCIL:		
	To carry out provisions of chap- ter 110, Laws of 1947.....		
			\$72,000.00

FROM THE UNITED STATES VOCATIONAL EDUCATION FUND.  
 FOR THE STATE BOARD FOR  
 VOCATIONAL EDUCATION:

State board for  
 vocational  
 education.

To be expended in accordance with the provisions of Acts of Congress approved February 23, 1917, and August 1, 1946, and acts amendatory or supplementary thereto, providing for the promotion and development of Vocational Education .....	\$451,807.00	
To be expended in accordance with the provisions of Acts of Congress approved June 2, 1920, and July 6, 1943, and subsequent amendments, providing for Civilian Vocational Rehabilitation .....	233,952.00	
To be expended for special Veterans' Training in cooperation with the United States Veterans' Administration, expenditures not to exceed receipts from the Federal Government .....	32,998.00	
Total .....	<u>718,757.00</u>	\$718,757.00

FROM THE WASHINGTON STATE PATROL RETIREMENT FUND.

FOR THE WASHINGTON STATE  
 PATROL RETIREMENT BOARD:

Washington  
 state patrol  
 retirement  
 board.

Pensions, Benefits, Awards and Refunds .....		\$5,500.00
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FROM THE GENERAL FUND.

FOR THE WASHINGTON STATE BOARD  
 AGAINST DISCRIMINATION IN  
 EMPLOYMENT:

Washington  
 state board  
 against dis-  
 crimination in  
 employment.

To carry out provisions of chapter 183, Laws of 1949:		
Salaries and Wages .....	\$4,776.00	
Operations .....	1,200.00	
Total .....	<u>5,976.00</u>	\$5,976.00

FOR THE WASHINGTON STATE  
 POWER COMMISSION:

Washington  
 state power  
 commission.

Salaries, Wages and Operations		\$23,612.00
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Washington  
state safety  
council.

**FOR THE WASHINGTON STATE  
SAFETY COUNCIL:**

Salaries and Wages .....	\$2,916.00	
Operations .....	1,500.00	
Total .....	<u>          </u>	\$4,416.00

Adjutant gen-  
eral—military  
department.

**FOR THE ADJUTANT GENERAL—  
MILITARY DEPARTMENT:**

Salaries and Wages .....	\$48,152.00	
Operations .....	27,000.00	
Uniform Allowance .....	13,400.00	
Retirement Contributions for Federally Paid Civilian Em- ployees .....	31,000.00	
Total .....	<u>          </u>	\$119,552.00

Department of  
agriculture.

**FOR THE DEPARTMENT OF  
AGRICULTURE:**

Salaries and Wages .....	\$95,428.00	
Operations .....	28,275.00	
Indemnities and Control of Bang's Disease and Bovine Tuberculosis; Control of Mas- titis, Plant Diseases, Insect Pests, Apiculture; Marketing Research; Marketing and Farm Production Reports ...	157,564.00	
Total .....	<u>          </u>	\$281,267.00

**FROM THE GRAIN AND HAY INSPECTION FUND.**

Salaries and Wages .....	\$108,986.00	
Operations .....	13,875.00	
(Expenditures not to exceed fees heretofore or hereafter collected)		
Total .....	<u>          </u>	\$122,861.00

**FROM THE COMMISSION MERCHANTS' FUND.**

Salaries and Wages .....	\$2,718.00	
Operations .....	1,015.00	
(Expenditures not to exceed fees heretofore or hereafter collected)		
Total .....	<u>          </u>	\$3,733.00

**FROM THE NURSERY INSPECTION FUND.**

Salaries and Wages .....	\$4,483.00	
Operations .....	1,590.00	
(Expenditures not to exceed fees heretofore or hereafter collected)		
Total .....	<u>          </u>	\$6,073.00

FROM THE COMMERCIAL FEED FUND.

Salaries and Wages .....	\$4,188.00	
Operations .....	\$2,640.00	
(Expenditures not to exceed fees heretofore or hereafter collected)		
Total .....		\$6,828.00

FROM THE SEED FUND.

Salaries and Wages .....	\$9,886.00	
Operations .....	3,615.00	
(Expenditures not to exceed fees heretofore or hereafter collected)		
Total .....		\$13,501.00

FROM THE GENERAL FUND.

<b>FOR THE OFFICE OF DIRECTOR OF BUDGET:</b>		Office of director of budget.
Salaries and Wages .....	\$32,785.00	
Operations .....	9,460.00	
Personnel Office:		
Salaries and Wages .....	5,463.00	
Operations .....	786.00	
Total .....		\$48,494.00
<b>FOR THE DEPARTMENT OF CIVIL DEFENSE:</b>		Department of civil defense.
Salaries and Wages .....	\$20,000.00	
Operations .....	10,000.00	
Total .....		\$30,000.00
<b>FOR THE DEPARTMENT OF CONSERVATION AND DEVELOPMENT:</b>		Department of conservation and development.
General Office, including Divisions of Hydraulics, Mines and Geology; and Flood Control Administration:		
Salaries and Wages .....	\$28,470.00	
Operations .....	6,525.00	
Division of Progress and Industry Development:		
Salaries and Wages .....	8,506.00	
Operations .....	65,990.00	
Columbia Basin Commission:		
Salaries and Wages .....	3,636.00	
Operations .....	2,865.00	
Division of Forestry:		
Salaries and Wages .....	171,300.00	
Operations .....	55,372.00	

Reforestation:		
Salaries and Wages.....	\$6,675.00	
Operations .....	1,993.00	
Yacolt Burn:		
To carry out the provisions of chapter 74, Laws of 1953, Salaries, Wages and Opera- tions .....		
	3,527.00	
Soil Conservation Committee:		
Salaries and Wages .....	2,256.00	
Operations .....	1,518.00	
Institute of Forest Products:		
Salaries and Wages.....	3,297.00	
Operations .....	889.00	
Stream Gaging and Ground Water Surveys:		
Operations .....	8,125.00	
Flood Control Maintenance:		
To be expended in accord- ance with the provisions of chapter 240, Laws of 1951 .....		
	62,500.00	
Total .....	_____	\$433,444.00

FROM THE RECLAMATION REVOLVING FUND.

Reclamation Division:		
Salaries and Wages.....	\$4,100.00	
Operations .....	2,018.00	
Natural Resources Surveys:		
Salaries, Wages and Opera- tions .....	9,375.00	
Financing of Reclamation Dis- tricts as provided by law....		
	50,000.00	
(Expenditures from Recla- mation Revolving Fund not to exceed cash on hand and available for expendi- ture)		
Total .....	_____	\$65,493.00

FROM THE GENERAL FUND.

Employment  
security  
department.

FOR THE EMPLOYMENT SECURITY  
DEPARTMENT:

To carry out provisions of chapter 184, Laws of 1951, relating to coverage of em- ployees of political subdivi- sions of the state under the Federal OASI System.....		\$1.145.00
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## FROM THE OASI CONTRIBUTION FUND.

Contributions as required by sections 1400 and 1410 of the Federal Insurance Contributions Act .....	\$175,000.00
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## FROM THE GENERAL FUND.

FOR THE DEPARTMENT OF FISH- ERIES:		Department of fisheries.
Salaries and Wages.....	\$185,842.00	
Operations .....	126,918.00	
Bounties and Destruction of Seals and Sea Lions.....	1,500.00	
Research to Safeguard Migrat- ing Salmon of the Columbia River at Corps of Engineers' Dams .....	41,000.00	
(Expenditures to be limited to approved projects upon which reimbursement of 100% will be made by the Federal Government.)		
Total .....	\$355,260.00	

## FROM THE LEWIS RIVER HATCHERY FUND.

Salaries and Wages.....	\$3,921.00	
Operations .....	232.00	
Total .....	\$4,153.00	

## FROM THE GAME FUND.

FOR THE DEPARTMENT OF GAME:		Department of game.
Salaries and Wages.....	\$374,351.00	
Operations .....	267,725.00	
Wild Life Restoration and Re- search, including the pur- chase, Condemnation or Leasing of Lands.....	89,053.00	
(Expenditures to be limited to approved projects upon which reimbursement of 75% will be made by the Federal Government.)		
Fish Restoration and Manage- ment Projects .....	23,004.00	
(Expenditures to be limited to approved projects upon which reimbursement of 75% will be made by the Federal Government.)		

Acquisition of Lands for Public Hunting and Fishing Areas, Game Habitat Area, Access Areas to Lakes and Streams and other like purposes .....	\$76,085.00	
Total .....	_____	\$830,218.00

FROM THE GENERAL FUND.

Department of health.

<b>FOR THE DEPARTMENT OF HEALTH:</b>		
General Administration:		
Salaries and Wages.....	\$130,000.00	
Operations .....	43,000.00	
Medical Care Program:		
Salaries and Wages.....	109,900.00	
Operations .....	84,140.00	
Medical Services:		
To carry out provisions of chapter I, Laws of 1951 (including deficiencies) ..	4,900,000.00	
Crippled Children's Program:		
Salaries and Wages.....	7,578.00	
Operations and Assistance.	17,190.00	
Rheumatic Fever Program:		
Salaries, Wages, Operations and Assistance .....	2,500.00	
Conservation of Hearing Program:		
Salaries and Wages.....	3,800.00	
Operations .....	6,000.00	
State Cerebral Palsy Program:		
Cerebral Palsy Center and Field Service:		
Salaries and Wages.....	3,821.00	
Operations .....	375.00	
Cerebral Palsy Center at Firlands:		
Salaries and Wages.....	13,527.00	
Operations .....	1,580.00	
For Public Health Work (including Deficiencies, Expenditures not to exceed amounts received and credited to the General Fund from the Federal Government for Public Health Work) .....	134,927.00	

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For County Public Health Work .....	\$22,870.00	
For Child Guidance Center...	1,500.00	
Total .....		\$5,482,708.00
<b>FOR THE DEPARTMENT OF LABOR AND INDUSTRIES:</b>		
Salaries and Wages.....	\$80,690.00	
Operations .....	45,000.00	
To carry out provisions of chapter 233, Laws of 1947, for the payment of additional pensions .....	465,000.00	
Industrial Welfare Commission:		
Salaries and Wages.....	2,286.00	
Operations .....	485.00	
For ascertaining the qualifications of Industrial Establishments for furnishing other training on-the-job to Veterans (Expenditures not to exceed receipts from the Federal Government) .....	4,166.00	
Total .....		\$597,627.00
<b>FROM THE MEDICAL AID FUND.</b>		
Salaries and Wages.....	\$191,049.00	
Operations .....	48,300.00	
Safety Division:		
Salaries and Wages.....	15,000.00	
Operations .....	1,095.00	
Appeal Costs:		
Salaries and Wages.....	13,290.00	
Operations .....	12,235.00	
Rehabilitation Center:		
Salaries and Wages.....	26,982.00	
Operations .....	13,515.00	
Medical Services and Refunds (including Deficiencies) .....	1,750,000.00	
Total .....		\$2,071,466.00
<b>FROM THE ACCIDENT FUND.</b>		
Safety Division:		
Salaries and Wages.....	\$68,993.00	
Operations .....	36,650.00	
Appeal Costs:		
Salaries and Wages.....	13,290.00	
Operations .....	12,235.00	

Claims, Awards and Refunds (including Deficiencies) ..	2,600,000.00	
Second Injury Fund.....	250,000.00	
Catastrophe Fund .....	150,000.00	
Total .....	—————	\$3,131,168.00

FROM THE RESERVE FUND.

Pensions and Lump Sum Pay- ments .....		\$1,300,000.00
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FROM THE ELECTRICAL LICENSE FUND.

Salaries and Wages.....	\$14,102.00	
Operations .....	4,875.00	
Total .....	—————	\$18,977.00

FROM THE GENERAL FUND.

Department  
of licenses.

FOR THE DEPARTMENT OF LICENSES:

Salaries and Wages.....	\$49,257.00	
Operations .....	24,795.00	
Total .....	—————	\$74,052.00

FROM THE MOTOR VEHICLE FUND.

Salaries and Wages.....	\$212,378.00	
Operations .....	84,125.00	
Liquid Fuel Tax Refunds....	590,000.00	
Total .....	—————	\$886,503.00

FROM THE HIGHWAY SAFETY FUND.

Salaries and Wages.....	\$29,876.00	
Operations .....	9,640.00	
Total .....	—————	\$39,516.00

FROM THE REAL ESTATE COMMISSION FUND.

Salaries and Wages.....	\$21,746.00	
Operations .....	11,650.00	
Total .....	—————	\$33,396.00

FROM THE GENERAL FUND.

Department  
of public  
assistance.

FOR THE DEPARTMENT OF PUBLIC  
ASSISTANCE:

General Administration:		
Salaries and Wages.....	\$1,099,400.00	
Operations .....	258,400.00	
Division of Old Age Assistance:		
Senior Citizen Grants*.....	10,464,402.00	
Division of Public Assistance:		
Aid to the Permanently Dis- abled* .....	1,137,962.25	
General Home Assistance*..	2,104,174.00	
Burials .....	160,565.00	

## Division for Children:

## Child Welfare Services:

Salaries and Wages.....	\$248,941.00
Operations .....	39,700.00
Assistance as provided by Law* .....	522,690.00

## Aid to Dependent Children:

Assistance as provided by Law* .....	2,946,885.75
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## Division for the Blind:

Assistance as provided by Law* .....	174,933.00
To carry out provisions of chapter 166, Laws of 1949.	900.00

Vocational Rehabilitation for  
the Blind:

## Administration:

Salaries and Wages....	16,530.00
Operations .....	5,500.00
Assistance .....	3,990.00
Other Case Services to the Blind* .....	33,107.50

## Contingencies: \*

If and when any of the  
a b o v e appropriations  
(those designated above  
by an asterisk) become  
insufficient to meet the  
demands upon them, this  
appropriation shall be al-  
lotted under the provi-  
sions of RCW 43.87 to the  
categories requiring ad-  
ditional funds .....

\$914,955.50 \*

Total .....	<u>                    </u>	\$20,133,036.00
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FOR THE DEPARTMENT OF PUBLIC  
INSTITUTIONS:General Office including Divi-  
sion of Public Institutions  
and Division of Purchasing:

Salaries and Wages .....	\$104,429.00
Operations .....	29,231.00

## Division of Children and Youth:

Salaries and Wages .....	51,528.00
Operations .....	40,568.00

## Division of Banking:

Salaries and Wages .....	19,415.00
Operations .....	7,000.00

Department  
of public  
institutions.

Division of Savings and Loan Associations:		
Salaries and Wages .....	\$11,659.00	
Operations .....	5,115.00	
Capitol Buildings and Grounds:		
Salaries and Wages .....	77,340.00	
Operations .....	40,777.00	
Parole, Transportation and Deportation:		
Salaries and Wages .....	2,109.00	
Operations .....	7,955.00	
Total .....	<u>                    </u>	\$397,126.00

FROM THE PUBLIC SERVICE REVOLVING FUND.

Washington public service commission.

FOR THE WASHINGTON PUBLIC SERVICE COMMISSION:		
Salaries and Wages .....	\$167,057.00	
Operations .....	75,340.00	
Total .....	<u>                    </u>	\$242,397.00

FROM THE GENERAL FUND.

Washington state patrol.

FOR THE WASHINGTON STATE PATROL:		
Salaries and Wages .....	\$189,776.00	\$189,776.00

FROM THE HIGHWAY SAFETY FUND.

Salaries and Wages .....	\$183,845.00	
Operations .....	58,735.00	
Total .....	<u>                    </u>	\$242,580.00

FROM THE MOTOR VEHICLE FUND.

Salaries and Wages .....	\$219,429.00	
Operations .....	131,265.00	
Total .....	<u>                    </u>	\$350,694.00

FROM THE GENERAL FUND.

Tax commission of the state of Washington.

FOR THE TAX COMMISSION OF THE STATE OF WASHINGTON:		
Salaries and Wages .....	\$341,588.00	
Operations .....	78,742.00	
Refunds of Taxes, Costs, Penalties, and Interest as provided by chapter 180, Laws of 1935, and all laws amendatory thereto, and chapter 119, Laws of 1941, and all laws amendatory thereto .....	49,500.00	
Total .....	<u>                    </u>	\$469,830.00

## FROM THE MOTOR VEHICLE EXCISE FUND.

Refunds as provided by chapter 152, Laws of 1945 (including deficiencies) .....	\$95,000.00
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## FROM THE GENERAL FUND.

## FOR THE DEPARTMENT OF PUBLIC INSTITUTIONS:

Department of public institutions.

State School for the Blind:		
Salaries and Wages .....	\$44,587.00	
Operations .....	14,687.00	
Total .....		\$59,274.00
State School for the Deaf:		
Salaries and Wages .....	\$75,238.00	
Operations .....	26,014.00	
Total .....		\$101,252.00
Eastern State Hospital:		
Salaries and Wages .....	\$395,548.00	
Operations .....	209,000.00	
Total .....		\$604,548.00
State School for Girls:		
Salaries and Wages .....	\$56,295.00	
Operations .....	20,900.00	
Total .....		\$77,195.00
Lakeland Village:		
Salaries and Wages .....	\$221,350.00	
Operations .....	137,750.00	
Total .....		\$359,100.00
Northern State Hospital:		
Salaries and Wages .....	\$363,850.00	
Operations .....	154,508.00	
Total .....		\$518,358.00
Washington State Penitentiary:		
Salaries and Wages .....	\$192,101.00	
Operations .....	195,700.00	
Prisoners' Aid Fund .....	410.00	
Total .....		\$388,211.00

## FROM THE PENITENTIARY REVOLVING FUND.

Industrial Operations:		
Salaries and Wages .....	\$18,039.00	
Operations .....	100,000.00	
Total .....		\$118,039.00

## FROM THE GENERAL FUND.

Rainier State School:		
Salaries and Wages.....	\$285,912.00	
Operations .....	158,992.00	
Total .....		\$444,904.00

Washington State Reformatory:		
Salaries and Wages.....	\$147,011.00	
Operations .....	81,323.00	
Prisoners' Aid Fund.....	625.00	
Total .....	_____	\$228,959.00

FROM THE REFORMATORY REVOLVING FUND.

Industrial Operations:		
Salaries and Wages.....	\$2,688.00	
Operations .....	1,650.00	
Total .....	_____	\$4,338.00

FROM THE GENERAL FUND.

State Soldiers' Home and Colony:		
Salaries and Wages.....	\$42,686.00	
Operations .....	22,653.00	
Total .....	_____	\$65,339.00

State Training School:		
Salaries and Wages .....	\$82,232.00	
Operations .....	41,349.00	
Total .....	_____	\$123,581.00

Washington Veterans' Home:		
Salaries and Wages.....	\$111,150.00	
Operations .....	66,500.00	
Total .....	_____	\$177,650.00

Western State Hospital:		
Salaries and Wages.....	\$601,631.00	
Operations .....	255,550.00	
Total .....	_____	\$857,181.00

Contingencies:

If and when any of the above appropriations become insufficient to meet the demands upon them, this appropriation shall be allotted under the provisions of RCW 43.87 to the categories requiring additional funds .....

\$210,764.00

FROM THE UNIVERSITY OF WASHINGTON FUND.

University of Washington.

FOR THE UNIVERSITY OF WASHINGTON:

Salaries and Wages.....	\$2,247,708.00	
Operations, including repairs..	502,000.00	
Total .....	_____	\$2,749,708.00



## FROM THE GENERAL FUND.

School of Medicine and Dentistry:		
Salaries and Wages.....	\$423,087.00	
Operations and Maintenance	74,000.00	
Total .....	<u>                    </u>	\$497,087.00

## FROM THE MOTOR VEHICLE EXCISE FUND.

Bureau of Governmental Research:		
Municipal Research and Service .....		\$15,025.00

## FROM THE WASHINGTON STATE COLLEGE FUND.

## FOR THE STATE COLLEGE OF WASHINGTON:

State College  
of Washington.

College Teaching:		
Salaries and Wages.....	\$983,772.00	
Operations .....	382,070.00	
State Services — Agricultural and Industrial:		
Salaries, Wages and Operations .....	88,365.00	
Division of Industrial Research:		
Salaries, Wages and Operations .....	98,918.00	
Agricultural Extension Work:		
Salaries, Wages and Operations .....	99,811.00	
Agricultural Experiment Stations:		
Main Experiment Station, Pullman and Walla Walla:		
Salaries, Wages and Operations .....	147,778.00	
Western Washington Experiment Station, Puyallup:		
Salaries, Wages, and Operations .....	121,365.00	
Irrigation Branch Station, Prosser:		
Salaries, Wages, and Operations .....	69,979.00	
Tree Fruit Branch Station, Wenatchee:		
Salaries, Wages, and Operations .....	38,014.00	

	Dry Land Branch Station, Lind:		
	Salaries, Wages, and Op- erations .....	\$5,523.00	
	Cranberry, Blueberry Branch Station, Il- waco:		
	Salaries, Wages, and Op- erations .....	5,584.00	
	Northwestern Washington Experiment Station, Mt. Vernon:		
	Salaries, Wages, and Operations .....	15,396.00	
	Southwestern Experiment Station, Vancouver:		
	Salaries, Wages, and Operations .....	9,655.00	
	Total .....	<u>                    </u>	\$2,066,230.00
	FOR THE CENTRAL WASHINGTON COLLEGE OF EDUCATION:		
Central Washington College of Education.	From the Normal School Current Fund .....	\$15,000.00	
	From the Central College Fund ....	\$232,280.00	
	Salaries and Wages.....	\$221,145.00	
	Operations .....	26,135.00	
	Total .....	<u>                    </u>	\$247,280.00
	FOR THE EASTERN WASHINGTON COLLEGE OF EDUCATION:		
Eastern Washington College of Education.	From the Normal School Current Fund .....	\$15,000.00	
	From the Eastern College Fund ....	\$223,308.00	
	Salaries and Wages.....	\$208,958.00	
	Operations .....	29,350.00	
	Total .....	<u>                    </u>	\$238,308.00
	FOR THE WESTERN WASHINGTON COLLEGE OF EDUCATION:		
Western Washington College of Education.	From the Normal School Current Fund .....	\$15,000.00	
	From the Western College Fund..	\$232,967.00	
	Salaries and Wages.....	\$216,367.00	
	Operations .....	31,600.00	
	Total .....	<u>                    </u>	\$247,967.00

FROM THE CAPITOL BUILDING BOND  
REDEMPTION FUND.

FOR BOND RETIREMENT AND INTER- EST .....	\$16,250.00	Bond retirement and interest.
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FROM THE INSTITUTIONAL BUILDING BOND  
REDEMPTION FUND.

FOR BOND RETIREMENT AND INTER- EST .....	\$1,086,593.75	Bond retirement and interest.
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FROM THE PUBLIC SCHOOL BUILDING BOND  
REDEMPTION FUND.

FOR BOND RETIREMENT AND IN- TEREST .....	\$2,174,226.25	Bond retirement and interest.
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FROM THE SCHOOL EMERGENCY CONSTRUCTION BOND  
REDEMPTION FUND.

FOR BOND RETIREMENT AND IN- TEREST .....	\$2,303,343.75	Bond retirement and interest.
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FROM THE WAR VETERANS' COMPENSATION BOND  
RETIEMENT FUND.

FOR BOND RETIREMENT AND IN- TEREST .....	\$569,495.00	Bond retirement and interest.
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FROM THE GENERAL FUND.

FOR THE STATE CAPITOL HISTORICAL ASSOCIATION:		State Capitol Historical Association.
Salaries and Wages.....	\$1,557.00	
Operations .....	560.00	
Total .....	\$2,117.00	
FOR CRIMINAL COST BILLS (in- cluding Deficiencies) ....	\$5,000.00	Criminal cost bills.
FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY:		Eastern Wash- ington State Historical Society.
Salaries and Wages.....	\$2,217.00	
Operations .....	895.00	
Total .....	\$3,112.00	

FROM THE CONTINGENT RECEIPTS FUND.

TO BE EXPENDED IN ACCORDANCE WITH THE PROVISIONS OF CHAP- TER 243, LAWS OF 1945, AND LAWS AMENDATORY OR SUPPLE- MENTARY THERETO .....	\$1,000,000.00	Ch. 243, Laws of 1945.
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FROM THE GENERAL FUND.

Emergency warrants.	<p>FOR THE PAYMENT OF WARRANTS DRAWN FOR EMERGENCY PURPOSES APPROVED DURING THE PERIOD APRIL 1, 1955, TO JUNE 30, 1955, PURSUANT TO SECTION 10, CHAPTER 9, LAWS OF 1925, AS AMENDED BY SECTION 6, CHAPTER 162, LAWS OF 1929.....</p>	\$50,000.00
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Governor; for allocation to various state departments, etc.	<p>FOR THE GOVERNOR:</p> <p>To be allocated to various state departments, offices and institutions for salaries, wages, operations, and emergency construction or repairs of public buildings: <i>Provided</i>, That this appropriation shall become available only upon filing with the Secretary of State, from time to time, allotments to said departments, offices and institutions, setting forth the purpose and amount allotted therefor, approved by the Governor .....</p>	\$250,000.00
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FROM THE CURRENT SCHOOL FUND.

Apportionment to counties for school districts under ch. 141, Laws of 1945.	<p>FOR APPORTIONMENT TO COUNTIES FOR SCHOOL DISTRICTS IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 141, LAWS OF 1945, AND ACTS AMENDATORY THERETO: <i>Provided</i>, That no portion of this appropriation shall be expended for the cost of establishing or maintaining kindergartens under chapter 28.35 RCW.</p>	\$21,795,212.00
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Emergency relief of school districts.	<p>FOR EMERGENCY RELIEF OF SCHOOL DISTRICTS DUE TO EXCESSIVE INCREASE IN SCHOOL POPULATION, to be allocated by the superintendent of public instruction under rules and regulations established by the state board of education to school districts determined by the state board of education to be in need of</p>
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emergency relief due to excessive increase in school population .....	\$750,000.00
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## FROM THE GENERAL FUND.

To be expended in accordance with the provisions of chapter 120, Laws of 1943, chapter 240, Laws of 1947, chapter 186, Laws of 1949, and chapter 92, Laws of 1951, relating to the education of Handicapped Children .....	\$254,953.00	Education of handicapped children.
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## FROM THE STATE SCHOOL EQUALIZATION FUND.

FOR DISTRIBUTION TO COUNTIES AS PROVIDED BY CHAPTER 31, LAWS OF 1949, AND ACTS AMENDATORY OR SUPPLEMENTARY THERETO ...	\$2,580,000.00	Distribution to counties under ch. 31, Laws of 1949.
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## FROM THE GENERAL FUND.

TO BE EXPENDED IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 154, LAWS OF 1935, AS AMENDED, PROVIDING ASSISTANCE FOR BLIND STUDENTS....	\$3,450.00	Assistance for blind students.
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TO BE EXPENDED IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 224, LAWS OF 1947, PROVIDING EDUCATIONAL AID FOR CHILDREN OF VETERANS .....	\$1,350.00	Educational aid for children of veterans.
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FOR EDUCATION OF INDIAN CHILDREN:		Education of Indian children.
To carry out provisions of the Johnson-O'Malley Act, April 16, 1934 (Expenditures not to exceed amounts received from the Federal Government) .....	\$48,418.00	

## FOR SCHOOL LUNCH PROGRAM:

To carry out provisions of the National School-Lunch Act, Public Law 396, 79th Congress (Expenditures not to exceed amounts received from the Federal Government) .....	\$186,500.00	School lunch program.
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Distribution to firemen's relief and pension funds.	FOR DISTRIBUTION TO "FIREMEN'S RELIEF AND PENSION FUNDS" AS PROVIDED BY CHAPTER 91, LAWS OF 1947, AS AMENDED (including deficiencies) ....	\$310,000.00
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FROM THE MOTOR VEHICLE EXCISE FUND.

Transfers and distribution to cities and towns.	FOR TRANSFERS AND DISTRIBUTION TO CITIES AND TOWNS AS PROVIDED BY CHAPTER 144, LAWS OF 1943 (including deficiencies) .	\$10,700,000.00
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FROM THE GENERAL FUND.

Tuberculosis hospitalization.	FOR TUBERCULOSIS HOSPITALIZATION (including deficiencies) ..	\$536,500.00
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FROM THE VOLUNTEER FIREMEN'S RELIEF AND PENSION FUND.

Claims, awards and other expenses allowed by law.	FOR CLAIMS, AWARDS AND OTHER EXPENSES ALLOWED BY LAW (including deficiencies) .....	\$19,000.00
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FROM THE WAR VETERANS' COMPENSATION FUND.

State auditor.	FOR THE STATE AUDITOR: For Administration and Compensation for Veterans of World War II: Salaries and Wages .....	\$6,405.00
	Operations .....	1,500.00
	War Veterans' Compensation	47,745.00
	Total .....	\$55,650.00

FROM THE GENERAL FUND.

Washington State Historical Society.	FOR THE WASHINGTON STATE HISTORICAL SOCIETY: Salaries and Wages .....	\$6,245.00
	Operations .....	1,790.00
	Total .....	\$8,035.00

Transfers to: State teachers' retirement fund.	FOR TRANSFERS: To State Teachers' Retirement Fund .....	\$844,360.00
State teachers' retirement pension reserve fund.	To State Teachers' Retirement Pension Reserve Fund.....	810,847.50

To United States Vocational Education Fund:			United States vocational education fund.
To carry out provisions of chapter 183, Laws of 1939, and acts amendatory or supplementary thereto, relating to Vocational Education .....	\$70,290.00		
To carry out provisions of chapter 176, Laws of 1933, and acts amendatory or supplementary thereto, and chapter 176, Laws of 1951, and acts amendatory or supplementary thereto, relating to Vocational Rehabilitation .....	100,633.00		Vocational rehabilitation.
Total .....		\$1,826,130.50	

FROM THE MOTOR VEHICLE FUND.

To Highway Bond Retirement Fund .....	\$890,000.00	
(Transfers to be made as provided by chapter 121, Laws of 1951)		

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

Passed the House February 3, 1955.

Passed the Senate February 16, 1955.

Approved by the Governor February 25, 1955.

CHAPTER 54.

[ H. B. 156. ]

LIMITED ACCESS HIGHWAYS.

AN ACT relating to limited access highways; amending sections 6 and 11, chapter 167, Laws of 1951 and RCW 47.52.072 and 47.52.080.

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

Amendment.

SECTION 1. Section 6, chapter 167, Laws of 1951 and RCW 47.52.072 are each amended to read as follows:

Notice of proposal and hearing.

(RCW 47.52.072) No existing highway, road or street, or portion of an existing highway, road or street may be established as a limited access facility until the owners or reputed owners of the abutting property of the section affected, as indicated in the tax rolls of the county be given notice of such proposal and an opportunity to be heard thereon.

Service.

Such notice shall be served upon such owners or reputed owners by United States mail in writing and shall designate the existing highway, road or street or portion thereof, which it is proposed shall be designated as a limited access facility and shall set a time for hearing as to such proposal which time shall be not less than thirty days after mailing of such notice. Such notice shall indicate a suitable location in the county affected where plans for such proposal may be inspected by any party affected or their representatives. When the owners of abutting property are unknown or cannot be located, such notice may be served by publication in the county or by posting a copy thereof at some conspicuous place upon the right of way or proposed right of way of such highway, road or street where it abuts upon the property of such owners. Notice given as herein provided shall be deemed sufficient as to any owner or reputed owner or to any unknown owner or owner who cannot be located for all purposes under

Contents.

Service by publication.

Posting.



this chapter: *Provided*, That any property owner or owners may waive in writing the requirements of said hearing as set forth herein as may affect ownership of property abutting on said proposed limited access highway.

Waiver of hearing.

SEC. 2. Section 11, chapter 167, Laws of 1951 and RCW 47.52.080 are amended to read as follows:

Amendment.

No existing public highway, road or street shall be constructed as a limited access facility except upon the waiver, purchase, or condemnation of the abutting owner's right of access thereto as herein provided. In cases involving existing highways, if the abutting property is used for business at the time the notice is given as provided in RCW 47.52.072, the owner of such property shall be entitled to compensation for the loss of adequate ingress to or egress from such property as business property in its existing condition at the time of the notice provided in RCW 47.52.072 as for the taking or damaging of property for public use.

Waiver, purchase, or condemnation of rights of access required.

Passed the House February 3, 1955.

Passed the Senate February 18, 1955.

Approved by the Governor March 1, 1955.

## CHAPTER 55.

[ H. B. 324. ]

## ELECTIONS—TIME OF HOLDING.

AN ACT relating to elections; and amending section 1, chapter 101, Laws of 1951 and RCW 29.13.020, and section 3, chapter 257, Laws of 1951 and RCW 29.13.030, and section 4, chapter 101, Laws of 1951 and section 4, chapter 257, Laws of 1951 and RCW 29.13.040, and section 1, chapter 108, Laws of 1941 and sections 2 and 28, chapter 184, Laws of 1915 and section 1, chapter 182, Laws of 1929 and RCW 35.24.020 and 35.24.050, and section 1, chapter 183, Laws of 1943 and RCW 35.27.090, and section 1, chapter 25, Laws of 1943 and section 5, chapter 116, Laws of 1911 and RCW 35.17.020 and 35.17.400, and section 10, chapter 266, Laws of 1947 and RCW 28.58.080, and section 1, chapter 110, Laws of 1953 and RCW 56.12.020.

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

Amendment.

SECTION 1. Section 1, chapter 101, Laws of 1951 and RCW 29.13.020 are each amended to read as follows:

Class AA or class A counties; city, town and district election dates.

All city, town, school district, park district, river improvement district, commercial waterway district, water district, fire district, hospital district, ferry district, sewer district and all other municipal and district elections, except as hereinafter provided, whether general or special, and whether for the election of municipal or district officers or for the submission to the voters of any city, town or district of any question for their adoption and approval, or rejection, shall be held in class AA or class A counties on the second Tuesday in March in the even numbered years: *Provided*, That should the provisions of holding city elections on even numbered years be in conflict with any provision in any charter of a city, said charter provision, as to the year of the election, shall not be affected except in the instance of a first class city which has adopted a commission form of government and whose charter provides that regular city elections shall be held on a biennial basis on the odd numbered years.

Conflicting charter provisions.

This section shall not apply to (1) elections for the recall of city, town, or district officers, (2) elections in irrigation districts, port districts, and public utility districts, all of which elections shall be held at the times prescribed in the laws specifically applicable thereto.

Exceptions.

The county auditor, as ex officio supervisor of elections, upon request in the form of a resolution of the governing body of a city, town or district, presented to him at least forty-five days prior to the proposed election date, may, if he deems an emergency to exist, call a special election at any time in such city, town, or district and for the purpose of such special election he may combine, unite or divide precincts. Such special election shall be noticed and conducted in the manner provided by law.

Special elections.

SEC. 2. Section 3, chapter 257, Laws of 1951 and RCW 29.13.030 are each amended to read as follows:

Amendment.

All city and town general elections, other than in class AA or class A counties, shall be held on the second Tuesday of March in the even numbered years: *Provided*, That should the provisions of holding city elections on even numbered years be in conflict with any provision in any charter of a city, said charter provision, as to the year of the election, shall not be affected.

Other than class AA and class A counties; city and town election dates.

All general school district elections, other than in class AA or class A counties, shall be held on the second Tuesday of March in the even numbered years: *Provided*, That this section shall not be construed as fixing the time for holding the elections for the recall of any city, town, or district officers or primary election or special bond election or any election held in a city of the first class for choosing qualified electors to prepare a new charter for such city by altering, changing, revising, adding to or repealing its existing charter, or any election held in any such city for ratifying such new charter. When-

School district election dates.

Exceptions.

Emergencies.

ever in the judgment of the governing board of any such city, town or school district, an emergency exists, such board may, by resolution, call a special election at any time in such municipality or district, and at any such special election said governing board may combine, unite or divide precincts for the purpose of holding such special election and every such special election so called shall be conducted and notice thereof given in the manner provided by law. This section and RCW 29.13.010 and 29.13.020 are referred to as the consolidated election laws.

Amendment.

SEC. 3. Section 4, chapter 257, Laws of 1951 and section 4, chapter 101, Laws of 1951 and RCW 29.13-.040 are each amended to read as follows:

Class AA and class A counties; city, town and district election officers.

All elections held under RCW 29.13.020 shall be conducted by the county auditor as ex officio county supervisor of elections and shall be canvassed by the county canvassing board. In all elections held under RCW 29.13.030, the duties enjoined upon the county auditor by RCW 29.04.020, as derived from section 1, chapter 182, Laws of 1947, shall be performed by the city, town or school district clerk. Such elections shall be canvassed by the city, town or school districts canvassing authority: *Provided*, That if the laws governing any such city, town or school district do not designate a canvassing authority, the canvass shall be made by the legislative body thereof.

Other than class AA and class A counties; city, town and school district election officers.

Jurisdiction and duties of county auditor relating to city, town and district elections.

The county auditor in each county other than class AA or class A counties, shall have jurisdiction of and shall conduct all elections, whether special or general, for airport districts, cemetery districts, fire districts, water districts, sewer districts, public utility districts, port districts, commercial waterway districts, reclamation districts and intercounty diking and drainage districts and all city, town and district elections, special or general, that may be held on the same day as a state primary or state general election. The returns of any election, special

Canvass.

or general, shall be canvassed by the county canvassing board of election returns whenever the county auditor has jurisdiction of the election.

For school district elections under RCW 29.13.030, the district officers shall determine the number of voting places and composition of the election board: *Provided*, That the officer charged with conducting city and town elections under RCW 29.13.030 shall, whenever requested by the school district officers, conduct the school district elections in conjunction with such city or town election and the results shall be canvassed by the school district officers.

School district elections.

Whenever a school district election is conducted under RCW 29.13.030, by a city or town officer, the school district officers may cooperate with the person conducting such election in uniting or dividing voting precincts to facilitate the orderly conduct of such election.

SEC. 4. Section 1, chapter 108, Laws of 1941 and sections 2 and 28, chapter 184, Laws of 1915 and section 1, chapter 182, Laws of 1929 (heretofore divided, combined, and codified as RCW 35.24.020 and 35.24.050) are amended to read as set forth in sections 5 and 6 of this act.

Amendment.

SEC. 5. (RCW 35.24.020) The government of a third class city shall be vested in a mayor, a city council of seven members, a city attorney, a clerk, a treasurer, all elective; and a chief of police, police judge, city engineer, street superintendent, health officer and such other appointive officers as may be provided for by statute or ordinance. If a free public library and reading room is established, five library trustees shall be appointed and if a public park is maintained, three park commissioners shall be appointed. The city council by ordinance shall prescribe the duties and fix the compensation of all officers: *Provided*, That the provisions of any such ordinance shall not be inconsistent with any statute.

Enacted without amendment.

The mayor shall appoint and at his pleasure may remove all appointive officers. Every appointment or removal must be in writing signed by the mayor and filed with the city clerk.

*This Section amended by Sec. 3, Chap. 365, Laws of 1955.*

Third class cities; election dates.

SEC. 6. (RCW 35.24.050) All general municipal elections in third class cities not operating under the commission form of government shall be held biennially, and, shall be held on the second Tuesday in March in the even numbered years. The term of office of the mayor, city attorney, clerk, and treasurer shall be four years and until their successors are elected and qualified: *Provided*, That the term of the treasurer shall not commence in the same biennium in which the terms of the mayor, city attorney, and clerk commence.

Terms of certain officers.

Election and terms of councilmen.

A councilman-at-large shall be elected biennially for a two-year term; of the other six councilmen, three shall be elected biennially as the terms of their predecessors expire for terms of four years.

Commencement of terms.

All officers elected at such election shall take office on the first Monday in June following the date of election.

Next election dates.

There shall be no primary or general elections held in the year 1957 and the officers whose terms would have expired in 1957, but for the provisions of this act, shall continue in office until their successors are elected at the general election to be held on the second Tuesday of March, 1958. There shall be no primary or general elections held in the year 1959 and the officers whose terms would have expired in 1959, but for the provisions of this act, shall continue in office until their successors are elected at the general election to be held on the second Tuesday of March, 1960.

*This Section amended by Sec. 2, Chap. 365, Laws of 1955.*

Amended.

SEC. 7. Section 1, chapter 183, Laws of 1943 and RCW 35.27.090 are each amended to read as follows:

Towns; election dates.

All general municipal elections in towns shall be held biennially, irrespective of the form of govern-

ment, on the second Tuesday of March in the even numbered years. The term of office of the mayor and treasurer shall be four years and until their successors are elected and qualified: *Provided*, That the term of the treasurer shall not commence in the same biennium in which the term of the mayor commences. Councilmen shall be elected for four year terms; three at one election and two at the next succeeding biennial election.

Terms of office.

There shall be no general municipal elections held in the year 1957 and the officers whose terms would have expired in 1957, but for the provisions of this act, shall continue in office until their successors are elected at the general election to be held on the second Tuesday of March, 1958. There shall be no general municipal elections held in the year 1959 and the officers whose terms would have expired in 1959, but for the provisions of this act, shall continue in office until their successors are elected at the general municipal election to be held on the second Tuesday of March, 1960.

Election dates.

SEC. 8. Section 1, chapter 25, Laws of 1943 and section 5, chapter 116, Laws of 1911 (heretofore divided, combined, and codified as RCW 35.17.020 and 35.17.400) are amended to read as set forth in sections 9 and 10 of this act.

Amendment.

SEC. 9. (RCW 35.17.020) All regular elections in cities organized under the commission form of government shall be held quadrennially and, shall be held on the second Tuesday of March in the even numbered years. The commissioners shall be nominated and elected at large. Their terms shall begin on the first Monday in June after their election, and shall continue for four years and until their successors are elected and qualified. If a vacancy occurs in the commission the remaining members shall appoint a person to fill it for the unexpired term.

Cities under commission government; elections.

Terms of office.

Vacancies.

There shall be no primary or general municipal

**Election dates.** election held in the year 1957 and the officers whose terms would have expired in 1957, but for the provisions of this act, shall continue in office until their successors are elected at the general municipal election to be held on the second Tuesday of March, 1958.

**Cities under commission government; first election.** **SEC. 10.** (RCW 35.17.400) The first election of commissioners shall be held within sixty days after the adoption of the proposition to organize under the commission form, and the commission first elected shall commence to serve as soon as they have been elected and have qualified and shall continue to serve until the first Monday in June of the even numbered year following such first election and for four years thereafter.

**Terms of office.**

**Amendment.** **SEC. 11.** Section 10, chapter 266, Laws of 1947 and RCW 28.58.080 are each amended to read as follows:

**School districts; election of directors.** The governing board of a school district shall be known as the board of directors of the district. Unless otherwise specifically provided, as in RCW 29.13-.060, members of a board of directors shall be elected by ballot by the qualified electors of the school district and shall hold office for a term of four years and until their successors are elected and qualified. In case a member or members of a board of directors are to be elected to fill an unexpired term or terms, the ballot shall specify the term for which each such member is to be elected. The board of directors of a school district of the first class or of a school district of the second class shall consist of five members. The board of directors of a school district of the third class shall consist of three members.

**Terms of office.**

**Ballot.**

**Number of directors.**

**Election dates.** The terms of all school directors elected to office in March, 1956, shall be for four years. There shall be no general school district elections held in the year 1957 and the directors whose terms would have expired in 1957, but for the provisions of this act, shall continue in office until their successors are elected



for a four year term at the general election to be held on the second Tuesday of March, 1958. The directors whose terms expire in 1958 shall be elected for a four year term.

SEC. 12. Section 1, chapter 110, Laws of 1953 and RCW 56.12.020 are each amended to read as follows: Amendment.

At the election held to form or reorganize a district, there shall be elected three commissioners to hold office for terms of two, four, and six years respectively, and until their successors are elected and qualified. Sewer districts; election and terms of commissioners.

The term of each nominee shall be expressed on the ballot and shall be computed from the date of assuming office following the first general election for sewer districts. Thereafter, every two years there shall be elected a commissioner for a term of six years and until his successor is elected and qualified, at an election held on the second Tuesday of March in the even numbered years and conducted as provided by RCW 29.13.020, as now constituted or hereafter amended, in class AA or class A counties, and by RCW 29.13.040, as now constituted or hereafter amended, in all other counties.

All sewer district commissioners elected for a regular six year term on the second Tuesday of March, 1955, shall remain in office until their successors are elected and qualified at the general district election to be held on the second Tuesday of March, 1962. There shall be no general sewer district election held in the year 1957 and those sewer district commissioners whose terms would have expired in 1957, but for the provisions of this act, shall remain in office until their successors are elected and qualified at the general sewer district election to be held on the second Tuesday of March, 1958. There shall be no general sewer district election held in the year 1959 and those sewer district commissioners whose terms would have expired in 1959, but for the Election dates.

provisions of this act, shall remain in office until their successors are elected and qualified at the general sewer district election to be held on the second Tuesday of March, 1960.

Commence-  
ment of terms  
of office.

The terms of sewer district commissioners shall begin on the first Monday in June following their elections.

First class  
cities under  
commission  
government;  
election dates  
and terms  
of office.

SEC. 13. All regular elections in first class cities under a commission form of government whose charters provide that regular elections shall be held on odd numbered years shall be held on the second Tuesday of March in the even numbered years.

There shall be no primary or general municipal election held in the year 1957 and the commissioners whose terms would have expired in 1957, but for the provisions of this act, shall continue in office until their successors are elected at the general municipal election to be held on the second Tuesday of March, 1958. There shall be no primary or general municipal election held in the year 1959 and the commissioners whose terms would have expired in 1959, but for the provisions of this act, shall continue in office until their successors are elected at the general municipal election to be held on the second Tuesday of March, 1960.

First class  
school dis-  
tricts; election  
dates.

SEC. 14. All first class school districts holding their regular elections under the provisions of RCW 29.13.060 in odd numbered years shall hold their regular elections in even numbered years.

There shall be no district general election held in the year 1957 and the directors whose terms would have expired in 1957, but for the provisions of this act, shall continue in office until their successors are elected at the district general election to be held on the second Tuesday of March, 1958. There shall be no district general election held in the year 1959 and the directors whose terms would have expired in 1959, but for the provisions of this act, shall continue in office until their successors are elected at the district

general election to be held on the second Tuesday of March, 1960. There shall be no district general election held in the year 1961 and the directors whose terms would have expired in 1961, but for the provisions of this act, shall continue in office until their successors are elected at the district general election to be held on the second Tuesday of March, 1962.

Passed the House February 9, 1955.

Passed the Senate February 21, 1955.

Approved by the Governor March 1, 1955.

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## CHAPTER 56.

[ H. B. 447. ]

### PUBLIC HOSPITAL DISTRICTS—INDEBTEDNESS— ELECTION.

AN ACT relating to public hospital districts; and amending section 12, chapter 264, Laws of 1945 and RCW 70.44.110.

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

SECTION 1. Section 12, chapter 264, Laws of 1945 and RCW 70.44.110 are each amended to read as follows: Amendment.

Whenever the commission deems it advisable that the district acquire or construct a public hospital, or make additions or betterments thereto, or extensions thereof, it shall provide therefor by resolution, which shall specify and adopt the plan proposed, and declare the estimated cost thereof, and specify the amount of indebtedness, the amount of interest and the time in which all bonds shall be paid, not to exceed thirty years. If the proposed general indebtedness will bring the indebtedness of the district to an amount exceeding one and one-half percent of the taxable property of the district, the proposition of incurring the indebtedness and the proposed plan shall be submitted to the electors of the district Resolution for improvements.  
  
General indebtedness exceeding 1½ percent of taxable property; election procedure.

at the next general election held in the district, or at a special election called by the commissioners for that purpose. If a special election is called, it shall be held under the jurisdiction of the county auditor, acting as county supervisor of elections, and the returns of such special election shall be canvassed by the county canvassing board. A special election shall be conducted under the procedure set forth in RCW 29.13.030, 29.13.040 and 29.13.080, as such sections are amended from time to time.

Passed the House February 10, 1955.

Passed the Senate February 21, 1955.

Approved by the Governor March 1, 1955.

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## CHAPTER 57.

[ H. B. 16. ]

### IRRIGATION DISTRICTS—ELECTIONS—VOTING RIGHTS.

AN ACT relating to changes in voting rights in irrigation districts comprising two hundred thousand or more acres, providing a procedure whereby certain of such changes in voting rights may be made applicable to irrigation districts comprising less than two hundred thousand acres, and amending section 3, chapter 129, Laws of 1921, as last amended by section 1, chapter 122, Laws of 1953, and RCW 87.01.070 through 87.01.090, and adding new sections thereto.

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

Division and  
amendment.

SECTION 1. Section 3, chapter 129, Laws of 1921 as last amended by section 1, chapter 122, Laws of 1953, (heretofore codified as RCW 87.01.070 through 87.01.090) is divided and amended as set forth in sections 2 through 4 of this act.

Enacted  
without  
amendment.

SEC. 2. (RCW 87.01.070) The board of county commissioners shall establish a convenient number of election precincts in the proposed district and define the boundaries thereof, and designate a polling place

and appoint the necessary election officers for each precinct; which precincts may thereafter be changed by the district board. The election shall be conducted as nearly as practicable in the manner provided for the election of directors. Where a non-assessable area is situated in a district, any notice, delinquent list, or other announcement required by this title to be posted, may be posted in the area and any election may be held therein.

SEC. 3. (RCW 87.01.080) The board of county commissioners shall meet on the second Monday after the election and canvass the returns, and if it appears that at least two-thirds of all the votes cast are in favor of the district the board shall by an order declare the district duly organized and shall declare the qualified persons receiving the highest number of votes to be duly elected directors, and shall cause a certified copy of the order to be filed for record in the offices of the auditor and assessor of each county in which any portion of the district is situated. From the date of the filing the organization of the district shall be complete and the directors may, upon qualifying, enter immediately upon the duties of their office, and shall hold office until their successors are elected and qualified. Upon filing the order, the county assessor shall write the name of the district on the permanent tax roll in a column provided for that purpose opposite each description of land in the district. Such column shall be carried forward each year on the current tax roll. In the event of a change in the boundaries of a district, the assessor shall note it in the column upon the tax roll.

Enacted  
without  
amendment.

SEC. 4. (RCW 87.01.090) A person twenty-one years old, being a citizen of the United States and a resident of the state and who holds title or evidence of title to land in the district or proposed district shall be entitled to vote therein, except that any such person shall only be entitled to vote in a district com-

Voting  
qualifications.

prising two hundred thousand or more acres, or in any other district to which this exception is made applicable as hereinafter provided, if he holds title or evidence of title to land other than land platted or subdivided into residence or business lots and not being used for agricultural or horticultural purposes, in which event, in a district comprising two hundred thousand or more acres, he shall be entitled to one vote for the first ten acres of said land or fraction thereof and one additional vote for all of said land over ten acres. Lands platted or subdivided into residence or business lots shall not be considered as being used for agricultural or horticultural purposes unless (1) used exclusively for such purposes (2) by the holder of title or evidence of title who shall reside thereon and (3) cultivate said lands as a farmer, gardener, or horticulturist. A majority of the directors shall be residents of the county or counties in which the district is situated and all shall be electors of the district. If more than one elector residing outside the county or counties is voted for as director, only that one who receives the highest number of votes shall be considered in ascertaining the result of the election. Where land is community property both the husband and wife may vote if otherwise qualified. An agent of a corporation owning land in the district, duly authorized in writing, may vote on behalf of the corporation by filing with the election officers his instrument of authority. An elector resident in the district shall vote in the precinct in which he resides, all others shall vote in the precinct nearest their residence. No director shall be qualified to take or retain office unless he is the owner of five acres or more of land within the district subject to assessments by the irrigation district: *Provided*, That this additional qualification for the office of director shall not apply in any irrigation district where more than fifty percent of the total acreage of the district sub-

Directors' qualifications.

Community property.

Corporate property.

Polling places.

Additional qualifications of directors.

ject to assessment is owned in individual ownerships of less than five acres, or more than fifty percent of the owners of lands in the district subject to assessment have individual ownerships of less than five acres.

SEC. 5. Whenever twenty or more electors of a district comprising less than two hundred thousand acres desire to make the exception on voting rights made for districts comprising two hundred thousand or more acres in section 4 of this act applicable to their district, they may file a petition with the board of directors praying for an order providing that the holders of title or evidence of title to land platted or subdivided into residence or business lots and not being used for agricultural or horticultural purposes shall not be entitled to vote in district elections.

Change of voting rights in districts comprising less than 200,000 acres; petition.

SEC. 6. The board shall fix a time and place for a hearing on the petition which shall be not less than thirty nor more than forty-five days from the date of filing, and shall cause notice of hearing to be published in three consecutive weekly issues of the official newspaper of each county in which any of the land is situated. The notice shall be signed by the secretary, and shall state the filing of the petition, describe the exception in voting rights to be made, state the prayer of the petition, and shall notify all persons affected to appear at the time and place named in the notice, and show cause in writing why the exception in voting rights should not be granted.

Fixing time and place of hearing.

Notice of hearing.

SEC. 7. At the hearing or at such other time to which the hearing may be adjourned, the board shall hear the petition and any objections thereto. Failure to show cause shall be deemed as an assent to the petition. If the board deems it not for the best interests of the district to grant the petition, it shall order the petition rejected. But if it deems it for the best interests of the district that the petition be granted,

Conduct of hearing.

and if no person affected shows cause in writing why the petition should not be granted, or if having shown cause withdraws the same, the board shall enter an order providing that the holders of title or evidence of title to land platted or subdivided into residence or business lots and not being used for agricultural or horticultural purposes shall not be entitled to vote in district elections.

Resolution.

SEC. 8. If any person affected shall show cause as aforesaid why the petition should not be granted and shall not withdraw the same, and if the board nevertheless deems it for the best interests of the district that the petition be granted, the board shall adopt a resolution to that effect. Upon the adoption of the resolution, the board shall order an election held within the district on whether an order should be entered providing that the holders of title or evidence of title to land platted or subdivided into residence or business lots and not being used for agricultural or horticultural purposes shall not be entitled to vote in district elections, and shall fix the time thereof and cause notice to be published. The notice shall be given and the election conducted in the manner as for special elections on a bond issue of the district. The notice shall describe the proposed exception in voting rights in such manner that it can be readily understood.

Election.

Order affirm-  
ing or denying  
petition.

SEC. 9. If a majority of the votes cast are against the exception in voting rights, the board shall order the petition denied. If a majority of the votes favor the exception in voting rights, the board shall enter an order providing that the holders of title or evidence of title to land platted or subdivided into residence or business lots and not being used for agricultural or horticultural purposes shall not be entitled to vote in district elections. A copy of the order certified by the president and secretary of the board shall be filed with the auditor of each county in



which any of the lands of the district are situated, and thereupon the exception in voting rights shall be complete and effective.

Passed the House February 4, 1955.

Passed the Senate February 23, 1955.

Approved by the Governor March 2, 1955.

## CHAPTER 58.

[ H. B. 17. ]

### IRRIGATION DISTRICTS—ASSESSMENTS—SALES OF LAND.

AN ACT relating to sales of land for delinquent irrigation district assessments and amending section 4, chapter 171, Laws of 1939 and RCW 87.32.160, 87.32.170 and 87.32.180, and section 5, chapter 171, Laws of 1939 and RCW 87.32.210.

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

SECTION 1. Section 4, chapter 171, Laws of 1939, (heretofore codified as RCW 87.32.160, 87.32.170 and 87.32.180) is divided and amended as set forth in sections 2, 3 and 4 of this act.

Division and amendment.

SEC. 2. (RCW 87.32.160) The treasurer shall sell the property to the highest and best bidder for cash. If the property is sold for more than the amount of the assessment, interest, and costs, the excess shall, after the deed has been delivered, be refunded, on application therefor, to the record owner of the property as of the date of the sale. In the event no claim for said excess is received by the treasurer within three years after the delivery of the deed, he shall, at the expiration of the three-year period, remit the excess to the district.

Foreclosure; sale by bids.

Proceeds exceeding assessment, interest and costs.

The purchaser, in addition to the purchase price, shall pay one dollar to the treasurer for a duplicate of the certificate of sale. The treasurer shall account to the district for the one dollar. If the purchaser does not pay the purchase price before ten o'clock

Fee for copy of certificate of sale.

Failure of purchaser to pay.

a. m. the following day, the property shall be resold on the next day. If there is no purchaser for a tract when first offered for sale, it shall be offered again thereafter and if finally there is no purchaser it shall be struck off to the district as the purchaser for the amount of the assessment, interest, and costs, and the duplicate certificate shall be delivered to the secretary of the district, and filed by him in the office of the district. No charge shall be made for the duplicate certificate where the district is the purchaser, and in such case the county treasurer shall make an entry, "sold to the district," and he will be credited with the amount thereof in settlement.

Omitted  
property and  
illegal sales.

When land has been omitted from the general district sale, or when a sale is illegal by reason of a defective notice of sale or material errors in the description of the property and the deed has not been delivered, a reassessment shall not be required, but the treasurer shall sell the property at the next general annual sale, for all delinquent assessments. The purchaser at an illegal sale who has not accepted delivery of deed shall be entitled to a return of any moneys paid, upon return of the certificate of sale.

Easements.

Sales of land hereunder shall not convey title to any easement thereon owned by any public service corporation, or by the district, or by any municipal or public corporation, or convey the title to any public service facilities constructed or maintained on the land under such easement, including also any private easement owned by third parties by which service is received from the district, or municipal or public service corporation.

Enacted  
without  
amendment.

SEC. 3. A district may assign or transfer the certificate of sale upon the payment of the amount which would be due if redemption were made. If no redemption is made of land for which a district holds a certificate of purchase, the district may receive the treasurer's deed therefor. The district may

lease from year to year with the right to include an option to purchase, sell on contract on deferred payments, or sell for cash and convey the lands so acquired, by deed executed by the president and secretary of the board and acknowledged by the president. Authority to lease, option, sell, or convey shall be by resolution of the board entered on its minutes, fixing the price at which the option may be granted or sale may be made, which price shall be not less than the reasonable market value of the property.

The board may without consideration, dedicate, grant, or convey district land or easements therein for highway or public utility purposes conveniencing the inhabitants of the district when it deems such action will enhance the value of the remaining district land to an extent equal to or greater than the value of the interest or easement dedicated, granted or conveyed, and may upon resolution, without consideration, issue quitclaim deeds to clear title to land sold under foreclosure.

When land is deeded to the district and if title remains vested in the district and the board believes the sale resulted from unavoidable accident, inadvertence, or misfortune, and without intent on the part of the person entitled to make redemption to permit the assessment to become delinquent and the land to be sold, it may reconvey to the person entitled to redemption within one year after deed is issued, upon the payment of the amount stated in the certificate of sale with interest thereon at ten percent per year from the date of sale, and one dollar for the deed, and all subsequent assessments with interest.

SEC. 4. After receiving the amount of the assessments and costs, the treasurer shall make out in duplicate a certificate, dated on the day of sale, stating the names of the persons assessed if known, a de-

Enacted  
without  
amendment.

scription of the land sold, the amount paid therefor, and that it was sold for assessments, giving the amount and the year of assessment, and specifying the time when the purchaser will be entitled to a deed. The certificate shall be signed by the treasurer and one copy delivered to the purchaser, and the other filed in his office. Upon the sale of a tract of one acre or less the fee for a duplicate certificate shall be twenty-five cents and in case of a sale to a person or a district of more than one tract of land, the several tracts may be included in one certificate.

Amendment.

SEC. 5. Section 5, chapter 171, Laws of 1939 and RCW 87.32.210 are each amended to read as follows:

Redemption.

Redemption may be made by any party in interest at any time before deed is delivered, by paying the amount of the assessment, interest, and costs included in the purchase price and interest on that amount thereof, and the amount of any assessments which the purchaser may have paid thereon, with like interest. If the district is the purchaser, the redemptioner need pay no assessment levied after the assessment for which the land was sold, but all such assessments shall remain a lien, and the land shall be subject to sale therefor. Redemption shall be made in legal tender, and the treasurer shall credit the amount paid to the person named in the certificate and pay it to him on demand, along with the excess, if any, paid by him on the purchase price at the time of sale.

Property not redeemed.

Upon redemption the treasurer shall enter the word "redeemed," the date of redemption and by whom redeemed on the certificate and on the margin of the assessment book where the entry of the certificate is made. If the property is not redeemed within one year from the fifteenth day of January of the year in which it was sold, the treasurer shall upon demand by the holder of the certificate, make a deed of the property to the holder, reciting in the deed

substantially the matters contained in the certificate, and that the property was not redeemed. Where the owner of the certificate is not the district, deed shall not issue until an affidavit showing service or publication of the notice of application for deed is filed with the treasurer and twenty-one days have elapsed since the service or first publication of the notice.

The treasurer shall endorse on the margin of the current district assessment roll opposite the description of the land described in the deed, the date of delivery of the deed and the name of the grantee, and the transfer of the title shall be complete as of the time of delivery of the deed. The treasurer shall receive from the purchaser, for the use of the district, one dollar for making the deed: *Provided*, That if the tract is one acre or less the fee shall be twenty-five cents and when any person or district holds a certificate covering more than one tract of land, the several tracts may be included in one deed.

Passed the House February 8, 1955.

Passed the Senate February 23, 1955.

Approved by the Governor March 2, 1955.

CHAPTER 59.

[ H. B. 18. ]

LIBRARY DISTRICTS—BONDS—LEVIES.

AN ACT relating to rural county library districts and intercounty rural library districts and indebtedness thereof; authorizing and providing for the issuance of general obligation bonds and the levy of taxes in excess of existing legal limitations; amending section 4, chapter 65, Laws of 1947 and RCW 27.12.040, 27.12.050, 27.12.060, and 27.12.070; and amending section 7, chapter 75, Laws of 1947 and RCW 27.12.150.

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

Excess levies for capital purposes; authorized.

SECTION 1. In addition to the indebtedness authorized by RCW 27.12.150 and 27.12.070, rural county library districts and intercounty rural library districts may incur indebtedness for capital purposes to the full extent permitted by the Constitution and may issue general obligation bonds to pay therefor, not to exceed an amount equal to two percent of the assessed valuation of the taxable property within the district. Any such indebtedness shall be authorized by resolution of the board of library trustees, and the board of library trustees shall submit the question to the qualified electors of the district for their ratification or rejection whether or not such indebtedness shall be incurred and such bonds issued. Such proposition to be effective must be authorized by an affirmative vote of three-fifths of the electors within the district voting at a general or special election to be held for the purpose of authorizing such indebtedness and bond issue at which election the number of persons voting on the proposition shall constitute not less than forty percent of the total number of votes cast in such taxing district at the last preceding general election. If the voters shall so authorize, the district may levy annual taxes in excess of normal legal limitations to pay the principal and interest upon such bonds as they shall

Election.

become due. The excess levies mentioned in this section or in RCW 84.52.052 or 84.52.056 may be made notwithstanding anything contained in RCW 27.12-.050, 27.12.070 or 27.12.150 or any other statute pertaining to such library districts.

SEC. 2. Bonds authorized by section 1 of this act shall be serial in form and maturity and numbered from one upward consecutively. Only bond No. 1 of any issue shall be of a denomination other than a multiple of one hundred dollars. The resolution authorizing the issuance of the bonds shall fix the rate of interest the bonds shall bear at not to exceed six percent per annum, and the place and date of payment of principal and interest. The bonds shall be signed by the chairman of the board of library trustees and attested by the secretary. Coupons in lieu of being signed may bear the facsimile signature of such officers. Bonds shall be sold in such manner as the board of library trustees deems for the best interests of the district. All such bonds shall be legal securities for any bank or trust company for deposit with the state treasurer or any county or city treasurer as security for deposits in lieu of a surety bond under any law relating to deposits of public moneys.

Bonds.

SEC. 3. Section 4, chapter 65, Laws of 1947 (heretofore codified and divided as RCW 27.12.040, 27.12-.050, 27.12.060 and 27.12.070) is divided and amended as set forth in sections 4, 5, 6, and 7 of this act.

Division and amendment.

SEC. 4. (RCW 27.12.040) The procedure for the establishment of a rural county library district shall be as follows:

Enacted without amendment.

(1) Petitions signed by at least ten percent of the registered voters of the county, outside of the area of incorporated cities and towns, asking that the question, "Shall a rural county library district be established?" be submitted to a vote of the people, shall be filed with the board of county commissioners.

(2) The board of county commissioners, after having determined that the petitions were signed by the requisite number of qualified petitioners, shall place the proposition for the establishment of a rural county library district on the ballot for the vote of the people of the county, outside incorporated cities and towns, at the next succeeding general or special election.

(3) If a majority of those voting on the proposition vote in favor of the establishment of the rural county library district, the board of county commissioners shall forthwith declare it established.

Appointment of trustees.

SEC. 5. (RCW 27.12.050) After the board of county commissioners has declared a rural county library district established, it shall appoint a board of library trustees and provide funds for the establishment and maintenance of library service for the district by making a tax levy on the property in the district of not more than two mills a year sufficient for the library service as shown to be required by the budget submitted to the board of county commissioners by the board of library trustees, and by making a tax levy in such further amount as shall be authorized pursuant to section 1 of this act or RCW 84.52.052 or 84.52.056. Such levies shall be a part of the general tax roll and shall be collected as a part of the general taxes against the property in the district.

Levies.

Coupon warrants.

SEC. 6. (RCW 27.12.060) The board of library trustees of this district may contract indebtedness, and evidence it by issuing and selling, at par plus accrued interest not exceeding six percent a year, coupon warrants of the district in such form as the board of library trustees shall determine. Such warrants may be issued in advance of the tax levy. Such warrants, signed by the chairman and the secretary of the board of library trustees, shall be payable at



such times as the board of library trustees shall provide not longer than six years from the date thereof.

The warrants shall be payable to bearer, shall have interest coupons attached providing for the payment of interest semiannually on the first day of January and of July, and the issuance thereof shall be recorded in the office of the county treasurer in a book kept for that purpose. All district warrants of every kind shall outlaw and become void after six years from their maturity date but only if there is money in the proper fund available for their payment within such period.

A rural county library district shall be a public corporation with such powers as are necessary to carry out its functions and for taxation purposes shall have the power vested in municipal corporations for such purposes.

District is public corporation.

SEC. 7. (RCW 27.12.070) At no time shall the total indebtedness of the district exceed an amount that could be raised by a two mill levy on the then existing valuation of the property of the district, except as provided in section 1 of this act or RCW 84.52.052 or 84.52.056. The county treasurer of the county in which any rural county library district is created shall receive and disburse all district revenues and collect all taxes levied under this chapter.

Limitation of indebtedness.

Collection and disbursement of district funds.

SEC. 8. Section 7, chapter 75, Laws of 1947 and RCW 27.12.150 are each amended to read as follows:

Amendment.

Funds for the establishment and maintenance of the library service of the district shall be provided by the boards of county commissioners of the respective counties by means of an annual tax levy on the property in the district of not more than two mills a year. The tax levy in the several counties shall be at a uniform rate and shall be based on a budget to be compiled by the board of trustees of the intercounty rural library district who shall determine the uniform tax rate necessary and certify their determina-

Annual levies.

tion to the respective boards of county commissioners.

Excess levies.

Excess levies authorized pursuant to section 1 of this act and RCW 84.52.052 or 84.52.056 shall be at a uniform rate which uniform rate shall be determined by the board of trustees of the intercounty rural library district and certified to the respective boards of county commissioners.

Passed the House February 4, 1955.

Passed the Senate February 23, 1955.

Approved by the Governor March 2, 1955.

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CHAPTER 60.

[ H. B. 24. ]

IRRIGATION DISTRICTS—POSTING AND PUBLISHING  
DELINQUENCY LISTS.

AN ACT relating to the posting or publishing of irrigation assessment delinquency lists and to notices in connection therewith and amending section 6, chapter 43, Laws of 1933 and RCW 87.32.140.

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

Amendment.

SECTION 1. Section 6, chapter 43, Laws of 1933 and RCW 87.32.140 are each amended to read as follows:

Delinquency list to be posted or published.

On or before the thirty-first day of December of each year, the treasurer of each county shall post or publish the delinquency list, which shall contain the names of persons to whom the property is assessed and a description of the property delinquent and the amount of the assessment and costs due, opposite each name and description.

Posting of notice.

If he posts the delinquency list, he shall append to and post with the list a notice, at least twenty days before the sale, that unless the assessments together with costs and accrued interest are paid, the prop-

erty will be sold at public auction. One copy thereof shall be posted in his office, one copy in the office of the board, and three copies in public places in each of the voting precincts in that part of the district within the county. He shall thereupon publish a list of the places where the notices are posted, and a notice that unless delinquent assessments as contained in the list, together with costs and accrued interest are paid, the property will be sold at public auction. Such notice, if he posts the delinquency list, or the delinquency list and such notice, if he does not post the delinquency list, shall be published once a week for three successive weeks in a newspaper of general circulation published in the county. Both notices shall designate the time and place of sale. The time of sale shall be not less than twenty-one nor more than twenty-eight days from the date of posting and from the date of the first publication of the notice thereof, if the delinquency list is posted, or from the date of the first publication of the delinquency list and the notice in connection therewith, if the list is published, and the place shall be at some point designated by the treasurer.

Publication of  
delinquency  
list and  
notice.

Contents of  
notice.  
Time and place  
of sale.

Passed the House February 8, 1955.

Passed the Senate February 23, 1955.

Approved by the Governor March 2, 1955.

CHAPTER 61.

[ H. B. 67. ]

MANUFACTURE AND SALE OF BREAD—UNLAWFUL ACTS—DEFINITIONS.

AN ACT relating to the manufacture and sale of bread, and the prevention of misrepresentation and fraud in the sale thereof; and amending section 1, chapter 214, Laws of 1937 and RCW 19.92.100, sections 2, 3 and 4, chapter 214 and RCW 19.92.110 and 19.92.120.

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

Amendment.

SECTION 1. Section 1, chapter 214, Laws of 1937 and RCW 19.92.100 are each amended to read as follows:

Lawful weights.

No person shall manufacture for sale, sell or offer or expose for sale, any bread except in the following weights, which shall be the net weights twelve hours after baking: "standard small loaf", which shall weigh not less than fifteen ounces and not more than seventeen ounces; "standard large loaf", which shall weigh not less than twenty-two and one-half ounces and not more than twenty-five and one-half ounces; or multiples of the foregoing weights for the "standard small loaf" and "standard large loaf": *Provided*, That variations at the rate of one ounce over and one ounce under the foregoing, per "standard small loaf", or one and one-half ounce over or under per "standard large loaf", or any multiple of the foregoing variations per each multiple type loaf, in the above specified unit weights are permitted in individual loaves, but the average weight of not less than twelve loaves of any one kind of loaf shall not be less than the weight hereinabove prescribed. It shall be unlawful to sell or expose for sale bread in a loaf of such form that it has the appearance and size of a loaf of greater weight.

Weight variations authorized.

Loaves appearing larger than weight.

Amendment.

SEC. 2. Sections 2, 3 and 4, chapter 214, Laws of 1937 (heretofore divided, combined and codified as

RCW 19.92.110 and 19.92.120) are amended to read as set forth in sections 3 and 4 of this act.

SEC. 3. (RCW 19.92.110) "Open top" or "hearth" means bread baked in pans or forms the top or top and sides of which are not enclosed. Definitions.

"Open top" or "hearth bread" shall be baked in pans or forms the length and width of which shall not exceed the following:

"Standard small loaf", length, nine inches, width, four and one-half inches;

"Standard large loaf", length, twelve and one-quarter inches, width, four and one-half inches.

SEC. 4. (RCW 19.92.120) "Pullman bread" means bread baked in pans all six sides of which are enclosed. Definitions.

"Pullman bread" shall be baked in pans the length and cubic content of which shall not exceed the following:

"Standard small Pullman loaf", length, nine inches; cubic content, one hundred forty-four cubic inches;

"Standard large Pullman loaf", length, thirteen inches; cubic content, two hundred and eight cubic inches;

"Standard large multiple Pullman loaf 'A'", length, sixteen inches; cubic content, two hundred fifty-six cubic inches;

"Standard large multiple Pullman loaf 'B'", length, twenty inches; cubic content, four hundred five cubic inches.

Passed the House February 2, 1955.

Passed the Senate February 23, 1955.

Approved by the Governor March 2, 1955.

CHAPTER 62.

[ H. B. 140. ]

NURSING—INJECTIONS, INOCULATIONS, ETC.

AN ACT relating to nursing; and adding a new section to chapter 18.88 RCW.

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

New section.

SECTION 1. There is added to chapter 18.88 RCW, a new section to read as follows:

Registered nurses may administer drugs, injections, etc.

It shall not be a violation of chapter 18.71 RCW, or chapter 18.57 RCW, for a registered nurse, at or under the general direction of a licensed practitioner of medicine and surgery, osteopathy, or osteopathy and surgery (within the scope of his license), to administer prescribed drugs, injections, inoculations, tests, or treatment whether or not piercing of tissues is involved.

Passed the House February 11, 1955.

Passed the Senate February 23, 1955.

Approved by the Governor March 2, 1955.

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CHAPTER 63.

[ H. B. 150. ]

LIMITED ACCESS FACILITIES—ABUTTING OWNERS.

AN ACT relating to the construction of roads, streets or highways to prevent abutting owners on limited access facilities from being or becoming land locked; providing for maintenance and control by counties or cities after construction.

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

Prevention of land locking abutting owners by constructing connecting ways.

SECTION 1. Whenever, in the opinion of the Washington state highway commission, frontage or service roads in connection with limited access facilities, are not feasible either from an engineering or economic standpoint, the highway department may construct any road, street or highway connecting to or leading into any other road, street or highway, when by so

doing, it will preserve a limited access facility or reduce compensation required to be paid to an abutter on the proposed or existing limited access facility, by preventing said abutter from becoming land locked. Before concluding an agreement with any such abutter the commission shall reach agreement with a majority of the board of county commissioners or city governing body of the county or city concerned as to location, future maintenance and control of any road, street or highway to be so constructed. Such road, street or highway need not be made a part of said state highway system or connected thereto, but may upon completion by the state be turned over to the county or city, as the case may be, for location, maintenance and control pursuant to the agreement as part of said system of such county roads or city streets.

Agreement  
with county  
or city.

Connecting  
way may be  
turned over to  
county or city.

Passed the House February 9, 1955.

Passed the Senate February 23, 1955.

Approved by the Governor March 2, 1955.

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## CHAPTER 64.

[ H. B. 194. ]

### PORT DISTRICTS—EMPLOYMENT.

AN Act relating to port districts; providing for powers with respect to employment, payment and establishing of benefits for employees, in paying for the costs of securing employees; also authorizing the employment of agents for making wage payments and other purposes; and adding a new section to chapter 53.08 RCW.

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

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

The port commission shall have authority to create and fill positions, to fix wages, salaries and bonds thereof, to pay costs and assessments involved Port commission's employ-  
ment powers.

in securing or arranging to secure employees, and to establish such benefits for employees, including holiday pay, vacations or vacation pay, retirement and pension benefits, medical, surgical or hospital care, life, accident, or health disability insurance, and similar benefits, already established by other employers of similar employees, as the port commission shall by resolution provide. The port commission shall have authority to provide or pay such benefits directly, or to provide for such benefits by the purchase of insurance policies or entering into contracts with and compensating any person, firm, agency or organization furnishing such benefits, or by making contributions to vacation plans or funds, or health and welfare plans and funds, or pension plans or funds, or similar plans or funds, already established by other employers of similar employees and in which the port district is permitted to participate for particular classifications of its employees by the trustees or other persons responsible for the administration of such established plans or funds. The port commission shall have authority by resolution to utilize and compensate agents for the purpose of paying, in the name and by the check of such agent or agents or otherwise, wages, salaries and other benefits to employees, or particular classifications thereof, and for the purpose of withholding payroll taxes and paying over tax moneys so withheld to appropriate government agencies, on a combined basis with the wages, salaries, benefits, or taxes of other employers or otherwise; to enter into such contracts and arrangements with and to transfer by warrant such funds from time to time to any such agent or agents so appointed as are necessary to accomplish such salary, wage, benefit, or tax payments as though the port district were a private employer, notwithstanding any other provision of the law to the contrary. The funds of a port district transferred to such an agent or

Utilization of agents.

Garnishment.



agents for the payment of wages or salaries of its employees in the name or by the check of such agent or agents shall be subject to garnishment with respect to salaries or wages so paid, notwithstanding any provision of the law relating to municipal corporations to the contrary.

Passed the House February 4, 1955.

Passed the Senate February 23, 1955.

Approved by the Governor March 2, 1955.

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## CHAPTER 65.

[ H. B. 196. ]

### PORT DISTRICTS—POWERS—CONTRACTS WITH GOVERNMENTAL AGENCIES—LEASES.

AN ACT relating to port districts and granting powers thereto including the power to acquire land, construct facilities, perform various port services and functions, establish foreign trade zones and contract indebtedness for the same, develop industrial sites, establish local improvement districts and make financing arrangements for the same, improve waterways, make warehousing contracts and fix rates, execute leases of port lands, sell property, raise revenue by taxes and contract indebtedness; and amending section 2, chapter 166, Laws of 1943, as last amended by sections 1 and 2, chapter 171, Laws of 1953 and section 1, chapter 243, Laws of 1953 and RCW 53.08.010 through 53.08.090, 53.36.020 and 53.36.030.

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

SECTION 1. Section 2, chapter 166, Laws of 1943, Amendment. as last amended by section 1, chapter 243, Laws of 1953 (heretofore divided and codified as RCW 53.08-.010 through 53.08.090, 53.36.020 and 53.36.030) is amended as set forth in sections 2 through 12 of this act.

SEC. 2. (RCW 53.08.010) A port district may acquire by purchase, for cash or on deferred payments for a period not exceeding ten years, or by condemnation, or both, all lands, property, property Enacted without amendment.

rights, leases, or easements necessary for its purposes and may exercise the right of eminent domain in the acquirement or damaging of all such lands, property, and property rights, and may levy and collect assessments upon property for the payment of all damages and compensation in carrying out its purposes, and such right shall be exercised in the same manner and by the same procedure as provided for cities of the first class insofar as consistent with this title, and in connection therewith the county treasurer shall perform the duties of the treasurers of such cities.

Enacted  
without  
amendment.

SEC. 3. (RCW 53.08.020) A district may construct, condemn, purchase, acquire, add to, maintain, conduct, and operate systems of sea walls; jetties, piers, wharves, docks, boat landings, warehouses, storehouses, elevators, grain-bins, cold storage plants, terminal icing plants, bunkers, oil tanks, ferries, canals, locks, tidal basins, bridges, subways, tramways, cableways, conveyors, administration buildings, fishing terminals, together with modern appliances and buildings for the economical handling, storing, and transporting of freight and handling of passenger traffic, and other harbor improvements, rail and water transfer and terminal facilities within the district; and in connection with the operation of the improvements of the district, perform all customary services including the handling, weighing, measuring, and reconditioning all commodities received.

Enacted  
without  
amendment.

SEC. 4. (RCW 53.08.030) A district may apply to the United States for permission to establish, operate, and maintain foreign trade zones within the district: *Provided*, That when the money so raised is to be used exclusively for the purpose of acquiring land for sites and constructing warehouses, storage plants, and other facilities to be constructed within the zone for use in the operation and maintenance of the

zones, the district may contract indebtedness and issue general bonds therefor in an amount, in addition to the three percent hereinafter fixed, of two percent of the taxable property in the district to be ascertained by the last assessment for state and county purposes, such additional indebtedness only to be incurred with the assent of three-fifths of the voters of the district voting thereon.

SEC. 5. (RCW 53.08.040) A district may improve its lands by dredging, filling, bulkheading, providing waterways or otherwise developing such lands for sale or lease for industrial and commercial purposes.

Enacted  
without  
amendment.

SEC. 6. (RCW 53.08.050) A district may establish local improvement districts within the district, and levy special assessments, in annual installments extending over a period not exceeding ten years on all property specially benefited by the local improvement, on the basis of special benefits, to pay in whole or in part the damages or costs of the local improvement, and issue local improvement bonds to be paid from local improvement assessments. The levy and collection of such assessments and issuance of such bonds shall be as provided for the levy and collection of local improvement assessments and the issuance of local improvement bonds by cities of the first class, insofar as consistent with this title: *Provided*, That the duties of the treasurers of such cities in connection therewith shall be performed by the county treasurer.

Enacted  
without  
amendment.

SEC. 7. (RCW 53.08.060) A district may improve navigable and nonnavigable waters of the United States and the state of Washington within the district; create and improve for harbor purposes new waterways within the district; and regulate and control all such waters and all natural or artificial waterways within the district (waterways of commercial waterway districts excepted), and remove obstruc-

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without  
amendment.

tions therefrom, and straighten, widen, deepen, and otherwise improve any water, watercourses, bays, lakes or streams, whether navigable or otherwise, flowing through or located within the district.

Rates for district facilities.

SEC. 8. (RCW 53.08.070) A district may fix, without right of appeal therefrom, the rates of wharfage, dockage, warehousing, and port and terminal charges upon all improvements owned and operated by it, and the charges of ferries operated by it. The port commission shall file with the public service commission its schedule of rates and charges so fixed, as required of public service corporations. It may change any rate and charge so filed by filing with the commission a notice of the proposed change not less than thirty days before the change shall go into effect.

Rates for leased facilities.

It may fix, subject to state regulation, rates of wharfage, dockage, warehousing, and all necessary port and terminal charges upon all docks, wharves, warehouses, quays, and piers owned by it and operated under lease from it.

Contracts with other governing bodies.

Notwithstanding any provision of this section, a port district may enter into any contract for wharfage, dockage, warehousing, or port or terminal charges, with the United States or any governmental agency thereof or with the state of Washington or any political subdivision thereof under such terms as the commission may, in its discretion, negotiate.

Lease of facilities.

SEC. 9. (RCW 53.08.080) A district may lease all lands, wharves, docks, and property owned and controlled by it, upon such terms as the port commission deems proper: *Provided*, That no lease shall be for a period longer than fifty years, and each lease shall be secured by a bond, with surety satisfactory to the port commission, in a penalty not less than the rental for one-sixth of the term, but in no case less than the rental for one year where the term is one year or more, conditioned to perform the terms of

such lease: *Provided further*, That where the property involved is or is to be devoted to airport purposes and construction work and/or to the construction or maintenance of facilities for the comfort and accommodation of air travelers (but which facilities shall also be open to the general public) or the installation of new facilities is contemplated, the port commission may lease said property for such period as may equal the estimated useful life of such work or facilities, but not to exceed seventy-five years: *Provided further*, That in a lease the term of which exceeds five years, and when at the option of the port commission it is so stipulated in the lease, the commission shall accept, with surety satisfactory to it, a bond conditioned to perform the terms of the lease for some part of the term, in no event less than five years (unless the remainder of the unexpired term is less than five years, in which case for the full remainder) and in every such case the commission shall require of the lessee, another or other like bond to be delivered within two years, and not less than one year prior to the expiration of the period covered by the existing bond, covering an additional part of the term in accordance with the foregoing provisions in respect to the original bond, and so on until the end of the term so that there will always be in force a bond securing the performance of the lease, and the penalty in each bond shall be not less than the rental for one-half the period covered thereby, but no bond shall be construed to secure the furnishing of any other bond.

SEC. 10. (RCW 53.08.090) A district may sell and convey any of its property when the port commission has, by resolution, declared the property to be no longer needed for district purposes, but no property which is a part of the comprehensive plan of improvement or modification thereof, adopted by vote of the people, shall be disposed of without the assent

Enacted  
without  
amendment.

of a majority of the voters voting thereon at a general or special election.

Enacted  
without  
amendment.

SEC. 11. (RCW 53.36.020) A district may raise revenue by levy of an annual tax not to exceed two mills on each dollar of the assessed valuation of the taxable property in such port district for general port purposes, including the establishment of a capital improvement fund for future capital improvements, except that any levy for the payment of the principal and interest of the general bonded indebtedness of the port district shall be in excess of any levy made by the port district under the two-mill limitation. The levy shall be made and taxes collected in the manner provided for the levy and collection of taxes in school districts of the first class.

Enacted  
without  
amendment.

SEC. 12. (RCW 53.36.030) A district may contract indebtedness or borrow money for district purposes and issue general bonds therefor not exceeding an amount, together with the existing indebtedness of the district, of three percent of the assessed value of the taxable property in the district, to be ascertained by the last assessment for state and county purposes previous to incurring the indebtedness: *Provided*, That no such indebtedness shall be incurred exceeding one percent of the assessed value of the taxable property without three-fifths of the voters voting thereon assenting thereto at a general or special port election called for that purpose.

The district may issue general district bonds evidencing any indebtedness, payable at any time not exceeding fifty years from the date of the bonds.

Passed the House February 3, 1955.

Passed the Senate February 23, 1955.

Approved by the Governor March 2, 1955.

## CHAPTER 66.

[ H. B. 388. ]

## LAND GRANT COLLEGES—FEDERAL GRANTS.

AN ACT relating to the disbursement of federal grants from the Morrill act, Bankhead-Jones act, and other federal acts, from the state treasurer to the State College of Washington.

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

SECTION 1. The state treasurer is designated as agent of the state of Washington to receive all federal appropriations for the land grant colleges in accordance with the following federal acts:

State treasurer receiving agent for federal aid.

(1) Second Morrill act, approved August 30, 1890 (26 Stat. L. 417).

Federal acts granting aid.

(2) Nelson amendment to the Morrill act making appropriations for the department of agriculture for the fiscal year ending June 30, 1908, approved March 4, 1907 (34 Stat. L. 1281).

(3) Title II, section 22 of the Bankhead-Jones act, approved June 29, 1935 (49 Stat. L. 436).

(4) Any subsequent federal act appropriating funds to the state of Washington or to the State College of Washington for a similar or related purpose.

SEC. 2. Upon receipt of the federal grant pursuant to federal statutes, the treasurer shall deposit the same in a special trust fund to be designated "Morrill Fund" which is hereby created for the use of the designated land grant college in the teaching of agriculture and mechanic art.

Morrill Fund.

SEC. 3. The board of regents of the State College of Washington may authorize the treasurer or comptroller of the State College of Washington to withdraw such federal grants for the use of the college for the purposes of such grant and in accordance with state law.

Withdrawals from Morrill Fund.

Federal grants  
deemed trust  
funds.

SEC. 4. All federal grants received by the state treasurer pursuant to section 1 of this act shall be deemed trust funds under the control of the state treasurer and not subject to appropriation by the legislature.

Passed the House February 14, 1955.

Passed the Senate February 23, 1955.

Approved by the Governor March 2, 1955.

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CHAPTER 67.

[ H. B. 320. ]

APPROPRIATION—TEMPORARY PUBLICATION OF  
SESSION LAWS.

AN ACT appropriating the sum of fourteen thousand two hundred dollars, or so much thereof as may be necessary for the temporary publication of session laws of the thirty-fourth session of the Washington state legislature, and declaring an emergency.

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

Appropriation.

SECTION 1. There is hereby appropriated out of the general fund the sum of fourteen thousand two hundred dollars, or so much thereof as may be necessary for the printing and mailing of the temporary publication of the session laws of the thirty-fourth session of the Washington state legislature.

Emergency.

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

Passed the House February 9, 1955.

Passed the Senate February 23, 1955.

Approved by the Governor March 2, 1955.



## CHAPTER 68.

[ H. B. 55. ]

SCHOOL DISTRICTS—CONDITIONS AND CONTRACTS  
OF EMPLOYMENT.

AN ACT relating to conditions and contracts of employment in school districts; providing for notice of nonrenewal of contracts and opportunity for board hearings; amending section 5, page 307, Laws of 1909 and section 1, chapter 52, Laws of 1943 and RCW 28.58.100 and 28.67.070, and declaring an emergency.

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

SECTION 1. Section 5, page 307, Laws of 1909 and section 1, chapter 52, Laws of 1943, (heretofore divided, combined and codified as RCW 28.58.100 and 28.67.070) are amended to read as set forth in sections 2 and 3 of this act. Amendment.

SEC. 2. (RCW 28.58.100) Every board of directors, unless otherwise specially provided by law, shall: Enacted without amendment.

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

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

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

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

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

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

(7) Provide free textbooks and supplies to be loaned to the pupils of the school, when in its judgment the best interests of the district will be subserved thereby, prescribe rules and regulations to preserve such books and supplies from unnecessary damage and provide for the expenditure of a reasonable amount for suitable commencement exercises;

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

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

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

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

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

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

If the transportation of children is arranged for by contract of the district with some person, the board may require such contractor to procure liability, property, collision or other insurance for the motor vehicle used in such transportation;

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

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

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

SEC. 3. (RCW 28.67.070) No teacher shall be employed except by written order of a majority of the directors of the district at a regular or special meeting thereof, nor unless he is the holder of an effective teacher's certificate.

Conditions and contracts of employment of teachers.

The board shall make with each teacher employed by it a written contract, which shall be in conformity with the laws of this state. Every such contract shall be made in duplicate, one copy of which shall be retained by the school district clerk or secretary, and the other shall be delivered to the teacher, after having been approved and registered by the county superintendent.

Every teacher, principal, supervisor, or superintendent holding a position as such with a school district, hereinafter referred to as "employee", whose

Nonrenewal of contracts of certain employees.

employment contract is not to be renewed by the district for the next ensuing term shall be notified in writing on or before April 15th preceding the commencement of such term of the decision of the board of directors not to renew his employment which notification shall specify sufficient cause or causes for nonrenewal of contract. Every such employee so notified shall, at his or her request made in writing and filed with the clerk or secretary of the board of directors of the district within ten days after receiving such notice, be granted opportunity for hearing before the board of directors of the district, to determine whether or not the facts constitute sufficient cause for nonrenewal of contract. Such board upon receipt of such request shall call the hearing to be held within ten days following the receipt of such request, and shall at least three days prior to the date fixed for the hearing notify the employee in writing of the date, time and place of the hearing. The employee may engage such counsel and produce such witnesses as he or she may desire. The board of directors shall within five days following the conclusion of such hearing notify the employee in writing of its final decision either to renew or not to renew the employment of the employee for the next ensuing term. Any decision not to renew such employment contract shall be based solely upon the cause or causes for nonrenewal specified in the notice to the employee and proved and established at the hearing.

**Failure to give notice of non-renewal and opportunity for hearing.** If such notification and opportunity for hearing is not timely given by the district, the employee entitled thereto shall be conclusively presumed to have been reemployed by the district for the next ensuing term upon contractual terms identical with those which would have prevailed if his employment had actually been renewed by the board of directors for such ensuing term: *Provided*, That in union high school districts the written notification and opportunity for

hearing shall be given on or before April 30th preceding the commencement of the next ensuing term.

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

Passed the House February 8, 1955.

Passed the Senate February 24, 1955.

Approved by the Governor March 3, 1955.

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## CHAPTER 69.

[ Sub. H. B. 21. ]

### FIRST CLASS CITIES—POLICE PENSIONS AND BENEFITS.

AN Act relating to municipal corporations; providing certain benefits and pensions for members of police departments of cities of the first class; and amending section 1, chapter 18, Laws of 1911 and RCW 41.20.010, and section 12, chapter 39, Laws of 1909 and RCW 41.20.040, and section 1, chapter 45, Laws of 1945 and RCW 41.20.050, and section 2, chapter 24, Laws of 1937 and RCW 41.20.060, and section 3, chapter 24, Laws of 1937 and RCW 41.20.080, and section 5, chapter 40, Laws of 1915 and RCW 41. 20.120, and section 1, chapter 30, Laws of 1933 and RCW 41.20.130; and adding a new section to chapter 41.20 RCW.

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

SECTION 1. Section 1, chapter 18, Laws of 1911 Amendment.  
and RCW 41.20.010 are each amended to read as follows:

(1) The mayor, clerk, treasurer, president of the city council of each city of the first class, or in case any such city has no city council, the commissioner who has supervision of the police department, together with three members of the police department, to be elected as herein provided, in addition to the Board of trustees; membership.  
duties now required of them, are constituted a board Duties.  
of trustees of the relief and pension fund of the police department of each such city, and shall provide for

the disbursement of the fund, and designate the beneficiaries thereof.

Selection and terms of office of police department members.

(2) The police department of each city of the first class shall elect three regularly appointed, qualified, and acting members of the department to act as members of the board. On the first election following adoption of this amendatory act, one member shall be elected for a three year term, one for a two year term, and one for a one year term. Thereafter, one new member shall be elected each year for a three year term. Existing members shall continue in office until replaced as provided for in this section.

Election procedure.

(3) Such election shall be held in the following manner. Not more than thirty nor less than fifteen days preceding the first day of June in each year, written notice of the nomination of any member of the department for membership on the board may be filed with the secretary of the board. Each notice of nomination shall be signed by not less than five members of the department, and nothing herein contained shall prevent any member of the department from signing more than one notice of nomination. The election shall be held on a date to be fixed by the secretary during the month of June. Notice of the dates upon which notice of nomination may be filed and of the date fixed for the election of such members of the board shall be given by the secretary of the board by posting written notices thereof in a prominent place in the police headquarters. For the purpose of such election, the secretary of the board shall prepare and furnish printed or typewritten ballots in the usual form, containing the names of all persons regularly nominated for membership and shall furnish a ballot box for the election. Each member of the police department shall be entitled to vote at the election for one nominee as a member of the board except in the first election where each may cast three

votes. The chief of the department shall appoint two members to act as officials of the election, who shall be allowed their regular wages for the day, but shall receive no additional compensation therefor. The election shall be held in the police headquarters of the department and the polls shall open at 7:30 a. m. and close at 8:30 p. m. The one nominee receiving the highest number of votes shall be declared elected to the board and his term shall commence on the first day of July succeeding the election. In the first election the nominee receiving the greatest number of votes shall be elected to the three year term, the second greatest to the two year term and the third greatest to the one year term.

SEC. 2. Section 12, chapter 39, Laws of 1909 and RCW 41.20.040 are each amended to read as follows: Amendment.

The board shall, in addition to other powers herein granted, have power: Powers of board.

(1) To compel witnesses to attend and testify before it upon all matters connected with the administration of this chapter, in the same manner as provided by law for the taking of testimony in courts of record in this state, and its president or any member of the board may administer oaths to such witnesses.

(2) To provide for the payment from the fund of all necessary expenses and printing.

No compensation or emolument shall be paid to any member of the board for any duty required or performed under this chapter.

Each board may make all needful rules and regulations for its guidance in the administration of and in conformity with the provisions of this chapter.

SEC. 3. Section 1, chapter 45, Laws of 1945 and RCW 41.20.050 are each amended to read as follows: Amendment.

Whenever a person has been duly appointed, and has served honorably for a period of twenty-five years or more, as a member, in any capacity, of the regu- Retirement for service.

larly constituted police department of a city subject to the provisions of this chapter, the board may order and direct that such person be retired, and the board shall retire any member so entitled, upon his written request therefor. The member so retired shall be paid from the fund during his lifetime a pension equal to forty-five percent of the amount of salary attached to the rank held by the retired member for the year preceding the date of his retirement: *Provided*, That no pension shall exceed an amount equivalent to one-half the basic salary of a member holding the rank of captain: *Provided further*, That for each additional year of honorable service in excess of twenty-five years, but not to exceed an additional five years of service, the retirement benefit percentage herein provided shall be increased one percent per year.

Veterans.

Any person affected by this chapter who at the time of entering the armed services was a member of such police department and has honorably served in the armed services of the United States in the time of war, shall have added to his period of employment as computed under this chapter, his period of war service in the armed forces, but such credited service shall not exceed five years and such period of service shall be automatically added to each member's service upon payment by him of his contribution for the period of his absence at the rate provided in RCW 41.20.130.

New section.

SEC. 4. A new section is added to chapter 41.20 RCW to read as follows:

Retirement  
prior to 25  
years of  
service.

Whenever any member affected by this chapter terminates his employment prior to the completion of twenty-five years of service he shall receive seventy-five percent of his contributions made after the effective date of this act and he shall not receive any contributions made prior thereto.



SEC. 5. Section 2, chapter 24, Laws of 1937 and RCW 41.20.060 are each amended to read as follows: Amendment.

Whenever any person, while serving as a policeman in any such city becomes physically disabled by reason of any bodily injury received in the immediate or direct performance or discharge of his duties as policeman, or becomes incapacitated for service, such incapacity not having been caused or brought on by dissipation or abuse, of which the board shall be judge, the board may, upon his written request filed with the secretary, or without such written request, if it deems it to be for the benefit of the public, retire such person from the department, and order and direct that he be paid from the fund during his lifetime, a pension equal to one-half of the amount of salary attached to the rank which he held in the department at the date of his retirement, but not to exceed an amount equivalent to one-half the basic salary of a member holding the rank of captain. Retirement for disability.

Whenever such disability ceases, the pension shall cease, and such person shall be restored to active service at the same rank he held at the time of his retirement, and at the current salary attached to said rank at the time of his return to active service.

Disability benefits provided for by this act shall not be paid when the policeman is disabled while he is engaged for compensation in outside work not of a police or special police nature.

SEC. 6. Section 3, chapter 24, Laws of 1937 and RCW 41.20.080 are each amended to read as follows: Amendment.

Whenever any member of the police department of any such city loses his life through violence while actually engaged in the performance of duty as a police officer, leaving a widow or child or children under the age of sixteen years, upon satisfactory proof of such facts made to it, the board shall order and direct that a pension, equal to one-half of the amount of the salary attached to the rank which such Death benefits.

member held in the police department at the time of his death, shall be paid to the widow during her life, or if there is no widow, then to the child or children, until they are sixteen years of age: *Provided*, That if such widow or child or children marry, the person so marrying shall thereafter receive no further pension from the fund.

If any member so losing his life, leaves no wife, or child or children under the age of sixteen years, the board shall pay the sum of two hundred dollars toward the funeral expenses of such member.

Amendment.

SEC. 7. Section 5, chapter 40, Laws of 1915 and RCW 41.20.120 are each amended to read as follows:

Sick benefits.

Whenever any member of the police department, on account of sickness or disability, suffered or sustained while a member of the department, and not caused or brought on by dissipation or abuse, of which the board shall be judge, is confined to any hospital or to his home and requires nursing, care, or attention, the board shall pay the necessary hospital, care, and nursing expenses of such member out of the fund, and the salary of such member shall continue while he is necessarily confined to such hospital or home and necessarily requires care and nursing on account of such sickness or disability for a period not exceeding six months, after which period the other provisions of this chapter shall apply: *Provided*, That the board in all cases may have the member suffering from such sickness or disability examined at any time by a licensed physician or physicians, to be appointed by the board, for the purpose of ascertaining the nature and extent of the sickness or disability, the physician or physicians to report to the board the result of the examination within three days thereafter. Any member who refuses to submit to such examination or examinations shall forfeit all his rights to benefits under this section: *Provided further*, That the board shall desig-

nate the hospital and medical services available to such sick or disabled policeman.

SEC. 8. Section 1, chapter 30, Laws of 1933 and RCW 41.20.130 are each amended to read as follows: Amendment.

There is created in each city subject to the provisions of this chapter a police relief and pension fund. The fund shall be constituted as follows: Police relief and pension fund.

A sum equal to four and one-half percent thereof shall be deducted monthly from the salary of each police officer by the city treasurer and placed in the fund, but the maximum deduction shall not exceed four and one-half percent of the basic monthly salary of a member holding the rank of captain.

At the time the annual tax levy of the city is made, the city council, or other legislative body, shall order the transfer of an amount of money into the fund, sufficient with the salary deductions, to meet the financial requirements thereof:

(1) From moneys collected or received from all licenses issued;

(2) From fines and forfeitures collected or received in money for violation of city ordinances.

Passed the House February 10, 1955.

Passed the Senate February 25, 1955.

Approved by the Governor March 3, 1955.

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## CHAPTER 70.

[ H. B. 25. ]

### INTOXICATING LIQUOR—PROHIBITIONS RELATING TO MINORS.

AN ACT relating to intoxicating liquor and the penalties thereunder; and amending section 6, chapter 174, Laws of 1935 and RCW 66.44.270 through 66.44.290.

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

SECTION 1. Section 6, chapter 174, Laws of 1935 (heretofore codified as RCW 66.44.270 through 66.44- Division and amendment.

.290) is divided and amended as set forth in sections 2 through 4 of this act.

Furnishing liquor to minors.

SEC. 2. (RCW 66.44.270) 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. It is unlawful for any person under the age of twenty-one years to acquire or have in his possession or consume any liquor except as in this section provided and except when such liquor is being used in connection with religious services.

Possession or consumption of liquor by minors.

Penalty.

Conviction or forfeiture of bail for a violation of this section by a person under the age of twenty-one years at the time of such conviction or forfeiture, shall not be a disqualification of such person to acquire a license to sell or dispense any liquor after such person shall have attained the age of twenty-one years.

Enacted without amendment.

SEC. 3. (RCW 66.44.280) Every person under the age of twenty-one years who makes application for a permit shall be guilty of an offense against this title.

Enacted without amendment.

SEC. 4. (RCW 66.44.290) Every person under the age of twenty-one years who purchases any liquor shall be guilty of a violation of this title.

Passed the House February 24, 1955.

. Passed the Senate February 23, 1955.

Approved by the Governor March 3, 1955.

## CHAPTER 71.

[ H. B. 166. ]

## WATER POLLUTION CONTROL—DISPOSAL OF WASTE.

AN ACT relating to water pollution control; regulating the discharge of waste material into waters of the state, and adding new sections to chapter 216, Laws of 1945, as amended by chapter 58, Laws of 1949, and chapter 90.48, RCW.

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

SECTION 1. There is added to chapter 216, Laws of 1945, as amended by chapter 58, Laws of 1949, and chapter 90.48, RCW, a new section to read as follows:

Any person who conducts a commercial or industrial operation of any type which results in the disposal of solid or liquid waste material into the waters of the state shall procure a permit from the pollution control commission before disposing of such waste material, and any person who is, after the effective date of this act, disposing of waste material from a commercial or industrial operation into state waters shall, within one year after the effective date of this act, secure such a permit or cease disposing of such waste material: *Provided, That*, except in case of an emergency affecting the public health, in case of a request for hearing or the taking of an appeal pursuant to RCW 90.48.130, such cessation shall be stayed pending such hearing or final determination by a court.

SEC. 2. There is added to chapter 216, Laws of 1945, as amended by chapter 58, Laws of 1949, and chapter 90.48, RCW, a new section to read as follows:

Applications for permits shall be made on forms prescribed by the commission and shall contain the name and address of the applicant, a description of his operations, the quantity and type of waste material sought to be disposed of, the proposed method

of disposal, and any other relevant information deemed necessary by the commission.

New section.

SEC. 3. There is added to chapter 216, Laws of 1945, as amended by chapter 58, Laws of 1949, and chapter 90.48, RCW, a new section to read as follows:

Permits; issuance.

The commission shall issue a permit unless it finds that the disposal of waste material as proposed in the application will unduly pollute the waters of the state in violation of the public policy declared in RCW 90.48.010. The commission shall have authority to specify conditions necessary to avoid such undue pollution in each permit under which waste material may be disposed of by the permittee. Permits may be temporary or permanent but shall not be valid for more than five years from date of issuance.

Conditions.

Expiration.

New section.

SEC. 4. There is added to chapter 216, Laws of 1945, as amended by chapter 58, Laws of 1949, and chapter 90.48, RCW, a new section to read as follows:

Permits; grounds for termination.

A permit shall be subject to termination upon thirty days' notice in writing if the commission finds:

(1) That it was procured by misrepresentation of any material fact or by lack of full disclosure in the application;

(2) That there has been a violation of the conditions thereof;

Additional conditions.

(3) That a material change in quantity or type of waste disposal exists. In the event that a material change in the condition of the state waters utilized creates a dangerous degree of pollution the commission may specify additional conditions in permits previously issued.

New section.

SEC. 5. There is added to chapter 216, Laws of 1945, as amended by chapter 58, Laws of 1949, and chapter 90.48, RCW, a new section to read as follows:

Permits; application not acted upon.

In the event of failure of the commission to act upon an application within sixty days after it has

been filed the applicant shall be deemed to have received a temporary permit.

SEC. 6. There is added to chapter 216, Laws of 1945, as amended by chapter 58, Laws of 1949, and chapter 90.48, RCW, a new section to read as follows: New section.

The denial of an application or the specification of the conditions of a permit or the terms of a permit shall be deemed to be an order for purposes of RCW 90.48.130. Permits; actions deemed an order.

Passed the House February 14, 1955.

Passed the Senate February 26, 1955.

Approved by the Governor March 3, 1955.

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## CHAPTER 72.

[ H. B. 176. ]

### McKAY MEMORIAL RESEARCH HOSPITAL—SALE AND CONVEYANCE.

AN ACT relating to public lands; authorizing the department of public institutions to negotiate for the sale and conveyance of the McKay Memorial Research Hospital at Soap Lake to a public hospital district in Grant County; imposing duties and repealing chapter 46, Laws of 1939 as amended by chapter 67, Laws of 1941, chapter 53, Laws of 1945, chapter 178, Laws of 1947, chapter 173, Laws of 1949 and chapter 72.44 RCW.

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

SECTION 1. The department of public institutions, or its successor, is authorized to negotiate for the sale and conveyance of the McKay Memorial Research Hospital, if it shall appear that such a sale and conveyance is in the best interests of the department, to a public hospital district now in existence, or which may hereafter be created, in Grant County; such conveyance to be executed by the governor upon payment to the state treasurer of the reasonable value of the land, buildings and equipment at Sale and conveyance of hospital; authorized.

the McKay Memorial Research Hospital, situated at the town of Soap Lake, county of Grant, and more particularly described as follows: The east half of the southeast quarter of the southeast quarter, and the east three hundred and twenty feet of the west half of the southeast quarter of the southeast quarter of section 24 in township 24 north, range 26 e.w.m.

Conditions  
of sale.

SEC. 2. Any public hospital district which may gain possession of the McKay Memorial Research Hospital under the provisions of this act shall, as a condition of the sale of such hospital, be required to assume the duties and responsibilities relating to the care and treatment of all persons who are eligible prior to the effective date of this act for care and treatment at the McKay Memorial Research Hospital, under the provisions of chapter 72.44 RCW.

Emergency.

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

Repeal.

SEC. 4. Chapter 46, Laws of 1939 as amended by chapter 67, Laws of 1941, chapter 53, Laws of 1945, chapter 178, Laws of 1947, chapter 173, Laws of 1949 and chapter 72.44 RCW are each repealed.

Passed the House February 9, 1955.

Passed the Senate February 24, 1955.

Approved by the Governor March 3, 1955.



## CHAPTER 73.

[ H. B. 195. ]

PORT DISTRICTS—MARGINAL LANDS—INDUSTRIAL  
DEVELOPMENT DISTRICTS.

AN ACT relating to port districts; authorizing the establishment, acquisition, improvement and development of industrial development districts therein; providing for the sale and lease of property within such industrial development district; and providing for the acquisition, improvement, development and redevelopment of marginal lands within the industrial development district, defining the term marginal lands; providing for foreitures and repealing chapter 53.24 RCW and chapter 53.28 RCW and chapter 45, Laws of 1939, as last amended by section 1, chapter 166, Laws of 1943 are repealed.

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

SECTION 1. It is hereby declared to be the public policy of the legislature of the state of Washington, that it is in the public interest to employ the power of eminent domain and advance and expend public moneys for the purposes herein contained, and to provide for means by which marginal area properties may be developed or redeveloped in accordance with the legislative policies hereinafter stated:

Legislative  
policy.

(1) A sound development of the economic security of the peoples of the state of Washington is dependent upon proper development and redevelopment of marginal properties, and the general welfare of the inhabitants of the port districts in which they exist require the remedying of such injurious conditions marginal properties are now subjected to; and

(2) The development and redevelopment of such marginal area properties cannot be accomplished by private enterprise alone without public participation and assistance in the acquisition of land and planning and in the financing of land assembly in the work of clearance, development and redevelopment, and in the making of improvements necessary therefor.

(3) To protect and promote sound development and redevelopment of marginal lands as hereinafter defined, and the general welfare of the inhabitants of the port districts in which they exist, to remedying such injurious conditions through the employment of all appropriate means.

(4) That whenever the development or redevelopment of such marginal lands cannot be accomplished by private enterprise alone, without public participation and assistance in the acquisition of land and planning and in financing of land assembly in the work of clearance, development and redevelopment, and in the making of improvements necessary therefor, it is in the public interest to employ the power of eminent domain, to advance and expend public moneys for those purposes, and to provide for means by which such marginal lands may be developed or redeveloped.

(5) That the development or redevelopment of such marginal lands and the provision of appropriate continuing land use constitute public uses and purposes for which public moneys may be advanced or expended and private property acquired, and are governmental functions and are of state concern in the interest of health, safety and welfare of the state of Washington, and of the communities in which such areas exist.

(6) That the necessity in the public interest for the provision of this act is declared to be a matter of legislative determination.

Same.

SEC. 2. It is further found and declared that:

(1) The existence of such marginal lands characterized by any or all of such conditions constitutes a serious and growing menace which is condemned as injurious and inimical to the public health, safety, and welfare of the people of the communities in which they exist and of the people of the state.

(2) Such marginal lands present difficulties and

handicaps which are beyond remedy and control solely by regulatory processes in the exercise of the police power.

(3) They contribute substantially and increasingly to the problems of, and necessitate excessive and disproportionate expenditures for, crime prevention, correction, prosecution and punishment, the treatment of juvenile delinquency, the preservation of the public health and safety, and the maintaining of adequate police, fire and accident protection and other public services and facilities.

(4) This menace is becoming increasingly direct and substantial in its significance and effect.

(5) The benefits which will result from the remedying of such conditions and the redevelopment of such marginal lands will accrue to all the inhabitants and property owners of the communities in which they exist.

(6) Such conditions of marginal lands tend to further obsolescence, deterioration, and disuse because of the lack of incentive to the individual landowner and his inability to improve, modernize, or rehabilitate his property while the condition of the neighboring properties remains unchanged.

(7) As a consequence the process of deterioration of such marginal lands frequently cannot be halted or corrected except by redeveloping the entire area, or substantial portions of it.

(8) Such conditions of marginal lands are chiefly found in areas subdivided into small parcels, held in divided and widely scattered ownerships, frequently under defective titles, and in many such instances the private assembly of the land areas for redevelopment is so difficult and costly that it is uneconomic and as a practical matter impossible for owners to undertake because of lack of the legal power and excessive costs.

(9) The remedying of such conditions may re-

quire the public acquisition at fair prices of adequate areas, the redevelopment of the areas suffering from such conditions under proper supervision, with appropriate planning, and continuing land use.

(10) The development or redevelopment of land, or both, acquired under the authority of this act constitute a public use and are governmental functions, and that the sale or leasing of such land after the same has been developed or redeveloped is merely incidental to the accomplishment of the real or fundamental purpose, that is, to remove the condition which caused said property to be marginal property as in this act defined.

"Marginal  
lands" defined.

SEC. 3. "Marginal Lands" is defined and characterized by any one or more of the following described conditions:

(1) An economic dislocation, deterioration, or disuse resulting from faulty planning.

(2) The subdividing and sale of lots of irregular form and shape and inadequate size for proper usefulness and development.

(3) The laying out of lots in disregard of the contours and other physical characteristics of the ground and surrounding conditions.

(4) The existence of inadequate streets, open spaces, and utilities.

(5) The existence of lots or other areas which are subject to being submerged by water.

(6) By a prevalence of depreciated values, impaired investments, and social and economic maladjustment to such an extent that the capacity to pay taxes is reduced and tax receipts are inadequate for the cost of public services rendered.

(7) In some parts of marginal lands, a growing or total lack of proper utilization of areas, resulting in a stagnant and unproductive condition of land potentially useful and valuable for contributing to the public health, safety and welfare.

(8) In other parts of marginal lands, a loss of population and reduction of proper utilization of the area, resulting in its further deterioration and added costs to the taxpayer for the creation of new public facilities and services elsewhere.

(9) Property of an assessed valuation of insufficient amount to permit the establishment of a local improvement district for the construction and installation of streets, walks, sewers, water and other utilities.

(10) Lands within an industrial area which are not devoted to industrial use but which are necessary to industrial development within the industrial area.

SEC. 4. A port commission may, after a public hearing thereon, of which at least ten days' notice shall be published in a daily newspaper of general circulation in the port district, create industrial development districts within the district and define the boundaries thereof, if it finds that the creation of such industrial development district is proper and desirable in establishing and developing a system of harbor improvements and industrial development in such port district.

Industrial development districts; formation.

SEC. 5. Any lands in an industrial development district acquired by the county by tax foreclosure, may, if the county commissioners deem the lands chiefly valuable for industrial development purposes, be conveyed to the port district. The lands shall be held in trust by the port district and may be managed, developed, leased, or sold by it as provided in this chapter.

Acquisition of tax title property.

From the proceeds of the sale or lease of the lands, the district shall first reimburse itself for any expense incurred by it in managing and developing the lands and any balance shall be paid to the county, which shall distribute it the same as general taxes collected in that year.

Acquisition  
of private  
property.

SEC. 6. With the approval of the county commissioners, any lands in an industrial development district, owned privately, which the port commission deems valuable for industrial development purposes, may be deeded to and accepted by the port district, subject to delinquent general taxes thereon. When the commission has recorded the deed and notified the county commissioners thereof, the county commissioners shall order all taxes assessed against the lands cancelled and the county treasurer shall record the cancellation, and remove the lands from the tax rolls. Thereafter the lands shall be held in trust, managed, developed, leased, and sold by the district, and the proceeds therefrom disposed of in the same manner as hereinabove provided.

Removal of  
property  
from trust.

SEC. 7. With the approval of the county commissioners, a port district may free any lands acquired by it pursuant to this act from the trust imposed upon it herein, by paying to the county the amount of the delinquent taxes against the land at the time the county acquired it by tax foreclosure, or the amount of the delinquent taxes against it when it was conveyed to the district by the private owner.

Reversion of  
property after  
10 years.

SEC. 8. Ten years from the date of its acquisition, property acquired by a port district pursuant to this act shall revert to the county to be used the same as property acquired by tax foreclosure, and upon demand by the county commissioners the port commission shall convey the property to the county, unless before the expiration of the ten year period, the port district has adopted a comprehensive plan of harbor improvement which provides for the improvement of an industrial development district which includes such lands or the district has freed the land from the trust imposed upon it as provided in this act.

Improvements;  
expenditures.

SEC. 9. No expenditure for improvement of property in an industrial development district, other than

the expense of preparing and submitting a plan of improvement shall be made by a port district, and no property shall be acquired by it therefor except as provided for hereinbefore until it has been made a part of the comprehensive scheme of harbor improvements and industrial developments or amendments thereto.

That said comprehensive scheme or amendments thereto shall provide for the development or redevelopment of those marginal lands acquired and a provision for the continuing of the land uses which are hereby declared to constitute public uses and the purposes for which public moneys may be advanced and provide property acquired.

Comprehensive plan.

SEC. 10. All port districts wherein industrial development districts have been established are authorized and empowered to acquire by purchase or condemnation or both, all lands, property and property rights necessary for the purpose of the development and improvement of such industrial development district and to exercise the right of eminent domain in the acquirement or damaging of all lands, property and property rights and the levying and collecting of assessments upon property for the payment of all damages and compensation in carrying out the provisions for which said industrial development district has been created; to develop and improve the lands within such industrial development district to make the same suitable and available for industrial uses and purposes; to dredge, bulkhead, fill, grade, and protect such property; to provide, maintain, and operate water, light, power and fire protection facilities and services, streets, roads, bridges, highways, waterways, tracks, and rail and water transfer and terminal facilities and other harbor and industrial improvements; to execute leases of such lands or property or any part thereof; to establish local improvement districts within such

Powers of port districts; acquisition of property.

Assessments.

Improvements.

Leases.

Local improvements.

General powers.

industrial development districts which may, but need not, be coextensive with the boundaries thereof, and to levy special assessments, under the mode of annual installments, over a period not exceeding ten years, on all property specially benefited by any local improvement, on the basis of special benefits, to pay in whole or in part the damages or costs of any improvement ordered in such local improvement district; to issue local improvement bonds in any such local improvement district; to be repaid by the collection of local improvement assessments; and generally to exercise with respect to and within such industrial development districts all the powers now or hereafter conferred by law upon port districts in counties of the first class: *Provided*, That the exercise of powers hereby authorized and granted shall be in the manner now and hereafter provided by the laws of the state for the exercise of such powers by port districts under the general laws relating thereto insofar as the same shall not be inconsistent with this chapter.

Sale and conveyance of property; authorized.

SEC. 11. When a port commission deems it for the best interests of the district and the people thereof and in furtherance of its general plan of harbor improvement, or industrial development, or both, it may sell and convey any property or part thereof owned by it within an industrial district. This section shall not be limited by chapter 53.08 RCW, pertaining to powers of port districts.

Notice of sale.

SEC. 12. The port commission shall give notice of the proposed sale by publication in two newspapers published in the county, if there are two such newspapers, and by posting in three public places in the port district at least ten days before the date fixed for the hearing thereon.

The notice shall describe the property to be sold and state that at the time and place specified therein, the commission will meet at its usual meeting place,



designating it, to hear and determine the advisability of the sale.

The hearing shall be held not more than ten days from the publication of notice. At the hearing the commission shall hear the reasons of any taxpayer in the port district, for or against the sale. Hearing.

SEC. 13. Within three days after the hearing the commission shall make its findings and determination on the advisability of making the sale and enter its determination in its records. Any aggrieved party may appeal the determination of the commission by filing appeal with the superior court of the county in which the district is located within twenty days of the entry of the determination but no appeal shall be allowed except on the grounds that the action of the commission was arbitrary, capricious, or unlawful. Decision.  
Appeal.

SEC. 14. If the determination is against the sale, all proceedings thereon shall terminate. If the commission determines in favor of the sale, it shall enter an order fixing a period, not less than twenty nor more than thirty days from the date of the order, during which bids will be received for the property or any part thereof, and give notice thereof in the same manner as for the hearing on the proposal to sell. Decision  
against sale.  
Decision  
favoring sale:

SEC. 15. Bids may be submitted for the property or any part of it, and shall state the use which the bidder intends to make of it. The commission may require the successful bidder to file additional information as to the intended use, and may require of him security as assurance that the property will be used for that purpose. Bidding.

All sales shall be made to the best bidder, and in determining the best bid, the commission may also consider the nature of the proposed use and the relation thereof to the improvement of the harbor and the business and facilities thereof.

Terms and conditions of sale.

Within thirty days after the last day for submitting bids, the commission shall decide which if any bids it accepts. All sales shall be made upon such terms and conditions as the commission may prescribe.

Cancellation for failure to use or improve property.

SEC. 16. The purchaser shall, within one year from the date of purchase, devote the property to its intended use, or shall commence work on the improvements thereon to devote it to such use, and if he fails to do so, the port commission may cancel the sale and return the money paid on the purchase price, and title to the property shall revert to the district. This remedy shall be in addition to any other remedy under the terms of the sale. No purchaser shall transfer title to such property within one year from the date of purchase.

Restraint on alienation.

Covenants running with the property.

SEC. 17. All sales made in accordance with the provisions of this act shall have incorporated in the instrument of conveyance of title the conditions of this act relating to the use of the land as a covenant running with the land. Any violation of such covenant shall result in a right by the commission, as grantee, to forfeit the land.

Property to be devoted to public use. Procedure to qualify property for sale.

SEC. 18. All properties acquired in the manner herein set forth shall be devoted to the public use herein provided for. The port commission, after public hearing, of which notice shall be given for at least ten days prior to such hearing, by publishing in a newspaper of general circulation in the county, describing the property to be sold, and state the date, time and place of such hearing, such hearing shall be held not more than twenty days after such publication, may sell and convey any of the property so acquired by it within an industrial district. No sales shall be made, however, of the property of any industrial development district until the purchaser thereof shall have submitted to the port commission plans and specifications for the development of said

Conditions purchaser must meet.

property, and said plans and specifications shall be approved in writing before said property shall be conveyed, and the conditions upon which said properties are conveyed shall be set forth in the instrument conveying title thereof with the further condition that all of the provisions herein set forth shall be covenants running with the land.

SEC. 19. All port districts of the state of Washington which have created or may hereafter create industrial development districts in the manner provided by law, in addition to all powers possessed by such port districts, be and are hereby granted power of eminent domain to acquire real property within the limits of such industrial development district which property is marginal lands as the term is herein defined. The exercise of the power granted in this section shall be exercised in the same manner and by the same procedure as in or may be provided by law for cities of the first class except insofar as such duties may be inconsistent with the provisions of this act and the duties devolving upon the city treasurer under said law be and the same are hereby imposed upon the county treasurer for the purposes of this act.

Eminent domain.

SEC. 20. Port districts are hereby granted the power to advance their general fund moneys or credit, or both, without interest to accomplish the objects and purposes of this act, which fund shall be repaid from the sale or lease, or both, of such developed or redeveloped lands, provided, if the money advanced for such development or redevelopment was obtained from the sale of general obligation bonds of the port, then such advances shall bear the same rate of interest that said bonds bore.

Financing industrial district purposes.

SEC. 21. The determination that property sought by eminent domain proceedings is marginal lands as herein defined is a judicial question, provided that

Determining land to be marginal.

a duly adopted resolution of the commissioners of the port district that the property sought is marginal lands as the term is herein defined, setting forth the characteristics of the lands sought to be acquired which constitutes the marginal lands as herein defined, shall be prima facie evidence that such land is marginal lands as defined in this act.

Repeal. SEC. 22. Chapter 53.24 RCW and chapter 53.28 RCW and chapter 45, Laws of 1939, as last amended by section 1, chapter 166, Laws of 1943 are repealed:  
Savings. *Provided*, That nothing herein contained shall be construed as affecting any existing right acquired under the provisions of said act.

Severability. SEC. 23. Should any section or provision of this act be held invalid by any court of competent jurisdiction, the same shall not affect the validity of the act as a whole or any part thereof other than the portion held to be invalid.

Passed the House February 3, 1955.

Passed the Senate February 25, 1955.

Approved by the Governor March 3, 1955.

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## CHAPTER 74.

[ H. B. 351. ]

### INDUSTRIAL INSURANCE.

AN ACT relating to industrial insurance, also known as workmen's compensation; and amending section 1, chapter 128, Laws of 1923, and section 5, chapter 136, Laws of 1923, and section 1, chapter 281, Laws of 1947 and RCW 51.12-.010, 51.12.020, 51.12.030, 51.12.040, 51.12.050 and 51.12.070, and section 5, chapter 74, Laws of 1911 as last amended by section 3, chapter 115, Laws of 1951 and RCW 51.32.090.

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

Amendment. SECTION 1. Section 1, chapter 128, Laws of 1923, and section 5, chapter 136, Laws of 1923, and section 1, chapter 281, Laws of 1947, (heretofore combined,

divided, and codified as RCW 51.12.010, 51.12.020, 51.12.030, 51.12.040, 51.12.050 and 51.12.070) are amended to read as set forth in sections 2 through 7 of this act.

SEC. 2. (RCW 51.12.010) There is a hazard in all employment, but certain employments have come to be, and to be recognized as being inherently constantly dangerous. This title is intended to apply to all such inherently hazardous works and occupations, and it is the purpose to embrace all of them which are within the legislative jurisdiction of the state, in the following enumeration, and they are intended to be embraced within the term "extrahazardous" wherever used in this title, to wit:

Enacted  
without  
amendment.

Factories, mills and workshops where machinery is used; printing, electrotyping, photoengraving and stereotyping plants where machinery is used; foundries, blast furnaces, mines, wells, gas works, waterworks, reduction works, breweries, elevators, wharves, docks, dredges, smelters, powder works; laundries operated by power; quarries, engineering works; logging, lumbering and shipbuilding operations; logging, street and interurban railroads; buildings being constructed, repaired, moved, or demolished; telegraph, telephone, electric light or power plants or lines, steam heating or power plants, steamboats, tugs, ferries, and railroads; installing and servicing radios and electrical refrigerators; general warehouse and storage; teaming, truck driving, and motor delivery, including drivers and helpers, in connection with any occupation except agriculture, stage, taxicab and for hire driving; restaurants, taverns, clubs, and establishments; employees supplying service to the public in hotels, clubs furnishing sleeping accommodations, apartment hotels; bunkhouses, kitchens, and eating houses in connection with extrahazardous occupations or conducted primarily for employees in extrahazardous occupations; trans-

fer, drayage, and hauling; warehousing and transfer; fruit warehouse and packing houses; and work performed by salaried peace officers of the state, the counties, and the municipal corporations.

Enacted  
without  
amendment.

SEC. 3. (RCW 51.12.020) The following shall not be deemed extrahazardous within the meaning, or be included in the enumeration of RCW 51.12.010, to wit: Using power-driven coffee grinders in wholesale or retail grocery stores; using power-driven washing machines in establishments selling washing machines at retail; using computing machines in offices; using power-driven taffy pullers in retail candy stores; using power-driven milk shakers in establishments operating soda fountains; using power-driven hair cutters in barber shops; using power-driven machinery in beauty parlors; using power-driven machinery in optical stores; private boarding houses, serving food or drink to the public or to members for consumption on the premises.

Enacted  
without  
amendment.

SEC. 4. (RCW 51.12.030) If there be or arise any extrahazardous occupation or work other than those enumerated, it shall come under this title, and its rate of contribution to the accident fund shall be, until fixed by legislation, determined by the department upon the basis of the relation which the risk involved bears to the risks classified in chapter 51.20.

Enacted  
without  
amendment.

SEC. 5. (RCW 51.12.040) The director, through the division of industrial insurance, may, after hearing had upon his own motion, or upon the application of any party interested, declare any occupation or work to be extrahazardous and to be under this title. The director shall fix the time and place of such hearing and shall cause notice thereof to be published once at least ten days before the hearing in at least one daily newspaper of general circulation, published and circulated in each city of the

first class of this state. No defect or inaccuracy in such notice or in the publication thereof shall invalidate any order issued by the director after hearing had. Any person affected shall have the right to appear and be heard at any such hearing.

SEC. 6. (RCW 51.12.050) Whenever the state, county, any municipal corporation, or other taxing district shall engage in any extrahazardous work, or let a contract therefor, in which workmen are employed for wages, this title shall be applicable thereto. The employer's payments into the accident fund shall be made from the treasury of the state, county, municipality, or other taxing district. If the work is being done by contract, the payroll of the contractor and the subcontractor shall be the basis of computation and, in the case of contract work consuming less than one year in performance, the required payment into the accident fund shall be based upon the total payroll. The contractor and any subcontractor shall be subject to the provisions of this title, and the state for its general fund, the county, municipal corporation, or other taxing district shall be entitled to collect from the contractor the full amount payable to the accident fund and the contractor, in turn, shall be entitled to collect from the subcontractor his proportionate amount of the payment.

Whenever and so long as, by state law, city charter, or municipal ordinance, provision is made for employees or peace officers injured in the course of employment, such employees shall not be entitled to the benefits of this title and shall not be included in the payroll of the municipality under this title: *Provided*, That whenever any state law, city charter, or municipal ordinance only provides for payment to the employee of the difference between his actual wages and that received from the department under this title such employee shall be entitled to the

Taxing  
districts sub-  
ject to title.

Employees  
elsewhere  
provided for.

benefits of this title and may be included in the payroll of the municipality.

Enacted without amendment.

SEC. 7. (RCW 51.12.070) The provisions of this title shall apply to all extrahazardous work done by contract; the person, firm, or corporation who lets a contract for such extrahazardous work shall be responsible primarily and directly for all payments due to the accident fund and medical aid fund upon the work. The contractor and any subcontractor shall be subject to the provisions of this title and the person, firm, or corporation letting the contract shall be entitled to collect from the contractor the full amount payable to the accident fund and medical aid fund, and the contractor in turn shall be entitled to collect from the subcontractor his proportionate amount of the payment.

It shall be unlawful for any city or town to issue a construction building permit to any person who has not submitted to the department an estimate of payroll and paid premium thereon as provided by chapter 51.16 of this title.

Amendment.

SEC. 8. Section 5, chapter 74, Laws of 1911 as last amended by section 3, chapter 115, Laws of 1951 and RCW 51.32.090 are each amended to read as follows:

Temporary total disability benefits.

(1) When the total disability is only temporary, the schedule of payments contained in subdivisions (1), (2), and (3) of RCW 51.32.060 shall apply, so long as the total disability continues.

(2) But if the injured workman has a wife or husband and has no child or has a wife or husband or, being a widow or widower, with one or more children, the compensation for the case during such period of time as the total temporary disability continues shall be per month as follows, to wit: (a) Injured workman whose husband is not an invalid, seventy-five dollars, and for the youngest or only child, ten dollars, and for each additional child, seven dollars and fifty cents, but the total monthly pay-



ments shall not exceed one hundred fifteen dollars and any deficit shall be deducted proportionately among the beneficiaries; (b) injured workman with wife or invalid husband and no child, one hundred ten dollars; injured workman with wife or invalid husband and one child, or being a widow or widower and having one child, one hundred thirty-five dollars; (c) injured workman with wife or invalid husband and two children, or being a widow or widower and having two children, one hundred fifty-five dollars and ten dollars for each additional child, but the total monthly payments shall not exceed one hundred eighty-five dollars and any deficit shall be deducted proportionately among the beneficiaries.

(3) As soon as recovery is so complete that the present earning power of the workman, at any kind of work, is restored to that existing at the time of the occurrence of the injury, the payments shall cease. If and so long as the present earning power is only partially restored, the payments shall continue in the proportion which the new earning power shall bear to the old. No compensation shall be payable out of the accident fund unless the loss of earning power shall exceed five percent.

(4) No workman shall receive compensation out of the accident fund for or during the day on which injury was received or the three days following the same.

(5) Should a workman suffer a temporary total disability and should his employer at the time of the injury continue to pay him the wages which he was earning at the time of such injury, such injured workman shall not receive any payment provided in subsection (1) of this section from the accident fund during the period his employer shall so pay such wages.

Passed the House February 17, 1955.

Passed the Senate February 26, 1955.

Approved by the Governor March 3, 1955.

## CHAPTER 75.

[ H. B. 202. ]

LIMITED ACCESS FACILITIES—VACATION OF STREETS,  
ROADS AND HIGHWAYS.

AN ACT relating to limited access highways; providing for vacating and closing of city streets, roads or highways; prohibiting claims against the state, city or county; amending section 3, chapter 202, Laws of 1947 and RCW 47.52.040; and adding a new section to chapter 47.52, RCW.

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

Amendment.

SECTION 1. Section 3, chapter 202, Laws of 1947 and RCW 47.52.040 are each amended to read as follows:

Design and regulation of access to facilities.

The highway authorities of the state, counties and incorporated cities and towns may so design any limited access facility and so regulate, restrict, or prohibit access as to best serve the traffic for which such facility is intended; and the determination of design by such authority shall be conclusive and final. In this connection such highway authorities may divide and separate any limited access facility into separate roadways by the construction of raised curbs, central dividing sections, or other physical separations, or by designating such separate roadways by signs, markers, stripes, and the proper lane for such traffic by appropriate signs, markers, stripes and other devices. No person shall have any right of ingress or egress to, from, or across limited access facilities to or from abutting lands, except at designated points at which access may be permitted by the highway authorities upon such terms and conditions as may be specified from time to time: *Provided*, That any intersecting streets, roads or highways, not made a part of such facility, shall be deemed closed at the right of way line by the designation and construction of said facility and without the consent of any other party or the necessity of any

other legal proceeding for such closing, notwithstanding any laws to the contrary.

SEC. 2. There is added to chapter 47.52 RCW, a new section to read as follows:

No person, firm or corporation, private or municipal, shall have any claim against the state, city or county by reason of the closing of such streets, roads or highways as long as access still exists or is provided to such property abutting upon the closed streets, roads or highways. Circuity of travel shall not be a compensable item of damage.

SEC. 3. Sections 1 and 2 of this act shall not be construed to affect provisions for establishment, notice, hearing and court review of any decision establishing a limited access facility on an existing highway pursuant to chapter 47.52 RCW.

Passed the House February 9, 1955.

Passed the Senate February 26, 1955.

Approved by the Governor March 3, 1955.

CHAPTER 76.

[ H. B. 86. ]

MOTOR VEHICLE OPERATORS' LICENSES—DESTRUCTION OF RECORDS.

AN ACT relating to motor vehicle and motor vehicle operator records; and amending section 1, chapter 241, Laws of 1951 and RCW 46.08.120.

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

SECTION 1. Section 1, chapter 241, Laws of 1951 and RCW 46.08.120 are each amended to read as follows:

The director, in his discretion, may destroy applications for vehicle licenses, copies of vehicle licenses issued, applications for vehicle operators' licenses, and copies of issued vehicle operators'

licenses, after they have been on file in his office for a period of two years and certificates of title or registration or other documents, records or supporting papers, on file in his office which have been photographed or reproduced on film for a period of not less than thirty days: *Provided*, That there shall be retained and filed with the director, as a permanent record or otherwise, any records deemed necessary or convenient for use in completing the case record of any motor vehicle operator, or for any other purpose.

Passed the House February 1, 1955.

Passed the Senate February 28, 1955.

Approved by the Governor March 4, 1955.

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## CHAPTER 77.

[ H. B. 286. ]

### DEALINGS WITH CONVICTS.

AN ACT relating to convicts, fixing a penalty, and amending section 23, chapter 147, Laws of 1891, and RCW 72.08-.150.

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

Amendment.

SECTION 1. Section 23, chapter 147, Laws of 1891, and RCW 72.08.150 are each amended to read as follows:

Illegal dealings with convicts.

No officer or employee of the state, or contractor or employee of a contractor, shall, without permission of the department make any gift or present to a convict, or receive any from a convict, or have any barter or dealing with a convict. For every violation of this section the offending party shall be guilty of a gross misdemeanor and shall incur in addition thereto the penalty as prescribed in RCW 72.08.140.

Penalty.

Passed the House February 9, 1955.

Passed the Senate February 28, 1955.

Approved by the Governor March 4, 1955.

## CHAPTER 78.

[ S. B. 68. ]

STATE DEPOSITARIES—COLLATERAL REQUIRED—  
INVESTIGATION.

AN ACT relating to state depositaries and amending section 1, chapter 129, Laws of 1945 and RCW 43.85.030.

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

SECTION 1. Section 1, chapter 129, Laws of 1945 and RCW 43.85.030 are each amended to read as follows: Amendment.

Every state depositary, before it shall be entitled to receive any state moneys, shall deposit with the state treasurer securities hereinafter enumerated as collateral and pledge for payment on demand or at a specified future date, to him or his order, free of exchange, at any place designated by him, of all such moneys deposited with it and of interest thereon at the rate fixed by the state finance committee, if there has been no default in the payment of principal or interest thereon: Security re-  
quired of state  
depositaries;  
collateral.

(1) Bonds, notes, or other securities constituting direct and general obligations of the United States or the bonds, notes, or other securities constituting the direct and general obligation of any instrumentality of the United States, the interest and principal of which is unconditionally guaranteed by the United States;

(2) (a) Direct and general obligation bonds of the state or of any other state of the United States;

(b) Revenue bonds of this state or any authority, board, commission, committee, or similar agency thereof;

(3) Direct and general obligation bonds and warrants of any city, town, county, school district, port district, or other political subdivision of the state, having the power to levy general taxes, which are payable from general ad valorem taxes;

(4) Bonds issued by public utility districts as authorized under the provisions of Title 54.

**Surety bond.**

The state finance committee in lieu of collateral, may accept from any depository a good and sufficient bond of a surety company authorized to do business in the state, to be approved by the committee, as security and pledge for the payment on demand or at a specified future date to the state treasurer or his order, free of exchange, at any place in this state designated by the treasurer, of all such moneys deposited with it, and of interest thereon at the rate fixed by the state finance committee, which bond shall be at least equal to the amount of the moneys to be received by the depository.

**Investigation  
of prospective  
and existing  
depositories.**

The finance committee may require the state auditor or the supervisor of banking to thoroughly investigate and report to it concerning the condition of any bank which makes application to become a state depository, and may also as often as it deems necessary require such investigation and report concerning the condition of any bank which has been designated as such depository, the expense of the investigation to be borne by the depository examined.

Passed the Senate January 26, 1955.

Passed the House February 23, 1955.

Approved by the Governor March 4, 1955.

## CHAPTER 79.

[ S. B. 230. ]

## PUBLIC SERVICE COMPANIES.

AN ACT relating to public service companies and the duties of the public service commission in relation thereto, prescribing fees, allowing court costs, providing penalties, amending RCW 80.04.040, 80.04.290, 81.04.040, 81.04.240, 81.04.290 and 81.80.320, and amending chapters 81.04 and 81.80 by adding new sections thereto.

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

SECTION 1. Section 76, chapter 117, Laws of 1911 and RCW 80.04.040 are each amended to read as follows: Amendment.

Each witness who shall appear under subpoena shall receive for his attendance four dollars per day and ten cents per mile traveled by the nearest practicable route in going to and returning from the place of hearing. No witness shall be entitled to fees or mileage from the state when summoned at the instance of the public service companies affected. Fees of witnesses under subpoena of public service commission.

SEC. 2. Section 1, chapter 110, Laws of 1923 and RCW 80.04.290 are each amended to read as follows: Amendment.

A corporate public service company, either heretofore or hereafter organized under the laws of this state, may sell to its employees and customers any increase of its capital stock, or part thereof, without first offering it to existing stockholders: *Provided*, That such sale is approved by the holders of a majority of the capital stock, at a regular or special meeting held after notice given as to the time, place, and object thereof as provided by law and the bylaws of the company. Such sales shall be at prices and in amounts for each purchaser and upon terms and conditions as set forth in the resolution passed at the stockholders' meeting, or in a resolution passed at a subsequent meeting of the board of trustees if the resolution passed at the stock-

Sale of stock to employees and customers.

holders' meeting shall authorize the board to determine prices, amounts, terms, and conditions, except that in either event, a minimum price for the stock must be fixed in the resolution passed at the stockholders' meeting.

Amendment.

SEC. 3. Section 76, chapter 117, Laws of 1911 and RCW 81.04.040 are each amended to read as follows:

Fees of witnesses under subpoena of public service commission.

Each witness who appears under subpoena shall receive for his attendance four dollars per day and ten cents per mile traveled by the nearest practicable route in going to and returning from the place of hearing. No witness shall be entitled to fees or mileage from the state when summoned at the instance of the public service companies affected.

Amendment.

SEC. 4. Section 3, chapter 39, Laws of 1937 as amended by section 2, chapter 258, Laws of 1943 and RCW 81.04.240 are each amended to read as follows:

Action for reparations and overcharges.

If the public service company does not comply with the order of the commission for the payment of damages or overcharges within the time limited in the order, action may be brought in any superior court where service may be had upon the company to recover the amount of damages or overcharges with interest. The commission shall certify and file its record in the case, including all exhibits, with the clerk of the court within thirty days after such action is started and the action shall be heard on the evidence and exhibits introduced before the commission and certified to by it.

Certification and filing of record.

Requisites of judgment for complainant.

If the complainant shall prevail in the action, the court shall enter judgment for the amount of damages or overcharges with interest and shall allow complainant a reasonable attorney's fee, and the cost of preparing and certifying the record for the benefit of and to be paid to the commission by complainant, and deposited by the commission in the



public service revolving fund, said sums to be fixed and collected as a part of the costs of the action.

If the order of the commission is found contrary to law or erroneous by reason of the rejection of testimony properly offered, the court shall remand the cause to the commission 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.

Remanding of cause to commission.

The court may remand any action which is reversed by it to the commission for further action.

Appeals to the supreme court shall lie as in other civil cases. Action to recover damages or overcharges shall be filed in the superior court within one year from the date of the order of the commission.

Appeals.

The procedure provided in this section is exclusive, and neither the supreme court nor any superior court shall have jurisdiction save in the manner hereinbefore provided.

Procedure exclusive.

SEC. 5. There is added to chapter 81.04 RCW a new section to read as follows:

New section.

All complaints against public service companies for the recovery of damages not based on overcharges shall be filed with the commission within six months from the time the cause of action accrues, and not after, except as hereinafter provided.

All complaints against public service companies for recovery of overcharges shall be filed with the commission within two years from the time the cause of action accrues, and not after, except as hereinafter provided, and except that if claim for the overcharge has been presented in writing to the public service company within the two-year period of limitation, said period shall be extended to include six months from the time notice in writing is given by the public service company to the claimant of disallowance of

Limitation of actions for damages and overcharges.

the claim, or any part or parts thereof, specified in the notice.

Tolling of limitations.

If on or before expiration of the six-month period of limitation for the recovery of damages not based on overcharges or of the two-year period of limitation for the recovery of overcharges, a public service company begins action under RCW 81.28.270 for recovery of charges in respect of the same transportation service, or, without beginning action, collects charges in respect of that service, said period of limitation shall be extended to include ninety days from the time such action is begun or such charges are collected by the carrier.

New section.

SEC. 6. There is added to chapter 81.04 RCW a new section to read as follows:

Accrual of actions for damages and overcharges.

The cause of action for the purposes of sections 4 and 5 of this act and RCW 81.28.270 shall be deemed to accrue: (a) in respect of a shipment of property, upon delivery or tender of delivery thereof by the carrier, and not after; (b) in respect of goods or services other than a shipment of property, upon the rendering of an invoice or statement of charges by the public service company, and not after.

The provisions of this section shall extend to and embrace cases in which the cause of action has heretofore accrued as well as cases in which the cause of action may hereafter accrue, except that it shall not apply to actions begun or complaints filed prior to enactment of this section or within six months thereafter.

Amendment.

SEC. 7. Section 1, chapter 110, Laws of 1923 and RCW 81.04.290 are each amended to read as follows:

Sale of stock to employees and patrons.

A corporate public service company, either heretofore or hereafter organized under the laws of this state, may sell to its employees and patrons any increase of its capital stock, or part thereof, without first offering it to existing stockholders: *Provided*, That such sale is approved by the holders of a ma-

jority of the capital stock, at a regular or special meeting held after notice given as to the time, place, and object thereof as provided by law and the by-laws of the company. Such sales shall be at prices and in amounts for each purchaser and upon terms and conditions as set forth in the resolution passed at the stockholders' meeting, or in a resolution passed at a subsequent meeting of the board of trustees if the resolution passed at the stockholders' meeting shall authorize the board to determine prices, amounts, terms, and conditions, except that in either event a minimum price for the stock must be fixed in the resolution passed at the stockholders' meeting.

SEC. 8. Section 28, chapter 184, Laws of 1935, as last amended by section 1, chapter 104, Laws of 1943 and RCW 81.80.320 are each amended to read as follows: Amendment.

In addition to all other fees to be paid by him, every "common carrier" and "contract carrier" shall pay to the commission each year at the time of, in connection with, and before receiving his identification plates for each motor truck, trailer or semi-trailer owned or operated by him, based upon the maximum gross weight thereof as set by the carrier in his application for his regular license plates, the following fees: Gross weight fees.

Less than 4,000 pounds.....	\$7.00
4,000 pounds or more and less than 6,000 pounds..	8.00
6,000 pounds or more and less than 8,000 pounds..	9.00
8,000 pounds or more and less than 10,000 pounds..	10.00
10,000 pounds or more and less than 12,000 pounds..	11.00
12,000 pounds or more and less than 14,000 pounds..	12.00
14,000 pounds or more and less than 16,000 pounds..	13.00
16,000 pounds or more and less than 18,000 pounds..	14.00
18,000 pounds or more and less than 20,000 pounds..	15.00
20,000 pounds or more and less than 22,000 pounds..	16.00
22,000 pounds or more and less than 24,000 pounds..	17.00
24,000 pounds or more and less than 26,000 pounds..	18.00
26,000 pounds or more and less than 28,000 pounds..	19.00
28,000 pounds or more and less than 30,000 pounds..	20.00
30,000 pounds or more and less than 32,000 pounds..	21.00
32,000 pounds or more and less than 34,000 pounds..	22.00

It is the intent of the legislature that the fees collected under the provisions of this chapter shall reasonably approximate the cost of supervising and regulating motor carriers subject thereto, and to that end the public service commission is authorized to decrease the schedule of fees provided in this section by general order entered before November first of any year in which it determines that the monies then in the motor carrier account of the public service revolving fund and the fees currently to be paid will exceed the reasonable cost of supervising and regulating such carriers during the next succeeding calendar year. Whenever the cost accounting records of the commission indicate that the schedule of fees as previously reduced should be increased such increase, not in any event to exceed the schedule set forth in this section, may be effected by a similar general order entered before November first. Any decrease or increase of gross weight fees as herein authorized, shall be made on a proportional basis as applied to the various classifications of equipment.

All fees collected under this section or under any other provision of this chapter shall be paid to the commission and shall be by it transmitted to the state treasurer within thirty days to be deposited to the credit of the public service revolving fund.

New section.

SEC. 9. There is added to chapter 81.80 RCW a new section to read as follows:

Alternative plates and fees.

Any common carrier or contract carrier may, as an alternative to complying with the requirements of the provisions of RCW 81.80.310, 81.80.314, and 81.80.316, operate any motor vehicle trailer or semi-trailer within this state without securing a plate or the payment of the gross weight fee therefor, or the identification card required by RCW 81.80.300 therefor, provided the carrier secures from the commission a plate for the motor propelled equipment used

to pull such trailer or semitrailer within this state and pays a fee of \$3.00 for each such plate and two times the applicable gross weight fee prescribed by RCW 81.80.320 for each piece of such propelled equipment. Such plates shall be different in design for the different classes of carriers, shall bear the number given to the vehicle by the commission, and be attached to the motor propelled equipment.

Any carrier who after the effective date of this act desires to avail himself of the alternative provided herein and who has acquired his plate and paid his fee for any piece of motor propelled equipment for the current year may convert to the alternate method provided herein by application to the commission who shall have power to issue the necessary plate therefor, accept such additional fee, make such refund or establish such credit as the case may be.

All fees collected hereunder shall be deposited in the state treasury for the credit of the public service revolving fund.

SEC. 10. There is added to chapter 81.80 RCW a New section. new section to read as follows:

Any motor carrier engaged in this state in the Single trip transit permits. casual or occasional carriage of property in interstate or foreign commerce, who would otherwise be subject to all of the requirements of this chapter, shall be authorized to engage in such casual or occasional carriage, upon securing from the commission a single trip transit permit, valid for a period not exceeding ten days, which shall authorize either a one way trip or one round trip in transporting property for compensation between points in the state of Washington and points in other states, territories, or foreign countries.

No identification plates and no regulatory fees other than as provided in this section shall be required for such permit. The permit must be carried

in the vehicle and a numbered identification placard, to be furnished by the commission, shall be attached by the operator to the side of the cab of the truck or tractor.

The permit shall be issued upon application to the commission or any of its duly authorized agents upon payment of a fee of ten dollars and the furnishing of proof of possession of public liability and property damage insurance in limits of at least five thousand dollars, for injury or death of any one person, and, subject to such limit as to any one person, for ten thousand dollars for injury or death of all persons caused by any one accident and for five thousand dollars for all damages to property caused by one accident. Such proof may consist of an insurance policy or a certificate of insurance.

**Tax exemption.**

The commission shall not be required to collect the excise tax prescribed by RCW 82.44.070 on any vehicle subject only to the payment of this fee.

Passed the Senate February 3, 1955.

Passed the House February 23, 1955.

Approved by the Governor March 4, 1955.

CHAPTER 80.

[ S. B. 73. ]

MUTUAL SAVINGS BANKS.

AN ACT relating to mutual savings banks; amending section 32.04.030, chapter 13, Laws of 1955 and RCW 32.04.030, and section 32.04.080, chapter 13, Laws of 1955 and RCW 32.04-.080, and section 32.12.070, chapter 13, Laws of 1955 and RCW 32.12.070, and section 32.20.170, chapter 13, Laws of 1955 and RCW 32.20.170, and section 32.20.250, Laws of 1955 and RCW 32.20.250; and amending chapter 13, Laws of 1955 and chapter 32.20 RCW by adding a new section thereto to be known as section 32.20.330; and repealing section 32.20.200, chapter 13, Laws of 1955 and RCW 32.20.200.

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

SECTION 1. Section 32.04.030, chapter 13, Laws of 1955, and RCW 32.04.030 are each amended to read as follows: Amendment.

(1) A savings bank shall not do business or be located in the same room with or in a room connecting with, any other bank, or a trust company that receives deposits of money or commercial paper, or a national banking association. Offices.

(2) No savings bank, or any officer or director thereof, shall receive deposits or transact any of its usual business at any place other than its principal place of business or an authorized branch.

(3) A savings bank, with the approval of the supervisor, may establish and operate branches but only upon the conditions and subject to the limitations following: Branch banks.

(a) If its guaranty fund is not less than the aggregate paid-in capital which would be required by law as a prerequisite to the establishment and operation of an equal number of branches in like locations by a bank.

(b) Branches may be established in any county of the state; and

(c) A branch shall not be established at a place at which the supervisor would not permit a pro-

posed new savings bank to engage in business, by reason of any consideration contemplated by RCW 32.08.040, 32.08.050 and 32.08.060, the provisions of which, insofar as applicable, including those relating to appeals, shall extend to applications to establish branches.

**Amendment.** SEC. 2. Section 32.04.080, chapter 13, Laws of 1955, and RCW 32.04.080 are each amended to read as follows:

**Pensions for employees.**

A mutual savings bank may provide for pensions for its disabled or superannuated employees and may pay a part or all of the cost of providing such pensions in accordance with a plan adopted by its board of trustees and approved in writing by the supervisor of banking. Whenever the trustees of the bank shall have formulated and adopted a plan providing for such pensions it shall, within ten days thereafter, transmit the same to the supervisor of banking. The supervisor of banking shall thereupon examine such plan and investigate the feasibility and practicability thereof and within thirty days of the receipt thereof by him notify the bank in writing of his approval or rejection of the same. After the approval of the supervisor the mutual savings bank shall be authorized and empowered to put such plan into effect. The board of trustees of a savings bank may set aside from current earnings reserves in such amounts as the board shall deem wise to provide for the payment of future pensions.

**Amendment.** SEC. 3. Section 32.12.070, chapter 13, Laws of 1955, and RCW 32.12.070 are each amended to read as follows:

**Computation of earnings; gross current operating earnings.**

(1) Gross current operating earnings. Every savings bank shall close its books, for the purpose of computing its net earnings, at the end of any period for which a dividend is to be paid, and in no event less frequently than semiannually. To determine the amount of gross earnings of a savings



bank during any dividend period the following items may be included:

(a) All earnings actually received during such period, less interest accrued and uncollected included in the last previous calculation of earnings;

(b) Interest accrued and uncollected upon debts owing to it secured by authorized collateral, upon which there has been no default for more than one year, and upon corporate bonds, or other interest bearing obligations owned by it upon which there is no default;

(c) The sums added to the cost of securities purchased for less than par as a result of amortization;

(d) Any profits actually received during such period from the sale of securities, real estate or other property owned by it;

(e) Such other items as the supervisor, in his discretion and upon his written consent, may permit to be included.

(2) Net current earnings. To determine the amount of its net earnings for each dividend period the following items shall be deducted from gross earnings:

(a) All expenses paid or incurred, both ordinary and extraordinary, in the transaction of its business, the collection of its debts and the management of its affairs, less expenses incurred and interest accrued upon its debts deducted at the last previous calculation of net earnings for dividend purposes;

(b) Interest paid or accrued and unpaid upon debts owing by it;

(c) The amounts deducted through amortization from the cost of bonds or other interest bearing obligations purchased above par in order to bring them to par at maturity;

(d) Contributions to any corporation or any community chest fund or foundation organized and operated exclusively for religious, charitable, scien-

tific, literary or educational purposes, no part of the net earnings of which inures to the benefit of any private shareholder or individual and no substantial part of the activities of which is carrying on propaganda or otherwise attempting to influence legislation. The total contributions for any calendar year shall not exceed a sum equal to one-half of one percent of the net earnings of such savings bank for the preceding calendar year.

The balance thus obtained shall constitute the net earnings of the savings bank for such period.

Dividends or interest.

(3) Earnings paid by a savings bank on deposits may be referred to as "dividends" or as "interest".

Amendment.

SEC. 4. Section 32.20.170, chapter 13, Laws of 1955, and RCW 32.20.170, are each amended to read as follows:

Investment of funds in certain utility bonds.

A mutual savings bank may invest its funds in the bonds of any corporation which at the time of the investment is incorporated under the laws of the United States or any state thereof, or the District of Columbia, and is transacting the business of supplying electrical energy, or artificial gas or natural gas purchased and supplied in substitution for, or in mixture with, artificial gas, for light, heat, power, and other purposes, or of supplying water for municipal, industrial, and domestic use, or is transacting any or all of such business: *Provided*, That at least seventy-five percent of the gross operating revenues of the corporation are derived from such business, and not more than fifteen percent of the gross operating revenues are derived from any one kind of business other than supplying electricity or gas or electricity and gas or water: *Provided further*, That the corporation is subject to regulation by a public service commission or public utility commission, or other similar regulatory body duly established by the laws of the United States or the states in which the cor-

poration operates, subject to the following conditions:

(1) The corporation shall make public in each year a statement and a report giving the income account covering the previous fiscal year and a balance sheet showing in reasonable detail the assets and liabilities at the end of the year;

Conditions  
utilities must  
meet.

(2) The outstanding fully paid capital stock together with premiums thereon and the surplus of the corporation shall be equal to at least two-thirds of the total debt secured by mortgage lien on any part or all of its property: *Provided*, That in the case of a corporation having non-par value shares, the amount of capital which the shares represent shall be the capital as shown by the books of the corporation;

(3) The corporation shall have been in existence for a period of not less than eight fiscal years and at no time within the period of eight fiscal years next preceding the date of the investment shall the corporation have failed to pay promptly and regularly the matured principal and interest of all its indebtedness direct, assumed, or guaranteed, but the period of life of the corporation, together with the period of life of any predecessor corporation or corporations from which a major portion of its property was acquired by consolidation, merger, or purchase shall be considered together in determining the required period;

(4) For a period of five fiscal years next preceding the investment the net earnings of the corporation shall have averaged per year not less than twice the average annual interest charges on its total funded debt applicable to that period, and for the last fiscal year preceding such investment such net earnings shall have been not less than twice the interest charges for a full year on its total funded debt outstanding at the time of such investment,

and for such period the gross operating revenues of the corporation shall have averaged per year not less than one million dollars;

(5) In determining the qualifications of any bond under this section where a corporation has acquired its property or any substantial part thereof within five years immediately preceding the date of the investment by consolidation or merger, or by the purchase of all or a substantial portion of the property of any other corporation or corporations, the gross operating revenues, net earnings, and interest charges of the several predecessor or constituent corporations shall be consolidated and adjusted so as to ascertain whether the requirements of subdivision (4) of this section have been complied with;

(6) The gross operating revenues and expenses of a corporation for the purposes of this section shall be, respectively, the total amount earned from the operation of, and the total expense of maintaining and operating, all property owned and operated by or leased and operated by the corporation, as determined by the system of accounts prescribed by the public service commission, or public utility commission or other similar regulatory body having jurisdiction. The gross operating revenues and expenses, as defined above, of subsidiary companies may be included: *Provided*, That all the mortgage bonds and a controlling interest in the stock or stocks of the subsidiary companies are pledged as part security for the mortgage debt of the principal company;

The net earnings of any corporation for the purpose of this section shall be the balance obtained by deducting from its gross operating revenues, its operating and maintenance expenses, taxes other than federal and state income taxes, rentals, and provisions for renewals and retirements of the

physical assets of the corporation, and by adding to said balance its income from securities and miscellaneous sources but not, however, to exceed fifteen percent of said balance.

(7) The bonds must be part of an issue of not less than one million dollars and must be mortgage bonds secured by a first or refunding mortgage secured by property owned and operated by the corporation issuing or assuming them, or must be underlying mortgage bonds secured by property owned and operated by the corporations issuing or assuming them: *Provided*, That such bonds are to be refunded by a junior mortgage providing for their retirement: *Provided further*, That the bonds under the junior mortgage comply with the requirements of this section, and that the underlying mortgage is either a closed mortgage or remains open solely for the issue of additional bonds which are to be pledged under the junior mortgage. The aggregate principal amount of bonds secured by the first or refunding mortgage plus the principal amount of all the underlying outstanding bonds shall not exceed sixty percent of the value of the physical property owned as shown by the books of the corporation and subject to the lien of the mortgage or mortgages securing the total mortgage debt: *Provided*, That if a refunding mortgage, it must provide for the retirement on or before the date of their maturity of all bonds secured by prior liens on the property.

Not more than fifteen percent of the funds of any mutual savings bank shall be invested in the bonds defined herein and in RCW 32.20.180 and not more than three percent of its funds shall be invested in the bonds of any one such corporation.

Limitation on  
investments.

SEC. 5. Section 32.20.250, chapter 13, Laws of 1955, and RCW 32.20.250 are each amended to read as follows:

Amendment.

A mutual savings bank may invest not to exceed

Investment in  
real estate  
mortgages.

seventy percent of its funds in loans secured by first mortgages on real estate subject to the following restrictions:

In all cases of loans upon real property, a note secured by a mortgage on the real estate upon which the loan is made shall be taken by the savings bank from the borrower;

The savings bank shall also be furnished by the borrower, either

(1) A complete abstract of title of the mortgaged property, which abstract shall be signed by the person or corporation furnishing the abstract of title, and which abstract shall be examined by a competent attorney and shall be accompanied by his opinion approving the title and showing that the mortgage is a first lien; or

(2) A policy of title insurance; or

(3) A duplicate certificate of ownership issued by a registrar of titles.

The real estate subject to such first mortgage must be improved to such extent that the net annual income thereof or reasonable annual rental value thereof in the condition existing at the time of making the loan is sufficient to pay the annual interest accruing on such loan in addition to taxes and insurance and all accruing charges and expenses.

No loan on real estate shall be for an amount greater than sixty percent of the value of such real estate, including improvements, except that in the case of property improved with a single family occupancy detached dwelling not more than fifteen years old, such loan may be for an amount not greater than two-thirds of the value of such real estate, including improvements, or if such dwelling is not more than two years old and is occupied by the owner, such loan may be for an amount not greater than eighty percent of the first ten thousand dollars of value and fifty percent of the remainder

of the value of such real estate, including improvements; and in the event such savings bank obtains, as additional collateral, an assignment of a policy or policies of life insurance issued by a company authorized to do business in this state, such loan may exceed the limits herein specified, but such excess shall not be more than eighty percent of the cash surrender value of such assigned life insurance.

No mortgage loan shall be made in excess of fifty percent of the value of the security unless its terms require the payment of principal and interest in annual, semiannual, quarterly or monthly payments, at a rate which if continued would repay the loan in full in not more than twenty years, beginning within one year and continuing until the loan is reduced to fifty percent or less of the value of the security.

The mortgage shall contain provisions requiring the mortgagor to maintain insurance on the buildings on the mortgaged premises to such reasonable amount as shall be stipulated in the mortgage, the policy to be deposited with the savings bank or its agent or trustee and to be payable to the savings bank in event of loss: *Provided*, That the savings bank may, at its option, forego insurance in either of the following cases:

- (1) A loan upon agricultural land, or
- (2) A loan upon a feehold interest in urban property subject to an outstanding lease.

A loan may be made on real estate which is to be improved by a building or buildings to be constructed with the proceeds of such loan, if it is arranged that such proceeds will be used for that purpose and that when so used the property will be improved to the extent required by this section.

No mortgage loan, or renewal or extension thereof for a period of more than one year, shall be made except upon written application showing the date, name of the applicant, the amount of loan re-

quested, and the security offered, nor except upon the written report of at least two members of the board of investment of the bank certifying on such application according to their best judgment the value of the property to be mortgaged; and the application and written report thereon shall be filed and preserved with the savings bank records.

Every mortgage and assignment of a mortgage taken or held by a savings bank shall be taken and held in its own name, and shall immediately be recorded in the office of the county auditor of the county in which the mortgaged property is located.

A mortgage on real estate shall be deemed a first mortgage and lien within the meaning of this section even though

(1) There is outstanding upon the real estate a lease to which the mortgage is subject, and two members of the board of investment of the bank deem the lease advantageous to the owner of the mortgaged property, and the mortgagee in case of foreclosure of the mortgage can compel the application upon the mortgage debt of substantially all of the rents thereafter to accrue; and/or

(2) There are outstanding nondelinquent taxes or special assessments or both, and the sum of the assessments and the amount of the loan does not exceed the limits herein specified.

New section.

SEC. 6. Chapter 13, Laws of 1955, and RCW 32.20, are each amended by adding thereto a new section to be known as section 32.20.330, to read as follows:

Investment in obligations of industrial corporations, etc.

Section 32.20.330. Obligations of industrial corporations. A mutual savings bank may invest not to exceed fifteen percent of its funds in such interest bearing obligations issued, guaranteed or assumed by corporations commonly accepted as industrial corporations or engaged in manufacturing, mining, merchandising or commercial financing, incorporated under the laws of the United States, or any state



thereof, or the District of Columbia, as mature within thirty years from the time of the investment, subject to the following conditions:

(1) Not more than two percent of said bank's funds shall be invested in such obligations of any one such corporation. Conditions.

(2) During the five years next preceding the investment for which the necessary statistical data is available, such corporation shall have had

(a) Net sales, or gross income, averaging not less than ten million dollars annually.

(b) Net income available for dividends averaging not less than one million dollars annually.

(c) Net income, after deducting reserves, regularly recurring charges for amortization of discount, expenses allocable to funded debt, and all other charges except interest, and income and profits taxes, of not less than four times the interest charges during said five years.

(d) Net income, computed as described in subdivision (2) (c) above:

(i) In two or more of said years not less than twice the interest charges during said years.

(ii) In the last year of said years not less than three times the interest charges for that year, including annual interest charges on the funded debt outstanding at the time of the investment (excluding all debt which has been called for redemption or which otherwise matures within six months from the time of the investment, and for the payment of which funds have been set aside in trust).

(3) The latest published balance sheet of such corporation shows:

(a) Its total debt including current liabilities does not exceed fifty percent of its gross assets, less reserves, and

(b) Its current assets are not less than two times current liabilities. In computing current assets and

current liabilities, there shall be eliminated from current assets, cash and United States Government notes, bonds, Treasury bills, and certificates of indebtedness in an amount not in excess of Federal income and excess profits taxes included in current liabilities, and there shall be eliminated from current liabilities such Federal income and excess profits taxes in an amount not in excess of the amount eliminated from current assets.

(4) Such obligations have been:

(a) Registered with the Securities and Exchange Commission, and

(b) Rated among the four highest classifications of two or more nationally recognized investment rating services.

(5) In determining the qualifications of any obligation under this section where a corporation has acquired its property or any substantial part thereof within five years immediately preceding the date of the investment by consolidation or merger, or by the purchase of all or a substantial portion of the property of any other corporation or corporations, the gross operating revenues, net earnings, and interest charges of the several predecessor or constituent corporations shall be consolidated and adjusted so as to ascertain whether the requirements of subdivisions (2) and (3) of this section have been complied with.

Repeal.

Savings.

SEC. 7. Repeals and saving. Section 32.20.200, chapter 13, Laws of 1955 and RCW 32.20.200 are each repealed but such repeal shall not be construed as affecting the legality of any investment made pursuant to the provisions of the statute repealed prior to the effective date of this act.

Passed the Senate February 1, 1955.

Passed the House February 23, 1955.

Approved by the Governor March 4, 1955.

## CHAPTER 81.

[ S. B. 85. ]

## CITIES AND TOWNS—DEPOSITORIES.

AN ACT relating to cities and towns and banks in which moneys to be kept by the treasurer may be deposited.

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

SECTION 1. Whenever a bank is designated by the treasurer or governing body of a city or town in accordance with the provisions of chapter 35.38 RCW, as a depository for funds to be kept by the treasurer of such city or town and such bank has filed and had approved a contract with such city or town and deposited a surety bond or bonds or securities as provided in chapter 35.38, such contract shall not be invalid by reason of any official of the city being also an officer, employee, or stockholder of such bank.

Passed the Senate January 26, 1955.

Passed the House February 23, 1955.

Approved by the Governor March 4, 1955.

## CHAPTER 82.

[ S. B. 107. ]

PUBLIC HOSPITAL DISTRICTS—ELECTIONS—  
COMMISSIONERS.

AN ACT relating to hospital districts; amending section 1, chapter 229, Laws of 1947 and RCW 70.44.040; and adding a new section to chapter 70.44 RCW; and declaring an emergency.

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

SECTION 1. Section 1, chapter 229, Laws of 1947 and RCW 70.44.040 are each amended to read as follows: Amendment.

The provisions of Title 54 relating to elections and procedure of the commission, except vacancies

Elections and  
procedure of  
commission.

occurring therein, and boundaries and consolidation of public utility districts shall govern public hospital districts, except that the total vote cast upon the proposition to form the district shall exceed forty percent of the total number of votes cast in the precincts comprising the districts at the next preceding general state and county election, and except that hospital district commissioners shall hold office for the term of six years and until their successors are elected and qualified, each term to commence on the second Monday in January in each year following the election. At the election at which the proposition is submitted to the voters as to whether a district shall be formed, three commissioners shall be elected to hold office, respectively, for the terms of two, four, and six years. All candidates shall be voted upon by the entire district, and the candidate residing in commissioner district number one receiving the highest number of votes in the hospital district shall hold office for the term of six years; the candidate residing in commissioner district number two receiving the highest number of votes in the hospital district shall hold office for the term of four years; and the candidate residing in commissioner district number three receiving the highest number of votes in the hospital district shall hold office for the term of two years. Each term shall date from the time above specified following the election, but shall also include the period intervening between the election and the beginning of the regular terms specified in this section.

Terms of office  
of commis-  
sioners.

New section.

SEC. 2. There is added to chapter 70.44 RCW, a new section to read as follows:

Vacancies in  
offices of  
commissioners.

A vacancy in the office of commissioner shall occur by death, resignation, removal, conviction of felony, nonattendance at meetings of the commission for sixty days, unless excused by the commission, by any statutory disqualification, or by any perma-

ment disability preventing the proper discharge of his duty. A vacancy shall be filled at the next general election; the vacancy in the interim to be filled by appointment by the remaining commissioners within twenty days from the date of such vacancy, or in the event the remaining commissioners do not fill the vacancy within said time then the county commissioners of the county in which said district is located shall fill said vacancy within twenty days thereafter. If more than one vacancy exists at the same time a special election shall be called by the county election supervisor upon the request of any remaining commissioner and if there is none, then by the supervisor. The election shall be held not more than forty days after the occurrence of the vacancies.

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

Passed the Senate January 28, 1955.

Passed the House February 23, 1955.

Approved by the Governor March 4, 1955.

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## CHAPTER 83.

[ S. B. 113. ]

### PUBLIC HIGHWAYS—CONTRACTS—BIDS.

AN ACT relating to public highways; prescribing procedure for the contracting of highway construction, and amending section 37, chapter 53, Laws of 1937, as amended by section 1, chapter 64, Laws of 1949, and RCW 47.28.090.

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

SECTION 1. Section 37, chapter 53, Laws of 1937, Amendment. as amended by section 1, chapter 64, Laws of 1949, and RCW 47.28.090 are each amended to read as follows:

Opening bids and awarding contracts.

At the time and place named in the call for bids the Washington state highway commission shall publicly open and read the final figure in each of the bid proposals properly filed and read only the bid items on the three lowest bids, and shall award the contract to the lowest responsible bidder unless the commission has, for good cause, continued the date of opening bids to a day certain, or rejected said bid: *Provided*, That any bid may be rejected if the bidder has previously defaulted in the performance of and failed to complete a written public contract, or has been convicted of a crime arising from a previous public contract. All bids shall be under sealed cover and accompanied by deposit in cash, certified check, cashier's check, or surety bond in an amount equal to five percent of the amount of the bid and no bid shall be considered unless the deposit is enclosed therewith.

Bids to be sealed and accompanied by security.

Passed the Senate February 7, 1955.

Passed the House February 23, 1955.

Approved by the Governor March 4, 1955.

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CHAPTER 84.

[ S. B. 114. ]

DEPARTMENT OF HIGHWAYS—CONTRACTS WITH PUBLIC UTILITIES AND MUNICIPAL CORPORATIONS.

AN ACT relating to certain contracts of the state highway department with public utilities and municipal corporations, and amending section 1, chapter 100, Laws of 1953, and RCW 43.27.105.

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

Amendment.

SECTION 1. Section 1, chapter 100, Laws of 1953, and RCW 43.27.105 are each amended to read as follows:

Advertising bids and performance bonds.

It shall be lawful for the state department of highways acting through the Washington state high-

way commission to contract without advertising or bid, or performance bond, with any public utility, whether publicly or privately operated, or with any municipal corporation or political subdivision of the state, for the performance of any work or the furnishing of any service of a type ordinarily performed or furnished by such utility, or by such municipal corporation or political subdivision, whenever, in the opinion of said commission, the interest of the public will be best served.

Passed the Senate January 26, 1955.

Passed the House February 23, 1955.

Approved by the Governor March 4, 1955.

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## CHAPTER 85.

[ S. B. 123. ]

### FIREARMS—HIGHWAYS—UNLAWFUL ACTS.

AN ACT relating to shooting from, across or along any public highway and amending section 2, chapter 126, Laws of 1947 and RCW 77.16.260.

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

SECTION 1. Section 2, chapter 126, Laws of 1947 and RCW 77.16.260 are each amended to read as follows: Amendment.

It shall be unlawful for any person to shoot any pistol, rifle, shotgun or other firearm from, across or along any public highway. This section shall not apply to artillery fire from authorized military activities within the confines of the Fort Lewis military reservation if proper precautions are taken to safeguard life and property if the authority conducting the military maneuvers assumes responsibility for any damages therefrom resulting to users of the highway. No public highway shall be closed to traffic by the military for purposes hereunder

Shooting from, across or along public highways.

without the consent of the governing body exercising jurisdiction over the highway.

Passed the Senate January 31, 1955.

Passed the House February 23, 1955.

Approved by the Governor March 4, 1955.

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CHAPTER 86.

[ S. B. 215. ]

INSURANCE—DEPOSITS BY INSURERS.

AN ACT relating to insurance; modifying the requirements and administration of deposits by insurers; amending section .05.08, chapter 79, Laws of 1947 and RCW 48.05.080, section 2, chapter 197, Laws of 1953 and RCW 48.06.110, section .16.01, chapter 79, Laws of 1947 and RCW 48.16.010, section .16.02, chapter 79, Laws of 1947 and RCW 48.16.020, section .16.03, chapter 79, Laws of 1947 and RCW 48.16.030, section .16.05, chapter 79, Laws of 1947 and RCW 48.16-.050, section .16.06, chapter 79, Laws of 1947 and RCW 48.16.060, section .16.07, chapter 79, Laws of 1947 and RCW 48.16.070, section .16.08, chapter 79, Laws of 1947 and RCW 48.16.080, section .16.11, chapter 79, Laws of 1947 and RCW 48.16.110, section .16.12, chapter 79, Laws of 1947 and RCW 48.16.120, section .29.02, chapter 79, Laws of 1947 and RCW 48.29.020, section .29.07, chapter 79, Laws of 1947 and RCW 48.29.070, section .29.09, chapter 79, Laws of 1947 and RCW 48.29.090, and section .29.11, chapter 79, Laws of 1947 and RCW 48.29.110; repealing section .29.05, chapter 79, Laws of 1947 and RCW 48.29.050, and section .29.08, chapter 79, Laws of 1947 and RCW 48.29.080; and declaring an effective date.

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

Amendment.

SECTION 1. Section .05.08, chapter 79, Laws of 1947 and RCW 48.05.080 are each amended to read as follows:

Certificates of authority of foreign insurers; deposit of assets.

(1) Prior to the issuance of a certificate of authority to a foreign insurer, it shall make a deposit of assets with the commissioner for the protection of all its policyholders, or of all of its policyholders and obligees or its policyholders and obligees within the



United States, in amount and kind, subject to RCW 48.14.040, the same as is required of a like domestic insurer transacting like kinds of insurance.

(2) In lieu of such deposit or part thereof the commissioner may accept the certificate of the public official having supervision over insurers in any other state to the effect that a like deposit by such insurer or like part thereof in equal or greater amount is held in public custody in such state.

In lieu of deposit.

SEC. 2. Section 2, chapter 197, Laws of 1953 and RCW 48.06.110 are each amended to read as follows:

Amendment.

(1) The commissioner shall not issue a solicitation permit until the person applying therefor files with him a corporate surety bond in the penalty of ten thousand dollars, in favor of the state and for the use and benefit of the state and of subscribers and creditors of the proposed organization.

Solicitation permits of domestic insurers; bond.

The bond shall be conditioned upon the payment of costs incurred by the state in event of any legal proceedings for liquidation or dissolution of the proposed organization before completion of organization or in event a certificate of authority is not granted; and upon a full accounting for funds received until the proposed insurer has been granted its certificate of authority, or until the proposed corporation or syndicate has completed its organization as defined in the solicitation permit.

(2) In lieu of filing such bond, the person may deposit with the commissioner ten thousand dollars in cash or in United States government bonds at par value, to be held in trust upon the same conditions as required for the bond.

Deposit in lieu of bond.

(3) The commissioner may waive the requirement for a bond or deposit in lieu thereof if the permit provides that:

Waiver of bond or deposit.

(a) The proposed securities are to be distributed solely and finally to those few persons who are the

active promoters intimate to the formation of the insurer, or other corporation or syndicate, or

(b) The securities are to be issued in connection with subsequent financing as provided in RCW 48.06.180.

Release or discharge of bond or deposit.

(4) Any bond filed or deposit or remaining portion thereof held under this section shall be released and discharged upon settlement or termination of all liabilities against it.

Amendment.

SEC. 3. Section .16.01, chapter 79, Laws of 1947 and RCW 48.16.010 are each amended to read as follows:

Deposits of insurers; commissioner to accept; when.

The commissioner shall accept deposits of securities or funds by insurers as follows:

(1) Deposits in amount as required to be made as prerequisite to a certificate of authority to transact insurance in this state.

(2) Deposits of domestic or alien insurers in amount as required to be made by the laws of other states as prerequisite for authority to transact insurance in such other states.

(3) Deposits in amounts as result from application of the retaliatory provision, RCW 48.14.040.

(4) Deposits in other additional amounts permitted to be made by this code.

Amendment.

SEC. 4. Section .16.02, chapter 79, Laws of 1947 and RCW 48.16.020 are each amended to read as follows:

Deposits of insurers to be held in trust.

Each such deposit shall be held by the commissioner in trust for the protection of all policyholders in the United States of the insurer making it; except that deposits of alien insurers shall be so held for the security of such insurer's obligations arising out of its insurance transactions in the United States, and except as to deposits the purpose of which may be further limited pursuant to the retaliatory provision, RCW 48.14.040.

SEC. 5. Section .16.03, chapter 79, Laws of 1947 and RCW 48.16.030 are each amended to read as follows: Amendment.

All such deposits shall consist of cash funds or public obligations as specified in RCW 48.13.040; except, that with respect to deposits held on account of registered policies heretofore issued, the commissioner may accept deposit of such other kinds of securities as are expressly required to be deposited by the terms of such policies. Deposits of insurers may consist of cash or securities.

SEC. 6. Section .16.05, chapter 79, Laws of 1947 and RCW 48.16.050 are each amended to read as follows: Amendment.

(1) The commissioner shall deliver to the insurer a receipt for all funds and securities so deposited by it. Deposits of insurers; receipts.

(2) The commissioner or the designated depository shall keep a record in permanent form of all funds and securities so deposited. Records.

SEC. 7. Section .16.06, chapter 79, Laws of 1947 and RCW 48.16.060 are each amended to read as follows: Amendment.

(1) No transfer of any funds or security so held on deposit, whether voluntary or by operation of law, shall be valid unless approved in writing by the commissioner. Transfer of deposit of insurers.

(2) A statement of each such transfer shall be entered on the records of the commissioner or designated depository, showing the name of the insurer from whose deposit such transfer is made, the name of the transferee, and the par value of the securities so transferred.

SEC. 8. Section .16.07, chapter 79, Laws of 1947 and RCW 48.16.070 are each amended to read as follows: Amendment.

The commissioner may designate any solvent trust company or other solvent financial institution having trust powers domiciled in this state, as the Depositories for deposits of insurers.

commissioner's depository to receive and hold any such deposit. Any deposit so held shall be at the expense of the insurer.

Amendment.

SEC. 9. Section .16.08, chapter 79, Laws of 1947 and RCW 48.16.080 are each amended to read as follows:

Liability of state for deposits of insurers.

The state of Washington shall be responsible for the safekeeping and return of all funds and securities deposited pursuant to this chapter with the commissioner or in any such depository so designated by him.

Amendment.

SEC. 10. Section .16.11, chapter 79, Laws of 1947 and RCW 48.16.110 are each amended to read as follows:

Release of deposits of insurers.

Any part of any deposit of an insurer held by the commissioner which is in amount in excess of the deposit required or permitted to be made by such insurer under this code, shall, upon written order of the commissioner, be released; except, that no deposit held on account of any registered policies heretofore issued by the insurer shall be released except in accordance with the conditions under which such deposit was made.

Amendment.

SEC. 11. Section .16.12, chapter 79, Laws of 1947 and RCW 48.16.120 are each amended to read as follows:

Excess deposits of insurers.

An insurer may deposit and maintain on deposit with the commissioner funds and eligible securities in amount exceeding its required deposit under this code by not more than one hundred thousand dollars, for the purpose of absorbing fluctuations in the value of securities held in its required deposit, and to facilitate the exchange and substitution of such required securities. During the solvency of the insurer any such excess deposit or any part thereof shall be released to it upon its request. During the insolvency of the insurer such excess deposit shall be released only as provided in RCW 48.16.100.

SEC. 12. Section .29.02, chapter 79, Laws of 1947 and RCW 48.29.020 are each amended to read as follows: Amendment.

A title insurer shall not be entitled to have a certificate of authority unless it otherwise qualifies therefor, nor unless: Title insurers; eligibility for certificate of authority.

(1) It is a stock corporation.

(2) It owns and maintains a complete set of tract indexes of the county in which its principal office within this state is located.

(3) It deposits and keeps on deposit with the commissioner a guaranty fund in amount as set forth in RCW 48.29.030 and comprised of cash or public obligations as specified in RCW 48.13.040.

SEC. 13. Section .29.05, chapter 79, Laws of 1947 and RCW 48.29.050 are each hereby repealed. Repeal.

SEC. 14. Section .29.07, chapter 79, Laws of 1947 and RCW 48.29.070 are each amended to read as follows: Amendment.

If an insurer fails to satisfy any judgment against it arising out of its liability under any title insurance policy or certificate of title issued, insured, or assumed by it, within thirty days after the finality of the judgment became fixed, the judgment may be enforced against the insurer's guaranty fund deposit through the following procedure: Title insurers; enforcement of judgments against guaranty fund deposit.

(1) The judgment creditor shall petition the court wherein the judgment is entered and as part of the same cause, truthfully setting forth the facts regarding the insurer's failure to satisfy the judgment as required by this section.

(2) Upon such petition the court shall direct issuance of a special execution directed to the sheriff of Thurston county, requiring that the sheriff sell so much of the securities on deposit as may be required to satisfy the judgment and pay the costs of the levy.

(3) The court's order for issuance of the special execution shall also direct that a copy of the judg-

ment and of the petition be served upon the commissioner within five days after the date of the order.

(4) Upon issuance of such special execution and upon such service upon the commissioner, the commissioner shall deliver to such sheriff sufficient of such securities as may be required for sale to satisfy the judgment and to pay such costs.

Repeal. SEC. 15. Section .29.08, chapter 79, Laws of 1947 and RCW 48.29.080 are each hereby repealed.

Amendment. SEC. 16. Section .29.09, chapter 79, Laws of 1947 and RCW 48.29.090 are each amended to read as follows:

Title insurers; liability of guaranty fund deposits.

(1) The securities comprising the guaranty fund deposit shall be held by the commissioner as a special guaranty fund securing the faithful performance by the insurer of all its undertakings and liabilities as to any title guaranteed or insured by it.

(2) Such deposit shall not be subject to any other liabilities of the insurer until after all its liabilities named in subsection (1) of this section have been discharged.

Amendment. SEC. 17. Section .29.11, chapter 79, Laws of 1947 and RCW 48.29.110 are each amended to read as follows:

Title insurers; conditions for release of guaranty fund deposit.

(1) Upon any termination of the guaranty fund deposit, the commissioner shall release the securities comprising it to the insurer after the following conditions have been complied with:

(a) The insurer shall make written application for such release, verified by the oaths of its president and secretary.

(b) The commissioner shall in due course following upon such application make such examination of the records of the insurer, and of the insurer's officers under oath, as he deems reasonably necessary to determine that the conditions for termination of the deposit have been met.

(2) Upon release of the securities, the commissioner shall revoke the insurer's certificate of authority.

SEC. 18. This act shall become effective on January 1, 1956. Effective date.

SEC. 19. All transfers authorized under this act shall be made under the supervision of the state auditor. State auditor to supervise transfers.

Passed the Senate February 4, 1955.

Passed the House February 24, 1955.

Approved by the Governor March 4, 1955.

CHAPTER 87.

[ S. B. 19. ]

STATE APPLICATION FORMS—PROHIBITED QUESTIONS.

AN ACT relating to state application forms and licenses; and providing penalties.

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

SECTION 1. The inclusion of any question relative to an applicant's race or religion in any application blank or form for employment or license required to be filled in and submitted by an applicant to any department, board, commission, officer, agent, or employee of this state or the disclosure on any license of the race or religion of the licensee is hereby prohibited. Race and religion not to appear on applications or licenses.

SEC. 2. Any person who shall violate this act shall be guilty of a misdemeanor. Penalty.

Passed the Senate January 21, 1955.

Passed the House February 23, 1955.

Approved by the Governor March 5, 1955.

CHAPTER 88.

[ Sub. H. B. 26. ]

NATIONAL AND STATE FLAGS—DISPLAY.

AN ACT relating to the display of the national and state flags.

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

Flags to be displayed.

SECTION 1. The flag of the United States and the flag of the state shall be prominently installed, displayed and maintained in schools, court rooms and state buildings.

Passed the House February 27, 1955.

Passed the Senate March 1, 1955.

Approved by the Governor March 5, 1955.

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CHAPTER 89.

[ H. B. 87. ]

MOTOR VEHICLE LICENSES.

AN ACT relating to vehicle licenses; amending section 4, chapter 252, Laws of 1953 and RCW 46.16.220, and section 3, chapter 252, Laws of 1953 and RCW 46.16.210, and section 27, chapter 188, Laws of 1937 and RCW 46.08.100, and section 10, chapter 164, Laws of 1947 and RCW 46.16.200; adding a new section to chapter 46.16 RCW, and repealing section 3, chapter 234, Laws of 1949 and RCW 46.16.190.

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

Amendment.

SECTION 1. Section 4, chapter 252, Laws of 1953 and RCW 46.16.220 are each amended to read as follows:

Display of motor vehicle licenses and license number plates.

Vehicle licenses and vehicle license number plates may be issued for the current calendar year on and after the first day of January and must be used and displayed from the date of issue through the expiration date, December 31, of the year of issue. Plates of the preceding year may be displayed during the grace period of January 1 through February 15 of the cur-



rent license year: *Provided*, That no vehicle licenses and vehicle license number plates shall be valid beyond the fifteenth day of February of the year next following the year in which they were issued.

SEC. 2. Section 3, chapter 252, Laws of 1953 and RCW 46.16.210 are each amended to read as follows: Amendment.

(1) Upon receipt of the application and proper fee for original vehicle license, the director shall make a recheck of the application and in the event that there is any error in the application it may be returned to the county auditor or other agent to effectively secure the correction of such error, who shall return the same corrected to the director. Application; recheck by director and correction of errors.

(2) Application for the renewal of a vehicle license shall be made to the director or his agents, including county auditors, by the registered owner on a form prescribed by the director. The application must be accompanied by the certificate of registration for the last registration period in which the vehicle was registered in Washington unless the applicant submits a preprinted application mailed from Olympia, and the payment of such license fees and excise tax as may be required by law. Such application shall be handled in the same manner and the fees transmitted to the state treasurer in the same manner as in the case of an original application. Any such application which upon validation becomes a renewal certificate need not have entered upon it the name of the lien holder, if any, of the vehicle concerned. Renewal of license.

(3) An application for license, new or renewal, may not be filed prior to the first day of January of the calendar year for which the license is to be issued and if the application for renewal is not filed prior to the sixteenth day of February in each year, a penalty of three dollars shall be assessed and shall not under any condition be waived unless the applicant can furnish an affidavit certifying that the ve- Filing dates for licenses.

hicle has not been operated on highways in this state while owned by him since the expiration date of the last license issued in this state, or that the vehicle has been stolen or embezzled: *Provided*, That this penalty shall not apply to vehicles that were at the time of expiration held for sale by a registered dealer and on which an application for renewal license is made by the purchaser at time of sale.

Amendment.

SEC. 3. Section 27, chapter 188, Laws of 1937 and RCW 46.08.100 are each amended to read as follows:

County auditor's powers and duties.

The county auditor, if appointed by the director, shall carry out the provisions of this title relating to the licensing of vehicles and the issuance of vehicle license number plates under the direction and supervision of the director and may with the approval of the director appoint assistants as special deputies to accept applications and collect fees for vehicle licenses and transfers and to deliver vehicle license number plates.

Fee.

At any time any application is made to the director, the county auditor or other agent pursuant to any law dealing with licenses, certificates of ownership, registration or the right to operate any vehicle upon the public highways of this state, the applicant shall pay to the director, county auditor or other agent a fee of fifty cents for each application in addition to any other fees required by law, which fee of fifty cents, if paid to the county auditor as agent of the director, or if paid to an agent of the county auditor, shall be paid to the county treasurer in the same manner as other fees collected by the county auditor and credited to the county current expense fund. In the event that such fee is paid to another agent of the director, such fee shall be used by such agent to defray his expenses in handling the application. All such filing fees collected by the director or branches of his office shall be certified to the state

treasurer and deposited to the credit of the motor vehicle fund.

SEC. 4. Section 10, chapter 164, Laws of 1947 and RCW 46.16.200 are each amended to read as follows: Amendment.

Upon receipt by agents of the director, including county auditors, of original applications for vehicle licenses accompanied by the proper fees, such agents shall, if the applications are in proper form and accompanied by such information as may be required by the director, immediately forward such applications with proper identifying reports and fees to the director. Forwarding of application and fee to director.

*This section amended by sec. 1, chap. 259, Laws of 1955.*

SEC. 5. Section 3, chapter 234, Laws of 1949 and RCW 46.16.190 are each repealed. Repeal.

SEC. 6. There is added to chapter 46.04 RCW, a new section to read as follows: New section.

“Temporarily sojourning,” as the term is used in chapter 46.04 RCW, shall be construed to include any nonresident who is within this state for a period of not to exceed six months in any one year. “Temporarily sojourning” defined.

Passed the House March 1, 1955.

Passed the Senate February 28, 1955.

Approved by the Governor March 5, 1955.

## CHAPTER 90.

[ H. B. 33. ]

### MOTOR VEHICLE FUEL EXCISE TAX REFUNDS.

AN ACT relating to motor vehicle fuel excise tax refunds; providing that applications shall be filed within thirteen months from date of purchase; and amending section 1, chapter 38, Laws of 1945 and RCW 82.36.330.

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

SECTION 1. Section 1, chapter 38, Laws of 1945 and RCW 82.36.330 are each amended to read as follows: Amendment.

Payment by  
warrant.

Filing of  
application.

Penalty for  
fraudulent  
claims.

Upon the approval of the director of the claim for refund, the state auditor shall draw his warrant upon the state treasurer for the amount of the claim in favor of the person making such claim and the warrant shall be paid from the excise tax collected on motor vehicle fuel. Applications for refunds of excise tax shall be filed in the office of the director not later than the close of the last business day of a period thirteen months from the date of purchase of such motor fuel, and if not filed within this period the right to refund shall be forever barred. Any person or the member of any firm or the officer or agent of any corporation who makes any false statement in any affidavit required for the refund of excise tax, as provided in this chapter, or who collects or causes to be repaid to him or to any other person any such refund without being entitled to the same under the provisions of this chapter shall be guilty of a gross misdemeanor.

Passed the House February 1, 1955.

Passed the Senate March 2, 1955.

Approved by the Governor March 5, 1955.

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CHAPTER 91.

[ H. B. 170. ]

COMMISSION ON UNIFORM STATE LAWS—EXPENSES.

AN ACT relating to the commission on uniform state laws and amending section 4, chapter 59, Laws of 1905 and RCW 43.56.040.

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

Amendment.

SECTION 1. Section 4, chapter 59, Laws of 1905 and RCW 43.56.040 are each amended to read as follows:

Members to  
receive ex-  
penses only.

No member of the board shall receive any compensation for his services, but each member shall be

repaid from the state treasury the amount of his actual traveling and other necessary expenses incurred in the discharge of his official duty, after the account thereof has been audited by the board and by the state auditor.

The board shall keep a full account of its expenditures and shall report it in each report. There shall be allowed such expenses for only one annual meeting of the board within this state, and for the members in attendance, not oftener than once in each year, at any conference of commissioners outside of this state.

Record of expenses.  
Limitation on expenses.

Passed the House February 7, 1955.

Passed the Senate March 2, 1955.

Approved by the Governor March 5, 1955.

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## CHAPTER 92.

[ H. B. 177. ]

### CORPORATIONS—DISSOLUTION.

AN ACT relating to the dissolution of corporations, providing for the distribution of assets in kind, and amending section 52, chapter 185, Laws of 1933 and RCW 23.44.050.

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

SECTION 1. Section 52, chapter 185, Laws of 1933 and RCW 23.44.050 are each amended to read as follows:

Amendment.

The trustee or trustees appointed by the shareholders to conduct a winding up out of court, as speedily as possible after his or their appointment has become operative shall proceed:

Duties of trustees.

(1) To collect all sums due or owing to the corporation;

(2) To sell and convert into cash such corporate assets as are not to be distributed in kind to the shareholders;

(3) To collect the whole, or so much as may be necessary or just, of any amounts remaining unpaid on subscriptions to shares; and

(4) To pay or adequately provide for all debts and liabilities of the corporation according to their respective priorities.

Any surplus remaining after paying or adequately providing for all debts and liabilities of the corporation shall be distributed, either in cash or in kind, by the trustee or trustees to the shareholders according to their respective rights and preferences.

Reorganization provisions still effective.

Nothing in this section shall impair the right or manner of a reorganization pursuant to provisions contained in this chapter.

Passed the House February 7, 1955.

Passed the Senate March 2, 1955.

Approved by the Governor March 5, 1955.

CHAPTER 93.

[ H. B. 201. ]

EXCESS TAX LEVIES—PROCEDURE.

AN ACT relating to the authorization of excess property tax levies by certain taxing districts; and amending section 1, chapter 189, Laws of 1953 and RCW 84.52.052; and declaring an emergency.

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

Amendment.

SECTION 1. Section 1, chapter 189, Laws of 1953 and RCW 84.52.052 are each amended to read as follows:

Excess levy; general obligation bonds outstanding Dec. 6 1934.

The limitations imposed by RCW 84.52.050 through 84.52.056, shall not prevent the levy of additional taxes, not in excess of five mills a year and without anticipation of delinquencies in payment of taxes, in an amount equal to the interest and principal payable in the next succeeding year on general obligation bonds, outstanding on December 6, 1934, issued

by or through the agency of the state, or any county, city, town, or school district, or the levy of additional taxes to pay interest on or toward the reduction, at the rates provided by statute, of the principal of county, city, town, or school district warrants outstanding on December 6, 1932; but this millage limitation with respect to general obligation bonds shall not apply to any taxing district in which a larger levy is necessary in order to prevent the impairment of the obligation of contracts. Any county, school district, metropolitan park district, sewer district, water district, public hospital district, rural county library district, intercounty rural library district, fire protection district, city or town may levy taxes at a rate in excess of the rate specified in RCW 84.52.050 through 84.52.056, when authorized so to do by the electors of such county, school district, metropolitan park district, sewer district, water district, public hospital district, rural county library district, intercounty rural library district, fire protection district, city or town by a three-fifths majority of those voting on the proposition at a special election, to be held in the year in which the levy is made, and not oftener than twice in such year, in the manner provided by law for holding general elections, at such time as may be fixed by the body authorized to call the same, which special election may be called by the board of county commissioners, board of school directors, or council, board of commissioners, or other governing body of any metropolitan park district, sewer district, water district, public hospital district, rural county library district, intercounty rural library district, fire protection district, city or town, by giving notice thereof by publication in the manner provided by law for giving notices of general elections, at which special election the proposition of authorizing such excess levy shall be submitted in such form as to enable the voters favoring the proposition to

Warrants  
outstanding  
Dec. 6, 1932.

Special  
elections.

vote "Yes," and those opposed thereto to vote "No": *Provided*, That the total number of persons voting at such special election must constitute not less than forty percent of the voters in said taxing district who voted at the last preceding general state election: *Provided further*, That the total number of persons voting on an excess levy for school district purposes at any such special election of any school district prior to November 7, 1956, must constitute not less than forty percent of the voters in said taxing district who voted at the last preceding general election in such district.

Emergency.

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

Passed the House March 3, 1955.

Passed the Senate March 3, 1955.

Approved by the Governor March 7, 1955.

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## CHAPTER 94.

[ H. B. 62. ]

### RELEASED PRISONERS—CLOTHING, MONEY, TRANSPORTATION FURNISHED.

AN Act relating to paroled and released inmates of the state penitentiary and reformatory; providing for furnishing of clothing, money and transportation; and amending section 19, chapter 147, Laws of 1891 and RCW 72.08.100 and 72.08.110; and section 1, chapter 152, Laws of 1951 and RCW 72.08.342.

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

Division and  
amendment.

SECTION 1. Section 19, chapter 147, Laws of 1891 (heretofore divided and codified as RCW 72.08.100 and 72.08.110) is divided and amended as set forth in sections 2 and 3 of this act.



SEC. 2. (RCW 72.08.100) In the treatment of the prisoners the following general rules shall be observed:

Treatment of prisoners:

(1) Each convict shall be provided with a bed of straw or other suitable material, and sufficient covering of blankets, and shall be supplied with garments of coarse, substantial material, of distinctive manufacture, and with sufficient plain and wholesome food of such variety as may be most conducive of good health.

Beds and bedding.

Food.

(2) No punishment shall be inflicted except by the order and under the direction of the superintendent.

Punishment.

(3) The superintendent shall keep a correct account of all money and valuables upon the prisoner when delivered at the prison, and shall return the same or the proceeds thereof, to the convict when discharged, or to his legal representative in case of his death. In the case of the death of a convict without being released, if no legal representative shall demand such property within five years, it shall be paid into the state treasury.

Personal effects.

(4) The rules and regulations prescribing the duties and obligations of the prisoners shall be printed and hung up in each cell and shop.

Posting of rules and regulations.

(5) Each convict when he leaves the penitentiary shall be supplied with any sum which may have been presented to him from any source. The prisoner shall be entitled, if he so elects, to immunity from having his hair cut or being shaved for three calendar months immediately prior to his discharge. It shall not be lawful for the officers of the penitentiary to furnish or permit to be furnished to anyone for publication the name of any prisoner about to be discharged.

Release of prisoners.

SEC. 3. (RCW 72.08.110) When the superintendent, and such other officers as may be designated by the director to act with him in such cases, are of

Enacted without amendment.

opinion that any convict is insane, they shall make proper examination, and if they remain of the opinion that such person is insane, the superintendent shall certify the fact to the superintendent of one of the state hospitals for the insane, and shall forthwith send such convict to such hospital for care and treatment. If at the expiration of the term of sentence the insane convict is still in the insane hospital, he shall be allowed to remain there until discharged cured. The superintendent shall also send to the department a copy of the certificate, and thereafter a statement as to his subsequent acts, regarding the insane convict. The superintendent of the hospital for insane shall receive such convict, and keep him until cured. He shall, upon receipt of the insane convict, notify the department of the fact, giving name, date and where from, and from whose hands received. When in the opinion of the superintendent the insane convict is cured of insanity, he shall immediately notify the department thereof; and he shall also notify the superintendent of the penitentiary, who shall immediately send for, take, and receive the convict back into the penitentiary. The time passed at the hospital shall count as a part of the convict's sentence.

Before discharging any convict who may be insane at the time of the expiration of his sentence, the superintendent shall first give notice in writing to the superior court of the county in which the penitentiary is located, of the fact of such insanity, whereupon such court shall forthwith make an order, and deliver it to the sheriff of the county, commanding him to bring the insane convict before the court. Upon receipt of the order the sheriff shall execute and return it forthwith to the court, and thereupon the court shall cause proper examination to be made by medical experts, and if it satisfactorily appears that the convict is insane, the court shall order him

to be confined in one of the hospitals for the insane. The sheriff shall receive the same compensation as for transferring a prisoner to the penitentiary, to be paid in the same manner. If any judge, after having been notified by the superintendent, neglects to cause such order to be made as herein provided, or if the sheriff neglects to remove any such insane convict as required by the provisions of this section, the superintendent shall cause the insane convict to be removed before the superior court of the county in which the penitentiary is located, in charge of an officer of the penitentiary, or other suitable person, for the purpose of examination; and the cost of such removal shall be paid out of the state treasury, in the same manner as when removed by the sheriff.

SEC. 4. Section 1, chapter 152, Laws of 1951 and RCW 72.08.342 are each amended to read as follows: Amendment.

Every person who has been confined in the state penitentiary or state reformatory pursuant to court order, upon his parole or release therefrom shall be supplied with suitable and presentable clothing, transportation to his place of residence within the state or the place where approved employment has been gained, and the superintendent of such institution shall provide the sum of forty dollars to each inmate released from such institution to meet his immediate needs, unless such inmate shall have adequate personal funds. Release of prisoners; clothing, transportation and payment.

Passed the House February 2, 1955.

Passed the Senate February 23, 1955.

Approved by the Governor March 8, 1955.

CHAPTER 95.

[ H. B. 56. ]

BUSINESS AND OCCUPATION TAX—EXEMPTIONS.

AN ACT relating to revenue and taxation; adding a new section to chapter 82.04 RCW; and declaring an emergency.

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

New section.

SECTION 1. There is added to chapter 82.04 RCW, a new section to read as follows:

Certain sales exempt from B & O tax.

This chapter shall not apply to sales for resale by persons regularly engaged in the business of making sales of the type of property so sold to other persons similarly engaged in the business of selling such property where (1) the amount paid by the buyer does not exceed the amount paid by the seller to his vendor in the acquisition of the article and (2) the sale is made as an accommodation to the buyer to enable him to fill a bona fide existing order of a customer or is made within fourteen days to reimburse in kind a previous accommodation sale by the buyer to the seller: *Provided*, That where the seller holds himself out as being regularly engaged in the business of making sales at wholesale of such property, such sales shall be incidental to his principal business activity.

Emergency.

SEC. 2. 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 on May 1, 1955.

Passed the House February 18, 1955.

Passed the Senate March 2, 1955.

Approved by the Governor March 8, 1955.

## CHAPTER 96.

[ H. B. 65. ]

## APPLE INDUSTRY REGULATIONS.

AN ACT relating to apple industry regulation; and repealing sections 1 through 35, chapter 224, Laws of 1939 and RCW 15.20.010 through 15.20.270.

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

SECTION 1. Sections 1 through 35, chapter 224, Laws of 1939 and RCW 15.20.010 through 15.20.270 are each repealed. Repeal.

Passed the House January 27, 1955.

Passed the Senate March 2, 1955.

Approved by the Governor March 8, 1955.

## CHAPTER 97.

[ H. B. 261. ]

## CRIMES—LARCENY DEFINED.

AN ACT relating to the crime of larceny; amending section 353, chapter 249, Laws of 1909 and RCW 9.54.090.

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

SECTION 1. Section 353, chapter 249, Laws of 1909 and RCW 9.54.090 are each amended to read as follows: Amendment.

Every person who steals or unlawfully obtains, appropriates, brings into this state, buys, sells, receives, conceals, or withholds in any manner specified in RCW 9.54.010— Grand larceny defined.

(1) Property of any value by taking the same from the person of another or from the body of a corpse; or

(2) Property of any value by taking the same from any building that is on fire or by taking the same after it has been removed from a building in consequence of an alarm of fire; or

(3) A record of a court or officer, or a writing, instrument, or record kept, filed, or deposited according to law with or in the keeping of any public officer or officers; or

(4) From any range or pasture, any horse, mare, gelding, foal or filly, ass or mule, one or more head of neat cattle, or any sheep; or

(5) Property of the value of more than twenty-five dollars if obtained by color or aid of any order for the payment or delivery of property or money or any check or draft, knowing that the maker or drawer of such order, check, or draft was not authorized or entitled to make or draw the same; or

(6) Property of the value of more than seventy-five dollars, in any manner whatever; shall be guilty of grand larceny and be punished by imprisonment in the state penitentiary for not more than fifteen years.

Petit larceny defined.

Every other larceny shall be petit larceny and shall be a gross misdemeanor.

Passed the House February 11, 1955.

Passed the Senate March 2, 1955.

Approved by the Governor March 8, 1955.

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CHAPTER 98.

[ H. B. 266. ]

PROBATE—CONTINUATION OF DECEDENT'S BUSINESS.

AN ACT relating to probate practice and procedure; providing for the continuation of a decedent's business in certain circumstances; and adding to chapter 156, Laws of 1917 a new section 94a, and adding such section to chapter 11.48 RCW.

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

New section.

SECTION 1. There is added to chapter 156, Laws of 1917 a new section 94a (and to chapter 11.48 RCW) to read as follows:

Upon a showing of advantage to the estate the court may authorize a personal representative to continue any business of the decedent, other than the business of a partnership of which the decedent was a member: *Provided*, That if decedent left a nonintervention will or a will specifically authorizing a personal representative to continue any business of decedent, and his estate is solvent, or a will providing that the personal representative liquidate any business of decedent, this section shall not apply.

Continuation  
of decedent's  
business;  
authorized.

Exceptions.

The order shall specify:

Requisites of  
order.

(1) The extent of the authority of the personal representative to incur liabilities;

(2) The period of time during which he may operate the business;

(3) Any additional provisions or restrictions which the court may, at its discretion, include.

Any interested person may for good cause require the personal representative to show cause why the authority granted him should not be limited or terminated. The order to show cause shall set forth the manner of service thereof and the time and place of hearing thereon.

Passed the House February 8, 1955.

Passed the Senate March 2, 1955.

Approved by the Governor March 8, 1955.

CHAPTER 99.

[ H. B. 306. ]

RAILROADS—SPECIAL POLICE.

AN ACT relating to appointment of special police officers for railroad corporations; and amending section 2, chapter 118, Laws of 1915 and RCW 81.60.020.

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

Amendment.

SECTION 1. Section 2, chapter 118, Laws of 1915 and RCW 81.60.020 are each amended to read as follows:

Procedure for appointing special police.

Any railroad corporation desiring the appointment of any of its officers, agents or servants not exceeding twenty-five in number for any one division of any railroad operating in this state, (division, as herein intended, shall mean the part of any railroad or railroads under the jurisdiction of any one division superintendent), as special police officers shall file with the governor an application stating the name, age and place of residence of the person whose appointment it desires, the position he occupies with the railroad corporation, the nature of his duties and the reasons why his appointment is desired, which application shall be signed by the president or some managing officer of the railroad corporation and shall be accompanied by an affidavit of such officer to the effect that he is acquainted with the person whose appointment is sought, that he believes him to be of good moral character, and that he is of such character and experience that he can be safely entrusted with the powers of a police officer.

Passed the House February 10, 1955.

Passed the Senate March 2, 1955.

Approved by the Governor March 8, 1955.



CHAPTER 100.

[ H. B. 200. ]

MOTOR VEHICLE LICENSE PLATES—ANTIQUÉ CARS.

AN ACT relating to license plates for vehicles of historic value and adding a new section to chapter 46.16 RCW.

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

SECTION 1. There is added to chapter 46.16 RCW, New section.  
a new section to read as follows:

Notwithstanding any other provisions of this act, any motor vehicle, more than thirty years old, and owned and operated primarily as a collector's item shall, upon application and acceptance in the manner and at the time prescribed by the department, be issued a special commemorative license plate in lieu of the regular license plates. Any vehicles to be so licensed must be in good running order. In addition to paying all other initial fees required by law, each applicant shall pay a fee of twenty-five dollars, which fee shall entitle him to one permanent license plate valid for the life of the vehicle. Commemorative license plates; authorized.

The registration numbers and special license plates assigned to such motor vehicles shall run in a separate numerical series, commencing with "Horseless Carriage No. 1." The plates shall be of a distinguishing color. Fees.  
Registration and plate numbers.

In the event of defacement, loss or destruction of such special plate, the owner shall apply for a replacement plate in the same manner as prescribed by law for the replacement of regular plates. Color.  
Replacement.

All fees collected under this section shall be deposited in the state treasury and credited to the motor vehicle fund. There is hereby appropriated from the motor vehicle fund the sum of four thousand dollars for the purpose of administering this act. Disposition of fees.  
Appropriation.

Passed the House March 2, 1955.  
Passed the Senate March 1, 1955.  
Approved by the Governor March 8, 1955.

CHAPTER 101.

[ H. B. 335. ]

NONPARTISAN ELECTIONS—PROCEDURE.

AN ACT relating to nonpartisan elections; amending section 1, chapter 4, Laws of 1955; and adding a new section to chapter 29.21 RCW.

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

New section. SECTION 1. There is added to chapter 29.21 RCW, a new section to read as follows:

Nonpartisan or judicial state, county, or precinct elections when no more than two candidates file for each position.

No primary shall be held in any nonpartisan or judicial, state, county or precinct office if, after the last day allowed for candidates to withdraw, there are no more than two candidates filed for each position to be filled. In such event all candidates concerned shall be notified. Names of candidates that would have been printed upon the primary ballot, but for the provisions of this act, shall be printed upon the general election ballot alphabetically in groups under the designation of the respective titles of the offices for which they are candidates.

Amendment. SEC. 2. Section 1, chapter 4, Laws of 1955 is amended to read as follows:

Nonpartisan city elections when no more than two candidates file for each position.

No primary shall be held in any city if, after the last day allowed for candidates to withdraw, there are no more than two candidates filed for each position to be filled. In such event, the city clerk shall immediately notify all candidates concerned and if the county auditor has jurisdiction of such primary election, he shall also be notified. Names of candidates that would have been printed upon the city primary ballot, but for the provisions of this act, shall be printed upon the city general election ballot alphabetically in groups under the designation of the respective titles of the offices for which they are candidates.

Passed the House February 19, 1955.

Passed the Senate March 2, 1955.

Approved by the Governor March 8, 1955.

## CHAPTER 102.

[ H. B. 361. ]

## ELECTIONS—NONPRIMARY NOMINATIONS.

AN ACT relating to nonprimary nominations; amending section 26, chapter 209, Laws of 1907 and sections 1 through 5 and sections 7 and 10, chapter 94, Laws of 1937 and RCW 29.24.010 through 29.24.050, 29.24.070 and 29.01.100; and repealing section 3, chapter 156, Laws of 1895 and RCW 29.24.100.

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

SECTION 1. Section 26, chapter 209, Laws of 1907 and sections 1 through 5 and sections 7 and 10, chapter 94, Laws of 1937 (heretofore codified as RCW 29.24.010, 29.24.020, 29.24.030, 29.24.040, 29.24.050, 29.24.070 and 29.01.100) are divided and amended as set forth in sections 2 through 8 of this act.

Division and amendment.

SEC. 2. (RCW 29.24.010) A "convention" for the purposes of this chapter, is an organized assemblage of at least one hundred registered voters representing a new or minor political party, organization or principle, or in lieu thereof ten registered voters from each congressional district in the state of Washington.

"Convention" defined.

SEC. 3. (RCW 29.24.020) Any new or minor political party is not entitled to participate in a state primary election but must nominate candidates for public office in a convention held on the same day that state primary elections are held.

Nominations by new or minor party.

SEC. 4. (RCW 29.24.030) To be valid, a minor party convention must:

Requisites of minor party convention.

(1) Be attended by at least one hundred registered voters; or in lieu thereof ten registered voters from each congressional district in the state of Washington;

(2) Have been called by a notice published in a newspaper of general circulation published in the county in which the convention is to be held at

least ten days before the date of the primary election stating the date, hour, place of meeting and a general statement of the principles of the organization.

Requisites of nominating certificate of minor party.

SEC. 5. (RCW 29.24.040) A certificate evidencing nominations made at a minority party convention must:

- (1) Be in writing;
- (2) Contain the name of each person nominated, his residence, his business, and the office for which he is named; together with a sworn statement of each nominee giving his consent to the said nominations;
- (3) Designate in not more than five words the party or principle which the convention represents;
- (4) Be verified by the oath of the presiding officer and secretary;
- (5) Be signed by at least one hundred registered voters present at the convention and who did not vote at the primary election held on that day, or in lieu thereof be signed by at least ten registered voters from each congressional district in the state of Washington present at a convention, and who did not vote at the primary election held on that day;
- (6) Show the voting addresses of all signers;
- (7) Contain proof of publication of the notice of calling the convention.

Enacted without amendment.

SEC. 6. (RCW 29.24.050) The signature of a minor party nominating certificate of a person who voted in the primary held on the day of the convention is invalid.

Enacted without amendment.

SEC. 7. (RCW 29.24.070) If the nominating certificate is valid, each candidate nominated by a minor party convention may file with the secretary of state a declaration of candidacy as nearly as possible in the form prescribed for candidates subject to primary election, and each candidate must at the time of filing such declaration pay to the secretary

of state the fee prescribed by law for candidates subject to primary election. The name of a candidate nominated at a minor party convention shall not be printed upon the election ballot unless he pays the fee required by law to be paid by candidates for the same office to be nominated at a primary election.

SEC. 8. (RCW 29.01.100) "Minor political party" means a political organization other than a major political party. Enacted without amendment.

SEC. 9. Section 3, chapter 156, Laws of 1895 and RCW 29.24.100 are each repealed. Repeal.

Passed the House February 19, 1955.

Passed the Senate March 2, 1955.

Approved by the Governor March 8, 1955.

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## CHAPTER 103.

[ H. B. 383. ]

### ELECTIONS—DUPLICATION OF NAMES.

AN ACT relating to elections; and amending section 1, chapter 198, Laws of 1943 and RCW 29.18.060.

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

SECTION 1. Section 1, chapter 198, Laws of 1943 and RCW 29.18.060 are each amended to read as follows: Amendment.

When two or more persons file for the same office in any primary election whose surnames are so similar in sound or spelling as to be confusing to the electors, the secretary of state, county auditor, city clerk or any other public officer with whom declarations of candidates are filed, shall, on his own initiative, or upon the request of any of the candidates for the same office, as hereinafter provided print on the ballot immediately after the surname of the candidates having similar surnames, the profession, Ballots to distinguish candidates having similar names.

business, trade, occupation or such other designation as may be required for the definite identification of each, as follows:

George Jones (Grocer);

G. A. Jones (Laborer)

If one of the candidates is the incumbent.

*Provided*, That if one of the candidates is the incumbent seeking re-election, immediately before his name shall be printed the word "Incumbent," and there shall be printed before the name of the other candidate having a similar surname the word "Opponent," and following his name a word descriptive of his occupation, which for the purpose of illustration, can be printed in the following form:

"Incumbent"—George Jones

"Opponent"—G. A. Jones (Laborer)

General election ballots.

If as a result of the primary, two or more candidates so identified are nominated, then such descriptive identification as appeared on the primary ballot shall also appear on the general election ballot. The same provisions shall also apply to any election not preceded by a primary.

Passed the House February 11, 1955.

Passed Senate March 2, 1955.

Approved by the Governor March 8, 1955.

CHAPTER 104.

[ H. B. 423. ]

WASHINGTON VETERANS' HOME—QUALIFICATIONS FOR ADMISSION.

AN ACT relating to the Washington veterans' home; and amending section 2, chapter 276, Laws of 1927 and RCW 72.36.080.

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

SECTION 1. Section 2, chapter 276, Laws of 1927 and RCW 72.36.080 are each amended to read as follows: Amendment.

All of the following persons who have been actual bona fide residents of this state for a period of three years at the time of their application and who are indigent and unable to earn a support for themselves and families may be admitted to the Washington veterans' home under such rules and regulations as may be adopted by the director: Qualifications for admission; general requirements.

(1) All honorably discharged veterans of the armed forces of the United States who have served the United States in any of its wars, and members of the state militia disabled while in the line of duty, and the spouses of such veterans, and members of the state militia: *Provided*, That such spouse was married to and living with such veteran on or before three years prior to the date of application for admittance, or, if married to him or her since that date, was also a member of a soldiers' home or colony in this state or entitled to admission thereto. Veterans and spouses.

(2) The widows of all soldiers, sailors, and marines and members of the state militia disabled while in the line of duty, who were members of a soldiers' home or colony in this state or entitled to admission thereto at the time of death, and widows of all such soldiers, sailors, and marines and members of the state militia, who would have been entitled to admission to a soldiers' home or colony in this state at the time of death but for the fact that they Widows.

were not indigent and unable to earn a support for themselves and families, which widows have since the death of their husbands, become indigent and unable to earn a support for themselves: *Provided*, That such widows are not less than fifty years of age and were married and living with their husbands on or before three years prior to the date of their application, and have not been married since the decease of their husbands to any person not a member of a soldiers' home or colony in this state or entitled to admission thereto.

Passed the House February 14, 1955.

Passed the Senate March 2, 1955.

Approved by the Governor March 8, 1955.

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CHAPTER 105.

[ H. B. 424. ]

EXCESS TAX LEVIES—BALLOT CONTENTS.

AN ACT relating to revenue and taxation; and adding a new section to chapter 84.52 RCW.

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

New section.

SECTION 1. There is added to chapter 84.52 RCW, a new section to read as follows:

Ballot to indicate estimate of dollars and millage.

The additional tax provided for in subparagraph (a) of the seventeenth amendment to the state Constitution and specifically authorized by RCW 84.52-.052 shall be set forth in terms of dollars on the ballot of the proposition to be submitted to the voters, together with an estimate of the millage that will be required to produce the dollar amount; and the county assessor, in spreading this tax upon the rolls, shall determine the eventual millage rate required to produce the amount of dollars so voted



upon, regardless of the estimate of millage carried in said proposition.

Passed the House February 17, 1955.

Passed the Senate March 2, 1955.

Approved by the Governor March 8, 1955.

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## CHAPTER 106.

[ S. B. 84. ]

### STATE TRADE FAIRS—HORSE RACING LICENSEES.

AN ACT relating to state trade fairs; providing for the disposition of certain licensees' fees paid to the state horse racing commission; creating a state trade fair fund; and amending section 2, chapter 34, Laws of 1947 and RCW 67.16.100.

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

SECTION 1. "Director" means the director of agriculture of the state of Washington. "Director" defined.

SEC. 2. For the purpose of this act, state trade fairs held in this state to be eligible for state financial aid shall have been in existence for two or more years and have been in participation with and general competition among persons from five or more countries during such period. State aid; eligibility requirements.

SEC. 3. The board of trustees of any state trade fair sponsored by any public agency, that qualifies hereunder, may apply to the director for moneys to carry on the continued development and operation of said fair. It shall be the duty of the director of agriculture to make annual allotments to participating state trade fairs and to issue vouchers for such purpose to be paid by the state treasurer out of the state trade fair fund. The division in payment of said fund shall occur at such times as the director shall fix, but in no event shall payment to any one state trade fair exceed thirty thousand dollars during any one year. Any state trade fair, before being able to Procedure.

qualify and participate in allocation herein provided must be able to match the amount of such allocation from its own local state trade fair resources derived either from general admission or otherwise.

Rules and regulations.

SEC. 4. The director shall establish rules and regulations by which the state trade fair fund is prorated.

Amendment.

SEC. 5. Section 2, chapter 34, Laws of 1947 and RCW 67.16.100 are each amended to read as follows:

Horse racing gross receipts tax; rate.

In addition to the license fees required by this chapter the licensee shall pay to the commission five percent of the gross receipts of all parimutuel machines at each race meet, which sums shall be paid daily to the commission.

Distribution.

All sums paid to the commission, together with all sums collected for license fees under the provisions of this chapter, shall be disposed of by the commission as follows: Twenty percent thereof shall be retained by the commission for the payment of the salaries of its members, secretary, clerical, office, and other help and all expenses incurred in carrying out the provisions of this chapter. No salary, wages, expenses, or compensation of any kind shall be paid by the state in connection with the work of the commission. Of the remaining eighty percent, forty-seven percent shall, on the next business day following the receipt thereof, be paid to the state treasurer to be deposited in the general fund, and three percent shall, on the next business day following the receipt thereof, be paid to the state treasurer, who is hereby made ex officio treasurer of a fund to be known as the "state trade fair fund" which shall be maintained as a separate and independent fund, and made available to the director of agriculture for the sole purpose of assisting state trade fairs. The remaining thirty percent shall be paid to the state treasurer, who is hereby made ex officio treasurer of a fund to be known as the

“fair fund,” which shall be maintained as a separate and independent fund outside of the state treasury, and made available to the director of agriculture for the sole purpose of assisting fairs in the manner provided in Title 15. Any moneys collected or paid to the commission under the terms of this chapter and not expended at the time of making its report to the legislature, shall be paid to the state treasurer and be placed in the general fund.

Passed the Senate February 7, 1955.

Passed the House March 2, 1955.

Approved by the Governor March 8, 1955.

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## CHAPTER 107.

[ H. B. 438. ]

### APPROPRIATIONS—LEGISLATIVE EXPENSES— COMMITTEES.

AN ACT appropriating the sum of four hundred sixty-five thousand three hundred dollars for the actual and necessary expenses of the legislature, including the legislative council, the legislative budget committee, other interim committees, and legislators' salaries; and declaring an emergency.

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

SECTION 1. There is hereby appropriated out of the general fund the sum of forty-three thousand five hundred dollars, or so much thereof as may be necessary, for the purpose of paying the salaries of the members of the legislature for the fiscal period beginning April 1, 1955, and ending June 30, 1955.

Appropriation  
for salaries of  
legislators.

SEC. 2. There is hereby appropriated out of the general fund the sum of four hundred twenty-one thousand eight hundred dollars, or so much thereof as may be necessary, for the purpose of paying the expenses, except legislative printing, of the thirty-fourth legislature. From the amount hereby ap-

Appropriation  
for legislative  
expenses.

propriated the senate shall not expend more than one hundred thousand dollars; the house of representatives shall not expend more than one hundred sixteen thousand dollars; the legislative council shall not expend more than one hundred twenty-seven thousand dollars; the legislative budget committee shall not expend more than sixty-eight thousand eight hundred dollars; and other interim committees, as may be provided by the legislature, shall not expend more than ten thousand dollars.

Emergency.

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

Passed the House March 9, 1955.

Passed the Senate March 9, 1955.

Approved by the Governor March 10, 1955.

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## CHAPTER 108.

[ H. B. 117. ]

### LOG PATROLS.

AN ACT relating to stray logs, their capture and disposition, the administration and enforcement of the laws relating thereto, and amending chapter 116, Laws of 1947 as last amended by section 2, chapter 140, Laws of 1953 and RCW 76.40.012; amending chapter 116, Laws of 1947 as last amended by section 1, chapter 140, Laws of 1953 and RCW 76.40.015; amending section 3, chapter 116, Laws of 1947 as last amended by section 10, chapter 140, Laws of 1953 and RCW 76.40.030; amending section 5, chapter 116, Laws of 1947 as last amended by section 11, chapter 140, Laws of 1953 and RCW 76.40.050; amending section 6, chapter 116, Laws of 1947 and RCW 76.40.060; amending chapter 116, Laws of 1947 as last amended by section 5, chapter 140, Laws of 1953 and RCW 76.40.125; amending chapter 116, Laws of 1947 as last amended by section 6, chapter 140, Laws of 1953 and RCW 76.40.127; amending chapter 116, Laws of 1947 as last amended by section 7, chapter 140, Laws of 1953 and RCW 76.40.128; and repealing section 8, chapter 140, Laws of 1953 and RCW 76.40.129.

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

SECTION 1. Chapter 116, Laws of 1947 as last amended by section 2, chapter 140, Laws of 1953 and RCW 76.40.012 are each amended to read as follows: Amendment.

It shall be the duty of the supervisor of forestry to administer and enforce the provisions of this chapter. Enforcement of chapter.

SEC. 2. Chapter 116, Laws of 1947 as last amended by section 1, chapter 140, Laws of 1953 and RCW 76.40.015 are each amended to read as follows:

The supervisor of forestry shall create, maintain and administer outside the state treasury a permanent revolving fund, to be known as the "log patrol revolving fund," in which shall be deposited all moneys received by him under this chapter. Such revolving fund shall be used to pay the salaries, wages and such other expenses as are reasonably necessary for the administration and enforcement of this chapter and chapter 76.36 RCW, "Marks and Brands," and whenever there are moneys in excess of twenty-five thousand dollars in the revolving fund, such excess moneys shall, at the end of each bimonthly period commencing July 1, 1955, be remitted to the state treasurer, and shall be deposited to the credit of the permanent school fund. Vetoed.

The supervisor of forestry shall sign and approve all expenditures made from the log patrol revolving fund. All moneys shall be paid from the revolving fund by check or voucher.

SEC. 3. Section 3, chapter 116, Laws of 1947 as last amended by section 10, chapter 140, Laws of 1953 and RCW 76.40.030 are each amended to read as follows: Amendment.

Before any person may engage in log patrol activities he must have an existing license from the Licenses.

Application.

state therefor. Before any license is issued the applicant must apply to the supervisor of forestry on a form to be prescribed by said supervisor. The application must contain the name and address of the applicant or applicants, the name, type, and size of floating equipment to be used, and the mailing address of the principal place of business at which address process may be served upon the applicant.

Surety bond.

Before any license may be issued the applicant must execute and file with said supervisor, to be approved by him, a surety bond running to the state in the penal sum of five thousand dollars, conditioned that the applicant will comply with all the requirements of the laws of the state governing such activities, and will account for all stray logs taken into possession, which bond shall not be diminished by any recovery but shall at all times remain and be in force and effect in the full amount for any person claiming damages against the licensee.

Fee.

Each application shall be accompanied by a remittance of one hundred dollars for each boat to be used or operated in such activities by the licensee or his agent. All licenses shall expire on June 30th following the date of issuance.

Issuance.

The supervisor shall issue each applicant a license and shall assign to each a number that will identify the boats and other floating equipment to be used by the applicant.

SEC. 4. Section 5, chapter 116, Laws of 1947 as last amended by section 11, chapter 140, Laws of 1953 and RCW 76.40.050 are each amended to read as follows:

Vetoed.

(1) All stray logs shall, whenever practicable, be returned to the owner or his agent; otherwise they shall be delivered to a duly platted boom company approved by the supervisor of forestry, within reasonable proximity to the place where said stray logs were picked up and which is regularly engaged in the commercial booming business and adequately

equipped for sorting, rafting and handling of logs loose or in rafts, which maintains such records as are designated by the supervisor of forestry for boom companies which handle stray logs, and the log patrol shall be entitled to a reasonable compensation, not to exceed the maximum herein provided, for the recovery and return of such logs, and shall have all the rights incident to a logger's lien therefor: *Provided*, That no log patrol shall take into possession any stray logs during the time that the owner, his agent, or the transportation agency which lost said stray logs, are attempting, or are awaiting favorable weather conditions, to attempt to recover said stray logs.

(2) A boom company, upon receipt of such stray logs, shall give adequate receipt therefor and promptly thereafter shall cause them to be scaled by a log scaling bureau or by an individual log scaler approved by the supervisor of forestry, whose regular and established business is that of scaling logs. A copy of each scale certificate shall immediately be forwarded to the supervisor of forestry and to the log patrol which delivered said logs to the boom company. Thereafter, at least seven days subsequent to the mailing of a detailed sales notice to all prospective purchasers requesting such notices the boom company with reasonable promptness shall sell such stray logs in the open market to the person making the highest offer and from the proceeds pay the log patrol for services performed, a sum which shall not exceed sixty percent of the current selling price of logs of the same grade and type, or fifteen dollars per thousand feet board measure for merchantable logs of number three grade or better, whichever sum is greater, unless written authority for the payment of a higher rate is given in advance by the owner of said stray logs or his agent or unless a higher rate is approved by the supervisor

Vetoed.

of forestry in exceptional cases and on adequate proof of the necessity therefor: *Provided, however,* That logs which are deadheads or culls and not acceptable as merchantable logs of number three grade or better shall not be subject to the provision of this subsection: *Provided further,* That in the event any raft or small parcel of logs shall contain ten percent by scaled volume or less of stray logs, the said raft or parcel may be sold by the boom company without the required mailing of scale notice. From such proceeds the boom company shall deduct the usual and customary handling charges, and at such regular intervals as may be required by the supervisor of forestry commencing after July 1, 1953, and not less frequently than every six months, pay to the owner the balance: *Provided,* That the net proceeds from unbranded stray logs, and branded stray logs the owner of which cannot be determined by existing records, shall be forwarded to the supervisor of forestry.

Vetoed.

SEC. 5. Section 6, chapter 116, Laws of 1947 and RCW 76.40.060 are each amended to read as follows:

Branded and marked logs, boom sticks, and boom chains shall be presumed to be the property of the person in whose name the brand or catch brand thereon imprinted is registered in the office of the supervisor of forestry.

Amendment.

SEC. 6. Chapter 116, Laws of 1947 as last amended by section 5, chapter 140, Laws of 1953 and RCW 76.40.125 are each amended to read as follows:

Violations by licensee; written demand by owner, etc.

If any licensee takes possession of or sells or delivers or fails to deliver any logs, in contravention of the provisions of this chapter, the owner of the logs or his agent or the transportation agency which lost any of the logs may make written demand upon the licensee by registered mail to the place of business listed in the license to deliver the stray logs, as provided in this chapter, to the owner or his agent



or to a boom company, or, if the logs are not stray logs or were taken into possession in contravention of this chapter, to deliver the logs to the owner or his agent or the transportation agency. Upon failure to comply with the demand within forty-eight hours, the owner or his agent or the transportation agency may file with the supervisor of forestry a copy of the demand, together with an affidavit setting forth the particulars in which affiant believes that this chapter has been violated, the approximate number of logs involved, the value of the logs, and, if the affiant believes the logs are in the possession of the licensee, the body of water or the county in which affiant believes the logs are located. The supervisor of forestry may thereupon make demand upon the licensee to deliver the logs as provided in this chapter or give a satisfactory explanation or make a settlement with the owner, his agent or the transportation agency. If the licensee fails to comply with the demand within seven days the supervisor of forestry shall notify the licensee that a hearing will be held at a specified time and place to determine whether the supervisor of forestry should revoke or suspend the license of the licensee.

Notification of supervisor of forestry.

Demand of supervisor of forestry.

Hearing.

SEC. 7. Chapter 116, Laws of 1947 as last amended by section 6, chapter 140, Laws of 1953 and RCW 76.40.127 are each amended to read as follows:

Amendment.

The supervisor of forestry may upon giving notice to the licensee or the applicant, hold hearings to determine whether a license should be revoked or suspended or the application for a license denied and to find whether any person has been injured by reason of any violation of this chapter by the licensee or applicant. If the supervisor of forestry at such hearing finds that the licensee or applicant has been guilty of any violation of the provisions of this chapter or has made false statements on the

Violations by licensee; revocation or suspension of license.

application for a license, he shall revoke, suspend or deny the application therefor.

Amendment.

SEC. 8. Chapter 116, Laws of 1947 as last amended by section 7, chapter 140, Laws of 1953 and RCW 76.40.128 are each amended to read as follows:

Violations by licensee; reparation.

The supervisor of forestry, in the order revoking or suspending a license or denying the application for a license, may provide in the order that before the licensee's license will be reinstated or a new one issued to him, he shall make reparation in such amount as the supervisor of forestry believes reasonable, just and equitable, to any person found at the hearing to have been injured as a result of the licensee's violation of the provisions of this chapter.

Repeal.

SEC. 9. Section 8, chapter 140, Laws of 1953 and RCW 76.40.129 are each repealed.

Passed the House February 8, 1955.

Passed the Senate March 2, 1955.

Approved by the Governor March 9, 1955, with the exception of sections 2, 4 and 5, which are vetoed.

**Note: Excerpt of Governor's Veto Message reads as follows:**

" \* \* \* The vetoed sections of this bill were based upon passage of House Bill No. 257 which would have consolidated the administration of chapters 76.36 RCW and 76.40 RCW, placing both functions under the Supervisor of Forestry. House Bill No. 257 failed to pass at this legislative session. Consequently, much of the language contained in sections 2, 4 and 5 of House Bill No. 117 which was drafted in anticipation of such consolidation, is inconsistent with existing law. Furthermore, because the economics of the anticipated consolidation will not be realized, there will be insufficient money in the Log Patrol Revolving Fund to pay the cost of administering both laws.

"For these reasons, sections 2, 4 and 5 of House Bill No. 117 are vetoed, and the remainder of the bill is approved."

## CHAPTER 109.

[ H. B. 141. ]

## INTOXICATING LIQUOR REVENUE—DISTRIBUTION.

AN ACT relating to distribution of intoxicating liquor revenue and amending section 1, chapter 187, Laws of 1949, and RCW 43.66.090 through RCW 43.66.120.

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

SECTION 1. Section 1, chapter 187, Laws of 1949 (heretofore codified as RCW 43.66.090 through RCW 43.66.120) is divided and amended as set forth in sections 2 through 5 of this act. Division and amendment.

SEC. 2. (RCW 43.66.090) When excess funds are distributed, all moneys subject to distribution shall be disbursed as follows: Enacted without amendment.

Fifty percent to the general fund of the state, ten percent to the counties of the state, and forty percent to the incorporated cities and towns of the state.

SEC. 3. (RCW 43.66.100) With respect to the ten percent share coming to the counties, the distribution shall be among them in accordance with the following computation: Distribution among counties.

The share coming to each eligible county shall be determined by a division among the eligible counties according to the relation which the population of the unincorporated area of such eligible county, as shown by the last federal or official county census, whichever is the later, bears to the population of the total combined unincorporated areas of all eligible counties, as shown by such census: *Provided*, That no county in which the sale of liquor is forbidden in the unincorporated area thereof as the result of an election shall be entitled to share in such distribution. "Unincorporated area" means all that portion of any county not included within the limits of incorporated cities and towns.

SEC. 4. (RCW 43.66.110) With respect to the forty percent share coming to the incorporated cities and towns, the distribution shall be among them in accordance with the following computation:

The share coming to each eligible city or town shall be determined by a division among the eligible cities and towns according to the relation which the population of each eligible incorporated city or town, as shown by the last federal census, bears to the total combined population of all eligible incorporated cities and towns, as shown by the last federal census; and any city or town incorporated hereafter shall be included in the computations and distributions on the basis of the official population used in the incorporation proceedings: *And provided*, That no city or town in which the sale of liquor is forbidden as the result of an election shall be entitled to any share in such distribution.

Vetoed.

SEC. 5. (RCW 43.66.120) The computations for distribution between counties and between cities and towns shall be made by the state auditor, who shall also immediately following the official publication of every federal census and so often as necessary, by reason of local option elections, file with the board a list certified by him showing the fractional proportions, in terms of percent or otherwise, coming to each county and city or town in the state. The board shall make payment to each eligible county and municipality in the proportions shown on the certified list last filed with it by the state auditor: *Provided*, That if any city or town has been incorporated subsequent to the last federal census, it shall be entitled to distribution of funds as herein provided on the basis of the official population used in the incorporation proceedings, and computations for distribution shall be made accordingly.

Passed the House February 7, 1955.

Passed the Senate March 2, 1955.

Approved by the Governor March 9, 1955, with the exception of sections 4 and 5, which are vetoed.

**Note: Excerpt of Governor's Veto Message reads as follows:**

"\* \* \* As originally introduced, the apparent purpose of this bill was to authorize the use of the last federal or official county census, whichever was the later, for the purpose of determining the distribution of liquor profits to counties. Sections 4 and 5 of the bill relate to the proportionate distribution of such profits to cities. Apparently these sections were included for technical reasons merely because they were a portion of chapter 187, Laws of 1949 as originally enacted. However, Sections 4 and 5 were later amended to delete certain language contained in the original 1949 act. Subsequent to 1949 the legislature enacted chapter 96, Laws of 1951, creating a State Census Board. In this act it was provided that the population estimates of the Board be used for the allocation and payment to cities of certain state funds. The inclusion of sections 4 and 5 in this bill raises a serious question as to whether, as a matter of statutory construction, the content of such sections supersedes the 1951 act. I feel certain that such result was not intended by the legislature and in order to remove any doubt as to the effect of these provisions I am disapproving the same. For these reasons, sections 4 and 5 of this bill are vetoed and the remainder is approved."

## CHAPTER 110.

[ H. B. 41. ]

### TAXATION—LATE PAYMENTS—PENALTIES.

AN ACT relating to revenue and taxation; prescribing penalties; and amending section 9, chapter 9, Laws of 1951 first extraordinary session and RCW 82.32.090.

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

SECTION 1. Section 9, chapter 9, Laws of 1951 first extraordinary session and RCW 82.32.090 are each amended to read as follows: Amendment.

If payment of any tax due is not received by the tax commission by the last day of the month in which the tax becomes due, there may be added to the tax a penalty of ten percent of the amount of the tax; and if the tax is not received within forty days of the due date, there may be added an additional penalty of five percent of the amount of the tax; and if the tax is not received within seventy days of the due date, there may be added an ad- Penalties for late payments.

ditional penalty of five percent of the amount of the tax; but none of the penalties so added shall be less than one dollar.

Penalty if  
warrant  
is issued.

If a warrant be issued by the tax commission for the collection of taxes, increases, and penalties, there may be added thereto a penalty of five percent of the amount of the tax, but not less than one dollar.

Maximum  
aggregate  
of penalties.

Notwithstanding the foregoing, the aggregate of penalties imposed under this chapter for failure to file a return, late payment of any tax, increase, or penalty, or issuance of a warrant shall not exceed twenty-five percent of the tax due, but shall in no case be less than the minimum penalties prescribed herein.

Passed the House February 2, 1955.

Passed the Senate March 7, 1955.

Approved by the Governor March 14, 1955.

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CHAPTER 111.

[ H. B. 439. ]

FIRE PROTECTION DISTRICTS—WITHDRAWAL  
OF TERRITORY.

AN ACT relating to fire protection districts; providing for the exclusion of territory within the district upon incorporation of such territory as a city or town without approval of the fire protection district commissioners; and providing for the withdrawal of territory from a fire protection district, and declaring an emergency.

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

Withdrawal  
of territory  
authorized.

SECTION 1. Territory within a fire protection district may be withdrawn therefrom in the same manner provided by law for withdrawal of territory from water districts, as provided by chapter 57.28 RCW.

SEC. 2. The incorporation of any previously unincorporated land lying within a fire protection dis-

tract shall operate to automatically withdraw such lands from the fire protection district unless the fire protection district commissioners shall unanimously agree by appropriate resolution that such lands may continue to be and remain a part of the fire protection district. The provisions of RCW 57.28.110 shall apply to territory withdrawn from a fire protection district.

Effect of incorporation of territory within district.

Taxes and assessments.

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

Emergency.

Passed the House February 19, 1955.

Passed the Senate March 7, 1955.

Approved by the Governor March 14, 1955.

CHAPTER 112.

[ H. B. 93. ]

TAXATION—INCORRECT LISTING—PROCEDURE.

AN ACT relating to correction of tax rolls and cancellation of uncollectible taxes; amending section 107, chapter 130, Laws of 1925, extraordinary session and RCW 84.56.390 through 84.56.400.

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

SECTION 1. Section 107, chapter 130, Laws of 1925 extraordinary session (heretofore codified as RCW 84.56.390 through 84.56.400) is divided and amended as set forth in sections 2 and 3 of this act.

Division and amendment.

SEC. 2. (RCW 84.56.390) If the county treasurer has reason to believe or is informed that any person has given to the county assessor a false statement of his personal property, or that the county assessor has not returned the full amount of personal property required to be listed in his county, or has omitted or made erroneous return of any property which is by law subject to taxation, or if it comes

Enacted without amendment.

to his knowledge that there is personal property which has not been listed for taxation for the current year, he shall prepare a record setting out the facts with reference thereto and file such record with the county board of equalization. The county board of equalization shall reconvene on the third Monday in April for the purpose of considering such matters as appear in the record filed by the treasurer and may issue compulsory process and require the attendance of any person having knowledge of the articles or value of the property erroneously or fraudulently returned, and examine such person on oath in relation to the statement or return of assessment, and the board shall in all such cases notify every person affected before making a finding, so that he may have an opportunity of showing that his statement or the return of the assessor is correct.

Record of errors.

SEC. 3. (RCW 84.56.400) The county treasurer shall also make and file with the county board of equalization a record, setting forth the facts relating to such manifest errors in description, double assessments, clerical errors in extending the rolls, and such manifest errors in the listing of property which do not involve a revaluation of property, such as the assessment of property exempted by law from taxation or the failure to deduct the exemption allowed by law to the head of a family, as shall come to his attention after the rolls have been turned over to him for collection. The said record shall also set forth by legal description all property belonging exclusively to the state, any county or any municipal corporation whose property is exempt from taxation, upon which there remains, according to the tax roll, any unpaid taxes.

Record of exempt property.

Duties of county board of equalization.

The county board of equalization at its meeting on the third Monday in April shall consider such matters as appear in the record filed with it by the county treasurer, and shall only correct such matters



as are set forth in such record, but it shall have no power to change or alter the assessment of any person, or change the aggregate value of the taxable property of the county, except insofar as it is necessary to correct the errors hereinbefore mentioned: *Provided*, That the board shall cancel all unpaid taxes upon property which belongs exclusively to the state, any county or municipal corporation. The board shall make findings of the facts upon which it bases its decision on all matters submitted to it, and when so made the assessment and levy shall have the same force as if made in the first instance, and the county treasurer shall proceed to collect the taxes due on the rolls as modified.

The board at its April meeting shall consider only matters referred to it by the records of the county treasurer under this section and RCW 84.56.390.

Passed the House February 9, 1955.

Passed the Senate March 8, 1955.

Approved by the Governor March 14, 1955.

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## CHAPTER 113.

[ S. B. 63. ]

### TAXATION—SETTLEMENT AND ADJUSTMENT BETWEEN COUNTIES AND STATE.

AN ACT relating to taxation; providing for settlement and adjustment between counties and the state of taxes and amending section 1, chapter 69, Laws of 1949 and RCW 84.56.280 and 84.56.290.

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

SECTION 1. Section 1, chapter 69, Laws of 1949 (heretofore divided and codified as RCW 84.56.280 and 84.56.290) is divided and amended as set forth in sections 2 and 3 of this act.

Division and amendment.

SEC. 2. (RCW 84.56.280) Immediately after the last day of each month, the county treasurer shall

Settlement  
with state of  
state taxes.

pay over to the state treasurer the amount collected by him and credited to the various state funds, but every such payment shall be subject to correction for error discovered upon the quarterly settlement next following. The county auditor shall at the same time ascertain and report to the state auditor in writing the amounts due to the various state funds. If they are not paid to the state treasurer before the twentieth day of the month he shall make a sight draft on the county treasurer for such amount. On the first Mondays of January, April, July, and October, respectively, of each year, the county treasurer shall make full settlement with the county auditor of his receipts and collections for all purposes from the date of the last settlement up to and including the last day of the preceding month. The county auditor shall, on or before the fifteenth day of the month in which such settlement is made, notify the state auditor of the result of the quarterly settlement with the county treasurer. Should any county treasurer fail or refuse to honor the draft or make payment of the amount thereon, except for manifest error or other good and sufficient cause, he shall be guilty of nonfeasance in office and upon conviction thereof shall be punished according to law.

Enacted  
without  
amendment.

SEC. 3. (RCW 84.56.290) Whenever any tax shall have been heretofore, or shall be hereafter, cancelled, reduced or modified in any final judicial proceeding; or whenever any tax shall have been heretofore, or shall be hereafter cancelled by sale of property to any irrigation district under foreclosure proceedings for delinquent irrigation district assessments; or whenever any contracts or leases on public lands shall have been heretofore, or shall be hereafter, canceled and the tax thereon remains unpaid for a period of two years, the state auditor shall, upon receipt from the county auditor of a certified copy

of the final judgment or decree canceling, reducing or modifying taxes, or of a certificate from the county treasurer of the cancellation by sale to an irrigation district, or of a certificate from the commissioner of public lands and the county treasurer of the cancellation of public land contracts or leases and non-payment of taxes thereon, as the case may be, make corresponding entries and corrections on his records of the state's portion of reduced or canceled tax and shall notify the county auditor thereof who shall make like entries and corrections on his tax roll records.

Upon canceling taxes deemed uncollectible, the county commissioners shall notify the county auditor of such action, whereupon the county auditor shall deduct on his records the amount of such uncollectible taxes due the various state funds and shall immediately notify the state auditor of his action and of the reason therefor; which uncollectible tax shall not then nor thereafter be due or owing the various state funds and the necessary corrections shall be made by the county treasurer upon the quarterly settlement next following.

When any assessment of property is made which does not appear on the assessment list certified by the county board of equalization to the state board of equalization the county assessor shall indicate to the county auditor the assessments and the taxes due therefrom when the list is delivered to the county auditor on December 15th. The county auditor shall then notify the state auditor of the taxes due the state from the assessments which did not appear on the assessment list certified by the county board of equalization to the state board of equalization. The county treasurer shall make proper accounting to the county auditor of all sums collected as either advance tax or supplemental or omitted tax, whereupon the county auditor shall notify the state auditor of

the amounts due the various state funds according to the levy used in extending such tax and those amounts shall immediately become due and owing to the various state funds, to be paid to the state treasurer in the same manner as taxes extended on the regular tax roll.

Passed the Senate February 2, 1955.

Passed the House March 2, 1955.

Approved by the Governor March 14, 1955.



CHAPTER 114.

[ S. B. 78. ]

FRAUD IN OBTAINING TELEPHONE OR TELEGRAPH SERVICE.

AN ACT relating to the obtaining of telephone or telegraph service through the use of deceit or fraud, and making the same a misdemeanor.

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

Illegal conduct

SECTION 1. Every person who, with intent to evade the provisions of any order of the Washington public service commission or of any tariff, rule or regulation lawfully filed with said commission by any telephone or telegraph company, or with intent to defraud, obtains telephone or telegraph service from any telephone or telegraph company through the use of a false or fictitious name or telephone number or the unauthorized use of the name or telephone number of another, or through any other trick, deceit or fraudulent device, shall be guilty of a misdemeanor.

Penalty.

Passed the Senate February 8, 1955.

Passed the House March 2, 1955.

Approved by the Governor March 14, 1955.

## CHAPTER 115.

[ S. B. 86. ]

## FOREST PRACTICES.

AN ACT relating to forest practices and amending section 3, chapter 193, Laws of 1945 as last amended by section 2, chapter 218, Laws of 1947 and RCW 76.08.030; and amending section 8, chapter 193, Laws of 1945 as last amended by section 3, chapter 44, Laws of 1953 and RCW 76.08.080, and prescribing penalties.

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

SECTION 1. Section 3, chapter 193, Laws of 1945 as last amended by section 2, chapter 218, Laws of 1947 and RCW 76.08.030 are each amended to read as follows: Amendment.

Any bona fide owner or operator of land in the state supporting a merchantable stand of timber to be cut during the current calendar year must first obtain a written permit from the supervisor. Logging permits; required.

To obtain such a permit, the owner or operator must make written application to the supervisor submitting a map showing the area to be logged, legal description, and acreage. If the application is made by the operator, the supervisor may require as a condition precedent to the issuance of a permit either that the operator secure from the owner and file with the supervisor an agreement that the owner will be jointly responsible with the operator for carrying out the requirements of this chapter, or that the operator furnish a bond or other security satisfactory to the supervisor to insure satisfactory compliance with this chapter. Application.

Each application shall be signed by the owner or operator, and shall set forth the provisions of this chapter as to the responsibility of the owner or operator, and shall further state that the owner or operator is familiar with its provisions and agrees to abide thereby. All permits shall expire at the end of each calendar year but shall be renewable for Expiration and renewal.

another year upon written application of the owner, if there has been no violation of this chapter.

## Penalty.

Any person operating without a permit as provided for herein shall be guilty of a misdemeanor, and each day of operation shall constitute a separate offense.

## Amendment.

SEC. 2. Section 8, chapter 193, Laws of 1945 as last amended by section 3, chapter 44, Laws of 1953 and RCW 76.08.080 are each amended to read as follows:

## Enforcement of chapter; inspections.

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

## Suspension of operations of violators.

## Deposit or bond.

## Injunctions.

## Forfeiture of deposit or bond.

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

Special deposit fund.

Restocking.

Passed the Senate January 31, 1955.

Passed the House March 2, 1955.

Approved by the Governor March 14, 1955.

## CHAPTER 116.

[ S. B. 89. ]

## STATE FOREST LAND—SALES AND LEASES.

AN ACT relating to state forest land, amending section 7, chapter 154, Laws of 1923 as amended by section 1, chapter 21, Laws of 1953 and RCW 76.12.120.

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

Amendment. SECTION 1. Section 7, chapter 154, Laws of 1923 as last amended by section 1, chapter 21, Laws of 1953 and RCW 76.12.120 are each amended to read as follows:

Land reserved from sale. All land, acquired or designated by the board as state forest land, shall be forever reserved from sale, but the timber and other products thereon may be sold or the land may be leased in the same manner and for the same purposes as is authorized for state granted land if the board finds such sale or lease to be in the best interests of the state and approves the terms and conditions thereof. The board may prescribe the manner in which timber and other products, valued at not more than two thousand dollars in any one sale, shall be sold. However, if the timber or other products to be sold are reasonably valued at more than twenty-five dollars, then at least ten days' notice of the sale must be given by publication in a newspaper of general circulation located near the property.

Christmas trees and minor forest products. The board may approve sales for Christmas trees and may approve leases for a period of ten years or less for the purposes of harvesting Christmas trees, huckleberry brush, salal, sword fern, cascara and other minor forest products.

Disposition of proceeds from sales and leases. All money derived from the sale of timber or other products, or from lease, or from any other source from the land, except where the Constitution of this state or RCW 76.12.030 requires other disposition, shall be disposed of as follows:



(1) Fifty percent shall be placed in the forest development fund.

(2) Fifty percent shall be paid to the county in which the land is located to be paid, distributed, and prorated to the various funds in the same manner as general taxes are paid and distributed during the year of payment.

Passed the Senate January 28, 1955.

Passed the House March 2, 1955.

Approved by the Governor March 14, 1955.

CHAPTER 117.

[ S. B. 127. ]

HIGHWAYS—BONDS FOR PRIORITY PROJECTS.

AN ACT relating to highways and roads; providing for the issuance, sale and retirement of motor vehicle revenue bonds to accelerate construction of priority projects; authorizing loan of funds in motor vehicle fund; amending section 2, chapter 121, Laws of 1951 and RCW 47.10.020, and section 2, chapter 154, Laws of 1953 and RCW 47.10.160; declaring an emergency.

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

SECTION 1. Section 2, chapter 121, Laws of 1951 and RCW 47.10.020 are each amended to read as follows:

Amendment.

To provide funds for accelerating construction of these first priority projects, and to reimburse the motor vehicle fund for money expended for Agate Pass Bridge construction there shall be issued and sold limited obligation bonds of the state of Washington in the sum of sixty-six million seven hundred three thousand, six hundred and twenty-five dollars. The issuance, sale and retirement of said bonds shall be under the general supervision and control of the state finance committee. The state finance committee shall, when notified by the Washington

Bond issue authorized.

Duties of state finance committee.

state highway commission, provide for the issuance of coupon or registered bonds to be dated, issued and sold from time to time in such amounts as may be necessary to the orderly progress of construction of the first priority projects: *Provided*, That if funds are available in the motor vehicle fund in an amount greater than is necessary to pay current demands such funds may be used to finance these first priority projects until such time as bonds are sold, as provided by law, at which time the motor vehicle fund shall be reimbursed.

Use of motor vehicle fund authorized.

Amendment.

SEC. 2. Section 2, chapter 154, Laws of 1953 and RCW 47.10.160 are each amended to read as follows:

Bond issue authorized.

To provide funds for accelerating construction of these priority projects there shall be issued and sold limited obligation bonds of the state of Washington in the sum of eighteen million dollars. The issuance, sale and retirement of said bonds shall be under the general supervision and control of the state finance committee. The state finance committee shall, when notified by the Washington state highway commission, provide for the issuance of coupon or registered bonds to be dated, issued and sold from time to time in such amounts as may be necessary to the orderly progress of construction of the first priority projects: *Provided*, That if funds are available in the motor vehicle fund in an amount greater than is necessary to pay current demands such funds may be used to finance these first priority projects until such time as bonds are sold, as provided by law, at which time the motor vehicle fund shall be reimbursed.

Duties of state finance committee.

Use of motor vehicle fund authorized.

Emergency.

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

Passed the Senate January 28, 1955.

Passed the House March 2, 1955.

Approved by the Governor March 14, 1955.

CHAPTER 118.

[ S. B. 141. ]

INHERITANCE TAX—FOREIGN ESTATES, VALUATION.

AN ACT relating to inheritance tax and repealing section 122, chapter 180, Laws of 1935 and RCW 83.16.050.

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

SECTION 1. Section 122, chapter 180, Laws of 1935 and RCW 83.16.050 are each hereby repealed. Repeal.

Passed the Senate February 2, 1955.

Passed the House March 2, 1955.

Approved by the Governor March 14, 1955.

CHAPTER 119.

[ S. B. 146. ]

GIFT TAXES—COMPROMISE OR WAIVER OF INTEREST.

AN ACT relating to gift taxes and adding a new section to chapter 83.56 RCW.

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

SECTION 1. There is hereby added a new section to chapter 83.56 RCW to read as follows: New section.

The tax commission may, for good cause shown, compromise or waive any interest assessed under the provisions of this chapter. Tax commission may compromise or waive interest.

Passed the Senate February 1, 1955.

Passed the House March 2, 1955.

Approved by the Governor March 14, 1955.

CHAPTER 120.

[ S. B. 147. ]

PUBLIC UTILITIES—TAXATION, BASIS OF APPORTIONMENT.

AN ACT relating to revenue and taxation amending section 15, chapter 123, Laws of 1935 and RCW 84.12.150.

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

Amendment.

SECTION 1. Section 15, chapter 123, Laws of 1935 and RCW 84.12.150 is hereby amended to read as follows:

Basis of apportionment.

The actual cash value of the operating property assessed to a company, as fixed and determined by the state board of equalization, shall be apportioned by the commission to the respective counties and to the taxing districts thereof wherein such property is located in the following manner:

Railroad, telegraph and pipe line companies.

(1) Property of steam, suburban, and interurban railroad companies, telegraph companies and pipe line companies—upon the basis of that proportion of the value of the total operating property within the state which the mileage of track, as classified by the commission (in case of railroads), mileage of wire (in the case of telegraph companies) and mileage of pipe line (in the case of pipe line companies) within each county or taxing district bears to the total mileage thereof within the state, at the end of the calendar year last past. For the purpose of such apportionment the commission may classify railroad track.

Street rail-ways, motor vehicle trans- portation, elec- tric, gas, water, heating and toll bridge companies.

(2) Property of street railroad companies, motor vehicle transportation companies, telephone com- panies, electric light and power companies, gas com- panies, water companies, heating companies and toll bridge companies—upon the basis of relative value of the operating property within each county and taxing district to the value of the total operating

property within the state to be determined by such factors as the commission shall deem proper.

(3) Planes or other aircraft of air transportation companies and watercraft of water transportation companies—upon the basis of such factor or factors of allocation, to be determined by the commission, as will secure a substantially fair and equitable division between counties and other taxing districts.

Air transportation and water transportation companies.

All other property of air transportation companies and water transportation companies—upon the basis set forth in subdivision (2) hereof.

The basis of apportionment with reference to all public utility companies above prescribed shall not be deemed exclusive and the tax commission in apportioning values of such companies may also take into consideration such other information, facts, circumstances, or allocation factors as will enable it to make a substantially just and correct valuation of the operating property of such companies within the state and within each county thereof.

Other factors may be considered.

Passed the Senate February 1, 1955.

Passed the House March 2, 1955.

Approved by the Governor March 14, 1955.

CHAPTER 121.

[ S. B. 155. ]

STATE LANDS—SALES WHEN IN NAME OF FOREST BOARD, ETC.

AN ACT providing for the sale of certain real property; and the disposition of funds realized from such sale.

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

Director of conservation and development may sell certain state lands.

SECTION 1. The director of conservation and development with the approval of the state forestry board is hereby authorized to sell any real property not designated or acquired as state forest lands, but acquired by the state, either in the name of the forest board, the forestry board, or the division of forestry, for administrative sites, lien foreclosures or other purposes whenever he shall determine that said lands are no longer or not necessary for public use.

Manner of sale.

SEC. 2. The sale may be made after public notice to the highest bidder for such a price as shall be approved by the governor, but not less than the fair market value of the real property, plus the value of improvements thereon. Any instruments necessary to convey title shall be executed by the governor in form approved by the attorney general.

Disposition of proceeds.

SEC. 3. All amounts received from the sale shall be credited to the fund of the department of government responsible for the acquisition and maintenance of the property sold.

Passed the Senate February 2, 1955.

Passed the House March 2, 1955.

Approved by the Governor March 14, 1955.

CHAPTER 122.

[ S. B. 156. ]

SAVINGS AND LOAN ASSOCIATIONS.

AN ACT relating to savings and loan associations; providing for the organization, operation, and dissolution of guaranty stock state savings and loan associations, and conversion thereto by other savings and loan associations; adding sections 118a through 118n to chapter 235, Laws of 1945, and to Title 33 RCW as a new chapter thereof.

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

SECTION 1. There is added to chapter 235, Laws of 1945 new sections 118a through 118n, which shall be a new chapter in Title 33 RCW, to read as set forth in sections 2 through 15 of this act. New sections.

SEC. 2. (Sec. 118a) As used in this chapter:  
 "Stockholders" means owners of guaranty stock in a guaranty stock savings and loan association; Definitions:  
"Stockholders."

"Members" means borrowers, obligors, contract purchasers indebted to the association, individuals, and any other legal entities who are the owners of withdrawable savings or guaranty stock in a guaranty stock savings and loan association. "Members."

SEC. 3. (Sec. 118b) The supervisor may, upon terms and conditions required of mutual state savings and loan associations, charter savings and loan associations having guaranty stock. Subject to the specific provisions of this chapter, guaranty associations shall have all the rights, privileges and immunities granted to other associations organized under this title. Guaranty stock savings and loan associations; supervisor may charter. Rights, privileges and immunities of such associations.

SEC. 4. (Sec. 118c) Associations chartered under this chapter shall be known as guaranty stock savings and loan associations, and shall have a permanent non-withdrawable stock of the par value of one hundred dollars per share. The minimum amount of such stock shall be twenty-five thousand dollars in the case of associations located outside of Par value of stock.  
  
Minimum amounts of stock.

incorporated cities, or in cities of less than twenty-five thousand population. Associations located in cities of greater population shall have as a minimum, fifty thousand dollars of such stock. The board of such association is authorized and directed to issue and maintain the guaranty stock in the following percentages: Three percent upon the first five million dollars; two percent upon the next three million dollars, and one percent upon all additional withdrawable savings: *Provided*, That associations whose savings are insured by the Federal Savings and Loan Insurance Corporation shall not be required to maintain stock in excess of three hundred thousand dollars.

Payment for stock.

Stock as security.

Dividends on stock.

Stock issuance for consideration other than cash.

Stock quantity less than minimum.

SEC. 5. (Sec. 118d) The guaranty stock provided for in the preceding section shall be paid for in cash at par, except as hereafter in this section provided, and shall not be eligible as security for loans from the association, nor withdrawable except upon liquidation or dissolution. No dividends shall be declared on guaranty stock until the reserves required by law and the total of the guaranty stock, undivided profits and all reserves available for losses, less all estimated and determined losses resulting from the depreciation in value of the assets, is equal to five percent of the savings. Subject to the provisions of this chapter, guaranty stock shall be entitled to such rate of dividend, if earned, as fixed by the board. Stock dividends may be declared and issued by the board at any time, payable from otherwise unallocated surplus and undivided profits. With the consent of the supervisor, guaranty stock may be issued for a consideration other than cash in connection with mergers, consolidations or transfers.

SEC. 6. (Sec. 118e) In the event that the guaranty stock becomes less than the percentage required under the provisions of this chapter, the executive officer of the association shall promptly inform the



board, and the board shall notify the supervisor of the existing condition. The supervisor shall direct the association, in writing, to issue and sell the necessary guaranty stock to comply with this chapter within ninety days from the receipt of such notice. If the board does not comply within said ninety day period, the supervisor may direct that the association cease to accept savings until the percentage deficiency has been removed.

SEC. 7. (Sec. 118f) Owners of guaranty stock shall be considered as members of the association and shall be entitled to one vote for each share of such stock. Guaranty stock shall not be subject to cumulative voting.

Voting rights  
of owners  
of stock.

SEC. 8. (Sec. 118g) A majority of the board shall be the owners of guaranty stock in the minimum amounts required by law for directors owning withdrawable savings.

Board owner-  
ship of stock.

SEC. 9. (Sec. 118h) Each member of an association having savings or guaranty stock shall have a proportionate proprietary interest in its assets or net earnings subordinate to the claims of its other creditors with priorities as established by this chapter. Each borrower, obligor and each contract purchaser indebted to an association shall also be a member thereof, but as such shall have no interest in its assets.

Interest in  
association  
of members.

SEC. 10. (Sec. 118i) No dividend shall be paid or credited upon shares of guaranty stock for any period in which the association shall not have declared and paid dividends upon withdrawable savings.

Dividends on  
stock.

SEC. 11. (Sec. 118j) Guaranty stock associations may convert to mutual or federal savings and loan associations or mutual savings banks under the provisions of applicable statutes and regulations of proper supervisory authorities. In the event of compliance with such statutes and regulations an

Conversion of  
guaranty stock  
association to  
mutual or fed-  
eral associa-  
tion or mutual  
savings bank.

appraisal of the guaranty stock shall be made by the supervisor, upon written request of the directors of the association, and the appropriate value of the guaranty stock may be given consideration in the proceedings to convert by giving credit to such stock from surplus and other reserves.

Conversion of mutual association to guaranty stock association.

SEC. 12. (Sec. 118k) Any mutual association, either state or federal, operating in the state of Washington may convert itself into a guaranty stock savings and loan association. Such conversion shall be effected by the vote of two-thirds of the members present and voting in person or by proxy at any regular or special meeting of the members called for such purpose. Notice of such meeting, stating the purpose thereof, shall be given to the supervisor and to each member by mailing notice to his last known address at least thirty days prior to the meeting.

Resolution to amend articles and bylaws.

At such meeting the members may adopt a resolution amending its articles of incorporation and bylaws to provide for operation under this chapter as a guaranty stock association.

Notice of conversion and sale of stock.

Upon adoption of such resolution, savings members shall be given notice of the proposed change and shall be offered, for a period of sixty days following the date of the meeting, the right to subscribe for the proposed guaranty stock at par, pro rata to their savings in such mutual association, and such right shall be transferable. The amount of such guaranty stock shall be as prescribed in this chapter. In the event that the total guaranty stock required has not, at the end of the sixty day period, been fully subscribed, the unsubscribed portion shall be offered to any former subscribers for such guaranty stock.

Approval of conversion.

When the stock has been fully subscribed and paid for, certified copies of the documents relating to the conversion shall be submitted to the supervisor for his approval of the conversion proceedings.

Upon notification by the supervisor that he approves the conversion, the directors shall adopt a resolution declaring the association to be a guaranty stock association and thereafter it shall be such.

Resolution declaring association to be guaranty association.

SEC. 13. (118l) The accumulated surplus and unallocated reserves of an association at the time of conversion to a guaranty stock association shall be designated as a permanent loss reserve against which any losses incurred on assets may be charged. In case of liquidation the remaining sum in said permanent loss reserve shall be distributed to the savings members in proportion to the withdrawable value of their savings accounts at the time of liquidation. In liquidation, after payment of all liabilities and the withdrawable value of all types and classes of savings accounts together with the remainder in the permanent loss reserve heretofore mentioned, any excess shall be paid pro rata to the guaranty stockholders.

Permanent loss reserve.

Excess on liquidation.

SEC. 14. (Sec. 118m) The directors of an association which has voted to amend its charter or convert to another type of institution, may withdraw the application at any time prior to the issuance of the amended charter, by adopting a proper resolution and forwarding a copy to the supervisor.

Withdrawal of application for conversion.

SEC. 15. (Sec. 118n) It is the intention of the legislature to grant, by this chapter, authority to create guaranty stock savings and loan associations in this state, by either organization or conversion under its provisions, and in the event of conflict between the provisions of this chapter and other provisions of Title 33 RCW, such other provisions shall be construed in favor of the accomplishment of the purposes of this chapter.

Purpose of chapter.

Passed the Senate February 7, 1955.

Passed the House March 2, 1955.

Approved by the Governor March 14, 1955.

CHAPTER 123.

[ S. B. 159. ]

UNIVERSITY AND STATE COLLEGE OF WASHINGTON—  
ANNUITY, RETIREMENT, INCOME PLANS.

AN ACT relating to the faculties and other employees of the University of Washington and the State College of Washington; providing for retirement and the purchase of old age annuities and other income plans; and amending section 1, chapter 223, Laws of 1947 and RCW 28.76.240, and section 2, chapter 223, Laws of 1947 and RCW 28.76.250, and section 3, chapter 223, Laws of 1947 and RCW 28.76.260, and section 4, chapter 223, Laws of 1947 and RCW 28.76.270.

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

Amendment.

SECTION 1. Section 1, chapter 223, Laws of 1947 and RCW 28.76.240 are each amended to read as follows:

Powers of board of regents.

The board of regents of the University of Washington and the board of regents of the State College of Washington are authorized and empowered:

(1) To assist the faculties and such other employees of their respective institutions as the board of regents may designate in the purchase of old age annuities or retirement income plans under such rules and regulations as the regents of said institutions may prescribe. County agricultural agents, home demonstration agents, 4-H club agents, and assistant county agricultural agents paid jointly by the State College of Washington and the several counties shall be deemed to be full time employees of the State College of Washington for the purposes hereof;

(2) To provide, under such rules and regulations as any such board may prescribe for the institution under its supervision, for the retirement of any such faculty member or employee on account of age or condition of health, retirement on account of age to be not earlier than the sixty-fifth birthday;

(3) To pay to any such retired person, each year after his retirement, an amount which, when added

to the amount of such annuity or retirement income plan received by him in such year, will not exceed fifty percent of the average annual salary paid to such person for his last ten years of full time service at such institution.

SEC. 2. Section 2, chapter 223, Laws of 1947 and RCW 28.76.250 are each amended to read as follows: Amendment.

Members of the faculties and such other employees as are now designated by the regents shall be required after January 1, 1948, to contribute not less than five percent of their salaries during each year of full time service after the first two years of such service toward the purchase of such annuity or retirement income plan. Contributions by faculty and employees.

SEC. 3. Section 3, chapter 223, Laws of 1947 and RCW 28.76.260 are each amended to read as follows: Amendment.

In no case shall the regents pay in any one year towards the purchase of such annuity or retirement income plan more than half of the annual premium of any faculty member or other employee, nor an amount exceeding ten percent of such person's salary, whichever is less. Limitation on institution's contribution.

SEC. 4. Section 4, chapter 223, Laws of 1947 and RCW 28.76.270 are each amended to read as follows: Amendment.

The regents shall not pay any amount to be added to the annuity or retirement income plan of any retired person who has served for less than eleven years in one of the state institutions designated herein. In the case of persons who have served more than ten years but less than twenty-five years no amount shall be paid in excess of four percent of the amount authorized in subdivision (3) of RCW 28.76.240, multiplied by the number of years of full time service rendered by such person. Limitation on annuity payment.

Passed the Senate February 2, 1955.

Passed the House March 2, 1955.

Approved by the Governor March 14, 1955.

CHAPTER 124.

[ S. B. 225. ]

P.U.D.'S—CONTRACTS—COMMISSIONERS.

AN ACT relating to public utility districts and amending section 8, chapter 1, Laws of 1931, section 6, chapter 245, Laws of 1941 as last amended by sections 2, 3 and 4, chapter 207, Laws of 1951, section 9, chapter 1, Laws of 1931 and RCW 54.04.070 through 54.04.090, 54.12.080, 54.12.090 and 54.24.010.

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

Amendment. SECTION 1. Section 8, chapter 1, Laws of 1931 and section 6, chapter 245, Laws of 1941 as last amended by sections 2, 3 and 4, chapter 207, Laws of 1951, section 9, chapter 1, Laws of 1931 (heretofore divided, combined and codified as RCW 54.04.070 through 54.04.090, 54.12.080, 54.12.090 and 54.24.010) are amended to read as set forth in sections 2 through 7 of this act.

Contracts for work and materials. Notice. SEC. 2. (RCW 54.04.070) All materials purchased and work ordered by a district commission, the estimated cost of which is in excess of five thousand dollars, shall be by contract, except that a district commission may have its own personnel perform work utilizing material of a worth not exceeding thirty thousand dollars in value without a contract. Before awarding such a contract, the commission shall publish a notice at least thirty days before the letting of the contract, inviting sealed proposals for the work; plans and specifications of which shall at the time of the publication be on file at the office of the district subject to public inspection. The commission may at the same time and as part of the same notice, invite tenders for the work or materials upon plans and specifications to be submitted by the bidders.

Whenever equipment or materials required by a district are held by a governmental agency and are

available for sale but such agency is unwilling to submit a proposal, the commission may ascertain the price of such items and file a statement of such price supported by the sworn affidavit of one member of the commission and may consider such price as a bid without a deposit or bond: *Provided*, That where an emergency arises endangering the public safety, the commission may purchase materials or order work performed in any amount necessary without calling for bids after having taken precautions to secure the lowest price practicable under the circumstances.

Purchase of  
governmental  
equipment  
and materials.

SEC. 3. (RCW 54.04.080) The notice shall state generally the work to be done, and shall call for proposals for doing it, to be sealed and filed with the commission on or before the time named therein. Each bid shall be accompanied by a certified or cashier's check, payable to the order of the commission, for a sum not less than five percent of the amount of the bid, or accompanied by a bid bond in an amount not less than five percent of the bid with a corporate surety licensed to do business in the state, conditioned that the bidder will pay the district as liquidated damages the amount specified in the bond unless he enters into a contract in accordance with his bid and furnishes the performance bond herein mentioned within ten days from the date on which he is notified that he is the successful bidder. At the time and place named, the bids shall be publicly opened and read, and the commission shall canvass the bids, and may let the contract to the lowest responsible bidder upon the plans and specifications on file, or to the best bidder submitting his own plans and specifications: *Provided*, That no contract shall be let in excess of the estimated cost of the materials or work. The commission may reject all bids and readvertise, and in such case all checks shall be returned to the bidders. If the contract is

Bidding  
procedure.

let, all checks shall be returned to the bidders, except that of the successful bidder, which shall be retained until a contract is entered into and a bond to perform the work furnished, with sureties satisfactory to the commission, in an amount to be fixed by the commission, not less than twenty-five percent of the contract price, in accordance with the bid. If the bidder fails to enter into the contract and furnish the bond within ten days from the date at which he is notified that he is the successful bidder, his check and the amount thereof shall be forfeited to the district.

Minimum wages.

SEC. 4. (RCW 54.04.090) Each contractor and subcontractor performing work for a public utility district or a local utility district within a public utility district shall pay or cause to be paid to its employees on the work or under the contract or subcontract, not less than the minimum scale fixed by the resolution of the commission prior to the notice and call for bids on the work. The commission, in fixing the minimum scale of wages, shall fix them as nearly as possible to the current prevailing wages within the district for work of like character.

Compensation and expenses of district commissioners.

SEC. 5. (RCW 54.12.080) District commissioners shall serve without compensation, except that a district may provide by resolution for the payment of compensation to each of its commissioners at a rate not exceeding twenty-five dollars for each day or major part thereof devoted to the business of the district, and days upon which he attends meetings of the commission of his own district or meetings attended by one or more commissioners of two or more districts called to consider business common to them: *Provided*, That the total compensation paid to such commissioner during any one year shall not exceed two thousand five hundred dollars. Also, any district providing group insurance for its employees, covering them, their



immediate family and dependents, may provide insurance for its commissioners with the same coverage: *Provided further*, That commissioners may not be compensated for services performed of ministerial or professional nature. Each commissioner shall be reimbursed for reasonable expenses actually incurred in connection with such business and meetings, including his subsistence and lodging and travel while away from his place of residence: *Provided*, That the expense, except for travel, will not exceed fifteen dollars per day and the travel eight cents per mile.

SEC. 6. (RCW 54.12.090) The commission shall elect from its members, a president and secretary, and shall, by resolution, adopt rules governing the transaction of district business, and adopt an official seal. All proceedings of the commission shall be by motion or resolution, recorded in its minute books, which shall be public records.

Organization  
of commission.

A majority of the members shall constitute a quorum of the commission for the transaction of business. The concurrence of a majority of the whole commission in office at the time shall be necessary for the passage of any resolution, and no business shall be transacted, except in usual and ordinary course, unless there are in office at least a majority of the full number of commissioners as fixed by law.

Quorum.

The commission may create and fill such positions and fix salaries and bonds thereof as it may provide by resolution.

Filling positions,  
and fixing salaries  
and bonds.

SEC. 7. (RCW 54.24.010) The treasurer of the county in which a utility district is located shall be ex officio treasurer of the district and all district funds shall be paid to him, and shall be disbursed by him only on warrants issued by an auditor appointed by the commission, upon orders or vouchers approved by it. The treasurer shall establish a public utility district fund, into which shall be paid all

District  
treasurer  
and funds.

district funds, and he shall maintain such special funds as may be created by the commission, into which he shall place all money as the commission may, by resolution, direct.

All district funds shall be deposited with the county depositories under the same restrictions, contracts, and security as provided for county depositories, and all interest collected thereon shall belong to the district and be deposited to its credit in the proper district funds.

A district may provide and require a reasonable bond of the treasurer or any other person handling moneys or securities of the district: *Provided*, That the district pays the premium thereon.

Passed the Senate March 3, 1955.

Passed the House March 2, 1955.

Approved by the Governor March 14, 1955.

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## CHAPTER 125.

[ S. B. 273. ]

### PUBLIC SERVICE COMPANIES—REPORTS, FEES.

AN ACT relating to public service companies; amending sections 1, 2 and 3, chapter 123, Laws of 1939, sections 1, 2, 3 and 4, chapter 158, Laws of 1937, and section 1, chapter 124, Laws of 1949, and RCW 80.24.010, 80.24.020, 81.24.010, 81.24.020, 81.24.030, 81.24.040, 81.24.050, 81.68.050 and 81.84.040, and declaring an emergency.

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

Amendment.

SECTION 1. Sections 1, 2 and 3, chapter 123, Laws of 1939, sections 1, 2, 3 and 4, chapter 158, Laws of 1937, as last amended by section 1, chapter 124, Laws of 1949 (heretofore divided, combined and codified as RCW 80.24.010, 80.24.020, 81.24.010, 81.24.020, 81.24.030, 81.24.040, 81.24.050, 81.68.050 and 81.84-.040) are amended as set forth in sections 2 through 10 of this act.

SEC. 2. (RCW 80.24.010) Every public service company subject to regulation by the commission shall, on or before the first day of April of each year, file with the commission a statement on oath showing its gross operating revenue from intrastate operations for the preceding calendar year or portion thereof and pay to the commission a fee equal to one-tenth of one percent of the first fifty thousand dollars of gross operating revenue, plus two-tenths of one percent of any gross operating revenue in excess of fifty thousand dollars: *Provided*, That the fee shall in no case be less than one dollar.

Public utility regulatory fees; report and rate.

The percentage rates of gross operating revenue to be paid in any year may be decreased by the commission for any class of companies subject to the payment of such fees, by general order entered before March 1st of such year, and for such purpose such companies shall be classified as follows:

Rate decrease.

Electrical, gas, water, telephone, telegraph, and irrigation companies shall constitute class one. Every other company subject to regulation by the commission, for which regulatory fees are not otherwise fixed by law shall pay fees as herein provided and shall constitute additional classes according to kinds of businesses engaged in.

Classification of utilities.

SEC. 3. (RCW 80.24.020) In fixing the percentage rates of gross operating revenue to be paid in any year, the commission shall consider all moneys then in the public service revolving fund and the fees currently to be paid into such fund, to the end that the fees collected from the several classes of companies shall be approximately the same as the reasonable cost of supervising and regulating such classes of companies.

Considerations for fixing rates.

SEC. 4. (RCW 81.24.010) Every company subject to regulation by the commission, except auto transportation companies, steamboat companies, wharfingers or warehousemen, motor freight carriers, and

Carrier regulatory fees; report and rate.

storage warehousemen shall, on or before the first day of April of each year, file with the commission a statement on oath showing its gross operating revenue from intrastate operations for the preceding calendar year, or portion thereof, and pay to the commission a fee equal to one-tenth of one percent of the first fifty thousand dollars of gross operating revenue, plus two-tenths of one per cent of any gross operating revenue in excess of fifty thousand dollars, except railroad companies which shall each pay to the commission a fee equal to one-fourth of one percent of its intrastate gross operating revenue: *Provided*, That the fee shall in no case be less than one dollar.

**Rate decrease.**

The percentage rates of gross operating revenue to be paid in any year may be decreased by the commission for any class of companies subject to the payment of such fees, by general order entered before March 1st of such year, and for such purpose such companies shall be classified as follows: Railroad, street railroad, express, sleeping car, and toll bridge companies shall constitute class one. Every other company subject to regulation by the commission, for which regulatory fees are not otherwise fixed by law shall pay fees as herein provided and shall constitute additional classes according to kinds of businesses engaged in.

**Classification of carriers.****Auto transportation companies.**

SEC. 5. (RCW 81.24.020) Every auto transportation company shall, between the first and fifteenth days of January, April, July and October of each year, file with the commission a statement showing its gross operating revenue from intrastate operations for the preceding three months, or portion thereof, and pay to the commission a fee of two-fifths of one percent of the amount of gross operating revenue: *Provided*, That the fee paid shall in no case be less than two dollars and fifty cents.

The percentage rate of gross operating revenue to be paid in any period may be decreased by the commission by general order entered before the fifteenth day of the month preceding the month in which such fees are due. Rate decrease.

SEC. 6. (RCW 81.24.030) Every steamboat company and every wharfinger or warehouseman shall, on or before the first day of April of each year, file with the commission a statement on oath showing its gross operating revenue from intrastate operations for the preceding calendar year, or portion thereof, and pay to the commission a fee of two-fifths of one percent of the amount of gross operating revenue: *Provided*, That the fee so paid shall in no case be less than five dollars. The percentage rate of gross operating revenue to be paid in any year may be decreased by the commission by general order entered before March 1st of such year. Steamboat companies, wharfingers and warehousemen.  
Rate decrease.

SEC. 7. (RCW 81.24.040) Every storage warehouseman shall, on or before the thirty-first day of March, 1950, and of each year thereafter, file with the commission an annual report under oath, on forms to be provided by the commission, showing his gross operating revenue from intrastate operations for the preceding calendar year ending December 31st, or portion thereof, and pay to the commission one percent of such gross operating revenue: *Provided*, That the fee so paid shall in no case be less than ten dollars: *Provided further*, That for the year 1950 the amount yet remaining due shall be computed to give credit for amounts paid during that year. The percentage rate of gross operating revenue to be paid in any year may be decreased by the commission by general order entered before March 1st of such year. Storage warehousemen.  
Rate decrease.

SEC. 8. (RCW 81.24.050) In fixing the percentage rates of gross operating revenue to be paid by com-

Considerations for fixing rates.

panies under RCW 81.24.010, 81.24.020, 81.24.030 and 81.24.040, the commission shall consider all moneys then in the public service revolving fund and the fees currently to be paid into such fund, to the end that the fees collected from the companies, or classes of companies, covered by each respective section shall be approximately the same as the reasonable cost of supervising and regulating such companies, or classes of companies, respectively.

Auto transportation companies; miscellaneous fees.

SEC. 9. (RCW 81.68.050) The commission shall collect the following miscellaneous fees from auto transportation companies:

Application for a certificate of public convenience and necessity or to amend a certificate, twenty-five dollars; application to sell, lease, mortgage, or transfer a certificate of public convenience and necessity or any interest therein, ten dollars.

Steamboat companies; miscellaneous fees.

SEC. 10. (RCW 81.84.040) The commission shall collect the following miscellaneous fees from steamboat companies: Application for a certificate of public convenience and necessity, or to amend certificate, fifty dollars; application to sell, lease, mortgage, or transfer certificate or any interest therein, ten dollars.

Emergency.

SEC. 11. This act is necessary for the immediate preservation of the public peace, health or safety, support of the state government and its existing public institutions and shall take effect April 1, 1955.

Passed the Senate February 3, 1955.

Passed the House March 2, 1955.

Approved by the Governor March 14, 1955.

## CHAPTER 126.

[ S. B. 157. ]

## SAVINGS AND LOAN ASSOCIATIONS—LOANS AND INVESTMENTS.

AN ACT relating to savings and loan associations and amending sections 60 and 64, chapter 235, Laws of 1945 and RCW 33.24.030 and 33.24.070; and adding a new section to chapter 33.24 RCW.

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

SECTION 1. Section 60, chapter 235, Laws of 1945 and RCW 33.24.030 are each amended to read as follows: Amendment.

An association may invest its funds in the bonds or interest bearing obligations of this state or any agency thereof. Investment in obligations of state or agency thereof.

SEC. 2. Section 64, chapter 235, Laws of 1945 and RCW 33.24.070 are each amended to read as follows: Amendment.

An association may invest its funds in the revenue bonds of any city, town, district, or political subdivision of this state for the payment of which revenue of the city, town, district or political subdivision utility or revenue producing facility is irrevocably pledged. Investment in municipal and utility bonds.

It may invest its funds in the light, water, or sewer revenue bonds of any city or other municipal corporation in the United States having a population of not less than fifty thousand inhabitants as determined by the last federal census, which has not defaulted in the payment of interest or principal upon this or any like obligation, including those for which its credit was pledged, within ten years last past, for the payment of which the entire revenue of the city's or other municipal corporation's light, water, or sewer system, less maintenance and operating costs, is irrevocably pledged.

The aggregate of the investments of an association in any issue of such revenue bonds shall at no Limitation.

time exceed five percent of the amount of its savings accounts.

New section.

SEC. 3. There is added to chapter 33.24 RCW, a new section to read as follows:

Investment of funds in excess of contingent fund and other bad debt reserves.

Any association having a contingent fund and other bad debt reserves exceeding the amount required by the Federal Savings and Loan Insurance Corporation, or five percent of its aggregate savings, whichever is greater, may invest an amount not exceeding one percent of its aggregate savings, in unimproved real estate for resale to builders and prospective home owners. Such real estate shall be primarily for housing sites, and any such association may survey and plat such land, lay out and improve streets, install water mains, sewers, sidewalks and similar improvements, as may be necessary to prepare such sites for home building purposes: *Provided*, That the total investment therein does not exceed the limitation as herein provided. Any such real estate not sold within five years from date of acquirement by the association shall be depreciated ten percent per annum at the close of each calendar year thereafter, unless an extension of time is granted by the supervisor.

Passed the Senate February 9, 1955.

Passed the House March 6, 1955.

Approved by the Governor March 14, 1955.



## CHAPTER 127.

[ S. B. 198. ]

## CRIMES—INDECENT LIBERTIES.

AN ACT relating to the crime of indecent liberties; amending section 190, chapter 249, Laws of 1909; section 2, chapter 74, Laws of 1937; and RCW 9.79.080.

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

SECTION 1. Section 190, chapter 249, Laws of 1909; section 2, chapter 74, Laws of 1937; and RCW 9.79.080, are each amended to read as follows: Amendment.

(1) Every person who takes any indecent liberties with, or on the person of any female of chaste character, without her consent, shall be guilty of a gross misdemeanor; Females of chaste character.

(2) Every person who takes any indecent liberties with or on the person of any child under the age of fifteen years, or makes any indecent or obscene exposure of his person, or of the person of another, whether with or without his or her consent, shall be guilty of a felony, and shall be punished by imprisonment in the state penitentiary for not more than twenty years, or by imprisonment in the county jail for not more than one year. Children under 15 years.  
Indecent exposure.

Passed the Senate February 3, 1955.

Passed the House March 6, 1955.

Approved by the Governor March 14, 1955.

## CHAPTER 128.

[ S. B. 199. ]

## PRISONERS' LABOR AUTHORIZED.

AN ACT relating to the department of public institutions and authorizing the departments, boards, commissions or other agencies of the state of Washington or the federal government to use state prisoners to perform work at camps; providing authority in the department of public institutions to contract for such prison labor, to determine eligibility of prisoners for employment under such contracts, and to designate and supervise work and furnishing and management of camps; adding new sections to chapter 43.19, RCW; and repealing chapter 220, Laws of 1939 and RCW 72.08.270 through 72.08.330.

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

New section.

SECTION 1. There is added to chapter 43.19, RCW, a new section to read as follows:

State or federal agencies may use prison labor.

Any department, division, bureau, commission, or other agency of the state of Washington or the federal government may use, or cause to be used, prisoners confined in state penal or correctional institutions to perform work necessary and proper, to be done by them at camps to be established pursuant to the authority granted by sections 1 through 4: *Provided*, That such prisoners shall not be authorized to perform work on any public road, other than access roads to forestry lands. The department of public institutions may enter into contracts for the purposes of sections 1 through 4.

New section.

SEC. 2. There is added to chapter 43.19, RCW, a new section to read as follows:

Eligibility and transportation of prisoners.

The department of public institutions shall determine which prisoners shall be eligible for employment under section 1, and shall establish and modify lists of prisoners eligible for such employment, upon the requisition of an agency mentioned in section 1. The superintendent of public institutions may send to the place, and at the time desig-

nated, the number of prisoners requisitioned, or such number thereof as have been determined to be eligible for such employment and are available. No prisoner shall be eligible or shall be released for such employment until his eligibility therefor has been determined by the department of public institutions.

The superintendent of public institutions may return to prison any prisoner transferred to camp pursuant to this section, when the need for such prisoner's labor has ceased or when the prisoner is guilty of any violation of the rules and regulations of the prison or camp.

Return of prisoners.

SEC. 3. There is added to chapter 43.19, RCW, a new section to read as follows:

New section.

The agency providing for prisoners under sections 1 through 4 shall designate and supervise all work done under the provisions of sections 1 through 4. The agency shall provide, erect and maintain any necessary camps, except that where no funds are available to the agency, the department of public institutions may provide, erect and maintain the necessary camps. The superintendent of public institutions shall supervise and manage the necessary camps and commissaries.

Supervision and maintenance of prisoners.

SEC. 4. There is added to chapter 43.19, RCW, a new section to read as follows:

New section.

The department of public institutions shall have full jurisdiction at all times over the discipline and control of the prisoners performing work under sections 1 through 4.

Jurisdiction of department of public institutions.

SEC. 5. Chapter 220, Laws of 1939, and RCW 72.08.270 through 72.08.330 are each repealed.

Repeal.

Passed the Senate February 17, 1955.

Passed the House March 5, 1955.

Approved by the Governor March 14, 1955.

CHAPTER 129.

[ S. B. 228. ]

TAXATION—NEW CONSTRUCTION—ASSESSMENT.

AN ACT relating to revenue and taxation and providing a method for assessment of new construction.

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

“Issuer” defined.

SECTION 1. “Issuer” means any state, county, city, or town agency from which it is necessary to receive a permit before proceeding with construction of any building.

County building permits authorized.

SEC. 2. The county commissioners of every county shall provide for the issuance of a building permit for the construction or alteration of any building within the county, for which the value of the material exceeds five hundred dollars except that where any city within the county issues such permits for all buildings within its jurisdiction, it shall not be necessary for the county to issue building permits for the construction or alteration of buildings within any such city. Every application for [a] building permit as required herein shall contain a legal description of the property upon which the building is to be constructed or altered.

Application.

Assessor to receive copy of permit.

SEC. 3. Whenever any issuer issues a building permit for the construction of any building, such issuer shall immediately transmit a copy of the permit to the county assessor of the county in which such building is to be constructed.

Appraisal of buildings.

SEC. 4. Upon receipt of such copy, the county assessor shall, within six months of the date of issue of such permit, proceed to make a physical appraisal of the building or buildings covered by the permit.

Placing on assessment rolls.

SEC. 5. The county assessor is authorized to place any property under the provisions of this act on the assessment rolls for the purposes of tax levy up to

May 31st of each year. The assessed valuation of property under the provisions of this act shall be considered as of the April 30th immediately preceding the date that the property is placed on the assessment rolls.

Passed the Senate March 1, 1955.

Passed the House March 6, 1955.

Approved by the Governor March 14, 1955.

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## CHAPTER 130.

[ S. B. 236. ]

### PUBLIC LANDS—SALE TO VARNEY-SUNNYSIDE PACKING COMPANY.

AN ACT relating to public lands and authorizing the department of public institutions to enter into a contract of sale, and conveyance by the governor.

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

SECTION 1. The department of public institutions is authorized to enter into a contract for the sale of certain public lands, buildings and equipment to the Varney-Sunnyside Packing Company, Inc., in consideration of the payment to the state treasurer of the sum of twenty-five thousand one hundred fifty dollars, being the highest bid on a call for sealed bids duly published in newspapers of general circulation in the state; such public lands being known as the State Prison Cannery No. 2, situated near the town of Buena, in the county of Yakima, and more particularly described as follows:

Department of public institutions authorized to contract for sale of state prison cannery No. 2.

#### PARCEL A:

A tract of land lying in the northwest quarter of the southeast quarter of Section 15, Township 11 North, Range 20 E.W.M., more particularly bounded and described as follows, to-wit:

Legal description of parcel A.

Beginning at a point on the north line of said northwest quarter of the southeast quarter of said Section 15, 1448 ft. west of the quarter corner on the east line of said Section 15; thence west 330 ft.; thence south  $0^{\circ}8'$  east 452 ft.; thence east 62 ft.; thence north  $59^{\circ}34'$  east 110 ft.; thence north  $46^{\circ}59'$  east 63 ft.; thence east to the east line of the northwest quarter of the southeast quarter of said Section 15; thence north along said east line to the point of intersection thereof with the north line of the southeast quarter of said Section 15; thence west along the north line of said southeast quarter of said Section 15, 128 ft., more or less, to the point of beginning. EXCEPT roads along the north and east line thereof.

PARCEL B:

Beginning at the northeast corner of the northwest quarter of the northwest quarter of the southeast quarter of Section 15, Township 11 North, Range 20 E.W.M.; thence South  $0^{\circ}8'$  east 330 ft. to the true point of beginning; thence south  $0^{\circ}8'$  east 161.6 ft.; thence south  $60^{\circ}$  west 533 ft.; thence north  $40^{\circ}15'$  west 313 ft. (it being intended that said course shall actually conform to the northerly right of way line of the Sunnyside Canal); thence north  $0^{\circ}8'$  west along the west line of the northwest quarter of the northwest quarter of the southeast quarter 190 ft.; thence east 664 ft. to the point of beginning, EXCEPT road, but to include easement for a private roadway reserved in Deed dated December 31, 1947, executed by Ernest F. Leuning and Nona S. Leuning, husband and wife, to Fassett & Company, a Washington corporation, recorded January 5, 1948, in Volume 449 of Deeds, under Auditor's file No. 1193499, records of said county.

Legal  
description  
of parcel B.

SEC. 2. Upon payment being received by the state treasurer, as prescribed in section 1 hereof, for deposit in the general fund, the governor shall issue in behalf of the state of Washington a conveyance transferring the land, buildings and equipment described in section 1 unto the Varney-Sunnyside Packing Company, Inc.

Passed the Senate February 4, 1955.

Passed the House March 5, 1955.

Approved by the Governor March 14, 1955.

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## CHAPTER 131.

[ S. B. 269. ]

### STATE LANDS—OIL, GAS, ETC. LEASES.

AN ACT relating to oil leases on state lands; providing for and regulating the granting of leases for the extraction of oil, gas or other hydrocarbons and certain preference rights to take the same; defining the powers and duties of certain officers in connection therewith; providing for the issuance of leases at public auction in certain cases; providing for appeals, and repealing sections 1 through 28, chapter 161, Laws of 1937, section 37, chapter 146, Laws of 1951 and RCW 78.28.010 through 78.28.270.

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

SECTION 1. Whenever used in this act, unless the context otherwise requires, words and terms shall have the meaning attributed to them herein: Definitions:

(1) "Public lands": Lands and areas belonging to or held in trust by the state, including tide and submerged lands of the Pacific Ocean or any arm thereof and lands of every kind and nature including mineral rights reserved to the state. "Public lands."

(2) "Person": Any citizen of the United States or person who has, in good faith, declared his intention of becoming a citizen of the United States, or any corporation organized and existing under and "Person."

by virtue of the laws of any state or territory of the United States and authorized to do business in this state.

"Commissioner."

(3) "Commissioner": The commissioner of public lands of the state of Washington.

Leases authorized.

SEC. 2. The commissioner is authorized to lease public lands for the purpose of prospecting for, developing and producing oil, gas or other hydrocarbon substances. Each such lease is to be composed of not more than six hundred forty acres, except a lease on river bed, lake bed, tide and submerged lands which is to be composed of not more than one thousand nine hundred twenty acres. All leases shall contain such terms and conditions as may be prescribed by the rules and regulations adopted by the commissioner in accordance with the provisions of this act. All leases shall be for terms of five years and for so long thereafter as lessee shall produce any of said substances from the leased lands, and shall comply with the provisions hereof, or shall be engaged in drilling, deepening, repairing, or re-drilling any well thereon, or be thereafter excused therefrom but not to exceed a period of twenty years. The lessee shall have preferential right to a new lease covering such lands for an additional twenty-year period on the same terms and conditions as set forth in such previous lease.

Acreage limitations.

Terms and conditions.

Renewal.

Rental fee.

SEC. 3. The commissioner shall require as a prerequisite to the issuing of any lease a rental of fifty cents per acre for the first year of such lease, payable in advance to the commissioner at the time of making application therefor and a like rental of fifty cents per acre annually in advance thereafter so long as such lease remains in force: *Provided*, That in the event no lease be issued or the lease when issued includes less acreage than that applied for, such rental shall be returned to the applicant insofar as it pertains to lands not included in such lease. Such



rental shall cease at such time as royalty accrues to the state from production from such lease. Commencing with the lease year beginning on or after oil, gas or other hydrocarbon substances are first produced in quantities deemed paying quantities by lessee on the land subject to such lease, lessee shall pay a minimum royalty of five dollars per acre or fraction thereof at the expiration of each year, or the difference between the actual royalty paid during the year if less than five dollars per acre and the prescribed minimum royalty of five dollars per acre: *Provided*, That if such lease is unitized, the minimum royalty shall be payable only on the leased acreage after production is obtained in such paying quantities from such lease. Royalties.

SEC. 4. No lessee shall commence any operation upon lands covered by his lease until such lessee has provided for compensation to owners of private rights therein according to law, or in lieu thereof, filed a surety bond with the commissioner in an amount sufficient in the opinion of the commissioner to cover such compensation until the amount of compensation is determined by agreement, arbitration or judicial decision and has provided for compensation to the state of Washington for damage to the surface rights of the state in accordance with the rules and regulations adopted by the commissioner. Compensation  
of private  
owners.

SEC. 5. All leases shall provide that if oil, gas or other hydrocarbon substances are not encountered on or before the end of the initial five-year term, the lease shall not terminate if the lessee is then prosecuting drilling operations on the leased lands with due diligence, in which event the same shall remain in force so long as lessee shall keep one string of tools in operation on the leased lands, allowing not to exceed ninety days between the completion of one well and the commencement of the next until such substances are encountered in quan- Drilling  
beyond term  
of lease.

tities deemed paying quantities by lessee. All leases shall further provide that if oil, gas or other hydrocarbon substances in paying quantities shall have been discovered on the leased lands prior to the expiration of the initial five-year term, then in the event at any time after the expiration of the initial five-year term production on the leased land shall cease from any cause, the lease shall not terminate provided lessee resumes operations for the drilling of a well or the restoration of production within ninety days from such cessation. The lease shall remain in force during the prosecution of such operations, and if production results therefrom, then so long as production continues.

Surrender  
of lease.

SEC. 6. Every lessee shall have the option of surrendering his lease as to all or any portion or portions of the land covered thereby at any time and shall be relieved of all liability thereunder with respect to the land so surrendered except for monetary payments theretofore accrued and except for physical damage to the premises embraced by his lease which have been occasioned by his operations.

Royalty rate.

SEC. 7. All oil and gas leases issued pursuant to this act shall be upon a royalty of not less than twelve and one-half percent of the gross production of all oil, gas or other hydrocarbons produced and saved from the lands covered by such lease.

Unleased lands  
within a known  
geologic structure  
of a producing oil or  
gas field.

SEC. 8. Oil and gas leases shall not be issued on unleased lands which have been classified by the commissioner as being within a known geologic structure of a producing oil or gas field, except as follows: Upon application of any person, the commissioner shall lease in areas not exceeding six hundred forty acres, at public auction, any or all unleased lands within such geologic structure to the person offering the greatest cash bonus therefor at such auction. Notice of the offer of such lands for

lease will be given by publication in a newspaper of general circulation in Olympia, Washington, and in such other publications as the commissioner may authorize. The first publication shall be at least thirty days prior to the date of sale.

SEC. 9. The commissioner is hereby authorized to cancel any lease issued as provided herein for nonpayment of rentals or royalties or nonperformance by the lessee of any provision or requirement of the lease: *Provided*, That before any such cancellation shall be made, the commissioner shall mail to the lessee by registered mail, addressed to the post office address of such lessee shown by the records of the office of the commissioner, a notice of intention to cancel such lease specifying the default for which the lease is subject to cancellation. If lessee shall, within thirty days after the mailing of said notice to the lessee, commence and thereafter diligently and in good faith prosecute the remedying of the default specified in such notice, then no cancellation of the lease shall be entered by the commissioner. Otherwise, the said cancellation shall be made and all rights of the lessee under the lease shall automatically terminate, except that lessee shall retain the right to continue its possession and operation of any well or wells in regard to which lessee is not in default: *Provided further*, That failure to pay rental and royalty required under leases within the time prescribed therein shall automatically and without notice work a forfeiture of such leases and of all rights thereunder. Upon the expiration, forfeiture, or surrender of any lease, no new lease covering the lands or any of them embraced by such expired, forfeited, or surrendered lease, shall be issued for a period of ten days following the date of such expiration, forfeiture, or surrender. If more than one application for a lease covering such lands or any of them shall be made during such ten-day

Cancellation  
of lease.

period the commissioner shall issue a lease to such lands or any of them to the person offering the greatest cash bonus for such lease at a public auction to be held at the time and place and in the manner as the commissioner shall by regulation prescribe.

Cooperative  
unit plan;  
lessees may  
join.

SEC. 10. For the purpose of more properly conserving the natural resources of any oil or gas pool, field, or like area, lessees thereon and their representatives may unite with each other, or jointly or separately with others, in collectively adopting and operating under a cooperative unit plan of development or operation of such pool, field, or like area, or any part thereof, whenever determined and certified by commissioner to be necessary or advisable in the public interest. The commissioner is thereunto authorized, in his discretion, with the consent of the holders of leases involved, in order to conform with the terms and conditions of any such cooperative or unit plan to establish, alter, change or revoke exploration, drilling, producing, rental, and royalty requirements of such leases with like consent on the part of the lessees, in connection with the institution and operation of any such cooperative or unit plan as he may deem necessary or proper to secure the proper protection of the public interest.

Modification  
of lease.

Pooling plans.

When separate tracts cannot be independently developed and operated in conformity with an established well spacing or development program, any lease or any portion thereof may be pooled with other lands, whether or not owned by the state of Washington under a communization or drilling agreement providing for an apportionment of production or royalties among the separate tracts of land comprising the drilling or spacing unit when determined by the commissioner to be in the public interest, and operations or production pursuant to such an agreement shall be deemed to be operations

or production as to each such lease committed thereto.

The term of any lease that has become the subject of any cooperative or unit plan of development or operation of a pool, field, or like area, which plan has the approval of the commissioner, shall continue in force until the termination of such plan, and in the event such plan is terminated prior to the expiration of any such lease, the original term of such lease shall continue. Any lease under this act hereinafter committed to any such plan embracing lands that are in part within and in part outside of the area covered by any such plan, shall be segregated in separate leases as to the lands committed and the land not committed as of the effective date of unitization.

Term of lease under cooperative unit plan or pooling plan.

SEC. 11. The commissioner is authorized to insert in any lease issued under the provisions of this act such terms as are customary and proper for the protection of the rights of the state and of the lessee and of the owners of the surface of the leased lands not in conflict with the provisions of this act.

Customary protective terms.

SEC. 12. The commissioner is required to prescribe and publish, for the information of the public, all reasonable rules and regulations necessary for carrying out the provisions of this act. He may amend or rescind any rule or regulation promulgated by him under the authority contained herein: *Provided*, That no rule or regulation or amendment of the same or any order rescinding any rule or regulation shall become effective until after thirty days from the promulgation of the same by publication in a newspaper of general circulation published at the state capital and shall take effect and be in force at times specified therein. All rules and regulations of the commissioner and all amendments or revocations of existing rules and regulations shall be recorded in an appropriate book or books, shall be

Rules and regulations of commissioners.

adequately indexed, and shall be kept in the office of the commissioner and shall constitute a public record. Such rules and regulations of the commissioner shall be printed in pamphlet form and furnished to the public free of cost.

Lease provisions relating to spacing of wells.

SEC. 13. Each lease issued under this act shall provide that without the approval of the commissioner, no well shall be drilled on the lands demised thereby in such manner or at such location that the producing interval thereof shall be less than three hundred thirty feet from any of the outer boundaries of the demised lands, except that if the right to oil, gas or other hydrocarbons underlying adjoining lands be vested in private ownership, such approval shall not be required.

Rights of way over public lands.

SEC. 14. Any person granted a lease under the provisions of this act shall have a right of way over public lands, as provided by law, when necessary, for the drilling, recovering, saving and marketing of oil, gas or other hydrocarbons. Before any such right of way grant shall become effective, a written application for, and a plat showing the location of, such right of way, and the land necessary for the well site and drilling operations, with reference to adjoining lands, shall be filed with the commissioner. All timber on said right of way and the land necessary for the drilling operation, shall be appraised by the commissioner and paid for in money by the person to whom the lease is granted.

Timber sales.

SEC. 15. All sales of timber, as prescribed in this act, shall be made subject to the right, power and authority of the commissioner to prescribe rules and regulations governing the manner of the removal of the merchantable timber upon any lands embraced within any lease with the view of protecting the same and other timber against destruction or injury by fire or from other causes. Such rules or

regulations shall be binding upon the lessee, his successors in interest, and shall be enforced by the commissioner.

SEC. 16. After the discovery of oil, gas or other hydrocarbons in paying quantities, lessee shall proceed to develop the oil, gas or other hydrocarbons in the lands covered thereby through the drilling of such wells as will efficiently extract the oil, gas or other hydrocarbons therefrom and such development shall take into account the productiveness of the producing horizon, the depth at which it occurs, the average cost of wells, the market requirements obtaining at any given time, and the maintenance of proper oil and gas ratios.

Producing upon discovery of paying quantities.

SEC. 17. All leases shall contain such terms, conditions, and provisions as will protect the interests of the state with reference to spacing of wells for the purpose of offsetting any wells on privately-owned lands.

Lease provisions relating to spacing of wells.

SEC. 18. Nothing contained in this act shall be construed as requiring the commissioner to offer any tract or tracts of land for lease; but the commissioner shall have power to withhold any tract or tracts from leasing for oil, gas or other hydrocarbons, if, in his judgment, the best interest of the state will be served by so doing.

Leasing of such land permissive.

SEC. 19. The lessee shall pay to the commissioner the market value at the well of the state's royalty share of oil and other hydrocarbons except gas produced and saved and delivered by lessee from the lease. In lieu of receiving payment for the market value of the state's royalty share of oil, the commissioner may elect that such royalty share of oil be delivered in kind at the mouth of the wells into tanks provided by the commissioner. Lessee shall pay to the commissioner the state's royalty share of the sale price received by the lessee for gas produced and

Oil royalties; payment.

Gas royalties; payment.

saved and sold from the lease. If such gas is not sold but is used by lessee for the manufacture of gasoline or other products, lessee shall pay to the commissioner the market value of the state's royalty share of the residue gas and other products, less a proper allowance for extraction costs.

Prior exploration permits.

SEC. 20. All exploration permits issued by the commissioner prior to the effective date of this act, which have not expired or been legally cancelled for nonperformance by the permittees, are hereby declared to be valid and existing contracts with the state of Washington, according to their terms and provisions. The obligation of the state to conform to the terms and provisions of such permits is hereby recognized, and the commissioner is directed to accept and recognize all such permits according to their express terms and provisions. No repeal or amendment made by this act shall affect any right acquired under the law as it existed prior to such repeal or amendment, and such right shall be governed by the law in effect at time of its acquisition. Any permit recognized and confirmed by this section may be relinquished to the state by the permittee, and a new lease or, if such permit contains more than six hundred forty acres, new leases in the form provided for in this act, shall be issued in lieu of same and without bonus therefor; but the new lease or leases so issued shall be as provided for in this act and governed by the applicable provisions of this act instead of by the law in effect prior thereto.

Assignment or sublease.

SEC. 21. Any oil or gas lease issued under the authority of this act may be assigned or subleased as to all or part of the acreage included therein, subject to final approval by the commissioner, and as to either a divided or undivided interest therein to any person. Any assignment or sublease shall take effect as of the first day of the lease month following



the date of filing with the commissioner: *Provided, however,* That the commissioner may, in his discretion, disapprove an assignment of a separate zone or deposit under any lease or of a part of a legal subdivision. Upon approval of any assignment or sublease, the assignee or sublessee shall be bound by the terms of the lease to the same extent as if such assignee or sublessee were the original lessee, any conditions in the assignment or sublease to the contrary notwithstanding. Any partial assignment of any lease shall segregate the assigned and retained portions thereof, and upon approval of such assignment by the commissioner, the assignor shall be released and discharged from all obligations thereafter accruing with respect to the assigned lands.

SEC. 22. Any applicant for a lease under this act, feeling himself aggrieved by any order or decision, rule or regulation of the commissioner of public lands, concerning the same, may appeal therefrom to the superior court of the county wherein such lands are situated, as provided by RCW 79.08.030. **Appeals.**

SEC. 23. If any provision or section of this act shall be adjudicated to be unconstitutional, such adjudication shall not affect the validity of this act as a whole or any part thereof not adjudicated unconstitutional. If any provision of this act, or the application of such provision to any person or circumstances is held unconstitutional, invalid or unenforceable, the remainder of this act or the application of such provision to persons or circumstances other than those as to which it is held unconstitutional, invalid or unenforceable, shall not be affected thereby. **Severability.**

SEC. 24. Sections 1 through 28, chapter 161, Laws of 1937 and section 37, chapter 146, Laws of 1951 **Repeal.**

and RCW 78.28.010 through 78.28.270 are each repealed.

Passed the Senate March 6, 1955.

Passed the House March 5, 1955.

Approved by the Governor March 14, 1955.

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CHAPTER 132.

[ S. B. 325. ]

TAXATION—REAL ESTATE TRANSACTIONS.

AN Act relating to revenue and taxation; and amending section 1, chapter 94, Laws of 1953 and RCW 28.45.010.

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

Amendment.

SECTION 1. Section 1, chapter 94, Laws of 1953 and RCW 28.45.010 are each amended to read as follows:

"Sale" defined.

As used in this chapter, the term "sale" shall have its ordinary meaning and shall include any conveyance, grant, assignment, quitclaim, or transfer of the ownership of or title to real property, including standing timber, or any estate or interest therein for a valuable consideration, and any contract for such conveyance, grant, assignment, quitclaim, or transfer, and any lease with an option to purchase real property, including standing timber, or any estate or interest therein or other contract under which possession of the property is given to the purchaser, or any other person by his direction, which title is retained by the vendor as security for the payment of the purchase price.

Excluded transactions.

The term shall not include a transfer by gift, devise, or inheritance, a transfer of any leasehold interest other than of the type mentioned above, a cancellation or forfeiture of a vendee's interest in a contract for the sale of real property, whether or

not such contract contains a forfeiture clause, or deed in lieu of foreclosure of a mortgage or the assumption by a grantee of the balance owing on an obligation which is secured by a mortgage or deed in lieu of forfeiture of the vendee's interest in a contract of sale where no consideration passes otherwise or the partition of property by tenants in common by agreement or as the result of a court decree [,] any transfer, conveyance, or assignment of property or interest in property from one spouse to the other in accordance with the terms of a decree of divorce or in fulfillment of a property settlement agreement incident thereto, the assignment or other transfer of a vendor's interest in a contract for the sale of real property, even though accompanied by a conveyance of the vendor's interest in the real property involved, transfers by appropriation or decree in condemnation proceedings brought by the United States, the state or any political subdivision thereof, or a municipal corporation, a mortgage or other transfer of an interest in real property merely to secure a debt, or the assignment thereof, any transfer or conveyance made pursuant to an order of sale by the court in any mortgage or lien foreclosure proceeding or upon execution of a judgment, or deed in lieu of foreclosure to satisfy a mortgage, a conveyance to the federal housing administration or veterans administration by an authorized mortgagee made pursuant to a contract of insurance or guaranty with the federal housing administration or veterans administration, nor a transfer in compliance with the terms of any lease or contract upon which the tax as imposed by this chapter has been paid or where the lease or contract was entered into prior to the date this tax was first imposed, nor the sale of any grave or lot in an established cemetery, nor a sale by or to the United States, this state or any political

subdivision thereof, or a municipal corporation of this state.

Passed the Senate March 4, 1955.

Passed the House March 2, 1955.

Approved by the Governor March 14, 1955.



CHAPTER 133.

[ S. B. 201. ]

PRISON TERMS AND PAROLES.

AN ACT relating to prison terms and paroles; repealing section 2, chapter 114, Laws of 1935; section 1, chapter 92, Laws of 1947; section 4, chapter 114, Laws of 1935; section 1, chapter 142, Laws of 1939; section 2, chapter 92, Laws of 1947; section 2, chapter 239, Laws of 1951; and RCW 9.95.056; enacting RCW 9.95.010 through RCW 9.95.050, RCW 9.95-.060 through RCW 9.95.110, RCW 9.95.120 through RCW 9.95.160, and RCW 9.95.190; and amending RCW 9.95.040 and RCW 9.95.050.

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

Repeal.

SECTION 1. Section 2, chapter 114, Laws of 1935; section 1, chapter 92, Laws of 1947; section 4, chapter 114, Laws of 1935; section 1, chapter 142, Laws of 1939; section 2, chapter 92, Laws of 1947; section 2, chapter 239, Laws of 1951; and RCW 9.95.056 are each repealed.

Enactment.

SEC. 2. RCW 9.95.010 (formerly section 2, chapter 114, Laws of 1935, part; and section 1, chapter 92, Laws of 1947, part) is enacted to read as follows:

Court to fix maximum sentence.

RCW 9.95.010 Court to fix maximum sentence. When a person is convicted of any felony, except treason, murder in the first degree, or carnal knowledge of a child under ten years, and a new trial is not granted, the court shall sentence such person to the penitentiary, or, if the law allows and the court sees fit to exercise such discretion, to the re-

formatory, and shall fix the maximum term of such person's sentence only.

The maximum term to be fixed by the court shall be the maximum provided by law for the crime of which such person was convicted, if the law provides for a maximum term. If the law does not provide a maximum term for the crime of which such person was convicted the court shall fix such maximum term, which may be for any number of years up to and including life imprisonment but in any case where the maximum term is fixed by the court it shall be fixed at not less than twenty years.

SEC. 3. RCW 9.95.020 (formerly section 2, chapter 114, Laws of 1935, part; and section 1, chapter 92, Laws of 1947, part) is enacted to read as follows: Enacted.

RCW 9.95.020 Duties of superintendents of penal institutions. If the sentence of a person so convicted is not suspended by the court, the superintendent of the penitentiary or the superintendent of the reformatory shall receive such person, if committed to his institution, and imprison him until released under the provisions of this chapter or through the action of the governor. Duties of superintendents of penal institutions.

SEC. 4. RCW 9.95.030 (formerly section 2, chapter 114, Laws of 1935, part; and section 1, chapter 92, Laws of 1947, part) is enacted to read as follows: Enacted.

RCW 9.95.030 Facts to be furnished board of prison terms and paroles. After the admission of such convicted person to the penitentiary or reformatory, the board of prison terms and paroles shall obtain from the sentencing judge and the prosecuting attorney, a statement of all the facts concerning the convicted person's crime and any other information of which they may be possessed relative to him, and the sentencing judge and the prosecuting attorney shall furnish the board of prison terms and paroles with such information. The sentencing judge and prosecuting attorney shall Facts to be furnished board of prison terms and paroles.

indicate to the board of prison terms and paroles, for its guidance, what, in their judgment, should be the duration of the convicted person's imprisonment.

Enacted.

SEC. 5. RCW 9.95.040 (formerly section 2, chapter 114, Laws of 1935, part; and section 1, chapter 92, Laws of 1947, part) is enacted to read as follows:

Board to fix duration of confinement.

RCW 9.95.040 Board to fix duration of confinement—Minimum terms prescribed for certain cases. Within six months after the admission of a convicted person to the penitentiary or the reformatory, the board of prison terms and paroles shall fix the duration of his confinement. The term of imprisonment so fixed shall not exceed the maximum provided by law for the offense of which he was convicted or the maximum fixed by the court where the law does not provide for a maximum term.

Limitations.

The following limitations are placed on the board of prison terms and paroles with regard to fixing the duration of confinement in certain cases, notwithstanding any provisions of law specifying a lesser sentence, to wit:

(1) For a person not previously convicted of a felony but armed with a deadly weapon either at the time of the commission of his offense, or a concealed deadly weapon at the time of his arrest, the duration of confinement shall not be fixed at less than five years.

(2) For a person previously convicted of a felony either in this state or elsewhere and who was armed with a deadly weapon at the time of the commission of his offense, or a concealed deadly weapon at the time of his arrest, the duration of confinement shall not be fixed at less than seven and one-half years.

The words "deadly weapon," as used in this section include, but are not limited to, any instrument known as a blackjack, sling shot, billy, sand club, sandbag, metal knuckles, any dirk, dagger, pistol, revolver, or any other firearm, any knife having a

blade longer than three inches, any razor with an unguarded blade, and any metal pipe or bar used or intended to be used as a club, any explosive, and any weapon containing poisonous or injurious gas.

(3) For a person convicted of being an habitual criminal within the meaning of the statute which provides for mandatory life imprisonment for such habitual criminals, the duration of confinement shall not be fixed at less than fifteen years. The board shall retain jurisdiction over such convicted person throughout his natural life unless the governor by appropriate executive action orders otherwise.

(4) Any person convicted of embezzling funds from any institution of public deposit of which he was an officer or stockholder, the duration of confinement shall be fixed at not less than five years.

Any inmate of the reformatory or penitentiary who was under the age of twenty-one years at the time of the commission of the crime may be paroled by the board without regard to the limitations set forth in RCW 9.95.010 to 9.95.100, inclusive.

Exceptions to limitations.

SEC. 6. RCW 9.95.050 (formerly section 2, chapter 114, Laws of 1935, part; and section 1, chapter 92, Laws of 1947, part) is enacted to read as follows:

Enacted.

RCW 9.95.050 Reconsideration of duration of confinement. After a person has been confined in the state penitentiary for one year or in the state reformatory for one year, the superintendent of the penitentiary or of the reformatory, as the case may be, upon his own initiative or at the request of the board of prison terms and paroles shall cause a thorough analysis and report of the convicted person's prospects for rehabilitation to be made. If, based thereon, the superintendent so recommends, the board of prison terms and paroles, after such further investigation as it deems necessary, may reconsider its previous determination as to the duration of confinement of the convicted per-

Reconsideration of duration of confinement.

son, and subject to the limitations contained in RCW 9.95.040, may adjust the same downward.

Enacted.

SEC. 7. RCW 9.95.060 (formerly section 2, chapter 114, Laws of 1935, part; and section 1, chapter 92, Laws of 1947, part) is enacted to read as follows:

When sentence begins to run.

RCW 9.95.060 When sentence begins to run. When a convicted person appeals from his conviction and is at liberty on bond pending the determination of the appeal by the supreme court, credit on his sentence will begin from the date of the remittitur. In all other cases, credit on a sentence will begin from the date the judgment and sentence is signed by the court.

Enacted.

SEC. 8. RCW 9.95.070 (formerly section 2, chapter 114, Laws of 1935, part; and section 1, chapter 92, Laws of 1947, part) is enacted to read as follows:

Time credit reductions for good behavior.

RCW 9.95.070 Time credit reductions for good behavior. Every prisoner who has a favorable record of conduct at the penitentiary or the reformatory, and who performs in a faithful, diligent, industrious, orderly and peaceable manner the work, duties, and tasks assigned to him to the satisfaction of the superintendent of the penitentiary or reformatory, and in whose behalf the superintendent of the penitentiary or reformatory files a report certifying that his conduct and work have been meritorious and recommending allowance of time credits to him, shall upon, but not until, the adoption of such recommendation by the board of prison terms and paroles, be allowed time credit reductions from the term of imprisonment fixed by the board of prison terms and paroles.

Enacted.

SEC. 9. RCW 9.95.080 (formerly section 2, chapter 114, Laws of 1935, part; and section 1, chapter 92, Laws of 1947, part) is enacted to read as follows:

RCW 9.95.080 Revocation and redetermination of minimum for infractions. In case any convicted



person undergoing sentence in the penitentiary or the reformatory commits any infractions of the rules and regulations of the institution, the board of prison terms and paroles may revoke any order theretofore made determining the length of time such convicted person shall be imprisoned and make a new order determining the length of time he shall serve, not exceeding the maximum penalty provided by law for the crime for which he was convicted, or the maximum fixed by the court. Such revocation and redetermination shall not be had except upon a hearing on the question of the infraction of the rules charged to such convicted person before the board of prison terms and paroles. At such hearing the convicted person, unless outside the walls of the penitentiary or the reformatory, as an escapee and fugitive from justice, shall be present and entitled to be heard and may present evidence and witnesses in his behalf.

Revocation and redetermination of minimum for infractions.

SEC. 10. RCW 9.95.090 (formerly section 2, chapter 114, Laws of 1935, part; and section 1, chapter 92, Laws of 1947, part) is enacted to read as follows:

Enacted.

RCW 9.95.090 Labor may be required under rules and regulations. The board of prison terms and paroles shall require of every able bodied convicted person imprisoned in the penitentiary or the reformatory as many hours of faithful labor in each and every day during his term of imprisonment as shall be prescribed by the rules and regulations of the institution in which he is confined.

Labor may be required under rules and regulations.

SEC. 11. RCW 9.95.100 (formerly section 4, chapter 114, Laws of 1935, part; section 1, chapter 142, Laws of 1939, part; section 2, chapter 114, Laws of 1935, part; and section 1, chapter 92, Laws of 1947, part) is enacted to read as follows:

Enacted.

RCW 9.95.100 Prisoner released on serving maximum term. Any convicted person undergoing sentence in the penitentiary or the reformatory, not

Prisoner released on serving maximum term.

sooner released under the provisions of this chapter, shall, in accordance with the provisions of law, be discharged from custody on serving the maximum punishment provided by law for the offense of which such person was convicted, or the maximum term fixed by the court where the law does not provide for a maximum term. The board shall not, however, until his maximum term expires, release a prisoner, unless in its opinion his rehabilitation has been complete and he is a fit subject for release.

Enacted.

SEC. 12. RCW 9.95.110 (formerly section 4, chapter 114, Laws of 1935, part; section 1, chapter 142, Laws of 1939, part) is enacted to read as follows:

Parole of prisoners.

RCW 9.95.110 Parole of prisoners. The board of prison terms and paroles may permit a convicted person to leave the buildings and enclosures of the penitentiary or the reformatory on parole, after such convicted person has served the period of confinement fixed for him by the board, less time credits for good behavior and diligence in work: *Provided*, That in no case shall an inmate be credited with more than one-third of his sentence as fixed by the board.

The board of prison terms and paroles may establish rules and regulations under which a convicted person may be allowed to leave the confines of the penitentiary or the reformatory on parole, and may return such person to the confines of the institution from which he was paroled, at its discretion.

Enacted.

SEC. 13. RCW 9.95.120 (formerly section 4, chapter 114, Laws of 1935, part; section 1, chapter 142, Laws of 1939, part) is enacted to read as follows:

Conditions of parole.

RCW 9.95.120 Conditions of parole—Forfeiture of credits—Retaking of parole violator. The board of prison terms and paroles may impose as a condition of a parole granted a convicted person that all or a portion of his credits earned, or to be earned, shall be forfeited in the event that such convicted

person breaks his parole or violates any law of the state, or rule or regulation of the penitentiary or the reformatory, as the case may be, or of the board of prison terms and paroles.

Such forfeiture of credit shall not be had except upon a hearing on the question of such violation and upon findings of the board that the convicted person was guilty thereof, which adjudication shall be final. At such hearing the convicted person, unless outside the walls of the penitentiary or the reformatory as an escapee and a fugitive from justice, shall be present and entitled to be heard and present evidence and witnesses in his behalf.

Hearing on forfeitures.

The written order of the board bearing the seal of that body, shall be sufficient warrant for all peace officers to take into custody any convicted person who may be on parole and retain such person in their custody until arrangements can be made by the board of prison terms and paroles for his return to the institution from which he was paroled.

Retaking of violators.

All chiefs of police, marshals of cities and towns, sheriffs of counties and all police, prison, and peace officers and constables shall execute any such order in the same manner as any ordinary criminal process.

SEC. 14. RCW 9.95.130 (formerly section 4, chapter 114, Laws of 1935, part; section 1, chapter 142, Laws of 1939, part) is enacted to read as follows:

Enacted.

RCW 9.95.130 When parole revoked prisoner deemed escapee until return to custody. From and after the suspension, cancellation, or revocation of the parole of any convicted person and until his return to custody he shall be deemed an escapee and a fugitive from justice and no part of the time during which he is an escapee and fugitive from justice shall be a part of his term.

When parole revoked prisoner deemed escapee until return to custody.

SEC. 15. RCW 9.95.140 (formerly section 4, chapter 114, Laws of 1935, part; section 1, chapter 142, Laws of 1939, part) is enacted to read as follows:

Enacted.

Record of parolees.

RCW 9.95.140 Record of parolees—Cooperation by officials and employees. The board of prison terms and paroles shall cause a complete record to be kept of every prisoner released on parole. Such records shall be organized in accordance with the most modern methods of filing and indexing so that there will be always immediately available complete information about each such prisoner. The board may make rules as to the privacy of such records and their use by others than the board and its staff.

Cooperation by officials and employees.

The superintendent of the penitentiary and the reformatory and all officers and employees thereof and all other public officials shall at all times cooperate with the board and furnish to the board, its officers, and employees such information as may be necessary to enable it to perform its functions, and such superintendents and other employees shall at all times give the members of the board, its officers, and employees free access to all prisoners confined in the penal institutions of the state.

Enacted.

SEC. 16. RCW 9.95.150 (formerly section 4, chapter 114, Laws of 1935, part; section 1, chapter 142, Laws of 1939, part) is enacted to read as follows:

Rules and regulations.

RCW 9.95.150 Rules and regulations. The board of prison terms and paroles shall make all necessary rules and regulations to carry out the provisions of this chapter not inconsistent therewith, and may provide the forms of all documents necessary therefor.

Enacted.

SEC. 17. RCW 9.95.160 (formerly section 4, chapter 114, Laws of 1935, part; section 1, chapter 142, Laws of 1939, part) is enacted to read as follows:

Governor's powers not affected.

RCW 9.95.160 Governor's powers not affected—He may revoke paroles granted by board. This chapter shall not limit or circumscribe the powers of the governor to commute the sentence of, or grant a pardon to, any convicted person, and the governor may cancel or revoke the parole granted to any convicted person by the board of prison terms and paroles. The

written order of the governor canceling or revoking such parole shall have the same force and effect and be executed in like manner as an order of the board of prison terms and paroles.

SEC. 18. RCW 9.95.190 (formerly section 4, chapter 114, Laws of 1935, part; section 1, chapter 142, Laws of 1939, part; section 2, chapter 92, Laws of 1947, part) is enacted to read as follows: Enacted.

RCW 9.95.190 Application to inmates previously committed. The provisions of RCW 9.95.010 to 9.95.180, inclusive, as enacted by chapter 114, Laws of 1935, insofar as applicable, shall apply to all convicted persons serving time in the state penitentiary or reformatory on June 12, 1935, to the end that at all times the same provisions relating to sentences, imprisonments and paroles of prisoners shall apply to all inmates thereof. Application to inmates previously committed.

Similarly the provisions of said sections, as amended by chapter 92, Laws of 1947, insofar as applicable, shall apply to all convicted persons serving time in the state penitentiary or reformatory on June 11, 1947, to the end that at all times the same provisions relating to sentences, imprisonments and paroles of prisoners shall apply to all inmates thereof.

Passed the Senate February 17, 1955.

Passed the House March 7, 1955.

Approved by the Governor March 14, 1955.

## CHAPTER 134.

[ S. B. 237. ]

## FIRE PROTECTION DISTRICTS—FINANCES.

AN ACT relating to fire protection districts; creating special funds for fire districts in the county treasurer's office; authorizing the board of fire commissioners to contract indebtedness and issue coupon warrants; limiting yearly expenses to yearly tax levy and cash balances; and amending sections 2 and 3, chapter 176, Laws of 1953 and RCW 52.16.020 and 52.16.061, and section 10, chapter 24, Laws of 1951 second extraordinary session and RCW 52.16.070.

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

Amendment. SECTION 1. Section 2, chapter 176, Laws of 1953 and RCW 52.16.020 are each amended to read as follows:

Funds. In each county in which a fire protection district is situated, there are hereby created in the county treasurer's office, for the use of each said district, the following funds: (1) expense fund; (2) coupon warrant fund; (3) contract fund; (4) reserve fund; (5) local improvement district No. .... fund; and (6) general obligation bond fund. All taxes levied for administrative, operative, and maintenance purposes and for the purchase of firefighting equipment and apparatus and for the housing thereof, when collected, and proceeds from the sale of coupon warrants shall be placed by the county treasurer in the expense fund. All taxes levied for the payment of coupon warrants and interest thereon, when collected, shall be placed by the county treasurer in the coupon warrant fund. Proceeds from the sale of general obligation bonds, and the transfer of any surplus in the expense fund, shall be placed by the county treasurer in the contract fund. The board of fire commissioners may include in its annual budget items of possible outlay to be provided for and held in reserve for any district purpose, and taxes shall be levied therefor, and all such taxes, when collected,

shall be placed by the county treasurer in the reserve fund; said reserve fund, or any part thereof, may be transferred by the county treasurer to any other funds of the district at any time upon order of the board of fire commissioners. All special taxes levied against the lands in any improvement district within the district, when collected, shall be placed by the county treasurer in the local improvement district fund for such local improvement district.

SEC. 2. Section 3, chapter 176, Laws of 1953 and RCW 52.16.061 are each amended to read as follows: Amendment.

The board of fire commissioners of the district shall have authority to contract indebtedness and to refund same for any general district purpose, including expenses of maintenance, operation and administration, and the acquisition of firefighting facilities, and evidence the same by the issuance and sale at par plus accrued interest not exceeding six percent per annum of coupon warrants of the district in such denominations, in such form and payable at such time or times not longer than six years from the issuing date of said coupon warrants; said date to be specified thereon, as the board shall determine and provide. Such coupon warrants shall be payable to bearer, shall have interest coupons attached providing for the payment of interest semiannually on the first day of January and of July following in each year: *Provided*, That at the option of district board the aggregate amount of coupon warrants may include a sum sufficient to pay the annual interest thereon for a period not exceeding one year from the issuing date of the coupon warrants and in that event such interest shall be taken from the proceeds of the sale of the coupon warrants and immediately placed in the coupon warrant fund of the district, for the payment of the interest coupons maturing during the first year of the coupon warrants. The issuance of the coupon warrants, prior to delivery Authorized indebtedness.  
  
Coupon warrants.

thereof to the purchaser, shall be recorded in the office of the county treasurer in a book kept for that purpose. Said coupon warrants when issued shall constitute general obligations of the district. All outstanding district warrants of every kind shall outlaw and become void after six years from the maturity date thereof where money shall be available in the proper fund of the district within that time for their payment.

**Amendment.**

SEC. 3. Section 10, chapter 24, Laws of 1951 second extraordinary session and RCW 52.16.070 are each amended to read as follows:

**Limitation of indebtedness.**

Except as authorized by virtue of the issuance and sale of district coupon warrants and general obligation bonds, the board of fire commissioners shall have no authority to incur expenses or other financial obligations payable in any year in excess of the aggregate amount of taxes levied for that year and the cash balances on hand in the expense, contract and reserve funds of the district on the first day of that year. In the event that there are any unpaid warrants drawn on any district fund or funds for expenses and obligations incurred outstanding at the end of any calendar year, the same may be paid from taxes collected in the subsequent year or years for the same fund or funds.

**Unpaid warrants.**

Passed the Senate February 24, 1955.

Passed the House March 7, 1955.

Approved by the Governor March 14, 1955.



## CHAPTER 135.

[ S. B. 267. ]

## PUBLIC HOSPITAL DISTRICTS—FORMATION.

AN ACT relating to public hospital districts; amending section 3, chapter 264, Laws of 1945 and RCW 70.44.020; adding a new section to chapter 70.44 RCW; and declaring an emergency.

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

SECTION 1. Section 3, chapter 264, Laws of 1945 and RCW 70.44.020 are each amended to read as follows: Amendment.

At any general election or at any special election which may be called for that purpose the board of county commissioners of a county may, or on petition of ten percent of the electors of the county based on the total vote cast in the last general county election, shall, by resolution, submit to the voters of the county the proposition of creating a public hospital district coextensive with the limits of the county. Formation of district coextensive with county.

The petition shall be filed with the county auditor, who shall within fifteen days examine the signatures thereon and certify to the sufficiency thereof, and for that purpose he shall have access to all registration books in the possession of election officers in the county. If the petition is found to be insufficient, it shall be returned to the persons filing it, who may amend or add names thereto for ten days, when it shall be returned to the auditor, who shall have an additional fifteen days to examine it and attach his certificate thereto. No person signing the petition may withdraw his name therefrom after filing. When the petition is certified as sufficient, the auditor shall forthwith transmit it, together with his certificate of sufficiency attached thereto, to the commissioners, who shall immediately transmit the proposition to the supervisor of elections or other election officer of the county, and he shall submit

the proposition to the voters at the next general election or if such petition so requests, he shall call a special election on such proposition not less than thirty nor more than ninety days from the date of said certificate. The notice of the election shall state the boundaries of the proposed district and the object of the election, and shall in other respects conform to the requirements of law governing the time and manner of holding elections. In submitting the question to the voters, the proposition shall be expressed on the ballot substantially in the following terms:

For public hospital district No. ....

Against public hospital district No. ....

New section.

SEC. 2. There is added to chapter 70.44 RCW a new section to read as follows:

Validation of previously formed districts.

Each and all of the respective areas of land heretofore attempted to be organized into public hospital districts under the provisions of this chapter are validated and declared to be duly existing hospital districts having the respective boundaries set forth in their organization proceedings as shown by the files in the office of the board of county commissioners of the county in question, and by the files of such districts.

Emergency.

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

Passed the Senate February 28, 1955.

Passed the House March 6, 1955.

Approved by the Governor March 14, 1955.

## CHAPTER 136.

[ S. B. 261. ]

## MENTAL HEALTH.

AN ACT relating to mental health; providing for establishment of psychiatric outpatient clinics in state hospitals; establishing local or community mental health committees and a mental health program; and amending chapter 43.19 RCW by adding five new sections thereto.

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

SECTION 1. Chapter 43.19 RCW is amended by adding five new sections to read as follows: New sections.

SEC. 2. The department of public institutions or its successor shall cooperate with other departments of state government and its political subdivisions in the following manner: Department of public institutions to cooperate with other departments and political subdivisions.

(1) By disseminating educational information relating to the prevention, diagnosis and treatment of mental illness, mental disorders or mental deficiency.

(2) Upon request therefor, by advising public officers, organizations and agencies interested in the mental health of the people of the state.

SEC. 3. The department of public institutions is hereby authorized to establish and maintain psychiatric outpatient clinics at such of the several state mental institutions as the director shall designate for the prevention, diagnosis and treatment of mental illnesses, deficiencies or disorders, and the services of such clinics shall be available to any citizen of the state in need thereof, when determined by a physician that such services are not otherwise available, subject to the rules of the department. Psychiatric outpatient clinics.

SEC. 4. The department and the several state hospitals for the mentally ill shall cooperate with local mental health programs by providing necessary information, recommendations relating to proper after care for patients paroled or discharged from such in- Department of public institutions to cooperate with local programs.

stitutions and shall also supply the services of psychiatrists, psychologists and other persons specialized in mental illness as they are available.

Duties of  
local agencies.

SEC. 5: The board of health in any health district created under the provisions of chapter 70.46 RCW; and in all counties not having a health district, the county board of health; and in cities of the first class, the city health department, or a combined city-county health department as provided in chapter 70.08 RCW (hereinafter called "the local health department") shall:

(1) Cooperate with the patient's physician and the several state hospitals for the mentally ill, in providing necessary after care services for patients who leave the state hospitals for the mentally ill on a parole or discharge basis. The local health department in cooperation with the local county or district medical society shall coordinate, plan and develop consultative and other necessary supporting services for such patients.

(2) Cooperate with the county or district medical society, in coordinating, planning, and developing consultative and other services with respect to persons who have emotional or mental problems or persons who appear to be in need of specialized help because of such problems: *Provided*, That the community mental health program shall cooperate with any juvenile delinquency prevention program of the division of children and youth services.

(3) Establish, in cooperation with the county or district medical society, a community mental health committee for the geographical area within the local health department jurisdiction. The committee shall be composed of available representatives from the county or district medical society, the courts, law enforcement agencies, public and private school authorities, public assistance department, the clergy, and other organized groups interested in the

field of mental health. Such committee shall meet and organize within three months after the effective date of this act, and shall hold at least two meetings each year. Such committee with the assistance of the county or district medical society and the local health department shall study the causes and incidence of emotional and mental illness and disorders in the community and may develop a local mental health program and formulate plans for prevention, discovery and treatment of such disorders consistent with the findings of the study and in conjunction with the services of the outpatient clinics of the several state hospitals whenever such services are available in the local community.

(4) In cooperation with the county or district medical society and the local mental health committee, conduct such educational and related work as will tend to encourage the development of a sound mental health program, and in so doing may have consultation and assistance from the state department of health.

SEC. 6. The local health department may employ specialized staff to assist in carrying out the local mental health program and may apply to the state department of health for financial assistance from appropriations to the department for this purpose.

Staff of local  
health  
departments.

Passed the Senate March 1, 1955.

Passed the House March 8, 1955.

Approved by the Governor March 14, 1955.

CHAPTER 137.

[ S. B. 277. ]

TAXATION—SALES AND USE TAX EXEMPTIONS.

AN ACT relating to taxation of cattle and milk cows; and amending section 2, chapter 9, Laws of 1951 first extraordinary session and RCW 82.08.030, and section 4, chapter 9, Laws of 1951 first extraordinary session and RCW 82.12.030.

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

Amendment.

SECTION 1. Section 2, chapter 9, Laws of 1951 first extraordinary session and RCW 82.08.030 are each amended to read as follows:

Retail sales tax exemptions:

The tax hereby levied shall not apply to the following sales:

Casual or isolated sales.

(1) Casual and isolated sales of property or service, unless made by a person who is engaged in a business activity taxable under chapters 82.04, 82.16, or 82.28: *Provided*, That the exemption provided by this paragraph shall not be construed as providing any exemption from the tax imposed by chapter 82.12;

Certain sales taxed under 82.16 RCW.

(2) Sales made by persons in the course of business activities with respect to which tax liability is specifically imposed under chapter 82.16, when the gross proceeds from such sales must be included in the measure of the tax imposed under said chapter;

Sale of newspapers.

(3) The distribution and newsstand sale of newspapers;

Sale where tax prohibited by constitution or federal law.

(4) Sales which the state is prohibited from taxing under the Constitution of this state or the Constitution or laws of the United States;

Sales of motor vehicle fuel.

(5) Sales of motor vehicle fuel used in aircraft by the manufacturer thereof for research, development, and testing purposes and sales of motor vehicle fuel taxable under chapter 82.36: *Provided*, That the use of any such fuel upon which a refund of the motor vehicle fuel tax has been obtained shall be subject to the tax imposed by chapter 82.12;

- (6) Sales (including transfers of title through decree of appropriation) heretofore or hereafter made of the entire operating property of a publicly or privately owned public utility, or of a complete operating integral section thereof, to the state or a political subdivision thereof for use in conducting any business defined in subdivisions (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), or (11) of RCW 82.16.010; Sale of public utility.
- (7) Auction sales made by or through auctioneers of tangible personal property (including household goods) which have been used in conducting a farm activity, when the seller thereof is a farmer and the sale is held or conducted upon a farm and not otherwise; Certain farm auction sales.
- (8) Sales to corporations which have been incorporated under any act of the congress of the United States and whose principal purposes are to furnish volunteer aid to members of armed forces of the United States and also to carry on a system of national and international relief and to apply the same in mitigating the sufferings caused by pestilence, famine, fire, floods, and other national calamities and to devise and carry on measures for preventing the same; Sales to certain relief organizations incorporated under act of congress.
- (9) Sales of purebred livestock for breeding purposes where the animals are registered in a nationally recognized breed association; sales of cattle and milk cows used on the farm. Sales of livestock.
- (10) Sales of tangible personal property (other than the type referred to in subdivision (11) hereof) for use by the purchaser in connection with the business of operating as a private or common carrier by air, rail, or water in interstate or foreign commerce: *Provided*, That any actual use of such property in this state shall, at the time of such actual use, be subject to the tax imposed by chapter 82.12; Sales of property for use by carrier in interstate or foreign commerce

(11) Sales of airplanes, locomotives, railroad cars, or water craft for use in conducting interstate or foreign commerce by transporting therein or therewith property and persons for hire or for use in conducting commercial deep sea fishing operations outside the territorial waters of the state; also sales of tangible personal property which becomes a component part of such airplanes, locomotives, railroad cars, or water craft, and of motor vehicles or trailers used by the holder of a carrier permit issued by the Interstate Commerce Commission authorizing transportation by motor vehicle across the boundaries of this state, in the course of constructing, repairing, cleaning, altering, or improving the same; also sales of or charges made for labor and services rendered in respect to such constructing, repairing, cleaning, altering, or improving;

(12) Sales of motor vehicles and trailers to be used for the purpose of transporting therein persons or property for hire in interstate or foreign commerce: *Provided*, That the purchaser must be the holder of a carrier permit issued by the Interstate Commerce Commission, and that the vehicles will first move upon the highways of this state from the point of delivery in this state to a point outside of this state under the authority of a one-transit permit issued by the director of licenses pursuant to the provisions of RCW 46.16.100;

Sales of motor vehicles and trailers to non-residents for use out of state.

(13) Sales of motor vehicles and trailers to non-residents of this state for use outside of this state, even though delivery be made within this state, but only when (a) the vehicles or trailers will be taken from the point of delivery in this state directly to a point outside this state under the authority of a one-transit permit issued by the director of licenses pursuant to the provisions of RCW 46.16.100, or (b) said motor vehicles and trailers will be registered and licensed immediately under the laws



of the state of the purchaser's residence, will not be used in this state more than three months, and will not be required to be registered and licensed under the laws of this state.

SEC. 2. Section 4, chapter 9, Laws of 1951 first Amendment. extraordinary session and RCW 82.12.030 are each amended to read as follows:

The provisions of this chapter shall not apply: Use tax ex-  
emptions:

(1) In respect to the use of any article of tangible Property of  
personal property brought into the state by a non- nonresidents.  
resident thereof for his use or enjoyment while  
temporarily within the state unless such property  
is used in conducting a nontransitory business activ-  
ity within the state; or in respect to the use by a  
nonresident of this state of a motor vehicle which  
is registered or licensed under the laws of the state  
of his residence and is not used in this state more  
than three months, and which is not required to be  
registered or licensed under the laws of this state;  
or in respect to the use of household goods, personal  
effects and private automobiles by a bona fide resi-  
dent of this state, if such articles were acquired by  
such person in another state while a bona fide resi-  
dent thereof and primarily for use outside this state  
and if such use was actual and substantial, but if an  
article was acquired less than three months prior  
to the time he entered this state, it will be presumed  
that the article was acquired for use in this state  
and that its use outside this state was not actual and  
substantial;

(2) In respect to the use of any article of tangible Property  
personal property purchased at retail or acquired already taxed.  
by lease or by gift if the sale thereof to, or the use  
thereof by, the present user or his lessor or donor  
has already been subjected to tax under chapter  
82.08 or 82.12 and such tax has been paid by the  
present user or by his lessor or donor;

Property taxable under 82.16 RCW.

(3) In respect to the use of any article of tangible personal property the sale of which is specifically taxable under chapter 82.16;

Property primarily used in interstate or foreign commerce.

(4) In respect to the use of any airplane, locomotive, railroad car, or water craft used primarily in conducting interstate or foreign commerce by transporting therein or therewith property and persons for hire or used primarily in commercial deep sea fishing operations outside the territorial waters of the state, and in respect to use of tangible personal property which becomes a component part of any such airplane, locomotive, railroad car, or water craft, and in respect to the use by the holder of a carrier permit issued by the Interstate Commerce Commission of any motor vehicle used primarily for transporting therein persons or property for hire across the boundaries of this state if the first use of which within this state is actual use in conducting interstate or foreign commerce; and in respect to the use of any motor vehicle or trailer while being operated under the authority of a one-transit permit issued by the director of licenses pursuant to RCW 46.16.100 and moving upon the highways from the point of delivery in this state to a point outside of this state; and in respect to the use of tangible personal property which becomes a component part of any motor vehicle or trailer used by the holder of a carrier permit issued by the Interstate Commerce Commission authorizing transportation by motor vehicle across the boundaries of this state;

Use where tax is prohibited by constitution or federal law.

(5) In respect to the use of any article of tangible personal property which the state is prohibited from taxing under the Constitution of the state or under the Constitution or laws of the United States;

Use of motor vehicle fuel.

(6) In respect to the use of motor vehicle fuel used in aircraft by the manufacturer thereof for research, development, and testing purposes and motor vehicle fuel taxable under chapter 82.36: *Provided*, That the

use of such fuel upon which a refund of the motor vehicle fuel tax is obtained shall not be exempt and the director of licenses shall deduct from the amount of such tax to be refunded the amount of tax due under this chapter and remit the same each month to the tax commission;

(7) In respect to the use of any article of tangible personal property included within the transfer of the title to the entire operating property of a publicly or privately owned public utility, or of a complete operating integral section thereof, by the state or a political subdivision thereof in conducting any business defined in subdivisions (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), or (11) of RCW 82.16.010; Public utilities.

(8) In respect to the use of tangible personal property (including household goods) which have been used in conducting a farm activity, if such property was purchased from a farmer at an auction sale held or conducted by an auctioneer upon a farm and not otherwise; Farm auctions.

(9) In respect to the use of tangible personal property by corporations which have been incorporated under any act of the congress of the United States and whose principal purposes are to furnish volunteer aid to members of the armed forces of the United States and also to carry on a system of national and international relief and to apply the same in mitigating the sufferings caused by pestilence, famine, fire, floods, and other national calamities and to devise and carry on measures for preventing the same; Use by certain relief organizations incorporated under act of congress.

(10) In respect to the use of purebred livestock for breeding purposes where said animals are registered in a nationally recognized breed association; and in respect to the use of cattle and milk cows used on the farm; Use of livestock.

Use of fuel by extractors or manufacturers.

(11) In respect to the use of fuel by the extractor or manufacturer thereof when used directly in the operation of the particular extractive operation or manufacturing plant which produced or manufactured the same;

Use of high school driver training vehicles.

(12) In respect to the use of motor vehicles, equipped with dual controls, which are loaned to school districts and used by such districts exclusively in connection with their high school driver training program.

Passed the Senate March 9, 1955.

Passed the House March 7, 1955.

Approved by the Governor March 14, 1955.

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CHAPTER 138.

[ S. B. 424. ]

HOTELS AND TRAILER CAMPS—GUEST RECORDS.

AN ACT relating to business regulations; and amending section 2, chapter 190, Laws of 1915 and RCW 19.48.020.

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

Amendment.

SECTION 1. Section 2, chapter 190, Laws of 1915 and RCW 19.48.020 are each amended to read as follows:

Record of arrival and departure of guests.

Every hotel and trailer camp shall keep a record of the arrival and departure of its guests in such a manner that the record will be a permanent one for at least one year from the date of departure.

Passed the Senate March 4, 1955.

Passed the House March 8, 1955.

Approved by the Governor March 14, 1955.

## CHAPTER 139.

[ S. B. 425. ]

## TAXATION—HOUSE TRAILERS.

AN ACT relating to revenue and taxation; imposing an excise tax on certain house trailers; providing for payment, enforcement and penalties; amending section 1, chapter 15, Laws of 1950 extraordinary session and RCW 46.16.080, 46.16.100 and 46.16.110, and section 6, chapter 144, Laws of 1953 and RCW 82.44.060; and repealing section 5, chapter 252, Laws of 1953 and RCW 46.16.245.

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

SECTION 1. For the purposes of this act unless the context otherwise requires: Definitions:

“House trailer” means all trailers of the type designed to be used upon the public streets and highways which are capable of being used as facilities for human habitation, except those trailers licensed to operate on the public streets and highways and taxed as motor vehicles under RCW 82.44.020, and those trailers eligible to be used under a set of dealer’s license plates and taxed under RCW 82.44.030 while so eligible; “House trailer.”

“Commission” means the tax commission of the state. “Commission.”

SEC. 2. An annual excise tax is imposed on the owner of any house trailer for the privilege of using such house trailer in this state. The tax shall be collected for each calendar year by the county auditor of the county in which the house trailer is located and shall be due on and after January 1st or on the date the house trailer is first purchased or brought into this state, and paid on or before February 15th of each calendar year or on the date the house trailer is first purchased or brought into this state. No additional tax shall be imposed under this act upon any house trailer upon the transfer of ownership thereof, if the tax imposed by this act Levy.

with respect to such house trailer has already been paid for the calendar year or fractional part thereof in which such transfer occurs.

Rate and  
measure.

SEC. 3. The rate and measure of tax imposed by this chapter for each year shall be one and one-half percent of the fair market value of the house trailer, as determined in the manner provided in this chapter: *Provided*, That upon house trailers upon which a tax is due for the first time in this state after March 31st and before July 1st of any year, the excise tax for such year shall be reduced by one-fourth thereof; that upon house trailers upon which the tax hereunder is due for the first time after June 30th and before October 1st of any year, the excise tax shall be reduced by one-half thereof; and that upon house trailers upon which the tax hereunder is due for the first time after September 30th of any year, the excise tax shall be reduced by three-fourths thereof: *Provided further*, That the minimum amount of tax payable shall be five dollars.

SEC. 4. The classification and schedule prepared under RCW 82.44.040 for trailers used as facilities for human habitation shall be the schedule used by the county auditors for determining the amount of tax due hereunder.

SEC. 5. The tax hereunder for any house trailer not classified as provided in RCW 82.44.040 shall be determined as provided in RCW 82.44.050 for trailers used as facilities for human habitation.

Tax to be  
additional.

SEC. 6. Except as provided herein, the tax imposed by this chapter is in addition to all other licenses and taxes otherwise imposed.

Receipt.

SEC. 7. The county auditor upon payment of the tax hereunder shall issue a receipt which shall include the name of the taxpayer, a description of the house trailer, including the serial number thereof, the date of payment and the amount of tax paid, the

next prior vehicle license registration number, if any has been issued for the house trailer, and any title number assigned to such house trailer by the department of licenses of the state; and a stamp, printed by the department of licenses in such form as it deems proper and furnished by the department to the various county auditors of the state, which shall be affixed to the trailer so that it can be seen from the outside of the rear area thereof at all times during the calendar year, and for which the county auditor shall receive a fee of fifty cents. The county auditor shall keep a record of the excise taxes paid hereunder during the calendar year under the name of owners of house trailers, listed alphabetically.

Stamps.

Record of county auditor.

SEC. 8. Upon the loss, defacement or destruction of the stamp issued under this act for any house trailer, or where it has become so illegible or in such a condition as to be difficult to distinguish, the owner of the house trailer shall make application for a new stamp with the county auditor who originally issued the stamp, upon a form prescribed by the department of licenses and furnished to the various county auditors of the state, upon which the owner in addition to other requirements, shall make a complete statement as to the cause of loss, defacement or destruction of the original stamp, which statement shall be subscribed and sworn to before a notary public or other person authorized to certify statements made under oath. Such application shall be filed with the county auditor who issued the original stamp, accompanied by a fee in the amount of fifty cents, who, upon verifying that the excise tax has been paid on the house trailer for which the stamp was issued, shall issue a new stamp.

Replacement of stamps.

SEC. 9. It shall be unlawful for the county auditor or any person to issue a stamp hereunder to any person without collecting the amount of the excise tax due thereon under the provisions of this chapter

Unlawful issuance of stamps.

and any violation of this section shall constitute a gross misdemeanor.

Enforcement  
by sheriffs.

SEC. 10. It shall be the duty of the sheriffs of the various counties to enforce the payment of the excise tax hereunder. Each sheriff shall make a search in his respective county or counties at least quarterly during each calendar year for house trailers located in the county not displaying a proper license or permit evidencing payment of the tax due hereunder, or under RCW 82.44.020 and 82.44.030.

Penalty for  
late payment.

SEC. 11. If any excise tax due hereunder is not paid within thirty days of the date such tax is due and payable, the county auditor shall collect in addition to the sum herein, a penalty of three dollars and, in addition, the unpaid tax shall bear interest at the rate of six percent per annum from the time such tax is due and payable.

Lien.

The tax hereunder shall be a specific lien on the house trailer from and after the date it first becomes due hereunder and shall include all charges authorized by this chapter, which lien shall have priority to and be fully paid and satisfied before any recognizance, mortgage, judgment, debt, obligation or responsibility to or with which the house trailer may become charged or liable, and no sale or transfer of any house trailer shall in any way affect the lien for such excise tax upon the house trailer.

Unlawful re-  
moval of  
trailer.

SEC. 12. It shall be unlawful for any owner or other person to remove a house trailer from the real property on which it is situated after the tax hereunder shall become due and payable without payment of the excise tax hereunder or under RCW 82.44.020, and any violation of this section shall constitute a misdemeanor, upon conviction of which there shall be imposed a fine of not more than fifty dollars.



SEC. 13. If the tax hereunder is not paid within sixty days of the date such tax is due and payable on any house trailer, the sheriff shall personally serve the owner in the manner provided for service of summons in civil actions, or post thereon in a conspicuous place, a notice of delinquency which shall contain a description of the house trailer, the amount of excise tax due, together with accrued interest, the penalty, and the sheriff's fee for service or posting of the notice, which shall be the same as for the service of summons in a civil action, with fees for mileage based on the number of miles from the county seat of the county to the location of the house trailer, and the name of the owner or reputed owner, if such is known. Thereafter, the sheriff may without further demand or notice, distraint the house trailer for the payment of tax, together with the penalty and accrued interest, and the costs and fees.

Delinquent  
taxes; distraint  
proceedings.

If he shall determine that it is reasonably impracticable to take manual possession of the house trailer, it shall be deemed to have been distrained and taken into possession when the sheriff posts thereon in a conspicuous place, a notice in writing reciting that he has distrained such house trailer, describing it and giving the name of the owner or reputed owner, if such is known, the amount of the tax due, together with the penalty, accrued interest, costs and fees, and the time when and the place where the sale, as hereinafter provided, shall be made.

SEC. 14. If the tax is not paid forthwith after distraint, the sheriff shall advertise the sale of the house trailer by posting written notices in three public places in the county in which the house trailer is located, one of which shall be at the county courthouse of such county, and by posting a written notice on the house trailer in a conspicuous place, if he has not taken manual possession of it. Such notices shall

Sale.

state the time when and the place where the house trailer will be sold. He shall tax the same fees for making the distraint and sale of the house trailer for the payment of taxes as are allowed him by law for making levy and sale of property on execution, traveling fees to be computed from the county seat of the county to the place of making distraint. If the taxes for which the house trailer is distrained, together with the penalty, accrued interest, and costs and fees accruing thereon, are not paid before the date appointed for such sale, which shall be not less than ten days after the distraint and taking of such house trailer and posting of the notices, the sheriff shall proceed to sell the house trailer at public auction. After deducting the costs and fees, he shall pay to the county auditor the amount to pay the taxes, the penalty and accrued interest to the date of sale, if there is sufficient to do so, and, if there is any overplus of money arising from the sale, he shall pay such overplus to the owner of the house trailer so sold or to his legal representative, who shall be deemed to be the county treasurer in the event the owner or other legal representative cannot be determined or found.

D distraint and  
s sale to prevent  
r removal of  
t trailer.

SEC. 15. Whenever in the judgment of the sheriff the house trailer is being removed or is about to be removed from the property on which it is located without payment of the excise tax hereunder after it becomes due, he shall immediately prepare papers in distraint which shall contain a description of the house trailer being or about to be removed, the amount of the tax, together with accrued interest at the rate provided herein, any penalty, and the costs and fees, and the name of the owner or reputed owner. He shall without demand or notice, distraint the house trailer in the manner herein provided to pay the tax with accrued interest, costs, fees and

any penalty, and advertise and sell the house trailer in the manner provided in section 13 of this act.

SEC. 16. The county auditor shall regularly, when remitting motor vehicle excise taxes, pay to the state treasurer the excise taxes collected under this chapter, which shall be credited by the state treasurer to the motor vehicle excise fund. Remitting of  
tax to state  
treasurer.

SEC. 17. In case a claim is made by any person that he has erroneously paid the tax or a part thereof or any charge hereunder, he may apply in writing to the commission for a refund of the amount of the claimed erroneous payment within ninety days of the time of payment of the tax on such a form as is prescribed by the commission. The commission shall review such application for refund, and, if it determines that an erroneous payment has been made by the taxpayer, it shall certify the amount to be refunded to the state treasurer that such person is entitled to a refund in such amount, and the treasurer shall make such approved refund herein provided for from the motor vehicle excise fund and shall mail or deliver the same to the person entitled thereto. Refunds.

Any person making any false statement in the affidavit herein mentioned, under which he obtains any amount of refund to which he is not entitled under the provisions of this section, shall be guilty of a gross misdemeanor.

SEC. 18. This chapter shall not apply to a house trailer owned by or used exclusively in the service of any government or political subdivision thereof; a house trailer owned by a nonresident and taxed for the calendar year and licensed in another state: *Provided*, That if any such house trailer owned by a nonresident and taxed for the calendar year shall remain in this state for a period of ninety days or Exempt  
trailers.

longer during the calendar year, it shall not be exempt under this section.

First tax collection.

Trailers not subject to ad valorem taxation.

SEC. 19. The first tax to be collected under this chapter shall be for the last half of the calendar year 1955. No house trailer with respect to which the excise tax imposed by this chapter is payable shall be listed and assessed for ad valorem taxation in the year 1955 or any succeeding year, so long as this chapter remains in effect, and any such assessment heretofore made in 1955 is directed to be cancelled: *Provided*, That for any house trailer upon which an assessment for ad valorem tax was not made in the year 1954 and paid in 1955, and any house trailer purchased or brought into the state in 1955, the tax hereunder shall be paid for the last half of the year 1955.

Severability.

SEC. 20. If any section, sentence, clause or phrase of this act should be held to be invalid or unconstitutional, the invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this act.

Division and amendment.

SEC. 21. Section 1, chapter 15, Laws of 1950 extraordinary session (heretofore codified as RCW 46.16.080, 46.16.100 and 46.16.110) are divided and amended to read as set forth in sections 22 through 24 of this act.

Enacted without amendment.

SEC. 22. In lieu of the additional fee provided in RCW 46.16.070 or 46.16.072 there shall be collected a fee of five dollars on any motor truck, truck tractor, trailer or semitrailer used only for the purpose of transporting any well drilling machine, air compressor, rock crusher, conveyor, hoist, wrecker, donkey engine, cook house, tool house, bunk house, or similar machine or structure attached to or made a part of such motor truck, trailer or semitrailer.

SEC. 23. When any vehicle subject to license is to be moved upon the public highways of this state from one point to another, the director may issue a special permit therefor upon an application presented to him in such form as shall be approved by the director and upon payment therefor of a fee of five dollars. Such permit shall be for the transit of the vehicle only, and the vehicle shall not at the time of such transit be used for the transportation of any persons or property whatsoever for compensation or otherwise, and shall be for one transit only between the points of origin and destination as set forth in the application: *Provided*, (1) That when such vehicle is to be moved from one point in this state to another and when the owner of such vehicle desires to carry a load of passengers or commodities, or both, he may obtain a one-transit permit upon the payment to the director of a fee of ten dollars, and (2) for each vehicle used exclusively in the transportation of circus, carnival, and show equipment and in the transportation of supplies used in conjunction therewith, there shall be charged in addition to other fees provided for the licensing of vehicles, an annual capacity fee in the amount of ten dollars: *Provided further*, That no special permit or one-transit permit shall be issued for movement of a house trailer as defined in this 1955 act unless the applicant therefor has a stamp issued thereunder.

Special permit  
and fee for  
single move-  
ment of  
vehicle.

House  
trailers.

SEC. 24. The maximum gross weight in case of any motor truck, truck tractor, trailer or semitrailer shall be the scale weight of such motor truck, truck tractor, trailer or semitrailer unladen, to which shall be added the maximum load to be carried thereon, as set by the licensee in his application or otherwise.

Enacted  
without  
amendment.

SEC. 25. Section 6, chapter 144, Laws of 1943 and RCW 82.44.060 are each amended to read as follows:

Amendment.

The excise tax hereby imposed shall be due and payable to the county auditor at the time of registra-

Motor vehicle  
excise tax;  
payment.

tion of a motor vehicle. Whenever an application is made to the auditor for a license for a motor vehicle he shall collect, in addition to the amount of the license fee, the amount of the excise tax imposed by this chapter, and no dealer's license or license plates, and no license or license plates for a motor vehicle shall be issued unless such tax is paid in full. The excise tax hereby imposed shall be collected for each calendar year: *Provided*, That upon motor vehicles licensed for the first time in this state after March 31st of any year the excise tax for such year shall be reduced by one-fourth thereof, upon vehicles licensed for the first time in this state after June 30th of any year the excise tax shall be reduced by one-half thereof and upon vehicles licensed for the first time in this state after September 30th of any year the excise tax shall be reduced by three-fourths thereof: *Provided further*, That the tax shall in no case be less than one dollar.

Minimum.

Taxable only  
once each year.

No additional tax shall be imposed under this chapter upon any vehicle upon the transfer of ownership thereof if the tax imposed with respect to such vehicle has already been paid for the year or fraction of a year in which transfer of ownership occurs.

House trailers.

No additional tax shall be imposed under this chapter upon any house trailer, if the tax imposed with respect to such house trailer has already been paid for the calendar year or fractional part thereof under sections 3 and 7 of this 1955 act, and the receipt issued pursuant to the 1955 act shall be prima facie evidence of the payment of such tax.

Repeal.

SEC. 26. Section 5, chapter 252, Laws of 1953 and RCW 46.16.245 are each repealed.

Passed the Senate March 5, 1955.

Passed the House March 8, 1955.

Approved by the Governor March 14, 1955.

CHAPTER 140.

[ H. B. 74. ]

STATE OFFICERS AND EMPLOYEES—VACATIONS.

AN Act relating to vacation leave of subordinate officers and employees of the state government; amending section 133, chapter 7, Laws of 1921 and RCW 43.01.040; and adding four new sections to chapter 43.01 RCW.

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

SECTION 1. Section 133, chapter 7, Laws of 1921 and RCW 43.01.040 are each amended to read as follows:

Amendment.

Each subordinate officer and employee of the several offices, departments, and institutions of the state government shall be entitled under their contract of employment with the state government to not less than one working day of vacation leave with full pay for each month of employment if said employment is continuous for six months.

Number of days each year.

Each such subordinate officer and employee shall be entitled under such contract of employment to not less than one additional working day of vacation with full pay each year for satisfactorily completing the first two, three and five continuous years of employment respectively.

Extra days for continuous service.

Such part time officers or employees of the state government who are employed on a regular schedule of duration of not less than one year shall be entitled under their contract of employment to that fractional part of the vacation leave that the total number of hours of such employment bears to the total number of hours of full time employment.

Part time officers and employees.

Each subordinate officer and employee of the several offices, departments and institutions of the state government shall be entitled under his contract of employment with the state government to accrue unused vacation leave not to exceed twenty-five working days. Officers and employees transferring within the several offices, departments and institu-

Accrual of vacation leave.

tions of the state government shall be entitled to transfer such accrued vacation leave to each succeeding state office, department or institution. All vacation leave shall be taken at the time convenient to the employing office, department or institution.

New section.

SEC. 2. A new section is added to chapter 43.01 RCW to read as follows:

Payment in lieu of vacation time.

Officers and employees referred to in section 1 of this act whose employment is terminated by their death; reduction in force; resignation; dismissal; or by retirement and who have accrued vacation leave as specified in section 1, shall be paid therefor under their contract of employment, or their estate if they are deceased, or if the employee in case of voluntary resignation has provided adequate notice of termination.

New section.

SEC. 3. A new section is added to chapter 43.01 RCW to read as follows:

State institutions of higher learning.

State institutions of higher learning may prescribe such rules and regulations as they may determine governing vacation leave for academic and professional personnel.

New section.

SEC. 4. A new section is added to chapter 43.01 RCW to read as follows:

Supplemental rules and regulations.

The several offices, departments and institutions of the state government may prescribe supplemental rules and regulations that are not inconsistent with the provisions of this act with respect to vacation leave of subordinate officers and employees thereof.

Severability.

SEC. 5. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Passed the House March 3, 1955.

Passed the Senate March 2, 1955.

Approved by the Governor March 15, 1955.



CHAPTER 141.

[ H. B. 79. ]

INHERITANCE RIGHTS OF SLAYERS.

AN ACT relating to property rights, community property survivorship agreement benefits, and insurance policy benefits arising out of or as a result of the death of a person slain; protecting the rights of parties, purchasers and insurers dealing with slayers without notice of the slaying; and declaring an emergency.

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

SECTION 1. As used in this act:

Definitions:

(1) "Slayer" shall mean any person who participates, either as a principal or as an accessory before the fact, in the wilful and unlawful killing of any other person.

"Slayer."

(2) "Decedent" shall mean any person whose life is so taken.

"Decedent."

(3) "Property" shall include any real and personal property and any right or interest therein.

"Property."

SEC. 2. No slayer shall in any way acquire any property or receive any benefit as the result of the death of the decedent, but such property shall pass as provided in the sections following.

Slayer not to benefit from death of victim.

SEC. 3. The slayer shall be deemed to have predeceased the decedent as to property which would have passed from the decedent or his estate to the slayer under the statutes of descent and distribution or have been acquired by statutory right as surviving spouse or under any agreement made with the decedent under the provisions of RCW 26.16.120 as it now exists or is hereafter amended.

Slayer deemed to have predeceased victim.

SEC. 4. Property which would have passed to or for the benefit of the slayer by devise or legacy from the decedent shall be distributed as if he had predeceased the decedent.

SEC. 5. (1) One-half of any property held by the slayer and the decedent as joint tenants, joint owners

Property held jointly.

or joint obligees shall pass upon the death of the decedent to his estate, and the other half shall pass to his estate upon the death of the slayer, unless the slayer obtains a separation or severance of the property or a decree granting partition.

(2) As to property held jointly by three or more persons, including the slayer and the decedent, any enrichment which would have accrued to the slayer as a result of the death of the decedent shall pass to the estate of the decedent. If the slayer becomes the final survivor, one-half of the property shall immediately pass to the estate of the decedent and the other half shall pass to his estate upon the death of the slayer, unless the slayer obtains a separation or severance of the property or a decree granting partition.

(3) The provisions of this section shall not affect any enforceable agreement between the parties or any trust arising because a greater proportion of the property has been contributed by one party than by the other.

Reversions and vested remainders.

SEC. 6. Property in which the slayer holds a reversion or vested remainder and would have obtained the right of present possession upon the death of the decedent shall pass to the estate of the decedent during the period of the life expectancy of decedent; if he held the particular estate or if the particular estate is held by a third person it shall remain in his hands for such period.

Property subject to conditions of survival or age of victim.

SEC. 7. Any interest in property whether vested or not, held by the slayer, subject to be divested, diminished in any way or extinguished, if the decedent survives him or lives to a certain age, shall be held by the slayer during his lifetime or until the decedent would have reached such age, but shall then pass as if the decedent had died immediately thereafter.

SEC. 8. As to any contingent remainder or executory or other future interest held by the slayer, subject to become vested in him or increased in any way for him upon the condition of the death of the decedent:

Contingent remainders, executory, or other future interests.

(1) If the interest would not have become vested or increased if he had predeceased the decedent, he shall be deemed to have so predeceased the decedent;

(2) In any case the interest shall not be vested or increased during the period of the life expectancy of the decedent.

SEC. 9. (1) Property appointed by the will of the decedent to or for the benefit of the slayer shall be distributed as if the slayer had predeceased the decedent.

Property appointed by will.

(2) Property held either presently or in remainder by the slayer, subject to be divested by the exercise by the decedent of a power of revocation or a general power of appointment shall pass to the estate of the decedent, and property so held by the slayer, subject to be divested by the exercise by the decedent of a power of appointment to a particular person or persons or to a class of persons, shall pass to such person or persons, or in equal shares to the members of such class of persons, exclusive of the slayer.

Property subject to power of revocation or appointment.

SEC. 10. (1) Insurance proceeds payable to the slayer as the beneficiary or assignee of any policy or certificate of insurance on the life of the decedent, or as the survivor of a joint life policy, shall be paid instead to the estate of the decedent, unless the policy or certificate designate some person other than the slayer or his estate as secondary beneficiary to him and in which case such proceeds shall be paid to such secondary beneficiary in accordance with the applicable terms of the policy.

Insurance.

(2) If the decedent is beneficiary or assignee of any policy or certificate of insurance on the life of the slayer, the proceeds shall be paid to the estate of the decedent upon the death of the slayer, unless the policy names some person other than the slayer or his estate as secondary beneficiary, or unless the slayer by naming a new beneficiary or assigning the policy performs an act which would have deprived the decedent of his interest in the policy if he had been living.

SEC. 11. Any insurance company making payment according to the terms of its policy or any bank or other person performing an obligation for the slayer as one of several joint obligees shall not be subjected to additional liability by the terms of this act if such payment or performance is made without written notice, at its home office or at an individual's home or business address, of the killing by a slayer.

Transactions of slayer with persons not having notice of slaying.

SEC. 12. The provisions of this act shall not affect the rights of any person who, before the interests of the slayer have been adjudicated, purchases, or has agreed to purchase, from the slayer for value and without notice property which the slayer would have acquired except for the terms of this act, but all proceeds received by the slayer from such sale shall be held by him in trust for the persons entitled to the property under the provisions of this act, and the slayer shall also be liable both for any portion of such proceeds which he may have dissipated and for any difference between the actual value of the property and the amount of such proceeds.

Evidence of slaying.

SEC. 13. The record of his conviction of having participated in the wilful and unlawful killing of the decedent shall be admissible in evidence against a claimant of property in any civil action arising under this act.

SEC. 14. This act shall not be considered penal in nature, but shall be construed broadly in order to effect the policy of this state that no person shall be allowed to profit by his own wrong, wherever committed. Act not penal.

SEC. 15. If any provisions of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable. Severability.

SEC. 16. This act is necessary for the immediate preservation of the public peace, health or safety, support of the state government and its existing public institutions and shall take effect immediately. Emergency.

Passed the House March 3, 1955.

Passed the Senate March 2, 1955.

Approved by the Governor March 15, 1955.

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## CHAPTER 142.

[ H. B. 84. ]

## FOREST PROTECTION.

AN ACT relating to forest protection, and amending section 1, chapter 223, Laws of 1927 as last amended by section 1, chapter 207, Laws of 1929 and RCW 76.04.170; amending section 11, chapter 125, Laws of 1911 as last amended by section 4, chapter 43, Laws of 1925 extraordinary session and RCW 76.04.210; amending sections 2, 3, 4, 5 and 6 of chapter 13, Laws of 1951 and RCW sections 76.04.223, 76.04.224, 76.04.225, 76.04.226 and 76.04.227; amending section 2, chapter 223, Laws of 1927, as last amended by section 3, chapter 58, Laws of 1951 and RCW 76.04.230; amending section 14, chapter 125, Laws of 1911 as amended by section 6, chapter 184, Laws of 1923, section 1, chapter 152, Laws of 1937, section 1, chapter 63, Laws of 1941, sections 4, 5 and 6, chapter 58, Laws of 1951, sections 4, 6 and 7, chapter 24, Laws of 1953 and RCW sections 76.04.250, 76.04.260 and 76.04.270; amending section 17, chapter 125, Laws of 1911 as last amended by section 7, chapter 58, Laws of 1951 and RCW 76.04.320; amending section 2, chapter 105, Laws of 1917 as last amended by section 8, chapter 58, Laws of 1951 and RCW 76.04.360; and prescribing penalties.

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

Amendment.

SECTION 1. Section 1, chapter 223, Laws of 1927 as last amended by section 1, chapter 207, Laws of 1929 and RCW 76.04.170 are each amended to read as follows:

Permit for  
burning waste  
forest material.

Anyone desiring to dispose of the refuse or waste forest material on forest lands, by burning during the period beginning the fifteenth day of March, and ending on the fifteenth day of October in each year in western Washington, or between the fifteenth day of April and the fifteenth day of October in eastern Washington, unless different dates for such beginning and ending are fixed by order of the supervisor of forestry after a finding that such different dates are necessary for the protection of life and property, may make application to the supervisor, or to any warden or ranger, for a permit so to do. The ap-

plication shall state the location and extent of the area sought to be burned over, and by whom the burning is to be done. Upon receipt of an application the supervisor may inspect, or cause to be inspected the area described in the application and if satisfied that all requirements relating to fire fighting equipment, the work to be done or precautions to be taken before commencing such burning, have been complied with and that no unreasonable danger will result, shall issue a permit. The supervisor, warden, or ranger may impose reasonable conditions in such permits for the protection of life and property. A permit shall be effective only under the conditions and for the period stated therein. Compliance with the terms of the permit shall create a presumption of due care with respect to the starting and control of such fire.

SEC. 2. Section 11, chapter 125, Laws of 1911 as last amended by section 4, chapter 43, Laws of 1925 extraordinary session and RCW 76.04.210 are each amended to read as follows: Amendment.

Any person who wilfully or needlessly defaces or removes any warning notice posted under the requirements of this chapter shall upon conviction be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars for each offense, or by imprisonment in the county jail not exceeding thirty days. Penalties; defacing or removing warning notices.

Any person who upon any land sets any fire, except at the proper places on camping grounds which have been prepared and designated as such by the supervisor or which have been approved by the supervisor, which fire shall spread and damage or destroy property of any kind not his own, or who starts any fire, except in a stove, upon any designated camp ground and, upon leaving the ground, fails to extinguish the fire, shall upon conviction be punished by a fine of not less than twenty-five dollars nor Fire violations.

more than five hundred dollars. If the fire is set or left with intent to destroy property not his own, he shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars or imprisonment in the county jail for not less than one month nor more than one year, or by both such fine and imprisonment.

During the period beginning the fifteenth day of March, and ending on the fifteenth day of October in each year in western Washington, or between the fifteenth day of April and the fifteenth day of October in eastern Washington, unless different dates for such beginning and ending are fixed by order of the supervisor of forestry after a finding that such different dates are necessary for the protection of life and property, any person who without a written permit kindles a fire, in or dangerously near any forest material, except at the proper places on camping grounds as described above, or who is a party to kindling such fire, or who by throwing away any lighted cigar, cigarette, matches, or by use of firearms, or in any other manner starts a fire in forest materials, and who fails immediately to extinguish it, shall upon conviction, be fined not less than twenty-five dollars nor more than one hundred dollars, or be imprisoned in the county jail not exceeding two months. Nothing in this section shall absolve any person from liability on account of negligence.

Approved  
camp  
grounds.

The supervisor shall designate and prepare or approve such camping grounds as he may determine for the purpose of carrying out the provisions of this section.

Amendment.

SEC. 3. Section 2, chapter 13, Laws of 1951 and RCW 76.04.223 are each amended to read as follows:

Snag removal  
west of  
Cascades.

On forest lands west of the summit of the Cascade mountains, all snags or standing dead trees over twenty-five feet in height and sixteen inches and over in diameter breast high, shall be felled cur-



rently with the felling of live timber or with the current logging operation: *Provided*, That where the majority of the timber has been killed prior to logging, the operator, timber owner and/or landowner will not be required to fell more non-merchantable snags than the average number of non-merchantable snags per acre in green timber in the stands of the county. The average number of non-merchantable snags per acre in green timber will be determined for the various counties of the state by the supervisor of forestry with the approval of the state forest board.

SEC. 4. Section 3, chapter 13, Laws of 1951 and RCW 76.04.224 are each amended to read as follows: Amendment.

On areas where only part of the live merchantable timber is cut and removed, the number of non-merchantable snags to be felled shall be in the same proportion to the number of non-merchantable snags in the stand, as the volume, Scribner scale, of green trees cut over twelve inches diameter breast high is to the total volume, Scribner scale, of green trees over twelve inches diameter breast high in the stand. Number of snags required to be removed.

SEC. 5. Section 4, chapter 13, Laws of 1951 and RCW 76.04.225 are each amended to read as follows: Amendment.

In stands wherever the operator, timber owner and/or landowner is not required to fall all the snags on the area, as provided in RCW 76.04.222 to 76.04.227, the supervisor will designate which snags shall be felled in an effort to remove the snags in patterns to establish snag-free fire breaks. Pattern of snag removal.

SEC. 6. Section 5, chapter 13, Laws of 1951 and RCW 76.04.226 are each amended to read as follows: Amendment.

If an operator, timber owner and/or landowner shall fail to comply with the provisions of RCW 76.04.222 to 76.04.227 he shall be charged with violation of such sections, and the supervisor may subsequently have the snags felled and the cost thereof Penalty and lien for failure to remove snags.

may be recovered by a lien against any property of the violators, which lien may be enforced in the same manner and with the same effect as a mechanic's lien.

Amendment.

SEC. 7. Section 6, chapter 13, Laws of 1951 and RCW 76.04.227 are each amended to read as follows:

Snag removal violation is misdemeanor.

Any person violating the provisions of RCW 76.04.222 to 76.04.227 shall be guilty of a misdemeanor, and upon conviction be fined not less than twenty-five dollars nor more than two hundred and fifty dollars and/or be imprisoned in the county jail not exceeding thirty days.

Amendment.

SEC. 8. Section 2, chapter 223, Laws of 1927 as last amended by section 3, chapter 58, Laws of 1951 and RCW 76.04.230 are each amended to read as follows:

Certificates of clearance; application.

When any fire hazard exists or has been created by any logging or clearing operations, and whether the supervisor has declared the same to be a fire hazard or not, and whether or not an effort has been made to remove or abate such fire hazard, an application may be made to the supervisor for a certificate of clearance.

Supervisor to inspect.

As soon as practicable after the receipt of such written request the supervisor shall cause the area to be carefully inspected and if it is found that the unused material and debris has been properly disposed of or the fire hazard abated through deterioration or utilization, the supervisor shall issue a certificate of clearance in duplicate, one copy to be delivered to the applicant and one copy to be retained in the records of his office. Each such certificate of clearance shall describe with reasonable accuracy the slashing, chopping or other area on which the unused material or other debris or fire hazard has been satisfactorily disposed of or the fire hazard abated through deterioration or utilization, by subdivision, section, township, and range, shall

Issuance of certificate.

give the approximate acreage of the area to which the certificate applies, shall name the person who created such slashing, chopping, unused material, or fire hazard, if known, and name the person by whom the disposal or abatement was done, shall give the date on which the area was inspected and the name of the person making the inspection, and shall certify that in the opinion of the inspector such unused forest material or debris has been properly disposed of or through deterioration or utilization the fire hazard abated. Such certificate of clearance shall be issued for any fraction or part of the area inspected when the inspector finds that only such fraction or part meets the requirements of satisfactory and legal disposition of such unused material or debris and of the abatement of such fire hazard.

Whenever the supervisor determines that the burning of any area will result in the destruction of second growth or will be detrimental to the growth of a new forest crop, such that the harm will be greater than the benefit derived, or that burning such area will create a greater fire hazard than already exists, he shall issue a certificate of clearance therefor: *Provided*, That the owner and/or operator will still be responsible for the costs of fire fighting made necessary by said fire hazard and the supervisor will have the right to require extra protection to be given the area by the owner and/or operator if the hazard warrants it: *Provided further*, That should the owner and/or operator elect not to continue to be responsible for fire fighting costs, he may in lieu thereof request the supervisor to be relieved of this responsibility and if the supervisor finds it reasonably possible for the division of forestry, or some other organized protection agency approved by the supervisor, to assume this responsibility and that it can be assumed at a cost per acre not exceeding the average cost per acre for protecting lands of similar

If burning  
would be  
detrimental.

Liability for  
fire fighting.

type from fire as determined by the supervisor of forestry, and if the owner and/or operator pays to the supervisor of forestry or other protection agency a sum equal to the annual cost multiplied by the estimated number of years necessary for the slash to deteriorate, then upon receiving this amount, the supervisor of forestry shall issue a certificate of clearance certifying that the operator and/or owner of the land is relieved of fire fighting costs that may accrue as a result of the unabated slashings, providing that no negligent act of the operator and/or landowner shall cause a fire to start on land for which such certificate has been issued. All money paid to the supervisor of forestry pursuant to this section shall be deposited in a special permanent revolving fund to be maintained by the supervisor outside the state treasury and designated the "certificate of clearance fund". The supervisor of forestry shall utilize said moneys for discharging the obligations assumed by the state under this section.

Certificate of clearance fund.

Certificates are conclusive evidence.

All certificates of clearance shall be conclusive evidence of the satisfactory and legal disposition and abatement of the unused material and debris and the fire hazard created thereby to the extent in such certificate set forth; but any such certificate may be canceled or set aside, upon due notice served in writing by the supervisor for fraud or collusion in the procuring or issuance thereof, or in the event of noncompliance with any provision or condition therein.

Cancellation of certificates.

Division and amendment.

SEC. 9. Section 14, chapter 125, Laws of 1911 as amended by section 6, chapter 184, Laws of 1923, section 1, chapter 152, Laws of 1937, section 1, chapter 63, Laws of 1941, sections 4, 5, and 6, chapter 58, Laws of 1951, sections 4, 6, and 7, chapter 24, Laws of 1953; (heretofore divided and codified as RCW 76.04.250, 76.04.260 and 76.04.270) is divided and

amended as set forth in sections 10, 11 and 12 of this act.

SEC. 10. (RCW 76.04.250) It shall be unlawful for anyone to operate within one-eighth mile of any forest land during the period April fifteenth to October fifteenth inclusive, which period shall be designated as the closed season unless the designated season is extended by the supervisor due to dangerous fire conditions:

Closed season operation:

(1) Any woods operation or mill using spark emitting or electric engines unless provided with the following fire tools, or the serviceable equivalent thereof, at each landing and/or yarding tree or mill:

Spark emitting or electric engines:

(a) For operations employing more than five men:

Five men or more.

To be kept in a sealed tool box: Three double bitted axes having heads weighing not less than three pounds and not less than thirty-two inch handles, six long handle round point shovels or "D" handle round point shovels and six adze eye forestry fire fighting hoes;

Equipment required.

To be kept adjacent to the tool box: Two bucking saws with handles unless power chain saw in working condition is kept on landing during the period of actual operation and until the end of the watchman service as required by RCW 76.04.320, and one five-gallon back pack pump can filled with water and one hundred gallons of water;

(b) For operations employing five men or less:

Five men or less. Equipment required.

To be kept in a sealed tool box: Two double bitted axes having heads weighing not less than three pounds and not less than thirty-two inch handles, three long handle round point shovels or "D" handle round point shovels, and three adze eye forestry fire fighting hoes;

To be kept adjacent to the tool box: One bucking saw with handles unless power chain saw in working condition is kept on landing during actual operation

and until the end of the watchman service as required in RCW 76.04.320, and one five-gallon back pack pump can filled with water and fifty gallons of water, or one hundred gallons of water and two buckets.

Yarding, skidding or loading engines. Equipment required.

(2) Any gasoline, diesel, or electric yarding, skidding, or loading engine unless:

(a) Equipped with two chemical fire extinguishers of not less than one and one-half quart capacity each;

(b) Exhaust is turned up perpendicular and is clear of all obstructions or is equipped with an adequate spark arrester.

Tractors. Equipment required.

(3) Any tractor unless:

(a) Equipped with one chemical fire extinguisher of not less than one quart capacity;

(b) It has exhaust turned up perpendicular or is equipped with an adequate spark arrester.

Trucks hauling forest products.

(4) Any truck hauling forest products from any forest area unless:

Equipment required.

(a) Equipped with a chemical fire extinguisher of at least one quart capacity;

(b) Equipped with one double bitted axe having a head weighing not less than three pounds and not less than a thirty-two inch handle;

(c) Equipped with one long handle round point shovel or a "D" handle round point shovel;

(d) Exhaust is turned up perpendicular or equipped with adequate spark arrester or muffler.

Portable power saws.

(5) Any portable power saw unless the power saw operators keep in their immediate possession a suitable chemical fire extinguisher of at least eight ounce capacity, or a suitable shovel and the power saw is equipped with a muffler or other device adequate to prevent the emission of sparks.

Other gasoline or diesel engines.

(6) Any gasoline or diesel engine used in a mill or for uses not specifically mentioned above unless:

(a) Equipped with chemical fire extinguisher of at least one quart capacity;

(b) Exhaust is pointed up perpendicular and is clear of all obstructions or is equipped with an adequate spark arrester;

Equipment required.

(c) One hundred gallons of water and two buckets.

All equipment required in this act must be kept in serviceable condition at all times. Tool boxes must have waterproof lids, must be of sound construction and provided with hinges and hasp so arranged that the box can be properly sealed.

Equipment standards.

The supervisor of forestry may reduce the requirements set forth herein by written permission whenever in his judgment the operation is of such type or location and/or the weather is such that all of the requirements herein are not required for the protection of life and property.

Modification of requirements.

SEC. 11. (RCW 76.04.260) It shall be unlawful for anyone to operate within one-eighth mile of any forest land during the period April fifteenth to October fifteenth inclusive, which period shall be designated as the closed season unless the designated season is extended by the supervisor due to dangerous fire condition:

Closed season operation.

(1) Any spark emitting railroad logging locomotive unless:

Spark emitting railroad logging locomotives. Equipment required.

(a) Equipped with a safe and suitable device for arresting sparks;

(b) Equipped with a suitable power pump with a capacity of not less than twenty gallons per minute at pressures not less than forty pounds per square inch;

(c) Equipped with three hundred feet of hose not less than one inch in diameter equipped with a standard nozzle;

(d) Equipped with all the complement of hand tools listed under subdivision 1 (a) of RCW 76.04.250,

kept in a sealed tool box on such locomotive ready for instant use;

(e) Equipped with a sprinkler system which can be capable of wetting the tracks and at least two feet on either side of each rail. Such sprinkler system shall be manually controlled from the cab. The water supply tank for such sprinkler shall be capable of carrying an adequate supply of water in direct relation to the mileage of track covered and the available water supply;

Follow up patrol.

(f) During the closed season it is followed by a speeder or other patrol. Such patrol shall be equipped with two long handle round point shovels or "D" handle round point shovels, one double bitted axe having a head weighing not less than three pounds and not less than a thirty-two inch handle, and one five-gallon back pack pump can filled with water. When a logging train operates on a common carrier track the patrol will be regulated under laws pertaining to common carrier railroads.

Common carrier railroad trains. Conditions of operation.

(2) Any common carrier railroad trains operating through forest lands unless:

(a) Such trains are followed by a speeder patrol at such times and in such places as the supervisor may designate, each patrol to be equipped with a five-gallon back pack pump can, two long handle round point shovels or "D" handle round point shovels and one double bitted axe having a head weighing not less than three pounds and not less than a thirty-two inch handle. In case a railroad company fails to provide patrol as required, the supervisor is hereby authorized to employ patrolmen for such purpose and the railroad company concerned shall be liable for the expense of the same to be collected in a civil suit brought by the state against said railroad company;

(b) At the request of the supervisor, such common carrier shall maintain pumping equipment and



fire fighting tools specified by the supervisor but not to exceed those required of logging locomotives.

(3) Any steam logging engine or boiler unless:

Steam logging engines or boilers. Equipment required.

(a) Being equipped with and using a safe and suitable device for arresting sparks;

(b) Equipped with a suitable power pump with a capacity of not less than twenty gallons per minute at pressures of not less than forty pounds per square inch;

(c) Equipped with three hundred feet of hose not less than one inch in diameter equipped with a standard nozzle.

(4) Any railroad locomotive, logging locomotive, logging or other engine or boiler unless equipped with an adequate device to prevent the escape of fire or live coals or other burning substance from all ash pans, and all fire boxes, except when ash pans or fire boxes are being cleaned when not in motion. Any donkey boiler, when equipped to operate without the use of exhaust steam within the stack, and without any artificial means of creating a forced draught, shall not require a spark arrester.

Locomotives, engines and boilers; ash pan and fire box devices.

(5) Any railroad speeder unless:

(a) Equipped with one No. 2 shovel round point;

Railroad speeders. Equipment required.

(b) Exhaust is pointed up perpendicular and is cleared of all obstructions or is equipped with an adequate spark arrester.

SEC. 12. (RCW 76.04.270) Every person upon receipt of written notice issued by the supervisor or any regularly employed warden or ranger, that such person has or is violating any of the provisions of RCW 76.04.240, 76.04.245, 76.04.250, 76.04.260 and 76.04.320, as amended, shall cease such operations until the provisions of the sections specified in such notice have been complied with. The forest officer may specify in the notice of violation the special conditions and precautions under which the opera-

Penalties.

tion would be allowed to continue until the end of that working day. Any person violating the statutory provisions above referenced, and as amended, or the written notice provided for herein, shall upon conviction be punished by a fine of not less than twenty-five dollars nor more than five hundred dollars.

Amendment.

SEC. 13. Section 17, chapter 125, Laws of 1911 as last amended by section 7, chapter 58, Laws of 1951 and RCW 76.04.320 are each amended to read as follows:

Spark emitting or electric engines; conditions of operation.

Every person who operates a spark emitting or electric engine within one-eighth mile of forest land for the logging of timber, the clearing of land of wood material or for the processing of wood material during the period April fifteenth to October fifteenth inclusive, shall:

Watchman.

(1) Provide at least one competent man as a watchman at each logging side, construction or land clearing area, or wood processing plant where the above described spark emitting engine was operated. Such watchman shall be trained in the suppression of fire and shall be vigilant to detect fire. Said watchman service shall continue for a minimum of two hours following each time the spark emitting or electric engine ceases operations.

Clearing.

(2) Cut down all snags, stubs and dead trees over fifteen feet in height within a radius of one hundred fifty feet and clear the ground of all inflammable debris within a radius of thirty-five feet from each spark emitting or electric engine.

Modification of requirements.

(3) The supervisor of forestry may modify in writing the provisions herein contained in reference to watchmen whenever in his judgment the operation is so located or the weather is such that a watchman would be unnecessary for the protection of life and property.

SEC. 14. Section 2, chapter 105, Laws of 1917 as last amended by section 8, chapter 58, Laws of 1951 and RCW 76.04.360 are each amended to read as follows: Amendment.

If any owner of forest land neglects or fails to provide adequate fire protection therefor as required by RCW 76.04.350, the director, through the supervisor, shall provide such protection therefor at a cost to the owner of not to exceed seven cents an acre per year on lands west of the summit of the Cascade mountains and five cents an acre per year on lands east of the summit of the Cascade mountains and for that purpose may divide the forest lands of the state, or any part thereof, into districts, for patrol and assessment purposes, may classify lands according to the character of timber prevailing, and the fire hazard existing, and place unprotected lands under the administration of the proper district. Such cost must be justified by a showing of budgets on demand of twenty-five owners of forest land in the county concerned at public hearing. Any amounts paid or contracted to be paid by the supervisor for this purpose from any funds at his disposal shall be a lien upon the property patrolled and protected, and unless reimbursed by the owner within ten days after October 1st of the year in which they were incurred, on which date the supervisor shall be prepared to make statement thereof upon request to any forest owner whose own protection has not been previously approved by him as adequate, shall be reported by the supervisor to the assessor of the county in which the property is situated who shall extend the amounts upon the tax rolls covering the property, or the county assessor may upon authorization from the supervisor of forestry levy the forest patrol assessment against the amounts of unimproved land as shown in each ownership on the county assessor's records and the

Director may provide protection where owner does not; costs.

Administration.

Lien.

Assessments.

assessor may then segregate on his records to provide that the improved land and improvements thereon carry the millage levy designed to support the rural fire protection districts as provided for in chapter 52.04 RCW.

The amounts assessed shall be collected at the time, in the same manner, by the same procedure, and with the same penalties attached that the next general state and county taxes on the same property are collected, except that errors in assessment may be corrected at any time by the supervisor certifying them to the treasurer of the county in which the land involved is situated. Upon the collection of such assessments the county treasurer shall transmit them to the supervisor to be applied against expenses incurred in carrying out the provisions of this section.

The supervisor shall include in the assessment a sum not to exceed one-half of one cent per acre, to cover the necessary and reasonable cost of office and clerical work incurred in the enforcement of these provisions. He may also expend any sums collected from owners of forest lands or received from any other source for necessary office and clerical expense in connection with the enforcement of RCW 76.04.370.

When land against which fire patrol assessments are outstanding is acquired for delinquent taxes and sold at public auction, the state shall have a prior lien on the proceeds of sale over and above the amount necessary to satisfy the county's delinquent tax judgment, and the county treasurer in case the proceeds of sale exceed the amount of the delinquent tax judgment shall forthwith remit to the supervisor the amount of the outstanding patrol assessments.

The supervisor shall furnish a good and sufficient surety company bond running to the state, in a sum as great as the probable amount of money

Proceeds from  
delinquency  
sale.

Bond of  
supervisor.

annually coming into his hands under the provisions of this chapter, conditioned for the faithful performance of his duties and for a faithful accounting for all sums received and expended thereunder, which bond shall be approved by the attorney general.

SEC. 15. If any section or part of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other sections or parts of this act or the application thereof, if it can be given effect without the invalid provision, and to this end the provisions of this act are declared to be severable and independent of any other provision of law. Severability.

Passed the House March 3, 1955.

Passed the Senate March 2, 1955.

Approved by the Governor March 15, 1955.

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## CHAPTER 143.

[ H. B. 124. ]

### FOREIGN CORPORATIONS—AGENTS.

AN ACT relating to the qualifications of foreign corporations to do business in this state; providing for the appointment of an agent in this state; validating certain previous appointments; adding three new sections to chapter 23.52 RCW; and repealing section 18, chapter 70, Laws of 1937, and RCW 23.52.050.

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

SECTION 1. There is added to chapter 23.52 RCW, New section.  
a new section to read as follows:

Every foreign corporation must also constitute Appointment  
of agents  
required.  
and appoint an agent, which agent may be either an individual residing in the state, who shall have his place of residence or a business office at the place in this state where the principal office of the corporation is to be located, or a corporation author-

Requisites of  
appointment.

ized to do business and act as such agent in this state, having a business office at the place in this state where the principal office of the corporation is to be located, to be designated as hereinafter required. Such appointment shall be in writing, signed by the president or a vice-president of such corporation, and shall be attested by its corporate seal, and shall contain the name of the agent, the address, including street and number, if any, of the business office of said agent, the place where the principal office in this state of such corporation is to be located, and shall authorize such agent to accept service of process in any action or suit pertaining to the property, business or transactions of such corporation within this state in which such corporation may be a party. The signature of such president or vice-president, attested by the corporate seal to such written appointment, shall be sufficient proof of the appointment of such agent. Such appointment, when duly executed, shall be filed for record in the office of the secretary of state by such corporation and shall be there recorded; and such corporation shall have and keep continually some agent, empowered as aforesaid during all the time such corporation shall conduct or carry on any business within this state, and service of any process, pleading, notice or other paper on such agent shall be taken and held as due service on such corporation. Service of any such process, pleadings, notice or other paper upon the agent appointed as herein set forth may be made:

Service on  
agents.

(1) By serving a copy thereof on its president, a vice-president, an assistant vice-president, the secretary or an assistant secretary, if such agent is a corporation; or

(2) By serving a copy thereof on the individual agent, if such agent is an individual; or

(3) As otherwise provided by law.

Change of  
agents.

Such corporation may change its agent or its

principal office in this state, from time to time, by filing and recording with the secretary of state a new appointment, stating the change of such agent or the change in the principal office.

SEC. 2. There is added to chapter 23.52 RCW, a New section.  
new section to read as follows:

In the event such foreign corporation shall withdraw from this state and cease to transact business therein it shall continue to keep and maintain such agent within this state upon whom service of process, pleadings and papers may be made, until the statutes of limitations shall have run against anyone bringing an action against said corporation, which accrued prior to its withdrawal from this state. In case said corporation shall revoke the authority of its designated agent after its withdrawal from the state and prior to the time when the statutes of limitations would have run against causes of action accruing against it, then in that event service of process, pleadings and papers in such actions may be made upon the secretary of state, and the same shall be held as due and sufficient service upon such corporation. Withdrawal of corporation from state.

SEC. 3. There is added to chapter 23.52 RCW, a New section.  
new section to read as follows:

The agent and the principal office in this state of each foreign corporation authorized to do business in this state on the effective date of this act shall be the agent and the principal place of business in this state of record in the office of the secretary of state on such date, until such agent or principal office is changed as provided in this act. Agent and principal offices on effective date of act deemed same until changed.

SEC. 4. Section 18, chapter 70, Laws of 1937 and RCW 23.52.050 are each hereby repealed.

Passed the House March 3, 1955.

Passed the Senate March 2, 1955.

Approved by the Governor March 15, 1955.

CHAPTER 144.

[ H. B. 321. ]

SHELLFISH—SANITARY CONTROL.

AN ACT relating to the sanitary control of shellfish for human consumption, and providing penalties.

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

Definitions: SECTION 1. When used in this act, the following terms shall have the following meanings:

"Shellfish." (1) "Shellfish" means all varieties of fresh and frozen oysters and clams, either shucked or in the shell, and any fresh or frozen edible products thereof.

"Sale." (2) "Sale" means to sell, offer for sale, barter, trade, deliver, consign, hold for sale, consignment, barter, trade, or delivery, and/or possess with intent to sell or dispose of in any commercial manner.

"Shellfish growing areas." (3) "Shellfish growing areas" means the lands and waters in and upon which shellfish are grown for harvesting for sale for human consumption.

"Establishment." (4) "Establishment" means the buildings together with the necessary equipment and appurtenances used for the storage, culling, shucking, packing and/or shipping of shellfish for sale for human consumption.

"Person." (5) "Person" means any individual, partnership, firm, company, corporation and/or association.

"Department." (6) "Department" means the state department of health.

"Director." (7) "Director" means the state director of health or his authorized representatives.

Certificate necessary before sale. SEC. 2. Only shellfish bearing a certificate of compliance with the sanitary requirements of this state or a state, territory, province or country of origin whose requirements are equal or comparable to those established pursuant to this act may be sold or offered for sale in the state of Washington.



SEC. 3. The state board of health shall cause such investigations to be made as are necessary to determine reasonable requirements governing the sanitation of shellfish growing areas and shellfish plant facilities and operations, in order to protect public health and carry out the provisions of this act; and shall adopt such requirements as rules and regulations of the state board of health. Such rules and regulations may include reasonable sanitary requirements relative to the quality of shellfish growing waters and areas, boat and barge sanitation, building construction, water supply, sewage and waste water disposal, lighting and ventilation, insect and rodent control, shell disposal, garbage and waste disposal, cleanliness of establishment, the handling, storage, construction and maintenance of equipment, the handling, storage and refrigeration of shellfish and the identification of containers.

State board of health; duties.

Rules and regulations.

SEC. 4. There is hereby created a shellfish sanitation advisory committee composed of seven members to be appointed by the state director of health. Members shall be appointed within thirty days after the effective date of this act and shall be selected from lists submitted by the industries concerned. At least four of the seven members shall represent the oyster industry, including oyster growers, shuckers, packers and wholesale distributors, and at least one member to represent the public.

Advisory committee.

The shellfish sanitation advisory committee shall choose one of its members to act as chairman and shall meet at times and places designated by the chairman: *Provided, however,* That the chairman shall, at the written request of three members of the committee, call a special meeting of the committee.

The director may remove any member of the committee for good cause or when he is no longer connected with that segment of industry from which

he was appointed. All advisory sanitation committee members shall serve without pay. The advisory sanitation committee shall have the responsibility to:

(1) Advise on rules and regulations to be adopted under this act.

(2) Consider and render its advice on such other matters relating to the sanitary control of shellfish submitted to it by the state board of health, by the director, or chairman of the committee.

Certification of shellfish growing areas.

SEC. 5. Shellfish growing areas, from which shellfish are removed for sale for human consumption shall be in a safe and sanitary condition, meeting the requirements of the state board of health; and such shellfish growing areas shall be so certified by the department. Any person desiring to remove shellfish for sale for human consumption from a growing area in the state of Washington shall first apply to the department for a certificate of approval of the growing area. The department shall cause the shellfish growing area to be inspected and if the area meets the sanitary requirements of the state board of health, the department shall issue a certificate of approval for that area. Such certificates shall be issued for a period not to exceed twelve months and may be revoked at any time the area is found not to be in compliance with the sanitary requirements of the state board of health.

Certification of establishments.

SEC. 6. No person shall cull, shuck, or pack shellfish in the state of Washington for sale for human consumption unless the establishment in which such operations are conducted has been certified by the department as meeting the requirements of the state board of health. Any person desiring to cull, shuck, or pack shellfish within the state of Washington for sale for human consumption, shall apply to the department for a certificate of approval for the establishment in which such operations will be done.

The department shall cause such establishment to be inspected, and if the establishment meets the sanitary requirements of the state board of health, the department shall issue a certificate of approval. Such certificates of approval shall be issued for a period not to exceed twelve months, and may be revoked at any time the establishment or the operations are found not to be in compliance with the sanitary requirements of the state board of health.

SEC. 7. Any certificate of approval issued under the provisions of this act shall not relieve any person from complying with the laws, rules and/or regulations of the state department of fisheries, relative to shellfish.

Certificates do not relieve from compliance with laws, rules and regulations.

SEC. 8. Any order issued by the department which denies or revokes a certificate of approval for a shellfish growing area or establishment shall be in writing and shall contain a statement of the grounds upon which said denial or revocation is based. A copy of the department's order shall be sent by registered mail to the person whose name appears on the certificate of approval or application therefor. Said order shall become final fifteen days after the date of mailing, provided the person aggrieved by such order does not, within ten days of the date of mailing of such order, apply in writing to the director for a fair hearing. Upon such application, the department shall fix a time for such hearing and shall give the person aggrieved a notice of the time fixed for such a hearing. The procedure governing hearings authorized by this section shall be in accordance with rules promulgated by the state board of health after consultation with the shellfish sanitation advisory committee. The director shall render his decision affirming, modifying or setting aside the order of the department which decision in the absence of an appeal therefrom as provided by this act, shall become final fifteen days after the date of mailing.

Revocation of certificates.

## Appeal.

SEC. 9. Within ten days after the date of mailing of the decision of the director, the person aggrieved may appeal to the superior court of the county in which the shellfish growing area or establishment is located or to be located and such appeal shall be heard as a case in equity, but upon such appeal only such issues of law may be raised as were properly included in the hearings before the director. Proceedings of every such appeal shall be informal and summary, but full opportunity to be heard upon the issues of law shall be had before judgment is pronounced. Such appeal shall be perfected by serving a notice of appeal on the department and by filing the notice of appeal together with proof of service thereof with the clerk of the court. The service and filing, together with proof of service of the notice of appeal, all within ten days shall be jurisdictional. The department shall within ten days after receipt of such notice of appeal serve and file a notice of appearance upon appellant or his attorney of record and such appeal shall thereupon be deemed at issue. The department shall serve upon the appellant and file with the clerk of the court before hearing, a certified copy of the complete record of the administrative proceedings which shall, upon being so filed, become the record in such case. The cost of transcribing the record shall be borne by the appellant in the event the director's decision is affirmed by the court. In the event of modification or reversal, such cost shall be borne by the department.

Appeal does not stay order or decision.

SEC. 10. Any order or decision issued by the department or director from which an appeal is taken, as provided in this act, shall have full force and effect during the appellate procedure.

Sales in violation of act.

SEC. 11. Any shellfish sold or offered for sale in the state, which have not been grown, shucked, packed, or shipped in accordance with the provisions of this act, shall upon order of the director be imme-

diately withdrawn from sale, use, or consumption. In the event of failure or refusal to comply with said order, the director may apply to the superior court of the county wherein the shellfish were found for an order directing that the person having control of said shellfish withdraw said shellfish from sale, use, or consumption, in compliance with the order of the director.

SEC. 12. The department may enter and inspect at reasonable times any shellfish growing area or establishment and may inspect all shellfish, and take for inspection such samples of shellfish as may reasonably be necessary to carry out the provisions of this act. Inspection.

SEC. 13. All existing laws and rules and regulations governing the pollution of waters of the state shall apply in the control of pollution of shellfish growing areas. Pollution laws, etc., apply to shellfish growing areas.

SEC. 14. Any person found violating any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine of not less than twenty-five dollars nor more than one hundred dollars, or imprisonment not to exceed ninety days, or to both fine and imprisonment. Upon the violation of any of the provisions of this act, written notification shall be sent by the department to the person found in violation. Each day's operation thereafter in violation shall constitute a separate offense and shall be subject to the prescribed penalties. Violations of act.

SEC. 15. If any provision of this act or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the provisions of the application of this act which can be given effect without the invalid provision or ap- Severability..

plication, and to this end the provisions of the act are declared to be severable.

Passed the House March 3, 1955.

Passed the Senate March 2, 1955.

Approved by the Governor March 15, 1955.

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CHAPTER 145.

[ H. B. 381. ]

FIRST CLASS CITIES—UTILITY EMPLOYEES' CONTRACTS.

AN ACT relating to first class cities owning and operating public utilities; and amending section 1, chapter 21, Laws of 1951 and RCW 35.22.350.

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

Amendment.

SECTION 1. Section 1, chapter 21, Laws of 1951 and RCW 35.22.350 are each amended to read as follows:

All first class cities.

Every city of the first class which owns and operates a waterworks system, a light and power system, a street railway or other public utility, shall have power, through its proper officers, to deal with and to enter into contracts for periods not exceeding one year with its employees engaged in the construction, maintenance, or operation thereof through the accredited representatives of the employees including any labor organization or organizations authorized to act for them concerning wages, hours and conditions of labor in such employment, and every city having not less than one hundred forty thousand nor more than one hundred and seventy thousand population is empowered and authorized to immediately place in effect any adjustment or change in such wages, hours and conditions of labor of such employees as may be required to conform to the provisions of any such contract, irrespective of the provisions of any annual budget

Cities of not less than 140,000 nor more than 170,000 population.

or act relating thereto: *Provided*, That not more Limitation.  
 than one such contract not in conformity with any  
 annual budget shall be made during any budget  
 year, nor shall any such adjustment or change be  
 made which would result in an excess of expendi-  
 tures over revenues of such public utility.

Passed the House March 3, 1955.

Passed the Senate March 2, 1955.

Approved by the Governor March 15, 1955.

## CHAPTER 146.

[ H. B. 153. ]

### MOTOR VEHICLES—RULES OF ROAD—SIZE, WEIGHT, LOAD.

AN ACT relating to the operation of motor vehicles upon public highways and amending section 12, chapter 196, Laws of 1949 and RCW 46.60.020; section 36, chapter 269, Laws of 1951, and RCW 46.44.092; section 88, chapter 189, Laws of 1937 and RCW 46.60.150; section 90, chapter 189, Laws of 1937, and RCW 46.60.170; section 14, chapter 200, Laws of 1947, and RCW 46.60.330; and section 59, chapter 53, Laws of 1937, and RCW 47.36.110, and declaring an emergency.

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

SECTION 1. Section 12, chapter 196, Laws of 1949 Amendment.  
 and RCW 46.60.020 are each amended to read as follows:

(RCW 46.60.020) Whenever any highway has Divided  
highways.  
 been divided into two roadways by leaving an inter-  
 vening space or by a physical barrier or clearly  
 indicated dividing section or by two parallel barrier  
 stripes four inches or more apart so installed as to  
 control vehicular traffic, every vehicle shall be driven  
 only upon the right hand roadway and no vehicle  
 shall be driven over, across or within any such  
 dividing space, barrier or section, or barrier stripes,  
 except through an opening in such physical barrier  
 or dividing section or space, or barrier stripes, or

at a crossover or intersection established by public authority.

Amendment.

SEC. 2. Section 36, chapter 269, Laws of 1951 and RCW 46.44.092, are each amended to read as follows:

Special permits  
for oversize or  
overweight  
loads.

(RCW 46.44.092) No special permit shall be issued for movement on any two lane state highway outside the limits of any city or town where the overall width of load exceeds fourteen feet, on any three lane state highway where the overall width of load exceeds twenty-two feet, or on any four lane state highway where the overall width of load exceeds thirty-two feet: *Provided*, That (1) these width limitations may be exceeded on state highways where the latest available traffic figures show that the highway or section of highway carries less than one hundred vehicles per day; (2) permits may be issued for weights and width of vehicles in excess of the preceding limitations on highways or sections of highways which have been designed and constructed for weights and widths in excess of such limitations; (3) these limitations may be rescinded when certification is made by military officials as to the necessity for such action and when in the opinion of the highway commission, the movement or action is a necessary emergency movement or action: *Provided further*, That the structures and highway surfaces on the routes involved are determined to be capable of sustaining weights in excess of such limitations; (4) these limitations shall not apply to farmers moving farm machinery between farms during daylight hours if the movement does not pass along and upon any primary or secondary state highway for a distance greater than thirty-five miles, if properly patrolled and flagged.

The applicant for any special permit shall specifically describe the vehicle or vehicles and load to be operated or moved and the particular state high-



ways for which permit to operate is requested and whether such permit is requested for a single trip or for continuous operation.

SEC. 3. Section 88, chapter 189, Laws of 1937, and RCW 46.60.150 are each amended to read as follows: Amendment.

(RCW 46.60.150) Every operator of a vehicle on approaching public highway intersections shall look out for and give right of way to vehicles on his right, simultaneously approaching a given point within the intersection, and whether his vehicle first reaches and enters the intersection or not: *Provided*, That this section shall not apply to operators on arterial highways or to vehicles entering an intersection which is posted with the "Yield Right of Way" sign. Right of way at highway intersections.

SEC. 4. Section 90, chapter 189, Laws of 1937, and RCW 46.60.170 are each amended to read as follows: Amendment.

(RCW 46.60.170) The operator of a vehicle shall stop as required by law at the entrance to any intersection with an arterial public highway, and having stopped shall look out for and give right of way to any vehicles upon the arterial highway simultaneously approaching a given point within the intersection, whether or not his vehicle first reaches and enters the intersection: *Provided*, That this section shall not apply to vehicles entering an intersection which is posted with the "Yield Right of Way" sign. Right of way at arterial highway intersections.

SEC. 5. Section 14, chapter 200, Laws of 1947, and RCW 46.60.330 are each amended to read as follows: Amendment.

(RCW 46.60.330) All state highways are hereby declared to be arterial highways as respects all other public highways or private ways except that the Washington state highway commission shall have the authority to designate any county road or city street as an arterial having preference over the Designation of arterial highways; state highways.

traffic on the state highway if traffic conditions will be improved by such action.

Streets.

Those city streets designated by the Washington state highway commission as forming a part of the routes of state highways through incorporated cities and towns are hereby declared to be arterial highways as respects all other city streets or private ways.

The governing authorities of incorporated cities and towns may designate any street as an arterial having preference over the traffic on a state highway if such change is first approved in writing by the Washington state highway commission. The local authorities making such a change in arterial designation shall do so by proper ordinance or resolution and shall erect or cause to be erected and maintained standard stop signs, or "Yield Right of Way" signs, to accomplish this change in arterial designation.

Arterial high-ways controlled by stop signs.

The operator of any vehicle entering upon any arterial highway from any other public highway or private way shall come to a complete stop before entering such arterial highway when stop signs are erected as provided by law.

Amendment.

SEC. 6. Section 59, chapter 53, Laws of 1937, and RCW 47.36.110 are each amended to read as follows:

Traffic control by standard stop signs.

(RCW 47.36.110) In order to provide safety at intersections on the state highway system, the Washington state highway commission may require persons traveling upon any portion of such a highway to stop before entering the intersection. For this purpose there may be erected a standard stop sign as prescribed in the state of Washington "Manual on Uniform Traffic Control Devices for Streets and Highways." All persons traveling upon the highway shall come to a complete stop at such a sign and the appearance of any sign so located shall be sufficient warning to a person that he is required

to stop. A person stopping at such a sign shall proceed through such portion of the highway in a careful manner and at a reasonable rate of speed not to exceed twenty miles per hour. It shall be unlawful to fail to comply with the directions of any such a stop sign: *Provided*, That when the findings of a traffic engineering study show that the condition of an intersection is such that vehicles may safely enter the major artery without stopping, the Washington state highway commission or local authorities in their respective jurisdictions shall install and maintain a "Yield Right of Way" sign.

Traffic control by "yield right of way" signs.

The driver of a vehicle approaching a "Yield Right of Way" sign shall reduce speed or stop if necessary in order to yield the right of way to all traffic on the intersecting street which is so close as to constitute an immediate hazard. A motorist proceeding past such a sign with a resultant collision or other interferences with traffic on the intersecting street shall be prima facie evidence that the motorist had not obeyed the sign and yielded the right of way as provided by this statute.

SEC. 7. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately. **Emergency.**

Passed the House February 9, 1955.

Passed the Senate March 6, 1955.

Approved by the Governor March 15, 1955.

## CHAPTER 147.

[ H. B. 155. ]

HIGHWAYS—CONSTRUCTION AND MAINTENANCE  
—BIDS.

AN ACT relating to highways and contracts under fifteen thousand dollars and amending section 33, chapter 53, Laws of 1937 and RCW 47.28.050 and section 1, chapter 70, Laws of 1949 and RCW 47.28.130.

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

Amendment.

SECTION 1. Section 33, chapter 53, Laws of 1937, and RCW 47.28.050 are each amended to read as follows:

Publication of call for bids.

The Washington state highway commission shall publish a call for bids for the construction of the highway according to the maps, plans, and specifications, once a week for at least two consecutive weeks, next preceding the day set for receiving and opening the bids, in not less than one trade paper and one other paper, both of general circulation in the state. The call shall state the time, place, and date for receiving and opening the bids, give a brief description of the location and extent of the work, and contain such special provisions or specifications as the director deems necessary: *Provided*, That when the estimated cost of any contract to be awarded is less than fifteen thousand dollars, the call for bids need only be published in one paper of general circulation in the county where the major part of the work is to be performed.

Amendment.

SEC. 2. Section 1, chapter 70, Laws of 1949 and RCW 47.28.130 are each amended to read as follows:

Cost to exceed \$15,000.

In all cases where the estimated cost thereof is fifteen thousand dollars or more, the work shall be done by contract: *Provided*, That if the Washington state highway commission considers the bid proposals too high, or for other reasons deems it inadvisable that the contract be awarded to any bid-

ders, they may readvertise a new call for bids or do the work by day labor. A decision to do the work by day labor shall be ordered by resolution to that effect entered upon the records of the department of highways, which resolution shall set out the amount of the bid proposals submitted with the names of the bidders and the fact that the commission has found that in its judgment the work may be more satisfactorily done by day labor. In any case where work is performed by day labor, the commission shall, upon completion thereof, cause to be published in one issue of a newspaper of general circulation in the state, the original estimate of the work and the actual cost thereof by day labor:

*Provided further*, That when the estimated cost thereof is more than twenty-five hundred dollars, but less than fifteen thousand dollars, in lieu of publishing the original estimate of the work and the actual cost thereof, as may be required by the provisions of public contract laws, the commission may post the original estimate of the work and the actual cost thereof in the office of the county engineer in that county or counties wherein the work was performed, and make said records available for public inspection in the office of the director of highways at Olympia: *Provided further*, That no publication or posting shall be required for any work the cost of which is less than twenty-five hundred dollars.

Cost less than  
\$15,000 but  
more than  
\$2,500.

Cost less  
than \$2,500.

Passed the House February 16, 1955.

Passed the Senate March 6, 1955.

Approved by the Governor March 15, 1955.

CHAPTER 148.

[ H. B. 251. ]

ELECTIONS—COUNTING OF BALLOTS.

AN ACT relating to elections; amending section 4, chapter 170, Laws of 1921 and section 4, chapter 53, Laws of 1923 and RCW 29.45.050 and 29.45.060, and section 3089, Code of 1881 and RCW 29.54.030; and adding two new sections to chapter 29.54 RCW.

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

Amendment.

SECTION 1. Section 4, chapter 170, Laws of 1921 and section 4, chapter 53, Laws of 1923 (heretofore divided, combined, and codified as RCW 29.45.050 and 29.45.060) are amended as set forth in sections 2 and 3 of this act.

Number of precinct election officers.

SEC. 2. (RCW 29.45.050) There shall be but one set of election officers in each precinct except as provided in this section.

In every precinct using paper ballots having two hundred or more registered voters there shall be appointed, and in every precinct having one hundred or more but less than two hundred registered voters there may be appointed, at a state primary or state general election, two sets of inspectors and judges as provided in RCW 29.04.020 and 29.45.010. In making such appointments one set shall be designated as the counting board who shall count the ballots cast thereat and the other set shall perform all other powers and duties imposed by law for such elections. The county auditor shall at the same time make suitable provisions to make effective the provisions of this amendatory act.

Enforcement of act.

Duties of precinct election officers.

SEC. 3. (RCW 29.45.060) The inspector and judges of election in each precinct shall conduct the elections therein and receive, deposit, and count the ballots cast thereat and make returns to the proper canvassing board or officer except that when two

sets of inspectors and judges are appointed as provided in RCW 29.45.050:

(1) The counting board may appoint clerks as provided in RCW 29.45.020; and

(2) The ballots shall be counted as provided in RCW 29.54.030 and section 5 of this amendatory act.

SEC. 4. Section 3089, Code of 1881 and RCW 29.54-.030 are each amended to read as follows: Amendment.

The counting of ballots while the polls are open shall in all cases be conducted in private except that any recognized political party may appoint a duly accredited representative to witness the counting of ballots: *Provided*, That such representatives shall first sign an oath of secrecy and shall not leave the polling place during the polling hours. The ballots shall be examined carefully, one by one, by the inspector under the observation of one of the judges. The inspector shall read aloud the name of each person receiving a vote, the office for which every such person is voted for and the vote for or against each proposition on the ballot. The other judge shall observe the tally of the votes as made by the clerks. One clerk shall tally the votes in the county auditor's copy of the poll book and the other clerk shall tally the votes in the inspector's copy of the poll book. Upon agreement, the inspector and two judges may rotate their duties from time to time. Counting of ballots while polls are open.

SEC. 5. A new section is added to chapter 29.54 RCW to read as follows: New section.

When two sets of inspectors and judges have been appointed as provided in RCW 29.45.050 the following procedure shall apply: Procedure when two sets of inspectors and judges are appointed.

(1) The set designated as the counting board shall commence tabulation at 4:00 p. m. of the day of any state primary or general election: *Provided*, That on the day of a presidential state general election the starting hour shall be 2:00 p. m.

(2) A second ballot box for receiving ballots shall be used, and the first ballot box shall be closed and delivered to the counting board: *Provided*, That there have been at least ten ballots cast. The counting board shall proceed to the place provided for them and at once count the votes. When counted they shall return the emptied ballot box to the inspector and judges conducting the election and the latter shall then deliver to the counting board the second ballot box, if there have been at least ten ballots cast, who shall then proceed as before. The counting of ballots and exchange of ballot boxes shall continue until the polls are closed after which the election board conducting the election shall conclude their duties and the counting board shall continue until all ballots are counted.

(3) The election board conducting the election shall perform all of the duties as now provided by law except for the counting of the ballots, the posting and certification of the unofficial returns and the delivery of the official returns, together with the election supplies to the county auditor.

(4) Suitable oaths of office for all precinct election officials, when two sets of officials are employed, shall be prepared by the secretary of state as ex officio chief election officer.

(5) Other than as provided in this amendatory act, the procedure relating to elections shall remain the same.

New section.

SEC. 6. A new section is added to chapter 29.54 RCW to read as follows:

Secrecy of  
vote count.

No election officer or any other person authorized by law to be present while votes are being counted, shall divulge the result of the count of the ballots at any time prior to the closing of the polls. Violation of this section is punishable, upon conviction, by a fine of not less than one hundred dollars nor more than five hundred dollars or im-



prisonment in the county jail not less than three nor more than six months, or by both such fine and imprisonment.

Passed the House February 17, 1955.

Passed the Senate March 6, 1955.

Approved by the Governor March 15, 1955.

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## CHAPTER 149.

[ H. B. 247. ]

### CHIROPODY.

AN ACT relating to and regulating the practice of chiropody; prescribing penalties; amending section 1, chapter 31, Laws of 1941 and RCW 18.22.010, section 3, chapter 48, Laws of 1935 and RCW 18.22.040, section 1, chapter 48, Laws of 1935 and RCW 18.22.050 and 18.22.070, section 5 chapter 120, Laws of 1921 and section 9, chapter 120, Laws of 1921 and RCW 18.22.120, section 13, chapter 38, Laws of 1917 and section 8, chapter 120, Laws of 1921 and RCW 18.22.140 and 18.22.150, and section 21, chapter 38, Laws of 1917 and RCW 18.22.220; repealing section 5, chapter 48, Laws of 1935 and RCW 18.22.080, and section 11, chapter 38, Laws of 1917 and section 2, chapter 38, Laws of 1917 and RCW 18.22.090, section 12, chapter 38, Laws of 1917 and RCW 18.22.100, and section 7, chapter 120, Laws of 1921 and RCW 18.22.190, and adding four new sections to chapter 18.22 RCW.

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

SECTION 1. Section 1, chapter 31, Laws of 1941 and RCW 18.22.010 are each amended to read as follows: Amendment.

The practice of chiropody means the diagnosis and the medical, surgical, mechanical, manipulative, and electrical treatments of ailments of the human foot, except: Practice of chiropody defined.

- (1) Amputation of the foot or toes; and Exceptions.
- (2) The administration of an anesthetic, other than local, or the administration and prescription of drugs including narcotics, other than required to

perform the services authorized for the treatment of the feet; and

(3) Treatment of systemic conditions or the results and complications thereof.

Amendment.

SEC. 2. Section 3, chapter 48, Laws of 1935 and RCW 18.22.040 are each amended to read as follows:

Eligibility requirements.

Before any person shall be permitted to take an examination for the issuance of a chiropody license, he shall furnish the director of licenses with satisfactory proof that:

- (1) He is twenty-one years of age or over;
- (2) He is of good moral character;

(3) And he has received a diploma or certificate of graduation from a legally incorporated, regularly established and recognized school of chiropody having as a minimum requirement not less than four thousand one hundred sixty scholastic hours given over a period of four years with personal attendance.

“Recognized” means official recognition by the Council of Education of the National Association of Chiropodists: *Provided*, That each applicant, prior to the beginning of his course in chiropody or registration or matriculation in a recognized school of chiropody, must have as a minimum requirement, a four years’ course in a high school or its equivalent and the successful completion of a two years’ residence course of work of college grade leading toward the degree of bachelor of science.

Amendment.

SEC. 3. Section 1, chapter 48, Laws of 1935 and section 8, chapter 38, Laws of 1917, (heretofore divided, combined, and codified as RCW 18.22.050 and 18.22.070) are amended to read as set forth in sections 4 and 5 of this act.

Educational requirements.

SEC. 4. (RCW 18.22.050) Applicants for a certificate to practice chiropody shall file satisfactory evidence of having pursued in any recognized legally chartered school of chiropody, a course of instruction

covering a total of at least four thousand one hundred sixty scholastic hours, including the following subjects: Anatomy, histology, physiology, pathology, bacteriology, pharmacy, materia medica, chemistry, dermatology, neurology, chiropodal medicine, preventive chiropodal medicine, surgery, chiropody, foot orthopedica, shoe therapy, physio-therapy, roentgenology, hygiene and sanitation, ethics.

SEC. 5. (RCW 18.22.070) Examinations shall be conducted by an examining committee and shall be written and clinical. A minimum of ten questions on each subject shall be given. The examination shall embrace the subjects of: Surgery, dermatology, anatomy, physiology, chemistry, bacteriology, pathology, clinical chiropody, and ten questions on diagnosis, chiropodal medicine, materia medica, and therapeutics as one subject. Examination.

The minimum requirement for licensing of applicants under this chapter shall be based upon a general average of seventy-five percent of all the subjects involved, taken collectively, and not less than sixty percent in any one subject.

SEC. 6. Section 5, chapter 120, Laws of 1921 and section 9, chapter 120, Laws of 1921, (heretofore combined and codified as RCW 18.22.120) are amended to read as follows: Amendment.

(RCW 18.22.120) Every person practicing chiropody must renew his license each year and pay a renewal fee of five dollars. Renewal of license.

Any chiropody license that has been allowed to lapse may be renewed by presentation of a new character certificate as required for examination, together with the payment of the annual license fee.

SEC. 7. Section 13, chapter 38, Laws of 1917 and section 8, chapter 120, Laws of 1921, (heretofore divided, combined, and codified as RCW 18.22.140) Amendment.

and 18.22.150) are amended to read as set forth in sections 8 and 9 of this act.

Unprofessional conduct.

SEC. 8. (RCW 18.22.140) It shall be unlawful for any person holding a license to practice chiropody, to:

(1) Practice chiropody under any name, except his own, which shall be that used in his license issued by the director; or

(2) Conduct an office for the practice of chiropody in his name or use his name in connection with any office for the practice of chiropody, unless he is personally present therein operating as a chiropodist or personally overseeing the operations performed in any office during most of the time that that office is being operated; or

(3) Offer the rendition of chiropodical services at a stipulated price or at any variation of such price or as being free; or

(4) Employ a solicitor or solicitors to obtain business; or

(5) Hold out to treat successfully or cure all ailments of the foot or leg or any which are manifestly incurable; or

(6) Advertise in newspapers, periodicals, or in bold face type or in any printed matter or by the use of any form of display sign or by means of hand bills, posters, circulars, stereoptican slide, motion pictures, radio, television or any printed publication or medium: *Provided, however,* That he may be listed in any directory in a manner uniform as to type, size and color with others listed therein, may display a dignified sign at the entrance to his office or on the windows thereof, containing not more than his name, degree, the designation chiropodist and treatment of the foot, and may use dignified business cards containing his name, title, degree, office and residence address and telephone numbers and his office hours; or

(7) Obtain any fee by fraud or misrepresentation; or

(8) Wilfully betray professional secrets; or

(9) Directly or indirectly employ any person unlicensed as a chiropodist to perform operations of any kind, except dressing following an operation; or

(10) Adopt any means tending to deceive the public or to be habitually intemperate or grossly immoral, or to commit any offense involving moral turpitude, in which case the record of conviction thereof shall be conclusive evidence; or

(11) Obtain by fraud or deceit a license to practice chiropody; or

(12) Use or prescribe for use narcotics in any other way than for therapeutic purposes; or

(13) Offer, undertake or agree to cure any disease or pathological condition of the foot by a secret method, procedure, treatment, or medicine, or to treat, operate, or prescribe for any such condition by a method, means or procedure which the license holder refuses to divulge upon demand of the director of licenses; or

(14) Be guilty of unprofessional conduct as defined in any other act relating to the practice of chiropody.

Any violation of the provisions of this section shall constitute improper, unprofessional and dishonorable conduct; it shall also constitute grounds for injunction proceedings to prevent a continuance of the same, and in addition shall constitute a gross misdemeanor. Penalties.

SEC. 9. (RCW 18.22.150) Upon proof that the holder of a chiropody license:

(1) Has been convicted of the violation of any of the provisions of this chapter or of any crime involving moral turpitude; or

(2) Procured his license by fraud or deceit either

Enacted  
without  
amendment.

in the presentation of any false statement as to his qualifications or in his examination; or

(3) Is guilty of unprofessional conduct or inefficiency in the practice of his profession; the director may revoke his license or suspend it for a period not to exceed six months.

SEC. 10. Section 21, chapter 38, Laws of 1917 and RCW 18.22.220 are each amended to read as follows:

Penalty for violation of chapter.

Every person violating, or failing to comply with, the provisions of this chapter shall be guilty of a gross misdemeanor.

New section.

SEC. 11. There is added to chapter 18.22 RCW, a new section to read as follows:

Prescriptions.

Chiropractors may issue prescriptions valid at any pharmacy for any drug necessary in the practice of chiropraxy.

New section.

SEC. 12. There is added to chapter 18.22 RCW, a new section to read as follows:

Excepted practices.

The following practices, acts and operations are excepted from the operation of the provisions of this chapter:

(1) The practice of chiropraxy in the discharge of official duties by chiropractors in the United States armed forces, public health service, Veterans Bureau or Bureau of Indian Affairs;

(2) Recognized schools of chiropraxy or colleges of chiropraxy, and the practice of chiropraxy by students in such recognized schools or colleges, when acting under the direction and supervision of registered and licensed chiropractors acting as instructors;

(3) The practice of chiropraxy by licensed chiropractors of other states or countries while appearing as clinicians at meetings of the Washington State Chiropraxy Association or component parts thereof, or at meetings sanctioned by them;

(4) The use of roentgen and other rays for making radiograms or similar records of the feet or

portions thereof, under the supervision of a licensed chiropodist or physician.

SEC. 13. There is added to chapter 18.22 RCW, New section.  
a new section to read as follows:

The director of licenses shall have the power and duty to formulate and prescribe such rules and regulations as may be reasonable in the proper administration of this chapter. Powers and duties of director of licenses.

SEC. 14. There is added to chapter 18.22 RCW, New section.  
a new section to read as follows:

If any person engages in the practice of chiropody without possessing a valid license so to do, or if he violates the provisions of section 8 of this act, the attorney general, any prosecuting attorney, the director, or any citizen of the same county may maintain an action in the name of the state to enjoin such person from engaging in the practice of chiropody. The injunction shall not relieve from criminal prosecution, but the remedy by injunction shall be in addition to the liability of such offender to criminal prosecution and to suspension or revocation of his license. Injunction against violators.

SEC. 15. Section 5, chapter 48, Laws of 1935 and RCW 18.22.080, and section 11, chapter 38, Laws of 1917 and section 2, chapter 38, Laws of 1917 and RCW 18.22.090, section 12, chapter 38, Laws of 1917 and RCW 18.22.100, and section 7, chapter 120, Laws of 1921 and RCW 18.22.190 are each repealed. Repeal.

SEC. 16. If any provision of this act or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the provisions or application of this act which can be given effect without the invalid provisions or application, and to this end the provisions of this act are declared to be severable. Severability.

Passed the House February 23, 1955.

Passed the Senate March 6, 1955.

Approved by the Governor March 15, 1955.

CHAPTER 150.

[ H. B. 269. ]

AIRCRAFT DEALERS—REGULATION.

AN ACT relating to the licensing of aircraft dealers; providing for an aircraft dealer's license and for an aircraft dealer's certificate in lieu of a registration fee and an excise tax on certain aircraft, and amending section 12, chapter 49, Laws of 1949 and RCW 14.04.250, and section 10, chapter 49, Laws of 1949 and RCW 82.48.100.

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

Definitions: SECTION 1. When used in this act:

"Person." (1) "Person" includes a firm, partnership, or corporation;

"Dealer." (2) "Dealer" means a person engaged in the business of selling, exchanging, or acting as a broker of aircraft;

"Aircraft." (3) "Aircraft" means any weight-carrying device or structure for navigation of the air, designed to be supported by the air, but which is heavier than air and is mechanically driven;

"Director." (4) "Director" means the director of aeronautics.

Application for license; director to furnish. SEC. 2. Any person desiring to apply for an aircraft dealer's license shall do so at the office of the director on a form provided for that purpose by him.

Contents. SEC. 3. Applications for an aircraft dealer's license shall contain:

(1) The name under which the dealer's business is conducted and the address of the dealer's established place of business;

(2) The residence address of each owner, director, or principal officer of the aircraft dealer, and, if a foreign corporation, the state of incorporation and names of its resident officers or managers;

(3) The make or makes of aircraft for which franchised, if any;



(4) Whether or not used aircraft are dealt in;

(5) A certificate that the applicant is a dealer having an established place of business at the address shown on the application, which place of business is open during regular business hours to inspection by the director or his representatives; and

(6) Whether or not the applicant has ever been denied an aircraft dealer's license or has had one which has been denied, suspended, or revoked.

SEC. 4. During such time as aircraft are held by a dealer for sale, exchange, delivery, test or demonstration purposes solely as stock in trade of the dealer's business, an aircraft dealer's certificate may be used on said aircraft in lieu of any registration certificate or fee and in lieu of payment of any excise tax. The director shall issue one aircraft dealer's certificate with each aircraft dealer's license. Additional aircraft dealer's certificates shall be issued to an aircraft dealer upon request and the payment of the fee hereinafter provided for. Nothing herein contained, however, shall be construed to prevent transferability among dealer aircraft of any aircraft dealer's certificate, and such certificate need be displayed on dealer aircraft only while in actual use or flight. Every aircraft dealer's certificate issued shall expire on December 31st, and may be renewed upon renewal of an aircraft dealer's license. Certificates.

SEC. 5. The fee for original aircraft dealer's license for each calendar year or fraction thereof shall be twenty-five dollars which shall include one aircraft dealer's certificate and which may be renewed annually for a fee of ten dollars. Additional aircraft dealer certificates may be obtained for two dollars each per year. If any dealer shall fail or neglect to apply for renewal of his license prior to February 1st in each year, his license shall be declared canceled by the director, in which case any such dealer desiring a license shall apply for an License fees.

Certificate fee.

Failure to renew license.

original license and pay the fee required for such original license.

Collection  
of fees.

SEC. 6. The fees set forth in section 5 of this act shall be payable to and collected by the director. The fee for any calendar year may be paid on and after the first day of December of the preceding year. The director shall give appropriate receipts therefor. The fees collected under this act shall be credited to the general fund. The director may prescribe requirements for the possession and exhibition of aircraft dealer's licenses and aircraft dealer's certificates.

Possession and  
exhibition of  
licenses and  
certificates.

Bond.

SEC. 7. Before issuing an aircraft dealer license, the director shall require the applicant to file with said director a surety bond in the amount of four thousand dollars running to the state, and executed by a surety company authorized to do business in the state. Such bond shall be approved by the attorney general as to form and conditioned that the dealer shall conduct his business in conformity with the provisions of this act. Any person who shall have suffered any loss or damage by reason of any act by a dealer which constitutes ground for refusal, suspension, or revocation of license under section 9 of this act shall have an action against such aircraft dealer and the surety upon such bond. Successive recoveries against said bond shall be permitted but the aggregate liability of the surety to all persons shall in no event exceed the amount of the bond.

Branches and  
subagencies.

SEC. 8. Every dealer maintaining a branch or subagency in another city or town in this state shall be required to have a separate aircraft dealer's license for such branch or subagency, in the same manner as though each constituted a separate and distinct dealer.

SEC. 9. The director shall refuse to issue an aircraft dealer's license or shall suspend or revoke an

aircraft dealer's license whenever he has reasonable grounds to believe that such dealer has:

Grounds for not issuing, suspension, or revocation of license.

(1) Forged or altered any federal certificate, permit, rating or license, relating to ownership and airworthiness of an aircraft;

(2) Sold or disposed of an aircraft which he knows or has reason to know has been stolen or appropriated without the consent of the owner;

(3) Wilfully misrepresented any material fact in the application for an aircraft dealer's license, aircraft dealer's certificate, or registration certificate.

(4) Wilfully withheld or caused to be withheld from a purchaser of aircraft any document referred to in subsection (1) hereof if applicable, or an affidavit to the effect that there are no liens, mortgages or encumbrances of any type on the aircraft other than noted thereon, if such document or affidavit has been requested by the purchaser.

(5) Suffered or permitted the cancellation of his bond or the exhaustion of the penalty thereof;

(6) Used an aircraft dealer's certificate for any purpose other than those permitted by this act.

SEC. 10. Should the director make an order that any person is not entitled to an aircraft dealer's license or that an existing license should be suspended or revoked, he shall forthwith notify the applicant or dealer in writing. The applicant shall have thirty days from the date of the director's order to appeal therefrom to the superior court of Thurston county which he may do by filing a notice of such appeal with the clerk of said superior court and at the same time filing a copy of such notice with the director. Appeals.

SEC. 11. Section 12, chapter 49, Laws of 1949 and RCW 14.04.250 are each amended to read as follows: Amendment.

Every aircraft shall be registered with the state aeronautics commission for each calendar year in which the aircraft is operated within this state. A Registration of aircraft; required.

Fee.  
Certificate.

fee of two dollars shall be charged for each such registration and each annual renewal thereof. Registration certificates issued after June 30th of any year, shall be issued at the rate of fifty percent of the annual fee.

## Requisites.

Possession of the appropriate effective federal certificate, permit, rating, or license relating to ownership and airworthiness of the aircraft, and payment of the excise tax imposed by title 82 for the privilege of using the aircraft within this state during the year for which registration is sought, and payment of the registration fee required by this section shall be the only requisites for registration of an aircraft under this section.

Collection  
of fee.

The registration fee imposed by this section shall be payable to and collected by the auditor of the county in which the aircraft is based. The fee for any calendar year may be paid on and after the first day of December of the preceding year, and shall be collected by the auditor at the time of the collection by him of the said excise tax. The county auditor shall give to each person paying the registration fee imposed by this section and said excise tax a copy of a receipt therefor, on a form which shall be furnished by the director, which receipt shall designate and identify the aircraft with respect to which the registration fee was paid, and shall contain such additional information as the director may require. A duplicate copy of said receipt shall be transmitted by the auditor to the director. If the director is satisfied from the information set forth in such receipt and from any other information which he may obtain that the requirements for registration of the aircraft have been met, he shall thereupon issue and mail to the owner of the aircraft a certificate of registration therefor. The county auditor shall, when remitting motor vehicle and aircraft excise taxes, pay to the state treasurer the registra-

## Receipt.

Issuance of  
certificate.Remitting  
of fees.

tion fees collected under this section, which registration fees shall be credited to the general fund.

It shall not be necessary for the registrant to provide the director with originals or copies of federal certificates, permits, ratings, or licenses. The director shall issue certificates of registration, or such other evidences of registration or payment of fees as he may deem proper; and in connection therewith may prescribe requirements for the possession and exhibition of such certificates or other evidences.

Evidence that  
requisites met.

Director's  
powers and  
duties.

The provisions of this section shall not apply to:

Aircraft not  
subject to  
section.

(1) An aircraft owned by and used exclusively in the service of any government or any political subdivision thereof, including the government of the United States, any state, territory, or possession of the United States, or the District of Columbia, which is not engaged in carrying persons or property for commercial purposes;

(2) An aircraft registered under the laws of a foreign country;

(3) An aircraft which is owned by a nonresident and registered in another state: *Provided*, That if said aircraft shall remain in and/or be based in this state for a period of ninety days or longer it shall not be exempt under this section;

(4) An aircraft engaged principally in commercial flying constituting an act of interstate or foreign commerce;

(5) An aircraft owned by the manufacturer thereof while being operated for test or experimental purposes, or for the purpose of training crews for purchasers of the aircraft;

(6) An aircraft being held for sale, exchange, delivery, test, or demonstration purposes solely as stock in trade of an aircraft dealer licensed under RCW Title 14.

The director shall be notified within one week of any change in ownership of a registered aircraft.

Change of  
ownership or  
registration.

The notification shall contain the N, NC, NR, NL, or NX number of the aircraft, the full name and address of the former owner, and the full name and address of the new owner. For failure to so notify the director, the registration of that aircraft may be canceled by the director, subject to reinstatement upon application and payment of a reinstatement fee of ten dollars by the new owner.

Amendment.

SEC. 12. Section 10, chapter 49, Laws of 1949 and RCW 82.48.100 are each amended to read as follows:

Aircraft not  
subject to  
chapter.

This chapter shall not apply to:

Aircraft owned by and used exclusively in the service of any government or any political subdivision thereof, including the government of the United States, any state, territory, or possession of the United States, or the District of Columbia, which are not engaged in carrying persons or property for commercial purposes;

Aircraft registered under the laws of a foreign country;

Aircraft which are owned by a nonresident and registered in another state: *Provided*, That if any such aircraft shall remain in and/or be based in this state for a period of ninety consecutive days or longer it shall not be exempt under this section;

Aircraft engaged principally in commercial flying which constitutes interstate or foreign commerce; and aircraft owned by the manufacturer thereof while being operated for test or experimental purposes, or for the purpose of training crews for purchasers of the aircraft.

Aircraft being held for sale, exchange, delivery, test, or demonstration purposes solely as stock in trade of an aircraft dealer licensed under RCW Title 14.

Passed the House February 19, 1955.

Passed the Senate March 6, 1955.

Approved by the Governor March 15, 1955.

## CHAPTER 151.

[ H. B. 543. ]

## ELECTIONS—DATE OF HOLDING.

AN ACT relating to elections; and amending section 3, chapter 61, Laws of 1921 and section 1, chapter 53, Laws of 1923 and RCW 29.13.010.

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

SECTION 1. Section 3, chapter 61, Laws of 1921 and section 1, chapter 53, Laws of 1923, (heretofore combined and codified as RCW 29.13.010) are amended to read as follows: Amendment.

All state and county general elections for the election of federal, state, legislative, judicial, county, and precinct officers, and for the submission to the voters of the state of any measure for their adoption and approval or rejection, shall be held on the first Tuesday after the first Monday of November, in the year in which they may be called: *Provided*, That this section shall not be construed as fixing the time for holding primary elections, or elections for the recall of county officers; nor special elections to fill vacancies in any state office, or in the membership of either branch of the congress of the United States: *Provided further*, That the board of county commissioners may, if they deem an emergency to exist, call a special county election at any time by presenting a resolution to the county auditor at least forty-five days prior to the proposed election date. Such county special election shall be noticed and conducted in the manner provided by law. Designation of election dates.

Exceptions.

Emergency county elections.

Passed the House February 21, 1955.

Passed the Senate March 6, 1955.

Approved by the Governor March 15, 1955.

CHAPTER 152.

[ H. B. 371. ]

TOLL BRIDGES—COLUMBIA RIVER—VANCOUVER—  
PORTLAND.

AN ACT relating to toll bridges across the Columbia River between Vancouver, Washington, and Portland, Oregon, authorizing the construction of an additional bridge between said cities and the reconstruction and improvement of the existing bridge, authorizing the operation and maintenance of both bridges as a single toll facility, authorizing agreements between the state of Washington and the state of Oregon through their proper agencies, providing for the issuance and sale of revenue bonds and the conditions, terms and payment thereof, amending sections 1 through 4, chapter 132, Laws of 1953 and RCW 47.56.310, 47.56.320, 47.56.330 and 47.56.340, amending chapter 47.56 RCW by adding three new sections thereto, and declaring an emergency.

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

Amendment.

SECTION 1. Section 1, chapter 132, Laws of 1953 and RCW 47.56.310 are each amended to read as follows:

Vancouver-Portland bridges; construction and reconstruction.

The Washington toll bridge authority is hereby authorized in conjunction with the Oregon state highway commission, to erect an additional bridge or so much thereof as may be agreed upon with the Oregon state highway commission, including approaches thereto, across the Columbia river adjacent to the existing interstate bridge between Vancouver, Washington, and Portland, Oregon, and to reconstruct and improve the said existing interstate bridge and its approaches or so much thereof as may be agreed upon with the Oregon state highway commission. Such additional bridge, together with the existing interstate bridge, shall be an integral part of U. S. highway No. 99, and to the Oregon boundary shall be a part of primary state highway No. 1. All acts necessary to the design and construction of said new bridge and approaches thereto and the reconstruction and alteration of the existing bridge and



approaches may be done and performed by either the Oregon state highway commission or the Washington toll bridge authority with the approval of the other or by both of them jointly.

SEC. 2. Section 2, chapter 132, Laws of 1953 and RCW 47.56.320 are each amended to read as follows: Amendment.

The Washington toll bridge authority is authorized to enter into an agreement with the Oregon state highway commission that the new bridge, including approaches, provided for herein shall be merged and consolidated with the existing interstate bridge, including its approaches, located between Vancouver, Washington and Portland, Oregon so that both bridges shall be and become a single toll facility. Merger into single toll facility.

The Washington toll bridge authority is hereby authorized to operate and to assume the full control of said toll facility and each portion thereof, whether within or without the borders of the state of Washington, with full power to impose and collect tolls from the users of both bridges constituting said toll facility for the purpose of providing revenue at least sufficient to pay the cost and incidental expenses of construction of the new bridge including approaches thereto in both states, the reconstruction and improvement of the existing interstate bridge including approaches thereto in both states, the cost of maintaining, operating and repairing both of said bridges while the same are operated as said toll facility, and for the payment of the principal of and interest on its revenue bonds authorized by, and for the purposes set forth in, this act. Toll bridge authority's powers.

SEC. 3. Section 4, chapter 132, Laws of 1953 and RCW 47.56.340 are each amended to read as follows: Amendment.

Both the bridges herein provided for shall be operated as toll-free bridges whenever the costs of construction of the new bridge and approaches thereto and the reconstruction and improvement of Bridges to become toll free.

the existing bridge and approaches thereto, including all incidental costs shall have been paid, and when all of said revenue bonds and interest thereon issued and sold pursuant to the authority of this act shall have been fully paid and redeemed.

Amendment.

SEC. 4. Section 3, chapter 132, Laws of 1953 and RCW 47.56.330 are each amended to read as follows:

Agreements with Oregon.

The Washington toll bridge authority and the Washington state highway commission are hereby authorized to enter into such agreements with the Oregon state highway commission as they shall find necessary or convenient to carry out the purposes of this act.

Any such agreements may include, but shall not be limited to, the following:

(1) A provision that all acts pertaining to the design and construction of said new bridge and the reconstruction and improvement of the existing interstate bridge may be done and performed by the Oregon state highway commission or the Washington toll bridge authority, with the approval of the other, or by both, and that any and all contracts for the construction of the new bridge and the reconstruction and improvement of the existing bridge shall be awarded in the name of the state of Oregon by and through its state highway commission or the state of Washington under direction of the Washington toll bridge authority, or both: *Provided, however,* That there shall be a further provision that each state shall have full power to design and construct approaches to each bridge within the respective boundaries of said state with reimbursement from the proceeds of the sale of the revenue bonds to be issued.

(2) A provision that the state of Oregon, the Oregon state highway commission, and any other duly constituted agency of the state of Oregon, the state of Washington, the Washington toll bridge au-

thority, the Washington state highway commission, and any other duly constituted agency of the state of Washington shall be reimbursed out of the proceeds of the sale of such bonds for any advances they may have made or expenses they may have incurred for any of the purposes for which said revenues bonds may be issued, after duly verified, itemized statements of such advances and expenses have been submitted to and jointly approved by the Oregon state highway commission and Washington toll bridge authority.

(3) A provision that during the period of operation of said bridges and the approaches thereto as a toll facility all maintenance and repair work may be performed by either the Oregon state highway commission or by the Washington toll bridge authority with a provision for reimbursement of the costs of such maintenance and repair from revenue derived from the collection of tolls on said toll facility.

Any such agreements shall include the following provisions:

(1) A provision that the new bridge and approaches provided for herein shall be consolidated and merged with the existing interstate bridge and its approaches located between Vancouver, Washington and Portland, Oregon so that both bridges shall be and become a single toll facility.

(2) A provision that the Washington toll bridge authority shall assume and have complete responsibility for the operation of both bridges and approaches thereto as a single toll facility except as to repair and maintenance, and with full power in the Washington toll bridge authority to impose and collect all toll charges from the users of said bridges and to disburse the revenue derived therefrom for the payment of expenses of maintenance and operation and repair thereof, all costs of constructing

said new bridge and reconstructing and improving said existing bridge and all expenses incidental thereto, and the payment of the principal of [and] the interest on the revenue bonds herein provided for.

(3) A provision that the Washington toll bridge authority shall provide for the issuance, sale and payment of revenue bonds payable solely from the revenue derived from the imposition and collection of tolls upon both bridges as a single toll facility, and that such bonds shall be in such amounts as to provide funds with which to pay the costs of the design and construction of the proposed new bridge, including the approaches thereto in both states and the costs of acquisition of rights of way therefor, the reconstruction and alteration of the existing bridge and approaches thereto, expenses incident to the issuance of such bonds including the payment of interest for the period beginning with the date of issuance thereof and ending at the expiration of six months after tolls are first imposed, and a reasonable amount for working capital and prepaid insurance, with the further provision that any sale of the bonds to be issued shall be approved by the Oregon state highway commission.

(4) A provision that the Washington toll bridge authority, after consultation with the Oregon state highway commission, shall fix the classifications and amounts of tolls to be charged and collected from users of said toll facility with power after consultation with the Oregon state highway commission to revise the same if deemed necessary, and the time or times when such tolls shall first be imposed, with the further provision that such toll charges shall be removed after all costs of construction of the new bridge and approaches thereto and the reconstruction and improvement of the existing bridge and approaches thereto, including all incidental costs, shall

have been paid, and all of said revenue bonds, and interest thereon, issued and sold pursuant to the authority of this act shall have been fully paid and redeemed.

SEC. 5. There is added to chapter 132, Laws of 1953 a new section, section 5, (and to chapter 47.56 RCW) to read as follows: New section.

The Washington toll bridge authority shall have the power and is hereby authorized by resolution to issue and sell its revenue bonds in an amount sufficient to provide funds to pay all the costs of construction of the new bridge and approaches thereto and the reconstruction and improvement of the existing bridge and approaches thereto, including all costs of survey, acquisition of rights of way, engineering, legal and incidental expenses, to pay the interest due thereon during the period beginning with the date of issue of the bonds and ending at the expiration of six months after the first imposition and collection of tolls from the users of said toll facility, and to pay amounts that will provide a reasonable sum for working capital and prepaid insurance and all costs incidental to the issuance and sale of the bonds. Revenue bonds.

Except as may be otherwise specifically provided in this act, the provisions of chapter 47.56 RCW shall govern the issuance and sale of said revenue bonds, the execution thereof, the disbursement of the proceeds of sale thereof, the interest rate or rates thereon, their form, terms, conditions, covenants, negotiability, denominations, maturity date or dates, the creation of special funds or accounts safeguarding and providing for the payment of the principal thereof and interest thereon, and their manner of redemption and retirement.

Said revenue bonds shall constitute obligations only of the Washington toll bridge authority and shall be payable both principal and interest solely

from the tolls and revenues derived from the operation of said toll facility as hereinbefore constituted. Said bonds shall not constitute an indebtedness of the state of Washington and shall contain a recital on the face thereof to that effect, and shall be negotiable instruments under the law merchant. Such bonds shall include a covenant that the payment or redemption thereof and the interest thereon are secured by a first and direct charge and lien on all of the tolls and other revenues received from the operation of said toll facility and from any interest which may be earned from the deposit or investment of any such revenues, except for payment of costs of operation, maintenance and necessary repairs of said facility. The tolls and charges to be imposed shall be fixed in such amounts so that when collected they will produce revenues that shall be at least equal to expenses of operating, maintaining and repairing said toll facility, including all insurance costs, amounts for adequate reserves and coverage of annual debt service on said bonds, and all payments necessary to pay the principal thereof and interest thereon.

New section.

SEC. 6. There is added to chapter 132, Laws of 1953 a new section, section 6 (and to chapter 47.56 RCW) to read as follows:

47.56 RCW  
controlling  
law.

Except as may be otherwise specifically provided in this act, the provisions of chapter 47.56 RCW shall govern and be controlling in all matters and things necessary to carry out the purposes of this act. Nothing in this act is intended to amend, alter, modify or repeal any of the provisions of any statute relating to the powers and duties of the Washington toll bridge authority except as such powers and duties are amplified or modified by the specific provisions of this act for the uses and purposes herein set forth, and this act shall be additional to such existing statutes and concurrent therewith.

Act additional  
to existing  
statutes.

If any sentence, clause or phrase of this act shall be held to be invalid or unconstitutional, the invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other sentence, clause or phrase of this act. Severability.

The provisions of this act shall be liberally construed so that the uses and purposes hereof may be achieved and accomplished. Liberal construction.

SEC. 7. This act is necessary for the preservation of the peace, health and safety of the state and the support of the state government and its existing institutions, and shall take effect immediately. Emergency.

Passed the House February 14, 1955.

Passed the Senate March 6, 1955.

Approved by the Governor March 15, 1955.

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## CHAPTER 153.

[ H. B. 542. ]

### ELECTIONS—NOTICE—CERTIFICATION OF MEASURES.

AN ACT relating to elections; amending section 7, chapter 101, Laws of 1951 and RCW 29.27.080; and repealing section 6, chapter 53, Laws of 1923 and RCW 29.27.070.

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

SECTION 1. Section 7, chapter 101, Laws of 1951 and RCW 29.27.080 are each amended to read as follows: Amendment.

Notice for any state, county, district, or municipal election, whether special or general, shall be given by at least one publication not more than ten nor less than three days prior to the election by the county auditor or the officer conducting the election as the case may be, in one or more newspapers of general circulation within the county. Said legal notice shall contain the title of each office under the proper party designation, the names and ad- Notice of election; publication.  
Requirements.

resses of all officers who have been nominated for an office to be voted upon at that election, together with the ballot titles of all measures, the hours during which the polls will be open, and that the election will be held in the regular polling places in each precinct, giving the address of each polling place: *Provided*, That the names of all candidates for nonpartisan offices shall be published separately with designation of the offices for which they are candidates but without party designation. This shall be the only notice required for a state, county, district or municipal general or special election and shall supersede the provisions of any and all other statutes, whether general or special in nature, having different requirements for the giving of notice of any general or special elections.

Superseding  
legislation.

Repeal.

SEC. 2. Section 6, chapter 53, Laws of 1923 and RCW 29.27.070 are each repealed.

Passed the House February 21, 1955.

Passed the Senate March 6, 1955.

Approved by the Governor March 15, 1955.



## CHAPTER 154.

[ H. B. 77. ]

## PROBATE—REALTY SALES BY ADMINISTRATORS, ETC.

AN ACT relating to probate law and procedure and the sale of real property by guardians, administrators and executors and amending section 132, chapter 156, Laws of 1917 and RCW 11.56.110.

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

SECTION 1. Section 132, chapter 156, Laws of 1917 and RCW 11.56.110 are each amended to read as follows: Amendment.

If, at any time before confirmation of any such sale, any person shall file with the clerk of court a bid on such property in an amount not less than ten percent higher than the bid the acceptance of which was reported by the return of sale and shall deposit with the clerk not less than twenty percent of his bid, to be forfeited to the estate unless such bidder complies with his bid, the bidder whose bid was accepted shall be informed of such increased bid by registered mail addressed to such bidder at any address which may have been given by him at the time of making such bid. Such bidder then shall have a period of five days, not including holidays, in which to make and file a bid better than that of the subsequent bidder. After the expiration of such five-day period the court may refuse to confirm the sale reported in the return of sale and direct a sale to the person making the best bid then on file, indicating which is the best bid, and a sale made pursuant to such direction shall need no further confirmation. Instead of such a direction, the court, upon application of the administrator, executor or guardian, may direct the reception of sealed bids. Thereupon the administrator, executor or guardian shall mail notice by registered mail to all those who have made bids on such property informing them

Offer of increased bid.

that sealed bids will be received by the clerk of the court within ten days. At the expiration of such period the administrator, executor or guardian, in the presence of the clerk of the court, shall open such bids as shall have been submitted to the clerk within the time stated in the notice (whether by previous bidders or not) and shall file a recommendation of the acceptance of the bid which he deems best in view of the requirements of the particular estate. The court may thereupon direct a sale to the bidder whose bid is deemed best by the court and a sale made pursuant to such direction shall need no confirmation.

Passed the House February 16, 1955.

Passed the Senate March 7, 1955.

Approved by the Governor March 15, 1955.

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CHAPTER 155.

[ H. B. 158. ]

EMINENT DOMAIN—PAYMENT—TRIAL—COSTS.

AN ACT relating to the power of eminent domain by the state and amending section 2, chapter 177, Laws of 1951, and RCW 8.04.092.

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

Amendment. SECTION 1. Section 2, chapter 177, Laws of 1951, and RCW 8.04.092 are each amended to read as follows:

Determination of compensation and damages. (RCW 8.04.092) The amount paid into court shall constitute just compensation paid for the taking of such property: *Provided*, That respondents may, in the same action, request a trial for the purpose of assessing the amount of compensation to be made and the amount of damages arising from the taking. In the event that, pursuant to such hearing, the verdict of the jury, unless a jury be waived by all par-

ties, or decision of the court, shall award respondents an amount in excess of the tender, the court shall order such excess paid to respondents with interest thereon from the time of the entry of the order of immediate possession, and shall charge the costs of the action to the state. In the event that, pursuant to such trial, the verdict of the jury or decision of the court shall award respondents an amount equal to the tender, the costs of the action shall be charged to the state, and if such verdict or decision shall award an amount less than the amount of the tender, the state shall be taxed for costs and the state, if respondents have accepted the tender and withdrawn the amount paid into court, shall be entitled to a judgment for the difference; otherwise, the excess on deposit shall be returned to the state.

Passed the House February 4, 1955.

Passed the Senate March 7, 1955.

Approved by the Governor March 15, 1955.

CHAPTER 156.

[ Sub. H. B. 221. ]

EMINENT DOMAIN—SEVERAL OWNERSHIPS.

AN ACT relating to eminent domain by the state; permitting the state to file one condemnation action against several parties owning lands, property, or property rights held by different ownerships or interests and providing for the selection of one jury for separate trials to determine the compensation and damages, if any, to be awarded therefor; prescribing measure of damages to buildings and for the removal in certain cases; eliminating necessity of final offer prior to filing petitions; adding two new sections to chapter 8.04 RCW; and amending section 1, chapter 64, Laws of 1911 and RCW 8.04.010.

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

Acquisition by state of tracts held in different ownerships or interests; petition.

SECTION 1. Whenever it becomes necessary on behalf of the state to acquire by condemnation more than one tract of land, property, or property rights, existing in any one county, and held in different ownerships or interests, the state may consolidate and file a single petition as one action against the several tracts of land, property, or property rights held by said different ownerships or interests, setting forth separately the descriptions of the tracts of land, property, or property rights needed, and the owners, persons, or parties interested therein.

Order adjudicating public use.

SEC. 2. At the time and place appointed for hearing the petition, the court may enter an order adjudicating public use as affecting all tracts of land, property, or property rights as described therein, which order shall be final as to those respondents not seeking a review to the supreme court within five days after the entry thereof.

Selection of single jury.

SEC. 3. Thereafter, if requested by the state, a single jury shall be selected to hear and determine in separate trials, the amount of compensation and damages, if any, that shall be paid for the different

tracts, parcels, property, or property rights, as set forth in the petition.

SEC. 4. A new section is added to chapter 8.04 RCW to read as follows: New section.

If there is a building standing, in whole or in part, upon any land to be taken, the jury shall add to their finding of the value of the land taken, the damages to the building. If the entire building is taken, or if the building is damaged, so that it cannot be readjusted to the premises, then the measure of damages shall be the fair market value of the building. If part of the building is taken or damaged and the building can be readjusted or replaced on the part of the land remaining, and the state agrees thereto, then the measure of damages shall be the cost of readjusting or moving the building, or the part thereof left, together with the depreciation in the market value of the building by reason of such readjustment or moving. Damage to buildings.

SEC. 5. A new section is added to chapter 8.04 RCW to read as follows: New section.

If damages are based upon readjustment or moving of building or buildings, the court shall order and fix the time in the judgment and decree of appropriation within which any such building must be moved or readjusted. Upon failure to comply with said order, the state may move said building upon respondent's remaining land and recover its costs and expenses incidental thereto. The state shall have a lien upon the building and the remaining land from the date of the judgment and decree of appropriation for the necessary costs and expenses of removal until the order of the court has been complied with. The amount of the lien and satisfaction thereof shall be by application and entry of a supplemental judgment in said proceedings and execution thereon. Decree where damages based on readjustment or moving of building.  
Lien.

## Amendment.

SEC. 6. Section 1, chapter 64, Laws of 1911 and RCW 8.04.010 are each amended to read as follows:

## Petition for appropriation.

Whenever any officer, board, commission, or other body representing the state is authorized by the legislature to acquire any land, real estate, premises, or other property, deemed necessary for the public uses of the state, or any department or institution thereof, the attorney general shall present to the superior court of the county in which the land, real estate, premises, or other property so sought to be acquired or appropriated is situated, a petition in which the land, real estate, premises, or other property sought to be appropriated shall be described with reasonable certainty, and setting forth the name of each and every owner, encumbrancer, or other person or party interested therein, or any part thereof, insofar as can be ascertained from the public records, the object for which the property is sought to be appropriated, and praying that a jury be impanelled to ascertain and determine the compensation to be made in money to such owner or owners, respectively, and to all tenants, encumbrancers, and others interested, for taking such land, real estate, premises, or other property, or in case a jury is waived, as in other civil cases in courts of record, in the manner prescribed by law, then that the compensation to be made as aforesaid be ascertained and determined by the court.

Passed the House February 27, 1955.

Passed the Senate March 7, 1955.

Approved by the Governor March 15, 1955.

## CHAPTER 157.

[ Sub. H. B. 295. ]

## EDUCATION—COUNTY SUPERINTENDENTS.

AN ACT relating to education; amending sections 2096, 2666, 2707, 2708, 2709, 2711, 2719, 2738, 2774 and 2775, Code 1881, section 4, page 61, Laws of 1886, section 1, page 478 and section 5, page 35, Laws of 1890, section 1, chapter 5, Laws of 1891, sections 2, 3, 4, 5, 7 and 8, chapter 119, Laws of 1893, sections 1 and 2, chapter 53, Laws of 1895, section 44, chapter 71, Laws of 1897, section 1, page 280, chapter 97, Laws of 1909, section 1, chapter 132, Laws of 1921, section 55, chapter 130, Laws of 1925 extraordinary session, section 1, chapter 37, Laws of 1927, section 2, chapter 136, Laws of 1933, sections 1 and 2, chapter 197, Laws of 1937, section 1, chapter 139, Laws of 1943, section 1, chapter 249, Laws of 1943 and RCW 28.19.010 through 28.19.030, 36.16.030 through 36.16.060, 36.22.010, 36.32.060 and 42.08.100; adding 11 new sections to Title 28 RCW; and repealing section 1, chapter 95, Laws of 1923 and RCW 28.20.050, and sections 2 through 4, page 369, Laws of 1909 and RCW 28.20.060 through 28.20.080.

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

SECTION 1. Sections 2096, 2666, 2707, 2708, 2709, 2711, 2719, 2738, 2774 and 2775, Code 1881, section 4, page 61, Laws of 1886, section 1, page 478 and section 5, page 35, Laws of 1890, section 1, chapter 5, Laws of 1891, sections 2, 3, 4, 5, 7 and 8, chapter 119, Laws of 1893, sections 1 and 2, chapter 53, Laws of 1895, section 44, chapter 71, Laws of 1897, section 1, page 280, chapter 97, Laws of 1909, section 1, chapter 132, Laws of 1921, section 55, chapter 130, Laws of 1925 extraordinary session, section 1, chapter 37, Laws of 1927, section 2, chapter 136, Laws of 1933, sections 1 and 2, chapter 197, Laws of 1937, section 1, chapter 139, Laws of 1943, section 1, chapter 249, Laws of 1943 (heretofore divided, combined, and codified as RCW 28.19.010 through 28.19.030, 36.16.030 through 36.16.060, 36.22.010, 36.32.060 and 42.08.100) are amended to read as set forth in sections 2 through 11 of this act. Amendment.

County superintendents; election.

SEC. 2. (RCW 28.19.010) A county superintendent shall be elected in each county of the state, or if two or more counties are consolidated by the joining of offices of county superintendents of two or more counties as hereinafter provided, then for the counties embraced by such consolidation. He shall be elected by the voters of the county, or if there be a consolidation of superintendents' offices of two or more counties, then by the voters of the counties so consolidated.

The election shall be conducted in the manner provided by law for the holding of regular county elections. Where the election is by consolidated counties the county auditor of each county within the consolidation, after the canvassing and tallying of the votes, shall forward the results to the secretary of state for canvass of the returns by the state canvassing board as provided by RCW 29.62.100. Such county auditor shall compile the total vote of all the consolidated counties and certify the result.

Terms of office.

His term of office shall begin on the first Monday in September next succeeding his election and continue for four years and until his successor is elected and qualified. He shall take the oath of office and furnish an official bond in a sum to be fixed by the county board of education.

Oath of office.

Assistants and other professional and clerical personnel.

SEC. 3. (RCW 28.19.020) The county superintendent may appoint with consent of the county board of education assistant superintendents and such other professional personnel and clerical help as may be necessary to perform the work of his office at such salaries as may be determined by the county board of education, and shall pay their salaries out of his budget. All assistant county superintendents shall qualify in the same manner as the county superintendent; and in the absence of the county superintendent shall perform the duties of the office. The county superintendent shall have the authority to



deputize an assistant to perform any of the duties of the office.

SEC. 4. (RCW 28.19.030) The county board of education, whether of an individual county or a consolidation of superintendents' offices of counties shall fill any vacancy that may occur in the office of county superintendent in their county or consolidation of counties, until the next general election. Vacancies.

SEC. 5. (RCW 36.16.030) In every county there shall be elected from among the qualified voters of the county a county assessor, a county auditor, a county clerk, a county coroner, three county commissioners, a county prosecuting attorney, a county sheriff and a county treasurer: *Provided*, That in counties of the fourth, fifth, sixth, seventh, eighth, and ninth classes no coroner shall be elected and the prosecuting attorney shall be ex officio coroner: *Provided further*, That in ninth class counties no county auditor or assessor shall be elected and the county clerk shall be ex officio county auditor, and the county treasurer shall be ex officio county assessor. Election of county officers.

SEC. 6. (RCW 36.16.040) Every person elected to county office shall before he enters upon the duties of his office take and subscribe an oath or affirmation that he will faithfully and impartially discharge the duties of his office to the best of his ability. This oath, or affirmation, shall be administered and certified by an officer authorized to administer oaths, without charge therefor. Enacted without amendment.

SEC. 7. (RCW 36.16.050) Every county officer before he enters upon the duties of his office shall furnish a bond conditioned that he will faithfully perform the duties of his office and account for and pay over all money which may come into his hands by virtue of his office, and that he, or his executors or administrators, will deliver to his successor safe Bond of county officers.

and undefaced all books, records, papers, seals, equipment, and furniture belonging to his office. Bonds of elective county officers shall be as follows:

Assessor: Amount to be fixed and sureties to be approved by the board of county commissioners;

Auditor: Amount to be fixed at not less than three thousand dollars and sureties to be approved by the board of county commissioners;

Clerk: Amount to be fixed in a penal sum not less than double the amount of money liable to come into his hands and sureties to be approved by the judge or a majority of the judges presiding over the court of which he is clerk;

Coroner: In the amount of one thousand dollars with sureties to be approved by the board of county commissioners;

County commissioners: Sureties to be approved by the county clerk and the amounts to be:

(1) In class A counties and first class counties twenty-five thousand dollars;

(2) In second class counties, twenty-two thousand five hundred dollars;

(3) In third class counties, twenty thousand dollars;

(4) In fourth class counties, fifteen thousand dollars;

(5) In fifth class counties, ten thousand dollars;

(6) In sixth class counties, seven thousand five hundred dollars;

(7) In seventh and eighth class counties, five thousand dollars;

(8) In ninth class counties, two thousand dollars;

Prosecuting attorney: In the amount of five thousand dollars with sureties to be approved by the board of county commissioners;

Sheriff: Amount to be fixed and bond approved by the board of county commissioners at not less than two thousand nor more than twenty-five thousand

dollars; surety to be a surety company authorized to do business in this state;

Superintendent of schools: Amount to be fixed and sureties to be approved by the county board of education;

Treasurer: Sureties to be approved by the board of county commissioners and the amounts to be fixed by the board of county commissioners at double the amount liable to come into the treasurer's hands during his term, the maximum amount of the bond, however, not to exceed:

(1) In class A counties, two hundred fifty thousand dollars;

(2) In first class counties, two hundred thousand dollars;

(3) In second, third and fourth class counties, one hundred fifty thousand dollars;

(4) In all other counties, one hundred thousand dollars.

The treasurer's bond shall be conditioned that all moneys received by him for the use of the county shall be paid as the commissioners shall from time to time direct, except where special provision is made by law for the payment of such moneys, by order of any court, or otherwise, and for the faithful discharge of his duties.

In the approval of official bonds, the chairman may act for the board of county commissioners if it is not in session.

SEC. 8. (RCW 36.16.060) Every county officer, before entering upon the duties of his office, shall file his oath of office in the office of the county auditor and his official bond in the office of the county clerk: *Provided*, That the official bond of the county clerk, after first being recorded by the county auditor, shall be filed in the office of the county treasurer.

Enacted  
without  
amendment.

Oaths and bonds of deputies shall be filed in the

offices in which the oaths and bonds of their principals are required to be filed.

Enacted  
without  
amendment.

SEC. 9. (RCW 36.22.010) The county auditor:

(1) Shall be recorder of deeds and other instruments in writing which by law are to be filed and recorded in and for the county for which he is elected;

(2) Shall examine and settle the accounts of all persons indebted to the county or who hold money payable into the county treasury, certify the amount to the treasurer, and give to the person paying, a discharge upon presentation and filing of the treasurer's receipt therefor, charging the treasurer with the amount;

(3) Shall keep an account current with the county treasurer, charge him with all money received as shown by his receipts issued and credit him with all disbursements paid out according to the record of settlement of the treasurer with the board of county commissioners;

(4) Shall make out and transmit to the state auditor a complete statement of the state fund account with the county for the past fiscal year certified by his certificate and seal, immediately after the completion of the annual settlement of the county treasurer with the board of county commissioners.

This statement shall show:

The total amount of tax levy for the current year as returned on the original assessment roll;

The amount of the supplemental taxes levied by the treasurer;

The amount collected from delinquent tax rolls of previous years, since the last report;

The amount of errors, double assessments, and rebates allowed on settlement of the treasurer with the board of county commissioners;

The amount paid to the state treasurer since the last annual settlement and all such other credits as

the county may be entitled to receive in abatement of state taxes;

The balance of the delinquent tax account for the current year.

(5) Shall make a complete exhibit of the finances of the county immediately after the July settlement between the county treasurer and the county commissioners. He shall cause the exhibit to be published in some newspaper printed within the county; if there is none, he shall post the exhibit in a conspicuous place in his office.

The exhibit shall show:

The amount of taxes assessed in the county for the preceding year for state, county, road, bridge, school, and other purposes;

The amount of taxes collected on such assessment;

The amount of money received from other sources;

The amount received into the treasury;

The amount still due and not collected;

The number of warrants issued, the several purposes for which they were issued, the amount for each purpose, and the total amount;

The total amount of warrants redeemed;

The amount of outstanding warrants;

The present condition of the treasury;

Remarks.

(6) Shall make out a register of all warrants legally authorized and directed to be issued by any superior court cost bill, not earlier than ten days after receipt thereof, or by the board of county commissioners at any regular, adjourned, or special meeting thereof, not earlier than ten days after adjournment. He shall also make out a certified copy of the register of warrants under his hand and seal and deliver it forthwith to the county treasurer who shall record it in a book kept for that purpose.

The auditor shall file and carefully preserve the original in his office for future reference. The register of warrants shall be part of the records of the county.

(7) Shall examine the books of the treasurer between the first and tenth of each month and see that they have been correctly kept.

(8) Shall, with the county commissioners, count the money in the county treasury at the January, April, July and October settlements and make and verify statements in duplicate, showing:

The amount of money that ought to be in the treasury;

The amount and kind of money actually therein.

(9) As clerk of the board of county commissioners he shall:

Record all of the proceedings of the board;

Make full entries of all of their resolutions and decisions on all questions concerning the raising of money for and the allowance of accounts against the county;

Record the vote of each member on any question upon which there is a division or at the request of any member present;

Sign all orders made and warrants issued by order of the board for the payment of money;

Record the reports of the county treasurer of the receipts and disbursements of the county;

Preserve and file all accounts acted upon by the board;

Preserve and file all petitions and applications for franchises and record the action of the board thereon;

Record all orders levying taxes;

Perform all other duties required by any rule or order of the board.

SEC. 10. (RCW 36.32.060) The bond of each county commissioner shall be payable to the county, and it shall be conditioned that the commissioner shall

well and faithfully discharge the duties of his office, and not approve, audit, or order paid any illegal, unwarranted, or unjust claim against the county for personal services.

SEC. 11. (RCW 42.08.100) The official bonds of officers shall be approved and filed as follows, to wit: The official bond of the secretary of state shall be approved by the governor and filed in the office of the state auditor. The official bonds of all other state officers required by law to give bonds, except as otherwise expressly provided by law, shall be approved by the governor and filed in the office of the secretary of state. Bonds of public officers.

The official bonds of all county and township officers, except the county superintendent of schools, shall be approved by the board of county commissioners, if in session, and if not in session, by the chairman of such board, and filed and recorded in the office of the county clerk of their respective counties: *Provided*, That the bond of the county clerk shall be recorded in the office of the county auditor and filed in the office of the county treasurer.

SEC. 12. Section 2, page 280, Laws of 1909 and RCW 28.19.040 are each amended to read as follows: Amendment.

To be eligible for election or appointment to the office of county superintendent, in addition to other provisions of the law, a candidate must have completed five years of regular, accredited work in one or more recognized higher institutions of learning; have a teacher's, principal's, or superintendent's certificate of the state of Washington and have five or more years' experience in teaching or educational administration: *Provided*, That anyone serving as a legally qualified county superintendent on the effective date of this act may be deemed qualified to hold the office of county superintendent. Eligibility for office of county superintendent.

SEC. 13. Section 3, page 280, Laws of 1909 and RCW 28.19.050 are each amended to read as follows: Amendment.

Declaration of  
candidacy for  
office of  
county super-  
intendent.

The county auditor shall not place the name of any person upon the official ballot as a candidate for the office of county superintendent unless such person files in the office of the county auditor at the time of filing his declaration of candidacy proof of his qualifications for the office of county superintendent as defined by this chapter. Where the position is one for superintendent of consolidated counties the secretary of state shall not certify any candidate until the declaration of candidacy is filed with the secretary of state pursuant to RCW 29.18-.050.

Amendment.

SEC. 14. Sections 4 and 5, pages 281 through 284, Laws of 1909 (heretofore combined and codified as RCW 28.19.060) are each amended to read as follows:

Duties of  
county super-  
intendents.

Each county superintendent:

(1) Shall exercise a careful supervision over the common schools of his county, and see that all the provisions of the common school laws are observed and followed by the teachers, supervisors and school officers;

(2) Shall visit the schools in his county, counsel with directors and teachers, and assist in every possible way to advance the educational interests in his county;

(3) Shall distribute promptly all reports, laws, forms, circulars, and instructions which he may receive for the use of the schools and the teachers, and execute the instructions and decisions of the superintendent of public instruction, as provided by law;

(4) Shall enforce the outline course of study adopted by the state board of education, or the course of study adopted by any other lawful authority, and enforce the rules and regulations required in the examination of teachers;

(5) Shall prepare an outline course of study



for the books adopted in districts of the third class when the needs of the county demand: *Provided*, That said outline course of study shall be in harmony with the course adopted by the state board of education;

(6) Shall keep on file and preserve in his office the biennial reports of the superintendent of public instruction and the annual reports of the county superintendent of his county;

(7) Shall keep in good and well-bound books, to be furnished by the county commissioners, records of his official acts;

(8) Shall preserve carefully all reports of school officers and teachers, and at the close of his term of office deliver to his successor all records, books, documents and papers belonging to the office, either personally or through his personal representative, taking a receipt for the same, which shall be filed in the office of the county auditor in the county where his office is located;

(9) May administer oaths and affirmations to school directors, teachers and other persons, on all official matters connected with or relating to schools, but he shall not make or collect any charge or fee for so doing;

(10) Shall keep in a suitable book an official record of all persons under contract to teach in the schools of his county showing the number of the school district, the date of the contract, the names of the contracting parties, and the date of the expiration of the teacher's certificate and the kind thereof, the salary paid, and the date of commencing school, with the length of term in days, which data shall be immediately reported to the county auditor of the county in which his office is located;

(11) Shall make an annual report to the superintendent of public instruction on the first day of August of each year, for the school year ending June

30th, next preceding. The report shall contain an abstract of the reports made to him by the district clerks, and such other matters as the superintendent of public instruction shall direct. It shall be the duty of the county commissioners and county auditor in every county wherein the county superintendent is about to retire from office to withhold the warrant of his salary for the month of July until they have received a certificate from the superintendent of public instruction that the annual report of such county superintendent has been made in a satisfactory manner; and the superintendent of public instruction shall transmit such certificate to the auditor immediately upon receiving such satisfactory report;

(12) Shall keep in his office a full and correct transcript of the boundaries of each school district in the county, including joint districts. In case the boundaries of the districts are conflicting or incorrectly described, he shall change, harmonize and describe them, and at their next regular meeting he shall certify his action to the county commissioners of his county, and shall file with them a complete transcript of the boundaries of all school districts affected by his action, which shall be entered upon the journal of said board and become a part of their records. The county superintendent shall, on request, furnish the district clerks with descriptions of the boundaries of their respective districts;

(13) Shall appoint school district officers in districts of the second and of the third class to fill vacancies caused by death, resignation, failure to hold election, failure to qualify before the day for taking office, and absence from the district for a period of ninety days or failure to attend four consecutive meetings of the board without a reasonable excuse and appoint school officers for any new districts: *Provided*, That when any new district is

organized, such of the school officers of the old district as reside within the limits of the new one shall be such school officers of the new one, and the vacancies in the old district shall be filled by appointment;

(14) Shall apportion school funds;

(15) Shall conduct such examination of teachers and make such records thereof as may be prescribed by law: *Provided*, That he shall give ten days notice of each examination by publication in some newspaper of general circulation published in his county, or if there be no newspaper, then by posting up handbills, or otherwise;

(16) Shall hold teachers' institutes according to law, and conduct such other meetings of the teachers of his county as may be for the best interests of the schools; and attend other meetings and conferences which may be of benefit to the schools of his county;

(17) May hold each year, one or more directors' meetings, the expense of which shall be audited and paid by the county commissioners: *Provided*, That such expense shall not exceed the sum of one hundred dollars in any one year;

(18) May suspend any teacher who may be teaching in his county, against whom he files charges. In case of such suspension he shall immediately notify the superintendent of public instruction of his action, and shall clearly and fully state his reasons for his action;

(19) Shall furnish registers and clerks' record books to all districts of his county upon a requisition from the school district clerk, and he shall receive pay for such books by warrants drawn against the said school district by the county auditor of the county in which the school district is located. At the end of each quarter of the fiscal year he shall turn over to the treasurer of the county in which the payee district is located, all money derived from

the sale of such books, together with a detailed statement of the sources from which said funds were derived. He shall also at the same time send a copy of said statement to the superintendent of public instruction;

(20) Shall counsel with school boards on selection of school sites and whenever any board of directors of school districts of the third class shall be authorized, by the electors of their district, to erect a school building, it shall be the duty of such board, before entering into any contract for the erection of any building, to obtain the approval of the county superintendent of the county in which the building is to be erected, of the plans and specifications for the building to be erected, said superintendent to give special attention to the provisions made therein for heating, lighting and ventilation;

(21) Shall require all reports of school district officers, teachers and others to be made promptly as required by law;

(22) Shall see that the teacher's register is kept in accordance with law and the instructions of the superintendent of public instruction, and that the records of the school district clerks are properly kept;

(23) Shall require the oath of office of all school district officers be filed in his office, and shall furnish a directory of all such officers to the county auditor and to the county treasurer, upon blanks furnished by the superintendent of public instruction, as soon as the election or appointment of such officers is determined and their oaths placed on file;

(24) Shall serve as ex officio secretary of the county board of education and as ex officio secretary of the county committee for school district organization;

(25) Shall with the advice and consent of the county board of education adopt textbooks for all

school districts not maintaining a four year accredited high school;

(26) Shall prepare an annual budget for his office for approval by the county board of education.

SEC. 15. Section 7, page 284, Laws of 1909, and RCW 28.19.080 are each amended to read as follows: Amendment.

The county commissioners shall provide the county superintendent with a suitable office at the county seat. Whenever a joint county board of education as herein provided is organized, it shall be the duty of such board to designate the headquarters office of the county superintendent, and the board of county commissioners in the county of such designation shall provide the county superintendent with a suitable office at the county seat of such county, and official records of the county superintendent of each consolidation of county superintendents' offices shall be transferred to and thereafter kept by the county superintendent of the consolidated offices. Offices of county superintendents.

SEC. 16. Section 8, page 285, Laws of 1909, and RCW 28.19.090 are each amended to read as follows: Amendment.

For all actual and necessary travel in the performance of his official duties and while in attendance upon meetings and conferences, each county superintendent and his necessary assistants shall be allowed their actual traveling expenses. Travel expenses of county superintendents.

SEC. 17. Section 1, page 311, Laws of 1909 and RCW 28.20.010 are each amended to read as follows: Amendment.

In each county, there shall be a county board of education, which shall consist of five members elected by the voters of the county, one from each of five county board-member districts, such districts to be determined by the county committee on school district organization. Such county board-member district shall be arranged on a basis of equal population and so that not more than one member of the county board shall come from any one school dis- County boards; representation on.

trict: *Provided*, That in counties having less than five school districts, then the county board-member districts shall be arranged so as to give, as far as practicable, representation according to population of the counties.

Filing of  
candidacy.

Filing of candidacy for the county board shall be with the county superintendent not more than sixty days nor less than forty-five days prior to the election, and he shall certify the names to the officials conducting the elections in all districts.

Election date.

Election of board members shall be held at the time of the regular election of school district directors. The term of office for each board member shall be four years and until his successor is duly elected and qualified: *Provided*, That the terms of office for the first election shall be as follows:

Terms of  
office.

At the time of the regular school election next succeeding the effective date of this act the members from county districts 1, 2 and 3 shall be elected for a term of two years and until his successor is elected and qualified. The members from county districts 4 and 5 shall be elected for a term of four years and until his successor is elected and qualified. Thereafter the term of office for all members shall be for four years.

The term of every county board-member shall begin on the twentieth day following his election and each county board shall be organized at the first meeting held after a newly elected member takes office. In the event of a vacancy in the board from any cause, such vacancy shall be filled by appointment of a person from the same district by the remaining members of the county board until the next regular election, at which time there shall be elected a member to fill the unexpired term of the member of the board whose position has been vacated.

Amendment.

SEC. 18. Section 2, page 311, Laws of 1909 (heretofore divided and codified as RCW 28.20.020 and

28.20.030) is divided and amended as set forth in sections 19 and 20 of this act.

SEC. 19. (RCW 28.20.020) Every member of the county board of education shall be a qualified voter and a legal resident of the district for which he files, and shall not be an employee of any school district. Every member elected shall take the oath of office required of county officials. The members of the county board shall not be required to give bond.

County boards; qualifications.

Oath of office.

Bond.

SEC. 20. (RCW 28.20.030) All members of the county board of education shall be reimbursed for their actual and necessary expenses, including the cost of travel, incident to the performance of their duties. All such claims shall be approved by the county board of education and paid from the budget of the county superintendent.

Expenses.

SEC. 21. Section 3, page 311, Laws of 1909, and RCW 28.20.040 are each amended to read as follows:

Amendment.

Every county board of education shall:

Duties.

(1) Advise with and pass upon the recommendation of the county superintendent in the preparation of manuals, courses of study, rules and regulations for the circulating libraries, and to perform such other duties as may be required by him;

(2) Advise with and pass upon the recommendation of the county superintendent as to a choice of textbooks of all school districts not maintaining a four year accredited high school;

(3) Adopt rules and regulations for the schools of the county, not inconsistent with the code of public instruction or with the rules and regulations of the state board of education or the superintendent of public instruction;

(4) Approve the budget of the county superintendent, and certify to the board of county commissioners and to the state board of education the estimates of the amounts needed for such budget;

(5) Meet regularly according to the schedule adopted at the organization meeting, and in special session upon the call of the chairman, or the secretary, or a majority of the board.

**New section.** SEC. 22. There is added to Title 28 RCW, a new section to read as follows:

**Consolidation.** The office of the county superintendent of two or more contiguous counties may be consolidated into a joint county district in the following manner:

**Resolution.** The county committee on school district organization of a county desiring consolidation with a county, or with a consolidation, for the purposes of greater efficiency and more economical operation shall pass a resolution to that effect and submit it to the county committee of the county wherewith consolidation is desired; or if it is to an existing consolidation, then to the county committee of the counties comprising the existing consolidation. Such county committee, or committees, to which such resolution is submitted shall thereupon either approve or reject such resolution. A majority of the county committee, or committees, acting favorably upon the resolution submitted to them shall be sufficient to approve the acceptance of such resolution.

**Hearing.** Upon the favorable action of the county committee, or committees, a hearing shall be held pursuant to notice published in one local newspaper in each county affected by such consolidation. The notice must be published at least once each week for a period of three consecutive weeks, advising of the time and place of the hearing, and shall contain a copy of the resolution. The hearing shall be held at a suitable location within either the county desiring a consolidation, or in one of the other counties concerned. The hearing shall not be held less than thirty nor more than forty-five days from the date of first publication of the notice. Within forty-



five days following the hearing, any county committee may withdraw its approval of such resolution.

SEC. 23. There is added to Title 28 RCW, a new New section. section to read as follows:

If the resolution for consolidation is not withdrawn within forty-five days, a special election shall be called and conducted as provided by law for the holding of regular or special school district elections, for the purpose of affording the voters an opportunity to approve or reject the consolidation. If a canvass of the vote by the county committees on school district organization affected by the consolidation, meeting in a joint session not more than ten days after the date of the election shows a majority of the total vote cast in each county favor the consolidation, the consolidation shall be effected. Consolidation; special election.

SEC. 24. There is added to Title 28 RCW, a new New section. section to read as follows:

Upon the approval as provided in section 23 of this act of the consolidation the county committees on school district reorganization of the consolidation shall redistrict the counties embraced by such consolidation into five board-member districts within the consolidation in the manner set forth in section 17 of this act as though the counties within the consolidation were one county, and thereafter, at the next annual school election, there shall be elected in the manner provided in section 17 of this act, the joint county board of education: *Provided*, That until the joint county board shall have been elected and qualified all county boards shall continue as theretofore: *Provided further*, That the election and terms of the members of the first joint county board shall be determined in the manner provided in section 17 of this act. Consolidation; redistricting.

SEC. 25. There is added to Title 28 RCW, a new New section. section to read as follows:

Consolidation;  
qualification of  
joint county  
board  
members.

The joint county board of education must have the same qualifications and shall have the same duties and powers for the consolidation as the qualifications required and the powers and duties of such boards of the individual counties.

New section.

SEC. 26. There is added to Title 28 RCW, a new section to read as follows:

Consolidation;  
terms of exist-  
ing county su-  
perintendents.

All county superintendents of individual counties at the time of consolidation as provided in section 22 of this act shall continue in that office until the expiration of the term for which they are elected. At the election for the next succeeding term there shall be elected by all the voters of the consolidation a county superintendent who shall have the qualifications and the duties and powers for the consolidation as are provided by law for the county superintendent of each county.

Election of  
county super-  
intendent for  
consolidation.

New section.

SEC. 27. There is added to Title 28 RCW, a new section to read as follows:

Consolidation;  
filing for office  
of county su-  
perintendent.

The filing for the office of county superintendent for a consolidation shall be made with the county auditor of the county in which the office of the superintendent is located, and shall be certified by such auditor to the auditors of the respective counties in such consolidation.

New section.

SEC. 28. There is added to Title 28 RCW, a new section to read as follows:

Consolidation;  
withdrawal.

If after a consolidation has been in effect five years any county committee on school district organization desires to withdraw from the consolidation, as provided in section 22 of this act, such committee may initiate such action by submitting to the other county committee, or committees, a resolution to that effect, after which the same procedure shall be followed as set forth in sections 22 through 26 of this act.

New section.

SEC. 29. There is added to Title 28 RCW, a new section to read as follows:

The board of county commissioners of each county annually at the time the budgets are prepared for the several county offices shall allocate from county funds to the county superintendent for his budget, the amount certified to the board of county commissioners by the county board of education as the amount needed from county funds for the county superintendent's budget.

Budgets of county superintendents.

SEC. 30. There is added to Title 28 RCW, a new section to read as follows:

New section.

The budget of the county superintendent of a consolidation of county superintendents' offices shall be approved by the joint county board of education, which joint county board shall determine and certify to the county commissioners of each county of the consolidation the amount needed from county funds of each such county for the county superintendent's budget. The county commissioners of each county shall order the transfer of such funds to the county treasurer in the county wherein the county superintendent's headquarters office is located to be credited to his budget, and the county treasurer of said county shall be the custodian of the fund, and the auditor of that county shall keep a record of receipts and disbursements, and shall draw and the county treasurer shall honor and pay the warrants.

Budget of county superintendent of a consolidation.

SEC. 31. There is added to Title 28 RCW, a new section to read as follows:

New section.

The state board of education shall examine the budget of each county superintendent and fix the amount to be allocated thereto from state funds and certify to the state superintendent of public instruction the amount of state funds needed for the county superintendents' budgets as approved by the state board of education and shall require the state superintendent of public instruction to allocate this amount from the current state school fund to the county treasurers for deposit to the credit of the county

State aid to county superintendents.

superintendents' budgets for the use of the common schools.

New section.

SEC. 32. There is added to Title 28 RCW, a new section to read as follows:

Abolishment  
of office of  
county super-  
intendent in  
counties hav-  
ing only one  
school district.

The office of the county superintendent of schools in any county having only one school district within its boundaries may be abolished. If in the opinion of the county committee on school district organization in any county having but one school district there is no need for a county superintendent in that county, the committee may by resolution request the county auditor to call and conduct a special election in conjunction with the county or the state general election, at which special election the electors of the county may vote for or against the abolishment of the office of the county superintendent. Upon receipt of such resolution the county auditor shall call and conduct such election, and, if a majority of the votes cast on the proposition favor the abolishment of the office of the county superintendent, the office shall be abolished at the end of the term of office for which the incumbent county superintendent was elected or appointed.

Upon the abolishment of the office of the county superintendent as provided in this section the county superintendent shall deliver all of the files and records of his office to the superintendent of schools for the school district in the county, and thereafter the superintendent for the school district shall assume the duties of the county superintendent insofar as they apply to the schools of his district.

Severability.

SEC. 33. If any section or provision 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.

SEC. 34. The following sections of the Revised Code of Washington and the following sections of the session laws are each repealed:

(a) Section 1, chapter 95, Laws of 1923 and RCW 28.20.050;

(b) Section 2, page 369, Laws of 1909 and RCW 28.20.060;

(c) Section 3, page 369, Laws of 1909 and RCW 28.20.070; and

(d) Section 4, page 369, Laws of 1909 and RCW 28.20.080.

Passed the House February 28, 1955.

Passed the Senate March 7, 1955.

Approved by the Governor March 15, 1955.

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## CHAPTER 158.

[ H. B. 78. ]

### TRUSTS—DURATION OF PENSION, ETC., PLANS.

AN ACT relating to trusts and exempting pension, profit-sharing, stock bonus, retirement, disability, death benefit and other similar types of employee-benefit plans and trusts from any laws or rules in any manner limiting or purporting to limit the duration of such trusts.

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

SECTION 1. Any trust heretofore or hereafter created for the purposes and of the type enumerated in section 2 of this act, whether in real or personal property or in real and personal property, may continue for such time as may be necessary to accomplish the purposes of the trust and shall not be invalid as violating any statute or rule of law against perpetuities, or against accumulations of earnings, or concerning the suspension of the power of alienation of the title to property, or otherwise limiting the duration of trusts.

Certain trusts  
to be con-  
tinuous.

Types of trusts to be continuous enumerated.

SEC. 2. Trusts which are entitled to the exemption from limitation as to their duration provided for in section 1 of this act must be:

(1) Created by an employer primarily for the benefit of some or all of the employees of such employer or the families or appointees of such employees, under any pension, profit-sharing, stock bonus, retirement, disability, death benefit or other similar types of employee-benefit plans; and

(2) Contributed to by the employer or employees or both; and

(3) Existing for the purpose of distributing to or for the benefit of some or all of such employees (either before or after their employment ceases), their families or appointees, the earnings or principal, or earnings and principal, of the trust.

Passed the House February 9, 1955.

Passed the Senate March 8, 1955.

Approved by the Governor March 15, 1955.

CHAPTER 159.

[ H. B. 316. ]

SUPERIOR COURT JUDGES—INCREASE FOR DOUGLAS AND GRANT COUNTIES.

AN ACT relating to the superior court judges; amending section 7, chapter 125, Laws of 1951 and RCW 2.08.065; and declaring an emergency.

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

Amendment.

SECTION 1. Section 7, chapter 125, Laws of 1951 and RCW 2.08.065 are each amended to read as follows:

Superior court judges created.

There shall be in the counties of Douglas and Grant jointly, two judges of the superior court; in the counties of Ferry and Okanogan jointly, one judge of the superior court; in the counties of Mason

and Thurston jointly, two judges of the superior court; in the counties of Pacific and Wahkiakum jointly, one judge of the superior court; in the counties of Pend Oreille and Stevens jointly, one judge of the superior court; and in the counties of San Juan and Whatcom jointly, two judges of the superior court.

Passed the House March 9, 1955.

Passed the Senate March 8, 1955.

Approved by the Governor March 15, 1955.

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## CHAPTER 160.

[ H. B. 76. ]

### POWERS OF APPOINTMENT—RELEASE.

AN ACT relating to powers of appointment; providing for the release thereof; and providing for the recording and fees for recording of instruments releasing powers of appointment.

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

SECTION 1. Any power, which is exercisable by deed, by will, by deed or will, or otherwise, whether general or special, other than a power in trust which is imperative, is releasable, either with or without consideration, by written instrument signed by the holder thereof and delivered as hereinafter provided, unless the instrument creating the power provides otherwise.

Powers  
releasable.

SEC. 2. A power which is releasable may be released with respect to the whole or any part of the property subject to such power and may also be released in such manner as to reduce or limit the persons or objects, or classes or [of] persons or objects, in whose favor such powers would otherwise be exercisable. No release of a power shall be deemed

Whole or  
in part.

to make imperative a power which was not imperative prior to such release, unless the instrument of release expressly so provides.

Instrument of release.

SEC. 3. In order to be effective as a release of a power, the instrument of release must, as to form and substance, comply with the requirements therefor, if any, set forth in the instrument creating the power, and must be delivered to the person or persons designated in any one or more of the following:

- (1) Each person specified for such purpose in the instrument creating the power; and
- (2) Any trustee or cotrustee of the property to which the power relates; and
- (3) The office of the secretary of state, and such delivery shall from the time thereof constitute notice of such release to all persons other than those specified in subsections (1) and (2) above.

Act not to impair prior releases.

SEC. 4. The enactment of this act shall not be construed to impair the validity of any release heretofore made which was otherwise valid when executed.

Secretary of state's duties.

SEC. 5. It shall be the duty of the secretary of state to mark each instrument of release filed in his office with a consecutive file number and with the date and hour of filing, and to note and index the filing in a suitable alphabetical index according to the name or names of the person or persons signing the same and containing a notation of the address or addresses of the signer or signers, if given in the instrument. The fee for filing is one dollar. The secretary of state shall deliver or mail to the person filing the instrument a receipt showing the filing number and date and hour of filing.

Filing fee.

Passed the House February 9, 1955.

Passed the Senate March 8, 1955.

Approved by the Governor March 15, 1955.



## CHAPTER 161.

[ H. B. 246. ]

HIGHWAYS—FILING DESCRIPTIONS AND PLANS,  
EFFECT.

AN ACT relating to highways, permitting the filing of descriptions, plans and resolutions establishing highways to prevent owners or occupiers from making future improvements within proposed rights of way to increase damages or costs to state.

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

SECTION 1. Whenever any authority in behalf of the state shall establish the location, width and lines of any new highway, or declare any such new highway as a limited access facility, it may cause the description and plan of any such highway to be made, showing the center line of said highway and the established width thereof and attach thereto a certified copy of the resolution, and thereupon such description, plan and resolution shall be recorded in the office of the county auditor of the proper county in a separate book kept for such purposes, which shall be furnished to the county auditor of such county by the Washington state highway commission at the expense of the state.

Establishment  
of new high-  
ways or  
limited access.

Recording.

SEC. 2. No owner or occupier of lands, buildings or improvements shall erect any buildings or make any improvements within the limits of any such highway, the location, width and lines of which have been established and recorded, as provided in this act, and if any such erection and improvements shall be made, no allowances shall be had therefor by the assessment of damages. No permits for improvements within said limits shall be issued by any authority: *Provided*, That the establishment of any highway location as set forth in section 1 of this act shall be ineffective after one year from the filing thereof if no action to condemn or acquire the prop-

Erection of  
buildings or  
improvements  
after  
recording.

Damages.

Exception.

erty within said limits has been commenced within said time.

Passed the House March 10, 1955.

Passed the Senate March 10, 1955.

Approved by the Governor March 15, 1955.

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CHAPTER 162.

[ H. B. 724. ]

STATUTES—CONSTRUCTION.

AN Act relating to the construction of statutes.

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

Rule of construction.

SECTION 1. If at any session of the legislature there are enacted two or more acts amending the same section of the session laws or of the official code, each act shall be given effect to the extent that the amendments do not conflict in purpose, otherwise the act last filed in the office of the secretary of state in point of time, shall control.

Passed the House March 9, 1955.

Passed the Senate March 10, 1955.

Approved by the Governor March 15, 1955.

## CHAPTER 163.

[ S. B. 28. ]

## COUNTY CIRCULATING LIBRARIES.

AN ACT relating to county circulating libraries; amending section 1, chapter 97, Laws of 1909 and RCW 27.16.010; amending section 2, chapter 97, Laws of 1909 and RCW 27.16.020; amending section 4, chapter 97, Laws of 1909 and RCW 27.16.040; amending section 5, chapter 97, Laws of 1909 and RCW 27.16.050; and amending section 6, chapter 97, Laws of 1909 and RCW 27.16.060.

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

SECTION 1. Section 1, chapter 97, Laws of 1909 and RCW 27.16.010 are each amended to read as follows: Amendment.

The county superintendent of each county may establish a circulating library and depository of instructional materials for the use and benefit of the pupils of the common schools of such county. Circulating libraries established.

SEC 2. Section 2, chapter 97, Laws of 1909 and RCW 27.16.020 are each amended to read as follows: Amendment.

The county commissioners may levy a tax not exceeding one-tenth of a mill for the support of the circulating library. The proceeds of the tax collected shall constitute the circulating school library fund for the payment of all bills created by the county superintendent for the purchase of books and instructional materials and fixtures. Tax levy.

SEC. 3. Section 4, chapter 97, Laws of 1909 and RCW 27.16.040 are each amended to read as follows: Amendment.

The county superintendent shall purchase no books or instructional materials, or fixtures for the circulating library until there shall be to the credit of the circulating school library fund sufficient money to pay the purchase price thereof. Purchases restricted.

SEC. 4. Section 5, chapter 97, Laws of 1909 and RCW 27.16.050 are each amended to read as follows: Amendment.

No book or instructional material shall be placed

Disapproval  
of books.

in a county circulating library that has been disapproved by the state board of education or the superintendent of public instruction.

Amendment.

SEC. 5. Section 6, chapter 97, Laws of 1909 and RCW 27.16.060 are each amended to read as follows:

Purchases  
authorized.

The county superintendent shall purchase the books and instructional materials and enforce such rules and regulations for their distribution, use, care, and preservation as he deems necessary.

Passed the Senate January 28, 1955.

Passed the House March 2, 1955.

Approved by the Governor March 15, 1955.

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CHAPTER 164.

[ S. B. 47. ]

WAREHOUSE RECEIPTS.

AN ACT relating to the issuance, negotiation, transfer and pledge of warehouse receipts on goods owned in whole or in part by warehousemen.

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

SECTION 1. No warehouse receipt issued by any warehouseman as defined in Title 22 RCW and no negotiation, transfer or pledge of any such receipt shall be defeated by reason of the fact that the goods covered by the receipt were owned, in whole or in part, by the warehouseman at the time the receipt was issued.

Receipts not to  
be defeated by  
ownership  
of goods.

Passed the Senate February 3, 1955.

Passed the House March 2, 1955.

Approved by the Governor March 15, 1955.

CHAPTER 165.

[ S. B. 275. ]

PUBLIC SERVICE COMMISSION—RAILROAD SAFETY  
LAWS.

AN Act relating to the powers and duties of the public service  
commission and declaring an emergency.

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

SECTION 1. The public service commission shall exercise all powers and duties in relation to the inspection of tracks, bridges, structures, equipment, apparatus, and appliances of railroads with respect to the safety of employees and the public and the administration and enforcement of all laws providing for the protection of the public and employees of railroads now vested in and required to be performed by the director of labor and industries.

Certain duties  
transferred to  
the public  
service  
commission.

SEC. 2. This act is necessary for the support of the state government and its existing public institutions, and shall take effect April 1, 1955.

Passed the Senate February 3, 1955.

Passed the House March 2, 1955.

Approved by the Governor March 15, 1955.

CHAPTER 166.

[ S. B. 352. ]

TOLL BRIDGES—PARTICIPATION BY CONTIGUOUS TERRITORY.

AN ACT relating to the toll bridges; amending section 12, chapter 173, Laws of 1937, and RCW 47.56.250; providing that counties contiguous to counties in which a proposed toll bridge shall be erected, directly or indirectly benefited thereby, may at the request of the Washington state highway commission or the authority contribute money or bonds to the construction thereof; providing that the authority may at its discretion accept such bonds and sell them to obtain the funds for such purposes; and declaring an emergency.

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

Amendment.

SECTION 1. Section 12, chapter 173, Laws of 1937, and RCW 47.56.250, are each amended to read as follows:

Toll bridge contributions authorized.

A city, county, or other political subdivision, or counties contiguous to a county or counties where a proposed toll bridge shall be erected, directly or indirectly benefited thereby, may, either jointly or separately, at the request of the Washington state highway commission or the authority advance or contribute money, or bonds, rights of way, labor, materials, and other property toward the expense of building a toll bridge, and for preliminary surveys and the preparation of plans and estimates of cost therefor and other preliminary expenses. Appropriations for such purposes may be made from any funds available, including county road funds received from or credited by the state, or funds obtained by the issuance of general obligation bonds for this purpose. General obligation bonds issued by a city, county, or political subdivision may with the consent of the state highway commission or the authority be placed with the Washington toll bridge authority to be sold by the authority to provide funds for such purpose. Money,

Appropriations.

Bonds.

or bonds or property so advanced or contributed may be immediately transferred or delivered to the authority to be used for the purpose for which contribution was made. The authority may enter into an agreement with a city, county, or other political subdivision to repay any money, or bonds or the value of a right of way, labor, materials, or other property so advanced or contributed: *Provided*, That no repayment shall be made until all obligations issued by the authority for the construction of the bridge are redeemed, the authority may continue to collect tolls and other revenues for the use of the bridge to defray costs of operation and maintenance; to reimburse the state for any expenditures made by it in connection with the bridge; and to repay to a city, county, or other political subdivision any amount the authority has agreed to repay for money, bonds, rights of way, labor, materials or other property so advanced or contributed.

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

Passed the Senate February 16, 1955.

Passed the House March 2, 1955.

Approved by the Governor March 15, 1955.

## CHAPTER 167.

[ S. B. 366. ]

## ELECTIONS—ABSENTEE BALLOTS.

AN ACT relating to absentee ballots; amending sections 1 through 5, chapter 41, Laws of 1933 extraordinary session, as last amended by section 1, chapter 8, Laws of 1950 extraordinary session and RCW 29.36.010 through 29.36.070; declaring an emergency.

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

Amendment.

SECTION 1. Sections 1 through 5, chapter 41, Laws of 1933 extraordinary session, as last amended by section 1, chapter 8, Laws of 1950 extraordinary session, (heretofore divided, combined and codified as RCW 29.36.010 through 29.36.070) are amended to read as set forth in sections 2 through 8 of this act.

Enacted  
without  
amendment.

SEC. 2. (RCW 29.36.010) Any duly registered voter, who expects to be absent from his election precinct, or unable to vote therein by reason of physical disability or the tenets of his religion on the day of any election, may vote as provided in this chapter.

A voter desiring to cast an absentee ballot must apply to his county auditor or city clerk (if he lives in a city or town) within forty-five days prior to any election or primary for an absentee voter's certificate. Application may be made in person or by mail or messenger. If by mail or messenger the registrar must honor a written application in any form if it states that the applicant will be absent on the day of voting or is so physically incapacitated (setting forth in what manner) that he cannot attend the polls and if the applicant's signature is affixed thereto.

Enacted  
without  
amendment.

SEC. 3. (RCW 29.36.020) The certificate to be issued by a county or city registrar to an applicant desiring to vote an absentee ballot shall state that:

(1) The registrar can identify the applicant by his signature;



(2) The applicant is a voter, registered and qualified to vote, giving the county or city or town and precinct in which he is qualified to vote and also his place of residence;

(3) The applicant has affixed his signature to the certificate in the place provided therefor in the presence of the registrar; or the registrar has identified the applicant from the signature on his written application.

The certificate must be in duplicate, the original handed to the applicant or his messenger or sent to the applicant by mail and the duplicate securely attached to the applicant's permanent registration card until after election.

SEC. 4. (RCW 29.36.030) The voter, having received his absentee voter's certificate from his registrar may present it to the election officer issuing ballots for the election together with a request for an absentee ballot, either in person or by mail, at any time prior to the day for voting. Being satisfied upon comparison with the duplicate attached to the voter's registration card that the certificate submitted is the original thereof, a blank ballot prepared for the ensuing election or primary must be delivered to the applicant or mailed to him at the address given in his request together with a small envelope free of marks, capable of containing the ballot when folded and being sealed, also a large envelope capable of containing the smaller envelope containing the ballot and capable of being sealed.

Issuance of ballot.

Upon the face of the larger envelope shall be printed the name of the officer issuing it and his mailing address; also a blank statement in the following form:

Statement.

State of ..... }  
County of ..... } ss.

Form.

I, ....., do solemnly swear under the penalty as set forth in RCW 29.36-

.110, 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.

(signed) .....

Voter

Instructions.

SEC. 5. (RCW 29.36.040) Enclosed with the ballot, small envelope and large envelope sent to the absent voter shall be separate printed instructions which the absent voter must observe as follows:

“Upon receipt of this ballot you must mark it and transmit it in accordance with these instructions according to law:

(1) Having marked the ballot, fold it and enclose it in the smaller envelope, sealing the envelope.

(2) Fill out and sign the statement on the larger envelope.

(3) Place the small envelope containing the ballot in the larger one, seal that, attach sufficient first class postage and mail it so that it will be post-marked the day of election or sooner or instead of mailing you may send it by any means which will enable it to reach the county auditor or other issuing officer on or before election day.”

Enacted without amendment.

SEC. 6. (RCW 29.36.050) No voter to whose permanent registration card there is attached a duplicate of an absentee voter’s certificate of registration for any election shall be allowed to vote at such election in the precinct from which he is registered.

Handling of incoming ballots.

SEC. 7. (RCW 29.36.060) Commencing on the sixth day after any election or primary in which absentee voters have participated, the canvassing board shall examine the postmarks, receipt marks and statements on the outer envelopes containing

absentee ballots and shall open each outer envelope postmarked or received (if not delivered by mail) not later than the primary or election day and upon which the statement has been executed according to law in such a way as not to mar the statement, the inner envelope or the ballot.

Upon the inner envelopes thus produced must be written the precinct name or number, city and county appearing on the outer envelope which contained it and no other mark except the signatures of the canvassing board.

The inner envelopes thus marked must be filed by the county auditor under lock and key. The outer envelopes to which must be attached the corresponding original absentee voters' certificates shall be sealed securely in one package and shall be kept by the auditor for future use in case any question should arise as to the validity of the vote.

SEC. 8. (RCW 29.36.070) Upon the canvass of the votes for any precinct, if there are on file one or more absentee ballot inner envelopes for that precinct, the county canvassing board shall cause such envelopes to be opened and as nearly as possible count the ballots therein in the manner required for counting votes in the precinct, entering them in the poll book as absent votes, and modify the election returns of the precinct accordingly. } Vetoed.

These ballots shall be made a part of the returns of the precinct and handled accordingly.

SEC. 9. 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. } Emergency.

Passed the Senate February 7, 1955.

Passed the House March 2, 1955.

Approved by the Governor March 15, 1955, with the exception of section 8, which is vetoed.

Note: Excerpt of Governor's veto message reads as follows:

" \* \* \* Section 8 is a reenactment of RCW 29.36.070 which relates to the canvassing of absentee ballots and the modification of election returns upon a precinct basis. This section was reenacted as part of this bill for technical reasons adopted by the codifier. This section, however, was amended by this legislature in section 3 of House Bill No. 341, heretofore signed into law and now known as chapter 50, Laws of 1955. That act amended RCW 29.56.070 by providing for the canvassing of absentee ballots and the modification of election returns on the basis of legislative districts rather than precincts.

"For the reasons stated, section 8 is vetoed and the remainder of the bill is approved."

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CHAPTER 168.

[ S. B. 397. ]

ELECTIONS—VOTING MACHINES.

AN ACT relating to elections; amending section 1, chapter 156, Laws of 1895 and section 4, chapter 114, Laws of 1915 and RCW 29.33.210, 29.33.220, 29.45.020 and 29.59.020.

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

Amendment.

SECTION 1. Section 1, chapter 156, Laws of 1895 and section 4, chapter 114, Laws of 1915 (heretofore divided, combined and codified as RCW 29.33.210, 29.33.220, 29.45.020 and 29.59.020) are amended as set forth in sections 2 through 5 of this act.

Enacted without amendment.

SEC. 2. (RCW 29.33.210) If more than one machine is to be used in a precinct, one additional inspector of election shall be appointed for each additional machine. In any voting precinct where the number of registered voters is less than one hundred the election board may consist of one inspector, one judge and one clerk.

Instruction of inspectors and judges.

SEC. 3. (RCW 29.33.220) Before each election at which voting machines are to be used, the custodian shall instruct all inspectors and judges of election who are to serve thereat in the use of the machine

and their duties in connection therewith. He shall give to each inspector and judge who has received instruction and is fully qualified to conduct the election with a machine a certificate to that effect. For the purpose of instruction, the custodian shall call such meetings of the inspectors and judges as may be necessary. Every inspector and judge shall attend the meetings and receive instruction in the proper conduct of the election with a machine. As compensation for the time spent in receiving instruction each inspector and judge who qualifies and serves in the election shall receive the sum of two dollars to be paid to him at the same time and in the same manner as compensation is paid him for his services on election day. No inspector or judge of election shall serve in any election at which a voting machine is used unless he has received the required instruction and is fully qualified to perform his duties in connection with the machine and has received a certificate to that effect from the custodian of the machines: *Provided*, That this shall not prevent the appointment of an inspector, or judge of election to fill a vacancy in an emergency. Emergencies.

SEC. 4. (RCW 29.45.020) Before the time for opening the polls, the inspector and judges for each precinct shall appoint two registered voters to act as clerks except that in precincts in which voting machines are used and in precincts in which there are less than one hundred registered voters, the judges of election shall perform the duties required to be performed by clerks. Enacted  
without  
amendment.

SEC. 5. (RCW 29.59.020) Each of the recognized political parties may have one challenger at the polls of each voting precinct. Enacted  
without  
amendment.

Passed the Senate February 14, 1955.

Passed the House March 2, 1955.

Approved by the Governor March 15, 1955.

CHAPTER 169.

[ S. B. 452. ]

ELECTIONS—TITLES DESIGNATING OCCUPATION PROHIBITED.

AN ACT relating to elections.

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

Designation of occupation prohibited.

Nicknames.

SECTION 1. No person when filing as a candidate or nominee at any election shall be permitted to use any titles designating his present or past occupation or profession, including ranks in the armed forces: *Provided*, That the provisions of this act shall not prohibit the use of a nickname by which a candidate is commonly known: *Provided further*, That should a nickname be used it shall be in addition to the candidate's given name (for example: Richard A. "Dick" Roe or R. A. "Dick" Roe).

Passed the Senate February 22, 1955.

Passed the House March 2, 1955.

Approved by the Governor March 15, 1955.

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CHAPTER 170.

[ S. B. 32. ]

STATE LIBRARY COMMISSION—CONTRACTS FOR SERVICES TO BLIND.

AN ACT relating to state government; authorizing state library commission to contract with any public library of the state for that library to render special library services to the blind throughout the state and receive reimbursement from the state library commission for the cost of such services.

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

Contracts for services to blind authorized.

SECTION 1. The state library commission shall have authority to contract with any public library in the state for that library to render library service

to the blind throughout the state. The state library commission shall have authority to reasonably compensate such public library for the cost of the service it renders under such contract. Costs.

Passed the Senate March 4, 1955.

Passed the House March 2, 1955.

Approved by the Governor March 15, 1955.

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## CHAPTER 171.

[ S. B. 112. ]

### FOREST REHABILITATION—YACOLT BURN.

AN ACT relating to rehabilitation of the Yacolt Burn in Clark and Skamania counties; providing a lien; amending sections 4 and 5, chapter 74, Laws of 1953 and RCW 76.14.040 and 76.14.050; and amending chapter 74, Laws of 1953 and chapter 76.14 RCW by adding eight new sections thereto.

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

SECTION 1. Section 4, chapter 74, Laws of 1953, and RCW 76.14.040 are each amended to read as follows: Amendment.

The supervisor shall use funds placed at his disposal to map, survey, fell snags, build firebreaks and access roads, increase forest protection activities and do all work deemed necessary to protect forest lands from fire in the rehabilitation zone, and to perform reforestation and do other improvement work on state lands in the rehabilitation zone. Use of funds by supervisor.

SEC. 2. Section 5, chapter 74, Laws of 1953 and RCW 76.14.050 are each amended to read as follows: Amendment.

The supervisor is authorized to cooperate with owners of land located in this area in establishing firebreaks in their most logical position regardless of land ownership. The board may by gift, purchase, condemnation or otherwise acquire easements for road rights of way and land or interests therein. Firebreaks.  
Easements.

located in the high hazard forest area for any purpose deemed necessary for access for forest protection, reforestation, development and utilization, and the supervisor shall have authority to regulate the use thereof. These roads shall not be used for any other purpose and when the land owner is using the land for agricultural grazing purposes the state shall maintain gates or adequate cattle guards at each place the road enters upon the private land owner's fenced lands.

Amendment.

SEC. 3. There is added to chapter 74, Laws of 1953 and chapter 76.14 RCW, a new section to read as follows:

Snags and slash on private lands.

The supervisor, subject to the guidance and approval of the board, shall have authority to acquire the right by purchase, condemnation or otherwise to cause snags on private land to be felled, slash to be disposed of, and to take such other measures on private land necessary to carry out the objectives of this chapter.

New section.

SEC. 4. There is added to chapter 74, Laws of 1953 and chapter 76.14 RCW, a new section to read as follows:

Supervisor's authority to expend funds.

The supervisor shall have authority subject to the guidance and approval of the board to expend public money for the purposes and objectives provided in this chapter.

New section.

SEC. 5. There is added to chapter 74, Laws of 1953 and chapter 76.14 RCW, a new section to read as follows:

Fire protection projects authorized. Boundaries.

The supervisor, with the guidance and approval of the board, shall develop fire protection projects within the high hazard forest area and shall determine the boundaries thereof in accordance with the lands benefited thereby and shall assess one-sixth of the cost of such projects equally upon all forest lands within the project on an acreage basis. Such

Assessment.



assessment shall not, however, exceed twenty-five cents per acre annually nor more than one dollar and fifty cents per acre in the aggregate and shall constitute a lien upon any forest products harvested therefrom. The land owner may by written notice to the supervisor of forestry elect to pay his assessment on a deferred basis at a rate of ten cents per thousand board feet and/or one cent per Christmas tree when these products are harvested from the lands for commercial use until the assessment plus two percent interest from the date of completion of each project has been paid for each acre. Payments under the deferred plan shall be credited by forty acre tracts and shall be first applied to payment of the assessment against the forty acre tract from which the funds were derived and secondly to other forty acre tracts held and designated by the payor. In the event total ownership is less than forty acres then payment shall be applied on an undivided basis to the entire areas as to which the assessment remains unpaid. The land owner who elects to pay on deferred basis may pay any unpaid assessment and interest at any time.

Lien.

Payment of assessment on deferred basis.

SEC. 6. There is added to chapter 74, Laws of 1953 and chapter 76.14 RCW, a new section to read as follows:

New section.

Notice of each project, the estimated assessment per acre and a description of the boundaries thereof shall be given by publication in a local newspaper of general circulation thirty days in advance of commencing work. Any person owning land within the project may within ten days after publication of notice demand a hearing before the supervisor in Olympia and present any reasons why he feels the assessment should not be made upon his land. Thereafter, the supervisor may change the boundaries of said project to eliminate land from the project which

Fire protection projects; notice.

Hearing.

he determines in his discretion will not be benefited by the project.

New section.

SEC. 7. There is added to chapter 74, Laws of 1953 and chapter 76.14 RCW, a new section to read as follows:

Fire protection projects; collection of assessments.

Except when the owner has notified the supervisor in writing that he will make payment on the deferred plan, the assessment shall be collected by the supervisor reporting the same to the county assessor of the county in which the property is situated upon completion of the work in that project and the assessor shall annually extend the amounts upon the tax rolls covering the property, and the amounts shall be collected in the same manner, by the same procedure, and with the same penalties attached as the next general state and county taxes on the same property are collected. Errors in assessments may be corrected at any time by the supervisor by certifying them to the treasurer of the county in which the land involved is situated. Upon the collection of such assessments the county treasurer shall transmit them to the supervisor. Payment on the deferred plan shall be made directly to the supervisor. Such payment must be made by January thirty-first for any timber or Christmas trees harvested during the previous calendar year and must be accompanied by a statement of the amount of timber or number of Christmas trees harvested and the legal description of the property from which they were harvested. Whenever an owner paying on the deferred plan desires to pay any unpaid balance or portion thereof, he may make direct payment to the supervisor.

New section.

SEC. 8. There is added to chapter 74, Laws of 1953 and chapter 76.14 RCW, a new section to read as follows:

Fire protection projects; privately done work.

Where the supervisor finds that a portion of the work in any project, except road building, has been done by private expenditures for fire protection pur-

poses only and that the work was not required by other forestry laws having general application, then the supervisor shall appraise the work on the basis of what it would have cost the state and shall credit the amount of the appraisal toward payment of any sums assessed against lands contained in the project and owned by the person or his predecessors in title making the expenditure. Such appraisal shall be added to the cost of the project for purposes of determining the general assessment.

SEC. 9. There is added to chapter 74, Laws of 1953 and chapter 76.14 RCW, a new section to read as follows: New sections.

This act shall not relieve the land owner of providing adequate fire protection for forest land pursuant to RCW 76.04.360, as amended, or in lieu thereof of paying the fire patrol assessment specified, but shall be deemed as providing solely for extra fire protection needed in the extrahazardous fire area. Act provides solely for extra fire protection.

SEC. 10. There is added to chapter 74, Laws of 1953 and chapter 76.14 RCW, a new section to read as follows: New section.

Projects pursuant to section 5 of this act shall not be developed to include lands outside the following described boundary within the high hazard forest areas: Beginning at a point on the east boundary of section 24, township 4 north, range 4 east  $\frac{1}{4}$  mile south of the northeast corner; thence west  $\frac{1}{4}$  mile; south  $\frac{1}{16}$  mile; west  $\frac{1}{4}$  mile; north  $\frac{1}{16}$  mile; west  $\frac{1}{2}$  mile; south  $\frac{1}{8}$  mile; west  $\frac{1}{4}$  mile; south  $\frac{1}{8}$  mile; west  $\frac{1}{2}$  mile; south  $\frac{1}{16}$  mile; west  $\frac{1}{8}$  mile; south  $\frac{1}{16}$  mile; west  $\frac{1}{8}$  mile; south  $\frac{1}{16}$  mile; west  $\frac{1}{2}$  mile; south  $\frac{1}{16}$  mile; west  $\frac{3}{4}$  mile; north  $\frac{1}{16}$  mile; west  $\frac{1}{4}$  mile; north  $\frac{1}{16}$  mile; west  $\frac{1}{2}$  mile; north  $\frac{1}{16}$  mile; west  $\frac{1}{4}$  mile; north  $\frac{1}{16}$  mile; west  $1\frac{3}{4}$  miles to the west quarter corner of section 19, township 4 north, range 4 east. Thence north  $\frac{1}{4}$  mile; west  $\frac{1}{4}$  mile; north  $\frac{1}{8}$  mile; west  $\frac{1}{8}$  mile; north  $\frac{1}{8}$  Fire protection projects; area limitation.

mile; west  $\frac{1}{16}$  mile; north  $\frac{1}{4}$  mile; west  $\frac{1}{16}$  mile; north  $\frac{1}{8}$  mile; west  $\frac{1}{8}$  mile; north  $\frac{1}{8}$  mile; west  $\frac{3}{16}$  mile; south  $\frac{1}{8}$  mile; west  $\frac{3}{16}$  mile; south  $\frac{1}{8}$  mile; east  $\frac{3}{16}$  mile; south  $\frac{1}{4}$  mile; west  $2\frac{3}{16}$  miles; south  $\frac{1}{8}$  mile; west  $\frac{1}{8}$  mile; south  $\frac{1}{4}$  mile; east  $\frac{1}{8}$  mile; south  $\frac{1}{16}$  mile; east  $\frac{1}{4}$  mile; south  $\frac{3}{16}$  mile; east  $\frac{3}{8}$  mile; south  $\frac{1}{8}$  mile; east  $\frac{1}{8}$  mile; south  $\frac{1}{16}$  mile; east  $\frac{3}{16}$  mile; south  $\frac{7}{16}$  mile; west  $\frac{3}{16}$  mile; south  $\frac{1}{4}$  mile; west  $\frac{3}{16}$  mile; south  $\frac{1}{4}$  mile; east  $\frac{15}{16}$  mile; south  $\frac{1}{4}$  mile; east  $\frac{1}{4}$  mile; south  $\frac{1}{4}$  mile; east  $\frac{1}{4}$  mile; south  $\frac{3}{4}$  mile; to the southwest corner of section 36, township 4 north, range 3 east. Thence west  $\frac{3}{8}$  mile; south  $\frac{1}{8}$  mile; east  $\frac{1}{8}$  mile; south  $\frac{1}{2}$  mile; west  $\frac{1}{8}$  mile; south  $\frac{3}{8}$  mile; west  $\frac{1}{8}$  mile; south  $\frac{1}{4}$  mile; west  $\frac{1}{4}$  mile; south  $\frac{1}{2}$  mile; west  $\frac{1}{8}$  mile; south  $\frac{1}{4}$  mile; east  $\frac{3}{8}$  mile; south  $\frac{7}{16}$  mile; west  $\frac{1}{4}$  mile; south  $\frac{1}{16}$  mile; west  $\frac{1}{4}$  mile; south  $\frac{1}{2}$  mile; west  $\frac{1}{8}$  mile; south  $\frac{1}{4}$  mile; east  $\frac{1}{8}$  mile; south  $\frac{1}{16}$  mile; west  $\frac{1}{4}$  mile; south  $\frac{1}{4}$  mile; east  $\frac{1}{2}$  mile; south  $\frac{3}{16}$  mile; east  $\frac{1}{4}$  mile; south  $\frac{1}{16}$  mile; east  $\frac{7}{16}$  mile; south  $\frac{3}{16}$  mile; east  $\frac{9}{16}$  mile; south  $\frac{1}{4}$  mile; east  $\frac{1}{16}$  mile; south  $\frac{1}{4}$  mile; east  $\frac{1}{16}$  mile; south  $\frac{1}{8}$  mile; east  $\frac{1}{8}$  mile; south  $\frac{1}{8}$  mile; west  $\frac{1}{16}$  mile; south  $\frac{5}{8}$  mile; west  $\frac{3}{16}$  mile; south  $\frac{1}{16}$  mile; east  $\frac{1}{4}$  mile; south  $\frac{1}{16}$  mile; east  $\frac{1}{8}$  mile; south  $\frac{3}{16}$  mile; west  $\frac{1}{8}$  mile; south  $\frac{1}{16}$  mile; west  $\frac{11}{16}$  mile; south  $\frac{3}{16}$  mile; east  $\frac{15}{16}$  mile, being  $\frac{1}{16}$  mile north of the southeast corner of section 36, township 3 north, range 3 east. Thence east 1 mile; south  $\frac{1}{16}$  mile; west  $\frac{7}{8}$  mile; south  $\frac{1}{8}$  mile; east  $\frac{1}{4}$  mile; south  $\frac{1}{4}$  mile; west  $\frac{1}{8}$  mile; south  $\frac{1}{8}$  mile; west  $\frac{3}{16}$  mile; south  $\frac{1}{4}$  mile; west  $\frac{7}{16}$  mile; north  $\frac{1}{8}$  mile; west  $\frac{1}{8}$  mile; south  $\frac{1}{8}$  mile; west  $\frac{5}{16}$  mile; south  $\frac{1}{4}$  mile; west  $\frac{3}{16}$  mile; south  $\frac{1}{16}$  mile; east  $\frac{1}{2}$  mile; north  $\frac{1}{16}$  mile; east  $\frac{1}{4}$  mile; south  $\frac{1}{8}$  mile; east  $\frac{1}{8}$  mile; north  $\frac{1}{8}$  mile; east  $\frac{1}{8}$  mile being the southeast corner of section 1, township 2 north, range 3 east. Thence south  $\frac{1}{4}$  mile;

east  $\frac{1}{4}$  mile; south  $\frac{1}{16}$  mile; east  $\frac{1}{4}$  mile; south  $\frac{1}{16}$  mile; east  $\frac{1}{4}$  mile; south  $\frac{1}{8}$  mile; east  $\frac{1}{8}$  mile; north  $\frac{1}{8}$  mile; east  $\frac{3}{8}$  mile; south  $\frac{1}{8}$  mile; east  $\frac{1}{16}$  mile; north  $\frac{1}{4}$  mile; east  $\frac{7}{16}$  mile; north  $\frac{1}{8}$  mile; east  $\frac{9}{16}$  mile; south  $\frac{1}{4}$  mile; west  $\frac{1}{16}$  mile; south  $\frac{1}{8}$  mile; west  $\frac{1}{8}$  mile; south  $\frac{1}{8}$  mile; west  $\frac{1}{8}$  mile; south  $\frac{1}{8}$  mile; west  $\frac{1}{16}$  mile; south  $\frac{1}{4}$  mile; west  $\frac{1}{16}$  mile; south  $\frac{1}{8}$  mile; west  $\frac{1}{8}$  mile; south  $\frac{1}{16}$  mile; west  $\frac{1}{4}$  mile; south  $\frac{5}{16}$  mile; to the center of section 17, township 2 north, range 4 east. Thence east 1 mile; south  $\frac{1}{16}$  mile; east 2 miles; north  $\frac{1}{16}$  mile; east  $1\frac{1}{2}$  miles; to the east quarter corner of section 13, township 2 north, range 4 east. Thence easterly 9 miles following Bonneville Power Administration's power transmission line through sections 18, 17, 16, 15, 14 and 13, township 2 north, range 5 east and sections 18, 17 and 16, township 2 north, range 6 east to the southeast corner of section 16, township 2 north, range 6 east. Thence easterly  $3\frac{3}{4}$  miles; north  $1\frac{1}{4}$  miles; east  $\frac{1}{4}$  mile; north  $2\frac{1}{4}$  miles; west  $\frac{3}{4}$  mile; north  $1\frac{1}{2}$  miles; east  $\frac{3}{4}$  mile; north  $\frac{1}{2}$  mile; east 1 mile; north  $\frac{1}{2}$  mile; east 1 mile; north 1 mile; east 2 miles; south 1 mile; east 1 mile; north 3 miles; to the northeast corner of section 1, township 3 north, range 7 east. Thence west 4 miles; south 1 mile; west 2 miles; north  $\frac{1}{2}$  mile; west 2 miles; south  $\frac{1}{2}$  mile; west 1 mile; south  $\frac{1}{2}$  mile; west 2 miles; north  $1\frac{1}{2}$  miles; west 1 mile; south 1 mile; west 2 miles; south  $1\frac{1}{2}$  miles; east 1 mile; south  $\frac{1}{2}$  mile; west 1 mile; south  $\frac{1}{2}$  mile; west  $\frac{1}{2}$  mile; south  $\frac{1}{2}$  mile; west  $3\frac{1}{2}$  miles to the northwest corner of section 30, township 3 north, range 5 east. Thence north along Gifford Pinchot National Forest boundary to the point of beginning.

Passed the Senate March 6, 1955.

Passed the House March 5, 1955.

Approved by the Governor March 15, 1955.

## CHAPTER 172.

[ S. B. 135. ]

MOTOR VEHICLES—REMOVING AND IMPOUNDING  
DISABLED VEHICLES.

AN ACT relating to safety on public streets and highways, tunnels, bridges and approaches and providing for removal therefrom of disabled vehicles.

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

Removal of disabled vehicles authorized.

SECTION 1. Whenever any vehicle shall become stalled, disabled or unable to move under its own power on or in any public facility, such as streets, roads or highways in the state, including tunnels, bridges or approaches thereto or sections thereof and such an occurrence has been deemed by the authority having jurisdiction as being a menace or obstruction to the safety of the general public, such authority shall have the power and is hereby authorized to remove said disabled vehicle forthwith by either private or governmental equipment and such vehicle removed shall be impounded and held until towing charges have been paid by the owner thereof.

Impounding.

Fees.

SEC. 2. The charge for towing said vehicles shall be fixed by the governmental agency having jurisdiction thereof and said agency may award said towing service to any private person, firm, or corporation in close proximity to the facility to be serviced or may maintain such service for such facilities as may be indicated. The governmental agency acting alone or in cooperation with any other governmental agency concerned may contract with each other for the maintenance of such service and payment of costs thereof.

Award of towing service.

Contracts.

Public facilities to have towing service and fee posted thereon.

SEC. 3. Whenever towing service for any facility is maintained, the governmental agency having jurisdiction thereof shall cause said highway, road or street, or tunnel, bridge or approaches thereto or

sections thereof, to be posted or designated by appropriate signs including charges fixed for such towing service.

Passed the Senate February 3, 1955.

Passed the House March 6, 1955.

Approved by the Governor March 15, 1955.

CHAPTER 173.

[ S. B. 272. ]

LABOR AND INDUSTRIES—INSPECTIONS BY SAFETY DIVISION.

AN ACT relating to the duties of the director of labor and industries; amending section 80, chapter 7, Laws of 1921 and RCW 43.22.050; and declaring an emergency.

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

SECTION 1. Section 80, chapter 7, Laws of 1921 and RCW 43.22.050 are each amended to read as follows: Amendment.

The director of labor and industries, through the division of safety, shall: Inspection duties of director of labor and industries through the division of safety.

(1) Exercise all the powers and perform all the duties prescribed by law in relation to the inspection of factories, mills, workshops, storehouses, warehouses, stores and buildings, and the machinery and apparatus therein contained, and steam vessels, and other vessels operated by machinery, and in relation to the administration and enforcement of all laws and safety standards providing for the protection of employees in mills, factories, workshops, and in employments subject to the provisions of Title 51, and in relation to the enforcement, inspection, certification, and promulgation of safe places and safety device standards in all industries: *Provided, however,* This section shall not apply to railroads;

(2) Exercise all the powers and perform all the

duties prescribed by law in relation to the inspection of tracks, bridges, structures, machinery, equipment, and apparatus of street railways, gas plants, electrical plants, water systems, telephone lines, telegraph lines, and other public utilities, with respect to the safety of employees, and the administration and enforcement of all laws providing for the protection of employees of street railways, gas plants, electrical plants, water systems, telephone lines, telegraph lines, and other public utilities;

(3) Exercise all the powers and perform all the duties prescribed by law in relation to the enforcement, amendment, alteration, change, and making additions to, rules and regulations concerning the operation, placing, erection, maintenance, and use of electrical apparatus, and the construction thereof.

(4) Have charge and supervision of the inspection of hotels as provided by law.

Emergency.

SEC. 2. This act is necessary for the immediate preservation of the public peace, health or safety, support of the state government and its existing public institutions and shall take effect April 1, 1955.

Passed the Senate March 4, 1955.

Passed the House March 3, 1955.

Approved by the Governor March 15, 1955.

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## CHAPTER 174.

[ S. B. 278. ]

### HIGHWAYS—CLOSURE OF CAMAS SLOUGH.

AN ACT relating to highways; authorizing closure of Camas Slough, near Camas, Washington, for highway purposes.

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

SECTION 1. The Washington state highway commission is hereby authorized for highway purposes to close off by fill or embankment all water transporta-

Closure of  
Camas Slough  
authorized.



tion on Camas Slough, a part of the Columbia River extending from a point of land at the confluence of the left bank of the Washougal River and the right bank of the Columbia River to the land on Lady Island with the axis or center line of the embankment being more particularly described as a line bearing south seventy-six degrees ( $76^{\circ}$ ), fifty-one and one-half minutes ( $51\frac{1}{2}'$ ) west from a point; said point being located on the line between section 11 and section 14 and distant approximately 520 feet westerly from the corner common to sections 11, 12, 13 and 14, all situate in township 1 north, range 3 east, W. M.: *Provided*, There shall be constructed in such fill, at or near the channel of said slough, an opening of sufficient dimensions to allow normal flow of water during the low water period or such opening as may be required or approved by the Corps of Engineers, United States Army.

Description of axis or center line.

Passed the Senate February 15, 1955.

Passed the House March 5, 1955.

Approved by the Governor March 15, 1955.

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## CHAPTER 175.

[ S. B. 445. ]

### EDUCATION—ASSISTANCE TO BLIND STUDENTS.

AN ACT relating to assistance to blind students and amending sections 2 and 3, chapter 232, Laws of 1949, section 4, chapter 154, Laws of 1935 and RCW 28.76.130 and 28.76.140.

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

SECTION 1. Section 2, chapter 232, Laws of 1949 and RCW 28.76.130 are each amended to read as follows:

Amendment.

There is allocated to each and every blind student attending any institution of higher learning within the state of Washington a sum not to exceed two

Amount and purpose of aid.

hundred dollars per quarter, or so much thereof as may be necessary in the opinion of the state board of education, to provide said blind student with readers, books, recordings, recorders, or other means of reproducing and imparting ideas, while attending said institution of higher learning: *Provided*, That the said institution notifies the state board of education that it will waive tuition and laboratory fees for the said blind student. The said allocation shall be made out of any moneys in the general fund not otherwise appropriated.

Conditions

Source of aid.

Amendment.

SEC. 2. Section 3, chapter 232, Laws of 1949 and section 4, chapter 154, Laws of 1935 (heretofore combined and codified as RCW 28.76.140) are amended to read as follows:

Duties of state board of education.

(RCW 28.76.140) All blind student assistance shall be distributed under the supervision of the state board of education. The moneys or any part thereof allocated in the manner referred to in RCW 28.76.130 shall, for furnishing said books or equipment or supplying said services, be paid by said state board of education directly to such blind student, heretofore mentioned, or to his parents, guardian, or some adult person, if the blind student is a minor, designated by said blind student to act as trustee of said funds: *Provided*, That no blind student shall be charged any tuition or laboratory fee while attending any state institution.

The state board of education shall have power to prescribe and enforce all rules and regulations necessary to carry out the provisions of this section and RCW 28.76.130.

Passed the Senate February 25, 1955.

Passed the House March 6, 1955.

Approved by the Governor March 15, 1955.

CHAPTER 176.

[ S. B. 111. ]

SUPERIOR COURT JUDGES—KING COUNTY.

AN ACT relating to judges in the superior courts in certain counties; amending section 3, chapter 125, Laws of 1951 and RCW 2.08.061; and declaring an emergency.

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

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

There shall be in the county of King eighteen judges of the superior court; in the county of Spokane six judges of the superior court; in the county of Pierce six judges of the superior court. King, Spokane and Pierce counties.

SEC. 2. Of the two additional judges for King county as provided for in section 1 of this act, one judge shall be appointed by the governor immediately to hold office as provided in RCW 2.08.069 and the other judge shall be elected at the next general election. } Vetoed.

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

Passed the Senate February 16, 1955.

Passed the House March 7, 1955.

Approved by the Governor March 15, 1955, with the exception of Section 2, which is vetoed.

Note: Excerpt of Governor's veto message reads as follows:

" \* \* \* This bill creates by section 1, two additional judicial offices in King County. As noted, section 2 postpones until the next general election the filling of one of these offices. This provision, in my opinion, violates article 4, section 5 of our state constitution which provides that the Governor shall fill vacancies in judicial offices by appointment. In addition to this infringement of the constitutional mandate vesting the power of judicial appointment in the executive, there is a conflict between the intent expressed by the emergency clause and the postponement of the filling of one of the two offices

created. If there is a need for two additional judges in King County, they are needed now. On the other hand, if there is a need presently for only one additional judge, it would not seem to be the business of this legislature to predict what the need may be two years hence respecting another judge. This more properly is a matter for the decision of the next legislature.

"I realize that the effect of the veto of section 2 of this bill would advance the time of the judicial vacancy of the second position by almost two years. I entertain some doubt as to whether this may or may not constitute an act of affirmative legislation. Consequently I do not intend to make any appointment to the second position. If this veto has such an affirmative effect and is therefore invalid, the original bill would stand as passed. This would still leave open the question of whether or not the act is invalid as an unconstitutional infringement upon the appointive power of the Chief Executive. This is a judicial question and I make no effort to resolve it. In my opinion, at least to the extent that the legislature intended to create one immediate additional judicial office in King County, the legislative intent is clear. Beyond that I consider both the intent and the legal effect of this act to be somewhat doubtful.

"For these reasons section 2 is vetoed and the remainder of the bill is approved."

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## CHAPTER 177.

[ Sub. S. B. 136. ]

### HIGHWAYS—SPEED OF MOTOR VEHICLES.

AN Act relating to speeds on highways, roads and streets; amending section 8, chapter 28, Laws of 1951 and RCW 46.48.022; amending section 9, chapter 200, Laws of 1947 and RCW 46.48.090; amending section 10, chapter 200, Laws of 1947 and RCW 46.48.100; amending section 10, chapter 28, Laws of 1951 and RCW 46.48.024; adding a new section to RCW 46.48.

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

Amendment. SECTION 1. Section 8, chapter 28, Laws of 1951 and RCW 46.48.022 are each amended to read as follows:

(RCW 46.48.022) The Washington state highway commission, in case of state highways, and the county commissioners, in case of county roads, shall establish maximum speeds outside any incorporated city or town: *Provided*, No maximum speed established shall be less than twenty-five miles per hour:

State highway commission and county commissioners to establish maximum speeds.

*Provided further*, All such speed zones shall be properly sign posted at the extremities thereof.

SEC. 2. Section 9, chapter 200, Laws of 1947 and RCW 46.48.090 are each amended to read as follows: Amendment.

(RCW 46.48.090) It shall be unlawful to operate motor trucks having a gross weight including load, exceeding ten thousand pounds, equipped with pneumatic tires over or along any public highway of this state at a greater rate of speed than fifty miles per hour. This section shall not be construed to increase the maximum speed allowed in any instances where a lower speed has been prescribed by law or competent authority. Maximum speed for motor trucks over 10,000 pounds.

SEC. 3. Section 10, chapter 200, Laws of 1947 and RCW 46.48.100 are each amended to read as follows: Amendment.

(RCW 46.48.100) It shall be unlawful to operate any combination of vehicles upon the public highways of this state at a rate of speed in excess of fifty miles per hour. This section shall not be construed to increase the maximum speed allowed in any instance where a lower speed has been prescribed by law or competent authority. Maximum speed for combination of vehicles.

SEC. 4. Section 10, chapter 28, Laws of 1951 and RCW 46.48.024 are each amended to read as follows: Amendment.

(RCW 46.48.024) Sixty miles per hour, subject to RCW 46.48.010, shall be the maximum motor vehicle speed under all circumstances where no lesser speed is required by this chapter: *Provided*, That the Washington state highway commission may establish a lower speed on state highways, where in its opinion, the findings of a traffic engineering investigation warrant such speed: *Provided*, That the maximum speed limit for (a), combination of vehicles, and (b), trucks over ten thousands pounds, shall not exceed fifty miles per hour: *Provided further*, That in carrying out the provisions of this section, the commission shall consult the chief of the Washing- Maximum speed in all cases.

ton state patrol. The zones of such speeds shall be indicated by standard speed control signs.

New section.

SEC. 5. There shall be a new section added to RCW 46.48 to be known as RCW 46.48.041, which shall read as follows:

Maximum  
speed on  
limited access  
facilities.

(RCW 46.48.041) Notwithstanding any law to the contrary or inconsistent herewith, the Washington state highway commission shall have the power and the duty to fix and regulate the speed of vehicles within the maximum speed limit allowed by law for state highways, designated as limited access facilities, regardless of whether a portion of said highway is within the corporate limits of a city or town. No governing body or authority of such city or town or other political subdivision may have the power to pass or enforce any ordinance, rule or regulation requiring a different rate of speed and all such ordinances, rules and regulations contrary to or inconsistent therewith now in force are void and of no effect: *Provided*, That a maximum speed above thirty-five miles per hour may be established in cities or towns only when the findings of a traffic engineering investigation by the state highway department warrants such increase in speed.

Passed the Senate February 10, 1955.

Passed the House March 6, 1955.

Approved by the Governor March 15, 1955.

## CHAPTER 178.

[ S. B. 165. ]

## HIGHWAYS—LEWIS AND CLARK.

AN ACT establishing the Lewis and Clark highway.

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

SECTION 1. There is established the Lewis and Clark highway, which shall be composed of the following existing routes: Beginning at a junction with primary state highway No. 1 in the city of Vancouver, thence on the routes of primary state highways No. 8 and No. 3, via Kennewick, Walla Walla and Pomeroy, to the Washington-Idaho state line at Clarkston.

Lewis and  
Clark  
highway  
established.

Passed the Senate February 3, 1955.

Passed the House March 7, 1955.

Approved by the Governor March 15, 1955.

## CHAPTER 179.

[ S. B. 209. ]

## HIGHWAYS—CITY AND TOWN STREETS.

AN ACT relating to city and town streets that form a part of state highways, setting forth the authority of the state highway commission therefor; amending section 61, chapter 187, Laws of 1937, as last amended by section 5, chapter 220, Laws of 1949 and RCW 47.24.010, 47.24.020 and section 52, chapter 53, Laws of 1937, as last amended by section 1, chapter 81, Laws of 1939 and RCW 47.36.060.

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

SECTION 1. Section 61, chapter 187, Laws of 1937, as last amended by section 5, chapter 220, Laws of 1949, (heretofore codified as RCW 47.24.010 and 47.24.020) are amended as set forth in sections 2 and 3 of this act. Section 52, chapter 53, Laws of 1937, as last amended by section 1, chapter 81, Laws of

Amendment.

1939 and RCW 47.36.060 are amended as set forth in section 3 of this act.

Designation of state highways used in connection with ferriage of motor vehicle traffic.

SEC. 2. (RCW 47.24.010) The state highway commission shall determine what streets, together with bridges thereon and wharves necessary for use for ferriage of motor vehicle traffic in connection with such streets, if any, in any incorporated cities and towns shall form a part of the route of state highways and between the first and fifteenth days of April of each year the state highway commission shall certify to the state auditor and to the clerk of each city or town, by brief description, the streets, together with bridges thereon and wharves, if any, in such city or town which are designated as forming a part of the route of any state highway; and all such streets, including curbs and gutters and street intersections and such bridges and wharves, shall be constructed and maintained by the state highway commission from any state funds available therefor.

Jurisdiction, control, and duty of state, cities and towns; grades.

SEC. 3. (RCW 47.24.020) The jurisdiction, control and duty of the state and city or town with respect to such streets shall be as follows:

(1) The state highway commission shall have no authority to change or establish any grade of any such street without approval of the governing body of such city or town;

Exclusive jurisdiction of city or town.

(2) The city or town shall exercise full responsibility for and control over any such street beyond the curbs and if no curb is installed, beyond that portion of the highway used for highway purposes;

Signs, banners and decorations.

(3) The state highway commission shall have authority to prohibit the suspension of signs, banners, or decorations above the portion of such street between the curbs or portion used for highway purposes up to a vertical height of twenty feet above the surface of the roadway;

Underground facilities.

(4) The city or town shall at its own expense maintain all underground facilities in such streets,



and shall have the right to construct such additional underground facilities as may be necessary in such streets;

(5) The city or town shall have the right to grant the privilege to open the surface of any such street, but all damage occasioned thereby shall promptly be repaired either by the city or town itself or at its direction;

Opening street surfaces.

(6) The city or town at its own expense shall provide street illumination and shall clean all such streets, including storm sewer inlets and catch basins, and remove all snow, except that the state shall when necessary plow the snow on the roadway: *Provided*, That the state shall install, maintain and operate all illuminating facilities on any fully controlled, limited access highways, together with their interchanges, located within the corporate limits of any city or town, and shall assume and pay the costs of all such installation, maintenance and operation incurred after November 1, 1954;

Street illumination and cleaning.

Limited access facilities.

(7) The state highway commission shall have the right to utilize all storm sewers on such highways without cost; and if new storm sewer facilities are necessary in construction of new streets by the state highway commission, the cost of such facilities shall be borne by the state and/or city as may be mutually agreed upon between the state highway commission and the governing body of the city or town;

Storm sewers.

(8) Cities and towns shall have exclusive right to grant franchises, not in conflict with state laws, over, beneath and upon such streets but the state highway commission shall be authorized to enforce in an action brought in the name of the state any condition of any franchise which a city or town shall have granted on such street: *Provided*, That no franchise for transportation of passengers in motor vehicles shall be granted on such streets without the approval of the state highway commission but the

Franchises; power to grant.

Enforcement.

Transportation of passengers in motor vehicles.

state highway commission shall not refuse to approve such franchise unless another street conveniently located and of strength of construction to sustain travel of such vehicles is accessible;

**Public utilities.** (9) Every franchise or permit granted any person by a city or town for use of any portion of such street by a public utility shall require the grantee or permittee to restore, repair and replace to its original condition any portion of the street damaged or injured by it;

**Overload and overwidth permits.** (10) The city or town shall have the right to issue overload or overwidth permits for vehicles to operate on such streets or roads subject to regulations printed and distributed to the cities and towns by the state highway commission;

**Traffic control and parking; regulation and enforcement.** (11) Cities and towns shall regulate and enforce all traffic and parking restrictions on such streets, but all regulations adopted shall be subject to the approval of the state highway commission before becoming effective. Traffic control and parking regulations heretofore adopted by a city or town not identical with state laws shall become null and void unless approved by the state highway commission within one year after March 21, 1949;

**Route markers and street signs.** (12) The state highway commission shall erect, control and maintain at state expense all route markers, and directional signs, except street signs, on such streets;

**Traffic control signals, signs and devices.** (13) The state highway commission shall install, operate, maintain and control at state expense all traffic control signals, signs and traffic control devices for the purpose of regulating both pedestrian and motor vehicular traffic on, entering upon, or leaving state highways in cities and towns having a population of fifteen thousand or less according to the latest federal census: *Provided*, That such cities and towns may submit to the state highway commission a plan for traffic control signals, signs and traffic

control devices desired by them, indicating the location, nature of installation, or type thereof, or a proposed amendment to such an existing plan or installation, and the state highway commission shall consult with the cities or towns concerning the same prior to installing such signals, signs, or devices. Cities and towns having a population in excess of fifteen thousand according to the latest federal census shall install, maintain, operate and control such signals, signs and devices at their own expense, subject to approval of the state highway commission for the installation and type only. For the purpose of this subdivision striping, lane marking and channelization are considered traffic control devices;

(14) All revenue from parking meters placed on such streets shall belong to the city or town;

Parking  
meters.

(15) Rights of way for such streets shall be acquired by either the city or town or by the state as shall be mutually agreed upon. Costs of acquiring rights of way may be at the sole expense of the state or at the expense of the city or town or at the expense of the state and the city or town as may be mutually agreed upon. Title to all rights of way so acquired shall vest in the city or town: *Provided*, That no vacation, sale, or rental of any unused portion of any such street shall be made by the city or town without the approval of the state highway commission; and all revenue derived from sale, vacation or rental of such rights of way shall be shared by the city or town and the state in the same proportion as the purchase costs were shared.

Rights of way.

SEC. 4. (RCW 47.36.060) Local authorities in their respective jurisdictions shall place and maintain such traffic devices upon public highways under their jurisdiction as are necessary to carry out the provisions of the law or local traffic ordinances or to regulate, warn, or guide traffic. Cities and towns, which as used in this section mean cities and towns

Traffic devices  
on county  
roads and  
city streets.

having a population of over fifteen thousand according to the latest federal census, shall adequately equip with traffic devices, streets which are designated as forming a part of the route of a primary or secondary state highway and streets which constitute connecting roads and secondary state highways to such cities and towns. Such traffic devices, signs, signals and markers shall comply with the uniform state standard for the manufacture, display, direction and location thereof as designated by the state highway commission. The design, location, erection and operation of traffic devices and traffic control signals upon such city or town streets constituting either the route of a primary or secondary state highway to such city or town or connecting streets to the primary or secondary state highways through the city or town shall be under the direction of the state highway commission and if such city or town fails to comply with any such directions, the state highway commission shall provide for the design, location, erection, or operation thereof, and any cost incurred therefor shall be charged to and paid from any funds in the motor vehicle fund of the state, which have accrued or may accrue to the credit of such city or town and the state auditor shall issue warrants therefor upon vouchers submitted and approved by the state highway commission.

Passed the Senate February 12, 1955.

Passed the House March 6, 1955.

Approved by the Governor March 15, 1955.

CHAPTER 180.

[ S. B. 302. ]

INTOXICATING LIQUOR—INDIVIDUAL PERMITS.

AN ACT relating to individual liquor permits as provided for under Title 66 pertaining to intoxicating liquor, and fixing time for the expiration of individual liquor permits, and amending RCW 66.20.060.

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

SECTION 1. Section 1, chapter 174, Laws of 1935 and RCW 66.20.060 are each amended to read as follows:

Every permit issued for use after October 1, 1955, shall expire at midnight on the thirtieth day of June of the fiscal year for which the permit was issued, except special permits for banquets and special permits to physicians, dentists, or persons 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.

Expiration  
date of  
permits.

Passed the Senate March 8, 1955.

Passed the House March 5, 1955.

Approved by the Governor March 15, 1955.

CHAPTER 181.

[ S. B. 301. ]

ELECTIONS—QUALIFICATIONS OF VOTERS.

AN ACT relating to elections; amending sections 2 and 3, page 25, Laws of 1866 and sections 3051 and 3053, Code of 1881 and RCW 29.01.140, and section 14, chapter 1, Laws of 1933 and RCW 29.10.010 through 29.10.030, and sections 22 and 23, chapter 1, Laws of 1933 and RCW 29.59.010 and 29.04.010; and adding a new section to chapter 29.59 RCW.

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

Amendment.

SECTION 1. Section 2, page 25, Laws of 1866 and section 3051, Code of 1881, and section 4, page 25, Laws of 1866 and section 3053, Code of 1881 (heretofore combined and codified as RCW 29.01.140) are amended to read as follows:

“Residence” defined.

(RCW 29.01.140) “Residence” for the purpose of registering and voting means a person’s permanent address where he physically resides and maintains his abode: *Provided*, That no person gains or loses his residence by reason of his presence or absence:

Residence unaffected by certain conditions.

- (1) While employed in the service of the United States;
- (2) While engaged in the navigation of the waters of this state or the United States or the high seas;
- (3) While a student at any seminary of learning;
- (4) While kept in any almshouse or asylum; nor
- (5) While confined in any public prison except when serving out a sentence for an infamous crime.

Absence from the state on business shall not affect the question of residence of any person unless the right to vote has been claimed or exercised elsewhere.

Division and amendment.

SEC. 2. Section 14, chapter 1, Laws of 1933 (heretofore codified as RCW 29.10.010 through 29.10.030) is divided and amended as set forth in sections 3 through 5 of this act.

SEC. 3. (RCW 29.10.010) Any registered voter who changes his residence from one address to another within the same city or town, shall have his registration transferred to his new address by sending to the city clerk thereof a signed request stating his present address and the address from which he was last registered, or by appearing in person before a registration officer to have his registration transferred and signing such request.

Change of residence within same city or town.

SEC. 4. (RCW 29.10.020) Any registered voter who changes his residence from one rural precinct to another within the same county, shall have his registration transferred to his new address by sending to the county auditor a signed request stating his present address and precinct, and the address and precinct from which he was last registered, or by appearing in person before him to have his registration transferred, and signing such request.

Change of residence from one rural precinct to another within the same county.

SEC. 5. (RCW 29.10.030) The signature of the voter on the request shall be compared with the signature of the voter on the registration cards of such voter, and if it appears that the signatures have been made by the same person, the new place of residence and precinct name or number shall be entered upon both the original and duplicate registration cards of the voter signing such request, and they shall be removed from the files of the precinct of the former residence and inserted in the files of the precinct of the present residence.

Enacted without amendment.

SEC. 6. Sections 22 and 23, chapter 1, Laws of 1933 (heretofore divided, combined, and codified as RCW 29.59.010 and 29.04.010) are amended to read as set forth in sections 7 and 8 of this act.

Amendment.

SEC. 7. (RCW 29.59.010) Registration of a person as a voter shall be presumptive evidence of his right to vote at any election, but any person's right to vote may be challenged at the polls and he may be re-

Registration is presumptive evidence of right to vote. Challenge of right to vote.

quired then and there to establish his right to vote: *Provided, however,* That challenges on grounds of residence alone, shall be offered at the office of the appropriate registration officer in the manner as hereinafter provided.

Enacted without amendment.

SEC. 8. (RCW 29.04.010) Only a registered voter shall be permitted to vote:

- (1) At any election held for the purpose of electing persons to public office;
- (2) At any recall election of a public officer;
- (3) At any election held for the submission of a measure to any voting constituency;
- (4) At any primary election.

The provisions of this section shall not apply to township elections.

New section.

SEC. 9. There is added to chapter 29.59 RCW, a new section to read as follows:

Challenge of voters; who may challenge.

Any voter may challenge the registration of any other voter on the grounds that the challenged voter does not physically reside and maintain an abode at the address as given on his permanent registration record. Such challenge shall be made in writing and shall be filed with the appropriate registration officer not later than sixty days prior to any primary or election, general or special. The registration officer shall by registered mail immediately notify the voter concerned that a challenge has been made. Upon receipt of such notice, the challenged voter, should the allegation be correct, shall either transfer his registration or register anew, as the case may be, within the time as provided by law. Should the challenged voter fail to register anew or transfer his registration within the time prescribed by law, the registration officer shall cancel the registration record and so notify the voter concerned.

Written challenge and to be filed.

Notice of challenge.

Procedure when allegation true.

Procedure when allegation denied.

Should the challenged voter deny the allegation, he shall so notify in writing the registration officer who shall immediately notify the challenger and the



challenged voter to appear at a meeting to be held in the registration office at a day and hour certain to be stated in the notice. The hearing shall take place not less than two days nor more than five days after the date of such notice.

At the meeting to be held by the registration officer, he shall hear both parties according to the facts presented and his ruling shall be final, unless ordered otherwise by a court of competent jurisdiction. If the challenger fails to appear at the meeting, the registration in question shall remain in full effect. If the challenged voter fails to appear at the meeting, then the registration shall be cancelled and the voter so notified: *Provided, however,* That any voter who transfers his registration or registers on or after the fifty-ninth day prior to any primary or election, shall be subject to challenge on the grounds of residence alone at the polling place.

Transfer of registration on or after 59th day prior to primary or election.

Passed the Senate February 10, 1955.

Passed the House March 7, 1955.

Approved by the Governor March 15, 1955.

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## CHAPTER 182.

[ S. B. 306. ]

### LIQUOR CONTROL BOARD—REPORTS.

AN ACT relating to the annual report of the liquor control board as required by Title 43 pertaining to the liquor control board and changing the fiscal year of such board; and amending RCW 43.66.170.

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

SECTION 1. Section 13, chapter 174, Laws of 1935, and RCW 43.66.170 are each amended to read as follows: Amendment.

The board shall, from time to time, make reports to the governor covering such matters in connection Reports from time to time.

Annual  
reports.

with the administration and enforcement of Title 66 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 fiscal period ending on the thirtieth day of June of 1955 and annually thereafter on the thirtieth day of June of each year, which report shall be a public document, and contain:

(1) A detailed financial statement and balance sheet showing in general the condition of the business and its operation during the year, and in detail the price paid for all liquor purchased, including the amount of each purchase and the price thereof;

(2) A statement of the nature and amount of the business transacted by each vendor during the year covered by the report;

(3) A summary of all prosecutions for infractions and the results thereof;

(4) General information and remarks; and

(5) Any further information requested by the governor.

Passed the Senate February 8, 1955.

Passed the House March 7, 1955.

Approved by the Governor March 15, 1955.

## CHAPTER 183.

[ S. B. 442. ]

PROBATIONS AND PAROLES—INTERSTATE COMPACTS  
FOR RETURN OF VIOLATORS.

AN ACT providing that the state of Washington may enter into a compact with any of the other states for mutual helpfulness in relation to the return of persons who have violated the conditions of their probation and parole and adding three new sections to chapter 9.95 RCW.

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

SECTION 1. There is hereby added to chapter 9.95 RCW a new section to read as follows: New section.

The board of prison terms and paroles is hereby authorized and empowered to deputize any person (regularly employed by another state) to act as an officer and agent of this state in effecting the return of any person who has violated the terms and conditions of parole or probation as granted by this state. In any matter relating to the return of such a person, any agent so deputized shall have all the powers of a police officer of this state. Board to deputize.  
  
Deputies' powers.

SEC. 2. There is hereby added to chapter 9.95 RCW a new section to read as follows: New section.

Any deputization pursuant to this statute shall be in writing and any person authorized to act as an agent of this state pursuant hereto shall carry formal evidence of his deputization and shall produce the same upon demand. Evidence of deputization.

SEC. 3. There is hereby added to chapter 9.95 RCW a new section to read as follows: New section.

The board of prison terms and paroles is hereby authorized to enter into contracts with similar officials of any other state or states for the purpose of sharing an equitable portion of the cost of effecting the return of any person who has violated the terms Contracts for sharing costs of return of violators.

and conditions of parole or probation as granted by this state.

Passed the Senate March 3, 1955.

Passed the House March 7, 1955:

Approved by the Governor March 15, 1955.

CHAPTER 184.

[ S. B. 480. ]

COUNTIES—SALES AND LEASES OF STATE LANDS—  
TRANSFER OF AUDITORS' DUTIES.

AN ACT relating to the duties of the county auditor and county treasurer in class AA and class A counties.

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

SECTION 1. The duties of the county auditor in class AA and class A counties with regard to sales and leases of the state lands dealt with under Title 79 RCW except RCW 79.12.040, 79.12.050, 79.16.220, 79.16.460, and 79.48.170 are transferred to the county treasurer.

Passed the Senate March 4, 1955.

Passed the House March 8, 1955.

Approved by the Governor March 15, 1955.

Certain duties of county auditor transferred to county treasurer.

## CHAPTER 185.

[ S. B. 121. ]

## MOTOR VEHICLES—SIZE, WEIGHT, LOAD PERMITS.

AN ACT relating to state highways and the operation of motor vehicles thereon; prescribing and regulating special permits for additional gross loads allowable on certain highways or sections thereof; and providing fees and exemptions therefrom, and amending section 39, chapter 269, Laws of 1951, as amended by section 13, chapter 254, Laws of 1953 and RCW 46.44.095 and section 40, chapter 269, Laws of 1951 and RCW 46.44.096, and declaring an emergency.

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

SECTION 1. Section 39, chapter 269, Laws of 1951, as amended by section 13, chapter 254, Laws of 1953 and RCW 46.44.095, are each amended to read as follows: Amendment.

(RCW 46.44.095) When fully licensed to the maximum gross weight permitted under RCW 46.44.040, 46.44.042 and 46.44.044, a three-axle truck tractor, a three-axle truck, a two-axle trailer or a three-axle trailer may be eligible, upon special permit to be issued by the state highway commission, to carry additional gross load not to exceed four thousand pounds over and above the maximum permissible to be licensed. Such special permits shall be issued under such rules and regulations and upon such terms and conditions as may be prescribed by the state highway commission. Such special permit shall entitle the permittee to carry additional load in such an amount and upon such highways or sections of highways as may be determined by the state highway commission to be capable of withstanding such increased gross loads without injury to the highway. The fee for such additional gross weight for a twelve-month period beginning and ending on April first of each calendar year shall be at the rate of fifty dollars for each two thousand pounds issued. Permits Special carrying permits for licensed vehicles.

Issuance.

Loads.

Fees.

may be issued at any time but if issued after July first of any year the fee shall be thirty-seven dollars and fifty cents. If issued on or after September first the fee shall be twenty-five dollars and if issued on or after December first the fee shall be twelve dollars and fifty cents.

## Exception.

The fees levied in RCW 46.44.094 and this section shall not apply to any vehicles owned and operated by the state of Washington, any county within the state or any city or town within the state, or by the federal government.

## Amendment.

SEC. 2. Section 40, chapter 269, Laws of 1951 and RCW 46.44.096, are each amended to read as follows:

## Determination of fees.

(RCW 46.44.096) In determining fees according to RCW 46.44.094, mileage on state primary and secondary highways shall be determined from the planning survey records of the department of highways and the gross weight of the vehicle or vehicles, including load, shall be declared by the applicant. Overweight on which fees shall be paid will be gross loadings in excess of loadings authorized by law or axle loadings in excess of loadings authorized by law, whichever is the greater. Loads which are overweight and oversize shall be charged the fee for the overweight permit without additional fees being assessed for the oversize features.

## Disposition of fees paid.

Fees established in RCW 46.44.094 and 46.44.095 shall be paid to the political body issuing the permit if the entire movement is to be confined to roads, streets or highways for which that political body is responsible; when a movement involves a combination of state highways, county roads and/or city streets the fee shall be paid to the state highway commission. When a movement is confined within the city limits of a city or town upon city streets, including routes of state highways on city streets, all fees shall be paid to the city or town involved. A permit will not be required from city or town au-

thorities for a move involving a combination of city or town streets and state highways when the move through a city or town is being confined to the route of the state highway. When a move involves a combination of county roads and city streets the fee shall be paid to the county authorities, but the fee shall not be collected nor the county permit issued until valid permits are presented showing the city or town authorities approve of the move in question. When the movement involves only county roads the fees collected shall be paid to the county involved.

Passed the Senate March 9, 1955.

Passed the House March 7, 1955.

Approved by the Governor March 15, 1955.

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## CHAPTER 186.

[ S. B. 281 ]

### NEWSPAPER—PUBLICATION RATES FOR LEGAL NOTICES—POLITICAL ADVERTISEMENTS.

AN ACT relating to newspaper advertising rates and prescribing certain limitations thereon; and amending section 1, chapter 140, Laws of 1947 and RCW 65.16.090.

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

SECTION 1. Section 1, chapter 140, Laws of 1947 and RCW 65.16.090 are each amended to read as follows: Amendment.

Where publication of legal notices is required or allowed by law, the person or officer desiring the publication shall pay on a basis of two dollars and forty cents per folio of one hundred words for the first insertion and one dollar and eighty cents per folio of one hundred words for each subsequent insertion, or its equivalent in number of words: *Provided*, That a newspaper having a circulation of over twenty thousand copies each issue may charge such additional rate as it deems necessary and just and Legal notices.  
Basis of charge.

any person or officer authorizing the publication of a legal notice in such newspaper may legally pay such rate as is charged by it: *Provided further*, That this section shall not apply to the amount to be charged for the publication of a legal notice or advertisement for a school district, city, town, county, state, municipal, or quasi municipal corporation or the United States government.

Exception.  
Candidates for political office.

SEC. 2. The rate charged by a newspaper for advertising in relation to candidates for political office shall not exceed the national advertising rate extended to all general advertisers and advertising agencies in its published rate card.

Invalidity.

SEC. 3. If any section of this act shall be found unconstitutional is shall not invalidate the remaining section.

Passed the Senate March 9, 1955.

Passed the House March 8, 1955.

Approved by the Governor March 15, 1955.

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## CHAPTER 187.

[ S. B. 409. ]

### EDUCATION—APPORTIONMENT OF STATE FUNDS— ASSESSED VALUATION.

AN ACT relating to education and apportionment of state funds; amending sections 1 and 2, chapter 212, Laws of 1949 as last amended by sections 1 and 2, chapter 282, Laws of 1953 and RCW 28.41.010, 28.41.060 and 28.41.070, and sections 3 and 6, chapter 212, Laws of 1949 as last amended by section 3, chapter 282, Laws of 1953 and RCW 28.41.080 and 28.41.090; and adding a new section to chapter 28.41 RCW.

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

Amendment.

SECTION 1. Sections 1 and 2, chapter 212, Laws of 1949 as last amended by sections 1 and 2, chapter 282, Laws of 1953 (heretofore divided, combined and



codified in RCW 28.41.010, 28.41.060 and 28.41.070) are amended as set forth in sections 2 through 4 of this act.

SEC. 2. (RCW 28.41.010) Unless the context indicates otherwise the following words and phrases as used in this chapter have the meaning given in this section:

Definition of terms.

(1) "Actual days attendance" of a district means the aggregate of the days attended by all pupils in the common schools of the district during a given school year;

"Actual days attendance."

(2) An "educational unit" means one full time certificated employee for one school year; in case of part time employees, each hour's service per day for an entire school year, or one hundred eighty hours, shall equal one-sixth of a unit;

"Educational unit."

(3) A "special service unit" means an educational unit representing a full time certificated employee performing educational or related services in accordance with standards established by the state board of education;

"Special service unit."

(4) A "certificated employee" means an employee holding a position requiring a teaching certificate;

"Certificated employee."

(5) "Equalization level" means one and one-fourth times the number of cents per day derived from the following computation: Total attendance credit for all districts derived in the manner provided by law divided into the total amount that the maximum school district tax levy permissible without a vote of the electors would produce upon the assessed valuation of all districts: *Provided*, That in determining the "equalization level" any fraction amounting to five-tenths of one cent or more shall be counted as one cent and any smaller fraction shall be ignored.

"Equalization level."

SEC. 3. (RCW 28.41.060) Each year the superintendent of public instruction shall compute, on the

Computation  
of appor-  
tionment.

basis of an estimate of the total number of days of attendance credit for the school year during which the apportionments are made, the amounts due and apportionable to each school district for attendance of pupils: *Provided*, That if the attendance credit so computed for any school district is less than ninety-five percent of the attendance credit computed on the basis of the county superintendent's annual report for the preceding school year, the amount due and apportionable to such school district shall be based upon ninety-five percent of the attendance of the aforesaid annual report. Days of attendance credit shall be computed in the manner prescribed in RCW 28.41.070. Each county superintendent of schools shall submit to the superintendent of public instruction at the times and in the form and manner prescribed by said officer such estimates of pupil attendance as are necessary to enable the superintendent of public instruction to make the aforesaid estimate of attendance credit for each school district in the county. The actual number of days of attendance credit for each school district for each school year shall be determined by the superintendent of public instruction on the basis of the annual reports of county superintendents; and such adjustments shall be made by the aforesaid officer in the amount apportioned to each school district during the following school year as may be necessary to compensate for differences between the amount apportioned during the preceding school year on the basis of attendance credit estimated as aforesaid and the amount of the district's entitlement on the basis of the actual number of days of attendance credit for the year. Attendance credit shall be allowed for not to exceed one hundred eighty days during any one school year, except for schools approved by the state board of education for operation during summer months. Each school district shall be entitled to:

(1) Apportionment of forty cents for each day's attendance based upon the total days' attendance credit of the district; and

(2) Apportionment of the amount necessary to pay the reimbursement due the district for costs of transportation during the preceding school year as provided by law; and

(3) Apportionment of the equalization payments due the district as provided by law, which are charges against the current state school fund: *Provided*, That the total apportionment to each district for the year shall be diminished by the difference between the proceeds from the actual school district tax levy in the district and the amount the maximum levy allowed by law without a vote of the people would produce irrespective of any delinquencies; and

(4) Apportionment of an amount for each educational unit in the district which shall be determined by a proration of the balance of the appropriation made to carry out the purposes of this chapter after apportionment credits have been allowed as provided in subdivisions (1), (2) and (3) of this section: *Provided*, That the number of educational units allowed to any school district shall not exceed the number required to serve the children of the district in accordance with pupil-teacher ratio standards established by the state board of education: *Provided further*, That apportionment credit shall not be allowed for educational units in which sixty percent or more of the certificated employee's salary is paid or reimbursed from federal funds or sources other than the school district.

SEC. 4. (RCW 28.41.070) The total attendance credit to be allowed to each district shall be ascertained by adding:

Total attendance credit computed.

(1) The total number of actual days attendance in elementary schools, junior high schools and high schools therein;

(2) An additional one-fifth times the actual days attendance in junior high schools therein;

(3) An additional two-fifths times the actual days attendance in high schools therein;

(4) An additional one-fifth times each hour of actual attendance in vocational classes conducted therein if approved for such attendance credit by the state board for vocational education;

(5) Ten times the actual days attendance in parental schools therein where board and lodging are provided;

(6) Two times the actual days attendance in the thirteenth and fourteenth years in high schools approved for such years of instruction by the state board of education;

(7) Three thousand days attendance for each special service unit in remedial education, guidance, health and other special services designated by the state board of education;

(8) One-fifth days attendance for each hour's actual attendance in night school classes, part time schools, and adult education classes;

(9) One-half day of attendance for each two hours or more of actual attendance in kindergarten.

New section.

SEC. 5. There is added to chapter 28.41 RCW a new section to read as follows:

Assessed valuation computation.

In the event that the assessed valuation of school districts adjusted to fifty percent of the true and fair value of the taxable property located therein in accordance with the ratio of assessed valuation to actual valuation fixed by the state board of equalization is established by law as the base for the tax levy of school districts, the total apportionment to each district for the year shall be reduced by the difference between the proceeds from the maximum general fund tax levy of the district permissible without a vote of the electors applied to the adjusted valuation and the amount

that said levy would produce if applied to the assessed valuation of the district. The total apportionment to a school district for the year shall also be reduced for each school year by the amount that its revenue computed as prescribed in RCW 28.41.080 exceeds two times the equalization level defined in RCW 28.41.010.

Reduction.

SEC. 6. Sections 3 and 6, chapter 212, Laws of 1949 as last amended by section 3, chapter 282, Laws of 1953 (heretofore divided and codified as RCW 28.41.080 and 28.41.090) are divided and amended as set forth in sections 7 and 8 of this act.

Amendment.

SEC. 7. (RCW 28.41.080) Each year the county superintendent of schools shall compute the amount needed by each school district of his county to provide it with the minimum revenue requirements necessary to maintain the ordinary standards of maintenance and operation for the school year of:

Computation of needs of school districts.

(1) The number of cents for each day of attendance credit required to meet the equalization level defined in RCW 28.41.010, which attendance credit shall be based upon an estimate derived in the manner prescribed in section 3 of this act and shall be adjusted, if necessary, to provide a minimum of forty-five hundred days of attendance credit for each educational unit to be maintained by the district during the school year; and

(2) Thirty percent of the reimbursement due the district for its costs of transportation as provided by law.

He shall also compute the amount which, irrespective of any delinquencies, five-sixths of the maximum school district levy permissible without a vote of the electors would produce upon the assessed valuation of each district without regard to any limitation imposed on the tax levy of the district by virtue of any requirements respecting the payment of bonded indebtedness. To this amount he

shall add the actual receipts of the school district during the preceding school year from the county high school fund and such other receipts as the superintendent of public instruction shall determine in conformity with the intent of this section, and, if this total sum is less than the equalization level for each day's attendance computed as hereinbefore set forth plus thirty percent of the cost of transportation for the school year, the county superintendent of schools shall certify to the superintendent of public instruction such computations and deficit, and the actual tax levy for such district. The superintendent of public instruction shall place such deficit for such district as a charge against the current state school fund, and such additional amount shall be due and apportionable as an equalization payment: *Provided*, That such adjustments shall be made by the aforesaid officer in the amount of the equalization payment to each school district for the following school year as may be necessary to compensate for differences between the payment made during the preceding school year and the amount of the school district's entitlement for that year as determined on the basis of the county superintendent's annual report for said year.

Enacted  
without  
amendment.

Minimum  
standards and  
minimum  
funds.

SEC. 8. (RCW 28.41.090) The state board of education shall establish minimum standards governing the maintenance and operation of the common schools of the state and shall also establish a schedule of minimum funds required by school districts to enable them to meet the aforesaid minimum standards: *Provided*, That no minimum standard shall include any factor depending on the location of the school or its relative location with respect to another school. Any school district in which the plan for the maintenance and operation of schools is in conformity with the aforesaid minimum standards and in which the revenues available from all sources,

including the amount which five-sixths of the maximum school district levy as hereinbefore defined would produce as aforesaid, are less than the amount necessary to meet the aforesaid schedule of minimum funds, shall be granted by the superintendent of public instruction from the current state school fund a sufficient additional amount which, when added to the amount of the aforesaid revenues available from all sources, shall equal the schedule of minimum funds, and such additional amount shall be apportioned at the same time and in the same manner as other equalization funds are apportioned.

SEC. 9. Section 1, chapter 11, Laws of 1951, first Amendment. extraordinary session, and RCW 28.45.040 are each amended to read as follows:

Whenever the boards of directors of more than a majority of the school districts in any county shall adopt resolutions declaring that a need exists for Additional funds. additional funds for the support of the schools, such resolution to be adopted after a public hearing after reasonable notice in each of the respective districts, and shall file the same with the board of county commissioners prior to the first day of May of any year, it shall be the duty of the board of county commissioners to pay to each school district during the Payment. ensuing year a sum equal to seventeen cents per day of attendance credit determined as provided for in Section 3 of this amendatory act. Time. The year during which the payments herein required are to be made shall be from the first day of May to the last day of April, inclusive: *Provided*, That in the event a county, for a period of twelve months prior to the first day of May of any year, levies a tax of not less than one percent on the sales of real estate in the county as permitted and provided for in this chapter and assigns the entire proceeds of one percent or so much as necessary to make the above payment to the county school fund for distribution to the various Real estate excise tax.

school districts, there shall be no further liability upon the county for this purpose.

Passed the Senate March 10, 1955.

Passed the House March 8, 1955.

Approved by the Governor March 15, 1955.

CHAPTER 188.

[ S. B. 418. ]

JUVENILE COURT ORDERS—ENFORCEMENT.

AN ACT relating to enforcement of support orders or decrees of juvenile courts; and adding a new section to chapter 13.04 RCW.

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

New section.

SECTION 1. There is added to chapter 13.04 RCW, a new section to read as follows:

Enforcement of order or decree of detention care and/or support.

In any case in which an order or decree of the juvenile court requiring a parent or parents, guardian, or other person having custody of a child to pay for detention care and/or support of such child is not complied with, the court may, upon such person or persons being duly summoned or voluntarily appearing, proceed to inquire into the amount due upon said order or decree and enter judgment for such amount against the defaulting party or parties, and such judgment shall be docketed as are other judgments for the payment of money.

In such judgments, the county in which the same are entered shall be denominated the judgment creditor, and said judgments may be enforced by the prosecuting attorney of such county, and any moneys recovered thereon shall be paid into the registry of the juvenile court and shall be disbursed to such person, persons, agency, or governmental department as the court shall find to be entitled thereto.



Such judgments shall remain as valid and enforceable judgments for a period of six years subsequent to the entry thereof.

Passed the Senate March 1, 1955.

Passed the House March 8, 1955.

Approved by the Governor March 15, 1955.

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## CHAPTER 189.

[ Sub. S. B. 471. ]

### TAXATION—MOTOR VEHICLE EXCISE— SCHEDULE, BASIS.

AN ACT relating to revenue and taxation; and amending section 4, chapter 144, Laws of 1943 and RCW 82.44.040.

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

SECTION 1. Section 4, chapter 144, Laws of 1943 and RCW 82.44.040 are each amended to read as follows:

Amendment.

The commission and association of county assessors of the state shall prepare and, on or before December 1st of each year, furnish to the county auditor of each county in the state a schedule for use in the collection of the excise tax imposed by this chapter. Such schedule shall be based upon such information as may be available to them pertaining to the fair market value of motor vehicles. Such vehicles shall be classified therein into a convenient number of classes on the basis of make, type, year of manufacture, or any other reasonable basis, and to the value of vehicles within the classes as thus determined shall be applied the rate of tax prescribed in RCW 82.44.020. In determining fair market value, the commission and county assessors may use any guidebook, report, or compendium of recognized standing in the automotive industry. The schedule shall show, so far as possible, the amount of excise

Schedule for collection of motor vehicle excise tax.

tax for vehicles within each class and shall sufficiently describe the various motor vehicles included within each classification to enable the county auditor to ascertain readily the amount of tax applicable to any particular motor vehicle.

Passed the Senate March 9, 1955.

Passed the House March 9, 1955.

Approved by the Governor March 15, 1955.

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CHAPTER 190.

[ S. B. 216. ]

ABANDONED ANIMALS.

AN ACT relating to the abandonment of animals.

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

Abandoned animals; defined.

SECTION 1. An animal is deemed to be abandoned under the provisions of this act when it is placed in the custody of a veterinarian, boarding kennel owner, or any person for treatment, board, or care and:

(1) Having been placed in such custody for an unspecified period of time the animal is not removed within thirty days after notice to remove the animal has been given to the person who placed the animal in such custody or having been so notified the person depositing the animal refuses or fails to pay agreed upon or reasonable charges for the treatment, board, or care of such animal, or;

(2) Having been placed in such custody for a specified period of time the animal is not removed at the end of such specified period or the person depositing the animal refuses to pay agreed upon or reasonable charges for the treatment, board, or care of such animal.

Delivery to humane society.

SEC. 2. Any person having in his care, custody, or control any abandoned animal as defined in sec-

tion 1 of this act, may deliver such animal to any humane society having facilities for the care of such animals or to any pound maintained by or under contract or agreement with any city or county within which such animal was abandoned. If no such humane society or pound exists within the county the person with whom the animal was abandoned may notify the sheriff of the county wherein the abandonment occurred.

Notice to  
sheriff.

SEC. 3. It shall be the duty of the sheriff of such county upon being so notified, to dispose of such animal as provided by law in reference to estrays if such law is applicable to the animal abandoned, or if not so applicable then such animal shall be sold by the sheriff at public auction. Notice of any such sale shall be given by posting a notice in three public places in the county at least ten days prior to such public sale. Proceeds of such sale shall be paid to the county treasurer for deposit in the county general fund.

Duties of  
sheriff.

Passed the Senate February 9, 1955.

Passed the House March 2, 1955.

Approved by the Governor March 16, 1955.

CHAPTER 191.

[ S. B. 316. ]

WASHINGTON AGRICULTURAL ENABLING ACT.

AN Act relating to agriculture and agricultural production; defining terms; providing for the issuance, amendment and termination of marketing orders and agreements; providing for the creation of commodity commissions and prescribing powers and duties thereof; prescribing hearing, appeal, election and other procedures; levying assessments; providing for enforcement; and establishing penalties.

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

Definitions:  
"Director."

SECTION 1. For the purposes of this act:

(1) "Director" means the director of agriculture of the state of Washington or any qualified person or persons designated by the director of agriculture to act for him concerning some matter under this act.

"Department."

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

"Marketing order."

(3) "Marketing order" means an order issued by the director pursuant to this act.

"Agricultural commodity."

(4) "Agricultural commodity" means any distinctive type of agricultural, horticultural, viticultural, vegetable, and/or animal product within its natural or processed state, including bees and honey but not including timber or timber products. The director is authorized to determine what kinds, types or subtypes should be classed together as an agricultural commodity for the purposes of this act.

"Producer."

(5) "Producer" means any person engaged in the business of producing or causing to be produced for market in commercial quantities any agricultural commodity.

"Affected producer."

(6) "Affected producer" means any producer of an affected commodity.

"Affected commodity."

(7) "Affected commodity" means any agricultural commodity for which the director has estab-

lished a list of producers pursuant to section 5 [6] of this act.

(8) "Commodity commission" or "commission" means a commission formed to carry out the purposes of this act under a particular marketing order concerning an affected commodity. "Commodity commission" or "commission."

(9) "Unit" means a unit of volume, quantity or other measure in which an agricultural commodity is commonly measured. "Unit."

(10) "Unfair trade practice" means any practice which is unlawful or prohibited under the laws of the state of Washington including but not limited to titles 15, 16 and 69 RCW and chapters 9.16, 19.24, 19.76, 19.80, 19.84, 19.88, and 36.91 RCW, or any practice, whether concerning interstate or intrastate commerce that is unlawful under the provisions of the act of Congress of the United States, September 26, 1914, chapter 311, section 5, 38 U. S. Statutes at Large 719 as amended, known as the "Federal Trade Commission Act of 1914", or the violation of or failure accurately to label as to grades and standards in accordance with any lawfully established grades or standards or labels. "Unfair trade practice."

(11) "Person" includes any individual, firm, corporation, trust, association, partnership, society, or any other organization of individuals. "Person."

(12) "Cooperative association" means any incorporated or unincorporated association of producers which conforms to the qualifications set out in the act of Congress of the United States, Feb. 18, 1922, chapter 57, sections 1 and 2, 42 U. S. Statutes at Large 388 as amended, known as the "Capper-Volstead Act" and which is engaged in making collective sales or in marketing any agricultural commodity or product thereof or in rendering service for or advancing the interests of the producers of such commodity on a nonprofit cooperative basis. "Cooperative association."

(13) "Member of a cooperative association" or

“Member of cooperative association” or “member.”

“member” means any producer of an agricultural commodity who markets his product through such cooperative association and who is a voting stockholder of or has a vote in the control of or is under a marketing agreement with such cooperative association with respect to such product.

Purpose of act.

SEC. 2. The marketing of agricultural products within this state is affected with a public interest. It is declared to be the policy and purpose of this act to promote the general welfare of the state by enabling producers of agricultural commodities to help themselves in establishing orderly, fair, sound, efficient and unhampered marketing, grading and standardizing of the commodities they produce, and in promoting and increasing the sale of such commodities.

Marketing orders; authorized purposes.

SEC. 3. Marketing orders may be made for any one or more of the following purposes:

(1) To establish plans and conduct programs for advertising and sales promotion, to maintain present markets or to create new or larger markets for any agricultural commodity grown in the state of Washington;

(2) To provide for carrying on research studies to find more efficient methods of production, processing, handling and marketing of any agricultural commodity;

(3) To provide for improving standards and grades by defining, establishing and providing labeling requirements with respect to the same;

(4) To investigate and take necessary action to prevent unfair trade practices.

SEC. 4. Marketing orders and orders modifying or terminating existing marketing orders shall be promulgated by the director only after the director has done the following:

(1) Received a petition as provided for in section 5 of this act;

(2) Given notice of hearing as provided for in section 6 of this act;

(3) Conducted a hearing as provided for in section 7 of this act;

(4) Made findings and decision as provided for in section 8 of this act;

(5) Determined assent of affected producers as provided for in section 9 of this act.

SEC. 5. Petitions for issuance, amendment or termination of a marketing order shall be signed by not less than five percent or one hundred of the producers alleged to be affected, whichever is less, and shall be filed with the director. Such petition shall be accompanied by a filing fee of one hundred dollars payable to the state treasurer; and shall designate some person as attorney-in-fact for the purpose of this section. Upon receipt of such a petition, the director shall prepare a budget estimate for handling such petition which shall include the cost of the preparation of the estimate, the cost of the hearings and the cost of the proposed referendum. The petitioners, within thirty days after receipt of the budget estimate by their attorney-in-fact shall remit to the director the difference between the filing fee of one hundred dollars already paid and the total budget estimate. If the petitioners fail to remit the difference, or if for any other reason the proceedings for the issuance, amendment or termination of the marketing order are discontinued, the filing fee, including any additional amount paid in accordance with such budget estimates shall not be refunded. If the petition results, after proper proceedings, in the issuance, amendment, or termination of a marketing order, said petitioners shall be reimbursed for the amount paid for said total filing fee out of funds of the commodity commission as they become available.

Petition to issue, amend or terminate.

Filing fee.

Attorney-in-fact.

Budget estimate.

Payment of costs.

Reimbursement of petitioners.

Establishing or making current the produce list.

Notice to file report.

Reports.

Director's powers and duties.

List of producers is final and conclusive.

Notice of hearing.

SEC. 6. Upon receipt of a petition for the issuance, amendment, or termination of a marketing order, the director shall establish a list of producers of the agricultural commodity affected or make any such existing list current. In establishing or making current such a list of producers, the director shall publish a notice to producers of the commodity to be affected requiring them to file with the director a certified report showing the producer's name, mailing address, and the yearly average quantity of the affected commodity produced by him in the five years preceding the date of the notice or in such lesser time as the producer has produced the commodity in question. The notice shall be published once a week for four consecutive weeks in such newspaper or newspapers, including a newspaper or newspapers of general circulation within the affected areas, as the director may prescribe, and shall be mailed to all affected producers on record with the director. All reports shall be filed with the director within twenty days from the last date of publication of the notice or within thirty days after the mailing of the notice to affected producers, whichever is the later. The director shall keep such lists at all times as current as possible and may require information from affected producers at various times in accordance with rules and regulations prescribed by the director.

Such producer list shall be final and conclusive in making determinations relative to the assent by producers upon the issuance, amendment or termination of a marketing order and in elections under the provisions of this act.

The director shall then notify affected producers, so listed, by mail that the public hearing affording opportunity for them to be heard upon the proposed issuance, amendment, or termination of the marketing order will be heard at the time and place stated



in the notice. Such notice of the hearing shall be given not less than ten days nor more than sixty days prior to the hearing.

SEC. 7. At the public hearing the director shall receive evidence and testimony offered in support of, or opposition to, the proposed issuance of, amendment to, or termination of a marketing order and concerning the terms, conditions, scope, and area thereof. Such hearing shall be public and all testimony shall be received under oath. A full and complete record of all proceedings at such hearings shall be made and maintained on file in the office of the director, which file shall be open to public inspection. The director shall base his findings upon the testimony and evidence received at the hearing, together with any other relevant facts available to him from official publications of institutions of recognized standing. The director shall describe in his findings such official publications upon which any finding is based. Hearing.

For such hearings and for any other hearings under this act, the director shall have the power to subpoena witnesses and to issue subpoenas for the production of any books, records or documents of any kind. Subpoena power.

The superior court of the county in which any hearing or proceeding may be had may compel the attendance of witnesses and the production of records, papers, books, accounts, documents and testimony as required by such subpoena. The director, in case of the refusal of any witness to attest or testify or produce any papers required by the subpoena, shall report to the superior court of the county in which the proceeding is pending by petition setting forth that due notice has been given of the time and place of attendance of said witness or the production of said papers and that the witness has been summoned in the manner prescribed in Subpoena enforcement.

this act and that he has failed to attend or produce the papers required by the subpoena at the hearing, cause or proceeding specified in the subpoena, or has refused to answer questions propounded to him in the course of such hearing, cause or proceeding, and shall ask an order of the court to compel a witness to appear and testify before the director. The court upon such petition shall enter an order directing the witness to appear before the court at a time and place to be fixed in such order and then and there to show cause why he has not responded to the subpoena. Copy of the order shall be served upon the witness. If it appears to the court that the subpoena was regularly issued, it shall enter an order that the witness appear at the time and place fixed in the order and testify or produce the required papers, and on failing to obey said order the witness shall be dealt with as for contempt of court.

**Findings and  
decision.**

SEC. 8. The director shall make and publish findings upon every material point controverted at the hearing and required by this act and upon such other matters and things as he may deem fitting and proper. He shall also issue a recommended decision based upon his findings and shall cause copies of the findings and recommended decision to be delivered or mailed to all parties of record appearing at the hearing, or their attorneys of record. The recommended decision shall contain the text in full of any order, or amendment or termination of existing order, and may deny or approve the proposal in its entirety, or it may recommend a marketing order containing other or different terms or conditions from those contained in the proposal: *Provided*, That the same shall be of a kind or type substantially within the purview of the notice of hearing and shall be supported by evidence taken at the hearing or by documents of which the director is authorized to take official notice. The director shall not ap-

prove the issuance, amendment, or termination of any marketing order unless he shall find with respect thereto:

Conditions precedent to approval of order.

(1) That the proposed issuance, amendment or termination thereof is reasonably calculated to attain the objective sought in such marketing order;

(2) That the proposed issuance, amendment, or termination is in conformity with the provisions of this act and within the applicable limitations and restrictions set forth therein will tend to effectuate the declared purposes and policies of this act;

(3) That the interests of consumers of such commodity are protected in that the powers of this act are being exercised only to the extent necessary to attain such objectives.

After the issuance of a recommended decision all interested parties shall have a period of not less than ten days to file objections with the director. The director shall consider the objections and shall issue his final decision which may be the same as the recommended decision or may be revised in the light of said objections. The final decision shall set out in full the text of the order. The director shall deliver or mail copies of the final decision to the same parties to whom copies of the findings and recommended decision are required to be sent. If the final decision denies the proposal in its entirety, no further action shall be taken by the director.

Objections to decision.

Final decision.

SEC. 9. After the issuance by the director of the final decision approving the issuance, amendment, or termination of a marketing order, the director shall determine by a referendum whether the affected producers assent to the proposed action or not. The director shall conduct the referendum among the affected producers based on the list as provided for in section 6 of this act, and the affected producers shall be deemed to have assented to the proposed order if fifty-one percent or more by

Referendum.

number reply to the referendum within the time specified by the director, and if, of those replying, sixty-five percent or more by number and fifty-one percent or more by volume assent to the proposed order. The determination by volume shall be made on the basis of volume as determined in the list of affected producers created under provisions of section 6 of this act, subject to rules and regulations of the director for such determination. The director shall consider the approval or disapproval of any cooperative marketing association authorized by its producer members to act for them in any such referendum, as being the approval or disapproval of the producers who are members of or stockholders in or under contract with such association of cooperative producers: *Provided*, That the association shall first determine that a majority of the membership of the association authorize its action concerning the specific marketing order. If the requisite assent is given, the director shall promulgate the order and shall mail notices of the same to all affected producers.

**Requisites  
of order.**

SEC. 10. A marketing order shall define the area of the state to be covered by the order which may be all or any portion of the state; shall contain provisions for establishment of a commodity commission and administration and operation and powers and duties of same; shall provide for assessments as provided for in this act and shall contain one or more of the provisions as set forth in section 3 of this act. The order may provide that its provisions covering standards, grades, labels and trade practices apply with respect to the affected commodity marketed or sold within such area regardless of where produced. A marketing order may provide that one commodity commission may administer marketing orders for two or more affected commodities, if approved by a majority, as provided in this act for the

creation of a marketing order, of the affected producers of each affected commodity concerned.

SEC. 11. Every marketing order shall establish a commodity commission composed of not less than five nor more than thirteen members. In addition, the director shall be an ex officio member of each commodity commission. Commission members shall be citizens and residents of this state, over the age of twenty-five years. The term of office of commission members shall be three years with the terms rotating so that one-third of the terms will commence as nearly as practicable each year. However, the first commission shall be selected, one-third for a term of one year, one-third for a term of two years, and one-third for a term of three years, as nearly as practicable. Two-thirds of the commission members shall be elected by the affected producers and such elected members shall all be affected producers. The remaining one-third shall be appointed by the commission and shall be either affected producers, others active in matters relating to the affected commodity or persons not so related.

Commodity  
commission.

SEC. 12. Not less than ninety days nor more than one hundred and five days prior to the beginning of each term of each elected commission member, the director shall give notice by mail to all affected producers of the vacancy and call for nominations in accordance with this section and with the provisions of the marketing order and shall give notice of the final date for filing nominations, which shall not be less than eighty days nor more than eighty-five days before the beginning of such term. Such notice shall also advise that nominating petitions shall be signed by five persons qualified to vote for such candidates or, if the number of nominating signers is provided for in the marketing order, such number as such order provides.

Vacancies in  
commodity  
commission.

Not less than sixty days nor more than seventy-five days prior to the commencement of such commission member term, the director shall submit by mail ballots to all affected producers, which ballots shall be required to be returned to the director not less than thirty days prior to the commencement of such term. Such mail ballot shall be conducted in a manner so that it shall be a secret ballot. With respect to the first commission for a particular commodity, the director may call for nominations in the notice of his decision following the hearing and the ballot may be submitted at the time the director's proposed order is submitted to the affected producers for their assent.

Said elected members may be elected from various districts within the area covered by the marketing order if the order so provides, with the number of members from each district to be in accordance with the provisions of the marketing order.

The members of the commission not elected by the affected producers shall be elected by a majority of the commission at a meeting of the commission within ninety days prior to expiration of the term but to fill nonelective vacancies caused by other reasons than the expiration of a term, the new member shall be elected by the commission at its first meeting after the occurrence of the vacancy.

Meetings of commodity commission.

SEC. 13. Each commodity commission shall hold such regular meetings as the marketing order may prescribe or that the commission, by resolution may prescribe, together with such special meetings that may be called in accordance with provisions of its resolutions upon reasonable notice to all members thereof. A majority of the members shall constitute a quorum for the transaction of all business of the commission.

Quorum.

Compensation of members.

No member of the commission shall receive any salary or other compensation from the commission

except that each member shall receive a specified sum as provided in the marketing order not in excess of twenty dollars per day for each day spent in actual attendance at or traveling to and from meetings of the commission or on special assignments for the commission, together with subsistence and traveling expense at the rate allowed by law to state employees.

SEC. 14. Every marketing commission shall have such powers and duties in accordance with provisions of this act as may be provided in the marketing order and shall have the following powers and duties:

Powers and  
duties of  
marketing  
commission.

(1) To elect a chairman and such other officers as determined advisable;

(2) To adopt, rescind and amend rules and regulations reasonably necessary for the administration and operation of the commission and the enforcement of its duties under the marketing order;

(3) To administer, enforce, direct and control the provisions of the marketing order and of this act relating thereto;

(4) To employ and discharge at its discretion such administrators and additional personnel, attorneys, advertising and research agencies and other persons and firms that it may deem appropriate and pay compensation to the same;

(5) To acquire personal property and lease office space and other necessary real property and transfer and convey the same;

(6) To institute and maintain in its own name any and all legal actions, including actions by injunction, mandatory injunction or civil recovery, or proceedings before administrative tribunals or other governmental authorities necessary to carry out the provisions of this act and of the marketing order;

(7) To keep accurate records of all its receipts and disbursements, which records shall be open to

inspection and audit by legal agencies of the state and make annual reports therefrom to the state auditor;

(8) Borrow money and incur indebtedness;

(9) Make necessary disbursements for routine operating expenses;

(10) Such other powers and duties that are necessary to carry out the purposes of this act.

Annual  
assessments.

SEC. 15. There is hereby levied, and there shall be collected by each commission, upon each and every unit of any agricultural commodity specified in any marketing order an annual assessment which shall be paid by the producer thereof upon each and every such unit sold, processed, stored or delivered for sale, processing or storage by him. Such assessments shall be expressed as a stated amount of money per unit. The total amount of such annual assessment to be paid by all affected producers of such commodity shall not exceed:

(1) In the case of wheat, one-eighth cent per bushel;

(2) In the case of all other commodities, three percent of the total market value of all affected units sold, processed, stored or delivered for sale, processing or storage by all affected producers of such units during the year to which the assessment applies.

Every marketing order shall prescribe the per unit rate of such assessment. Such rate may be at the full amount of, or at any lesser amount than the amount hereinabove limited and may be altered from time to time by amendment of such order. In every such marketing order and amendment the determination of such rate shall be based upon the volume and price of sales of affected units during a period which the director determines to be a representative period. The per unit rate of assessment prescribed in any such order or amendment shall for all purposes and times be deemed to be within the



limits of assessment above provided until such time as such order is amended as to such rate. However, at the end of any year, any affected producer may obtain a refund from the commission of any assessment payments made which exceed three percent of the total market value of all of the affected commodity sold, processed, stored or delivered for sale, processing or storage by such producer during the year. Such refund shall be made only upon satisfactory proof given by such producer in accordance with reasonable rules and regulations prescribed by the director. Such market value shall be based upon the average sales price received by such producer during the year from all his bona fide sales or, if such producer did not sell twenty-five percent or more of all of the affected commodity produced by him during the year, such market value shall be determined by the director upon other sales of the affected commodity determined by the director to be representative and comparable. No assessment or rate or amendment thereof shall apply in any order unless and until confirmed by a majority of affected producers participating in a vote taken in the manner by this act providing for the election of commission members.

To collect such assessment each order may require:

(1) Stamps to be purchased from the affected commodity commission or other authority stated in such order and attached to the containers, invoices, shipping documents, inspection certificates, releases, or receiving receipts or tickets (said stamps to be cancelled immediately upon being attached and the date of cancellation placed thereon).

(2) Payment of producer assessments before the affected units are shipped off the farm or payment of assessments at different or later times, and in such event the order may require any person subject to

the assessment to give adequate assurance or security for its payment.

(3) Every affected producer subject to assessment under such order to deposit with the commission in advance an amount based on the estimated number of affected units upon which such person will be subject to such assessment in any one year during which such marketing order is in force, or upon any other basis which the director determines to be reasonable and equitable and specifies in such order, but in no event shall such deposit exceed twenty-five percent of the estimated total annual assessment payable by such person. At the close of such marketing year the sums so deposited shall be adjusted to the total of such assessments payable by such person.

(4) Require handlers receiving the affected commodity from the producer, including warehousemen and processors, to collect producer assessments from producers whose production they handle and remit the same to the affected commission. The lending agency for a commodity credit corporation loan to producers shall be deemed a handler for the purpose of this subsection. No affected units shall be transported, carried, shipped, sold, stored or otherwise handled or disposed of until every due and payable assessment herein provided for has been paid and the receipt issued, but no liability hereunder shall attach to common carriers in the regular course of their business.

Disposition of  
assessment  
proceeds.

SEC. 16. Moneys collected by any commodity commission pursuant to any marketing order from any assessment for marketing purposes or as an advance deposit thereon shall be used by the commission only for the purpose of paying for the costs or expenses arising in connection with carrying out the purposes and provisions of such agreement or order.

Upon the termination of any marketing order any and all moneys remaining with the commodity commission operating under that marketing order and not required to defray expenses or repay obligations incurred by that commission shall be returned to the affected producers in proportion to the assessments paid by each in the two year period preceding the date of the termination order.

SEC. 17. Any due and payable assessment herein levied, and every sum due under any marketing order in a specified amount shall constitute a personal debt of every person so assessed or who otherwise owes the same, and the same shall be due and payable to the commission when payment is called for by the commission. In the event any person fails to pay the full amount of such assessment or such other sum on or before the date due, the commission may add to such unpaid assessment or sum an amount not exceeding ten percent of the same to defray the cost of enforcing the collecting of the same. In the event of failure of such person or persons to pay any such due and payable assessment or other such sum, the commission may bring a civil action against such person or persons in a state court of competent jurisdiction for the collection thereof, together with the above specified ten percent thereon, and such action shall be tried and judgment rendered as in any other cause of action for debt due and payable.

Assessment is personal debt.

Penalty for late payment.

Action to collect assessment.

SEC. 18. All moneys which are collected or otherwise received pursuant to each marketing order created under this act shall be used solely by and for the commodity commission concerned and shall not be used for any other commission nor the department. Such moneys shall be deposited in a separate account or accounts in the name of the individual commission in any bank which is a state depository. All expenses and disbursements incurred and made

Disposition of all moneys received.

pursuant to the provisions of any marketing order shall be paid from moneys collected and received pursuant to such order without the necessity of a specific legislative appropriation and all moneys deposited for the account of any order shall be paid from said account by check or voucher in such form and in such manner and upon the signature of such person as may be prescribed by the commission. None of the provisions of RCW 43.01.050 shall be applicable to any such account or any moneys so received, collected or expended.

**Official bonds.** SEC. 19. Every administrator, employee or other person occupying a position of trust under any marketing order and every member actually handling or drawing upon funds shall give a bond in such penal amount as may be required by the affected commission or by the order, the premium for which bond or bonds shall be paid by the commission.

**Modification of marketing order; petition.** SEC. 20. An affected producer subject to a marketing order may file a written petition with the director stating that the order, agreement or program or any part thereof is not in accordance with the law, and requesting a modification thereof or exemption therefrom. He shall thereupon be given a hearing, which hearing shall be conducted in the manner provided by section 7, and thereafter the director shall make its [his] ruling which shall be final.

**Hearing.**

**Appeals.** Appeal from any ruling of the director may be taken to the superior court of the county in which the petitioner resides or has his principal place of business, by serving upon the director a copy of the notice of appeal and complaint within twenty days from the date of entry of the ruling. Upon such application the court may proceed in accordance with RCW 7.16.010 through 7.16.140. If the court determines that the ruling is not in accordance with law, it shall remand the proceedings to the director with directions to make such ruling as the court deter-

mines to be in accordance with law or to take such further proceedings as in its opinion are required by this chapter.

SEC. 21. It shall be a misdemeanor for:

Penalties:

(1) Any person wilfully to violate any provision of this act or any provision of any marketing order duly issued by the director pursuant to this act.

Violations of act or order.

(2) Any person wilfully to render or furnish a false or fraudulent report, statement of record required by the director or any commission pursuant to the provisions of this act or any provision of any marketing order duly issued by the director pursuant to this act or wilfully to fail or refuse to furnish or render any such report, statement or record so required.

False reports, etc.

Failure to furnish reports, etc.

In the event of violation or threatened violation of any provision of this act or of any marketing order duly issued or entered into pursuant to this act, the director, the affected commission, or any affected producer on joining the affected commission, shall be entitled to an injunction to prevent further violation and to a decree of specific performance of such order, and to a temporary restraining order and injunction pending litigation upon filing a verified complaint and sufficient bond.

Threatened violations of act or order.

All persons subject to any order shall severally from time to time, upon the request of the director, furnish him with such information as he finds to be necessary to enable him to effectuate the policies of this act and the purposes of such order or to ascertain and determine the extent to which such order has been carried out or has effectuated such policies and purposes, or to determine whether or not there has been any abuse of the privilege of exemptions from laws relating to trusts, monopolies and restraints of trade. Such information shall be furnished in accordance with forms and reports to

Furnishing of information at director's request.

Powers of director relative to request for information.

be prescribed by the director. For the purpose of ascertaining the correctness of any report made to the director pursuant to this section or for the purpose of obtaining the information required in any such report where it has been requested and has not been furnished, the director is authorized to examine such books, papers, records, copies of tax reports, accounts, correspondence, contracts, documents or memoranda as he deems relevant and which are within the control of any such person from whom such report was requested, or of any person having, either directly or indirectly, actual or legal control of or over such person or such records, or of any subsidiary of any such person. To carry out the purposes of this section the director, upon giving due notice, may hold hearings, take testimony, administer oaths, subpoena witnesses and issue subpoenas for the production of books, records, documents or other writings of any kind, and section 7 shall apply with respect to any such hearing, together with such other regulations consistent therewith as the director may from time to time prescribe.

Compliance with act is complete defense.

SEC. 22. In any civil or criminal action or proceeding for violation of any rule of statutory or common law against monopolies or combinations in restraint of trade, proof that the act complained of was done in compliance with the provisions of this chapter or a marketing order issued under this chapter, and in furtherance of the purposes and provisions of this chapter, shall be a complete defense to such action or proceeding.

Liability and enforcement of obligations of commission.

SEC. 23. Obligations incurred by any commission and any other liabilities or claims against the commission shall be enforced only against the assets of such commission in the same manner as if it were a corporation and no liability for the debts or actions of the commission shall exist against either the state of Washington or any subdivision or instrumentality

thereof or against any other commission established pursuant to this act or the assets thereof or against any member officer, employee or agent of the board in his individual capacity. The members of any such commission, including employees of such board, shall not be held responsible individually in any way whatsoever to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as principal, agent, person or employee, except for their own individual acts of dishonesty or crime. No such person or employee shall be held responsible individually for any act or omission of any other member of any such commission. The liability of the members of such commission shall be several and not joint and no member shall be liable for the default of any other member.

Liability of members and employees of commission.

SEC. 24. Marketing agreements shall be created upon written application filed with the director by not less than five commercial producers of an agricultural commodity and upon approval of the director. The director shall hold a public hearing upon such application. Not less than five days prior thereto he shall give written notice thereof to all producers whom he determines may be proper parties to such agreement and shall publish such notice at least once in a newspaper of general circulation in the affected area. The director shall approve an agreement so applied for only if he shall find:

Marketing agreements; application.

Hearing.

Notice of hearing.

Conditions precedent to approval.

(1) That no other agreement or order is in force for the same commodity in the same area or any part thereof;

(2) That such agreement will tend to effectuate its purposes and the declared policies of this act and conforms to law;

(3) That enough persons who produce a sufficient amount of the affected commodity to tend to effectuate said policies and purposes and to provide

sufficient moneys to defray the necessary expenses of formulation, issuance, administration and enforcement have agreed in writing to said agreement.

Authorized purposes.

Powers and duties of commission.

Persons subject to agreement.

Effective date of agreement.

Additional signatories. Withdrawal of signatories.

Amendment.

Termination.

Withdrawal of cooperative association.

Such agreement may be for any of the purposes and may contain any of the provisions that a marketing order may contain under the provisions of this act but no other purposes and provisions. A commodity commission created by such agreement shall in all respects have all powers and duties as a commodity commission created by a marketing order. Such agreement shall be binding upon, and only upon, persons who have signed the agreement: *Provided*, That a cooperative association may, in behalf of its members, execute any and all marketing agreements authorized hereunder, and upon so doing, such agreement so executed shall be binding upon said cooperative association and its members. Such agreements shall go into force when the director endorses his approval in writing upon the agreement and so notifies all who have signed the agreement. Additional signatories may be added at any time with the approval of the director. Every agreement shall remain in force and be binding upon all persons so agreeing for the period specified in such agreement but the agreement shall provide a time at least once in every twelve months when any or all such persons may withdraw upon giving notice as provided in the agreement. Such an agreement may be amended or terminated in the same manner as herein provided for its creation and may also be terminated whenever after the withdrawal of any signatory the director finds on the basis of evidence presented at such hearing that not enough persons remain signatory to such agreement to effectuate the purposes of the agreement or the policies of the act or to provide sufficient moneys to defray necessary expenses. However, in the event that a cooperative association is signatory to the marketing agreement in



behalf of its members, the action of the cooperative association shall be considered the action of its members for the purpose of determining withdrawal or termination.

SEC. 25. Nothing contained in this act shall permit fixing of prices not otherwise permitted by law or any limitation on production and no marketing order or agreement or any rule or regulation thereunder shall contain any such provisions.

Price fixing  
and limiting of  
production  
prohibited.

SEC. 26. All general administrative expenses of the director in carrying out the provisions of this act shall be borne by the state.

Administra-  
tive expenses.

SEC. 27. Nothing in this act contained shall apply to:

Exemptions  
from act.

(1) Any order, rule, or regulation issued or issuable by the Washington public service commission or the interstate commerce commission with respect to the operation of common carriers;

(2) Any provision of the statutes of the state of Washington relating to the apple advertising commission (RCW 15.24.010-210 inclusive), to the soft tree fruits commission (RCW 15.28.010-310 inclusive) or to dairy products commission (RCW 15.44.010-180 inclusive). No marketing agreement or order shall be issued with respect to apples, soft tree fruits or dairy products for the purposes specified in subsections 3(1) or 3(2) of this act.

SEC. 28. If any section, sentence, clause or part of this act is for any reason held to be unconstitutional, such decision shall not affect the remaining portions of this act. The legislature hereby declares that it would have passed this act and each section, sentence, clause and part thereof despite the fact that one or more sections, sentences, clauses or parts thereof be declared unconstitutional.

Severability.

Short title.

SEC. 29. This act shall be known and may be cited as the "Washington Agricultural Enabling Act".

Passed the Senate March 3, 1955.

Passed the House March 2, 1955.

Approved by the Governor March 16, 1955.

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CHAPTER 192.

[ S. B. 22. ]

BASIC SCIENCE LAW.

AN ACT relating to the qualifications of applicants to practice the healing arts and providing for examinations therefor, also to be known as the Basic Science Law; amending sections 1, 2, 3, 4, and 8, chapter 183, Laws of 1927, and RCW 43.74.010 through 43.74.040 and 43.74.080; adding new sections to chapter 43.74, RCW; repealing section 7, chapter 183, Laws of 1927 and RCW 43.74.070; and prescribing penalties.

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

New section.

SECTION 1. There is added to chapter 43.74, RCW, a new section to read as follows:

Short title.

This chapter shall be known as the Basic Science Law.

New section.

SEC. 2. There is added to chapter 43.74, RCW, a new section to read as follows:

Definitions.

Terms used in this chapter shall have the following meaning:

"Basic sciences" are anatomy, physiology, chemistry, pathology, bacteriology, and hygiene.

"Healing art" is any system, treatment, operation, diagnosis, prescription or practice for the ascertainment, prevention, cure, relief, palliation, adjustment, or correction of any human disease, ailment, deformity, injury or unhealthy or abnormal physical or mental condition.

“Committee” means the examining committee created herein.

“Director” means the director of the department of licenses.

SEC. 3. Section 1, chapter 183, Laws of 1927 and RCW 43.74.010 are each amended to read as follows: Amendment.

There shall be a committee of six members learned respectively in the basic sciences to conduct and assist in conducting basic science examinations of all persons applying for licenses or certificates to practice medicine and surgery, osteopathy, osteopathy and surgery, chiropractic, chiropody, or drugless therapeutics. Committee to conduct examinations.

The members of the committee shall be appointed from time to time by the governor from the faculty lists of the University of Washington and Washington State College, and he shall certify the names of those appointed to the director. Vacancies on the committee shall be filled by the governor within sixty days after such vacancy occurs in the same manner as the original appointment. Membership.  
Vacancies.

SEC. 4. There is added to chapter 43.74, RCW, a new section to read as follows: New section.

(1) The committee shall meet and organize as soon as practicable after appointment. Powers and duties.

(2) It shall elect a chairman, and vice chairman from its members, and elect or appoint a secretary-treasurer, who need not be a member.

(3) It may adopt a seal.

(4) It may make such rules and regulations, not inconsistent with this chapter, as it deems expedient to carry this chapter into effect.

(5) A majority of the committee shall constitute a quorum for the transaction of business.

(6) The committee shall keep a record of all its business and proceedings.

(7) Each member shall receive ten dollars a day for each day actually engaged in conducting exam-

inations or in the preparation of examination questions or the grading of examination papers, together with his necessary traveling expenses, to be paid out of the general fund on vouchers approved by the director.

(8) The director may provide reasonable compensation together with necessary traveling expenses for the secretary-treasurer of the committee if he is not a member thereof, to be paid out of the general fund on vouchers approved by the director.

Amendment.

SEC. 5. Section 2, chapter 183, Laws of 1927, and RCW 43.74.020 are each amended to read as follows:

Times of examinations.

The committee shall conduct examinations in the basic sciences at least twice in each year at such times and places as the committee and director may determine: *Provided*, That bacteriology shall not be included as a subject in any examination conducted prior to July 1, 1956.

Exception.

If the committee and director deem it more advantageous to the committee and the applicants for licenses, the committee may prepare and transmit to the director the examination questions agreed upon by the committee, and the director may conduct the examination, and thereafter forthwith transmit the examination papers identified by number only and not by the name of the person examined, to the committee, which shall thereupon examine and grade the same, and transmit the grades to the director within ten days after the examination.

Director may conduct examinations.

New section.

SEC. 6. There is added to chapter 43.74, RCW, a new section to read as follows:

Eligibility.

(1) No person shall be eligible for examination for a basic science certificate until he has furnished satisfactory evidence to the director that:

- (a) He is a person of good moral character; and,
- (b) He is a graduate of an accredited high school or possesses the educational qualifications equivalent

lent to those required for graduation by an accredited high school, as determined by the director.

(2) No person shall receive a basic science certificate until he has passed the examination required by this chapter.

SEC. 7. Section 4, chapter 183, Laws of 1927, and RCW 43.74.040 are each amended to read as follows: Amendment.

Any person desiring to apply to the director for a license to practice medicine and surgery, osteopathy, osteopathy and surgery, chiropractic, chiropody, or drugless therapeutics shall first present to the director his credentials required by law evidencing his qualifications to be admitted to license, or to take the examination prerequisite to securing a certificate or license, and if they are found satisfactory and the applicant is eligible to examination the director shall issue to such applicant a certificate giving the name of the applicant and certifying that he is entitled to take the preliminary examination provided for in this chapter but without specifying the branch of therapeutics for which the applicant has applied for a license, and upon presentation of such certificate to the committee, together with a receipt for an examining fee of ten dollars, the applicant shall be entitled to take the examination. License required.

If the preliminary examination is conducted by the director as provided in RCW 43.74.020 it may be given upon the payment of the ten dollar examining fee, and without the preliminary certificate. Issuance.

SEC. 8. Section 3, chapter 183, Laws of 1927, and RCW 43.74.030 are each amended to read as follows: Fee.

Examinations shall be written, and shall be of such a nature as to constitute an adequate test whether the person examined has knowledge of the elementary principles of the basic sciences as taught at the University of Washington or Washington State College, in one year's instruction of thirty-six weeks, or as taught in one year's instruction of thirty-six Examinations.

weeks at any college or university accredited by the University of Washington, or the equivalent thereof.

New section.

SEC. 9. There is added to chapter 43.74, RCW, a new section to read as follows:

Waiver of examination.

(1) The director shall waive the examination in the basic sciences when satisfactory proof is submitted to him showing that:

(a) The applicant has passed an examination in the basic sciences before examiners in basic sciences in those states which have a basic science act.

(b) The requirements of that state at the time of such examination are at least equal in all respects to those required by this chapter for the issuance of a basic science certificate.

(c) Like exemption from examination in the basic sciences is granted by such state to persons granted certificates by the committee created by this chapter.

(d) The application for such certificate is accompanied by a fee of twenty-five dollars.

(2) The fee for endorsement of a certificate to another state shall be five dollars.

(3) In case an applicant comes from a state which does not examine in all the basic sciences required by this chapter, the director shall waive the examination in the basic sciences in which the other state does examine, if all other requirements at the time of the examination for issuing a basic science certificate in the other state are equal to those required by this chapter. In such a case the applicant shall be examined only in the basic sciences needed for him to fully meet the requirements of this chapter for the issuance of a basic science certificate.

Reciprocity.

New section.

SEC. 10. There is added to chapter 43.74, RCW, a new section to read as follows:

Revocation.

(1) The director may revoke any certificate granted under this chapter on mistake of material fact, or by reason of fraudulent misrepresentation

of fact, or when the holder is convicted of a felony: *Provided, however,* That any party shall have the right of appeal to the superior court of Thurston county from the decision of the director. Appeal.

(2) The director may revoke any license to practice any of the healing arts enumerated in RCW 43.74.010 if such licensee is found to be practicing without a basic science certificate. Any person who stays on in a hospital beyond the authorized training period of internship, residency and fellowship as then provided by the examining committee or board of his branch of the healing art, without having qualified in the basic sciences as required under this chapter, shall be guilty of practicing the healing art without a basic science certificate, and shall be subject to the penalties prescribed by this chapter or by law.

SEC. 11. There is added to chapter 43.74, RCW, a new section to read as follows: New section.

No person shall in any manner whatsoever discriminate against any applicant or any system or branch of the healing arts, or any member or student thereof, with relation to the subject matter of this chapter. Discrimination forbidden.

SEC. 12. Section 8, chapter 183, Laws of 1927, and RCW 43.74.080 are each amended to read as follows: Amendment.

This chapter shall not be held to apply to or interfere in any way with the practice of religion; nor to any kind of treatment by prayer; nor to persons legally licensed prior to the effective date of this chapter; nor to persons specifically permitted by law to practice without a license or certificate; nor to any person other than those pursuing the practice of medicine and surgery, osteopathy, osteopathy and surgery, chiropractic, chiropody, or drugless therapeutics; nor to the healing art personnel of the public health service or the armed forces of the United Exceptions from chapter.

States; who each practice within the limits of the privilege thus granted them.

New section.

SEC. 13. There is added to chapter 43.74, RCW, a new section to read as follows:

Penalty.

Any person who violates any provision of this chapter shall in addition to any other penalty provided, be guilty of a misdemeanor.

Repeal.

SEC. 14. Section 7, chapter 183, Laws of 1927, and RCW 43.74.070 are each repealed.

Invalidity.

SEC. 15. If any part or parts of this chapter is held unconstitutional, such invalidity shall not affect any of the remaining portions of this chapter.

Passed the Senate March 4, 1955.

Passed the House March 2, 1955.

Approved by the Governor March 16, 1955.

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CHAPTER 193.

[ S. B. 180. ]

WASHINGTON STATE EGG LAW OF 1955.

AN ACT relating to eggs and egg products to be known as the "Washington State Egg Law of 1955," providing penalties; repealing chapter 17, Laws of 1933, chapter 157, Laws of 1937, and chapter 116, Laws of 1949, and chapter 69.24, RCW.

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

Definition of terms.

SECTION 1. When used in this chapter:

"Director" means the director of agriculture of the state of Washington or his duly authorized representative.

"Person" means and includes any individual, firm, partnership, exchange, association, trustee, receiver, corporation or any other business organization and any member, officer or employee thereof.

"Sell" means offer for sale, expose for sale, have in possession for sale, exchange, barter, or trade.



“Container” means any box, case, basket, carton, sack, bag, or other receptacle. “Subcontainer” means any container when being used within another container.

“Dealer” means any person who produces, contracts for or obtains possession or control of any eggs, for the purpose of sale to another dealer or retailer.

“Retailer” means any person who sells eggs to a consumer.

“At retail” means a sale or transaction between a retailer and a consumer.

“Consumer” means any person who purchases eggs for his or her own family use or consumption; or any restaurant, hotel, boarding house, bakery, or other institution or concern which purchases eggs for serving to guests or patrons thereof, or for its own use in cooking or baking.

“Candling” means the examination of the interior of eggs by the use of transmitted light used in a partially dark room or place.

“Eggs” mean eggs in the shell from chickens, turkeys, ducks, geese, or any other species of fowl.

“Mislabel” means the placing or presence of any false, deceptive or misleading mark, term, statement, design, device, inscription or any other designation upon any egg or upon any container or subcontainer of eggs, or upon the label or lining or wrapper thereof, or upon any placard or sign used in connection therewith or in connection with any bulk lot or display having reference to eggs.

“Deceptive” means any arrangement of the contents of any container, or subcontainer, or of any lot, load, or display, in which the eggs in the outer layer or in any portion exposed to view are in quality, size, condition, or in any other respect so superior to those in the interior or unexposed portion as to materially misrepresent the contents or any part

thereof as to size, quality, condition or any other respects.

“Egg products” means and includes any product manufactured from eggs or any part thereof.

“Foreign eggs” means and includes eggs produced in a foreign country, and egg products manufactured from eggs produced in a foreign country.

“Cold storage eggs” means and includes eggs which have been in cold storage for a period of ninety days.

“Incubated eggs” means and includes eggs which have been in the course of incubation, whether natural or artificial, for more than forty-eight hours.

“Marked” means plainly, legibly and conspicuously labeled, stamped, stenciled, printed or branded.

Definitions related to eggs.

SEC. 2. As used in this chapter with relation to eggs:

“Addled” or “white rot” means putrid or rotten.

“Adherent yolk” means the yolk has become fastened to the shell.

“Blood” means the presence of blood rings or blood veins due to embryo development, or blood diffused into the white.

“Moldy” or “black spot” or “black rot” means the presence of mold or bacteria inside the shell.

“Processed” means that the shell has been treated with oil or other protective preparation.

“Visible germ development” means that there has been some development of the germ which is visible as a deeper colored area on the yolk as shown by candling the egg.

“Checks” means eggs with shells which are not sound as determined by candling, appearance, or other means: *Provided*, That no exudation is present.

“Inedible eggs” means eggs which as determined by candling or any other means contain black spot, black rot, white rot, mixed rot (addled), adherent yolks, bloody or green white, blood, embryo chicks,

sour eggs, musty eggs, or which are moldy, filthy, decomposed, putrid, or otherwise unfit for human consumption in whole or in part.

“Denatured” means eggs (1), made unfit for human food by treatment or the addition of a foreign substance or (2), with one-half or more of the shell’s surface covered by a permanent black, dark purple or dark blue dye.

SEC. 3. The director shall, from time to time, adopt, establish and promulgate reasonable obligatory rules and regulations specifying grades or standards of quality and/or grades of size or weight, governing the sale of eggs for human consumption: *Provided*, That such grades and standards of quality, and grades of size and weight, shall conform as nearly to those established by the United States department of agriculture as local conditions will permit. Said rules and regulations, and any changes therein shall be adopted only after official public hearings have been held pursuant to such reasonable rules prescribed by the director, as will insure a full, fair and impartial opportunity for all interested parties to be heard.

Director to promulgate rules and regulations.

The director may, upon his own initiative or upon petition of the industry covered by this chapter, call hearings from time to time on matters pertaining to the administration of this chapter.

SEC. 4. No person shall sell or distribute within this state any shell eggs to consumers or to retailers without having first obtained a dealer’s license from the state department of agriculture: *Provided*, That the above license shall not be required of a producer selling and delivering shell eggs direct to the consumer at the place of production, or for the sale of uncandled eggs to other than a consumer, or for the sale to a consumer of eggs which previously have been candled and graded by a dealer in compliance with this chapter.

Dealer’s license required.

Exception.

Application.

Application for such license shall be in writing on such forms as the director may prescribe.

Fee.

SEC. 5. There shall be paid to the director with each application for an egg dealer's license an annual license fee of fifteen dollars. The proceeds from the license fees shall be expended by the director to assist in defraying salaries and expenses incurred in the enforcement of the provisions of this chapter.

Expiration.

SEC. 6. Each egg dealer's license shall expire on the 30th day of June following its date of issuance. Such license shall not be transferable to any person, or be applicable to locations other than those for which originally issued, and shall be conspicuously displayed in such locations. Duplicate copies of licenses may be issued upon the payment of a fee of one dollar.

Duplicates.

Withholding issuance of license.

SEC. 7. The director may withhold the issuance of a license to an applicant for a period not to exceed thirty days pending an investigation for the purpose of determining:

- (1) Whether the applicant is violating or has violated any of the provisions of this chapter, or
- (2) Whether the application contains any materially false or misleading statement or involves any misrepresentation, concealment, or withholding of facts respecting any violation of this chapter by any officer, agent, or employee of the applicant. If, after investigation, it appears to the director that the applicant should be refused a license, the applicant shall be given notice and an opportunity for hearing.

Refusal, revocation or suspension.

SEC. 8. The director may decline to grant or may revoke or suspend a license after due notice and a hearing, if he is satisfied that the applicant or licensee is guilty of:

- (1) Any violation of the provisions of this chapter, or

(2) The following practices or any of them:

(a) Evidence of dealing of such a nature as to satisfy the director of the inability of the applicant or licensee to conduct properly the business of egg dealer.

(b) Fraud or deception by the licensee in his dealings with purchasers, including misrepresentation of eggs as to grade, conditions, quality, weights, quantity, or any other essential fact in connection therewith.

(c) Fraud or deception by the licensee in his license application.

SEC. 9. In the event the director has reason to suspect that any licensee or applicant is violating or has violated the provisions of this chapter, he shall attempt to secure a satisfactory explanation, and failing to secure an explanation, he shall cause a notice to be served upon such licensee or applicant, setting forth the provisions of this chapter which the licensee or applicant is charged with violating, and setting a date in the notice upon which a hearing will be had to determine whether or not the licensee or applicant is violating or has violated such provisions.

Upon completion of the hearing, the director shall make such written findings of fact and order as the circumstances may warrant. Such findings and order shall be final and conclusive upon all parties from and after their effective date, which date shall be ten days after being signed and deposited postage prepaid in the United States mails addressed to the last known address of said parties. An appeal from such findings or order may be taken within ten days of their effective date to the superior court of Thurston county upon such notice and in such manner as appeals are taken from judgments rendered in justice court.

State egg seal.

Rules and regulations.

SEC. 10. The director shall provide and make available a suitable seal to be known as the Washington state egg seal; and to accomplish this end he is authorized to issue special permits allowing reasonable facsimiles of the Washington state egg seal to be imprinted on cartons, bags, or other containers used for shell eggs. The director shall from time to time perscribe rules and regulations governing the affixing of seals and the issuance, use, and cancellation of such permits or seals and he is authorized to cancel any special permit issued pursuant to this chapter or to said rules and regulations at any time whenever the director finds that a violation of the terms under which the permit was granted has occurred or a violation of any of the provisions of this chapter has occurred. The director shall have the power from time to time to establish a sum not in excess of one and three-fourths mills per dozen eggs which persons who purchase such gummed seals or who imprint such facsimile seals or who use the same shall pay for each seal so purchased, affixed, or imprinted and to promulgate rules and regulations relating to the time and manner of the payment of such sums. The proceeds from the sale of said seals shall be expended by the director to assist in defraying salaries and expenses incurred in the enforcement of the provisions of this chapter.

Reuse of containers.

It shall be unlawful for any person to sell any eggs for human consumption within the state of Washington in previously used cartons, bags, or other containers bearing the Washington state egg seal, or any similar identification whatsoever, except the same is obliterated or defaced.

SEC. 11. Each person who sells to any retailer, or to any restaurant, hotel, boarding house, bakery, or other institution or concern which purchases eggs for serving to guests or patrons thereof or for its use in preparation of any food products for human

consumption, candled or graded eggs other than those of his own production sold and delivered on the premises where produced, shall furnish that retailer or other purchaser with an invoice covering each such sale, showing the exact grade or quality and the size or weight of the eggs sold, according to the standards prescribed by the director, together with the name and address of the person by whom the eggs were sold. The person selling and the retailer or other purchaser shall each keep a copy of said invoice on file at his place of business for a period of thirty days, during which time the copy shall be available for inspection at all reasonable times by the director: *Provided*, That no retailer or other purchaser shall be guilty of a violation of this chapter if he can establish a guarantee from the person from whom the eggs were purchased to the effect that they, at the time of purchase, conformed to the grade or quality and the size or weight stated in the invoice: *Provided, further*, That if the retailer or other purchaser having labeled any such eggs in accordance with the invoice keeps them for such time after they are purchased as to cause them to deteriorate to a lower grade or standard, and then sells them under the label of the invoiced grade or standard, he shall be guilty of a violation of this chapter.

Invoice re-  
quired of  
grades and  
standards.

Copy.

Exceptions.

Violation.

No invoice shall be required on eggs when packed for sale to the United States navy or army if labeled with the United States department of agriculture grades.

SEC. 12. It shall be unlawful to prepare, pack, place, deliver for shipment, deliver for sale, load, ship, transport or sell in bulk or in containers or subcontainers eggs:

Requirements  
for shipment,  
or bulk  
sales, etc.

(1) Unless each container and subcontainer of chicken eggs is marked with the full, correct and unabbreviated designation of size and quality of eggs therein according to the standards as prescribed

by regulations promulgated by the director together with a date for identification and the name and address of the producer, dealer, or retailer, by or for whom the eggs were graded or marked;

(2) Which are mislabeled;

(3) Which are deceptive;

(4) That are or contain inedibles and which are not denatured: *Provided*, That not to exceed five percent by count of inedibles shall be permitted when eggs are going to a dealer for candling and grading, or to breaking plant for breaking purposes;

(5) Which have been in an incubator, unless the inedibles have been removed.

**Description.**

Only one description of the size and quality of eggs shall appear upon a container, subcontainer or placard required by this chapter, except that as to eggs placed in containers the markings may show different size and quality descriptions for specified quantities of eggs in the container.

**Designations.**

Designations of size and quality required by this section to be marked upon container of eggs shall be plainly and conspicuously marked in bold face type letters:

(a) Not less than one-fourth inch in height on the outside top face of each container holding less than fifteen dozen eggs and;

(b) Not less than one-half inch in height on one outside end of any oblong container holding fifteen dozen or more eggs and on one outside side of any other container holding fifteen dozen or more eggs.

**Markings not required; when.**

SEC. 13. No markings are required on containers or subcontainers of eggs:

(1) When sold at retail from a properly marked bulk display and packaged in the presence of the purchaser for the immediate purpose of the sale;

(2) When packed for sale to the United States navy or army if labeled with United States department of agriculture grades;



(3) When packed for shipment or being shipped to points outside of the state of Washington;

(4) When occasional sales are made to consumers by the producer from eggs produced and delivered on his own premises;

(5) When the containers and subcontainers are packed and certified in accordance with the standards of grade and quality and the grading rules promulgated by the United States department of agriculture;

(6) When being delivered from outside of the state to dealers in the state for candling and grading;

(7) When being delivered to or when in possession of a dealer for candling and grading, or when being delivered to cold storage, when in cold storage, or being removed therefrom, provided eggs which have been in an incubator shall be marked "hatchery test" together with the name and address of the hatchery of origin.

Eggs when marked with United States department of agriculture grades such as referred to in subsections (2) and (5) of this section shall be considered as complying with the provisions of this chapter if the eggs so marked as to grade and size meet requirements of the comparable quality grade and size designation according to the standards prescribed by the director. In no case may eggs so marked with United States grade designations be of a lower quality or size than comparable grades or standards prescribed by the director.

SEC. 14. It shall be unlawful to sell eggs for human consumption without notifying the consumer of the exact grade or quality and size or weight of the eggs according to the standards prescribed by the director by stamping or printing on the container of the eggs such grade or quality and size or weight or if the eggs are offered for sale in bulk, without displaying in a conspicuous place on the container from which

Unlawful to sell without notifying consumer of grade, etc.

they are offered or exposed for sale, a sign printed in letters not less than two inches high, giving the grade, quality, size and weight, and without placing a state egg seal upon each container in which eggs are sold or delivered at retail. The provisions of this section shall not apply to a person selling eggs of his own production except when they are sold at retail to the consumer: *Provided*, That this section shall not affect the sale of eggs by the producers when the consumer purchases and receives them at the place of production.

Exceptions.

Misrepresenting chicken eggs unlawful.

SEC. 15. It shall be unlawful to sell or represent as chicken eggs, eggs from any other species of fowl, or mixed eggs from more than one species of fowl, or eggs from ducks, turkeys, geese, or any species of fowl other than chickens, without marking the containers and subcontainers of such eggs or otherwise indicating fully by sign, placard or other inscription the species of fowl from which such eggs were produced.

Removal of markings from containers before reuse.

SEC. 16. It shall be unlawful to place or pack eggs in any containers or subcontainers bearing any name, markings of any designation of brand quality, grade or other matter, unless all of such markings which do not properly and accurately apply to the eggs placed or packed therein have been removed, erased or obliterated.

Trademarks and trade names.

SEC. 17. It shall be unlawful to sell or use any container or subcontainer of eggs which bears a name, a trademark or a tradename unless such a name, trademark or tradename is obliterated or effaced, except where the seller or user is entitled to use such name, trademark or tradename.

Cold storage eggs.

SEC. 18. It shall be unlawful to sell or advertise cold storage eggs or eggs below the quality grade of grade A as "fresh eggs," "ranch eggs," "farm eggs" or to represent the same to be fresh.

SEC. 19. It shall be unlawful to move any eggs or their containers to which any warning tag or notice has been affixed, as provided in section 28, or to remove such warning tag or notice from the place where it may be affixed, except upon written permission or upon the specific direction of the director.

Warning tags or notice; removal of.

SEC. 20. It shall be unlawful to sell or offer or expose for sale foreign eggs in the shell, without having stamped on each such egg, in legible type and in durable indelible ink the words "FROM .....," and the name of the country in which the egg is produced.

Foreign eggs in shell.

Identified.

SEC. 21. It shall be unlawful to sell foreign eggs in any other form than in the shell, or any egg products manufactured from foreign eggs, without having stamped or printed in legible type in letters two inches high, in durable paint or ink on the side and on the cover of each container, the words "EGGS FROM .....," followed by the name of the country in which the eggs were produced, or in which the eggs from which the egg products were manufactured were produced.

Foreign eggs not in shell.

Identification.

SEC. 22. It shall be unlawful for the owner or operator of any public place where food is served, or a bakery or confectionery shop where food products are sold, to serve or sell foreign eggs or egg products manufactured from foreign eggs, without maintaining in a conspicuous place where the customers entering can see it, a placard bearing the words "WE USE FOREIGN EGGS" printed or painted in legible letters not less than two inches high.

Sale of foreign eggs in public places.

SEC. 23. It shall be unlawful for a person manufacturing or selling any food product containing eggs or egg products, to sell or offer or expose for sale food products containing foreign eggs, or egg products manufactured from foreign eggs, without having printed on the outside of the wrapper or con-

Food products containing foreign eggs.

tainer of each product in legible letters of bold faced type of a size not less than eight point, the words "FOREIGN EGGS USED IN THIS PRODUCT," or if the products are sold, offered, or exposed for sale in bulk, without displaying in a conspicuous place at the point where the products are exposed for sale, a placard printed in letters two inches high, and containing the words "FOREIGN EGGS USED IN THIS PRODUCT."

**Presumption.** SEC. 24. It shall be presumed from the fact of possession by any person, firm or corporation engaged in the sale of eggs that such eggs are for sale.

**Failure to comply with lawful orders.** SEC. 25. (1) It shall be unlawful to fail to comply with any lawful order of the director, or of any court, in any proceeding under the provisions of this chapter.

**Failure to allow inspection unlawful.** (2) It shall be unlawful to refuse to submit any eggs or any container, subcontainer, lot, load, or display of eggs to the inspection of the director or to refuse to stop, at the request of the director, any vehicle transporting eggs.

**Director to administer.** SEC. 26. (1) The director is charged with the administration of this chapter and the director shall make and enforce such reasonable rules and regulations as may be necessary to carry out the provisions of this chapter. He shall appoint inspectors to carry out the provisions of this chapter. Such inspectors shall pass an examination by the director as will satisfy him they are qualified in knowledge and experience to satisfactorily perform egg inspection work.

**Inspectors.**

**Inspections.** (2) The director may enter and inspect any place or conveyance within this state, where any eggs are produced, candled, incubated, stored, packed, delivered for shipment, loaded, shipped, transported, or sold, and may inspect all such eggs and the containers thereof and equipment found in any such places or

conveyances, and may take for inspection representative samples of such eggs and containers, for the purpose of determining whether or not any provisions of this chapter have been violated.

(3) The director may, while enforcing the provisions of this chapter, have seized and held as evidence any container of eggs or all or any part of any pack, load, lot consignment or shipment of eggs packed, stored, delivered for shipment, loaded, shipped, transported, or sold in violation of any provisions of this chapter.

Seizure  
of eggs.

SEC. 27. The director shall prescribe methods of selecting samples of lots or containers of eggs which shall be reasonably calculated to produce by such sampling fair representations of the entire lots or containers sampled. Any sample taken hereunder shall be prima facie evidence, in any court in this state, of the true condition of the entire lot in the examination of which said sample was taken.

Sampling.

SEC. 28. (1) Any eggs prepared, packed, stored, delivered for shipment, delivered for sale, loaded, shipped, transported or sold in violation of any of the provisions of this chapter, together with their containers, are a public nuisance, and such eggs shall be held by the person in whose possession they may be and shall not be moved from the place where they may be, except upon the written permission or upon the specific direction of the director.

Eggs in violation a public nuisance.

(2) The director may have affixed a warning tag or notice to such nuisance and may give notice of such violation to the producer, packer, or owner, or any person in possession of such eggs. If such person, so notified, refuses or fails within seventy-two hours to commence and proceed with due diligence to recondition or remark the same so as to comply with all provisions of this chapter, such eggs and their containers may be seized by the director. When the eggs are in cold storage the seventy-two hour period

Warning tag or notice of violation.

Seizure.

does not commence to run until they are removed from cold storage, and delivered to a dealer.

Duties of  
county  
prosecutors.

Abatement by  
court order.

(3) The prosecuting attorney of the county in which any such nuisance is found, on the relation of the director shall maintain, in the name of the state, a civil action to abate and prevent such nuisance; and upon judgment and by order of the court, such nuisance shall be condemned and destroyed in the manner directed by the court, or remarked, denatured, or otherwise reconditioned, or released upon such conditions as the court in its discretion may impose to insure that the nuisance will be abated. If the owner fails to comply with the order of the court within the time specified therein the court may order disposal of the eggs and their containers or the sale thereof, under such terms and conditions as the court may prescribe and in the event the court orders the sale of any of the eggs and their containers which can be salvaged, the cost of disposal shall be deducted from the proceeds of sale and the balance paid into court for the owner.

Disposal.

SEC. 29. Whenever eggs, egg products, or food products containing eggs or egg products, inedible (or denatured) and unfit for human consumption, they shall be deemed to be adulterated for all purposes of law, including all of the purposes of chapter 69.04, RCW.

Adulteration.

All eggs, egg products, food products containing eggs or egg products and containers holding the same shall be deemed to be misbranded for all of said purposes unless they bear or are purveyed under the seals, labels, markings, printed matter, signs, displays, or other branding and labeling devices required by this chapter, and unless they conform to the standards and grades heretofore or hereafter promulgated by the director pursuant to this chapter.

Misbranded.

Violations.

SEC. 30. Any person convicted of violating any provision of this chapter or the rules and regulations

issued thereunder, which is not otherwise provided for under chapter 69.04, RCW, or who shall impede, obstruct, hinder, or otherwise prevent or attempt to prevent the director in performance of his duty in connection with the provisions of this chapter, shall be adjudged guilty of a misdemeanor: *Provided*, That if such violation is committed after a previous conviction of such person has become final, such person shall be guilty of a gross misdemeanor. Each separate violation shall be a separate offense, except that in the case of a violation through continuing failure or neglect to obey the provisions of this chapter, each day of continuance of such failure or neglect shall be deemed a separate offense. Penalties.

SEC. 31. Any prosecution for the violation of any provisions of this chapter may be instituted in any county where any part of the offense occurred. Any evidence taken by the director in any county may be admitted in evidence in any prosecution in any other county. Venue. Evidence.

SEC. 32. Any egg dealer licensed under the provisions of this chapter shall, with respect to his operations as such licensee, be exempt from the provisions of Title 20. Licensees' exempt.

SEC. 33. All moneys collected under this chapter shall be paid into a special fund which is hereby created in the state treasury and designated the "State Egg Account" in the general fund, which shall be expended for necessary expenses hereunder. Moneys in the egg inspection fund created by RCW 69.24.040 at the time of the effective date of this chapter shall be transferred to and shall constitute a part of the account herein created. "State Egg Account."

SEC. 34. This chapter shall be known as the "Washington State Egg Law of 1955." Short title.

SEC. 35. If any clause, sentence, paragraph, or part of this chapter is for any reason judged invalid

**Invalidity.** by any court of competent jurisdiction, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operations to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

**Repealer.** SEC. 36. Chapter 17, Laws of 1933, as last amended by chapter 157, Laws of 1937 and chapter 116, Laws of 1949, and chapter 69.24, RCW are repealed.

Passed the Senate March 4, 1955.

Passed the House March 2, 1955.

Approved by the Governor March 16, 1955.

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## CHAPTER 194.

[ S. B. 353. ]

### COUNTIES—BONDS AUTHORIZED FOR TOLL BRIDGES.

AN ACT relating to counties; providing that a county may issue general obligation bonds for the purpose of contributing to the construction of toll bridges located in the county or in counties contiguous thereto; adding a new section to chapter 36.75 RCW, and declaring an emergency.

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

**Issuance of bonds authorized.**

SECTION 1. The board of a county may, by majority vote, and by submission to the voters under the same procedure required in RCW 36.76.090 and 36.76.100, issue general obligation bonds for the purpose of contributing money, or the bonds themselves, to the Washington toll bridge authority to help finance the construction of toll bridges across topographical formations constituting boundaries between the county and an adjoining county, or a toll bridge across topographical formation located wholly within an adjoining county, which in the discretion of the board, directly or indirectly benefits the county. Such bonds may be transferred to the Wash-

**Purpose.**

**Bond transfer.**



ington toll bridge authority to be sold by the authority for the purposes outlined herein: *Provided*, That in no event shall bonds be issued in excess of the limitations in chapter 36.67 RCW. Limitation.

SEC. 2. That this act is necessary for the preservation of the peace, health and safety of this state and the support of the state government of the state of Washington and its existing institutions, and shall take effect immediately. Emergency.

Passed the Senate March 4, 1955.

Passed the House March 2, 1955.

Approved by the Governor March 16, 1955.

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## CHAPTER 195.

[ Sub. S. B. 187. ]

### DEPARTMENT OF INSTITUTIONS ESTABLISHED— POWERS AND DUTIES.

AN ACT relating to state government; establishing the department of institutions; defining the powers and duties thereof; amending section 14, chapter 119, Laws of 1901 and RCW 43.19.140; repealing section 11, chapter 176, Laws of 1935 and RCW 43.19.010, and section 15, chapter 176, Laws of 1935 and RCW 43.19.130.

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

SECTION 1. (a) The department of institutions as an agency of the government of the state of Washington is hereby established. Department established.

(b) The office of director of institutions is hereby established. Director established.

(c) The director of institutions shall have had at least five years' institutional experience of a demonstrably successful type in an executive or supervisory capacity in at least one type of large institution set forth in section 4 of this act. Qualifications.

(d) The governor, with the advice and consent of the senate, shall appoint the director of institutions who shall be the chief executive and administrative officer of the department of institutions. The director shall hold office at the pleasure of the governor who shall fix his salary. If a vacancy occurs while the senate is not in session, the governor shall make a temporary appointment until the next meeting of the senate when he shall present to that body his nomination for the office. The director shall take the oath of office before any person authorized to administer oaths and file a copy thereof in the office of the secretary of state before starting upon his duties, and he likewise shall execute and deliver to the secretary of state a bond to the state in the sum of five thousand dollars to be approved by the governor conditioned on his faithful performance of all duties required of him by law, the cost of such bond to be paid by the state.

Appointment.

Term.

Vacancy.

Oath.

Bond.

SEC. 2. Section 15, chapter 176, Laws of 1935 and RCW 43.19.130 are each repealed.

Repeal.

SEC. 3. Section 1, chapter 107, Laws of 1915; section 2, chapter 50, Laws of 1919; sections 36, 39, 40 and 44, chapter 7, Laws of 1921; section 14, chapter 119, Laws of 1901 and RCW 43.19.140 and 43.19.250 are each repealed.

Repeal.

SEC. 4. The director of institutions shall:

Powers and duties of director.

(1) Have full power to manage and govern the following public institutions:

The western state hospital, the eastern state hospital, the northern state hospital, the state penitentiary, the state reformatory, the state training school, the state school for girls, the state soldiers' home and colony, the Washington veterans' home, Lakeland Village, the Rainier state school, the state school for the deaf, the state school for the blind, the McKay

memorial research hospital, and the state narcotic farm colony, subject only to the limitations contained in laws relating to the management of such institutions;

(2) Have authority to appoint assistants and subordinate employees, and fix their compensation, to aid him in performing the functions and duties of his office and from time to time to designate and deputize one of such employees as chief assistant director. The chief assistant director shall have charge and general supervision of the department of institutions in the absence or disability of the director and in case of a vacancy in the office of director shall continue in charge of the department of institutions until a director is appointed and qualified or until the governor appoints an acting director. Appointive.

(3) Prepare topographic and architectural plans for the state institutions under his control; Plans.

(4) Establish a systematic building program providing for the grouping of buildings at the institutions; Building program.

(5) Prepare plans, specifications, and estimates of cost for all necessary repairs or betterments to buildings at the institutions, to accompany the estimates for the biennial budget; Costs.

(6) Supervise the erection, repair, and betterment of all such buildings;

(7) Make a survey, investigation, and classification of the lands connected with the state institutions under his control, and determine which thereof are of such character as to be most profitably used for agricultural, horticultural, dairying, and stock raising purposes, taking into consideration the costs of making them ready for cultivation, the character of the soil, its depth and fertility, the number of kinds of crops to which it is adapted, the local cli- Lands.

matic conditions, the local annual rainfall, the water supply upon the land or available, the needs of all state institutions for the food products that can be grown or produced, and the amount and character of the available labor of inmates at the several institutions;

**Farming.**

(8) Establish and carry on suitable farming operations at the several institutions under his control;

**Food products.**

(9) Supply the several institutions with the necessary food products produced thereat;

(10) Exchange with, or furnish to, other institutions, food products at the cost of production;

(11) Sell and dispose of surplus food products produced;

**Industries.**

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

**Industrial products.**

(13) Supply the several institutions with the necessary industrial products produced thereat;

(14) Exchange with, or furnish to, other state institutions industrial products at prices to be fixed by the department, not to exceed in any case the price of such products in the open market;

**Surplus products.**

(15) Sell and dispose of surplus industrial products produced, to such persons and under such rules, regulations, terms, and prices as may be in his judgment for the best interest of the state;

**Plate mill products.**

(16) Sell products of the plate mill to any department, to any state, county, or other public institution and to any governmental agency, of this or any other state under such rules, regulations, terms, and prices

as may be in his judgment for the best interests of the state;

(17) Comply with all requirements of the director of health in relation to health and sanitation at the institutions under his control; Health and sanitation.

(18) Have the powers and duties of the director of public institutions contained in RCW 43.19.150 through 43.19.170 relating to state dietition and accounting; those contained in RCW 43.19.260 through 43.19.420 relating to the division of children and youth services and those contained in RCW 43.19.430 through 43.19.440 relating to the state council for children and youth; those contained in chapters 71.02, 71.04 and 71.06 RCW relating to mentally ill; and those contained in chapters 72.04 through 72.40 RCW relating to state institutions. Powers and duties transferred to director.

SEC. 5. The director of institutions shall examine into the conditions and needs of the several state institutions under his control and on or before the first day of December of the year preceding the session of the legislature report in writing to the governor the condition of each institution and what amount of money he deems advisable to appropriate for its maintenance and betterment, having reference to the probable growth of the institution, its general welfare and the purpose of its creation. Examination.

Report.

Appropriation.

On or before the first Tuesday after the convening of each regular session of the legislature the director shall make to the governor and legislature a full report of the activities of his department, incorporating therein suggestions respecting legislation for the benefit of the several institutions under his control and in the interest of improved administration generally. Such report shall contain the reports made to the director by the executive officer of each institution or so much thereof as in his opinion may be proper. There shall be published in the report a complete list of the officers and employees of the Report.

Legislation.

Salaries. department and the several institutions and the annual salary paid to each.

Repeal. SEC. 6. Section 11, chapter 176, Laws of 1935 and section 4, RCW 43.19.010 are each repealed.

This section amended by sec. 4, chap. 285, Laws of 1955.

Passed the Senate February 28, 1955.

Passed the House March 7, 1955.

Approved by the Governor March 16, 1955.

CHAPTER 196.

[ S. B. 394. ]

TAXATION—PROPERTY SUBJECT—EXEMPTIONS.

AN ACT relating to tax exemptions; and amending section 8, chapter 206, Laws of 1939, section 1, chapter 109, Laws of 1945 and RCW 84.40.010 and 84.36.010 through 84.36.060.

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

Amendment. SECTION 1. Section 8, chapter 206, Laws of 1939 and section 1, chapter 109, Laws of 1945 (heretofore divided, combined and codified as RCW 84.40.010 and 84.36.010 through 84.36.060) are amended to read as set forth in sections 2 through 8 of this act.

Enacted without amendment. SEC. 2. (RCW 84.40.010) All property now existing, or that is hereafter created or brought into this state, shall be subject to assessment and taxation for state, county, and other taxing district purposes, upon equalized valuations thereof, fixed with reference thereto on the first day of January at twelve o'clock meridian in each year, excepting such as is exempted from taxation by law.

Enacted without amendment. Exemption. SEC. 3. (RCW 84.36.010) All property belonging exclusively to the United States, the state, any county or municipal corporation shall be exempt from taxation.

Enacted without amendment. SEC. 4. (RCW 84.36.020) The following property shall be exempt from taxation:

All lands used exclusively for public burying grounds or cemeteries; Exemptions. Cemeteries.

All churches, built and supported by donations, whose seats are free to all; and the ground, not exceeding five acres in area, upon which any cathedral or church of any recognized religious denomination is or shall be built, together with a parsonage. The area exempted shall in any case include all ground covered by the church and parsonage and the structures and ground necessary for street access, light, and ventilation, but the area of unoccupied ground exempted in such cases, in connection with both church and parsonage, shall not exceed the equivalent of one hundred twenty by one hundred twenty feet. The parsonage need not be on land contiguous to the church property if the total area exempted does not exceed the areas above specified. To be exempt the grounds must be used wholly for church purposes. Church and church property.

SEC. 5. (RCW 84.36.030) The following property shall be exempt from taxation: Enacted without amendment.

Property of nonsectarian organizations or associations, organized and conducted primarily and chiefly for religious purposes and not for profit, which shall be 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; Exemptions. Religious associations.

Property of nonprofit 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 purposes, provided such purposes are for the general public good and such properties are devoted to the general public benefit; Nonprofit organizations.

Property of all organizations and societies of veterans of any war of the United States, recognized as Veterans' societies.

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. To be exempt such property must be primarily used in such manner as may be reasonably necessary to carry out the purposes and objects of such societies;

Property of all corporations, incorporated under any act of congress, whose principal purposes are to furnish volunteer aid to members of the armed forces of the United States and also to carry on a system of national and international relief and to apply the same in mitigating the sufferings caused by pestilence, famine, fire, floods, and other national calamities and to devise and carry on measures for preventing the same.

Armed forces  
aid asso-  
ciations.

Enacted  
without  
amendment.  
Exemptions.

Public li-  
braries, or-  
phanages,  
institutions,  
and hospitals.

SEC. 6. (RCW 84.36.040) The following property shall be exempt from taxation:

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, when such institutions are supported in whole or in part by public donations or private charity, and all of the income and profits thereof 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 institutions, whenever such libraries, orphanages, institutions, homes, and hospitals are built and used exclusively for the purposes herein enumerated.

Determine  
exemption.

Director of  
health has ac-  
cess to books.

In order to determine whether such libraries, orphanages, institutions, homes, and hospitals are exempt from taxes within the intent of this chapter, the director of health shall have access to their



books and the superintendent or manager of the library, orphanage, institution, home, or hospital claiming exemption from taxation 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 department 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 such report full and complete vital statistics for the use and information of the department of health, which may publish the same in its annual report.

Annual  
report.

A hospital, within the meaning of this section, includes any portion of the hospital building, or other buildings in connection therewith, used as a nurses' home or as a residence for persons engaged or employed in the operation of the hospital, or operated as a portion of the hospital unit.

Hospital,  
defined.

SEC. 7. (RCW 84.36.050) The following property shall be exempt from taxation:

Property  
exempt.

Property 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. To be exempt, such property must be used solely for educational purposes or the revenue therefrom be devoted exclusively to the support and maintenance of such institution. Real property so exempt shall not exceed one hundred acres in extent and shall be used exclusively for college or campus purposes.

Schools and  
college  
property.

Real property owned or controlled by such institution or leased or rented by it for the purpose

School prop-  
erty not  
exempt.

of deriving revenue therefrom shall not be exempt from taxation under this section.

Before any exemption provided for by this section 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, on or before the first day of January in such year, a statement verified by the oath of the president, treasurer, or other proper officer of the institution, containing a list of all property claimed to be exempt, the purpose for which it is used, the revenue derived from it for the preceding year, the use to which such revenue was applied, the number of students in attendance at the school or college, the total revenues of the institution with the source from which they were 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.

Verified statement filed.

County assessor has access to books.

SEC. 8. (RCW 84.36.060) The following property shall be exempt from taxation:

Art, scientific, and historical collections.

All art, scientific, or historical collections of associations maintaining and exhibiting such collections for the benefit of the general public and not for profit;

Fire equipment and facilities.

All fire engines and other implements used for the extinguishment of fire, with the buildings used exclusively for the safekeeping thereof, and for meetings of fire companies, provided such properties belong to any city or town or to a fire company therein;

Humane society property.

Property owned by humane societies in this state

in actual use by such societies not exceeding ten thousand dollars in taxable value.

Passed the Senate February 17, 1955.

Passed the House March 6, 1955.

Approved by the Governor March 16, 1955.

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## CHAPTER 197.

[ S. B. 25. ]

### STATE CURRENT FUNDS—INVESTMENTS.

AN ACT relating to the investment of current funds of the state of Washington by the state finance committee; amending section 1, chapter 91, Laws of 1935 and RCW 43.84.080.

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

SECTION 1. Section 1, chapter 91, Laws of 1935 and RCW 43.84.080 are each amended to read as follows: Amendment.

Whenever there is in any fund or in cash balances in the state treasury more than sufficient to meet the current expenditures properly payable therefrom, the state finance committee may invest such portion of such funds or balances as it deems expedient in certificates, notes, or bonds of the United States, or in state, county, municipal, or school district bonds, or in warrants of taxing districts of the state. Such bonds and warrants shall be only those found to be within the limit of indebtedness prescribed by law for the taxing district issuing them and to be general obligations. The state finance committee may purchase such bonds or warrants directly from the taxing district or in the open market at such prices and upon such terms as it may determine, and may sell them at such times as it deems advisable. State finance committee may invest balance over current expenditures.

Upon such investment being made, the state treasurer shall pay to the vendor of the securities the amount so invested, and the securities purchased Limitation.

Purchase and sale discretion in state finance committee.

Deposit of securities purchased.

shall be deposited with the state treasurer, or in trust for the state treasurer either with any fiscal agency of the state of Washington or with any state depository bank in this state which maintains a trust department and is an approved depository of state funds, and such agency or bank shall forthwith furnish to the state treasurer a trust certificate enumerating and describing the securities so held. The state treasurer shall in any event collect all interest and principal payments falling due thereon.

Passed the Senate February 9, 1955.

Passed the House March 8, 1955.

Approved by the Governor March 16, 1955.

CHAPTER 198.

[ S. B. 103. ]

STATE MONEYS AND FUNDS—DEPOSITS.

AN ACT relating to deposit of state moneys and funds by the state treasurer in state depository banks in active or inactive accounts and providing for the payment of interest thereon.

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

SECTION 1. It is the purpose of this chapter to authorize the state treasurer to deposit state moneys or funds in his custody in state depositories at a rate of interest agreed to by the state finance committee and the depository.

State moneys.

SEC. 2. All moneys or funds belonging to or in the custody of the state under the control of the state treasurer shall be considered as state moneys or funds.

Deposits in state depository.

SEC. 3. The state treasurer may deposit state moneys or funds at interest in any qualified state depository bank upon a demand or time account basis.

SEC. 4. If state depositaries are member banks of the federal reserve system, or are banks the deposits of which, within certain limits, are insured by the federal deposit insurance corporation and, as such, are prohibited by a statute of the United States or by a lawful regulation of the federal reserve system or of the federal deposit insurance corporation, or of any authorized agency of the federal government, from paying interest upon demand deposits of public funds of a state, the payment of interest shall not be required of such depositaries to the extent and for the period of time that payment thereof is prohibited.

Payment of  
interest  
deterred.

SEC. 5. The state treasurer, upon approval by the state finance committee, may deposit moneys not required to meet current demands upon a term deposit basis not to exceed one year at such interest rates and upon such conditions as to withdrawals of such moneys as may be agreed upon between the state finance committee and any qualified depository bank or banks in the state.

Term  
deposits.

SEC. 6. All sums paid as interest to the state by depositaries keeping public moneys or funds of the state on deposit shall be credited by the state treasurer upon receipt thereof to the general fund, excepting that any sums paid as interest from the use of motor vehicle funds shall be credited by the state treasurer to the motor vehicle fund.

Exception.

SEC. 7. If any provision of this act or the application thereof to any state department, bureau, board, commission, authority, establishment, agency, official, officer, or employee is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid

Invalidity.

provision or application, and to this end any section, sentence, or word is declared to be severable.

Passed the Senate February 7, 1955.

Passed the House March 8, 1955.

Approved by the Governor March 16, 1955.

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CHAPTER 199.

[ S. B. 118. ]

DAY ISLAND WATERWAY—RE-LOCATION OF HARBOR  
LINES—VACATION.

AN ACT authorizing the vacation of Day Island Waterway and the re-location of harbor lines as shown on the Plat of Tacoma Tide Lands.

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

SECTION 1. The commissioner of public lands is hereby authorized to vacate by re-plat and with the approval of the board of state land commissioners re-locate the harbor lines in Day Island Waterway, as shown on the official map of Tacoma Tide Lands on file in the office of the commissioner of public lands at Olympia, Washington.

Vacated portion subject to sale.

SEC. 2. The portion of Day Island Waterway vacated under the terms of this act shall be platted as tideland and be subject to sale by the commissioner of public lands under the general tideland statutes of the state of Washington.

Passed the Senate February 17, 1955.

Passed the House March 8, 1955.

Approved by the Governor March 16, 1955.

## CHAPTER 200.

[ S. B. 443. ]

DISABILITY DETERMINATIONS—AGREEMENTS UNDER  
FEDERAL SOCIAL SECURITY.

AN ACT to authorize the state to enter into an agreement with the Secretary of Health, Education and Welfare to carry out the provisions of the Federal Social Security Act, as amended, relating to the making of determinations of disability under title II of such act, and declaring an emergency.

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

SECTION 1. Such state agency as the governor may designate is hereby authorized to enter into an agreement on behalf of the state with the Secretary of Health, Education and Welfare to carry out the provisions of the Federal Social Security Act, as amended, relating to the making of determinations of disability under title II of such act.

Governor  
designates  
state agency.

SEC. 2. The state agency entering into such agreement shall appoint such professional personnel and other assistants and employees as may be reasonably necessary to carry out the provisions of this act.

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

Emergency.

Passed the Senate March 5, 1955.

Passed the House March 8, 1955.

Approved by the Governor March 16, 1955.

CHAPTER 201.

[ Sub. H. B. 308. ]

ELECTIONS—SCHOOLS AS POLLING PLACES.

AN ACT relating to state primaries and state general elections; making schools available as polling places, and adding a new section to chapter 29.48 RCW.

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

New section.

SECTION 1. There is added to chapter 29.48 RCW a new section to read as follows:

The board of directors of each school district shall cooperate with the county auditor by making schools available for use as polling places on the dates on which state primary and state general elections are held. When in the judgment of the county auditor the voters will be best served thereby, he shall notify the board of directors of the school district of the number of schoolrooms desired for use as polling places. The board of directors in cooperation with the county auditor shall designate the schools, schoolrooms or school facilities to be made available for use as such polling places and shall make such schools, schoolrooms or school facilities available for that purpose. Payment for said polling places shall be made as provided by law.

Notification to school district.

Payment.

Passed the House March 3, 1955.

Passed the Senate March 2, 1955.

Approved by the Governor March 16, 1955.



## CHAPTER 202.

[ H. B. 365. ]

## MEDICAL DISCIPLINARY BOARD ACT.

AN ACT relating to and regulating the conduct and discipline of doctors practicing medicine and surgery, and the revocation, suspension, and refusal of licenses to practice medicine and surgery, to be known as the "medical disciplinary board act"; creating the medical disciplinary board and defining its duties and powers; establishing procedure for the conduct of hearings by the board; empowering the board to issue certificates or orders of revocation and suspension, and statements of grounds for refusal, of licenses to practice medicine or surgery; providing for judicial review; providing for payment of expenses and per diem salary; making an appropriation; amending section 1, chapter 166, Laws of 1941 and RCW 18.71.040 and 18.71.080, and section 7, chapter 134, Laws of 1919, and section 12, chapter 192, Laws of 1909 and RCW 18.71.120 through 18.71.180, and repealing section 1, chapter 65, Laws of 1915 and RCW 18.71.110, and section 13, chapter 192, Laws of 1909; and providing penalties.

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

SECTION 1. This act is passed:

- (1) In the exercise of the police power of the state to protect public health, to promote the welfare of the state, and to provide an adequate public agency to act as a disciplinary body for the members of the medical profession licensed to practice medicine and surgery in this state; Purpose.
- (2) Because the health and well-being of the people of this state are of paramount importance;
- (3) Because the conduct of members of the medical profession licensed to practice medicine and surgery in this state plays a vital role in preserving the health and well-being of the people of the state; and
- (4) Because the agency which now exists to handle disciplinary proceedings for members of the medical profession licensed to practice medicine and surgery in this state is ineffective and very infre-

quently employed, and consequently there is no effective means of handling such disciplinary proceedings when they are necessary for the protection of the public health.

SEC. 2. Terms used in this act shall have the meaning set forth in this section unless the context clearly indicates otherwise:

"Board,"  
defined.

(1) "Board" means the medical disciplinary board.

"License,"  
defined.

(2) "License" means a certificate or license to practice medicine and surgery in this state as provided for in RCW 18.71.010 and 18.71.050.

"Members,"  
defined.

(3) "Members" means members of the medical disciplinary board.

"Secretary,"  
defined.

(4) "Secretary" means the secretary of the medical disciplinary board.

Elements of  
"Unprofes-  
sional  
conduct."

SEC. 3. The term "Unprofessional conduct" as used in this act shall mean the following items or any one or combination thereof:

Moral  
turpitude.

(1) Conviction in any court of any offense involving moral turpitude, in which case the record of such conviction shall be conclusive evidence;

Criminal  
abortion.

(2) The procuring, or aiding or abetting in procuring a criminal abortion;

Fraud in ob-  
taining license.

(3) Fraud or deceit in the obtaining of a license to practice medicine;

Deceptive  
advertising.

(4) All advertising of medical business which is intended or has a tendency to deceive the public or impose upon credulous or ignorant persons and so be harmful or injurious to public morals or safety;

(5) All advertising of any medicine or of any means whereby the monthly period of women can be regulated or the menses reestablished if suppressed;

Personation.

(6) The personation of another licensed practitioner;

Intemperance.

(7) Habitual intemperance;

Drugs.

(8) The use or prescription for use of narcotic

drugs in any way other than for therapeutic purposes;

(9) The offering, undertaking or agreeing to cure or treat disease by a secret method, procedure, treatment, or medicine, or the treating, operating, or prescribing for any human condition by a method, means, or procedure which the licensee refuses to divulge upon demand of the board;

Secret treatment.

(10) The wilful betrayal of a professional secret;

Professional secret.

(11) Repeated acts of immorality, or repeated acts of gross misconduct in the practice of the profession;

Immoral acts.

Gross misconduct.

(12) Unprofessional conduct as defined in chapter 19.68 RCW;

(13) Aiding or abetting an unlicensed person to practice medicine; or

Aiding unlicensed person.

(14) Declaration of mental incompetency by a court of competent jurisdiction.

Mental incompetency.

SEC. 4. There is hereby created the "Washington state medical disciplinary board," which shall be composed of one holder of a valid license to practice medicine and surgery from each congressional district now existing or hereafter created in the state. The board shall be an administrative agency of the state of Washington. The attorney general shall be the advisor of the board and shall represent it in all legal proceedings.

"Washington state medical disciplinary board."

Attorney general, advisor.

SEC. 5. Members of the board shall be elected by secret mail ballot by the holders of licenses to practice medicine and surgery residing in each congressional district and shall hold office until their successors are elected and qualified. Members from even-numbered congressional districts shall be elected in even-numbered years and members from odd-numbered congressional districts shall be elected in odd-numbered years.

Election of board members.

Nominations  
to board.

SEC. 6. Nominations to the board may be made by petition signed by not less than twenty-five license holders residing in the nominee's district, and shall be submitted to the board at least four weeks prior to the date of the election. Votes cast for license holders not so nominated shall be valid.

Election date.

SEC. 7. The election shall be held in September and shall be conducted in accordance with rules and regulations adopted by the board under the rule-making power hereinafter provided for. Terms of office of members shall commence on October 1st.

Commencement of  
terms.

Vacancies  
filled by  
governor.

SEC. 8. Vacancies in the board shall be filled by the governor and a member appointed to fill a vacancy on the board shall serve until the naming of his successor in the next district election and until his successor takes office on the October 1st following the election.

Removal by  
governor.

SEC. 9. Any member of the board may be removed by the governor for neglect of duty, misconduct or malfeasance or misfeasance in office, after being given a written statement of the charges against him and sufficient opportunity to be heard thereon.

Payment to  
board  
members.

SEC. 10. Members of the board shall be paid twenty-five dollars per diem for time spent in performing their duties as members of the board and shall be repaid their necessary traveling and other expenses while engaged in business of the board, with such per diem and reimbursement for expenses to be paid out of the general fund on vouchers approved by the director of licenses: *Provided*, That the amount for expense will not be more than fifteen dollars per day, except for traveling expense which shall not be more than eight cents per mile.

SEC. 11. The board may meet, function, and exercise its powers at any place within the state.

Organization  
of first board.

SEC. 12. The first board shall be organized in this manner: Within ten days after the effective date of

this act the director of licenses shall appoint five holders of licenses to practice medicine and surgery in this state to serve as members of a temporary commission which shall, within ninety days thereafter, organize and hold the election to name the first members of the medical disciplinary board. The temporary commission shall adopt such rules and regulations as it deems necessary to govern the holding of the first election. After the election is completed and the first members of the board have qualified and taken office, the temporary commission shall be abolished and all of its records shall be turned over to the board.

Temporary  
commission.

Temporary  
commission  
abolished.

SEC. 13. The board shall elect from its members a chairman, vice-chairman, and secretary, who shall serve for one year and until their successors are elected and qualified. The board shall meet at least once a year or oftener upon the call of the chairman at such times and places as the chairman shall designate. Five members shall constitute a quorum to transact business.

Board officers,  
terms and  
meetings.

SEC. 14. Members of the board shall be immune from suit in any action, civil or criminal, based upon any disciplinary proceedings or other official acts performed in good faith as members of such board.

Immunity.

SEC. 15. The board shall have the following powers and duties:

Board powers  
and duties.

(1) To adopt, amend and rescind such rules and regulations as it deems necessary to carry out the provisions of this act;

(2) To investigate all complaints and charges of unprofessional conduct against any holder of a license and to hold hearings to determine whether such charges are substantiated or unsubstantiated;

(3) To employ necessary stenographic or clerical help;

(4) To issue subpoenas and administer oaths in connection with any investigation, hearing, or disciplinary proceeding held under this act.

(5) To take or cause depositions to be taken as needed in any investigation, hearing, or proceeding.

Complaint charging unprofessional conduct.

SEC. 16. Any person, firm, corporation, or public officer may submit a written complaint to the secretary charging the holder of a license to practice medicine and surgery with unprofessional conduct, specifying the grounds therefor. If the board determines that such complaint merits consideration, or if the board shall have reason to believe, without a formal complaint, that any holder of a license has been guilty of unprofessional conduct, the chairman shall designate three members to serve as a committee to hear and report upon such charges.

Hearing committee.

Specification of charges.

SEC. 17. When a hearing committee is named, the secretary shall prepare a specification of the charge or charges of unprofessional conduct made against a license holder, a copy of which shall be served upon the accused, together with a notice of the hearing, as provided in section 19 of this act.

Notice of hearing.

Time of hearing.

Notice of hearing.

SEC. 18. The time of hearing shall be fixed by the secretary as soon as convenient, but not earlier than thirty days after service of the charges upon the accused. The secretary shall issue a notice of hearing of the charges, which notice shall specify the time and place of hearing and shall notify the accused that he may file with the secretary a written response within twenty days of the date of service. Such notice shall also notify the accused that a stenographic record of the proceeding will be kept, that he will have the opportunity to appear personally and to have counsel present, with the right to produce witnesses and evidence in his own behalf, to cross-examine witnesses testifying against him, to examine witnesses testifying for him, to examine

Stenographic record.

Rights of accused.

such documentary evidence as may be produced against him, and to have subpoenas issued by the board.

SEC. 19. Subpoenas issued by the board to compel the attendance of witnesses at any investigation or hearing shall be served in accordance with the provisions of chapter 5.56 RCW, governing the service of subpoenas in court actions. The board shall issue subpoenas at the request and on the behalf of the accused. In case any person contumaciously refuses to obey a subpoena issued by the board or to answer any proper question put to him during the hearing or proceeding, the superior court of any county in which the proceeding is carried on or in which the person guilty of refusal to obey the subpoena or to answer the question resides or is found shall have jurisdiction, upon application by the board, to issue to such person an order requiring him to appear before the board or its hearing committee, there to produce evidence if so ordered, or there to give testimony concerning the matter under investigation or question. Any failure to obey such order of the court may be punished by the court as a civil contempt may be punished.

Issuance of and service of subpoenas.

Refusal to obey subpoena.

SEC. 20. Within a reasonable time after holding a hearing under the provisions of sections 18 and 19 of this act, the committee shall make a written report of its findings of fact and its recommendations, and the same shall be forthwith transmitted to the secretary, with a transcript of the evidence.

Report of findings.

SEC. 21. If the board deems it necessary, the board may, after further notice to the accused, take further testimony at a second hearing before the full board, conducted as provided for hearings before the three man hearing committee.

Second hearing.

SEC. 22. In any event, whether the board makes its determination on the findings of the hearing com-

Board determines charge.

mittee or on the findings of the committee as supplemented by a second hearing before the board, the board shall determine the charge or charges upon the merits on the basis of the evidence in the record before it.

Order of revocation.

Reprimand.

SEC. 23. If a majority of the members of the board then sitting vote in favor of finding the accused guilty of unprofessional conduct as specified in the charges, or any of them, the board shall prepare written findings of fact and may thereafter prepare and file in the office of the director of licenses a certificate or order of revocation or suspension, in which case a copy thereof shall be served upon the accused, or the board may reprimand the accused, as it deems most appropriate.

Order of dismissal.

SEC. 24. If the license holder is found not guilty, or if less than a majority of the members then sitting vote for a finding of guilty, the board shall forthwith order a dismissal of the charges and the exoneration of the accused. When a proceeding has been dismissed, either on the merits or otherwise, the board shall relieve the accused from any possible odium that may attach by reason of the charges made against him by such public exoneration as is necessary, if requested by the accused to do so.

Filing order of revocation or suspension.

SEC. 25. The filing by the board in the office of the director of licenses of a certificate or order of revocation or suspension after due notice, hearing and findings in accordance with the procedure specified in this act, certifying that any holder of a license has been found guilty of unprofessional conduct by the board, shall constitute a revocation or suspension of the license to practice medicine and surgery in this state in accordance with the terms and conditions imposed by the board and embodied in the certificate or order of revocation or suspension: *Provided*, That if the licensee seeks judicial



review of the board's decision pursuant to the provisions of this act, such revocation or the period of such suspension shall be stayed and shall not be effective or commence to run until final judgment has been entered in any proceeding instituted under the provisions of this act and the licensee's judicial remedies exhausted hereunder.

Revocation or suspension stayed.

SEC. 26. The certificate or order of revocation or suspension shall contain a brief and concise statement of the ground or grounds upon which the certificate or order is based and the specific terms and conditions of such revocation or suspension, and shall be retained as a permanent record by the director of licenses.

Contents of order of revocation.

SEC. 27. The director of licenses shall not issue any license or any renewal thereof to any person whose license has been revoked or suspended by the board except in conformity with the terms and conditions of the certificate or order of revocation or suspension, or in conformity with any order of reinstatement issued by the board, or in accordance with the final judgment in any proceeding for review instituted under the provisions of this act.

License after revocation or suspension.

SEC. 28. Any person whose license has been revoked or suspended by the board shall have the right to a judicial review of the board's decision. Such review shall be initiated by serving on the secretary a notice of appeal and filing such notice of appeal either in the superior court of Thurston county, or in the superior court of the county in which the appellant resides, within thirty days after the filing of the certificate or order of revocation or suspension in the office of the director of licenses.

Judicial review initiated.

SEC. 29. The secretary shall, within twenty days after the service of the notice of appeal, transmit to the clerk of the superior court to which the appeal is taken a transcript of the record before the board,

Transmit certified transcript.

certified under the seal of the board, together with a certified copy of the board's written findings.

Board findings  
conclusive.

Limitation  
on review.

SEC. 30. The findings of the board, if supported by the preponderance of evidence, shall be final and conclusive. The review in the superior court shall be limited to determining whether the findings of the board are supported by the preponderance of evidence and whether the proceedings of the board were erroneous as a matter of law, or in violation of due process, or so arbitrary or capricious as to amount to an abuse of discretion, or contrary to any constitutional right, power, privilege or immunity.

Procedure  
governing  
appeals.

SEC. 31. The procedure governing appeals to the superior court under Title 51 RCW, as amended from time to time, shall govern in matters of appeal from a decision of the board, insofar as applicable and to the extent such procedure is not inconsistent with the type of review provided in this act.

SEC. 32. Appeal shall be from the decision of the superior court.

Judicial re-  
view though  
failure to file  
order of  
revocation.

SEC. 33. If the board finds the holder of any license guilty of unprofessional conduct and fails to file a certificate or order of revocation or suspension in the office of the director of licenses within thirty days, the license holder shall have the right to a judicial review of such finding of the board in the same manner and to the same extent as if the certificate or order had been filed.

Division and  
amendment.

SEC. 34. Section 1, chapter 166, Laws of 1941, (heretofore codified as RCW 18.71.040 and 18.71.080) is divided and amended as set forth in sections 35 and 36 of this act.

Enacted  
without  
amendment.

SEC. 35. (RCW 18.71.040) Every applicant for a certificate to practice medicine and surgery shall pay a fee of twenty-five dollars.

Annual  
registration.

SEC. 36. (RCW 18.71.080) Every person licensed to practice medicine and surgery in this state shall

register with the director of licenses annually, and pay an annual renewal registration fee of seven dollars, on or before the first day of July of each year, and thereupon the license of such person shall be renewed for a period of one year. Any failure to register and pay the annual renewal registration fee shall render the license invalid, but such license shall be reinstated upon written application therefor to the director, and payment to the state of a penalty of ten dollars, together with all delinquent annual license renewal fees.

Renewal registration fee.

Penalty.

SEC. 37. Section 7, chapter 134, Laws of 1919 and section 12, chapter 192, Laws of 1909, (heretofore divided, combined, and codified as RCW 18.71.120 through 18.71.180) are amended to read as set forth in sections 38 through 44 of this act.

Amendment.

SEC. 38. (RCW 18.71.120) The director must refuse a certificate to any applicant guilty of unprofessional conduct: *Provided*, That any person whose license has been suspended or revoked under the provisions of this act may apply to the board for reinstatement at any time and the board may hold hearings on any such petition and may order reinstatement and impose terms and conditions thereof and issue a certificate of reinstatement to the director of licenses.

Application for reinstatement.

SEC. 39. (RCW 18.71.130)

SEC. 40. (RCW 18.71.140) Before refusal of a license upon the ground of unprofessional conduct a hearing must be had before the medical disciplinary board. Such hearing shall be governed by the procedure set forth in the medical disciplinary board act and the applicant shall have all the rights accorded to an accused license holder under such act, including the right to appeal from an adverse decision.

Hearing.

SEC. 41. (RCW 18.71.150)

SEC. 42. (RCW 18.71.160)

SEC. 43. (RCW 18.71.170)

Statement. SEC. 44. (RCW 18.71.180) In case of the refusal of a license, the medical disciplinary board shall file a brief and concise statement of the grounds and reasons therefor in the office of the director of licenses, which, together with the decision of the hearing committee of the medical disciplinary board, in writing, shall remain of record therein.

Appropriation. SEC. 45. There is appropriated from the general fund the sum of fifteen thousand dollars, or so much thereof as shall be necessary, for the purpose of carrying into effect and administering the provisions of this medical disciplinary board act during the biennium ending June 30, 1957.

Invalidity. SEC. 46. If any section, sentence, clause or phrase of this act should be held invalid or unconstitutional, the invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this medical disciplinary board act.

Repeal. SEC. 47. Section 1, chapter 65, Laws of 1915 and RCW 18.71.110, and section 13, chapter 192, Laws of 1909 are each repealed.

"Medical disciplinary board act." SEC. 48. This act may be known, as cited, as the "medical disciplinary board act".

Passed the House February 26, 1955.

Passed the Senate March 6, 1955.

Approved by the Governor March 16, 1955.

CHAPTER 203.

[ H. B. 476. ]

TOLL BRIDGE AUTHORITY—INTERSTATE BRIDGE AGREEMENTS

AN ACT authorizing agreements between the Washington toll bridge authority and any county of this state and/or any adjoining state or county thereof, for the investigation of the feasibility of the bridging of any river forming the boundary between this state and such adjoining state; providing for the reimbursement of certain expenses and adding a new section to chapter 47.56 RCW.

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

SECTION 1. A new section is added to chapter 47.56 RCW, to read as follows: New section.

The Washington toll bridge authority is hereby authorized to enter into agreements with any county of this state and/or with an adjoining state or county thereof for the purpose of implementing an investigation of the feasibility of any toll bridge project for the bridging of a river forming a portion of the boundary of this state, and such adjoining state. The authority may use funds from its revolving fund to carry out the purposes of this section. Such agreements may provide that in the event any such project is determined to be feasible and adopted, any advancement of funds by any state or county may be reimbursed out of any proceeds derived from the sale of bonds or out of tolls and revenues to be derived from such project. Funds.  
Reimbursement.

Passed the House February 26, 1955.

Passed the Senate March 7, 1955.

Approved by the Governor March 16, 1955.

CHAPTER 204.

[ H. B. 249. ]

AERONAUTICS—ENFORCEMENT OF LAWS.

AN ACT conferring police powers relative to aeronautics laws upon the members, director, and certain officers and employees of the aeronautics commission and amending section 31, chapter 165, Laws of 1947 and RCW 14.04.310.

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

Amendment.

SECTION 1. Section 31, chapter 165, Laws of 1947 and RCW 14.04.310 are each amended to read as follows:

It shall be the duty of the commission, its members, director, officers, and employees of the commission, and every state and municipal officer charged with the enforcement of state and municipal laws, to enforce and assist in the enforcement of this chapter and of all other laws of this state relating to aeronautics. The director and those officers or employees of the commission designated by the director in writing are hereby granted police powers solely for the enforcement of state aeronautics laws and the regulations having the effect of law.

Police powers.

Passed the House March 9, 1955.

Passed the Senate March 8, 1955.

Approved by the Governor March 16, 1955.

## CHAPTER 205.

[ H. B. 271. ]

## PROBATE LAW AND PROCEDURE.

AN ACT relating to probate law and procedure; amending sections 20, 31, 55, 77, 92, 93, 162, 199 and 205, chapter 156, Laws of 1917, and RCW 11.20.070, 11.12.070, 11.28.070, 11.68.010, 11.68.020, 11.68.030, 11.28.280, 11.68.040, 11.88.050 and 11.92.040, and amending section 1, chapter 31, Laws of 1919 and RCW 11.76.040, and amending sections 2 and 7, chapter 264, Laws of 1951 and RCW 11.52.010 and 11.52.020; adding to chapter 156, Laws of 1917 as new sections, sections 68a, 68b, 68c, and 123a.

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

SECTION 1. Section 20, chapter 156, Laws of 1917 and RCW 11.20.070 are each amended to read as follows: Amendment.

Whenever any will is lost or destroyed, the superior court may take proof of the execution and validity of such will and establish it, notice to all persons interested having been first given. Such proof shall be reduced to writing and signed by the witnesses and filed with the clerk of court. Notice to interested persons.

No will shall be allowed to be proved as a lost or destroyed will unless it is proved to have been in existence at the time of the death of the testator, or is shown to have been destroyed, cancelled or mutilated in whole or in part as a result of actual or constructive fraud or in the course of an attempt to change the will in whole or in part, which attempt has failed, or as the result of a mistake of fact, nor unless its provisions are clearly and distinctly proved by at least two witnesses, and when any such will is so established, the provisions thereof shall be distinctly stated in the judgment establishing it, and such judgment shall be recorded as wills are required to be recorded. Executors of such will or administrators with the will annexed may be appointed by the court in the same manner as is herein provided with ref- Will allowed to be proved.

Judgment recorded.

Appointment of executors and administrators.

erence to original wills presented to the court for probate.

Amendment.

SEC. 2. Section 31, chapter 156, Laws of 1917 and RCW 11.12.070 are each amended to read as follows:

Mortgaged property.

When any real or personal property subject to a mortgage is specifically devised, the devisee shall take such property so devised subject to such mortgage unless the will provides that such mortgage be otherwise paid. The term "mortgage" as used in this section shall not include a pledge of personal property.

Charge or encumbrance.

A charge or encumbrance upon any real or personal estate for the purpose of securing the payment of money, or the performance of any covenant or agreement, shall not be deemed a revocation of any will relating to the same estate, previously executed. The devises and legacies therein contained shall pass and take effect, subject to such charge or encumbrance.

Amendment.

SEC. 3. Section 55, chapter 156, Laws of 1917 and RCW 11.28.070 are each amended to read as follows:

Administrators with the will annexed.

Administrators with the will annexed shall have the same authority as the executor named in the will would have had, and their acts shall be as effectual for every purpose: *Provided*, That they shall not lease, mortgage, pledge, exchange, sell or convey any real or personal property of the estate except under order of the court and pursuant to procedure under existing laws pertaining to the administration of estates in cases of intestacy, unless the powers expressed in the will are directory and not discretionary.

Limitation.

Amendment.

SEC. 4. Section 92, chapter 156, Laws of 1917 (heretofore divided and codified as RCW 11.68.010, 11.68.020 and 11.68.030) is amended as set forth in sections 5, 6 and 7 of this act.



SEC. 5. (RCW 11.68.010) In all cases where it is provided in the last will and testament of the deceased that the estate shall be settled in a manner provided in such last will and testament, and that such estate shall be settled without the intervention of any court or courts, and where it duly appears to the court, by the inventory filed, and other proof, that the estate is fully solvent, which fact may be established by an order of the court on the filing of the inventory, it shall not be necessary to take out letters testamentary or of administration, except to admit the will to probate and to file a true inventory of all the property of such estate and give notice to creditors and to the body having charge of the collection of inheritance tax, in the manner required by law.

Estate settled without intervention of the court.

After the probate of any such will and the filing of the inventory all such estates may be managed and settled without the intervention of the court, if the last will and testament so provides. However, when the estate is ready to be closed the court, upon application, shall have authority and it shall be its duty, to make and cause to be entered a decree finding and adjudging that all debts have been paid, finding and adjudging also the heirs and those entitled to take under the will and distributing the property to the persons entitled thereto. Such decree shall be made after notice given as provided for like decrees in the estates of persons dying intestate. If no application for a final decree is filed, the executor shall, when the administration of the estate has been completed, file a written declaration to that effect, and thereupon his powers shall cease.

Court decree.

Notice.

Written declaration.

SEC. 6. (RCW 11.68.020) In all cases, if the party named in such will as executor declines to execute the trust or dies or is otherwise disabled for any cause from acting as such executor, letters testamentary or of administration shall issue and the estate be settled as in other cases.

Enacted without amendment.

Executor disabled.

Enacted without amendment.

Failure to execute trust.

Citation and hearing.

Costs of citation.

Amendment.

Death, resignation, and removal of executor or administrator.

Administrator de bonis non.

Amendment.

Executors under non-intervention wills.

SEC. 7. (RCW 11.68.030) If the person named in the will fails to execute the trust faithfully and to take care and promote the interest of all parties, then, upon petition of a creditor of the estate, or of any of the heirs, or of any person on behalf of any minor heir, the court shall cite such person to appear before it, and if, upon hearing of the petition it appears that the trust in such will is not faithfully discharged, and that the parties interested, or any of them, have been or are about to be damaged by the doings of the executor, then, in the discretion of the court, administration may be had and required as is required in the administration of estates, and in all such cases the costs of the citation and hearing shall be charged against the party failing and neglecting to execute the trust as required in the will.

SEC. 8. Section 77, chapter 156, Laws of 1917 and RCW 11.28.280 are each amended to read as follows:

If the executor or administrator of an estate dies, resigns, or the letters are revoked before the settlement of the estate, letters of administration of the goods remaining unadministered shall be granted to those to whom administration would have been granted if the original letters had not been obtained, or the person obtaining them had renounced administration, and the administrator de bonis non shall perform like duties and incur like liabilities as the former executor or administrator: *Provided*, That notice of the hearing on the petition for such appointment shall not be necessary unless the court otherwise directs.

SEC. 9. Section 93, chapter 156, Laws of 1917 and RCW 11.68.040 are each amended to read as follows:

Executors acting under nonintervention wills may after the filing of an inventory of the estate, if the estate has been adjudged solvent, mortgage, lease, sell, and convey the real and personal property of the testator without an order of the court for that pur-

pose and without notice, approval, or confirmation, and in all other respects administer and settle the estate without the intervention of the court. The other party to any such transaction and his successors in interest shall be entitled to have it conclusively presumed that such transaction is necessary for the administration of the estate.

Conclusive  
presumption.

SEC. 10. Section 2, chapter 264, Laws of 1951 and RCW 11.52.010 are each amended to read as follows:

Amendment.

If it is made to appear to the satisfaction of the court that no homestead has been claimed in the manner provided by law, either prior or subsequent to the death of the person whose estate is being administered, then the court, after hearing and upon being satisfied that the funeral expenses, expenses of last sickness and of administration have been paid or provided for, and upon petition for that purpose, shall award and set off to the surviving spouse, if any, property of the estate, either community or separate, not exceeding the value of six thousand dollars at the time of death, exclusive of general taxes and special assessments which were liens at the time of the death of the deceased spouse, and exclusive of any mortgage or mechanic's, laborer's or materialmen's or vendor's liens upon the property so set off, and exclusive of funeral expenses, expenses of last sickness and administration, which expenses may be deducted from the gross value in determining the value to be set off to the surviving spouse; provided that the court shall have no jurisdiction to make such award unless the petition therefor is filed with the clerk within six years from the date of the death of the person whose estate is being administered.

No homestead  
claimed.

Award and  
set off to sur-  
viving spouse.

Exclusive of.

Petition filed.

SEC. 11. Section 7, chapter 264, Laws of 1951 and RCW 11.52.020 are each amended to read as follows:

Amendment.

In event a homestead has been, or shall be selected in the manner provided by law, whether the

Homestead  
claimed.

selection of such homestead results in vesting the complete or partial title in the survivor, it shall be the duty of the court, upon petition of any person interested, and upon being satisfied that the value thereof does not exceed six thousand dollars at the time of the death, exclusive of general taxes and special assessments which were liens at the time of the death of the deceased and exclusive of mortgages, mechanic's, laborer's, materialmen's or vendor's liens thereon, and exclusive of funeral expenses, expenses of last sickness and of administration, which expenses may be deducted from the gross value in determining the value to be set off to the surviving spouse, to enter a decree, upon notice as provided in RCW 11.52.014 or upon longer notice if the court so orders, setting off and awarding such homestead to the survivor, thereby vesting the title thereto in fee simple in the survivor: *Provided*, That if there be any minor child or incompetent heirs of the decedent, the court shall appoint a guardian ad litem for such minor child or incompetent heir who shall appear at the hearing and represent the interest of such minor child or incompetent heir.

Decree entered.

Fee simple title.

Minor child or incompetent heir.

New section.

SEC. 12. There is added to chapter 156, Laws of 1917 a new section, 123a, (and to chapter 11.28 RCW) to read as follows:

Contract to convey real property.

If any person who is bound by contract in writing to convey any real property dies before the fulfillment of the contract, the superior court of the county in which the estate is being administered, may, upon the application of the executor or administrator, make an order authorizing and directing the executor or administrator to sell and convey the vendor's interest in the contract and the lands described therein under administration. All the provisions of RCW 11.56.020 relating to sales of personal property shall be applicable to sales authorized by this section.

Convey vendor's interest in contract.

SEC. 13. Section 162, chapter 156, Laws of 1917, Amendment.  
as last amended by section 1, chapter 31, Laws of  
1919 and RCW 11.76.040 are each amended to read  
as follows:

When such final report and petition for distri- Final report  
and petition  
for distribu-  
tion filed.  
bution, or either, has been filed, the court, or the  
clerk of the court, shall fix a day for hearing it which  
must be at least twenty-five days subsequent to the  
day of the first publication as hereinafter provided.  
Notice of the time and place fixed for the hearing Notice of  
hearing.  
shall be given by the executor or administrator by  
publishing a notice thereof in a legal newspaper pub-  
lished in the county at least once a week for three  
successive weeks preceding the time fixed for the  
hearing. It shall state in substance that a final report Notice  
contents.  
and petition for distribution have, or either thereof  
has, been filed with the clerk of the court, and that the  
court is asked to settle such report, distribute the  
property to the heirs or persons entitled thereto, and  
discharge the executor or administrator, and it shall  
give the time and place fixed for the hearing of such  
final report and petition and shall be signed by the  
executor or administrator or the clerk of the court.

Within twenty days after his appointment, the  
executor or administrator of the estate of a decedent  
shall cause written notice of his said appoint- Notice of  
appointment  
and pendency  
of probate  
proceedings.  
ment, and of the pendency of said probate proceed-  
ings, to be mailed to each heir and distributee of  
said estate whose name and address is known to him,  
proof of which shall be made by affidavit and filed  
in the cause.

Whenever a final report and petition for distribu- Notice of hear-  
ing on final  
report or peti-  
tion for  
distribution.  
tion, or either, shall have been filed in the estate of a  
decedent and a day fixed for the hearing of the  
same, the executor or administrator of such estate  
shall, not less than twenty days before the hearing,  
cause to be mailed a copy of the notice of the time  
and place fixed for hearing to each heir or distributee

whose name and address is known to him, and proof of such mailing shall be made by affidavit and filed at or before the hearing.

Amendment.

SEC. 14. Section 199, chapter 156, Laws of 1917 and RCW 11.88.050 are each amended to read as follows:

Petition for appointment of guardian.

If the petition is for the appointment of a guardian of the property of any minor, insane or mentally incompetent person, who resides without the state of Washington, the petitioner shall make an affidavit stating the fact of such nonresidence, and unless the petitioner is a nonresident guardian, the notice hereinbefore provided for shall be served by publication in some newspaper printed and of general circulation in the county where the petition is filed. Such publication shall be once a week for not less than three successive weeks prior to the time set for the hearing, and proof of publication shall be made and filed as in other cases: *Provided*, That in lieu of publication the notice may be personally served within or without the state upon such minor, insane or mentally incompetent person and upon the person having the care, custody or control of such person, not less than twenty-one days prior to the time set for such hearing, and proof of service shall be made and filed as in other cases. At the time fixed for the hearing, if the court is satisfied that publication has been made, or personal service has been made as hereinabove provided, it may proceed to the hearing and to the appointment of the guardian.

Affidavit.

Publication.

Proof of publication.

Notice personally served.

Amendment.

SEC. 15. Section 205, chapter 156, Laws of 1917 and RCW 11.92.040 are each amended to read as follows:

Duties of guardian. Inventory.

It shall be the duty of the guardian of any estate:  
(1) To make out and file within three months after his appointment, a full inventory, verified by oath, of the real and personal estate of his ward,

with the value of the same, and failing so to do, the court shall remove him and appoint a successor;

(2) To manage the estate for the best interest of his ward; Management.

(3) To render on oath to the proper court an account of his receipts and of his expenditures, with vouchers therefor, at least once in every two years, and whenever cited to do so; Account of receipts and expenditures.

(4) At the expiration of his trust fully to account for and pay over to the proper person all the estate of the ward remaining in his hands; Expiration of trust.

(5) To pay all just debts due from the ward out of the estate in his hands, and to collect all debts and demands due the ward, and in case of doubtful debts, to compound them, and to appear for and defend, all suits against the ward; Payment and collection of debts.  
Suits against ward.

(6) When any ward has no father or mother, or such father or mother is unable or fails to educate such ward, the guardian shall provide for him such education as the amount of his estate may justify. Education of ward.

It shall be the duty of the clerk of court to notify each guardian to file an account as required by law whenever he shall have failed to do so for a period of two years. If the guardian shall fail to file an account for sixty days after such notice, the clerk shall report the case to the judge assigned to probate for such action as he may deem proper. Notification of clerk of court to file account.

Passed the House March 8, 1955.

Passed the Senate March 7, 1955.

Approved by the Governor March 16, 1955.

CHAPTER 206.

[ H. B. 13. ]

LEGISLATIVE COUNCIL—LEGISLATIVE BUDGET COMMITTEE.

AN ACT relating to legislative interim committees; amending sections 2 and 7, chapter 36, Laws of 1947 and RCW 44.24-.020 and RCW 44.24.070, and section 1, chapter 142, Laws of 1951 and RCW 44.24.060; amending sections 1, 4, 8, 11, 12, 13 and 15, chapter 43, Laws of 1951 and RCW 44.28.010, 44.28.020, 44.28.030, 44.28.050, 44.28.080, 44.28.110 and RCW 44.28.140; repealing section 3, chapter 43, Laws of 1951 and RCW 44.28.070; and declaring an emergency.

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

Amendment.

SECTION 1. Section 2, chapter 36, Laws of 1947 and RCW 44.24.020 are each amended to read as follows:

Council powers and duties.

The council shall have the following powers and duties:

(1) To perform, either through the council as a whole or through subcommittees thereof all duties and functions customarily delegated to special interim legislative committees: *Provided*, That any appointments of subcommittee chairmen shall be approved by not less than twelve members of the council;

Approval of appointments.

Study administrative organization and procedures; make recommendations.

(2) To examine and study the administrative organization and procedures of the state government, its offices, boards, committees, commissions, institutions, and other state agencies and to make recommendations, where found advisable, directed to the elimination of unnecessary overlapping or duplication of functions, procedures and expenditures, and to the promotion of economy and efficiency in state government;

Hear complaints; hold hearings; make findings.

(3) To make such other studies and examinations of the state government and its state agencies as it may find advisable and to hear complaints, hold hearings, gather information and make findings of fact with respect thereto: *Provided*, That no in-



investigation shall be had or public hearing be held without prior approval of two-thirds of the membership of the council: *Provided further*, That any investigation or hearing once commenced may be terminated by a majority vote of the council;

Investigation approval.

Investigation termination.

(4) To receive messages and reports in person or in writing from the governor or any other state officials and to attend generally to any and all business addressed to or affecting the legislature during the interim between regular legislative sessions;

Reports from state officials.

(5) To make reports from time to time to the members of the legislature and to the public with respect to any of its findings or recommendations. The council shall keep complete minutes of its meetings. The council shall make and distribute its biennial report to the members of the ensuing legislature at least ten days prior to the convening of the legislature in regular session; and

Reports to legislators and public.

Biennial report.

(6) To cooperate, act, and function with similar councils or committees of other states, with the council of state governments, and with other interstate research organizations.

Interstate research organizations.

SEC. 2. Section 1, chapter 142, Laws of 1951 and RCW 44.24.060 are each amended to read as follows:

Amendment.

The members of the council shall be reimbursed for their expenses incurred while attending sessions of the council or meetings of any subcommittees of the council or while engaged on other council business authorized by the council to the extent of fifteen dollars per day plus eight cents per mile in going and coming from council sessions or subcommittee meetings or for travel on other council business authorized by the council. All expenses incurred by the council, including salaries of employees, shall be paid upon voucher forms as provided by the state auditor and signed by the chairman or vice chairman of the council and attested by the secretary of said council, and the authority of said chairman and

Reimbursement.

Payment of expenses.

secretary to sign vouchers shall continue until their successors are selected. Vouchers may be drawn upon funds appropriated generally by the legislature for legislative expenses or upon any special appropriation which may be provided by the legislature for the expenses of the council.

Amendment.

SEC. 3. Section 7, chapter 36, Laws of 1947 and RCW 44.24.070 are each amended to read as follows:

Rules and regulations.

The state legislative council shall have authority to make its own rules and regulations governing the conduct of its business not otherwise prescribed in this chapter. The term of office of all council members shall be from the time of confirmation or election until (1) their successors have been appointed and confirmed or elected as provided in RCW 44.24.010, or until they cease to be members of the legislature. Vacancies on the council among the senate members of the council may be filled by appointment by the remaining senate members. Vacancies on the council among the members of the house of representatives may be filled by appointment by the remaining house members. All such vacancies shall be filled from the same political party as that of the member whose seat was vacated. All of the minutes, records, and files of the council and its subcommittees shall be delivered over by the council to the speaker of the house of representatives or to the president of the senate at the convening of each regular or special session of the legislature, which minutes, records, and files shall be held subject to the order of the senate and house of representatives, and shall thereafter be redelivered to the members of the council forthwith, but in no event later than five days after adjournment sine die of the legislature.

Office terms.

Vacancies on council.

Delivery of records and files of council.

Amendment.

SEC. 4. Section 1, chapter 43, Laws of 1951 and RCW 44.28.010 are each amended to read as follows:

There is hereby created a legislative budget committee which shall consist of five senators and five representatives from the legislature. The senate members of the committee shall be appointed by the president of the senate and the house members of the committee shall be appointed by the speaker of the house after consultation between such presiding officers to the end that not more than five members shall be from any political party. All members shall be appointed before the close of the 1951 session of the legislature and before the close of each regular session thereafter. Members shall be subject to confirmation, as to the senate members by the senate, and as to the house members by the house. In the event of a failure to appoint committee members, either on the part of the president of the senate or on the part of the speaker of the house, or in the event of a refusal by either the senate or the house to confirm appointments on the committee, then the members of the committee from either house in which there is a failure to appoint or confirm shall be elected forthwith by the members of such house.

Legislative budget committee.

Appointment of members.

Confirmation of members.

Failure to appoint or confirm members.

SEC. 5. Section 12, chapter 43, Laws of 1951 and RCW 44.28.020 are each amended to read as follows:

Amendment.

The term of office of the members of the committee who continue to be members of the senate and house shall be from the close of the session in which they were appointed or elected as provided in RCW 44.28.010 until the close of the next regular session, or, in the event that such appointments or elections are not made, until the close of the next regular session during which successors are appointed or elected. The term of office of such committee members as shall not continue to be members of the senate and house shall cease upon the convening of the next regular session of the legislature after their confirmation, election or appointment. Vacancies on the committee shall be filled by appointment by

Term of office.

Vacancies filled by appointment.

the remaining members. All such vacancies shall be filled from the same political party and from the same house as the member whose seat was vacated.

**Amendment.** SEC. 6. Section 13, chapter 43, Laws of 1951 and RCW 44.28.030 are each amended to read as follows:

On and after the commencement of a succeeding general session of the legislature, those members of the committee who continue to be members of the senate and house, respectively, shall continue as members of the committee as indicated in RCW 44.28.020 and the committee shall continue with all its powers, duties, authorities, records, papers, personnel and staff, and all funds made available for its use.

**Amendment.** SEC. 7. Section 15, chapter 43, Laws of 1951 and RCW 44.28.050 are each amended to read as follows:

**Payment of expenses.** All expenses incurred by the committee, including salaries and expenses of employees, shall be paid upon voucher forms as provided by the auditor and signed by the chairman or vice chairman of the committee and attested by the secretary of said committee, and the authority of said chairman and secretary to sign vouchers shall continue until their successors are selected after each ensuing session of the legislature. Vouchers may be drawn on funds appropriated generally by the legislature for legislative expenses or upon any special appropriation which may be provided by the legislature for the expenses of the committee or both.

**Amendment.** SEC. 8. Section 8, chapter 43, Laws of 1951 and RCW 44.28.110 are each amended to read as follows:

**Authority to examine and inspect.** In the discharge of any duty herein imposed, the committee or any personnel under its authority and its subcommittees shall have the authority to examine and inspect all properties, equipment, facilities, files, records and accounts of any state office, department, institution, board, committee, commis-

sion or agency, and to administer oaths, issue subpoenas, compel the attendance of witnesses and the production of any papers, books, accounts, documents and testimony, and to cause the deposition of witnesses, either residing within or without the state, to be taken in the manner perscribed by laws for taking depositions in civil actions in the superior courts.

Oaths and subpoenas.

Depositions.

SEC. 9. Section 11, chapter 43, Laws of 1951 and RCW 44.28.140 are each amended to read as follows:

Amendment.

The committee is hereby authorized and empowered to appoint an officer to be known as the legislative auditor, and to fix his compensation, who shall be the executive officer of the committee and assist in its duties and shall compile information for the committee. The committee is hereby authorized and empowered to select and employ other clerical, legal, accounting, research and other personnel that it may deem desirable in the performance of its duties, and the compensation and salaries shall be fixed by the legislative budget committee.

Appointment of legislative auditor.

The duties of the legislative auditor shall be as follows;

Duties of legislative auditor.

(1) To ascertain the facts and make recommendations to the committee and under their direction to the committees of the state legislature concerning

- (a) state budget;
- (b) revenues and expenditures of the state;
- (c) the organization and functions of the state, its departments, subdivisions and agencies.

(2) To assist the appropriations committees of the house and senate, respectively, in consideration of the budget and all bills carrying express or implied appropriations and all legislation affecting state departments and their efficiency; to appear before any other legislative committee and to assist any

other legislative committees upon instruction by the legislative budget committee.

(3) To provide the legislature with information obtained under the direction of the legislative budget committee.

(4) To maintain a record of all work performed by the legislative auditor under the direction of the legislative budget committee and to keep and make available all documents, data and reports submitted to him by any legislative committee.

Amendment.

SEC. 10. Section 4, chapter 43, Laws of 1951 and RCW 44.28.080 are each amended to read as follows:

Committee powers. Examination and reports concerning current condition of state funds.

The committee shall have the following powers:

(1) To make current examination and reports concerning the current condition of all state funds, appropriations and other state moneys; concerning whether or not such appropriations are being currently expended for the purposes and within the statutory restrictions provided by the legislature; concerning the current availability of revenue to meet expenditures under appropriations; and concerning the organization and operation of procedures necessary or desirable to control the expenditures and other fiscal operations of the state government, its officers, boards, committees, commissions, institutions and other state agencies, and to make recommendations and reports to the legislature.

Studies and examinations of expenses of state government.

(2) To make such other studies and examinations of the expenses of the state government and its state agencies as it may find advisable, and to hear complaints, hold hearings, gather information and make findings of fact with respect thereto.

Repeal.

SEC. 11. Section 3, chapter 43, Laws of 1951 and RCW 44.28.070 are each repealed.

Emergency.

SEC. 12. This act is necessary for the immediate preservation of the public peace, health and safety,

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

Passed the House March 9, 1955.

Passed the Senate March 9, 1955.

Approved by the Governor March 16, 1955.

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## CHAPTER 207.

[ H. B. 253. ]

### TAXATION—MOTOR VEHICLE FUEL EXCISE.

AN ACT relating to the motor vehicle fuel tax; and amending section 43, chapter 269, Laws of 1951 and RCW 82.36.020, and section 3, chapter 58, Laws of 1933 and section 2, chapter 84, Laws of 1943 and section 1, chapter 151, Laws of 1953 and RCW 82.36.040, 82.36.070 and 82.36.080.

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

SECTION 1. Section 43, chapter 269, Laws of 1951 and RCW 82.36.020 are each amended to read as follows: Amendment.

Every distributor shall pay, in addition to any other taxes provided by law, an excise tax to the director of six and one-half cents for each gallon of motor vehicle fuel sold, distributed or used by him in the state: *Provided*, That under such regulations Excise tax paid by distributor.

as the director may prescribe sales or distribution of motor vehicle fuel may be made by one licensed distributor to another licensed distributor free of the tax. Exception.

In the computation of the tax, one-quarter of one percent of the net gallonage otherwise taxable shall be deducted by the distributor before computing the tax due, on account of the losses sustained through handling. Computation.

The tax herein imposed shall be collected and paid to the state but once in respect to any motor vehicle fuel. Bills should be rendered by distributors to all purchasers of inflammable petroleum products of fifty gallons or more, and upon request to all purchasers of smaller lots. In the case Bills by distributors.

of sales of motor vehicle fuels, the bills shall contain a statement that the distributor has assumed the tax thereon; and in other cases the bills shall contain a statement that the purchaser is responsible for the tax, if the products are to be used for the purpose of operating a motor vehicle. The net gallonage, for purposes of tax distribution, shall be computed after deducting three-fourths of one percent therefrom. The proceeds of the amount deducted shall be paid into the motor vehicle fund. The proceeds of the net gallonage remaining shall be distributed as follows: Of the six and one-half cents collected as herein provided, five cents shall be distributed between the state, cities and counties under the provisions of RCW 46.68.090 and 46.68.100, and one-quarter cent shall be distributed to the counties directly and allocated between them as provided by RCW 46.68.120, and one and one-quarter cents shall be paid directly into the motor vehicle fund.

Purchaser responsible. Distribution of tax proceeds.

Distribution between state, cities, and counties.

Amendment.

SEC. 2. Section 3, chapter 58, Laws of 1933, and section 2, chapter 84, Laws of 1943, and section 1, chapter 151, Laws of 1953 (heretofore divided, combined and codified as RCW 82.36.040, 82.36.070 and 82.36.080) are amended to read as set forth in sections 3, 4 and 5 of this act.

Date tax due.

SEC. 3. (RCW 82.36.040) The amount of excise tax for each month shall be paid to the director on or before the twenty-fifth day of the next month thereafter, and if not paid prior thereto, shall become delinquent at the close of business on that day, and a penalty of one percent of such excise tax must be added thereto for delinquency: *Provided*, That in no case shall the penalty be less than twenty-five dollars nor more than five hundred dollars. If such tax and penalty is not received on or before the close of business on the last day of the month in which the payment is due an additional penalty of ten

Penalty.

Additional penalty.



percent must be added thereto in addition to penalty above provided for.

In any suit brought to enforce the rights of the state hereunder, the certificate of the director showing the amount of taxes, penalties and cost unpaid by any distributor and that the same are due and unpaid to the state shall be prima facie evidence of the facts as shown.

Director's certificate prima facie evidence.

SEC. 4. (RCW 82.36.070) The application in proper form having been accepted for filing, the filing fee paid, and the bond or other security having been accepted and approved, the director shall issue to the applicant a license to transact business as a distributor in the state subject to cancellation as provided by law.

Enacted without amendment.

License.

The license so issued by the director shall not be assignable, and shall be valid only for the distributor in whose name issued.

License not assignable.

The director shall keep and file all applications and bonds with an alphabetical index thereof, together with a record of all licensed distributors.

Each distributor shall be assigned a license number upon qualifying for a license hereunder, and the director shall issue to each such licensee a license certificate which shall be displayed conspicuously by the distributor at his principal place of business in this state. The director shall also issue separate license cards for each bulk storage plant operated by such distributor. Such license cards shall indicate the number so assigned the distributor, the location of the storage plant for which the card is used, and such other information as the director may prescribe. The license card shall be conspicuously displayed at each bulk storage plant to which it is assigned, and it shall be unlawful for any distributor to operate or maintain a bulk storage plant in this state for the purpose of storing motor fuel

License number.

License certificate.

Separate license cards.

License conspicuously displayed.

without displaying such license card as herein provided.

Controversial application.

In the event an application for a license to transact business as a distributor is filed by any person whose license has theretofore been canceled for cause by the director, or if the director is of the opinion that the application is not filed in good faith, or that the application is filed by some person as a subterfuge for the real person in interest whose license has theretofore been canceled for cause, the director, after a hearing, of which the applicant shall be given five days' notice in writing and at which the applicant may appear in person or by counsel and present testimony, may refuse to issue to such a person a license to transact business as a distributor.

Director may refuse issuance of license.

License renewed annually.

Licenses shall be renewed annually before the first day of July of each year upon application to the department, but no license shall be renewed until the applicant files with the department a new surety bond, or keeps on deposit other security in the same manner required on application for an original license.

Enacted without amendment.

SEC. 5. (RCW 82.36.080) It shall be unlawful for any person to be a distributor without first securing a license from the director.

Distributor without license.

If any person becomes a distributor without first securing the license required herein the excise tax shall be immediately due and payable on account of all motor vehicle fuel distributed or used by him. The director shall proceed forthwith to determine from the best available sources, the amount of the tax, and he shall immediately assess the tax in the amount found due, together with a penalty of one hundred percent of the tax, and shall make his certificate of such assessment and penalty. In any suit or proceeding to collect the tax or penalty, or both, such certificate shall be prima facie evidence that the person therein named is indebted to the state

Penalty.

Certificate of assessment.

Certificate prima facie evidence.

in the amount of the tax and penalty therein stated. Any tax or penalty so assessed may be collected in the manner prescribed in this chapter with reference to delinquency in payment of the tax or by an action at law, which the attorney general shall commence and prosecute to final determination at the request of the director. The foregoing remedies of the state shall be cumulative and no action taken pursuant to this section shall relieve any person from the penal provisions of this chapter.

Action at law.

Remedies cumulative.

Passed the House March 8, 1955.

Passed the Senate March 7, 1955.

Approved by the Governor March 16, 1955.

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## CHAPTER 208.

[ Sub. H. B. 248. ]

### TOLL BRIDGES—AGREEMENTS BETWEEN DEPARTMENT OF HIGHWAYS AND AUTHORITY—MANETTE BRIDGE.

AN ACT authorizing agreements between the state department of highways and the Washington toll bridge authority with respect to the reconstruction and improvement of bridges located on any primary or secondary state highway; and authorizing the Washington toll bridge authority to carry out such reconstruction and improvement work and to construct additional bridges adjacent thereto and to issue revenue bonds in connection therewith; and to impose tolls for traffic over such bridge or bridges in connection therewith; and specifically authorizing construction of a toll bridge over Port Washington Narrows in Kitsap County and authorizing the reconstruction and improvement of approaches to and the imposition of tolls upon the existing Manette Bridge over Port Washington Narrows.

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

SECTION 1. Whenever the legislature shall specifically authorize, as a single project, the construction of an additional toll bridge, including approaches, and the reconstruction of an existing adjacent bridge, including approaches, and the imposition of tolls on

Legislature specifically authorizes single project.

State highway commission and Washington toll bridge authority authorization.

both bridges, the state highway commission and the Washington toll bridge authority are each hereby authorized to enter into appropriate agreements whereunder the existing bridge or its approaches will be reconstructed and improved and an additional bridge, including approaches and connecting highways will be constructed as a part of the same project to be located adjacent to or within two miles of such existing bridge and will be financed through the issuance of revenue bonds of the same series.

Finance.

Imposition of tolls.

The authority shall have the right to impose tolls for traffic over the existing bridge as well as the additional bridge for the purpose of paying the cost of operation and maintenance of said bridge or bridges and the interest on and creating a sinking fund for retirement of revenue bonds issued for account of such project, all in the manner permitted and provided by this act.

Information as to necessity of construction or improvement. Duty of director of highways. Examination.

SEC. 2. For the purpose of obtaining information as to the necessity of the reconstruction or improvement of any such bridge and the expediency of constructing any such additional bridge it shall be the duty of the director of highways upon request of the state highway commission or the authority to make any examination, investigation, survey or reconnaissance pertaining thereto and the cost of any such examination, investigation, survey or reconnaissance, and all preliminary expenses in the issuance of any revenue bonds, making surveys and appraisals and drafting, printing, issuance and sale of bonds under this act, shall be advanced by any interested municipality, agency or department of the state of Washington and all such advancements shall be reimbursed out of any proceeds derived from the sale of bonds or out of tolls and revenues to be derived by the authority through its operations hereunder for account of the project, as may be agreed

Cost of examination and preliminary expenses.

Reimbursement.

upon between the authority and such municipality, agency or department.

SEC. 3. The director of highways shall have full charge of the construction of all such improvements and reconstruction work and the construction of any additional bridge, including approaches and connecting highways, that may be authorized by the authority under this act and the operation of such bridge or bridges, as well as the collection of tolls and other charges for services and facilities thereby afforded. The schedule of charges for such services and facilities shall be fixed and revised from time to time by the authority so that the tolls and revenues collected will yield annual revenue and income sufficient, after payment or allowance for all operating, maintenance and repair expenses, to pay the interest on all revenue bonds outstanding under the provisions of this act for account of the project and to create a sinking fund for the retirement of such revenue bonds at or prior to maturity, and such charges shall be continued until all such bonds and interest thereon and unpaid advancements, if any, shall have been paid.

Director of highways in charge of construction and operation.

Schedule of charges revised.

Revenues collected yield sufficient annual income.

Sinking fund.

Charges continue.

SEC. 4. For the purpose of paying the cost of all or any part of such improvement and reconstruction work and the construction of any such additional bridge, approaches thereto and connecting highways, the authority is hereby authorized by resolution to issue its revenue bonds which shall constitute obligations only of the authority and shall be payable solely and only from all or such part of the revenues and income from the operation of the bridge or bridges constituting the project as may be provided in and by such resolution. Each such revenue bond shall contain a recital that payment or redemption of the bond and payment of the interest thereon is secured by a direct charge and lien upon the tolls and revenues pledged for that purpose and that such

Authority to issue revenue bonds.

Contents of revenue bond.

Bond not indebtedness of the state.

bond does not constitute an indebtedness of the state of Washington. Such revenue bonds may bear such date or dates, may mature at such time or times as the authority shall determine, may bear interest at such rate or rates not exceeding five percent per annum, may be in such denomination or denominations, may be in such form, either coupon or registered, may carry such registration and conversion privileges, may be made subject to such terms of redemption with or without premium, and may contain such other terms and covenants not inconsistent with this act as may be provided in such resolution. Notwithstanding the form or tenor thereof, and in the absence of an express recital on the face thereof that the bond is nonnegotiable each such revenue bond shall at all times be and shall be treated as a negotiable instrument for all purposes. All such bonds shall be signed by the member of the authority who is state auditor and countersigned by the governor and any interest coupons appertaining thereto shall bear the signature of the state auditor: *Provided*, That the counter-signature of the governor on such bonds and the signature of the state auditor on such coupons may be their printed or lithographed facsimile signatures. Pending the issuance of definitive bonds, temporary or interim bonds, certificates or receipts of any denomination and with or without coupons attached may be issued as may be provided by said resolution. All bonds issued under or by authority of this act shall be sold to the highest and best bidder at such price or prices that the net interest cost to the authority shall not be greater than six percent per annum, computed to maturity according to standard tables of bond values and after such advertising for bids as the authority may deem proper: *Provided*, That the authority may reject any and all bids so submitted and thereafter sell such bonds so advertised under

Bond negotiable instrument.

Bond signatures.

Facsimile signatures.

Interim bonds.

Selling bonds.

Bids.

Authority may reject bids.

such terms and conditions as the authority may deem advantageous. The purchase price of all bonds issued hereunder shall be paid to the state treasurer consistent with the provisions of the resolution pursuant to which such bonds have been issued or to the trustee designated in the bond resolution and held as a separate trust fund to be disbursed on the orders of the authority.

SEC. 5. In determining the amount of bonds required to be issued there may be included any expenses incurred by the authority, or approved by the authority, in connection with and incidental to the issuance and sale of bonds and for the preparation of surveys and estimates and making inspections and examinations, required reserves, if any, interest during the estimated construction period, and for six months thereafter, and a reasonable amount for initial operating expenses and prepaid insurance. The authority is hereby empowered to include in any resolution authorizing the issuance of the bonds such covenants, stipulations and conditions as may be deemed necessary with respect to the continued use and application of the revenues and income from the bridge or bridges. The holder of any bond or the trustee for any bonds designated by resolution may by mandamus or other appropriate proceeding require and compel performance of any duties imposed upon any state department, official or employee, including any duties imposed upon or undertaken by the authority or its officers, agents and employees in connection with any improvement or reconstruction work on any such existing bridge, the construction of any such additional bridge, including approaches and connecting highways, provided to be so constructed, the maintenance and operation of the bridge or bridges and in connection with the collection, deposit, investment, application and disbursement of the proceeds of the bonds and

Determining amount of bonds to issue.

Covenants and stipulations in bond.

Compelling performance of state official or agent.

the revenues and income derived from the operation of the bridge or bridges.

Operation, maintenance and repair expenses.

Separate trust fund.

SEC. 6. Each resolution providing for the issuance of revenue bonds shall provide for setting aside the necessary amounts for the reasonable and proper operation, maintenance and repair expenses, and shall fix and determine the amounts to be set apart and applied to the payment of the interest on and retirement of the revenue bonds. All income and revenues as collected shall be paid to the state treasurer for the account of the authority as a separate trust fund and to be segregated and set apart for the payment of the revenue bonds or may be remitted to and held by a designated trustee in such manner and with such collateral as may be provided in the resolution authorizing the issuance of said bonds.

Bonds legal investments by state finance committee.

SEC. 7. Notwithstanding any other provision of the law, bonds issued under this act shall be legal investments by the state finance committee of any state moneys in its hands, except permanent school funds.

Exercise power of eminent domain.

SEC. 8. The authority is hereby authorized and empowered to acquire in the name of the state by the exercise of the power of eminent domain any lands, property, rights, rights of way, franchises, easements and other property of any person, firm or corporation, political subdivision or other owner, deemed necessary or convenient for the construction, reconstruction, improvement and operation of any project initiated and carried on by the authority under this act. Such proceedings shall be in accordance with and subject to the provisions of any and all laws applicable to the exercise of the power of eminent domain by the state.

Act supplemental.

SEC. 9. This act shall be deemed to provide an additional and alternative method for the doing of



the things authorized thereby, and shall be regarded as supplemental and additional to powers conferred by other laws, and shall not be regarded as in derogation of any powers now existing.

SEC. 10. (1) The authority is especially authorized under the provisions of this act to reconstruct and improve the existing approaches and construct new approaches to the Manette bridge on secondary state highway 21-B in the city of Bremer-ton, and to construct an additional bridge, including approaches, over Port Washington Narrows in the vicinity of the said Manette Bridge, at such exact location as may be selected by the director of highways, the state highway commission and the authority. Such project shall be known and designated as the Port Washington Narrows Project and such new bridge and approaches when constructed shall be and become an integral part of the state highway system to be connected with and be a part of secondary state highway 21-B.

Especially  
authorized.

Manette  
bridge.

Port Washing-  
ton Narrows  
Project.

(2) The authority shall have the right to impose tolls for pedestrian and vehicular traffic over the existing Manette Bridge, as well as such new bridge when constructed, for the purpose of paying the costs of reconstructing and improving approaches and constructing new approaches to the existing Manette Bridge, constructing the new bridge in the vicinity thereof, to pay interest on and create a sinking fund for the retirement of revenue bonds issued for account of such project, and to pay any and all costs and expenses incurred by the authority in connection with and incidental to the issuance and sale of bonds, and for the preparation of surveys and estimates and to establish the required interest reserves for and during the estimated construction period and for six months thereafter.

Tolls for exist-  
ing Manette  
bridge.

SEC. 11. Under the provisions of this act projects other than those specifically authorized herein in-

**Recommendations.** involving existing bridges may be studied and analyzed by the authority and the commission, and recommendations therefor may be submitted to the legislature, but such other projects shall not be financed or constructed by the said authority under the provisions hereof until further specific authorization therefor has been provided by the legislature.

**Specific authorization.**

**Invalidity.** SEC. 12. If any section, sentence, clause or phrase of this act should be held to be invalid or unconstitutional, the invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this act.

Passed the House March 10, 1955.

Passed the Senate March 10, 1955.

Approved by the Governor March 16, 1955.

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CHAPTER 209.

[ S. B. 258. ]

UNEMPLOYMENT COMPENSATION—SCHEDULE OF BENEFITS.

AN ACT relating to unemployment compensation; amending section 11, chapter 265, Laws of 1951, and RCW 50.20.120; and declaring an effective date.

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

**Amendment.** SECTION 1. Section 11, chapter 265, Laws of 1951, and RCW 50.20.120 are each amended to read as follows:

**Benefits payable to eligible individual.** Subject to the other provisions of this title benefits shall be payable to any eligible individual during the benefit year in accordance with the weekly benefit amount and the maximum benefits potentially payable shown in the following schedule

for such base year wages shown in the schedule as are applicable to such individual:

Base year wages	Weekly benefit amount	Maximum benefits potentially payable
\$ 000—\$ 799.99.....	\$00	\$000
800— 899.99.....	17	204
900— 999.99.....	18	234
1000— 1099.99.....	19	266
1100— 1199.99.....	19	304
1200— 1299.99.....	20	340
1300— 1399.99.....	21	378
1400— 1499.99.....	22	418
1500— 1599.99.....	23	483
1600— 1699.99.....	23	529
1700— 1799.99.....	24	576
1800— 1899.99.....	25	600
1900— 1999.99.....	26	650
2000— 2099.99.....	27	675
2100— 2199.99.....	28	700
2200— 2299.99.....	29	725
2300— 2399.99.....	29	754
2400— 2499.99.....	30	780
2500— 2599.99.....	31	806
2600— 2699.99.....	31	806
2700— 2799.99.....	32	832
2800— 2899.99.....	33	858
2900— 2999.99.....	33	858
3000— 3099.99.....	34	884
3100— and over .....	35	910

Sec. 2. This act shall be effective on July 3, 1955. Effective date.

Passed the Senate March 5, 1955.

Passed the House March 8, 1955.

Approved by the Governor March 16, 1955.

CHAPTER 210.

[ S. B. 82. ]

CIVIL DEFENSE—USE OF EXISTING SERVICES AND FACILITIES.

AN ACT relating to the civil defense of the state of Washington; amending section 13, chapter 178, Laws of 1951, and RCW 38.52.110 (1953 Supp.); and repealing section 21, chapter 178, Laws of 1951.

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

Amendment.

SECTION 1. Section 13, chapter 178, Laws of 1951, and RCW 38.52.110 (1953 Supp.) are each amended to read as follows:

(1) In carrying out the provisions of this chapter, the governor and the executive heads of the political subdivisions of the state are directed to utilize the services, equipment, supplies, and facilities of existing departments, offices, and agencies of the state and of the political subdivisions thereof to the maximum extent practicable, and the officers and personnel of all such departments, offices, and agencies are directed to cooperate with and extend such services and facilities to the governor and to the civil defense organizations of the state upon request.

Services and facilities utilized to maximum practicable extent.

(2) The governor, the chief executive of counties, cities and towns and the civil defense directors of local political subdivisions appointed in accordance with this chapter, in the event of a disaster, after proclamation by the governor of the existence of such disaster, shall have the power to command the service and equipment of as many citizens as considered necessary in the light of the disaster proclaimed: *Provided*, That citizens so commandeered shall be entitled during the period of such service to all privileges, benefits and immunities as are provided by this chapter and federal and state civil defense regulations for registered civil defense workers.

Proclamation by governor of disaster. Command service and equipment of citizens.

Privileges and immunities of citizens commandeered.

(3) The governor through the director may cooperate with the president and the armed forces in the promotion, recruitment, administration and financing of the ground observer corps which is, for the purpose of this chapter, a part of the civil defense organization; the chief executive of counties, cities and towns shall be permitted with approval of majority vote of their respective legislative bodies to contribute to the operation and maintenance of the ground observer corps such funds as they deem necessary: *Provided, however,* That the state and/or its political subdivisions shall not be liable to any member of the ground observer corps for injuries or death arising out of and occurring in the course of his activities as a civil defense worker. } Vetoeed.

SEC. 2. Section 21, chapter 178, Laws of 1951 is repealed. Repeal.

Passed the Senate March 9, 1955.

Passed the House March 9, 1955.

Approved by the Governor March 16, 1955 with the exception of sub-section (3) of Section 1, which is vetoed.

**Note:** Excerpt of Governor's Veto Message reads as follows:

"Subsection 3 would make the ground observer corps a part of the state civil defense organization. The proviso to that subsection would prohibit the personnel of any ground observer corps from participating in compensation benefits from death or injury occurring in the course of their activities in such civil defense work.

"It seems to me that the item is unsound for two reasons:

- (A) The ground observer corps is a separate and distinct organization from the civil defense organization. It is under the operational control of the Air Force, while the civil defense organization is under the exclusive jurisdiction of the Governor. The administrative difficulties in coordinating a program under dual jurisdiction would be most burdensome. Furthermore, the question of the extent of financial responsibility of the state civil defense organization is left undetermined.
- (B) The provision, as drafted, is also unsound in its direct application to the ground observer corps personnel. The proviso which prohibits benefit coverage for death or injury is discriminatory and unfair to those workers as compared to other civil defense personnel.

"In my opinion, subparagraph (3) is not in the best inter-

ests of the civil defense organization, or the people of the state. For the reasons stated above, subsection 3, of section 1, of Senate Bill No. 82 is vetoed and the remainder of the bill is approved."

CHAPTER 211.

[ H. B. 435. ]

TRADEMARKS.

AN ACT relating to trademarks; and repealing sections 1 through 9, chapter 47, Laws of 1897 and RCW 19.76.010 through 19.76.090.

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

SECTION 1. As used in this act:

Definitions:  
"Applicant"  
defined.

(1) "Applicant" means the person filing an application for registration of a trademark under this act, his legal representatives, successors, or assigns of record with the secretary of state;

"Person"  
defined.

(2) "Person" means any individual, firm, partnership, corporation, association, union, or other organization;

"Registrant"  
defined.

(3) "Registrant" means the person to whom the registration of a trademark under this act is issued, his legal representatives, successors, or assigns of record with the secretary of state;

"Trademark"  
defined.

(4) "Trademark" means any word, name, symbol, or device or any combination thereof adopted and used by a person to identify goods made or sold by him and to distinguish them from goods made or sold by others, and further includes without limitation a mark, name, symbol, title, designation, slogan, character name, and distinctive feature of radio or other advertising used in the sale or advertising of services to identify the services of one person and distinguish them from the services of others;

Trademark  
deemed  
"used."

(5) A trademark shall be deemed to be "used" in this state when it is placed in any manner on the goods or their containers, or on tabs or labels affixed thereto, or displayed in connection with such goods,

and such goods are sold or otherwise distributed in this state, or when it is used or displayed in the sale or advertising of services rendered in this state.

SEC. 2. A trademark by which the goods or services of any applicant for registration may be distinguished from the goods or services of others shall not be registered if it:

Trademark shall not be registered.

(1) Consists of or comprises immoral, deceptive, or scandalous matter; or

Immoral, deceptive or scandalous matter.

(2) Consists of or comprises matter which may disparage or falsely suggest a connection with persons, living or dead, institutions, beliefs, or national symbols, or bring them into contempt or disrepute; or

Disparaging matter respecting persons, institutions, beliefs or symbols.

(3) Consists of or comprises the flag or coat of arms or other insignia of the United States, or of any state or municipality, or of any foreign nation, or any simulation thereof; or

Flag or coat of arms or insignia.

(4) Consists of or comprises the name, portrait, or signature identifying a particular living individual, except with his written consent; or

Name, portrait or signature of particular living individual.

(5) Consists of a mark which,

(a) when applied to the goods or services of the applicant is merely descriptive or deceptively misdescriptive of them, or

Descriptive mark.

(b) when applied to the goods or services of the applicant is primarily geographically descriptive or deceptively misdescriptive of them, or

Geographically descriptive mark.

(c) is primarily merely a surname; or

Surname.

(6) Consists of or comprises a trademark which so resembles a trademark registered in this state, or a trademark or trade name previously used in this state by another and not abandoned, as to be likely, when applied to the goods or services of the applicant, to cause confusion or mistake or to deceive.

Similar to existing trademark.

SEC. 3. Subject to the limitations set forth in this act, any person who has adopted and is using a trademark in this state may file in the office of the

secretary of state, on a form to be furnished by the secretary of state, an application for registration of that trademark setting forth, but not limited to, the following information:

**File applica-  
tion for regis-  
tration of  
trademark.**

**Name and bus-  
iness address.** (1) The name and business address of the applicant, and, if the applicant is a corporation, its state of incorporation;

**Goods and  
class.** (2) The particular goods or services in connection with which the trademark is used and the class in which such goods or services fall;

**Manner trade-  
mark used.** (3) The manner in which the trademark is placed on or affixed to the goods or containers, or displayed in connection with such goods, or used in connection with the sale or advertising of the services;

**Date trade-  
mark first  
used.** (4) The date when the trademark was first used with each of such goods or services anywhere and the date when it was first used with each of such goods or services in this state by the applicant or his predecessor in business;

**Statement of  
present use.** (5) A statement that the trademark is presently in use in this state by the applicant; and

**Statement of  
ownership.** (6) A statement that the applicant believes himself to be the owner of the trademark and believes that no other person has the right to use such trademark in connection with the same or similar goods or services in this state either in the identical form thereof or in such near resemblance thereto as might be calculated to deceive or to be mistaken therefor.

**Single  
application.** A single application for registration of a trademark may specify all goods or services in a single class for which the trademark is actually being used, but may not specify goods or services in different classes.

**Signature and  
verification.** The application shall be signed and verified by the applicant individual, or by a member of the applicant firm, or by an officer of the applicant corporation, association, union or other organization.

The application shall be accompanied by three



specimens or facsimiles of the trademark for at least one of the goods or services for which its registration is requested, and a filing fee of ten dollars payable to the secretary of state.

Specimens.

Filing fee.

SEC. 4. Upon compliance by the applicant with the requirements of this act, the secretary of state shall issue a certificate of registration and deliver it to the applicant. The certificate of registration shall be issued under the signature of the secretary of state and the seal of the state, and it shall show the registrant's name and business address and, if the registrant is a corporation, its state of incorporation, the date claimed for the first use of the trademark anywhere, the date claimed for the first use of the trademark in this state, the particular goods or services for which the trademark is used, the class in which such goods and services fall, a reproduction of the trademark, the registration date and the term of the registration.

Secretary of state to issue certificate of registration. Certificate of registration contents.

Any certificate of registration issued by the secretary of state under the provisions hereof or a copy thereof duly certified by the secretary of state shall be admissible in evidence as competent and sufficient proof of the registration of such trademark in any action or judicial proceeding in any court of this state.

Certificate of registration admissible evidence.

SEC. 5. Registration of a trademark hereunder shall be effective for a term of ten years from the date of registration. Upon application filed within six months prior to the expiration of such term, on a form to be furnished by the secretary of state requiring all the allegations of an application for original registration, the registration may be renewed for successive terms of ten years as to the goods or services for which the trademark is still in use in this state. A renewal fee of ten dollars, payable to the secretary of state, shall accompany each application for renewal of the registration.

Effective term after registration. Renewal application.

Renewal fee.

Secretary of state notifies of necessity of renewal.

The secretary of state shall notify registrants of trademarks hereunder or their agents for service of record with the secretary of state of the necessity of renewal within the year, but not less than six months, next preceding the expiration of the unexpired original or renewed term by writing to the last known address of the registrants or their agents according to the files of the secretary of state.

Expiration of registration in force date act effective.

Any registration in force on the date on which this act shall become effective shall expire five years from the date of the registration or one year after the effective date of this act, whichever date is later, and may be renewed as provided for renewing registrations under this act. A separate renewal application is required for goods in each class.

Secretary of state notifies registrants under previous acts.

The secretary of state shall, within six months after the effective date of this act, notify all registrants of trademarks under previous acts of the date of expiration of their registrations by writing to the last known address of the registrants according to the files of the secretary of state, unless such registrations have been renewed in accordance with the provisions of this act.

Trademark assignable.

SEC. 6. Any trademark and its registration or application for registration hereunder shall be assignable with the good will of the business in which the trademark is used, or with that part of the good will of the business connected with the use of and symbolized by the trademark. An assignment by an instrument in writing duly executed and acknowledged, or the designation of a legal representative, successor, or agent for service shall be recorded by the secretary of state on request when accompanied by a fee of five dollars payable to the secretary of state. On request, upon recording of the assignment and payment of a further fee of three dollars, the secretary of state shall issue in the name of the assignee a new certificate for the

Recording assignment of trademark.

New certificate.

remainder of the unexpired original or renewal term of the registration. An assignment of any registration or application for registration under this act shall be void as against any subsequent purchaser for a valuable consideration without notice, unless it is recorded with the secretary of state within three months after the date thereof or prior to such subsequent purchase.

Assignment or application for registration void.

SEC. 7. The secretary of state shall keep for public examination a record of all trademarks registered or renewed under this act, and the records specified in section 6 of this act.

Record of trademarks for public examination.

SEC. 8. The secretary of state shall cancel from the register:

Cancel from register.

(1) After one year from the effective date of this act, all registrations under prior acts which are more than five years old and not renewed in accordance with this act;

Registrations under prior acts.

(2) Any registration concerning which the secretary of state shall receive a voluntary written request for cancellation thereof from the registrant;

Voluntary written requests for cancellation.

(3) All expired registrations not renewed under this act;

Expired registrations.

(4) Any registration concerning which a final decree of a court of competent jurisdiction, upon filing of a certified copy of such decree with the secretary of state, shall adjudge;

Court decree.

(a) That the registered trademark has been abandoned; or

Abandoned trademark.

(b) That the registrant is not the owner of the trademark; or

Registrant not owner.

(c) That the registration was granted improperly; or

Registration improperly granted.

(d) That the registration was obtained fraudulently; or

Registration fraudulently obtained.

(e) That the registration be cancelled on any ground.

Registration be cancelled.

Secretary of  
state agent  
for service  
of process.

SEC. 9. The secretary of state shall be the agent for service of process in any action relating to the registration of any registrant who is at the time of such service a nonresident or a foreign firm, corporation, association, union, or other organization without a resident of this state designated as the registrant's agent for service of record with the secretary of state, or who cannot be found in this state, and service of process, pleadings and papers in such action made upon the secretary of state shall be held as due and sufficient process upon the registrant.

Sufficient  
process.

Damaged by  
registration of  
trademark.

SEC. 10. Any person who believes he will be damaged by a registration of a trademark by the secretary of state may request cancellation of such registration by filing with the secretary of state in duplicate a verified petition setting forth the facts in support of such request, accompanied by a fee of twenty-five dollars payable to the secretary of state. To each copy of said petition for cancellation there shall be attached a copy of each of the trademarks or trade names, or the personal name, portrait, or signature, of the petitioner, or other exhibits of like character relied on in the petition. Thereafter the secretary of state shall mail to the registrant or his agent for service of record with the secretary of state a copy of said petition, addressed to the last known address of the registrant or such agent according to the files of the secretary of state, accompanied by a notice that said registrant may, within twenty days if the registrant is a resident of the state of Washington, or within sixty days if the registrant is a nonresident of the state of Washington, file in duplicate a verified answer to said petition. Thereafter the secretary of state shall forward a copy of said answer to said petitioner, accompanied by a notice that said petitioner may, within a specified time, not less than twenty days, file in duplicate a verified statement as to any further facts which

Verified  
petition.

Petition copy  
mailed to  
registrant.

Verified  
answer.

Statement of  
further facts.

are pertinent to issues raised by said answer, and the secretary of state shall in like manner forward a copy thereof to said registrant or such agent. The secretary of state shall then fix a hearing date not less than thirty days from the last day that the petitioner may file a statement of further facts. Written notice of such hearing shall be served on the parties by the secretary of state not less than fifteen days before the hearing in the same manner as the petition and answer were forwarded. Additional relevant testimony or other evidence may be introduced by the parties, and the secretary of state may subpoena such witnesses as he deems necessary. The parties shall have the right to be represented by counsel. On conclusion of the hearing the secretary of state shall grant or deny the petitioner's request for cancellation of the registration as the facts shall warrant and shall send a copy of his decision to the petitioner and to the registrant or such agent. If the secretary of state finds that the trademark should not have been registered, or is in violation of the common law rights of the petitioner, or if the secretary of state receives no answer from the registrant within the time limits specified hereinabove, he shall cancel said registration from the register, unless a petition for review of such decision is filed as provided hereinafter.

Hearing date.

Written notice of hearing.

Representation by council at hearing.

Decision by secretary of state.

Registration cancelled from register.

Either the petitioner or the registrant may, within sixty days after mailing of the copy of the decision by the secretary of state, file in the superior court of the state of Washington for Thurston county, and mail to the secretary of state and the other party or such agent at his last known address according to the files of the secretary of state, a petition for review of the decision of the secretary of state. The court shall review such decision on the basis of the record before the secretary of state for the purpose of determining the reasonableness and lawfulness of

Petition for review in superior court.

Review on record before secretary of state.

Right of appeal to supreme court.

such decision and, subject to the right of appeal to the supreme court of the state, the decree of the superior court shall be binding upon the secretary of state with respect to the granting or denial of the petitioner's request for cancellation. In any such petition for review the secretary of state shall be a necessary party, and the petitioner for cancellation and the registrant shall be proper parties.

Secretary of state, necessary party.

General classes of goods.

SEC. 11. The following general classes of goods are established for the convenient administration of this act, but do not limit or extend the applicant's or registrant's rights:

- (1) Raw or partly prepared materials.
- (2) Receptacles.
- (3) Baggage, animal equipment, portfolios, and pocketbooks.
- (4) Abrasives and polishing materials.
- (5) Adhesives.
- (6) Chemicals and chemical compositions.
- (7) Cordage.
- (8) Smokers' articles, not including tobacco products.
- (9) Explosives, firearms, equipment and projectiles.
- (10) Fertilizers.
- (11) Inks and inking materials.
- (12) Construction materials.
- (13) Hardware and plumbing and steam fitting supplies.
- (14) Metals and metal castings and forgings.
- (15) Oils and greases.
- (16) Paints and painters' materials.
- (17) Tobacco products.
- (18) Medicines and pharmaceutical preparations.
- (19) Vehicles.
- (20) Linoleum and oiled cloth.
- (21) Electrical apparatus, machines, and supplies.
- (22) Games, toys and sporting goods.

- (23) Cutlery, machinery, and tools and parts thereof.
- (24) Laundry appliances and machines.
- (25) Locks and safes.
- (26) Measuring and scientific appliances.
- (27) Horological instruments.
- (28) Jewelry and precious metal ware.
- (29) Brooms, brushes, and dusters.
- (30) Crockery, earthenware, and porcelain.
- (31) Filters and refrigerators.
- (32) Furniture and upholstery.
- (33) Glassware.
- (34) Heating, lighting and ventilating apparatus.
- (35) Belting, hose, machinery packing and non-metallic tires.
- (36) Musical instruments and supplies.
- (37) Paper and stationery.
- (38) Prints and publications.
- (39) Clothing.
- (40) Fancy goods, furnishings and notions.
- (41) Canes, parasols and umbrellas.
- (42) Knitted, netted and textile fabrics, and substitutes therefor.
- (43) Thread and yarn.
- (44) Dental, medical and surgical appliances.
- (45) Soft drinks and carbonated waters.
- (46) Foods and ingredients of foods.
- (47) Wines.
- (48) Malt beverages and liquors.
- (49) Distilled alcoholic liquors.
- (50) Merchandise not otherwise classified.
- (51) Cosmetics and toilet preparations.
- (52) Detergents and soaps.

SEC. 12. The following general classes of services are established for the convenient administration of this act, but do not limit or extend the applicant's or registrant's rights:

General  
classes of  
services.

- (100) Miscellaneous.

- (101) Advertising and business.
- (102) Insurance and financial.
- (103) Construction and repair.
- (104) Communication.
- (105) Transportation and storage.
- (106) Material treatment.
- (107) Education and entertainment.

Procurement of registration by fraudulent representation; liability for.

SEC. 13. Any person who shall for himself, or on behalf of any other person, procure the registration of any trademark by the secretary of state under the provisions of this act, by knowingly making any false or fraudulent representation or declaration, or by any other fraudulent means, shall be liable to pay all damages sustained in consequence of such registration, to be recovered by or on behalf of the party injured thereby in any court of competent jurisdiction.

SEC. 14. Subject to the provisions of section 16 hereof any person who shall:

Use of trademark registered under act without registrant's consent.

(1) Use, without the consent of the registrant, any reproduction, counterfeit, copy, or colorable imitation of a trademark registered under this act in connection with the sale, offering for sale, or advertising of any goods or services on or in connection with which such use is likely to cause confusion or mistake or to deceive as to the source of origin of such goods or services; or

(2) Reproduce, counterfeit, copy or colorably imitate any such trademark and apply such reproduction, counterfeit, copy or colorable imitation to labels, signs, prints, packages, wrappers, receptacles, or advertisements intended to be used upon or in connection with the sale or other distribution of goods or services in this state; shall be liable to a civil action by the registrant for any or all of the remedies provided in section 15 of this act, except that under subdivision (2) of this section the registrant shall not be entitled to recover profits or dam-

Civil action by registrant.  
Exception.



ages unless the acts have been committed with knowledge that such use is intended to cause confusion or mistake or to deceive.

SEC. 15. Any registrant may proceed by suit to enjoin the manufacture, use, display, or sale of any counterfeits or imitations of a trademark registered under this act, and any court of competent jurisdiction may grant injunction to restrain such manufacture, use, display, or sale as may be by the said court deemed just and reasonable, and may require the defendants to pay to such registrant all profits derived from and/or all damages suffered by reason of such wrongful manufacture, use, display, or sale; and such court may also order that any such counterfeits or imitations in the possession or under the control of any defendant in such case be delivered to an officer of the court, or to the registrant, to be destroyed.

Injunctive relief.

The enumeration of any right or remedy herein shall not affect a registrant's right to prosecute under any penal law of this state.

Prosecution under penal law.

SEC. 16. Nothing herein shall adversely affect the rights or the enforcement of rights in trademarks acquired in good faith at any time at common law.

Trademarks acquired at common law.

SEC. 17. As to any pending suit, proceeding or appeal, and for that purpose only, the repeal of prior acts shall be deemed not to be effective until final determination.

Repeal of prior acts on suits pending.

SEC. 18. The first three thousand dollars received each calendar year by the secretary of state from fees paid under the provisions of this act shall be placed in a special fund which shall not be a state fund, which shall be kept segregated and apart from all other funds and which shall be accumulative and not restricted to biennium or fiscal periods of the state. The secretary of state is authorized to expend this special fund for salaries, wages and operations

Vetoed.

Vetoed. } to carry out and enforce the provisions of this act.  
 } All sums received under the provisions of this act  
 } in excess of said sum of three thousand dollars each  
 } calendar year shall be paid into the general fund.

Effective date. SEC. 19. This act shall be in force and take effect on September 1, 1955.

Validity. SEC. 20. If any provision of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions.

Repeal. SEC. 21. Sections 1 through 9, chapter 47, Laws of 1897 and RCW 19.76.010 through 19.76.090 are each repealed.

Passed the House February 26, 1955.

Passed the Senate March 7, 1955.

Approved by the Governor March 16, 1955, with the exception of Section 18, which is vetoed.

**Note: Excerpt of Governor's Veto Message reads as follows:**

**" \* \* \* This provision would authorize the Secretary of State to place the first \$3,000 received each calendar year from fees paid under the provisions of this bill in a special fund separate from all other funds and to expend such funds for salaries, wages and operations to carry out the provisions of the bill. The fund would under this provision be accumulative and not restricted to biennium or fiscal periods of the state. This provision is contrary to the current policy of the legislature, as expressed in numerous bills enacted during this session, in consolidating various state funds under the control of the State Treasurer. In my opinion, there is no valid reason for establishing this special fund.**

**"Section 18 is therefore vetoed, and the remainder of the bill is approved."**

## CHAPTER 212.

[ H. B. 322. ]

## FOOD FISH AND SHELLFISH.

AN ACT relating to the fisheries code of the state of Washington; amending section 75.08.040, chapter 12, Laws of 1955 and RCW 75.08.040, and section 75.28.040, chapter 12, Laws of 1955 and RCW 75.28.040, and section 75.28.060, chapter 12, Laws of 1955 and RCW 75.28.060, and section 75.28.090, chapter 12, Laws of 1955 and RCW 75.28.090, and section 75.32.080, chapter 12, Laws of 1955 and RCW 75.32.080, and section 75.24.090, chapter 12, Laws of 1955 and RCW 75.24.090, and section 75.28.280, chapter 12, Laws of 1955 and RCW 75.28.280, and section 75.28.300, chapter 12, Laws of 1955 and RCW 75.28.300, and section 75.32.030, chapter 12, Laws of 1955 and RCW 75.32.030; and adding new sections to chapter 75.28 RCW, and a new section to 75.32 RCW; and repealing section 75.32.060, chapter 12, Laws of 1955 and RCW 75.32.060; and declaring an emergency.

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

SECTION 1. Section 75.08.040, chapter 12, Laws of 1955 and RCW 75.08.040 are each amended to read as follows: Amendment.

Lands, waterrights, rights of way — Acquisition, use, and management. The director shall select and acquire by gift, easement, purchase, lease, or condemnation brought in the name of the state, and by any other lawful means at his disposal, such lands, waterrights, and rights of way, and construct all necessary facilities thereon, as may be necessary for the exercise of the powers and discharge of the duties of the department. Director may acquire by gift, easement, purchase, lease, condemnation, and any other lawful means.

The director shall have authority to sell, lease, convey, or grant concessions upon, any property, real or personal, heretofore or hereafter acquired for the state and under the control of the department. Concessions on property.

SEC. 2. Section 75.28.040, chapter 12, Laws of 1955 and RCW 75.28.040 are each amended to read as follows: Amendment.

Expiration and renewal of licenses.

Expiration and renewal of licenses. All licenses shall expire at the close of the thirty-first day of December following their issuance, and shall be renewed annually thereafter upon application and payment of license fees required by this title.

Amendment.

SEC. 3. Section 75.28.060, chapter 12, Laws of 1955 and RCW 75.28.060 are each amended to read as follows:

Licenses non-transferable.

Licenses nontransferable—Must be carried—Non-resident gear—Carrying or operating more than one type of commercial gear unlawful. All fishing gear licenses issued under the provisions of this title shall be nontransferable, and it shall be unlawful for any gear which is licensed as herein specified to be operated or caused to be operated by any person other than the licensee or an agent or employee of the licensee. In the event the gear is operated by a nonresident, the gear shall be required to be licensed as nonresident gear and the fees provided for nonresidents shall be paid for such license. All licenses for fishing gear issued under the provisions of the fisheries code shall be carried in the possession of the licensee or authorized representative of the licensee who shall be in charge of the operation of such gear.

Nonresident gear license.

Licenses must be carried.

Carrying or operating more than one type of commercial gear unlawful.

It shall be unlawful for any person to operate or have aboard any commercial fishing vessel more than one type of lawful salmon fishing gear which cannot lawfully be used in fishing for personal use, except as the director of fisheries may otherwise provide.

Amendment.

SEC. 4. Section 75.28.090, chapter 12, Laws of 1955 and RCW 75.28.090 are each amended to read as follows:

Fishing guide license.

Fishing guide license. A fishing guide license shall be obtained by every person who offers services as or who performs the services of a professional guide for others in the taking of food fish or shellfish.

The fee for such license is twenty-five dollars per annum for residents and seventy-five dollars per annum for nonresidents. Fee.

SEC. 5. There is added to chapter 75.28 RCW, a new section to read as follows: New section.

A license is required for the taking or catching of carp for commercial purposes with any gear authorized by the director in the waters of the state, for which license there shall be paid a fee of five dollars. License for catching of carp.  
Fee.

SEC. 6. Section 75.32.080, chapter 12, Laws of 1955 and RCW 75.32.080 are each amended to read as follows:

Payment of catch fees—"Original receiver" defined—Responsibility for privilege taxes. The catch fees provided for herein shall be deducted from the payments made by the original receiver to the person catching or landing the food fish or shellfish, and the original receiver shall collect the fees and remit them to the director, and in event he fails to do so he is liable for such fees as he fails to collect and remit.

"Original receiver" means the person first receiving, handling, dealing in, or dealing with the fresh or frozen food fish or shellfish within the state of Washington as a canner, curer, freezer, retail dealer, wholesale dealer, byproducts manufacturer, or branch plant; and the privilege fees provided for herein shall be paid on all fresh or frozen food fish or shellfish handled by the original receivers regardless of where the food fish or shellfish were caught: *Provided*, That no catch fees shall be paid on frozen food fish or frozen shellfish that has been previously landed in another state, territory, or country: *Provided further*, That any person or sales agency selling fresh or frozen food fish or shellfish previously landed in the state to others residing Vetoed.

Vetoed. } outside the state of Washington, shall be responsible  
for and shall pay the privilege taxes herein provided.

Amendment. SEC. 7. Section 75.24.090, chapter 12, Laws of 1955 and RCW 75.24.090 are each amended to read as follows:

Culled shellfish must be returned to beds. Culled shellfish must be returned to beds—Penalty. It shall be unlawful for any person to destroy oysters or clams taken from their natural beds, by assorting and culling them on land or shore and leaving the culled oysters or clams there to die; but in all cases the culled oysters or clams must be returned to their natural beds, or to the private beds for cultivation, except as the director may otherwise provide.

SEC. 8. Section 75.28.280, chapter 12, Laws of 1955 and RCW 75.28.280 are each amended to read as follows:

Clam farm license. A license is required for each and every clam farm of one or more tracts of land being operated for commercial purposes on privately owned or leased tidelands in the state. The fee for said license is fifteen dollars per annum, and shall be paid for each and every year in which clams are removed from the clam farm for purposes of sale. A separate license is required for each clam farm being operated within each of the following clam districts; northern Puget Sound district, southern Puget Sound district, Grays Harbor district, and Willapa Harbor district; said districts are to include the waters, beds, shores, beaches, and tidelands of, northern Puget Sound, southern Puget Sound, Grays Harbor, and Willapa Harbor, respectively, as geographically defined by the director of fisheries under appropriate regulations.

New section. SEC. 9. There is added to chapter 75.28 RCW, a new section to read as follows:

Oyster farm license. A license is required for each and every oyster farm being operated for commercial purposes on

privately owned or leased tidelands in the state. The fee for said license is fifteen dollars per annum, and shall be paid for each and every year in which oysters are removed from the oyster farm for purposes of sale as seed stock or otherwise. A separate license is required for each oyster farm being operated within each of the following oyster districts: northern Puget Sound district, southern Puget Sound district, Grays Harbor district, and Willapa Harbor district; said districts are to include the waters, beds, shores, beaches, and tidelands of, northern Puget Sound, southern Puget Sound, Grays Harbor, and Willapa Harbor, respectively, as geographically defined by the director of fisheries under appropriate regulations.

Fee.

Separate license for each oyster farm.

Districts include.

SEC. 10. There is added to chapter 75.28 RCW, a new section to read as follows:

New section.

A clam farm license or an oyster farm license or both as provided in sections 10 [8] and 11 [9] of this act shall be required of:

Clam or oyster farm license required.

(1) Any person or company owning and operating an oyster farm or clam farm or both;

Owner-operator.

(2) Any lessee operating an oyster farm or clam farm or both, except when the owner thereof comes within the provisions of subsection (3) of this section;

Lessee-operator.

(3) Any person or company owning an oyster farm or a clam farm or both, operated by a lessee or another, which owner handles, processes, sells, or otherwise deals in the oysters or clams or both produced thereon, which are received by the owner as total or partial consideration for the use of the oyster or clam farm or both.

Owner-nonoperator.

SEC. 11. Section 75.28.300, chapter 12, Laws of 1955 and RCW 75.28.300 are each amended to read as follows:

Amendment.

Wholesale fish dealer's license. A wholesale fish dealer's license is required for:

Require wholesale fish dealer's license.

(1) Any business in the state engaged in the

freezing, salting, smoking, kippering, preserving in ice or any processing or curing of any food fish or shellfish;

(2) Any business in the state engaged in the wholesale selling of food fish or shellfish; and

(3) Any fisherman or clam or oyster farmer selling his catch direct to retail fish or shellfish dealers.

Fee.

No application.

The fee for said permit is thirty-seven dollars and fifty cents per annum. This section shall not apply to persons buying or selling oyster seed for transplant.

Amendment.

SEC. 12. Section 75.32.030, chapter 12, Laws of 1955 and RCW 75.32.030 are each amended to read as follows:

Canners,  
processors,  
dealers.

Canners, processors, dealers—Other than Columbia River district—Privilege fees. Canners, curers, freezers, wholesale dealers and retail dealers of food fish and shellfish, other than oysters, and manufacturers of food fish and shellfish byproducts, other than oyster byproducts, except those located within the Columbia River district, shall pay a privilege fee equal to two percent of the primary market value on all fresh or frozen chinook and silver salmon which they receive, handle, deal in, or deal with as original receiver in the state, and they shall pay a privilege fee equal to one percent of the primary market value on all other fresh or frozen food fish and shellfish or part thereof, except oysters, which they receive, handle, deal in or deal with, as original receiver in the state: *Provided*, That any person or sales agency selling fresh or frozen food fish or shellfish previously landed in the state to others residing outside the state of Washington, shall be responsible for and shall pay the privilege taxes herein provided.

Exception.

Privilege fee.

Chinook and  
silver salmon  
fee.

Original  
receiver.

Other, fee.

Proviso.

New section.

Canners,  
processors,  
dealers of  
oysters.

SEC. 13. There is added to chapter 75.32 RCW, a new section to read as follows:

Canners, curers, freezers, wholesale dealers and



retail dealers of oysters, and manufacturers of oyster byproducts, shall pay a privilege fee equal to one cent per gallon or bushel on Pacific oysters, and six and one-half cents per gallon or bushel on Olympia oysters, New Washington oysters or Kumamoto oysters which they receive, handle, deal in or deal with as original receiver in this state: *Provided*, That any person or sales agency selling fresh or frozen oysters previously taken in the state to others residing outside the state of Washington, shall be responsible for and shall pay the privilege taxes herein provided.

Privilege fee.

Proviso.

SEC. 14. Section 75.32.060, chapter 12, Laws of 1955 and RCW 75.32.060 are each repealed.

Repeal.

SEC. 15. The several provisions of this act are hereby declared to be separate and severable and if any clause, sentence, paragraph, subdivision, section or part thereof shall, for any reason, be adjudged invalid, or the applicability thereof to any person, circumstance or product adjudged invalid, such judgment shall not affect, impair or invalidate the remainder of the act, and the applicability thereof to other persons, circumstances or products shall not thereby be affected, but such judgment, if any, shall be confined in its operation to the particular clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Invalidity.

SEC. 16. This act is necessary for the immediate preservation of the public health, peace and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Emergency.

Passed the House March 1, 1955.

Passed the Senate March 8, 1955.

Approved by the Governor March 16, 1955, with the exception of Section 6, which is vetoed.

Note: Excerpt of Governor's Veto Message reads as follows:

" \* \* \* Section 6 of this bill was originally prepared to make certain minor revisions of RCW 75.32.080. This section,

which was section 8 in the original printed bill, was prepared for the purpose of inserting the adjective 'food' in two different places preceding the word 'fish', thereby more specifically identifying the subject matter of certain provisions as 'food fish'.

"In the preparation of this bill, the draftsman inadvertently substituted the words 'catch fees' for the word 'tax' in the first proviso to the second paragraph of section 6. The present law provides for privilege fees to be imposed upon canneries who process certain fish. This tax is imposed by RCW 75.32.030. The proviso in the original statute which was sought to be amended by section 6 of this bill, exempts from that privilege tax dealers in frozen fish. By erroneously changing the word 'tax' to 'catch fee,' the proviso now purports to exempt dealers in frozen fish from the catch fee imposed by RCW 75.32.070. That tax is, of course, inapplicable to such dealers. The proviso is therefore erroneously worded and would have an erroneous application.

"For this reason section 6 of House Bill No. 322 is vetoed and the remainder of the bill is approved."

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## CHAPTER 213.

[ H. B. 148. ]

### EMINENT DOMAIN BY STATE.

AN ACT relating to eminent domain by the state, and revising and amending section 4, chapter 74, Laws of 1891, as amended by section 1, chapter 98, Laws of 1925 extraordinary session, and as amended by section 1, chapter 177, Laws of 1951, and RCW 8.04.070, 8.04.080, 8.04.090 and 8.04.100, and adding a new section to chapter 8.04 RCW.

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

Amendment.

SECTION 1. Section 4, chapter 74, Laws of 1891, as amended by section 1, chapter 98, Laws of 1925 extraordinary session, and as amended by section 1, chapter 177, Laws of 1951 (heretofore divided and codified as RCW 8.04.070, 8.04.080, 8.04.090 and 8.04.100) is divided and amended as set forth in sections 2 through 5 of this act.

Enacted  
without  
amendment.

SEC. 2. (RCW 8.04.070) At the time and place appointed for hearing the petition, or to which the hearing may have been adjourned, if the court has satisfactory proof that all parties interested in the lands, real estate, premises or other property described in the petition have been duly served with the

notice, and is further satisfied by competent proof that the contemplated use for which the lands, real estate, premises, or other property are sought to be appropriated is really necessary for the public use of the state, it shall make and enter an order, to be recorded in the minutes of the court, and which order shall be final unless review thereof to the supreme court of the state is taken within five days after entry thereof, adjudicating that the contemplated use for which the lands, real estate, premises or other property are sought to be appropriated is really a public use of the state.

Order adjudicating use is public use. Review.

SEC. 3. (RCW 8.04.080) The order shall direct that determination be had of the compensation and damages to be paid all parties interested in the land, real estate, premises or other property sought to be appropriated for the taking and appropriation thereof, together with the injury, if any, caused by such taking and appropriation to the remainder of the lands, real estate, premises, or other property from which the same is to be taken and appropriated after offsetting against any and all such compensation and damages the special benefits, if any, accruing to such remainder by reason of the appropriation and the use by the state of the lands, real estate, premises, and other property described in the petition. The determination shall be made within thirty days after the entry of such order, before a jury if trial by jury is demanded at the hearing either by the petitioner or by the respondents, otherwise by the court sitting without a jury. If no regular venire has been called so as to be available to serve within such time on application of the petitioner at the hearing, the court may by its order continue such determination to the next regular jury term if a regular venire will be called within sixty days, otherwise the court shall call a special jury within said sixty days and direct the sheriff to summon, from the citizens of the county

Amendment. Direct determination of compensation and damages.

Damages offset by special benefits.

Determination due date.

Trial by jury.

Special jury.

in which the lands, real estate, premises, or other property sought to be appropriated are situated, as many qualified persons as may be necessary in order to form a jury of twelve persons, unless the petitioner and respondents both consent to a less number of jurors (such number to be not less than three), and such consent is entered by the clerk in the minutes of such hearing. In any third class county or lesser classification, the costs of such special jury for the trial of such condemnation cases only shall be borne by the state.

Consent to lesser number of jurors.

Costs of special jury.

SEC. 4. (RCW 8.04.090) In case the state shall require immediate possession and use of the property sought to be condemned, and an order of necessity shall have been granted, and no review has been taken therefrom, the attorney general may stipulate with respondents in accordance with the provisions of this section and RCW 8.04.092 and 8.04.093 for an order of immediate possession and use, and file with the clerk of the court wherein the action is pending, a certificate of the state's requirement of immediate possession and use of the land, which shall state the amount of money offered to the respondents and shall further state that such offer constitutes a continuing tender of such amount. The attorney general shall file a copy of the certificate with the state auditor, who forthwith shall issue and deliver to him a warrant payable to the order of the clerk of the court wherein the action is pending in a sum sufficient to pay the amount offered, which shall forthwith be paid into the registry of the court. The court without further notice to respondent shall enter an order granting to the state the immediate possession and use of the property described in the order of necessity, which order shall bind the petitioner to pay the full amount of any final judgment of compensation and damages which may thereafter be awarded for the taking and appropriation of the

Certificate of requirement of immediate possession.

Continuing tender.

State auditor issues warrant.

Court order granting immediate possession.

lands, real estate, premises, or other property described in the petition and for the injury, if any, to the remainder of the lands, real estate, premises, or other property from which they are to be taken by reason of such taking and appropriation, after offsetting against any and all such compensation and damages the special benefits, if any, accruing to such remainder by reason of the appropriation and use by the state of the lands, real estate, premises, or other property described in the petition. The moneys paid into court may at any time after entry of the order of immediate possession, be withdrawn by respondents, by order of the court, as their interests shall appear.

Moneys withdrawn by order of court.

SEC. 5. (RCW 8.04.100) At the time of fixing the date for trial by jury in any case the court may, on application of the petitioner, order that any one or more condemnation cases then pending before the court and requiring determination by a jury of the compensation and damages as aforesaid be consolidated and tried before one and the same jury but with a separate award to be made in each case. If necessary, the sheriff, under direction of the court or judge thereof, shall summon as many qualified persons as may be required to complete the jury from citizens of the county where such lands, real estate, premises or other property sought to be appropriated are situated.

Enacted without amendment.

Consolidating condemnation cases.

SEC. 6. In proceedings for the condemnation of property under any of the provisions of Title 8, RCW, wherein the condemnee has recovered a judgment which is at least twenty-five percent in excess of the final offer of the condemnor, the condemnee shall be entitled to a reasonable attorney's fee to be awarded by the court.

Vetoed.

Passed the House March 10, 1955.

Passed the Senate March 10, 1955.

Approved by the Governor March 16, 1955, with the exception of Section 6, which is vetoed.

Note: Excerpt of Governor's Veto Message reads as follows:

" \* \* \*

"This provision would authorize the award of reasonable attorney's fees to the condemnee in an eminent domain proceeding in any case where the condemnee received at least 25% in excess of the final amount offered by the condemnor. It should be noticed that this provision applies to any condemnation whether by the state or any other condemning authority or corporation. It would also apply to the condemnation of private ways of necessity by landlocked individuals.

"I have no objection to the principle that every property owner should be entitled to receive fair compensation, not only for his property but for any unusual expense to which he may be put in such proceedings. However, a provision such as this may, under some circumstances, encourage unnecessary litigation when the acquisition could actually have been settled by negotiation.

"The provision lends itself readily to the suggestion that a land owner should not settle the matter by negotiation too readily, nor be particularly cooperative, since nothing could be lost by taking the matter to court. At the present time, the state is anticipating the construction of a rather extensive highway project in the Tacoma-Seattle-Everett area. This particular project is being financed by a bond issue of large magnitude. Any measure which could delay or prolong property acquisition on this project could add tremendously to the interest and financing charges accruing on the bonds. Even a slight delay would add costs far out of proportion to the benefits accruing to the condemnee under this provision. Furthermore, many of the courts are so burdened that calendars are running several months behind current filings. Any tendency to increase this burden would have a detrimental effect upon the efficient operation of our courts. If the measure actually had the effect of increasing litigation, it would undoubtedly be necessary to increase the number of judges and court personnel appreciably to take care of the additional burden.

"I believe that the risk of the detrimental effect which may occur under present circumstances, far outweighs the beneficial effects, if any, to the condemnee. For this reason, section 6 is vetoed and the remainder of the bill is approved."

## CHAPTER 214.

[ H. B. 304. ]

## WESTERN REGIONAL HIGHER EDUCATION COMPACT.

AN ACT relating to higher education, ratifying a compact between this and other states or territories; providing for commissioners; and making an appropriation.

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

SECTION 1. The western regional higher education compact, recommended by the western governors' conference on November 10, 1950, for adoption by the states or territories of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, Wyoming, Alaska and Hawaii, is hereby ratified and approved and the adherence of this state to the provisions of this compact, upon its ratification and approval by any four or more of such states or territories in addition to this state, is hereby declared.

Western regional higher education compact ratified.

SEC. 2. The terms and provisions of the compact referred to in section 1 of this act are as follows:

Terms and provisions.

## WESTERN REGIONAL HIGHER EDUCATION COMPACT

## ARTICLE I

WHEREAS, The future of this Nation and of the Western States is dependent upon the quality of the education of its youth; and

Quality of education.

WHEREAS, Many of the Western States individually do not have sufficient numbers of potential students to warrant the establishment and maintenance within their borders of adequate facilities in all the essential fields of technical, professional and graduate training, nor do all of the states have the financial ability to furnish within their borders institutions capable of providing acceptable standards of training in all of the fields mentioned above; and

Lack of potential students.

Financial problem.

WHEREAS, It is believed that the Western States,

or group of such states within the Region, cooperatively can provide acceptable and efficient educational facilities to meet the needs of the Region and of the students thereof;

Now, THEREFORE, The States of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming, and the Territories of Alaska and Hawaii, do hereby covenant and agree as follows:

ARTICLE II

Pledge cooperation.

Each of the compacting states and territories pledge to each of the other compacting states and territories faithful cooperation in carrying out all the purposes of this compact.

ARTICLE III

Western Interstate Commission for Higher Education.

The compacting states and territories hereby create the Western Interstate Commission for Higher Education, hereinafter called the Commission. Said Commission shall be a body corporate of each compacting state and territory and an agency thereof. The Commission shall have all the powers and duties set forth herein, including the power to sue and be sued, and such additional powers as may be conferred upon it by subsequent action of the respective legislatures of the compacting states and territories.

Powers.

ARTICLE IV

Commission membership.

The Commission shall consist of three resident members from each compacting state or territory. At all times one commissioner from each compacting state or territory shall be an educator engaged in the field of higher education in the state or territory from which he is appointed.

Educator.

Commissioners appointment by governor.

The commissioners from each state and territory shall be appointed by the governor thereof as provided by law in such state or territory. Any commissioner may be removed or suspended from office



as provided by the law of the state or territory from which he shall have been appointed.

The term of each commissioner shall be four years: *Provided, however,* That the first three commissioners shall be appointed as follows: one for two years, one for three years, and one for four years. Each commissioner shall hold office until his successor shall be appointed and qualified. If any office becomes vacant for any reason, the governor shall appoint a commissioner to fill the office for the remainder of the unexpired term.

Commissioner's term.

#### ARTICLE V

Any business transacted at any meeting of the Commission must be by affirmative vote of a majority of the whole number of compacting states and territories.

Affirmative vote of majority.

One or more commissioners from a majority of the compacting states and territories shall constitute a quorum for the transaction of business.

Quorum.

Each compacting state and territory represented at any meeting of the Commission is entitled to one vote.

Each state or territory one vote.

#### ARTICLE VI

The Commission shall elect from its number a chairman and a vice-chairman, and may appoint, and at its pleasure dismiss or remove, such officers, agents and employees as may be required to carry out the purpose of this compact; and shall fix and determine their duties, qualifications and compensation, having due regard for the importance of the responsibilities involved.

Commission officers.

The commissioners shall serve without compensation, but shall be reimbursed for their actual and necessary expenses from the funds of the Commission.

Compensation.

ARTICLE VII

Seal, by-laws, rules and regulations.

The Commission shall adopt a seal and bylaws and shall adopt and promulgate rules and regulations for its management and control.

Committees.

The Commission may elect such committees as it deems necessary for the carrying out of its functions.

Commission office.

The Commission shall establish and maintain an office within one of the compacting states for the transaction of its business and may meet at any time,

Meetings.

but in any event must meet at least once a year. The chairman may call such additional meetings and upon the request of a majority of the commissioners of three or more compacting states or territories shall call additional meetings.

Commission budget.

The Commission shall submit a budget to the governor of each compacting state and territory at such time and for such period as may be required.

Facilities for graduate and professional education.

The Commission shall, after negotiations with interested institutions, determine the cost of providing the facilities for graduate and professional education for use in its contractual agreements throughout the Region.

Commission report.

On or before the fifteenth day of January of each year, the Commission shall submit to the governors and legislatures of the compacting states and territories a report of its activities for the preceding calendar year.

Books of account.

The Commission shall keep accurate books of account, showing in full its receipts and disbursements, and said books of account shall be open at any reasonable time for inspection by the governor of any compacting state or territory or his designated representative.

Audit.

The Commission shall not be subject to the audit and accounting procedure of any of the compacting states or territories. The Commission shall provide for an independent annual audit.

## ARTICLE VIII

It shall be the duty of the Commission to enter into such contractual agreements with any institutions in the Region offering graduate or professional education and with any of the compacting states or territories as may be required in the judgment of the Commission to provide adequate services and facilities of graduate and professional education for the citizens of the respective compacting states or territories. The Commission shall first endeavor to provide adequate services and facilities in the fields of dentistry, medicine, public health and veterinary medicine, and may undertake similar activities in other professional and graduate fields.

Contractual agreements.

Dentistry, medicine, public health, and veterinary medicine.

For this purpose the Commission may enter into contractual agreements

(a) with the governing authority of any educational institution in the Region, or with any compacting state or territory to provide such graduate or professional educational services upon terms and conditions to be agreed upon between contracting parties and

Provide educational services.

(b) with the governing authority of any educational institution in the Region or with any compacting state or territory to assist in the placement of graduate or professional students in educational institutions in the Region providing the desired services and facilities, upon such terms and conditions as the Commission may prescribe.

Placement of students.

It shall be the duty of the Commission to undertake studies of needs for professional and graduate educational facilities in the Region, the resources of meeting such needs, and the long-range effects of the compact on higher education; and from time to time prepare comprehensive reports on such research for presentation to the Western Governors' Conference and to the legislatures of the compacting states and territories. In conducting such studies, the

Studies of needs, resources and effects of compact on higher education.

Draft and  
recommend  
uniform  
legislation.

Commission may confer with any national or regional planning body which may be established. The Commission shall draft and recommend to the governors of the various compacting states and territories, uniform legislation dealing with problems of higher education in the Region.

"Region"  
defined.

For the purposes of this compact the word "Region" shall be construed to mean the geographical limits of the several compacting states and territories.

#### ARTICLE IX

Operating  
cost.

The operating costs of the Commission shall be apportioned equally among the compacting states and territories.

#### ARTICLE X

Compact  
operative.

This compact shall become operative and binding immediately as to those states and territories adopting it whenever five or more of the states or territories of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, Wyoming, Alaska and Hawaii have duly adopted it prior to July 1, 1955. This compact shall become effective as to any additional states or territories adopting thereafter at the time of such adoption.

#### ARTICLE XI

Termination  
of compact.

This compact may be terminated at any time by consent of a majority of the compacting states or territories. Consent shall be manifested by passage and signature in the usual manner of legislation expressing such consent by the legislature and governor of such terminating state. Any state or territory may at any time withdraw from this compact by means of appropriate legislation to that end. Such withdrawal shall not become effective until two years after written notice thereof by the governor of the withdrawing state or territory accompanied by a

Withdrawal.

certified copy of the requisite legislative action is received by the Commission. Such withdrawal shall not relieve the withdrawing state or territory from its obligations hereunder accruing prior to the effective date of withdrawal. The withdrawing state or territory may rescind its action of withdrawal at any time within the two-year period. Thereafter the withdrawing state or territory may be reinstated by application to and the approval by a majority vote of the Commission.

Withdrawal  
rescinded.

Reinstatement.

## ARTICLE XII

If any compacting state or territory shall at any time default in the performance of any of its obligations assumed or imposed in accordance with the provisions of this compact, all rights, privileges and benefits conferred by this compact or agreements hereunder, shall be suspended from the effective date of such default as fixed by the commission.

Default in  
obligations.

Unless such default shall be remedied within a period of two years following the effective date of such default, this compact may be terminated with respect to such defaulting state or territory by affirmative vote of three-fourths of the other member states or territories.

Termination  
by default.

Any such defaulting state may be reinstated by (a) performing all acts and obligations upon which it has heretofore defaulted, and (b) application to and the approval by a majority vote of the Commission.

Reinstatement  
of defaulting  
state.

SEC. 3. Upon ratification and approval of the western regional higher education compact by any four or more of the specified states or territories in addition to this state, the governor of this state is authorized and directed to execute said compact on behalf of this state and to perform any other acts which may be deemed requisite to its formal ratification and promulgation.

Governor to  
execute  
compact.

SEC. 4. (a) The governor, with the advice and

Governor appoints members.

consent of the senate, shall appoint the members, for this state, of the Western Interstate Commission for Higher Education, which is created under the provisions of Article III of the western regional higher education compact.

Qualifications and terms of members.

(b) The qualifications and terms of office of the members of the commission for this state shall conform with the provisions of Article IV of said compact.

Serve without compensation.

(c) The commissioners shall serve without compensation and they shall be reimbursed for their actual and necessary expenses by the Western Interstate Commission for Higher Education.

Governor may remove member.

(d) The governor may remove a member of the commission in conformity with the provisions of RCW 43.06.070, 43.06.080 and 43.06.090.

Exemption from tuition fees for nonresident student.

SEC. 5. When said compact becomes operative the board of regents of each institution of higher learning in this state, to the extent necessary to conform with the terms of the contractual agreement, may exempt from payment of tuition fees established by law for non-resident students any student admitted to such institution under the terms of a contractual agreement entered into with the commission in accord with the provisions of Article VIII (a) of the compact.

Appropriation.

SEC. 6. There is hereby appropriated from the general fund to the office of the governor the sum of fifteen thousand dollars (\$15,000) or so much thereof as may be necessary, to be distributed on vouchers approved by the governor, for the purpose of defraying this state's portion of the operating costs of the Western Interstate Commission for Higher Education in conformity with the provisions of Article IX of said compact.

Passed the House March 3, 1955.

Passed the Senate March 2, 1955.

Approved by the Governor March 17, 1955.

## CHAPTER 215.

[ H. B. 506. ]

## ELECTIONS—STATUTORY RECOUNT ACT.

AN ACT relating to elections; and providing procedures for the recounting of ballots, such act to be known as the statutory recount act.

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

SECTION 1. Any person for whom votes were cast in a primary election for nomination as a candidate for election to an office who was not declared nominated may file with the appropriate canvassing board or boards a written application for a recount of the votes cast at such primary in any precinct for all persons for whom votes were cast in such precinct for such nomination.

Nomination as candidate declared not nominated.

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

Candidate declared not elected.

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

Registered voters.

Written application contents.

District election.

termine, the application for the recount shall embrace all ballots cast at such district election.

Application  
filing time  
limitation.

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

List each  
precinct.

SEC. 2. Each application for recount shall separately list each precinct as to which a recount of the votes therein is requested, and the person filing an application shall at the same time deposit with the canvassing board the sum of five dollars in cash or by certified check for each precinct so listed in such application as security for the payment of charges for the making of the recount therein applied for, which charges shall be fixed by the canvassing board as provided in section 6 of this act. In the event the application for a recount applies to a special or regular district election then the deposit to be made with the canvassing board shall be five dollars in cash or by certified check for each precinct completely or partially within said district. If at said special or regular district election the precincts were combined and the election results of the individual precincts impossible to determine, then the deposit shall be a sum of money equal to the total number of ballots cast at such district election multiplied by the factor \$.02.

Deposit.

Time and  
place of  
recount.

Upon the filing of an application, the canvassing board shall promptly fix the time when and the place at which the recount will be made, which time shall be not later than five days after the day upon which such application is filed. The clerk of the board shall mail notice of the time and place so fixed to the applicant. If the application requests a recount of votes cast for a nomination or a candidacy for election, the clerk shall also mail such notice to each person for whom votes were cast for such nomination or election. Such notice shall be mailed by registered

Notice.



mail not later than two days before the date fixed for the commencement of the recount. Each person entitled to receive such notice may attend and witness the recount and may be accompanied by counsel.

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

Second group  
of registered  
voters.

SEC. 3. At the time and place fixed for making a recount, the canvassing board, in the presence of all witnesses who may be in attendance, shall open the sealed containers containing the ballots to be recounted, and shall recount them. Ballots shall be handled only by the members of the canvassing board or by the clerk or other employees of the board. Witnesses shall be permitted to see the ballots but they shall not be permitted to touch them, and the canvassing board shall not permit the counting or tabulation of votes shown on the ballots for any nomination, or for election to any office or position, or upon any question or proposition, other than the votes shown on such ballots for the nomination, election, or question or proposition concerning which a recall of ballots was applied for.

Canvassing  
board  
recounts.

Ballots  
handled only  
by canvassing  
board  
members.

At any time before the ballots from all of the precincts listed in the application for the recount have been recounted, the applicant may file with the board a written request to stop the recount and not recount the ballots from the precincts so listed and which have not been recounted prior to the time of

Written re-  
quest to stop  
recount.

No request for  
stop of recount  
when  
precincts  
consolidated.

such request: *Provided*, That this provision shall not apply to a recount when a recount is being made of any regular or special district election whereat the precincts were consolidated and as a result thereof the application for a recount embraced all ballots cast at such election.

If, upon such request, the board finds that the results of the votes in the precincts recounted, if substituted for the results of the votes in such precincts as shown in the abstract of the votes in such precincts, would not cause the applicant, if a person for whom votes were cast for nomination or election, to be declared nominated or elected or if an election upon a question or proposition would not cause a result contrary to the result thereof as declared prior to such recount, it shall grant such request and shall not recount the ballots of the precincts listed in the application for recount which have not been recounted prior to such time. If the board finds otherwise, it may deny such request and shall continue to recount ballots until the ballots from all of the precincts listed in the application for recount have been recounted: *Provided*, That if such request is denied it may be renewed from time to time. Upon any such renewal the board shall consider and act upon the request in the same manner as provided in this section in connection with an original request.

Renewal of  
request to  
stop recount.

Amended  
abstract.

SEC. 4. Upon completion of the recount of the ballots, or upon stopping the recount prior to such time, the canvassing board shall promptly prepare and certify an amended abstract showing the votes cast in each precinct in which the nomination, election, or question or proposition was submitted to the electors, which amended abstract shall embody the votes of the precincts, the ballots of which were recounted, as shown by such recount. Copies of such certified amended abstracts shall be mailed to such

other boards or election officials as required in the case of the original abstract which such amended abstract amends.

If the nomination, election, or question or proposition concerning which such recount was made was submitted only to the electors within a county, the board shall make an amended declaration of the result of such election in the same manner required in the making of its original declaration of the result of such election.

Amended  
declaration of  
election  
results.

If the nomination, election, or question or proposition concerning which a recount was made was submitted to the electors of more than one county, the secretary of state shall canvass all amended abstracts received from the canvassing board of each county in which a recount was made, and shall make an amended declaration of the results of such election in the same manner required in the making of his original declaration of the results of such election.

Secretary of  
state's  
amended  
declaration of  
election  
results.

SEC. 5. If a person was declared nominated as a candidate for election to an office or elected to an office or position and if it subsequently appears by the amended declaration of the results of such election made following a recount of votes cast in such election that such person was not so nominated or elected, such person may, within three days after the date of such amended declaration of the results of such election, file an application with the appropriate canvassing board for a recount of the votes cast at such primary or election for such nomination or election in any precinct, the ballots of which have not been recounted.

Rights of per-  
son elected  
subsequently  
on recount  
declared not  
elected.

If, following a recount of votes cast at an election, regular or special, upon any question or proposition, the amended declaration of the results of such election shows the result of such election to be contrary to the result thereof as declared in the original

Question or  
proposition  
reversal on  
recount.

declaration of the results thereof, any group of five or more registered voters which has filed a statement with the board as provided in section 2 of this act may, within three days after the date of the amended declaration, file an application with the board for a recount of the votes cast at such election upon such question or proposition in any precinct, the votes of which have not been recounted.

Sections 1, 2, and 3, inclusive, of this act are applicable to any application provided for in this section and to the recount had pursuant thereto.

Charges of  
recount.

SEC. 6. The charges for making a recount of votes of precincts listed in an application for recount filed with the board of elections shall be fixed by the board and shall include all expenses incurred by such board because of such application other than the regular operating expenses which the board would have incurred if the application had not been filed.

Charge per  
precinct.

The total amount of charges so fixed divided by the number of precincts listed in such application, the votes of which were recounted, shall be the charge per precinct for the recount of the votes of the precincts listed in such application, the votes of which were recounted: *Provided*, That the charges per precinct so fixed shall not be more than five dollars for each precinct concerned or in the event of a recount of a regular or special district election whereat all ballots were requested to be recounted irrespective of precincts, the maximum charge shall not exceed two cents per ballot.

Maximum  
charge.

Board deducts  
charges.

Such charge shall be deducted by the board from the money deposited with the board by the applicant for the recount at the time of filing his application, and the balance of the money so deposited shall be returned to such applicant: *Provided*, That no such charges shall be deducted by the board from the money deposited for a recount of votes cast for a nomination or for an election to an office or position

No charges  
deducted.

in any precinct, if upon the completion of a recount the applicant is declared nominated or elected, or if upon completion of a recount concerning a question or proposition, the result of such election is declared to be opposite to the original declaration of the result of such election. All moneys deposited with the board by an applicant not returned to him shall be paid by such board into the general fund of the political subdivision concerned.

Moneys into  
general fund.

SEC. 7. The secretary of state, as chief election officer, shall make rules and regulations, not inconsistent with this act, to facilitate and clarify any procedures contained herein.

Secretary of  
state, chief  
election officer.

SEC. 8. This act shall be known as the statutory recount act and shall in no way affect or supersede the election contest statutes as contained in chapter 29.65 RCW.

Statutory  
recount act.

Passed the House February 22, 1955.

Passed the Senate March 6, 1955.

Approved by the Governor March 17, 1955.

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## CHAPTER 216.

[ H. B. 532. ]

### SYLVESTER PARK—CONVEYANCE FROM OLYMPIA TO STATE.

AN ACT relating to Sylvester park in the city of Olympia; authorizing the city of Olympia to convey such property to the state, and authorizing the state capitol committee to lease the subsurface portions thereof to private parties for the construction, operation and maintenance of a garage and parking facility; and declaring an emergency.

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

SECTION 1. The city of Olympia may grant to the state of Washington its right, title and interest in that public square situated therein and bounded by Capitol way, Legion way, Washington street and East Seventh street, and commonly known as Syl-

Grant to state  
of Washington.

vester park, and such conveyance shall in all respects supersede the terms and effect of any prior conveyance or agreement concerning this property.

Supersedes prior agreement.

SEC. 2. The state capitol committee may accept such grant on behalf of the state. Upon receipt from the city of Olympia of the conveyance authorized by section 1 of this act, the state capitol committee may lease the premises thereby conveyed, to any person, firm, or corporation for the purpose of constructing, operating and maintaining a garage and parking facility underneath the surface of said property.

State capitol committee may accept.

Garage.

Lease terms.

The lease shall be for a term of not to exceed twenty-five years and by its terms shall require the lessee to restore and maintain the condition of the surface of the property so as to be available and suitable for use as a public park. The lease shall further provide that all improvements to the property shall become the property of the state upon termination of the lease, and may provide such further terms as the capitol committee may deem to be advantageous.

Emergency.

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

Passed the House February 28, 1955.

Passed the Senate March 6, 1955.

Approved by the Governor March 17, 1955.

## CHAPTER 217.

[ H. B. 68. ]

## CROP DUSTING AND SPRAYING—LIENS FOR SERVICES AND MATERIALS.

AN ACT relating to filing and enforcing of a lien upon crops for services performed and materials furnished in dusting or spraying crops or the lands upon which they are planted; and declaring an emergency.

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

SECTION 1. Any person, firm, corporation or co-partnership who shall under contract, perform labor or services, or furnish materials in crop dusting or spraying crops or lands for the purpose of weed, disease, or insect control or for promoting the growth of such crops, shall have a lien upon all such crops so crop dusted or sprayed, for and on account of the labor or services performed and material furnished.

Lien upon crops dusted or sprayed.

SEC. 2. Such lien claimant must within thirty days after the completion of harvest of crops sprayed or dusted, file for recording with the auditor of the county in which the crops or part thereof are raised, a claim of lien which shall be in substance in accordance with the provisions governing mechanics' liens in chapter 60.04 RCW, and foreclosed in the same manner as such liens, and such lien shall attach as of the date of such filing.

File claim of lien.

Foreclosure.

Lien attaches.

SEC. 3. An action to foreclose such lien shall be brought within eight calendar months after filing the claim for lien, and the court shall allow as part of the costs, the money paid for making, filing, or recording the claim and reasonable attorney's fee.

Action to foreclose.

Attorney's fee.

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

Emergency.

Passed the House February 23, 1955.

Passed the Senate March 7, 1955.

Approved by the Governor March 17, 1955.

CHAPTER 218.

[ H. B. 459. ]

EDUCATION—STATE BOARD.

AN ACT relating to education; amending section 1, chapter 258, Laws of 1947 and RCW 43.63.010, and section 2, chapter 258, Laws of 1947 and RCW 43.63.020, and section 3, chapter 258, Laws of 1947 and RCW 43.63.030, and section 9, chapter 258, Laws of 1947 and RCW 43.63.090, and section 10, chapter 258, Laws of 1947 and RCW 43.63.100; adding three new sections to chapter 43.63 RCW; and repealing sections 4, 5, 6, 7 and 8, chapter 258, Laws of 1947 and RCW 43.63.040, 43.63.050, 43.63.060, 43.63.070 and 43.63.080.

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

Amendment. SECTION 1. Section 1, chapter 258, Laws of 1947 and RCW 43.63.010 are each amended to read as follows:

State board of education membership. Present membership duration. The state board of education shall be comprised of two members from each congressional district of the state, not including any congressional district at large, elected by the members of the boards of directors of school districts thereof, as hereinafter provided. Members of the state board of education at the time this act takes effect shall continue such membership for the duration of the terms for which they were elected.

Amendment. SEC. 2. Section 2, chapter 258, Laws of 1947 and RCW 43.63.020 are each amended to read as follows:

Election call. Notice. Not later than the twenty-fifth day of August of each year, the superintendent of public instruction shall call an election to be held in each congressional district within which resides a member of the state board of education whose term of membership will end on the second Monday of January next following, and shall give written notice thereof to each member of the board of directors of each school district in such congressional district. Such notice shall include instructions, rules and regulations established



by the superintendent of public instruction for the conduct of the election.

SEC. 3. There is added to chapter 43.63 RCW, a **New section.**  
 new section to read as follows:

Whenever any new and additional congressional district is created, except a congressional district at large, the superintendent of public instruction shall call an election in such district at the time of the following call provided for in RCW 43.63.020. Such election shall be conducted as other elections provided for in this act. At the first such election two members of the state board of education shall be elected, one for a term of three years and one for a term of six years. At the expiration of the term of each, a member shall be elected for a term of six years.

**Election call in new congressional district.**  
**Two members elected.**

SEC. 4. Section 3, chapter 258, Laws of 1947 and RCW 43.63.030 are each amended to read as follows: **Amendment.**

Each member of the state board of education shall be elected by a majority of all the votes cast at the election for all candidates for the position. All votes shall be cast by mail addressed to the superintendent of public instruction and no votes shall be accepted for counting if postmarked after the sixteenth day of October following the call of the election. The superintendent of public instruction and an election board comprised of three persons appointed by the state board of education shall count and tally the votes not later than the twenty-fifth day of October. If no candidate receives a majority of all such votes cast, then, not later than the first day of November, the superintendent of public instruction shall call a second election to be conducted in the same manner and at which the candidates shall be the two candidates receiving the highest number of such votes cast. No vote cast at such second election shall be received for counting if postmarked after the sixteenth day of November and the votes shall be counted on the

**Elected by majority of votes cast.**  
**Votes cast by mail.**  
**Election board.**  
**Second election.**

twenty-fifth day of November. The candidate receiving a majority of votes at any such second election shall be declared elected. Within ten days following the count of votes in an election at which a member of the state board of education is elected, the superintendent of public instruction shall certify to the secretary of state the name or names of the persons elected to be members of the state board of education.

Certification of elected member to secretary of state.

New section.

SEC. 5. A new section is added to chapter 43.63 RCW to read as follows:

Declarations of candidacy.

Candidates for membership on the state board of education shall file declarations of candidacy with the superintendent of public instruction on forms prepared by the superintendent. Declarations of candidacy may be filed by person or by mail not earlier than the first day of September, nor later than the sixteenth day of September. The superintendent of public instruction may not accept any declaration of candidacy that is not on file in his office or is not postmarked before the seventeenth day of September. No person employed in any school, college, university, or other educational institution or any county school superintendent's office or in the office of superintendent of public instruction shall be eligible for membership on the state board of education and each member elected must be a resident of the congressional district from which he was elected.

Filing dates.

Limitations on membership.

New section.

SEC. 6. A new section is added to chapter 43.63 RCW to read as follows:

Qualifications for voting for state board members.

Each member of the board of directors of each school district in each congressional district shall be eligible to vote for the candidates who reside in his congressional district. Not later than the first day of October the superintendent of public instruction shall mail to each member of each board of directors the proper ballot for his congressional district to-

Ballot.

gether with biographical data concerning each candidate listed on such ballot, which data shall have been prepared by the candidate.

SEC. 7. Section 9, chapter 258, Laws of 1947 and RCW 43.63.090 are each amended to read as follows: Amendment.

The term of office of each member of the state board of education shall begin on the second Monday in January next following the election at which he was elected, and he shall hold office for the term for which he was elected and until his successor is elected and qualified. Except as otherwise provided in RCW 43.63.021, each member of the state board of education shall be elected for a term of six years. Term of office.

SEC. 8. Section 10, chapter 258, Laws of 1947 and RCW 43.63.100 are each amended to read as follows: Amendment.

Whenever there shall be a vacancy upon the state board of education, from any cause whatever, it shall be the duty of the remaining members of the board to fill such vacancy by appointment, and the person so appointed shall continue in office until his successor has been specially elected, as hereinafter provided, and has qualified. Whenever a vacancy occurs, the superintendent of public instruction shall call, in the month of August next following the date of the occurrence of such vacancy, a special election to be held in the same manner as other elections provided for in this act, at which election a successor shall be elected to hold office for the unexpired term of the member whose office was vacated. Vacancy on state board of education.  
Appointment.  
Special election.

SEC. 9. The following acts or parts of acts are repealed: Repeal.

Sections 4, 5, 6, 7 and 8, chapter 258, Laws of 1947 and RCW 43.63.040, 43.63.050, 43.63.060, 43.63.070 and 43.63.080.

Passed the House February 26, 1955.

Passed the Senate March 7, 1955.

Approved by the Governor March 17, 1955.

## CHAPTER 219.

[ H. B. 618. ]

## PORT DISTRICT EMPLOYEES—OASI COVERAGE.

AN ACT providing federal old age and survivors' insurance coverage for employees of port districts who are not covered by the employees' retirement system of the state of Washington.

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

"Employees" defined.

SECTION 1. As used in this act, the term "employees" shall be as defined in RCW 41.48.020 and no distinction shall be made for the purposes of coverage under the social security act, between persons employed by a port district on a casual or temporary basis, or on a regular or steady basis, or between persons paid hourly wages and persons paid wages on a weekly, monthly, or other periodic basis. It being the intent of this act that all employees shall be entitled to the coverage of the federal social security act for work performed in the service of a port district, which is not covered by the state employees' retirement system.

Intent of act.

Submit plan for governor's approval.

SEC. 2. Each port district, which has not previously done so, shall within thirty days of the effective date of this act, submit for approval by the governor a plan for extending the benefits of Title II of the federal social security act, as amended, in conformity with applicable provisions of said act as set forth in chapter 41.48 RCW, to employees of such port district who are employed in positions not covered by the employees' retirement system of the state of Washington. The plan required to be submitted by this section shall be as set forth in RCW 41.48.050 and shall be in conformance therewith.

Contributions.

SEC. 3. All port districts are authorized to make contributions on employees' wages, and to impose upon their employees contributions with respect to

their wages in accordance with RCW 41.48.030 through 41.48.050.

Passed the House February 27, 1955.

Passed the Senate March 7, 1955.

Approved by the Governor March 17, 1955.

## CHAPTER 220.

[ H. B. 34. ]

### STATE EMPLOYEES' RETIREMENT FUNDS— INVESTMENTS.

AN Act relating to the investment of state employees' retirement funds and amending RCW 41.40.070 and 41.40.080.

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

SECTION 1. Section 8, chapter 274, Laws of 1947; section 4, chapter 240, Laws of 1949; section 2, chapter 200, Laws of 1953; and RCW 41.40.070 are each amended to read as follows: (1) The members of the retirement board shall be the trustees of the several funds created by this chapter and the retirement board shall have full power to authorize the finance committee to invest same in bonds or other obligations issued directly by or fully guaranteed by the federal government or any agency thereof, of the state of Washington or of any county, city, village or school district of the state, or of any other legally constituted taxing subdivision within the state, or in revenue bonds issued by the state of Washington or any of its political subdivisions or instrumentalities, or in general obligation and revenue bonds issued by any state of the United States, or in any duly constituted authority or agency of such state, or in the general obligation or revenue bonds of any political subdivision of any state of the United States that are legal for investment by mutual savings banks in the state of Washington.

Amendment.

Members of retirement board trustees of funds.

Authorization to finance committee to invest.

Revenue bonds.

All such bonds, or other obligations, shall be purchased at current market price and all such purchases shall be authorized by a resolution adopted by the retirement board. The retirement board may purchase out of the several funds hereinbefore created, appropriate contracts of life insurance or annuity from insurers duly authorized to do business in the state of Washington, if and when such purchase or purchases shall in the judgment of said retirement board be appropriate or necessary to carry out the purposes of this chapter.

Purchases authorized by resolution.

Life insurance.

Fund on deposit in state treasury.

(2) For the purpose of meeting disbursements for annuities and other payments in excess of the receipts, there shall be kept available by the retirement board an amount, not exceeding ten percent of the total amount in the funds provided for by this chapter, on deposit in the state treasury.

Amendment.

SEC. 2. Section 9, chapter 274, Laws of 1947; section 5, chapter 240, Laws of 1949; section 3, chapter 200, Laws of 1953; and RCW 41.40.080 are each amended to read as follows: (1) All bonds or other obligations purchased according to RCW 41.40.070 shall be forthwith placed in the hands of the state treasurer, who is hereby designated as custodian thereof, and it shall be his duty to collect the principal thereof and the interest thereon as the same becomes due and payable, and place the same when so collected into the retirement system's funds herein provided for bonds or other obligations. The retirement board may authorize the finance committee to sell any of the said bonds, or other obligations upon like resolution, and the proceeds thereof shall be paid by the purchaser to the state treasurer upon delivery to him of such bonds or other obligations by the state treasurer.

State treasurer, custodian.

Authorization to sell.

Disbursements paid.

(2) The state treasurer shall be the custodian of all other funds of the retirement system and all disbursements therefrom shall be paid by the state

auditor upon vouchers duly authorized by the retirement board and bearing the signature of the duly authorized officer of the retirement board.

(3) The state treasurer is hereby authorized and directed to deposit any portion of the funds of the retirement system not needed for immediate use in the same manner and subject to all the provisions of law with respect to the deposit of state funds by such treasurer, and all interest earned by such portion of the retirement system's funds as may be deposited by the state treasurer in pursuance of authority herewith given shall be collected by him and placed to the credit of the retirement fund or the retirement system expense fund.

**Funds not needed for immediate use.**

(4) There is hereby established in the state treasury two separate funds, namely:

**Two separate funds.**

(a) The retirement system fund, into which shall be paid all moneys received by the retirement board and from which shall be paid all refunds, adjustments, retirement allowances and other benefits provided for herein. All contributions by members to the retirement system expense fund as provided in RCW 41.40.330 and contributions by employers for the expense of operating the retirement system as provided for herein shall be transferred by the state treasurer from the retirement system fund to the retirement system expense fund upon authorization of the retirement board;

**Retirement system fund.**

(b) The retirement system expense fund, from which shall be paid the expenses of the administration of the retirement system.

**Retirement system expense fund.**

(5) For the purpose of providing amounts to be used to defray the cost of such administration, the retirement board shall ascertain at the beginning of each biennium and request from the legislature an appropriation from the retirement system expense fund sufficient to cover estimated expenses for the said biennium.

**Ascertain and request appropriation.**

Reimburse ex-  
pense fund  
on equitable  
basis.

(6) In order to reimburse the retirement system expense fund on an equitable basis the retirement board shall, after crediting the estimated amount to be collected as employees' contributions, ascertain and report to each employer the sum necessary to defray its proportional share of the entire expense of the administration of this chapter during the ensuing biennium or fiscal year whichever may be required. Such sum is to be computed in an amount directly proportional to the estimated entire expense of the said administration as the ratio of the number of the employer's members bears to the total number of members in the entire system. It shall then be the duty of all such employers to include in their budgets or otherwise provide the amounts so required.

Computation  
of sum.

Duty of  
employer.

Board bills  
each  
employer.

(7) The retirement board shall compute and bill each employer at the end of each month for the amount due for that month to the retirement system expense fund and the same shall be paid as are its other obligations. Such computation as to each such employer shall be made on a basis directly proportional to the ratio the number of the said employer's members bears to the total number of members in the system: *Provided*, That the retirement board may at its discretion establish a system of billing based upon calendar year quarters in which event the said billing shall be at the end of each such quarter.

System of  
billing.

Passed the House February 11, 1955.

Passed the Senate March 8, 1955.

Approved by the Governor March 17, 1955.



## CHAPTER 221.

[ H. B. 44. ]

## JUDGES' RETIREMENT FUND—INVESTMENTS.

AN ACT relating to investment of judges' retirement fund mon-  
eys and amending RCW 2.12.070.

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

SECTION 1. Section 8, chapter 229, Laws of 1937 Amendment.  
and RCW 2.12.070 are each amended to read as  
follows:

Whenever the treasurer estimates that the bal- Investment of  
judges retire-  
ment fund.  
ance of cash remaining in the judges' retirement  
fund, together with the estimated receipts for the  
remainder of the fiscal year, will exceed the esti-  
mated disbursements for the remainder of such year  
in the sum of one thousand dollars or more, he shall  
request the state finance committee to invest such State finance  
committee to  
invest on  
treasurer's  
request.  
excess in such bonds as are by law authorized for  
the investment of the permanent school funds of  
the state. Whenever it appears to the treasurer that  
the cash remaining in the fund, together with the  
estimated receipts for the remainder of the fiscal  
year, will not meet the estimated disbursements  
as they shall fall due, he shall request the state Estimated  
disbursements  
not met.  
finance committee to sell so many of any bonds  
belonging to said fund as will produce cash suffi-  
cient for that purpose, and deposit the proceeds of  
such sale in the fund.

Passed the House January 26, 1955.

Passed the Senate March 8, 1955.

Approved by the Governor March 17, 1955.

CHAPTER 222.

[ H. B. 45. ]

STATE PATROL RETIREMENT FUND—INVESTMENTS.

AN ACT relating to the Washington state patrol retirement system; providing for the investment of funds; amending RCW 43.43.170 and adding a new section to Chapter 43.43 RCW.

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

Amendment.

SECTION 1. Section 6, chapter 250, Laws of 1947 and RCW 43.43.170 are each amended to read as follows:

Investment of state patrol retirement fund.

Whenever the state patrol retirement board determine that the state patrol retirement fund contains moneys in excess of current needs, they shall authorize the state finance committee to invest such surplus in such bonds or other obligations as are authorized for the investment of the funds of the state employees' retirement system.

New section.

SEC. 2. There is added to chapter 43.43 RCW a new section to read as follows:

Custody.

All bonds or other obligations purchased according to RCW 43.43.170 shall be forthwith placed in the custody of the state treasurer, and he shall collect the principal thereof and interest thereon when due.

State finance committee may sell.

The state finance committee may sell any of the bonds or obligations so acquired and the proceeds thereof shall be paid to the state treasurer.

Interest and proceeds.

The interest earned and proceeds from the sale or redemption of any bonds or other obligations held by the fund shall be credited to and form a part of the fund.

Availability of funds.

All amounts credited to the fund shall be available for making the payments required by RCW 43.43.120 through 43.43.330.

Passed the House February 14, 1955.

Passed the Senate March 8, 1955.

Approved by the Governor March 17, 1955.

## CHAPTER 223.

[ H. B. 46. ]

VOLUNTEER FIREMEN'S RELIEF AND PENSION FUND—  
INVESTMENTS.

AN ACT relating to volunteer firemen's relief and pensions, providing for the investment of funds, and amending RCW 41.24.030.

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

SECTION 1. Section 3, chapter 261, Laws of 1945 and RCW 41.24.030 are each amended to read as follows: Amendment.

There is created in the state treasury a trust fund for the benefit of the firemen of the state covered by this chapter, which shall be designated the volunteer firemen's relief and pension fund and shall consist of: Volunteer firemen's relief and pension fund.

(1) All bequests, fees, gifts, emoluments, or donations given or paid to the fund. Bequests, fees, gifts.

(2) An annual fee of three dollars for each member of its fire department to be paid by each municipal corporation for the purpose of affording the members of its fire department with protection from death or disability as herein provided. Annual fee to be paid by municipal corporation.

(3) Where a municipal corporation has elected to make available to the members of its fire department the retirement provisions as herein provided, an annual fee of twenty-five dollars for each of its firemen electing to enroll therein, thirteen dollars of which shall be paid by the municipality and twelve dollars of which shall be paid by the fireman. Enrollment under the pension provisions of this chapter and the payment of the fee provided therefor shall include and provide protection for death and disability without any additional payment. Annual fee for firemen electing to enroll.

(4) Ten percent of all moneys received by the state from its tax on fire insurance premiums shall Moneys from tax on fire insurance premiums.

be paid into the state treasury and credited to the fund.

Investment of firemen's relief and pension fund.

(5) The state finance committee, upon request of the state treasurer shall invest such portion of the amounts credited to the fund as is not, in the judgment of the treasurer, required to meet current withdrawals. Such investment may be made only in such bonds or other obligations as are authorized for the investment of funds of the state employees' retirement system.

Custody.

(6) All bonds or other obligations purchased according to subdivision (5) shall be forthwith placed in the custody of the state treasurer, and he shall collect the principal thereof and interest thereon when due.

State finance committee may sell.

The state finance committee may sell any of the bonds or obligations so acquired and the proceeds thereof shall be paid to the state treasurer.

Interest and proceeds.

The interest and proceeds from the sale and redemption of any bonds or other obligations held by the fund shall be credited to and form a part of the fund.

Availability of funds.

All amounts credited to the fund shall be available for making the payments required by this chapter.

Annual report.

The state treasurer shall make an annual report showing the condition of the fund.

Passed the House February 14, 1955.

Passed the Senate March 8, 1955.

Approved by the Governor March 17, 1955.

CHAPTER 224.

[ H. B. 143. ]

STATE AGENCIES—REFUNDS OF ERRONEOUS OR EXCESS PAYMENTS.

AN ACT relating to refunds of erroneous or excessive payments or fees and limiting the minimum amount thereof.

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

SECTION 1. Whenever any law which provides for the collection of fees or other payments by a state agency does not authorize the refund of erroneous or excessive payments thereof, refunds may be made or authorized by the state agency which collected the fees or payments of all such amounts received by the state agency in consequence of error, either of fact or of law as to: (1) The proper amount of such fee or payments; (2) The necessity of making or securing a permit, filing, examination or inspection; (3) The sufficiency of the credentials of an applicant; (4) The eligibility of an applicant for any other reason; (5) The necessity for the payment.

Refunds on erroneous or excessive payments.

SEC. 2. Any state agency desiring to authorize such a refund shall file with the state auditor a voucher naming the payee and giving full particulars as to the reason for the refund and the fund in the treasury to which it was credited.

File voucher with state auditor.

SEC. 3. Payment of such refunds shall be by warrant issued by the state auditor against the fund in the state treasury to which the erroneous or excessive payment was credited or from any other appropriation made for such refund.

Payment of refund.

SEC. 4. No such refund shall be authorized by a state agency where the amount is two dollars or less unless demand for the refund is made within

Limitation on refund.

six months from the date the erroneous or excessive payment was made.

Passed the House February 17, 1955.

Passed the Senate March 8, 1955.

Approved by the Governor March 17, 1955.

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CHAPTER 225.

[ H. B. 233. ]

CHRISTMAS TREES—UNLAWFUL TAKING—REPORTS.

AN Act relating to Christmas trees and regulating the taking and transportation thereof; prescribing penalties, and amending section 1, chapter 87, Laws of 1937 and RCW 79.40.070, and section 6, chapter 112, Laws of 1937 and RCW 19.12.070.

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

Amendment.

SECTION 1. Section 1, chapter 87, Laws of 1937 and RCW 79.40.070 are each amended to read as follows:

Unlawful to cut, break or remove for commercial purposes evergreen trees.

It shall be unlawful for any person to enter upon any of the state lands, including all land under the jurisdiction of the state forest board, or upon any private land without the permission of the owner thereof and to cut, break or remove therefrom for commercial purposes any evergreen trees, commonly known as Christmas trees, including fir, hemlock, spruce, and pine trees. Any person cutting, breaking or removing or causing to be cut, broken or removed, or who cuts down, cuts off, breaks, tops, or destroys any of such Christmas trees shall be liable to the state, or to the private owner thereof, for payment for such trees at a price of one dollar each if payment is made immediately upon demand. Should it be necessary to institute civil action to recover the value of such trees, the state in the case of state lands, or the owner in case of private lands, may

Liability.

exact treble damages on the basis of three dollars per tree for each tree so cut or removed.

Treble damages.

SEC. 2. Section 6, chapter 112, Laws of 1937 and RCW 19.12.070 are each amended to read as follows:

Amendment.

Within thirty days after the first day of January of each year every person, firm or corporation shipping Christmas trees shall file with the state supervisor of forestry a written report subscribed and sworn to before any officer authorized to take acknowledgment of deeds, showing the number of Christmas trees shipped or transported and sold outside of the state during the preceding calendar year, the name of the person, firm or corporation from whom the said trees were acquired, the legal description of the property from which such trees were cut, and the states to which they were shipped.

Shippers file report subscribed and sworn to.

Contents of report.

Passed the House February 15, 1955.

Passed the Senate March 8, 1955.

Approved by the Governor March 17, 1955.

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## CHAPTER 226.

[ H. B. 317. ]

### STATE FUNDS—SUSPENSE FUND CREATED.

AN ACT relating to state governments; creating a suspense fund in the state treasury; authorizing the transfer of moneys and records; making an appropriation; and declaring an emergency.

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

SECTION 1. There is established in the state treasury a special fund to be known as the suspense fund. All moneys which heretofore have been deposited with the state treasurer in the state treasurer's suspense fund, and moneys hereafter received which are contingent on some future action, or which cover overpayments and are to be refunded to the

Suspense fund.

sender in part or whole, and any other moneys of which the final disposition is not known, shall be transmitted to the state treasurer and deposited in the suspense fund in the state treasury.

Transfer of fund.

SEC. 2. All moneys in the state treasurer's suspense fund and suspense account are hereby transferred to the suspense fund in the state treasury. All necessary records in the state treasurer's office relating to the state treasurer's suspense fund and suspense account are hereby transferred to the state auditor.

Disbursement.

SEC. 3. Disbursement from the suspense fund (not to exceed receipts), shall be by warrant issued against the fund by the state auditor, upon a properly authenticated voucher presented by the state department or office which deposited the moneys in the fund.

Appropriation.

SEC. 4. For the biennium ending June 30, 1957, there is appropriated to the state auditor from the suspense fund, the sum of three million dollars, or so much thereof as may be necessary, to carry out the purposes of this act, but in no event shall expenditures therefrom exceed the receipts credited thereto.

Immediate effect.

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

Passed the House February 14, 1955.

Passed the Senate March 8, 1955.

Approved by the Governor March 17, 1955.



CHAPTER 227.

[ H. B. 338. ]

FRESH FIELD GROWN TOMATOES.

AN ACT relating to fresh field grown tomatoes; and adding three new sections to chapter 15.16 RCW; providing penalties.

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

SECTION 1. There is added to chapter 15.16 RCW, New section.  
a new section to read as follows:

No person shall ship or transport from the area of production fresh field grown tomatoes in closed containers unless they have been inspected by a state horticultural inspector and found to comply with the obligatory rules and regulations as adopted and promulgated by the director of agriculture pursuant to the terms of RCW 15.16.010, 15.16.020 and 15.16.030, and if they comply with the standards as set forth in the regulations and an inspection fee is paid as provided in section 2 of this act, a permit to ship shall be granted: *Provided*, That this section shall not apply to tomatoes in open containers. No shipping in closed containers unless inspected.

SEC. 2. There is added to chapter 15.16 RCW, a Inspection fee.  
new section to read as follows: Proviso.

The director of agriculture shall fix reasonable fees to cover the cost of the inspection provided in section 1 of this act, which shall be collected at the time of inspection and placed in a horticultural fund. Cost of inspection fee.

SEC. 3. There is added to chapter 15.16 RCW, a New section.  
new section to read as follows:

Any violation of this act shall be punishable as a misdemeanor. Violation, misdemeanor.

Passed the House March 9, 1955.

Passed the Senate March 8, 1955.

Approved by the Governor March 17, 1955.

CHAPTER 228.

[ H. B. 373. ]

COMMON CARRIERS—EMPLOYEE MEDICAL EXAMINATION, COSTS.

AN ACT relating to costs of records and medical examinations required of employees and applicants for employment; and providing penalties.

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

SECTION 1. As used in this act:

"Employer" defined.

(1) "Employer" means any common carrier by rail, doing business in or operating within the state, and any subsidiary thereof.

"Employee" defined.

(2) "Employee" means every person who may be permitted, required, or directed by any employer, in consideration of direct or indirect gain or profit, to engage in any employment.

Unlawful act of employer.

SEC. 2. It is unlawful for any employer to require any employee or applicant for employment to pay the cost of a medical examination or the cost of furnishing any records required by the employer as a condition of employment.

Violation, misdemeanor.

SEC. 3. Any employer who violates the provisions of this act shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than one hundred dollars. Each violation shall constitute a separate offense.

Fine.

Passed the House March 8, 1955.

Passed the Senate March 7, 1955.

Approved by the Governor March 17, 1955.

## CHAPTER 229.

[ H. B. 472. ]

UNIVERSITY OF WASHINGTON—METROPOLITAN  
TRACT.

AN Act relating to the board of regents of the University of Washington and adding to the powers of said board the authority to, by agreement, pay up to sixty thousand dollars per annum to the city of Seattle for governmental services rendered to the university tract in connection with the leasing thereof.

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

SECTION 1. In addition to the powers conferred upon the board of regents of the University of Washington by RCW 28.77.360 and RCW 28.77.340, said board is authorized and shall have the power to enter into an agreement or agreements with the city of Seattle, Washington to pay to said city a sum not exceeding sixty thousand dollars per annum for governmental services rendered to the university tract, as defined in RCW 28.77.350, in connection with the leasing thereof; and any such sum so agreed upon shall be paid from the proceeds and other income from said tract as an item of expense of operation and upkeep thereof; and any provision of RCW 28.77.360 in conflict herewith is superseded.

Additional  
power to board  
of regents of  
University of  
Washington.

Superseded.

Passed the House February 21, 1955.

Passed the Senate March 8, 1955.

Approved by the Governor March 17, 1955.

CHAPTER 230.

[ H. B. 499. ]

GREEN HILL AND MAPLE LANE SCHOOLS.

AN ACT relating to public institutions; and amending section 1, page 256, Laws of 1909 and section 1, chapter 90, Laws of 1907 and RCW 72.16.010, and section 1, chapter 157, Laws of 1913 and RCW 72.20.010.

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

Amendment. SECTION 1. Section 1, page 256, Laws of 1909 and section 1, chapter 90, Laws of 1907 (heretofore combined and codified as RCW 72.16.010) are amended to read as follows:

Green Hill School. There is established at Chehalis, Lewis County, an institution which shall be known as the Green Hill School.

Amendment. SEC. 2. Section 1, chapter 157, Laws of 1913 and RCW 72.20.010 are each amended to read as follows:

Maple Lane School. There is established at Grand Mound, Thurston County, an institution which shall be known as the Maple Lane School.

Passed the House February 21, 1955.

Passed the Senate March 8, 1955.

Approved by the Governor March 17, 1955.

## CHAPTER 231.

[ H. B. 610. ]

STATE LANDS—EXCHANGE IN OLYMPIC  
NATIONAL PARK.

AN ACT relating to exchange of state and federal lands.

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

SECTION 1. The state land board and the commissioner of public lands are authorized by this act to exchange the west half of section 36, township 30 north, range 9 west, W.M., containing approximately three hundred twenty acres situated within the boundaries of Olympic National Park and owned by the state of Washington, for lots 1, 2, 3, 4 of section 1; lots 1, 2, S $\frac{1}{2}$  NE $\frac{1}{4}$ , N $\frac{1}{2}$  SW $\frac{1}{4}$  of section 2; N $\frac{1}{2}$  NW $\frac{1}{4}$  of section 10; NE $\frac{1}{4}$  SW $\frac{1}{4}$ , S $\frac{1}{2}$  SW $\frac{1}{4}$ , SE $\frac{1}{4}$  of section 12; S $\frac{1}{2}$  S $\frac{1}{2}$  of section 20; S $\frac{1}{2}$  of section 21, township 24 north, range 11 west, W.M., containing approximately one thousand two hundred thirty eight and seventy-two one hundredths acres situated within Queets corridor and other lands owned by the United States government.

Authorization to exchange state land within Olympic National Park.

SEC. 2. Section 1 of this act is declared to be a temporary section which need not be codified in RCW and which section shall expire when the exchange of lands authorized thereby shall have been consummated: *Provided*, That the repeal of section 1 by expiration of the period for which it is enacted shall not be construed as affecting any existing right created by this act.

Section 1 declared temporary section.

Repeal of section 1.

SEC. 3. The state land board and the commissioner of public lands are authorized to take such steps and perform such acts as may be necessary to carry out the purposes of this act and to consummate the exchange of lands provided for herein.

Authorization to state land board and commissioner of public lands.

Passed the House March 3, 1955.

Passed the Senate March 8, 1955.

Approved by the Governor March 17, 1955.

CHAPTER 232.

[ H. B. 638. ]

JUVENILE DETENTION FACILITIES IN CLASS AA COUNTIES.

AN ACT relating to juvenile detention; providing for the management of juvenile detention facilities in class AA counties; and declaring an emergency.

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

Judges of class AA county authorized to appoint board of managers.

SECTION 1. The judges of the superior court of any class AA county are hereby authorized, by majority vote, to appoint a board of managers to administer, subject to the approval and authority of such superior court, the probation and detention services for dependent and delinquent children coming under the jurisdiction of the juvenile court.

Board membership.

Such board shall consist of four citizens of the county and the judge who has been selected to preside over the juvenile court.

Terms of nonjudicial members.

SEC. 2. The nonjudicial members of the board first appointed shall be appointed for the respective terms of one, two, three, and four years and until their successors are appointed and qualified; and thereafter their successors shall be appointed for terms of four years and until their successors are appointed and qualified.

Removal of member.

Any such member of the board may be removed at any time by majority vote of the judges of the superior court.

Vacancies.

Vacancies on the board may be filled at any time by majority vote of said judges, and such appointee shall hold office for the remainder of the term of the member in whose stead he was appointed.

Judicial member, chairman.

SEC. 3. The judicial member of the board shall be the chairman thereof; a majority thereof shall constitute a quorum for the transaction of business; and the board shall have authority to organize itself

Quorum.

Organization.

in such manner and to establish such rules of procedure as it deems proper for the performance of its duties.

SEC. 4. The juvenile court board of managers shall:

Duties of board of managers.

(1) Have general supervision and care of all physical structures and grounds connected with the rendition of probation and detention services and power to do everything necessary to the proper maintenance thereof within the limits of the appropriations authorized.

Maintenance of physical structures and grounds.

(2) Subject to the approval and authority of said superior court, the board of managers shall have authority and power to determine the type and extent of probation and detention services to be conducted in connection with the juvenile court, and authority over all matters concerning employment, job classifications, salary scales, qualifications, and number of personnel necessarily involved in the rendition of probation and detention services.

Probation and detention services.

(3) Prepare, in accordance with the provisions of the county budget law, and file with the county auditor a detailed and itemized estimate, both of probable revenues from sources other than taxation and of all expenditures required for the rendition of the services under the jurisdiction of said board.

Estimate of revenues and expenditures.

(4) Prepare and file with the superior court on July 1st of each year, and at such other times and in such form as the court shall require, a report of its operations.

Report of operations.

SEC. 5. No member of the board shall receive any compensation or emolument whatever for services as such board member.

No compensation.

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

Emergency.

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

Passed the House March 3, 1955.

Passed the Senate March 8, 1955.

Approved by the Governor March 17, 1955.

CHAPTER 233.

[ H. B. 215. ]

WASHINGTON STATE SEED LAW.

AN ACT relating to agricultural seeds, vegetable seeds, weeds and weed seeds; to be known as the Washington State Seed Law; prescribing penalties; and repealing sections 1, 2, 5 through 38, chapter 56, Laws of 1941, chapter 248, Laws of 1943, chapter 64, Laws of 1943 and chapter 15.48 RCW.

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

"Washington State Seed Law."

SECTION 1. This act shall be cited as the "Washington State Seed Law".

"Director" defined.

SEC. 2. For the purpose of this chapter:

(1) "Director" means the director of agriculture of the state of Washington and his authorized deputies or agents;

"Agricultural seeds" defined.

(2) "Agricultural seeds" include the seeds of grass, forage, cereal and fiber crops, and any other kind of seeds commonly recognized within this state as agricultural, field, or turf seeds, and mixtures of such seeds;

"Vegetable seeds" defined.

(3) "Vegetable seeds" include seeds of those crops grown in gardens or truck farms and generally known and sold in the state as vegetable seeds;

"Certified seeds" defined.

(4) "Certified seeds" include seeds which have been inspected in the field and after harvest, and have been graded and certified by the director as complying with the rules and regulations adopted hereunder;

"Weed seeds" defined.

(5) "Weed seeds" include the seeds of all plants



generally recognized as weeds within this state and shall include primary and secondary noxious seeds;

(6) "Primary (prohibited) noxious weed seeds" are seeds of weeds which reproduce by seed or underground roots or stems, and which are highly destructive and difficult to control by ordinary good cultural practices, including, but subject to additions or subtractions by the director as herein provided, the seeds of: bindweed (wild morning glory), (*Convolvulus arvensis* and *C. sepium*), quack grass (*Agropyron repens*), Canada thistle (*Cirsium arvense*), perennial sow thistle (*Sonchus arvensis*), white-top (hoary cress) (*Cardaria* spp.), perennial peppergrass (*Lepidium latifolium*), Russian knapweed (*Centaurea repens*, *C. picris*), leafy spurge (*Euphorbia esula*), white horse nettle (silver-leaf nightshade) (*Solanum elaeagnifolium*), camel-thorn (*Alhagi camelorum*), Austrian field cress (*Rorippa austriaca*), blue lettuce (*Lactuca pulchella*), common barberry bushes (rust-susceptible species of barberry and Mahonia) (*Berberis* spp., *Mahonia* spp.), yellow toadflax (butter and eggs) (*Linaria vulgaris*) and Johnson grass (*Sorghum Halepense*);

"Primary noxious weed seeds" defined.

(7) "Secondary (restricted), noxious weed seeds" are seeds of weeds which are very objectionable in fields, lawns, or gardens but which can be controlled by good cultural practices including, but subject to additions or subtractions by the director as herein prescribed, the seeds of: Dodder (*Cuscuta* spp.), perennial rag weed (*Ambrosia psilostachya*), poverty weed (deathweed) (*Iva axillaris*), alkali mallow (*Sida hederacea*), corn cockle (*Agrostemma githago*), docks (*Rumex* spp.), sheep sorrel (red sorrel) (*Rumex acetosella*), charlock (wild mustard) (*Brassica kaber*), plantains (*Plantago* spp.), perennial ground cherry (*Physalis longifolia* and *P. subglabrata*), fanweed (*Thlaspi arvense*), yellow starthistle (*Centaurea solstitialis*) perennial nutgrass

"Secondary noxious weed seeds" defined.

(nut sedge) (*Cyperus rotundus*), puncturevine (*Tribulus terrestris*), wild garlic (wild onion) (*Allium vineale*), and St. Johnswort (*Hypericum perforatum*);

"Advertisement," defined.

(8) "Advertisement" means all representations, other than those on the label, disseminated in any manner or by any means relating to seed within the scope of this chapter;

"Label," defined.

(9) "Label" includes labels, tags, invoices and other written, printed or graphic representations in any form whatsoever accompanying and pertaining to seeds whether in bulk or containers;

"Seed grower," defined.

(10) "Seed grower" means one engaged in agricultural or horticultural pursuits who, at the time of signing a petition for a seed control area or at the time of voting on any proposition in connection therewith, is growing vegetable seed crops or has grown them within one year prior thereto;

"Seed contractor," defined.

(11) "Seed contractor" means a person licensed by the state to contract the growing of vegetable seeds;

"Seed families" defined.

(12) "Seed families" means any seed crops which will cross-pollinate; and

"Person," defined.

(13) "Person" includes any individual, firm, corporation, trust, association, co-operative, copartnership, society or other organization of individuals, in any other business unit, device, or arrangement.

Changes in primary and secondary weed seed lists.

SEC. 3. The director may from time to time add to or subtract from said lists of primary and secondary noxious weed seeds whenever he finds any weed seeds do or do not fall within the respective definitions as herein set out. He shall notify all licensed seed dealers of all changes in such lists thirty days before they become effective.

Notification.

Container of seeds offered for sale to bear label.

SEC. 4. Each container of agricultural or vegetable seeds sold, offered for sale or exposed for sale within this state for sowing purposes shall have at-

tached thereto or bear thereon in a conspicuous place a plainly written or printed label in the English language, giving the information hereinafter required. Information required.

SEC. 5. Labels for agricultural seeds shall give: Agricultural seed label.

(1) Commonly accepted name of (a) kind, or (b) kind and variety, or (c) kind and type of each agricultural seed component in excess of five percent of the whole, and the percentage by weight of each in the order of its predominance. Where more than one component is required to be named, the word "mixture" or the word "mixed" shall be shown conspicuously on the label; Kind, variety or type.

(2) Lot number or other lot identification; Lot number. Origin.

(3) Origin, if known, of alfalfa, red clover, and field corn (except hybrid corn). If the origin is unknown, that fact shall be stated;

(4) Percentage by weight of all weed seeds. Rye shall be considered a weed when found in other cereal crop seeds; Percentage by weight of weed seeds.

(5) The name and approximate number of each kind of secondary (restricted) noxious weed seed, per pound, in groups (a), (b) and (c) of this subsection, when present singly or collectively in excess of: Secondary noxious weed seed.

(a) One seed or bulblet in each ten grams of *Argrostis* spp., *Poa* spp., Bermuda grass, timothy, orchard grass, fescues (except tall fescue), alsike and white clover, reed canary grass, and other agricultural seeds of similar size and weight, or mixtures within this group;

(b) One seed or bulblet in each twenty-five grams of rye-grass, tall fescue, millet, alfalfa, red clover, sweet clover, lespedezas, smooth brome, crimson clover, *Brassica* spp., flax, *Agropyron* spp., and other agricultural seeds of similar size and weight, or mixtures within this group, or of this group with (a); or

(c) One seed or bulblet in each one hundred grams of wheat, oats, rye, barley, buckwheat, sorghums, vetches, and other agricultural seeds of a size and weight similar to or greater than those within this group, or any mixtures within this group. All determinations of noxious weed seeds are subject to tolerances and methods of determination prescribed in the rules and regulations issued under the authority of this chapter.

Percentage by weight of agricultural seeds.

(6) Percentage by weight of agricultural seeds other than those required to be named on the label;

Inert matter.

(7) Percentage by weight of inert matter;

Agricultural seeds.

(8) For each named agricultural seed (a) percentage of germination, exclusive of hard seed, (b) percentage of hard seed, if present, and (c) the calendar month and year the test was completed to determine such percentages. Following (a) and (b) the additional statement "total germination and hard seed" may be stated as such, if desired; and

Name and address.

(9) Name and address of the person who labeled said seed, or who sells, offers or exposes for sale said seed within this state.

Vegetable seed label.

SEC. 6. Labels for vegetable seeds shall give:

Kind and variety.

(1) The name of the kind and variety of the seed;

Germination below standard.

(2) For seeds which germinate less than the standard last established by the director, (a) percentage of germination, exclusive of hard seed, (b) the percentage of hard seed, if present, (c) the month and year the test to determine percentages was completed, and (d) the words "below standard";

Secondary noxious weed seeds.

(3) The name and number per pound of secondary (restricted) noxious weed seeds; and

Name and address.

(4) The name and address of the person who labeled said seed, or who sells, offers or exposes the same for sale within this state.

- SEC. 7. It shall be unlawful to sell, offer or expose for sale any agricultural or vegetable seed for seeding purposes within this state:
- (1) Unless the test to determine the percentage of germination shall have been completed within nine months, exclusive of the calendar month in which the test was completed, prior to the sale, offering for sale or exposure for sale; Unlawful to sell seeds.  
Test determining percentage of germination.
- (2) Not labeled as required herein, or having a false or misleading label; No label.
- (3) Pertaining to which there has been a false or misleading advertisement; False advertising.
- (4) Containing primary (prohibited) noxious weed seeds in excess of the tolerance permitted under the rules and regulations; or Primary noxious weed seeds.
- (5) Containing a total of all weed seeds in excess of two percent of the whole by weight: *Provided*, That three percent of cheat, chess or downy brome shall be allowed in grass seed in which these weeds are found. All weed seeds.  
Proviso.
- SEC. 8. It shall be unlawful to detach, alter, deface, or destroy any label required herein or by the rules and regulations made hereunder; to alter or substitute seed in a manner that may defeat the purpose of this chapter; to disseminate any false or misleading advertisement concerning agricultural or vegetable seed; to hinder or obstruct any authorized person in the performance of his duties hereunder; or to fail to comply with a stop sale order. Unlawful to alter label or substitute seed.  
False advertisement.  
Performance of duties hindered.
- SEC. 9. The provisions of sections 4, 5, 6, 7 and 8 of this chapter shall not apply to seed or grain not intended for sowing purposes or to seed stored in or consigned to an establishment for cleaning or processing: *Provided*, That any labeling or advertisement with respect to unclean seed shall be subject to this chapter. Sections no application.  
Proviso.
- SEC. 10. All screenings and other materials removed in the cleaning or processing of agricultural Screenings.

seeds and vegetable seeds which contain primary (prohibited) noxious weed seeds or secondary (restricted) noxious weed seeds are hereby declared to be a menace to agriculture, and unless they are removed from the processing plant under permit as hereinafter provided within twenty days after notice to the owner that they are ready for his disposition, they shall be destroyed by the processor. It shall be unlawful to sell, offer or expose for sale or to give away or use said screenings or other materials for planting or for feeding purposes in Washington: *Provided*, That they may be sold or used for feeding purposes after they have been ground or treated by a method approved by the director which will destroy the viability of the noxious weed seeds to such an extent that farm lands cannot be reinfested by feeding the same to farm animals.

Removal under permit.

Unlawful.

Sold for feeding purposes.

Cleaning establishment required to submit evidence of method.

Certificate of authorization.

Conspicuously placed.

Screenings moved under permit.

Labeled.

Every processing or cleaning establishment desiring to grind or treat screenings to destroy the viability of weed seeds as required herein shall submit evidence satisfactory to the director of the ability of the method selected so to do. After investigation of the adequacy of the method submitted, the director shall issue a certificate of authorization to such processing or cleaning plant to which shall be attached such conditions governing the destruction of weed seeds necessary to protect the agriculture of this state. Such certificate of authorization shall be conspicuously displayed in the place of business for which it is issued.

SEC. 11. Screenings and other materials containing noxious weed seeds and not ground or treated may be moved under permit issued by the director in accordance with rules and regulations made by him, to the farm of the owner or to another cleaning or processing plant for further cleaning or processing, when each container thereof is labeled: "Screenings

containing noxious weed seeds. Unfit for planting or feeding in Washington”.

SEC. 12. The director shall adopt, publish and enforce rules and regulations governing the sampling, inspecting, analyzing and testing of agricultural and vegetable seeds and the tolerance to be allowed, which shall, when local conditions permit, be in general accord with official interstate commerce practice; and shall sample, inspect, analyze and test such seeds as are offered or exposed for sale, sold or transported for sowing purposes whenever he deems it necessary in the performance of his duties. He shall promptly notify the person who offered, sold or transported the same of any violations of law or of said rules and regulations.

Director's duties.  
Rules and regulations.

Sample and test.

Notification of violations.

SEC. 13. The director may enter upon any public or private premises during regular business hours to have access to seeds subject hereto and the rules and regulations hereunder; and may issue and enforce a written or printed stop sale order to the owner or custodian of any lot of agricultural or vegetable seed which he finds or has reason to suspect is in violation of any provision of this chapter or any of the prescribed rules and regulations promulgated under this chapter, which stop sale order shall prohibit further sale of such seed until written permission is given by the director or the superior court. The director shall release the seed subject to the stop sale order when he has evidence that the provisions of the law and rules and regulations promulgated thereunder have been complied with, and all costs and expenses incurred in the stop sale order have been paid. If compliance is not obtained within thirty days, the director shall begin proceedings for condemnation: *Provided, however,* That if after the issuance of the stop sale order, the director finds that such seed does not involve a violation of this chapter, such order shall be forth-

Enter upon premises.

Stop sale order.

Release seed.

Proceedings for condemnation.

Removal of stop sale order.

Appeal from stop sale order.

with removed. Appeal from such order may be taken to a court of competent jurisdiction by the owner or custodian of such seed.

Seed subject to seizure on complaint of director to court.

SEC. 14. Any lot of agricultural or vegetable seed not in compliance with the provisions of this chapter shall be subject to seizure on complaint of the director to a court of competent jurisdiction in the area in which said seed is located. In the event that the court finds said seed to be in violation of this chapter and orders the condemnation of said seed, it shall be disposed of in any manner consistent with the quality of the seed and the laws of this state: *Provided*, That in no instance shall the disposition of said seed be ordered by the court without first giving the claimant an opportunity to apply to the court for release of said seed or for permission to process or relabel said seed to bring it into compliance with this chapter.

Application to court for release of seed.

Temporary or permanent injunction.

SEC. 15. The director is hereby authorized to apply for, and a court is authorized to grant, a temporary or permanent injunction restraining any person from violating or continuing to violate any of the provisions of this chapter or any rule or regulation promulgated under the chapter notwithstanding the existence of other remedies at law.

Minor violations.

SEC. 16. Nothing in this chapter shall be construed as requiring the director or his representative to report for prosecution or for the institution of seizure proceedings as a result of minor violations of the chapter when he believes that the public interest will be best served by suitable notice of warning in writing.

Limitation on damages from administrative action.

SEC. 17. No state court shall allow the recovery of damages from administrative action or for a stop sale order under section 13 if the court finds that there was probable cause for such action.



SEC. 18. In all prosecutions under this chapter involving the composition of a lot of agricultural or vegetable seed, a certified copy of the official analysis signed by the official state seed analyst who made the analysis shall be accepted as prima facie evidence of the composition.

Certified copy of official analysis of seed lot, prima facie evidence.

SEC. 19. It shall be unlawful to represent agricultural or vegetable seed as "certified" unless it has been inspected, graded, and certified by the director or his duly authorized agent, or to sell, offer for sale, or expose for sale, such seed with a blue tag similar in size to the official state certification tag which could be mistaken for an official tag: *Provided*, That imported seed which has been inspected and certified by the proper authorities of the state of its origin, may be designated by the official certification tag of that state, as certified seed, when the seed complies with the rules and regulations of the director.

Unlawful to represent as "certified."

Imported seed.

SEC. 20. The director shall have the authority to:

Director's authority.

(1) Appoint as agents for the purpose of certifying agricultural or vegetable seeds, persons, organizations and associations to assist in said certification;

Appoint agents to assist in certification.

(2) Maintain seed testing facilities, employ qualified persons and incur expenses necessary to operate the same;

Maintain seed testing facilities.

(3) Provide purity analyses and germination tests on samples of seeds, which may be submitted by any interested person;

Provide purity analyses and germination tests.

(4) Adopt rules and regulations governing the performance of said service, fixing the fees to be charged therefor, and determining the number of samples that may be tested for any one person free of charge.

Adopt rules for performance of service; fix fees.

SEC. 21. The director shall adopt and enforce rules and regulations for inspecting, grading, and

Director's duties.

certifying growing crops of agricultural and vegetable seeds, shall inspect, grade and certify them at the request of the grower, and shall fix and collect fees for such service. The methods of making seed analyses and germination tests, shall be designated by the director, such as, but not limited to the "Rules and Methods of Testing" adopted and approved by the association of official seed analysts of North America.

"Rules and Methods of Testing."

Prohibition of use of department name for advertising purposes.

SEC. 22. No person shall, in any manner, use for advertising purposes the name of the Washington state department of agriculture in connection with the sale or distribution of any agricultural or vegetable seeds.

License requirement.

SEC. 23. No person shall engage in selling, dealing in, or importing for sale or distribution, agricultural, or vegetable seeds without having a license to do so for each regular place of business; except that no license shall be required of merchants who sell seeds only in sealed packages of eight ounces or less, packed by licensed seedsmen and bearing the name and address of the licensee nor shall a license be required of any grower selling seeds of his own production exclusively: *Provided*, That such seed sold by such grower must be properly labeled as provided in this chapter. All licenses shall cost ten dollars, shall be issued by the director, shall bear the date of issue, shall expire on December 31st of each year and shall be prominently displayed in each place of business. The director may publish lists of such licenses.

Exception.

License fee.

License expiration.

Written permit to clean seeds.

SEC. 24. It is unlawful for any person to engage in the cleaning of agricultural or vegetable seeds entered by growers for certification under the provisions of this chapter without first having obtained a written permit to do so from the director. Upon application for such a permit, it shall be the duty

of the director to inspect the seed processing facilities of the applicant to determine that the genetic purity and identity of seeds processed in the applicant's plant can be adequately maintained throughout processing operations in order that the seed owner's interests and investment may be adequately protected. Upon finding that the processing facilities are adequate to maintain the genetic purity and identity of seeds, the permit shall be granted and it shall remain in effect as long as the facilities are maintained in the manner required to obtain the permit. Separate permits shall be issued for each regular place of business and shall be conspicuously displayed in the office of such business.

Inspection of processing facilities of applicant.

Permit duration.

Separate permits.

SEC. 25. The director may, through the procedure hereafter set forth, establish seed control areas for the purpose of preventing cross-pollination of vegetable seed plants which threaten to be destructive to agricultural or horticultural pursuits. He may apply such measures and methods as may be necessary to accomplish that purpose and may cooperate with county, state and federal agencies to that end.

Seed control areas.

SEC. 26. Not less than twenty-five vegetable seed growers producing a seed crop of the same family, and not less than three seed contractors within a county, may petition the director to establish a seed control area, describing its boundaries and giving the reasons therefor, and if such action appears to be in the public interest, the director may order a notice of public hearing to be published in one or more newspapers local to the area, at least once each week for three consecutive weeks prior to the hearing. Upon the hearing, at which all pertinent evidence shall be heard, the director may order any area within the county declared to be a seed control area and it shall remain such until the order is canceled by the director when he deems it in the best interest of the public.

Petition to establish seed control area.

Notice of public hearing.

Order establishing area.

Permit needed  
in seed control  
area.

SEC. 27. No person shall plant, cultivate, harvest, or contract for any vegetable seed within a seed control area, except upon permit granted by the county horticulturist. The permit shall be granted when, in the judgment of the horticulturist, no cross-pollination will result.

Director's duty  
and power to  
carry out  
provisions.

SEC. 28. It shall be the duty of the director to enforce and carry out the provisions of this chapter. The director shall be empowered to adopt such reasonable rules and regulations as may be deemed necessary to secure the efficient enforcement of this chapter after public hearing. Notice of such hearing shall be given by publication of notice in a newspaper of general circulation at least ten days prior to the date of the hearing. The notice shall state the date, time and place of the hearing and a brief summary of the regulation the director intends to promulgate.

Notice of  
hearing.

Violation, gross  
misdemeanor.

SEC. 29. Any person convicted of violating any of the provisions of this chapter or the rules and regulations issued thereunder, or shall impede, obstruct, hinder, or otherwise prevent or attempt to prevent the director or his duly authorized agent in the performance of his duty in connection with the provisions of this chapter, shall be adjudged guilty of a gross misdemeanor and shall be fined not less than fifty dollars, nor more than one hundred dollars, for the first violation, and not less than two hundred fifty dollars, nor more than five hundred dollars, for subsequent violations.

Penalty.

Not subject  
to penalties.

SEC. 30. No person shall be subject to the penalties of this chapter for having sold, offered for sale or exposed for sale, agricultural or vegetable seeds which were incorrectly labeled or misrepresented as to kind, variety, type, or origin and which cannot be identified by examination, if he possesses an invoice or a declaration from a seller or grower within

the jurisdiction of the courts of this state, giving kind, or kind and variety, or kind and type, and origin, if required, and if he has taken such other precautions necessary to insure the identity to be that stated.

SEC. 31. All moneys collected under this chapter shall be paid into a special fund which is hereby created in the state treasury and designated the "seed fund," which shall be expended for necessary expenses hereunder. Moneys in the seed fund created by RCW 15.48.230 at the time of the effective date of this chapter shall be transferred to and shall constitute a part of the fund herein created.

"Seed fund" created.

Fund transferred.

SEC. 32. No criminal prosecution under this chapter shall be instituted without giving the defendant an opportunity to appear before the director to introduce evidence at a private hearing. If after hearing, or without hearing if the accused fails to appear, the director is of the opinion that the evidence warrants prosecution he shall institute proceedings or file the evidence with the attorney general with the view of prosecution.

Prerequisite to criminal prosecution.

SEC. 33. The prosecuting attorneys within their respective counties or the attorney general shall institute and prosecute actions under this chapter when in their opinion the evidence submitted warrants such action.

Institution of actions.

SEC. 34. After judgment by the court in any case arising under this chapter, the director shall publish in any media he may designate any information pertinent to the issuance of such judgment.

Information published.

SEC. 35. If any clause, sentence, paragraph, or part of this chapter is for any reason judged invalid by any court of competent jurisdiction, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operations to the clause, sentence, paragraph, or part

Invalidity.

thereof directly involved in the controversy in which such judgment shall have been rendered.

Legislative declaration.

SEC. 36. The legislature hereby declares that it intended to pass each section and subsection of this chapter irrespective of every other section or subsection, sentence, clause or phrase thereof, and instructs all courts that such is its intention, and that such intention should be given effect.

SEC. 37. Sections 1, 2, 5 through 38, chapter 56, Laws of 1941, chapter 248, Laws of 1943, chapter 64, Laws of 1943 and chapter 15.48 RCW are repealed.

Passed the House February 23, 1955.

Passed the Senate March 8, 1955.

Approved by the Governor March 17, 1955.

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CHAPTER 234.

[ H. B. 482. ]

RETIREMENT SYSTEMS—TRANSFER FROM STATE TEACHERS' TO STATE EMPLOYEES'.

AN ACT relating to authorization of certain employees to transfer from the state teachers' retirement system to the state employees' retirement system; and amending section 1, chapter 202, Laws of 1953 and RCW 41.32.495.

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

Amendment.

SECTION 1. Section 1, chapter 202, Laws of 1953 and RCW 41.32.495 are each amended to read as follows:

Authorization to transfer from state teachers' retirement system to state employees' retirement system.

Any public employee of an employer within the jurisdiction of the state employees' retirement system who is a member of the Washington state teachers' retirement system and who is not employed by a school district, state school, or a college of education in a teaching capacity in the public schools of the state as a superintendent, principal, teacher, professor, instructor, or a related capacity may transfer

such membership to the state employees' retirement system by written request filed with the secretary-manager and the executive secretary, respectively, of the two systems. Upon the receipt of such request, the transfer of membership to the state employees' retirement system shall be made, together with a transfer of all accumulated contributions credited to such member, and the secretary-manager of the teachers' retirement system shall transmit to the executive secretary of the state employees' retirement system a record of service credited to such member which shall be computed and credited to such member in the state employees' retirement system in the same manner as prior service together with a transfer from the teachers' pension reserve fund of a sum sufficient to pay into the employees' retirement system the employers' contribution from the period beginning April 1, 1949, to the date of the transfer, or so much thereof that may be necessary to establish the employee to all rights, benefits and privileges that he would have been entitled to had he been a member of the state employees' retirement system from the beginning of his employment or his eligibility: *Provided*, That the right of any employee to file a written request for transfer of membership as set forth herein shall expire June 30, 1956.

Written request.

Transfer of accumulated contributions.

Record of service.

Right to file request for transfer expires June 30, 1956.

SEC. 2. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Invalidity.

Passed the House February 19, 1955.

Passed the Senate March 8, 1955.

Approved by the Governor March 17, 1955.

CHAPTER 235.

[ H. B. 664. ]

STATUTE LAW COMMITTEE.

AN ACT relating to the statute law committee; and amending sections 1, 2, 11, 12, and 14, chapter 257, Laws of 1953 and RCW 1.08.001, 1.08.003, 1.08.037, 1.08.038, and 1.08.039, and amending sections 8 and 15, chapter 157, Laws of 1951 and RCW 1.08.017 and 1.08.033; and adding a new section to chapter 157, Laws of 1951 and to chapter 1.08 RCW; and declaring an emergency.

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

Amendment.

SECTION 1. Section 1, chapter 257, Laws of 1953 and RCW 1.08.001 are each amended to read as follows:

Permanent statute law committee. Membership.

There is created a permanent statute law committee consisting of ten lawyer members as follows: A lawyer member of the legislative council, ex officio, designated by the speaker of the house of representatives, but if there is no such lawyer member, then an additional lawyer member of the house judiciary committee shall be so appointed; the librarian of the state law library, ex officio; the chairman of the senate judiciary committee, ex officio, and one other member thereof who belongs to the other major political party, to be appointed by the chairman; the chairman of the house judiciary committee, ex officio, and one other member thereof who belongs to the other major political party, to be appointed by the chairman; three lawyers admitted to practice in this state, designated by the board of governors of the Washington State Bar Association; a lawyer member at large appointed by the governor. All such designations or appointments, shall except as provided in RCW 1.08.003, be made as above provided prior to April 1, 1955.

Designations or appointments shall be made prior to April 1, 1955.

Amendment.

SEC. 2. Section 2, chapter 257, Laws of 1953 and RCW 1.08.003 are each amended to read as follows:



The terms of the members designated by the State Bar Association, shall be for six years. The term of the governor's appointee shall be four years. The term of the senate and house judiciary committee members shall be two years, from April 1 following the adjournment of the regular session of the legislature in each odd-numbered year starting in 1955 and to and including the 31st day of March in the succeeding odd-numbered year.

Terms of members.

The term of any ex officio member, other than senate and house judiciary committee members shall expire upon expiration of tenure of the position by virtue of which he is a member of the committee. Vacancies shall be filled by designation, appointment, or ex officio in the same manner as for the member so vacating, and if a vacancy results other than from expiration of a term, the vacancy shall be filled for the unexpired term.

Vacancies.

Of the members to be designated by the Washington State Bar Association, the current term of the four year designee whose present term would expire March 31, 1957, shall be redesignated for the term ending March 31, 1957. Of the other two members to be designated, the term of one of such designees shall end March 31, 1959, and the other, March 31, 1961.

Terms of members designated by Washington State Bar Association.

SEC. 3. Section 8, chapter 157, Laws of 1951 and RCW 1.08.017 are each amended to read as follows:

Amendment.

The reviser may omit from the code all titles to acts, enacting and repealing clauses, preambles, declarations of emergency, and validity and construction sections unless, in a particular instance, it may be necessary to retain such to preserve the full intent of the law. The omission of validity or construction sections is not intended to, nor shall it change, or be considered as changing, the effect to be given thereto in construing legislation of which such validity and construction sections were a part. Any section so

Authority given revisor.

Effect.

Annotation. omitted, other than repealing, emergency, or validity provisions, shall be referred to or set forth as an annotation to the applicable sections of the act as codified.

New section. SEC. 4. There is added to chapter 157, Laws of 1951, a new section, 12a, (and to chapter 1.08 RCW) to read as follows:

No opinion on constitutionality required. Neither the reviser nor any member of his staff shall be required to furnish any written opinion as to the validity or constitutionality of any proposed legislation, which he may be requested to draft or prepare, nor shall any member of the committee be required to pass upon the constitutionality of any matter submitted to it for consideration.

Amendment. SEC. 5. Section 15, chapter 157, Laws of 1951 and RCW 1.08.033 are each amended to read as follows:

Facilities for reviser and staff. The department of public institutions shall provide suitable office and storage space and facilities for the reviser and his staff at Olympia, at a location convenient to the legislature and to the state law library.

Amendment. SEC. 6. Section 14, chapter 257, Laws of 1953 and RCW 1.08.037 are each amended to read as follows:

Committee formulates specifications. The committee shall from time to time formulate specifications relative to the format, size and style of type, paper stock, number of volumes, method and quality of binding, contents, indexing, and general scope and character of footnotes, and annotations, if any, for any publication for general use of the revised code and supplements thereto. No such publication or the contents thereof, other than such temporary edition as may expressly be authorized by the legislature, shall be received as evidence of the laws of this state unless it complies with such specifications of the committee as are current at the time of publication, including compliance with the section numbering adopted by the reviser under supervision

Necessity of compliance with committee specifications.

of the statute law committee. If a publication complies with such specifications, the committee shall furnish a certificate of such compliance, executed on behalf of the committee by its chairman, to the publisher, and the certificate shall be reproduced at the beginning of each such volume or supplement.

Certificate of compliance.

Upon request of any publisher in good faith interested in publishing said code, the committee shall furnish a copy of its current specifications and shall not during the process of any bona fide publication of said code or supplements modify any such specifications, if such modification would result in added expense or material inconvenience to the publisher, without written concurrence therein by such publisher.

Modification of specifications.

SEC. 7. Section 11, chapter 257, Laws of 1953 and RCW 1.08.038 are each amended to read as follows:

Amendment.

The statute law committee shall publish, sell and distribute, and arrange for the publication, sale and distribution of the Revised Code of Washington and of supplements thereto and of such other materials as in their discretion may be incorporated in or appended to the code. They may republish, reprint or authorize the republishing or reprinting of the code or any portion thereof.

Committee shall arrange for publication, sale, and distribution of Revised Code of Washington.

SEC. 8. Section 12, chapter 257, Laws of 1953 and RCW 1.08.039 are each amended to read as follows:

Amendment.

The committee may enter into contracts or otherwise arrange for the publication and/or distribution, provided for in RCW 1.08.038, with or without calling for bids, by the public printer or by private printer, upon specifications formulated under the authority of RCW 1.08.037, and upon such basis as the committee deems to be most expeditious and economical. Any such contract may be upon such terms as the committee deems to be most advantageous to the state and to potential purchasers

Committee contracts on most expeditious and economical basis.

Terms and prices of publications.

of such publications. The committee shall fix terms and prices for such publications.

Legislative members entitled to set of Code.

SEC. 9. Each member of the legislature, who has not received a set of the Revised Code of Washington under the provisions of section 9, chapter 155, Laws of 1951, or section 16, chapter 257, Laws of 1955, or this section, shall be entitled to receive one set of the code without charge. All persons receiving codes under the provisions of this section or the sections above referred to shall be entitled to receive supplements to the code free of charge, during their term of office as a member or officer of the legislature: *Provided*, That legislative appropriation has been made for the purpose of supplying such codes and supplements.

Free supplements during office term.

Proviso.

Invalidity.

SEC. 10. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Emergency.

SEC. 11. 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 February 27, 1955.

Passed the Senate March 8, 1955.

Approved by the Governor March 17, 1955.

## CHAPTER 236.

[ H. B. 695. ]

## PUBLIC IMPROVEMENTS—CONTRACTS—LIENS.

AN ACT relating to contracts for public improvements; amending sections 1 and 2, chapter 166, Laws of 1921 and RCW 60.28.010 and 60.28.020; amending section 3, chapter 166, Laws of 1921 as last amended by section 1, chapter 241, Laws of 1927 and RCW 60.28.030; amending chapter 166, Laws of 1921 by adding thereto three new sections to be known as sections 4, 5, and 6; repealing section 27, chapter 228, Laws of 1949 and RCW 82.32.250, and declaring an emergency.

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

SECTION 1. Section 1, chapter 166, Laws of 1921 and RCW 60.28.010 are each amended to read as follows:

Amendment.

Contracts for public improvements or work by the state, or any county, city, town, district, board, or other public body, shall provide, and there shall be reserved from the moneys earned by the contractor on estimates during the progress of the improvement or work, a sum equal to fifteen percent of such estimates, said sum to be retained by the state, county, city, town, district, board, or other public body, as a trust fund for the protection and payment of any person or persons, mechanic, subcontractor or materialman who shall perform any labor upon such contract or the doing of said work, and all persons who shall supply such person or persons or subcontractors with provisions and supplies for the carrying on of such work, and the state with respect to taxes imposed pursuant to Title 82, RCW which may be due from such contractor. Said fund shall be retained for a period of thirty days following the final acceptance of said improvement or work as completed, and every person performing labor or furnishing supplies toward the completion of said improvement or work shall have a lien upon said

Contracts for public improvements shall provide reserve fund equal to fifteen per cent of estimate.

Fund retained thirty days following final acceptance.

Lien.

Notice of  
lien given.

fund so reserved, provided such notice of the lien of such claimant shall be given in the manner and within the time provided in RCW 39.08.030 through 39.08.060 as now existing and in accordance with any amendments that may hereafter be made thereto:

Contract price  
exceeding two  
hundred thou-  
sand dollars.

*Provided, however,* That where in any improvement or work the contract price shall exceed two hundred thousand dollars, but ten percent shall be reserved on estimates in excess of said sum or where the aggregate of previous estimates equals or exceeds said amount. The provisions of this act shall be deemed exclusive and shall supersede all provisions and regulations in conflict herewith.

Supersede.

Amendment.

SEC. 2. Section 2, chapter 166, Laws of 1921 and RCW 60.28.020 are each amended to read as follows:

Reserve return  
to contractor.

After the expiration of the thirty day period, and after receipt of the tax commission's certificate, the reserve in excess of a sum sufficient to discharge the taxes certified as due or to become due by the tax commission, and the claims of materialmen and laborers who have filed their claims, together with a sum sufficient to defray the cost of foreclosing the liens of such claims, and to pay attorneys' fees, shall be paid to the contractor.

Amendment.

SEC. 3. Section 3, chapter 166, Laws of 1921 as last amended by section 1, chapter 241, Laws of 1927 and RCW 60.28.030 are each amended to read as follows:

Action to fore-  
close lien; time  
of filing.

Any person, firm, or corporation filing a claim against the reserve fund shall have four months from the time of the filing thereof in which to bring an action to foreclose the lien. The lien shall be enforced by action in the superior court of the county where filed, and shall be governed by the laws regulating the proceedings in civil actions touching the mode and manner of trial and the proceedings and laws to secure property so as to hold it for the satisfaction of any lien against it: *Provided,* That the

Enforcement  
of lien.

public body shall not be required to make any detailed answer to any complaint or other pleading but need only certify to the court the name of the contractor; the work contracted to be done; the date of the contract; the date of completion and final acceptance of the work; the amount retained; the amount of taxes certified due or to become due to the state; and all claims filed with it showing respectively the dates of filing, the names of claimants, and amounts claimed. Such certification shall operate to arrest payment of so much of the funds retained as is required to discharge the taxes certified due or to become due and the claims filed in accordance with this act. If a claimant fails to bring action to foreclose his lien within the four months period, the reserve fund shall be discharged from the lien of his claim and the funds shall be paid to the contractor. The four months limitation shall not, however, be construed as a limitation upon the right to sue the contractor or his surety where no right of foreclosure is sought against the fund.

Answer of public body.

Failure to bring action to foreclose.

Construal of four month limitation.

SEC. 4. Chapter 166, Laws of 1921 is amended by adding thereto a new section to be known as section 4.

New section.

The amount of all taxes, increases and penalties due or to become due under Title 82, RCW from a contractor or his successors or assignees with respect to a public improvement contract wherein the contract price is five thousand dollars or more shall be a lien prior to all other liens upon the amount of the retained percentage withheld by the disbursing officer under such contract, and the amount of all other taxes, increases and penalties due and owing from the contractor shall be a lien upon the balance of such retained percentage remaining in the possession of the disbursing officer after all other statutory lien claims have been paid.

Priority of liens.

Amendment.

SEC. 5. Chapter 166, Laws of 1921 is amended by adding thereto a new section to be known as section 5.

Notification to tax commission upon final acceptance of contract.

Upon final acceptance of a contract, the state, county or other municipal officer charged with the duty of disbursing or authorizing disbursement or payment of such contracts shall forthwith notify the tax commission of the completion of said contract. Such officer shall not make any payment from the retained percentage fund to any person, until he has received from the tax commission a certificate that all taxes, increases and penalties due from the contractor, and all taxes due and to become due with respect to such contract have been paid in full or that they are, in the commission's opinion, readily collectible without recourse to the state's lien on the retained percentage.

Certificate from tax commission before payment.

New section.

SEC. 6. Chapter 166, Laws of 1921 is amended by adding thereto a new section to be known as section 6.

Tax commission may request payment in accordance with priority under act.

If within thirty days after receipt of notice by the tax commission of the completion of the contract, the amount of all taxes, increases and penalties due from the contractor or any of his successors or assignees or to become due with respect to such contract have not been paid, the tax commission may certify to the disbursing officer the amount of all taxes, increases and penalties due from the contractor, together with the amount of all taxes due and to become due with respect to the contract and may request payment thereof to the tax commission in accordance with the priority provided by this act. The disbursing officer shall within ten days after receipt of such certificate and request pay to the tax commission the amount of all taxes, increases and penalties certified to be due or to become due with respect to the particular contract, and, after payment of all claims which by statute are a lien



upon the retained percentage withheld by the disbursing officer, shall pay to the tax commission the balance, if any, or so much thereof as shall be necessary to satisfy the claim of the tax commission for the balance of all taxes, increases or penalties shown to be due by the certificate of the tax commission. If the contractor owes no taxes imposed pursuant to Title 82, RCW, the tax commission shall so certify to the disbursing officer. No taxes owed.

SEC. 7. Section 27, chapter 228, Laws of 1949 and RCW 82.32.250 are each hereby repealed. Repeal.

SEC. 8. If any section, provision or part of this act shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of this act as a whole or any section, provision or part hereof not adjudged invalid or unconstitutional. Invalidity.

SEC. 9. This act is necessary for the immediate support of state government and its existing public institutions, and shall take effect immediately. Effect immediately.

Passed the House March 1, 1955.

Passed the Senate March 7, 1955.

Approved by the Governor March 17, 1955.

CHAPTER 237.

[ S. B. 102. ]

PUBLIC NUISANCES—EXCAVATIONS.

AN ACT relating to public nuisances; declaring certain excavations to be public nuisances; and amending section 1, chapter 14, Laws of 1895 and RCW 7.48.140.

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

Amendment.

SECTION 1. Section 1, chapter 14, Laws of 1895 and RCW 7.48.140 are each amended to read as follows:

Constitute public nuisance.

It is a public nuisance:

Cause or suffer deposit of noisome substance.

(1) To cause or suffer the carcass of any animal or any offal, filth, or noisome substance to be collected, deposited, or to remain in any place to the prejudice of others;

Deposit offensive matter in water course or public highway.

(2) To throw or deposit any offal or other offensive matter, or the carcass of any dead animal, in any watercourse, stream, lake, pond, spring, well, or common sewer, street, or public highway, or in any manner to corrupt or render unwholesome or impure the water of any such spring, stream, pond, lake, or well, to the injury or prejudice of others;

Obstruct water passage.

(3) To obstruct or impede, without legal authority, the passage of any river, harbor, or collection of water;

Obstruct public highways.

(4) To obstruct or encroach upon public highway, private ways, streets, alleys, commons, landing places, and ways to burying places;

Manufacture of highly explosive substances.

(5) To carry on the business of manufacturing gun powder, nitroglycerine, or other highly explosive substance, or mixing or grinding the materials therefor, in any building within fifty rods of any valuable building erected at the time such business may be commenced;

Establish powder magazines.

(6) To establish powder magazines near incorporated cities or towns, at a point different from that appointed by the corporate authorities of such

city or town; or within fifty rods of any occupied dwelling house;

(7) To erect, continue, or use any building, or other place, for the exercise of any trade, employment, or manufacture, which, by occasioning obnoxious exhalations, offensive smells, or otherwise is offensive or dangerous to the health of individuals or of the public;

Use building which by offensive smells is offensive to public.

(8) To suffer or maintain on one's own premises, or upon the premises of another, or to permit to be maintained on one's own premises, any place where wines, spirituous, fermented, malt, or other intoxicating liquors are kept for sale or disposal to the public in contravention of law;

Intoxicating liquors kept in contravention of law.

(9) For an owner or occupier of land, knowing of the existence of a well, septic tank, cesspool, or other hole or excavation ten inches or more in width at the top and four feet or more in depth, to fail to cover, fence or fill the same, or provide other proper and adequate safeguards: *Provided*, That this section shall not apply to a hole one hundred square feet or more in area or one that is open, apparent, and obvious.

Failure to cover, fill or fence excavations, wells, etc.

No application.

Every person who has the care, government, management, or control of any building, structure, powder magazine, or any other place mentioned in this section shall, for the purposes of this section, be taken and deemed to be the owner or agent of the owner or owners of such building, structure, powder magazine or other place, and, as such, may be proceeded against for erecting, contriving, causing, continuing, or maintaining such nuisance.

Owner or agent of, under act.

Passed the Senate February 2, 1955.

Passed the House March 6, 1955.

Approved by the Governor March 17, 1955.

CHAPTER 238

[ S. B. 185. ]

WASHINGTON STATE UNIFORM FLUID MILK ACT.

AN Act relating to fluid milk, fluid milk products and dairy products intended or used as such for human consumption; amending the "Washington State Fluid Milk Act;" amending sections 1, 3, 4, 6 and 7, chapter 168, Laws of 1949, and RCW sections 15.36.010 through 15.36.060, 15.36.080, 15.36.090, 15.36.110 and 15.36.120 through 15.36.460; repealing section 1, chapter 90, Laws of 1943, sections 1, 11, 13, 41 and 59, chapter 192, Laws of 1919, section 6, chapter 213, Laws of 1929, and section 20, chapter 168, Laws of 1949, section 59, chapter 192, Laws of 1919, and RCW 15.32.320; and enacting RCW sections 15.32.010 through 15.32.050, 15.32.290, 15.32.300, 15.32.690, and 15.32.390.

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

Divided and amended.

SECTION 1. Section 1, chapter 168, Laws of 1949 (heretofore divided and codified in RCW 15.36.010, 15.36.020, 15.36.030, 15.36.040, 15.36.050 and 15.36.060) is divided and amended as set forth in sections 2, 3, 4, 5, 6 and 7 of this chapter.

SEC. 2. (RCW 15.36.010) For the purpose of this chapter, terms shall apply as herein defined unless the context clearly indicates otherwise.

"Milk" defined.

"Milk" is the whole unadulterated lacteal secretion obtained by the complete milking of one or more healthy cows, excluding that obtained within ten days before and seven days after calving, or such longer period as may be necessary to render the milk colostrum free; which milk contains not less than eight and one-quarter percent milk solids not fat, and not less than three and one-half percent milk fat: *Provided*, That nothing in this chapter shall prohibit the sale to creameries, cheese factories, milk plants, or milk distributors of the whole unadulterated milk from any healthy cow whose milk tests below the standards herein fixed.

Proviso.

"Milk fat" or "butter fat" is the fat of milk.

"Cream," "light cream," "coffee cream" or "table

"Milkfat" defined.  
"Cream" defined.

cream" is a portion of milk which contains not less than twenty percent milk fat.

"Sour cream" is cream the acidity of which is more than two-tenths percent, expressed as lactic acid. "Sour cream" defined.

"Whipping cream" is cream which contains not less than thirty percent milk fat. "Whipping cream" defined.

"Half and half" is a product consisting of a mixture of milk and cream homogenized which contains not less than eleven and one-half percent milk fat. "Half and half" defined.

"Reconstituted," or "recombined half and half" is a product resulting from the combination of reconstituted milk or reconstituted skim milk with cream or reconstituted cream homogenized, which contains not less than eleven and one-half percent milk fat. "Reconstituted" defined.

"Concentrated milk" is a fluid product unsterilized and unsweetened, resulting from the removal of a considerable portion of water from milk. When recombined with water, in accordance with instructions printed on the container, the resulting product shall conform with the standards for milk fat and solids-not-fat for milk as defined herein. "Concentrated milk" defined.

"Concentrated milk products" shall be taken to mean and to include homogenized concentrated milk, vitamin D concentrated milk, concentrated skim milk, concentrated flavored milk, concentrated flavored drink, and similar concentrated products made from concentrated milk or concentrated skim milk, as the case may be, and which, when recombined with water in accordance with instructions printed on the container, conform with the definitions of the corresponding milk products in this section. "Concentrated milk products" defined.

"Dry milk" is milk from which at least ninety-five percent of the water has been removed, and which is used for fortification of milk products defined in this chapter. "Dry milk" defined.

"Skim milk" is milk from which a sufficient portion of the milk fat has been removed to reduce its "Skim milk" defined.

milk fat content to less than three and one-half percent.

"Defatted milk" defined.

"Defatted milk," "nonfat," or "fat-free," is skim milk which contains not more than twenty-five one-hundredths of one percent milk fat.

"Skim milk solids" defined.

"Skim milk solids" shall be deemed to include concentrated skim milk and nonfat dry milk solids.

"Nonfat dry milk solids" defined.

"Nonfat dry milk solids" shall mean nonfat milk from which at least ninety-five percent of the water has been removed and which is used for fortification of milk products defined in this chapter.

"Flavored milk" defined.

"Flavored milk" is a beverage or confection consisting of milk to which has been added a syrup or flavor made from wholesome ingredients.

"Flavored drink" defined.

"Flavored drink," or "flavored dairy drink" is a beverage or confection consisting of skim milk to which has been added a syrup or flavor made from wholesome ingredients.

"Flavored reconstituted milk" defined.

"Flavored reconstituted milk" is a flavored milk made from reconstituted milk.

"Flavored reconstituted drink" defined.

"Flavored reconstituted drink," or "flavored reconstituted dairy drink" is a flavored drink made from reconstituted skim milk.

"Buttermilk" defined.

"Buttermilk" is a fluid product resulting from the churning of milk or cream. It contains not less than eight and one-quarter percent milk solids-not-fat.

"Cultured buttermilk" defined.

"Cultured buttermilk" is a fluid product resulting from the souring or treatment, by a lactic acid or other culture, of pasteurized skim milk or pasteurized reconstituted skim milk. It contains not less than eight and one-quarter percent milk solids-not-fat.

"Cultured milk" defined.

"Cultured milk" is a fluid or semifluid product resulting from the souring or treatment, by a lactic acid or other culture, or pasteurized milk, pasteurized reconstituted milk or pasteurized concentrated milk. It contains not less than eight and one-quarter percent milk solids-not-fat and not less than three and one-half percent milk fat.

“Vitamin D milk” is milk the vitamin D content of which has been increased by a method approved by the director to at least four hundred United States pharmacopoeia units per quart.

“Vitamin D milk” defined.

“Fortified milk” is milk, other than vitamin D milk, the vitamin or mineral content of which has been increased by a method and in an amount approved by the director. “Fortified milk products” are those milk products defined in this chapter, other than vitamin D milk products, the vitamin or mineral content of which has been increased by a method and in an amount approved by the director, and to which skim milk solids may or may not have been added. The label shall contain the word “fortified” and shall show clearly the amount and source of each vitamin or mineral added.

“Fortified milk” defined.

“Fortified milk products” defined.

“Reconstituted,” or “recombined” milk is a product resulting from the recombining of milk constituents with water, and which complies with the standards for milk fat and solids-not-fat of milk as defined herein. “Reconstituted,” or “recombined cream” is a product resulting from the combination of dried cream, butter, or milk fat with cream, milk, skim milk, or water, and which complies with the milk fat standards of cream.

“Reconstituted milk” defined.

“Recombined cream” defined.

“Reconstituted,” or “recombined” skim milk is a product which results from the recombining of skim milk constituents with water, and which contains not less than eight and one-quarter percent milk solids-not-fat.

“Reconstituted skim milk” defined.

“Goat milk” is the lacteal secretion, free from colostrum, obtained by the complete milking of healthy goats, and shall comply with all the requirements of this chapter. The word “cow” shall be interpreted to include “goats.”

“Goat milk” defined.

“Homogenized milk” is milk which has been treated in such manner as to insure breakup of the fat globules to such an extent that after forty-eight

“Homogenized milk” defined.

hours storage no visible cream separation occurs on the milk and the fat percentage of the top one hundred milliliters of milk in a quart bottle, or of proportionate volumes in containers of other sizes, does not differ by more than ten percent of itself from the fat percentage of the remaining milk as determined after thorough mixing. The word "milk" shall be interpreted to include "homogenized milk."

"Milk" includes.

"Milk products" defined.

"Milk products" means and includes cream, sour cream, whipping cream, half and half, reconstituted half and half, concentrated milk products, skim milk, nonfat milk, flavored milk, flavored drink, flavored reconstituted milk, flavored reconstituted drink, goat milk, vitamin D milk, buttermilk, cultured buttermilk, cultured milk, fortified milk, reconstituted or recombined milk, and cream, or skim milk, and any other products made by the addition of any substance to milk or any of these products and used for similar purposes and designated as a milk product by the director.

"Pasteurization" defined.

SEC. 3. (RCW 15.36.020) "Pasteurization," "pasteurize" and similar terms, refer to the process of heating every particle of milk or milk products to at least one hundred forty-three degrees Fahrenheit, and holding at such temperature for at least thirty minutes, or to at least one hundred sixty-one degrees Fahrenheit, and holding at such temperature for at least fifteen seconds in approved and properly operated equipment under the provisions of this chapter: *Provided*, That nothing contained in this definition shall be construed as disbarring any other process which has been demonstrated to be equally efficient and which is approved by the director.

Proviso.

Enacted without amendment.

"Adulterated and misbranded milk and milk products" defined.

SEC. 4. (RCW 15.36.030) "Adulterated and misbranded milk and milk products." Any milk to which water has been added, or any milk or milk product which contains any unwholesome substance, or which if defined in this chapter does not conform with its



definition, shall be deemed adulterated. Any milk or milk products which carries a grade label unless such grade label has been awarded by the director and not revoked, or which fails to conform in any other respect with the statements on the label, shall be deemed to be misbranded.

SEC. 5. (RCW 15.36.040) A "milk producer" is any person or organization who owns or controls one or more cows a part or all of the milk or milk products from which is sold or offered for sale.

"Milk producer" defined.

A "milk distributor" is any person who offers for sale or sells to another any milk or milk products for human consumption as such and shall include a milk producer selling or offering for sale milk or milk products at the dairy farm.

"Milk distributor" defined.

A "dairy" or "dairy farm" is any place or premises where one or more cows are kept, a part or all of the milk or milk products from which is sold or offered for sale.

"Dairy" defined.

A "milk hauler" is any person, other than a milk producer or a milk plant employee, who transports milk or milk products to or from a milk plant or a collecting point.

"Milk hauler" defined.

A "milk plant" is any place, premises or establishment where milk or milk products are collected, handled, processed, stored, bottled, pasteurized, or prepared for distribution, except an establishment where milk or milk products are sold at retail only.

"Milk plant" defined.

SEC. 6. (RCW 15.36.050) "Average bacterial plate count," and the "average direct microscopic count," mean the logarithmic average, and "average reduction time" and "average cooling temperature" mean the arithmetic average of the respective results of the last four consecutive samples, taken upon separate days.

Enacted without amendment.

"Average bacterial plate count" defined.

SEC. 7. (RCW 15.36.060) The word "person" means any individual, partnership, firm, corporation, company, trustee, or association.

"Person" defined.

"Director"  
defined.

"Director" means the director of agriculture of the state of Washington or his duly authorized representative.

"Health officer"  
defined.

"Health officer" means the county or city health officer as defined in Title 70, or his authorized representatives.

Use of  
"and/or."

Where the term "and/or" is used "and" shall apply where possible, otherwise "or" shall apply.

Amendment.

SEC. 8. Section 3, chapter 168, Laws of 1949 and RCW 15.36.080 are each amended to read as follows:

Unlawful  
without appropriate permit.

It shall be unlawful for any person to transport, or to sell, or offer for sale, or to have in storage where milk or milk products are sold or served, any milk or milk product defined in this chapter, who does not possess an appropriate permit from the director or an authorized inspection service as defined in this chapter.

Permit to  
operate.

Every milk producer, milk distributor, milk hauler, and operator of a milk plant shall secure a permit to conduct such operation as defined in this chapter. Only a person who complies with the requirements of this chapter shall be entitled to receive and retain such a permit. Permits shall not be transferable with respect to persons and/or locations.

Permits not  
transferable.

Temporary  
suspension  
of permit.

Such a permit may be temporarily suspended by the director or health officer of a milk inspection unit upon violation by the holder of any of the terms of this chapter, or for interference with the director or health officer of a milk inspection unit in the performance of his duties, or revoked after an opportunity for a hearing by the director upon serious or repeated violations.

Revocation  
of permit.

Amendment.

SEC. 9. Section 4, chapter 168, Laws of 1949 and RCW 15.36.090 are each amended to read as follows:

Containers  
marked or  
labeled.

All bottles, cans, packages, and other containers, enclosing milk or any milk product defined in this chapter shall be plainly labeled or marked with (1) the name of the contents as given in the definitions

Information  
on label.

of this chapter; (2) the grade of the contents; (3) the word "pasteurized" only if the contents have been pasteurized; (4) the word "raw" only if the contents are raw; (5) the name of the producer if the contents are raw, and the identity of the plant at which the contents were pasteurized if the contents are pasteurized; (6) the phrase "for pasteurization" if the contents are to be pasteurized; (7) in the case of vitamin D milk the designation "vitamin D milk," the source of the vitamin D and the number of units per quart; (8) the word "reconstituted" or "recombined" if included in the name of the product as defined in this chapter; (9) in the case of concentrated milk or milk products the volume or proportion of water to be added for recombining; (10) the words "skim milk solids added," and the percentage added if such solids have been added, except that this requirement shall not apply to reconstituted or recombined milk or milk products: *Provided*, That only the identity of the producer shall be required on cans delivered to a milk plant which receives only raw milk for pasteurization and which immediately dumps, washes, and returns the cans to the producer.

Identity on cans of raw milk for pasteurization.

The label or mark shall be in letters of a size, kind, and color approved by the director and shall contain no marks or words which are misleading.

Label size, kind, and color.

SEC. 10. Section 6, chapter 168, Laws of 1949 and RCW 15.36.110 are each amended to read as follows:

Amendment.

During each six months period at least four samples of milk and cream from each dairy farm and each milk plant shall be taken on separate days and examined by the director: *Provided*, That in the case of raw milk for pasteurization the director may accept the results of nonofficial laboratories which have been officially checked periodically and found satisfactory. Samples of other milk products may be taken and examined by the director as often as he deems necessary. Samples of milk and milk

Milk samples from dairy farms and milk plants.

Milk samples from stores, cafes, etc.

Laboratory tests to conform to procedures of "Standard Methods for the Examination of Dairy Products."

products from stores, cafes, soda fountains, restaurants, and other places where milk or milk products are sold shall be examined as often as the director may require. Bacterial plate counts, direct microscopic counts, reduction tests, coliform determinations, phosphatase tests and other laboratory tests shall conform to the procedures in the current edition of "Standard Methods For The Examination Of Dairy Products," recommended by the American Public Health Association. Examinations may include such other chemical and physical determinations as the director may deem necessary for the detection of adulteration. Samples may be taken by the director at any time prior to the final delivery of the milk or milk products. All proprietors of cafes, stores, restaurants, soda fountains, and other similar places shall furnish the director, upon his request, with the name of all distributors from whom their milk and milk products are obtained. Bio-assays of the vitamin D content of vitamin D milk shall be made when required by the director in a laboratory approved by him for such examinations.

Written notice of fall beyond limit for grade.

Three-out-of-four method used in lieu of averaging method.

Whenever the average bacterial count, the average reduction time, or the average cooling temperature, falls beyond the limit for the grade then held, the director shall send written notice thereof to the person concerned and shall take an additional sample, but not before the lapse of three days, for determining a new average in accordance with RCW 15.36.050: *Provided*, That the three-out-of-four method, as specified in the following paragraph, may be used in lieu of the averaging method provided in RCW 15.36.050 for determining compliance of bacterial plate counts, direct microscopic counts, or cooling temperatures. Violation of the grade requirement by the new average or the three-out-of-four method shall call for immediate degrading or sus-

pension of the permit, unless the last individual result is within the grade limit.

Whenever more than one of the last four consecutive coliform tests made to determine bacterial count of samples taken on separate days falls beyond the limit for the grade then held, the director shall send written notice thereof to the person concerned and shall take an additional sample but not before the lapse of three days. Immediate degrading or suspension of permit shall be called for if the grade requirements are violated by such additional sample, unless the last individual result is within the grade limit.

In case of violation of the phosphatase test requirement, the cause of underpasteurization shall be determined and removed before milk or milk products from this plant can again be sold as pasteurized milk or milk products.

Violation of  
phosphatase  
test re-  
quirement.

SEC. 11. Section 7, chapter 168, Laws of 1949 (heretofore divided and codified as RCW 15.36.120, RCW 15.36.130, RCW 15.36.140, RCW 15.36.150, RCW 15.36.155, RCW 15.36.160, RCW 15.36.165, RCW 15.36.170, RCW 15.36.175, RCW 15.36.180, RCW 15.36.185, RCW 15.36.190, RCW 15.36.195, RCW 15.36.200, RCW 15.36.205, RCW 15.36.210, RCW 15.36.215, RCW 15.36.220, RCW 15.36.225, RCW 15.36.230, RCW 15.36.235, RCW 15.36.240, RCW 15.36.245, RCW 15.36.250, RCW 15.36.255, RCW 15.36.260, RCW 15.36.265, RCW 15.36.270, RCW 15.36.280, RCW 15.36.290, RCW 15.36.300, RCW 15.36.310, RCW 15.36.320, RCW 15.36.325, RCW 15.36.330, RCW 15.36.335, RCW 15.36.340, RCW 15.36.345, RCW 15.36.350, RCW 15.36.355, RCW 15.36.360, RCW 15.36.365, RCW 15.36.370, RCW 15.36.375, RCW 15.36.380, RCW 15.36.385, RCW 15.36.390, RCW 15.36.395, RCW 15.36.400, RCW 15.36.405, RCW 15.36.410, RCW 15.36.415, RCW 15.36.420, RCW 15.36.425, RCW 15.36.430, RCW 15.36.440, RCW

Division and  
amendment.

15.36.450, RCW 15.36.460) is divided and amended as set forth in sections 12 through 69, inclusive.

Enacted  
without  
amendment.

SEC. 12. (RCW 15.36.120) Grade of milk and milk products as defined in this chapter shall be based on the respectively applicable standards contained in RCW 15.36.120 to RCW 15.36.460, inclusive, the grading of milk products being identical with the grading of milk, except that the bacterial standards shall be doubled in the case of cream and omitted in the case of sour cream and buttermilk. Vitamin D milk shall be only of grade A, certified pasteurized, or certified raw quality. The grade of a milk product shall be that of the lowest grade milk or milk product used in its preparation.

Grading of  
milk products.

Enacted  
without  
amendment.

SEC. 13. (RCW 15.36.130) Certified milk-raw is raw milk which conforms with requirements of the American association of medical milk commissions in force at the time of production and is produced under the supervision of a medical milk commission reporting monthly to the director and the state department of health.

Certified milk  
raw defined.

Enacted  
without  
amendment.

SEC. 14. (RCW 15.36.140) Grade A raw milk is raw milk produced upon dairy farms conforming with all of the items of sanitation contained in RCW 15.36.150 to RCW 15.36.280, inclusive, and the bacterial plate count or the direct microscopic clump count of which does not exceed twenty thousand per milliliter, or the methylene blue reduction time of which is not less than seven hours, as determined in accordance with RCW 15.36.110.

Grade A raw  
milk defined.

Grade A raw milk for pasteurization is raw milk produced upon dairy farms conforming with all of said items of sanitation except RCW 15.36.265 (bottling and capping), 15.36.270 (personnel health), and such portions of other items as are indicated therein, and the bacterial plate count or the direct microscopic clump count of which, as delivered from the farm,

does not exceed one hundred thousand per milliliter, or the resazurin reduction time of which to P seven-fourth is not less than three hours, as determined in accordance with RCW 15.36.110.

SEC. 15. (RCW 15.36.150) Except as provided hereinafter, tuberculin test of all herds and additions thereto shall be made before any milk therefrom is sold, and at least once every twelve months thereafter, by an accredited and licensed veterinarian approved by the state department of agriculture or veterinarian employed by the bureau of animal industry, United States department of agriculture. Said tests shall be made and the reactors disposed of in accordance with the requirements approved by the director for accredited herds. A certificate signed by the veterinarian or attested to by the director and filed with the director shall be evidence of the above test: *Provided*, That in modified accredited counties in which the modified accredited area plan is applied to the dairy herds, the modified accredited area system approved by the director shall be accepted in lieu of annual testing.

No fluid milk or cream designated or represented to be "grade A" fluid milk or cream shall be sold, offered or exposed for sale which has been produced from a herd of cows, one or more of which are infected with brucellosis at the time such milk is produced, or from animals in such herd which have not been blood tested for brucellosis at least once during the preceding calendar year, or milk ring tested for brucellosis at least semiannually during the preceding calendar year. The results of a test for brucellosis by the state or federal laboratory of a blood sample drawn by an official veterinarian, shall be prima facie evidence of the infection or noninfection of the animal or herds: *Provided*, That in lieu thereof, two official negative milk ring tests for brucellosis not less than six months apart may be ac-

Amendment.  
Tuberculin  
test.

Certificate.

Modified  
accredited  
area plan.

Brucellosis.

Blood test for  
brucellosis.

Milk ring test.

cepted as such evidence. All herds of cows, the fluid milk or cream from which is designated or represented to be "grade A" fluid milk or cream shall be blood tested for brucellosis annually or milk ring tested for brucellosis semiannually. Such herds showing any reaction to the milk ring test shall be blood tested and all reactors to the blood test removed from the herd and disposed of within fifteen days from the date they are tagged and branded. The remaining animals in the infected herd shall be retested at not less than thirty-day nor more than sixty-day intervals from the date of the first test. A series of retests, with removal and disposition of reacting animals, shall be continued until the herd shall have passed two successive tests in which no reactors are found. If upon a final test, not less than six months nor more than seven months from the date of the last negative test, no reactors are found in the herd, it shall be deemed a disease free herd. Results of official blood or milk ring tests shall be conspicuously displayed in the milk house.

Reactors to test removed from herd.

Retests.

Results of tests conspicuously displayed.

Raw milk products, from herds free from brucellosis.

All milk and milk products consumed raw shall be from herds or additions thereto which have been found free from brucellosis, as shown by blood serum tests or other approved tests for agglutinins against brucella organisms made in a laboratory approved by the director. All such herds shall be retested at least every twelve months and all reactors removed from the herd. If a herd is found to have one or more animals positive to the brucellosis test, all milk from that herd is to be pasteurized until the three consecutive brucellosis tests obtained at thirty-day intervals between each test are found to be negative. A certificate identifying each animal by number and signed by the laboratory making the test shall be evidence of the above test.

Certificate.

Exclusion of cows from herd.

Cows which show an extensive or entire induration of one or more quarters of the udder upon



physical examination, whether secreting abnormal milk or not, shall be permanently excluded from the milking herd. Cows giving bloody, or stringy, or otherwise abnormal milk, but with only slight induration of the udder shall be excluded from the herd until reexamination shows that the milk has become normal.

For other diseases such tests and examinations as the director may require after consultation with state livestock sanitary officials shall be made at intervals and by methods prescribed by him.

SEC. 16. (RCW 15.36.155) A milking barn or stable shall be provided. It shall be provided with adequate light, properly distributed, for day or night milking.

Enacted  
without  
amendment.  
Milking barn.

SEC. 17. (RCW 15.36.160) Such sections of all dairy barns where cows are kept or milked shall be well ventilated and shall be so arranged as to avoid overcrowding.

Enacted  
without  
amendment.  
Ventilation.

SEC. 18. (RCW 15.36.165) The floors and gutters of that portion of the barn or stable in which cows are milked shall be constructed of concrete or other approved impervious and easily cleaned material: *Provided*, That if the milk is to be pasteurized tight, two-inch tongue and groove wood, impregnated with waterproofing material and laid with a mastic joint at the gutter may be used under the cows. Floors and gutters shall be graded to drain properly and shall be kept clean and in good repair. No horses, swine, or fowl shall be permitted in the milking stable. If dry cows, calves, or bulls are stabled therein, they shall be confined in stalls, stanchions or pens.

Enacted  
without  
amendment.  
Floors and  
gutters.

SEC. 19. (RCW 15.36.170) The interior walls and the ceilings of the milking barn or stable shall be smooth, shall be whitewashed or painted as often as may be necessary, or finished in an approved

Enacted  
without  
amendment.  
Interior walls  
and ceilings.

manner, and shall be kept clean and in good repair. In case there is a second story above the milking barn or stable the ceiling shall be tight. If hay, grain or other feed is stored in a feed room or feed storage space adjoining the milking space, it shall be separated therefrom by a dust tight partition and door. No feed shall be stored in the milking portion of the barn unless stored in dust tight containers.

Enacted without amendment.  
Cow yard.

SEC. 20. (RCW 15.36.175) The cow yard shall be graded and drained as well as practicable and so kept that there are no standing pools of water nor accumulation of organic wastes. Swine shall be kept out.

Enacted without amendment.  
Removal of manure.

SEC. 21. (RCW 15.36.180) All manure shall be removed and stored at least fifty feet from the milking barn or disposed of in such manner as best to prevent the breeding of flies therein and the access of cows to piles thereof: *Provided*, That in loafing or pen type stables manure droppings shall be removed or clean bedding added at sufficiently frequent intervals to prevent the accumulation of manure on cows' udders and flanks and the breeding of flies.

Enacted without amendment.  
Milk house; requirements for.

SEC. 22. (RCW 15.36.185) There shall be provided a milk house or milk room in which the cooling, handling, and storing of milk and milk products and the washing, bactericidal treatment, and storing of milk containers and utensils shall be done. (1) The milk house or room shall be provided with a tight floor constructed of concrete or other impervious material, in good repair, and graded to provide proper drainage. (2) It shall have walls and ceilings of such construction as to permit easy cleaning, and shall be well painted or finished in an approved manner. (3) It shall be well lighted and ventilated. (4) It shall have all openings effectively screened, including outward-opening, self-closing doors, unless other effective means are provided to prevent the

entrance of flies. (5) It shall be used for no other purposes than those specified above, except as may be approved by the director. (6) It shall not open directly into a stable or into any room used for domestic purposes. (7) It shall have water piped into it. (8) It shall be provided with adequate facilities for the heating of water for the cleaning of utensils. (9) It shall be equipped with two-compartment stationary wash and rinse vats, except that in the case of retail raw milk, if chemicals are employed as the principal bactericidal treatment, the three-compartment type must be used; (10) and shall, unless the milk is to be pasteurized, be partitioned to separate the handling of milk and the storage of cleaned utensils from the cleaning and other operations, which shall be so located and conducted as to prevent any contamination of the milk or of cleaned equipment.

SEC. 23. (RCW 15.36.190) The floors, walls, ceilings, and equipment of the milk house or room shall be kept clean at all times. All means necessary for the elimination of flies shall be used.

Enacted  
without  
amendment.  
Cleanliness.

SEC. 24. (RCW 15.36.195) Every dairy farm shall be provided with one or more sanitary toilets conveniently located and properly constructed, operated and maintained so that the waste is inaccessible to flies and does not pollute the surface soil or contaminate any water supply.

Enacted  
without  
amendment.  
Toilets.

SEC. 25. (RCW 15.36.200) The water supply for the milk room and dairy barn shall be properly located, constructed, and operated, and shall be easily accessible, adequate, and of a safe sanitary quality according to standards approved by the state board of health.

Enacted  
without  
amendment.  
Water supply.

SEC. 26. (RCW 15.36.205) All multi-use containers, equipment, or other utensils used in the handling, storage, or transportation of milk or milk products

Amendment.  
Containers,  
equipment and  
utensils.

shall be made of smooth nonabsorbent material and of such construction as to be easily cleaned and shall be in good repair. Joints and seams shall be welded or soldered flush. Woven wire cloth or multi-use cloth shall not be used for straining milk. If milk is strained, filter pads shall be used and not reused. All milk pails shall be of the seamless hooded type. All single-service containers, closures, and filter pads used shall have been manufactured, packaged, transported, and handled in a sanitary manner.

The design, construction, material and operation of all farm holding tanks shall be such as approved by the director.

Enacted without amendment.

Multi-purpose equipment.

SEC. 27. (RCW 15.36.210) All multi-use containers, equipment, and other utensils used in the handling, storage, or transportation of milk or milk products must be thoroughly cleaned after each usage.

Enacted without amendment.

Subject to bactericidal process.

SEC. 28. (RCW 15.36.215) All multi-use containers, equipment, and other utensils used in the handling, storage, or transportation of milk or milk products shall, before each usage, be effectively subjected to an approved bactericidal process with steam, hot water, chemicals, or hot air.

Enacted without amendment.

Storage.

SEC. 29. (RCW 15.36.220) All containers and other utensils used in the handling, storage, or transportation of milk or milk products shall, unless stored in bactericidal solutions, be so stored as to drain and dry and so as not to become contaminated before being used.

Enacted without amendment.

Handling of utensils.

SEC. 30. (RCW 15.36.225) After bactericidal treatment containers and other milk and milk product utensils shall be handled in such a manner as to prevent contamination of any surface with which milk or milk products come in contact.

Enacted without amendment.

Milking procedure.

SEC. 31. (RCW 15.36.230) Milking shall be done in the milking barn or stable. The udders and teats of all milking cows shall be clean and wiped with an

approved bactericidal solution immediately preceding the time of milking. Abnormal milk shall be kept out of the milk supply and shall be so handled and disposed of as to preclude the infection of the cows and the contamination of milk utensils.

Abnormal  
milk.

SEC. 32. (RCW 15.36.235) The flanks, bellies, and tails of all milking cows shall be free from visible dirt at the time of milking. All brushing shall be completed before milking commences.

Enacted  
without  
amendment.

Brushing.

SEC. 33. (RCW 15.36.240) Milkers' hands shall be clean, rinsed with bactericidal solution, and dried with a clean towel immediately before milking and following any interruption in the milking operation. Wet-hand milking is prohibited. Convenient facilities shall be provided for the washing of milkers' hands.

Enacted  
without  
amendment.

Milkers' hands.

SEC. 34. (RCW 15.36.245) Milkers and milk handlers shall wear clean outer garments while milking or handling milk, milk products, containers, utensils, or equipment.

Enacted  
without  
amendment.

Clean  
garments.

SEC. 35. (RCW 15.36.250) Milk stools shall be kept clean.

Enacted  
without  
amendment.

SEC. 36. (RCW 15.36.255) Each pail or can of milk shall be removed immediately to the milk house or straining room. No milk shall be strained or poured in the barn unless it is protected from flies and other contamination.

Enacted  
without  
amendment.

Milk removal.

SEC. 37. (RCW 15.36.260) Milk and milk products for consumption in the raw state shall be cooled within thirty minutes after completion of milking to fifty degrees Fahrenheit or less and maintained at that temperature until delivery, as determined in accordance with RCW 15.36.110. Milk delivered daily for pasteurization shall be cooled within thirty minutes after completion of milking to sixty degrees Fahrenheit or less and maintained at that temperature until delivered and dumped.

Amendment.

Cooling.

Milk delivered every other day for pasteurization shall be cooled to forty degrees Fahrenheit or lower at the place of production and shall not exceed forty-five degrees Fahrenheit at any time prior to pasteurization.

Enacted without amendment.

Bottling and capping.

SEC. 38. (RCW 15.36.265) Milk and milk products for consumption in the raw state shall be bottled on the farm where produced. Bottling and capping shall be done in a sanitary manner by means of approved equipment and these operations shall be integral in one machine. Caps or cap stock shall be purchased in sanitary containers and kept therein in a clean dry place until used.

Enacted without amendment.

Morbidity history examination.

SEC. 39. (RCW 15.36.270) The health officer or a physician authorized by him shall examine and take a careful morbidity history of every person connected with a producer-distributor dairy, or about to be employed, whose work brings him in contact with the production, handling, storage, or transportation of milk, milk products, containers, or equipment. If such examination or history suggest that such person may be a carrier of or infected with the organisms of typhoid or paratyphoid fever or any other communicable diseases likely to be transmitted through milk, he shall secure appropriate specimens of body discharges and cause them to be examined in a laboratory approved by him or by the state health authorities for such examinations, and if the results justify such person shall be barred from such employment.

Enacted without amendment.

Vehicles used in transporting.

SEC. 40. (RCW 15.36.280) All vehicles used for the transportation of milk or milk products shall be so constructed and operated as to protect their contents from the sun, from freezing, and from contamination. All vehicles used for the distribution of milk and milk products shall have the distributor's name prominently displayed. Deck boards must be

used when more than one deck of cans are transported.

The immediate surroundings of the dairy shall be kept clean and free of health menaces.

Surroundings of dairy.

SEC. 41. (RCW 15.36.290) Grade B raw milk is raw milk which violates the bacterial standard requirement for grade A raw milk, but which conforms with all other requirements for grade A raw milk, and has an average bacterial plate count not exceeding one hundred thousand per milliliter, or an average direct microscopic count not exceeding one hundred thousand per cubic centimeter if clumps are counted or six hundred thousand per cubic centimeter if individual organisms are counted, or an average reduction time of not less than three and one-half hours, as determined under RCW 15.36.050 and RCW 15.36.110.

Enacted without amendment.

Grade B raw milk defined.

SEC. 42. (RCW 15.36.300) Grade C raw milk is raw milk of a producer-distributor which violates any of the requirements for grade B raw milk.

Enacted without amendment. Grade C raw milk defined.

SEC. 43. (RCW 15.36.310) Certified milk-pasteurized is certified milk-raw which has been pasteurized, cooled and bottled in a milk plant conforming with the requirements for grade A pasteurized milk.

Enacted without amendment.

Certified milk-pasteurized defined.

SEC. 44. (RCW 15.36.320) Grade A pasteurized milk is grade A raw milk for pasteurization which has been pasteurized, cooled and placed in the final container in a milk plant conforming with all of the items of sanitation contained in RCW 15.36.325 to RCW 15.36.440, inclusive, which in all cases shows efficient pasteurization as evidenced by satisfactory phosphatase tests, and which at no time after pasteurization and until delivery has a bacterial plate count exceeding twenty thousand per milliliter or a positive coliform test in more than two out of four samples taken on separate days as determined in

Amendment.

Grade A pasteurized milk defined.

Proviso.

accordance with RCW 15.36.110: *Provided*, That the raw milk at no time between dumping and pasteurization, shall have a bacterial plate count or direct microscopic clump count exceeding two hundred thousand per milliliter.

Grading of pasteurized milk includes.

The grading of a pasteurized-milk supply shall include the inspection of receiving and collection stations with respect to compliance with RCW 15.36.325 to RCW 15.36.395, inclusive, and RCW 15.36.405, RCW 15.36.415, RCW 15.36.430 and RCW 15.36.440, except that the partitioning requirement of RCW 15.36.345 shall not apply.

Enacted without amendment.

Floor construction.

SEC. 45. (RCW 15.36.325) The floors of all rooms in which milk or milk products are handled or stored or in which milk utensils are washed shall be constructed of concrete or other equally impervious and easily cleaned material and shall be smooth, properly drained, provided with trapped drains, and kept clean and in good repair.

Enacted without amendment.

Walls and ceiling surfaces.

SEC. 46. (RCW 15.36.330) Walls and ceilings of rooms in which milk or milk products are handled or stored or in which milk utensils are washed shall have a smooth, washable, light colored surface, and shall be kept clean and in good repair.

Enacted without amendment.

Openings screened.

SEC. 47. (RCW 15.36.335) Unless other effective means are provided to prevent the access of flies, all openings to the outer air shall be effectively screened and all doors shall be self-closing.

Enacted without amendment.

SEC. 48. (RCW 15.36.340) All rooms shall be well lighted and ventilated.

Enacted without amendment.

Location of milk plant operations to prevent contamination.

SEC. 49. (RCW 15.36.345) The various milk-plant operations shall be so located and conducted as to prevent any contamination of the milk or of the cleaned equipment. All means necessary for the elimination of flies, other insects and rodents shall be used. There shall be separate rooms for (1) the pasteurization, processing, cooling, and bottling op-



erations, and (2) the washing and bactericidal treatment of containers. Cans of raw milk shall not be unloaded directly into the pasteurizing room. Pasteurized milk or milk products shall not be permitted to come in contact with equipment with which unpasteurized milk or milk products have been in contact, unless such equipment has first been thoroughly cleaned and subjected to bactericidal treatment. Rooms in which milk, milk products, cleaned utensils, or containers are handled or stored shall not open directly into any stable or living quarters. The pasteurization plant shall be used for no other purposes than the processing of milk and milk products and the operations incident thereto, except as may be approved by the director.

SEC. 50. (RCW 15.36.350) Every milk plant shall be provided with toilet facilities approved by the director. Toilet rooms shall not open directly into any room in which milk, milk products, equipment, or containers are handled or stored. The doors of all toilet rooms shall be self-closing. Toilet rooms shall be kept in a clean condition, in good repair, and well ventilated. A placard containing RCW 15.36.520 and a sign directing employees to wash their hands before returning to work shall be posted in all toilet rooms used by employees.

Enacted  
without  
amendment.

Toilet  
facilities.

Placard posted.

SEC. 51. (RCW 15.36.355) The water supply shall be easily accessible, adequate, and of a safe, sanitary quality according to standards approved by the state board of health.

Enacted  
without  
amendment.

Water supply.

SEC. 52. (RCW 15.36.360) Convenient hand-washing facilities shall be provided, including hot and cold running water, soap, and approved sanitary towels. Hand-washing facilities shall be kept clean. The use of a common towel is prohibited. No employee shall resume work after using the toilet room without first washing his hands.

Enacted  
without  
amendment.

Hand washing  
facilities.

Enacted without amendment. "Sanitary milk piping."

SEC. 53. (RCW 15.36.365) All piping used to conduct milk or milk products shall be "sanitary milk piping" of a type which can be easily cleaned with a brush. Pasteurized milk and milk products shall be conducted from one piece of equipment to another only through sanitary milk piping.

Enacted without amendment.

Multi-use equipment.

Single service containers.

SEC. 54. (RCW 15.36.370) All multi-use containers and equipment with which milk or milk products come in contact shall be so constructed and located as to be easily cleaned and shall be kept in good repair. All single-service containers, closures and gaskets used shall have been manufactured, packaged, transported and handled in a sanitary manner.

Enacted without amendment.

Waste disposal.

SEC. 55. (RCW 15.36.375) All wastes shall be properly disposed of. All plumbing and equipment shall be so designed and installed as to prevent contamination of the water supply and of milk equipment by backflow or siphonage.

Enacted without amendment.

Clean after each usage.

SEC. 56. (RCW 15.36.380) All milk and milk products containers, including tank trucks and tank cars and all equipment, except single-service containers, shall be thoroughly cleaned after each usage. All such containers shall be effectively subjected to an approved bactericidal process after each cleaning and all equipment immediately before each usage. When empty and before being returned to a producer or distributor by a milk plant each container, including tank trucks and tank cars, shall be thoroughly cleaned and effectively subjected to an approved bactericidal process.

Enacted without amendment.

Storage.

SEC. 57. (RCW 15.36.385) After bactericidal treatment all bottles, cans, and other multi-use milk or milk products containers and equipment shall be stored in such manner as to be protected from contamination.

SEC. 58. (RCW 15.36.390) Between bactericidal treatment and usage and during usage, containers and equipment shall be handled or operated in such manner as to prevent contamination of the milk. Pasteurized milk or milk products shall not be permitted to come in contact with equipment with which unpasteurized milk or milk products have been in contact, unless the equipment has first been thoroughly cleaned and effectively subjected to an approved bactericidal process. No milk or milk products shall be permitted to come in contact with equipment with which a lower grade of milk or milk products has been in contact, unless the equipment has first been thoroughly cleaned and effectively subjected to an approved bactericidal process.

Enacted without amendment.

Handling and operating to prevent contamination.

SEC. 59. (RCW 15.36.395) Milk bottle caps or cap stock, parchment paper for milk cans and single service containers and gaskets shall be purchased and stored only in sanitary tubes, wrappings, and cartons, and shall be kept therein in a clean, dry place, and shall be handled in a sanitary manner.

Enacted without amendment.

SEC. 60. (RCW 15.36.400) Pasteurization shall be performed as described in RCW 15.36.020.

Enacted without amendment.

SEC. 61. (RCW 15.36.405) All milk and milk products received for pasteurization shall immediately be cooled in approved equipment to fifty degrees Fahrenheit or less and maintained at that temperature until pasteurized, unless they are to be pasteurized within two hours after receipt; and all pasteurized milk and milk products except those to be cultured shall be immediately cooled in approved equipment to a temperature of fifty degrees Fahrenheit or less and maintained thereat until delivery, as determined in accordance with RCW 15.36.110.

Enacted without amendment.

Milk received for pasteurization cooled.

SEC. 62. (RCW 15.36.410) Bottling of milk or milk products shall be done at the place of pasteurization in approved mechanical equipment.

Enacted without amendment.

Enacted without amendment.

Not to be sold.

SEC. 63. (RCW 15.36.415) Overflow milk or milk products shall not be sold for human consumption. Come-back milk shall not be sold or used for fluid milk or fluid cream.

Enacted without amendment.

Capping.

SEC. 64. (RCW 15.36.420) Capping of milk or milk products shall be done by approved mechanical equipment. Hand capping is prohibited. The cap or cover shall cover the pouring lip to at least its largest diameter.

Enacted without amendment.

Morbidity history of persons in pasteurization plant.

SEC. 65. (RCW 15.36.425) The health officer or a physician authorized by him shall examine and take careful morbidity history of every person connected with a pasteurization plant, or about to be employed, whose work brings him in contact with the production, handling, storage, or transportation of milk, milk products, containers, or equipment. If such examination or history suggests that such person may be a carrier of or infected with the organisms of typhoid or paratyphoid fever or any other communicable diseases likely to be transmitted through milk, he shall secure appropriate specimens of body discharges and cause them to be examined in a laboratory approved by him or by the state department of health for such examinations, and if the results justify such persons shall be barred from such employment.

Such persons shall furnish such information, submit to such physical examinations, and submit such laboratory specimens as the health officer may require for the purpose of determining freedom from infection.

Enacted without amendment.

Garments worn.

SEC. 66. (RCW 15.36.430) All persons coming in contact with milk, milk products, containers or equipment shall wear clean, washable, light colored outer garments and shall keep their hands clean at all times while thus engaged.

SEC. 67. (RCW 15.36.440) All vehicles used for the transportation of milk or milk products shall be so constructed and operated as to protect their contents from the sun, from freezing, and from contamination. All vehicles used for the distribution of milk or milk products shall have the name of the distributor prominently displayed.

Enacted  
without  
amendment.

Vehicles.

Name  
displayed.

Milk tank cars and tank trucks shall comply with construction, cleaning, bactericidal treatment, storage, and handling requirements of RCW 15.36.365, RCW 15.36.370, RCW 15.36.380, RCW 15.36.385 and RCW 15.36.390. While containing milk or cream they shall be sealed and labeled in an approved manner.

SEC. 68. (RCW 15.36.450) Grade B pasteurized milk is pasteurized milk which violates the bacterial standard for grade A pasteurized milk and/or the provisions of lip-cover caps of RCW 15.36.420 and/or the requirement that grade A raw milk for pasteurization be used, but which conforms with all other requirements for grade A pasteurized milk, has been made from raw milk for pasteurization of not less than grade B quality, and has a bacterial plate count after pasteurization and before delivery not exceeding forty thousand per milliliter as determined in accordance with RCW 15.36.110.

Enacted  
without  
amendment.

Grade B pas-  
teurized milk  
defined.

SEC. 69. (RCW 15.36.460) Grade C pasteurized milk is pasteurized milk which violates any of the requirements for grade B pasteurized milk.

Enacted  
without  
amendment.  
Grade C pas-  
teurized milk  
defined.

SEC. 70. Section 1, chapter 90, Laws of 1943, section 1, chapter 192, Laws of 1919; section 6, chapter 213, Laws of 1929; and section 41, chapter 192, Laws of 1919 are each repealed.

Repeal.

SEC. 71. RCW 15.32.010 (formerly section 1, chapter 90, Laws of 1943, part; section 1, chapter 192, Laws of 1919, part; section 6, chapter 213, Laws of 1929, part; and section 41, chapter 192, Laws of 1919, part) is enacted to read as follows:

Enactment.

For the purpose of chapter 15.32, RCW:

- "Supervisor" defined. "Supervisor" means the supervisor of dairy and livestock;
- "Dairy" defined. "Dairy" means a place where milk from one or more cows or goats is produced for sale;
- "Creamery" defined. "Creamery" means a structure wherein milk or cream is manufactured into butter for sale;
- "Milk plant" defined. "Milk plant" means a structure wherein milk is bottled, pasteurized, clarified, or otherwise processed;
- "Cheese factory" defined. "Cheese factory" means a structure where milk is manufactured into cheese;
- "Factory of milk products" defined. "Factory of milk products" means a structure, other than a creamery, milk plant, cheese factory, milk condensing plant or ice cream factory, where milk or any of its products is manufactured, changed, or compounded into another article, or where butter is cut or wrapped; except freezing of ice cream from a mix compounded in a licensed creamery, milk plant, cheese factory, milk condensing plant or ice cream factory;
- "Milk condensing plant" defined. "Milk condensing plant" means a structure where milk is condensed or evaporated;
- "Ice cream factory" defined. "Ice cream factory" means a structure which complies with the sanitary requirements of RCW 15.32.080, where ice cream mix is produced for sale or distribution, and may include freezing such mix into ice cream;
- "Counter ice cream freezer" defined. "Counter ice cream freezer" means counter type freezing machines usually operated in retail establishments;
- "Sterilized milk" defined. "Sterilized milk" means milk that has been heated under six pounds of steam pressure and maintained thereat for not less than twenty minutes;
- "Modified milk" defined. "Modified milk" means milk that has been altered in composition to conform to special nutritional requirements;

“Milk product” means an article manufactured or compounded from milk, whether or not the milk conforms to the standards and definitions herein;

“Milk product” defined.

“Milk byproduct” means a product of milk derived or made therefrom after the removal of the milk fat or milk solids in the process of making butter or cheese, and includes skimmed milk, buttermilk, whey, casein, and milk powder;

“Milk byproduct” defined.

“Butter” means the product made by gathering the fat of milk or cream into a mass containing not less than eighty percent of milk fat, and which also contains a small portion of other milk constituents, with or without harmless coloring matter;

“Butter” defined.

“Renovated butter” means butter that has been reduced to a liquid state by melting and drawing off the liquid or butter oil, and has thereafter been churned or manipulated in connection with milk, cream, or other product of milk;

“Renovated butter” defined.

“Reworked butter” means the product obtained by mixing or rechurning butter made on different dates or at different places: *Provided*, That the mixing of remnants from one day’s churning or cutting with butter from the churning of the same creamery on the next day shall not make the product reworked butter;

“Reworked butter” defined.

Not reworked butter.

“Butter substitute” means a compound of vegetable oils with milk fats or milk solids and all compounds of milk fats or milk solids with butter when the compound contains less than eighty percent of milk fat;

“Butter substitute” defined.

“Oleomargarine” means all manufactured substances, extracts, mixtures, or compounds, including mixtures or compounds with butter, known as oleomargarine, oleo, oleomargarine oil, butterine, lardine, suine, and neutral, and includes all lard and tallow extracts and mixtures and compounds of tallow, beef fat, suet, lard, lard oil, intestinal fat and

“Oleomargarine” defined.

offal fat made in imitation or semblance of butter or calculated or intended to be sold as butter;

“Imitation cheese” defined.

“Imitation cheese” means any article, substance, or compound, other than that produced from pure milk or from the cream from pure milk, which is made in the semblance of cheese and designed to be sold or used as a substitute for cheese. The use of salt, lactic acid, or pepsin, and harmless coloring matter in cheese shall not render the true product an imitation. Nothing herein shall prevent the use of pure skimmed milk in the manufacture of cheese;

“Milk vendor” defined.

“Milk vendor” or “milk dealer” means any person who sells, furnishes or delivers milk, skimmed milk, buttermilk, or cream in any manner.

Dairy products fit for human consumption.

All dairy products mentioned in this chapter mean those fit or used for human consumption.

Enacted with amendment.

SEC. 72. RCW 15.32.020 (formerly section 1, chapter 90, Laws of 1943, part; section 1, chapter 192, Laws of 1919, part; section 6, chapter 213, Laws of 1929, part; and section 41, chapter 192, Laws of 1919, part) is enacted to read as follows:

Standards of quality.

The following shall be the standards of quality after all tolerance has been allowed:

“Milk.”

“Milk”—The whole unadulterated lacteal secretions from cows or goats containing not less than eight and one-quarter percent of milk solids, exclusive of fat, and not less than three and one-half percent of milk fat, and not obtained within ten days before parturition or seven days thereafter. Nothing in this chapter shall prohibit the sale to creameries, cheese factories, milk plants or factories of milk products of whole, unadulterated milk from cows or goats whose milk tests below the milk fat standard herein fixed;

“Skimmed milk.”

“Skimmed milk”—Milk which contains less than three and one-half percent of milk fat, and not less than eight and eight-tenths percent of milk solids exclusive of fat;



“Homogenized milk” is milk which has been treated in such manner as to insure break-up of the fat globules to such an extent that after forty-eight hours storage no visible cream separation occurs on the milk and the fat percentage of the top one hundred milliliters of milk in a quart bottle, or of proportionate volumes in containers of other sizes, does not differ by more than ten percent of itself from the fat percentage of the remaining milk as determined after thorough mixing.

“Homogenized milk.”

“Condensed milk,” “evaporated milk,” — The products resulting from the evaporation of a considerable portion of the water from milk and which contains not less than twenty-five and nine-tenths percent of total solids and not less than seven and nine-tenths percent of milk fat;

“Condensed or evaporated milk.”

“Condensed skimmed milk,” “evaporated skimmed milk,”—The products resulting from evaporating a considerable portion of the water from the skimmed milk, and which contains not less than eighteen percent of milk solids;

“Condensed skimmed milk.”

“Sweetened condensed milk,” or “sweetened evaporated milk,” means condensed milk to which has been added sugar, and which contains not less than twenty-eight percent of milk solids;

“Sweetened condensed milk.”

“Dried milk”—The product resulting from the removal of water from milk, and which contains not more than five percent of moisture;

“Dried milk.”

“Dried skimmed milk” shall contain not more than five percent of moisture;

“Dried skimmed milk.”

“Milk fat” or “butterfat”—The fat of milk having a reichert-meissel number of not less than twenty-four, and a specific gravity not less than nine hundred and five one-thousandths at a temperature of forty degrees centigrade.

“Milk fat.”

SEC. 73. RCW 15.32.030 (formerly section 1, chapter 90, Laws of 1943, part; section 1, chapter 192, Laws of 1919, part; section 6, chapter 213, Laws of

Enacted with amendment.

1929, part; and section 41, chapter 192, Laws of 1919, part) is enacted to read as follows:

**Standards of quality.** The following shall be the standards of quality after all tolerance has been allowed:

**"Cream."** "Cream"—That portion of milk rich in milk fat which rises to the surfaces on standing and contains not less than twenty percent of milk fat;

**"Whipping cream."** "Whipping cream" or "pastry cream"—Cream which contains not less than thirty percent milk fat;

**"Buttermilk."** "Buttermilk"—A fluid milk product resulting from the churning of milk or cream containing not less than eight and one-quarter percent milk solids-not-fat.

**"Cultured buttermilk."** "Cultured buttermilk"—The fluid milk product resulting from the souring or treatment, by a lactic acid or other culture, a pasteurized skimmed milk or pasteurized reconstituted skimmed milk containing not less than eight and one-quarter percent milk solids-not-fat.

**Enactment.** SEC. 74. RCW 15.32.040 (formerly section 1, chapter 90, Laws of 1943, part; section 1, chapter 192, Laws of 1919, part; section 6, chapter 213, Laws of 1929, part; and section 41, chapter 192, Laws of 1919, part) is enacted to read as follows:

**Standards of quality.** The following shall be the standards of quality after all tolerance has been allowed:

**"Ice cream."** "Ice cream"—The frozen product made from the combination of milk fats, milk solids, and sugar, with or without harmless coloring or flavoring matter, and with or without the addition of pure gelatine or vegetable gums, and which contains not less than ten percent of milk fats and not less than twenty per cent of milk fats and milk solids combined;

**"Fruit ice cream."** "Fruit ice cream"—Ice cream to which is added sound, clean, and mature fruit;

**"Nut ice cream."** "Nut ice cream"—Ice cream to which is added sound, clean, and nonrancid nuts;

“Ice milk”—The frozen product made from the combination of milk and sugar, with or without harmless coloring or flavoring matter, and containing not less than three and twenty-five one-hundredths percent of milk fat, and not more than six-tenths of one percent of pure and harmless vegetable gum or gelatine;

“Ice milk.”

“Malted milk”—The product made by combining milk with the liquids separated from a mash of ground barley malt and wheat flour, with or without the addition of sodium chloride, sodium bicarbonate, or potassium bicarbonate and by removing water, and which contains not less than seven and one-half percent of milk fat and not more than three and one-half percent of moisture.

“Malted milk.”

SEC. 75. RCW 15.32.050 (formerly section 1, chapter 90, Laws of 1943, part; section 1, chapter 192, Laws of 1919, part; section 6, chapter 213, Laws of 1929, part; and section 41, chapter 192, Laws of 1919, part) is enacted to read as follows:

Enactment.

The following shall be the standards of quality after all tolerance has been allowed:

Standards of quality.

“Cheese”—The sound, solid, and ripened product made from milk or cream by coagulating the casein therein with rennet, lactic acid, or pepsin, with or without the addition of ripening ferments, and seasoning or salt or harmless coloring matter;

“Cheese” defined.

“Whole milk cheese” includes “Cheddar cheese,” “American cheese,” and “American cheddar cheese”—Cheese made by the cheddar process from heated, pressed curd obtained by the action of rennet upon whole milk, and containing no more than thirty-nine percent water and, in the water-free substance, not less than fifty percent milk fat;

“Whole milk cheese.”  
“American cheese.”

“Limburger cheese”—Cheese made by the limburger process from unpressed curd obtained by the action of rennet on whole milk and ripened in a damp atmosphere by special fermentation. In the

“Limburger cheese.”

water-free substance it contains not less than fifty percent milk fat;

"Pineapple cheese."

"Pineapple cheese"—Cheese made by the pineapple cheddar process from pressed curd obtained by the action of rennet on whole milk and formed in the shape of a pineapple. During the ripening period it is thoroughly coated and rubbed with oil. In the water-free substance it contains not less than fifty percent milk fat;

"Brick cheese."

"Brick cheese"—Quick ripened cheese made by the brick cheese process from pressed curd obtained by the action of rennet on whole milk, containing in the water-free substance not less than fifty percent milk fat;

"Neufchatel cheese."

"Neufchatel cheese"—Cheese made by the neufchatel process from unheated curd obtained by the action of lactic fermentation and rennet on whole milk, and containing in the water-free substance not less than fifty percent milk fat;

"Gouda cheese."

"Gouda cheese"—Cheese made by the gouda process from heated pressed curd obtained by the action of rennet on whole milk, and containing in the water-free substance not less than forty-five percent milk fat;

"Swiss cheese."

"Swiss cheese"—Cheese made by the emmenthaler process from heated, pressed curd obtained by the action of rennet on whole or partly skimmed milk, ripened by special gas-producing bacteria causing "eyes" or holes, and containing in the water-free substance not less than forty-five percent milk fat;

"Camembert cheese."

"Camembert cheese"—Cheese made by the camembert process from unheated, unpressed curd obtained by action of rennet on whole or slightly skimmed milk, ripened by the growth of a special mold (*penicillium camemberti*) on the outer surface, and containing in the water-free substance not less than forty-five percent milk fat;

"Cream cheese."

"Cream cheese"—Unripened cheese made by the neufchatel process from whole milk enriched with

cream which contains, in the water-free substance, not less than sixty-five percent of milk fat;

“Half skim cheese”—Cheese which contains, in the water-free substance, less than fifty percent and not less than twenty-five percent milk fat; “Half skim cheese.”

“Quarter skim cheese”—Cheese which contains, in the water-free substance, less than twenty-five percent and not less than twelve percent of milk fat; “Quarter skim cheese.”

“Skim cheese”—Cheese which contains, in the water-free substance, less than twelve percent of milk fat; “Skim cheese.”

“Creamed cottage cheese”—Cheese manufactured from skim milk to which may be added not to exceed one percent by weight of edible gum and not to exceed one percent by weight of sugar and with or without the addition of food colors, and to which cream is added so that it contains not less than four percent of pure milk fat; “Creamed cottage cheese.”

“Roquefort cheese”—Cheese made by the roquefort process from unheated, unpressed curd obtained by the action of rennet on whole milk of sheep, cows or goats. The curd is inoculated with a special mold (*penicillium roqueforti*) and ripens with the growth of the mold; “Roquefort cheese.”

“Gorgonzola cheese”—The cheese made by the gorgonzola process obtained by the action of rennet on whole milk, and ripened in a cool, moist atmosphere; “Gorgonzola cheese.”

“Edam cheese”—The cheese made by the edam process from heated and pressed curd obtained by the action of rennet on whole milk or partly skimmed milk; “Edam, cheese.”

“Brie cheese”—Cheese made by the brie process from unheated, unpressed curd obtained by the action of rennet on whole or slightly skimmed milk, or milk with added cream, and ripened by a special mold on the outer surface; “Brie cheese.”

"Parmesan  
cheese."

"Parmesan cheese"—Cheese made by the parmesan process from heated and hard-pressed curd obtained by the action of rennet on partly skimmed milk. During the ripening process it is covered by a suitable oil;

"Stilton  
cheese."

"Stilton cheese"—Cheese made by the stilton process from unpressed curd obtained by the action of rennet on whole milk, with or without added cream. During the ripening process a special blue-green mold develops and gives the cheese a marbled or mottled appearance;

"Cottage  
cheese."

"Cottage cheese"—Unripened cheese made from separated curd obtained by the action of lactic fermentation or rennet, or a combination of the two, on skimmed milk, with or without the addition of buttermilk. The curd may be enriched with cream and salted or otherwise seasoned;

"Dry curd."

"Dry curd"—The curd manufactured from pure, clean, wholesome skimmed milk, with or without the addition of pure food coloring, and without the addition of milk fat;

"Pasteurized  
cheese."

"Pasteurized cheese," or "pasteurized blended cheese"—A pasteurized product made by comminuting and mixing, with the aid of heat and water, one or more lots of cheese into a homogeneous, plastic mass. If unqualified the name means a product which conforms to the standard for cheddar cheese. If qualified by a variety name it is made from that variety of cheese and conforms to its limits for fat and moisture;

"Process  
cheese."

"Process cheese"—Means "pasteurized cheese" or "pasteurized blended cheese," incorporated with not to exceed three percent of a suitable emulsifying agent. If unqualified by a variety name it means a process cheddar cheese; if qualified by a cheese variety name it is made from a cheese of that variety and conforms to its limits for fat and moisture;

"Whey cheese"—A product made by various named processes from the constituents of whey, such as "Ricotta," "Zieger," "Primost," and "Mysost."

"Whey cheese."

Any cheese marketed under a specific trade name shall conform with the standard prescribed therefor by the federal registry of the United States department of agriculture.

Standard prescribed by federal registry.

SEC. 76. RCW 15.32.290 (formerly section 1, chapter 90, Laws of 1943, part; section 1, chapter 192, Laws of 1919, part; section 6, chapter 213, Laws of 1929, part; and section 41, chapter 192, Laws of 1919, part) is enacted to read as follows:

Enactment.

Modified milk may be sold only upon prescription by a regularly licensed physician.

Modified milk.

SEC. 77. RCW 15.32.300 (formerly section 1, chapter 90, Laws of 1943, part; section 1, chapter 192, Laws of 1919, part; section 6, chapter 213, Laws of 1929, part; and section 41, chapter 192, Laws of 1919, part) is enacted to read as follows:

Enactment.

Any person serving ice milk shall display in a conspicuous place a sign containing the words "ice milk served here" in plain gothic type not less than two inches high.

Ice milk sign requirement.

SEC. 78. RCW 15.32.690 (formerly section 1, chapter 90, Laws of 1943, part; section 1, chapter 192, Laws of 1919, part; section 6, chapter 213, Laws of 1929, part; and section 41, chapter 192, Laws of 1919, part) is enacted to read as follows:

Enactment.

On or before January first of each year, or oftener, the director shall mail to every owner or operator of a creamery, milk plant, milk condensing factory, factory of milk products, or cheese factory, and to every milk vendor and milk dealer, blanks for reporting milk and milk products production statistics. Within thirty days thereafter said reports properly filled out and signed by such persons, showing the amount of milk and milk products received, pro-

Director mails blanks for milk reports.

duced or distributed during the period fixed by the director, shall be returned to him.

Repeal. SEC. 79. Section 59, chapter 192, Laws of 1919 and RCW 15.32.320 are each repealed.

Repeal. SEC. 80. Section 20, chapter 168, Laws of 1949; section 11, chapter 192, Laws of 1919; and section 13, chapter 192, Laws of 1919 are each repealed.

Enacted with amendment. SEC. 81. RCW 15.32.390 (formerly section 20, chapter 168, Laws of 1949; section 11, chapter 192, Laws of 1919; and section 13, chapter 192, Laws of 1919) is enacted to read as follows:

Pasteurization process defined. That process of pasteurization as applied to milk, skimmed milk, cream and milk products is defined and declared to be a process for the elimination therefrom of organisms harmful to human beings. Such process as applied to milk shall consist of uniformly heating such milk to a temperature of not less than one hundred and forty-three degrees Fahrenheit and of holding the same at such temperature for a period of not less than thirty minutes, and immediately thereafter of cooling such milk to a temperature of not above fifty degrees Fahrenheit in a separate tank or container other than that in which it is pasteurized, or uniformly heating of such milk to a temperature of not less than one hundred and sixty-one degrees Fahrenheit and of holding the same at such temperature for a period of not less than fifteen seconds in approved and properly operated equipment. Such process as applied to skimmed milk, cream or other milk product shall consist of uniformly heating such skimmed milk, cream or milk product to a temperature of not less than one hundred and forty-three degrees Fahrenheit and of holding the same at such temperature for a period of not less than thirty minutes, or of heating the same to a temperature of one hundred and seventy-six degrees Fahrenheit, without holding: *Provided*, That

As applied to milk.

As applied to other milk product.



whenever milk or cream shall be subjected to such process before being used in the manufacture of butter or cheese, and when the process of ripening is to be commenced immediately, it shall not be necessary that such milk or cream be cooled to a lower temperature than is necessary for such ripening or starting: *Provided, further,* That the heating of milk to above one hundred and ten degrees Fahrenheit shall be considered as intent to pasteurize and that thereafter the process of pasteurization as defined herein must be completed and such milk marked and sold as pasteurized milk. No milk shall be pasteurized a second time.

Cooling preceding ripening.

Intent to pasteurize: effect.

Passed the Senate February 15, 1955.

Passed the House March 2, 1955.

Approved by the Governor March 17, 1955.

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## CHAPTER 239.

[ S. B. 222. ]

### LIENS ON REAL ESTATE—NURSERY STOCK IMPROVEMENTS.

AN ACT relating to liens on real estate for improving property with nursery stock, extending the time for filing notice of claim of lien; and amending section 3, chapter 18, Laws of 1943 and section 60.20.030, RCW.

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

SECTION 1. Section 60.20.030, RCW, and section 3, chapter 18, Laws of 1943, are each amended to read as follows: Amendment.

The person or corporation claiming a lien shall, within ninety days after the completion of the labor or the furnishing of the materials, file for record with the auditor of the county in which the property is situated, a claim of lien, stating as nearly as may be the time of the commencement and cessation of performing the labor or furnishing the materials; Commencement of lien claim.  
Filed.  
Contents of claim of lien.

the name of the claimant; the name of the person by whom the laborer was employed or to whom the material was furnished; the legal description of the property to be charged with the lien; the name of the owner, or reputed owner of the property; and the amount for which the lien is claimed, and shall be signed and verified by the claimant, or by some person in his behalf, to the effect that the affiant believes it to be just. If the claim has been assigned, the claim shall state the name of the assignee. In foreclosure suits, such claims of lien may be amended by order of the court, insofar as the interests of third parties shall not be affected thereby. Any number of claimants may join in the same claim for the purpose of filing and enforcing their liens, by stating the amount claimed by each lienor.

Signed and verified.

Amendment of claim of lien.

Joinder.

Passed the Senate February 21, 1955.

Passed the House March 5, 1955.

Approved by the Governor March 17, 1955.

CHAPTER 240.

[ S. B. 286. ]

STATE CHILDREN AND YOUTH SERVICES—COUNSELING SERVICES.

AN ACT relating to the department of public institutions, division of children and youth services; providing for professional counseling and consultative services for juvenile problems and juvenile control officers to aid law enforcement agencies, and amending chapter 234, Laws of 1951 and chapter 43.19 RCW, by adding a new section thereto.

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

New section.

SECTION 1. Chapter 234, Laws of 1951 and chapter 43.19 RCW are each amended by adding a new section thereto to read as follows:

The division of children and youth services of the department of public institutions may provide

professional counseling services to delinquent and maladjusted children and their parents, consultative services to communities dealing with problems of children and youth, and may give assistance to law enforcement agencies by means of juvenile control officers who may be selected from the field of police work.

Passed the Senate February 18, 1955.

Passed the House March 6, 1955.

Approved by the Governor March 17, 1955.

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## CHAPTER 241.

[ S. B. 192. ]

### CRIMES OF INMATES OF STATE PENAL INSTITUTIONS.

AN ACT relating to crimes of prisoners of state penal institutions, defining prison riot, the holding of hostages, possession of contraband, interference with laboring prisoners, the giving of narcotics and firearms to a prisoner; providing penalties therefor; and empowering officers and guards of penal institutions to have powers of a peace officer in certain situations.

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

SECTION 1. Whenever two or more inmates of a state penal institution assemble for any purpose, and act in such a manner as to disturb the good order of such institution and contrary to the commands of the officers of such institution, by the use of force or violence, or the threat thereof, and whether acting in concert or not, they shall be guilty of prison riot.

Prison riot defined.

SEC. 2. Every inmate of a state penal institution who is guilty of prison riot or of voluntarily participating therein by being present at, or by instigating, aiding or abetting the same, shall be punished by imprisonment in the state penitentiary for not less than one year nor more than ten years, which shall be in addition to the sentence being served.

Penalty.

Holding officer  
hostage.

SEC. 3. Whenever any inmate of a state penal institution shall hold, or participate in holding, an officer of such institution as a hostage, by force or violence, or the threat thereof, or shall prevent, or participate in preventing an officer of such institution from carrying out his duties, by force or violence, or the threat thereof, and upon conviction shall be punished by imprisonment in the state penitentiary for not less than one year nor more than ten years.

Penalty.

Carrying  
drugs, alco-  
holic beverage  
or weapons.

SEC. 4. Every person serving a sentence in any penal institution of this state who, while in such penal institution or while being conveyed to or from such penal institution, or while at any penal institution farm or forestry camp of such institution, or while being conveyed to or from any such place, or while under the custody of institution officials, officers or employees, possesses or carries upon his person or has under his control any narcotic drug, alcoholic beverage or any weapon, firearm or any instrument which, if used, could produce serious bodily injury to the person of another, is guilty of a felony punishable by imprisonment for not more than five years, which shall be in addition to the sentence being served.

Felony.

Penalty.

Officers trans-  
porting pris-  
oners, powers  
and duties of  
peace officer.

SEC. 5. All officers and guards of state penal institutions, while acting in the supervision and transportation of prisoners, and in the apprehension of prisoners who have escaped, shall have the powers and duties of a peace officer.

Interference  
with prisoners  
by unauthor-  
ized person.

SEC. 6. Any person who, without authority, interferes with or in any way interrupts the work of prisoners of a state penal institution, and any person not authorized by law, who gives, or attempts to give, to any prisoner, opium, cocaine or other narcotics or any intoxicating liquors of any kind whatever, or firearms, weapons or explosives of any kind, is guilty of a felony and upon conviction thereof

Felony.

shall be punished by imprisonment in a state penal institution for a term of not less than one year nor more than five years and shall be disqualified from holding any state office or position in the employ of this state. Any person who interferes with the discipline or good conduct of any prisoner of a state penal institution while such prisoner is employed on the grounds of any state penal institution, state farm, road camp or forestry camp, is guilty of a misdemeanor and upon conviction thereof shall be punished by imprisonment in the county jail for a term of not more than six months or by a fine of not more than two hundred dollars or by both such fine and imprisonment. Any peace officer or any officer or guard of any state penal institution may arrest without a warrant any person violating the provisions of this section.

Penalty.

Disqualified from state office.

Interference with discipline.

Misdemeanor. Penalty.

Arrest without warrant.

Passed the Senate February 18, 1955.

Passed the House March 7, 1955.

Approved by the Governor March 17, 1955.

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## CHAPTER 242.

[ S. B. 196. ]

### STATE REFORMATORY—PERSONS RECEIVED.

AN ACT relating to the Washington state reformatory and amending section 5, chapter 212, Laws of 1927, and RCW 72.12.050.

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

SECTION 1. Section 5, chapter 212, Laws of 1927, and RCW 72.12.050 are each amended to read as follows: Amendment.

The director, through the superintendent of the reformatory, shall receive all males between the ages of sixteen and thirty years who are sentenced to the reformatory on conviction of any criminal offense in

any court having jurisdiction thereof; and all male prisoners who may be removed from any other penal institution of the state as provided by law.

Passed the Senate February 17, 1955.

Passed the House March 7, 1955.

Approved by the Governor March 17, 1955.

CHAPTER 243.

[ S. B. 421. ]

MOTOR VEHICLE FUND—DISTRIBUTION OF COUNTY ALLOCATION.

AN ACT relating to the motor vehicle fund; providing for payments and allocation to counties therefrom; prescribing duties of the highway commission, joint fact-finding committee on highways, streets and bridges, superintendent of public instruction, director of licenses, state treasurer and state tax commission; amending section 5, chapter 181, Laws of 1939, as last amended by section 2, chapter 143, Laws of 1949, and RCW 46.68.120, and declaring this act shall take effect on March 1, 1956.

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

Amendment.

SECTION 1. Section 5, chapter 181, Laws of 1939, as last amended by section 2, chapter 143, Laws of 1949, and RCW 46.68.120 are each amended to read as follows:

Funds to be paid counties, subject to deduction and distribution.  
For director of highways use on county roads.

Funds to be paid to the counties of the state shall be subject to deduction and distribution as follows:

(1) Three-fourths of one percent of such sums shall be deducted monthly as such sums accrue and set aside for the use of the director of highways for the supervision of work and expenditures of such counties on the county roads thereof: *Provided*, That any moneys so retained and not expended shall be credited in the succeeding biennium to the counties in proportion to deductions herein made;

(2) All sums required to be repaid to counties composed entirely of islands shall be deducted;

Counties composed entirely of islands.

(3) The balance remaining to the credit of counties after such deductions shall be paid to the several counties monthly, as such funds accrue, upon the basis of the following formula:

Balance re-  
paid monthly  
to counties as  
accrued under  
following  
formula.

(a) Ten percent of such sum shall be divided equally among the several counties;

(b) Thirty percent shall be paid to each county in direct proportion that the sum of the total number of private automobiles and trucks licensed by registered owners residing in unincorporated areas and seven percent of the number of private automobiles and trucks licensed by registered owners residing in incorporated areas within each county bears to the total of such sums for all counties. The number of registered vehicles so used shall be as certified by the director of the department of licenses for the year next preceding the date of calculation of the allocation amounts. The director of the department shall first supply such information not later than the 15th day of February, 1956, and on the 15th day of February each two years thereafter.

Total number  
of private  
auto and  
truck license,  
basis.

Number of  
registered ve-  
hicles certified  
by director of  
department of  
licenses.

(c) Thirty percent shall be paid to each county in direct proportion that the product of the county's trunk highway mileage and its prorated estimated annual cost per trunk mile as provided in subsection (e) is to the sum of such products for all counties.

Product of the  
counties trunk  
highway mile-  
age, basis.

County trunk highways are defined as county roads regularly used by school buses and/or rural free delivery mail carriers of the United States post office department, but not foot carriers. Determination of the number of miles of county roads used in each county by school buses shall be based solely upon information supplied by the superintendent of public instruction, who shall on October 1, 1955 and on October 1st of each odd-numbered year thereafter furnish the director of highways with a map of each county upon which is indicated the county roads used by school buses at the close of the preceding

County trunk  
highways  
defined.

Information  
supplied by  
superintendent  
of public  
instruction.

school year, together with a detailed statement showing the total number of miles of county highway over which school buses operated in each county during such year. Determination of the number of miles of county roads used in each county by rural mail carriers on routes serviced by vehicles during the year shall be based solely upon information supplied by the United States postal department as of January 1st of the even-numbered years.

Information supplied by U. S. postal department.

(d) Thirty percent of such sum shall be paid to each of the several counties in the direct proportion that the product of the trunk highway mileage of the county and its "money need factor" as defined in subsection (f) is to the total of such products for all counties.

Re-examination every four years.

(e) Every four years the highway commission and the joint fact-finding committee on highways, streets and bridges shall re-examine or cause to be re-examined all the factors on which the estimated annual costs per trunk mile for the several counties have been based and shall make such adjustments as may be necessary. The following formula shall be used: One twenty-fifth of the estimated total county road replacement cost, plus the total annual maintenance cost, divided by the total miles of county road in such county, and multiplied by the result obtained from dividing the total miles of county road in said county by the total trunk road mileage in said county. For the purpose of allocating funds from the motor vehicle fund, a county road shall be defined as one established as such by resolution or order of establishment of the board of county commissioners. The first two allocations of funds shall be based on the following prorated estimated annual costs per trunk mile for the several counties as follows:

Formula.

Prorated estimated annual cost per trunk mile.

Adams .....	\$1,227.00
Asotin .....	1,629.00



Benton .....	\$1,644.00
Chelan .....	2,224.00
Clallam .....	2,059.00
Clark .....	1,710.00
Columbia .....	1,391.00
Cowlitz .....	1,696.00
Douglas .....	1,603.00
Ferry .....	1,333.00
Franklin .....	1,612.00
Garfield .....	1,223.00
Grant .....	1,714.00
Grays Harbor.....	2,430.00
Island .....	1,153.00
Jefferson .....	2,453.00
King .....	2,843.00
Kitsap .....	1,938.00
Kittitas .....	1,565.00
Klickitat .....	1,376.00
Lewis .....	1,758.00
Lincoln .....	1,038.00
Mason .....	1,748.00
Okanogan .....	1,260.00
Pacific .....	2,607.00
Pend Oreille.....	1,753.00
Pierce .....	2,276.00
San Juan .....	1,295.00
Skagit .....	1,966.00
Skamania .....	2,023.00
Snohomish .....	2,269.00
Spokane .....	1,482.00
Stevens .....	1,068.00
Thurston .....	1,870.00
Wahkiakum .....	2,123.00
Walla Walla.....	1,729.00
Whatcom .....	1,738.00
Whitman .....	1,454.00
Yakima .....	1,584.00

*Provided, however,* That the prorated estimated annual costs per trunk mile in this subsection shall be adjusted biennially by the highway commission on the basis of changes in the trunk and total county road mileage based on information supplied by the superintendent of public instruction, the United States postal department and the annual reports of the county road departments.

Biennial adjustment of prorated estimated costs per trunk mile.

"Money need factor."

(f) The "money need factor" for each of the several counties shall be the difference between the prorated estimated annual costs as listed above and the sum of the following three amounts divided by the county trunk highway mileage:

Taxable property.

(1) The equivalent of a ten mill tax levy on the valuation, as equalized by the state tax commission for state purposes, of all taxable property in the county road districts;

Federal forest reserve fund.

(2) One-fourth the sum of all funds received by the county from the federal forest reserve fund during the two calendar years next preceding the date of the adjustment of the allocation amounts as certified by the state treasurer; and

Motor vehicle license fee and motor vehicle fuel tax.

(3) One-half the sum of motor vehicle license fees and motor vehicle fuel tax refunded to the county during the two calendar years next preceding the date of the adjustment of the allocation amounts, as provided in paragraph 9, chapter 181, Laws of 1939; RCW 46.68.080. These shall be as supplied to the highway commission by the state treasurer for that purpose. The tax commission and the state treasurer shall supply the information herein requested on or before January 1, 1956 and on said date each two years thereafter.

Formula to obtain "money need factor" of the several counties.

The following formula shall be used for the purpose of obtaining the "money need factor" of the several counties: The prorated estimated annual cost per trunk mile multiplied by the trunk miles will equal the total need of the individual county.

The total need minus the sum of the three resources set forth in subsection (f) shall equal the net need. The net need of the individual county divided by the total of net needs for all counties shall equal the "money need factor" for that county.

(g) The director of highways shall adjust the allocations of the several counties on March 1st of every even-numbered year based solely upon the sources of information hereinbefore required.

Allocations adjusted every even numbered year.

(h) The highway commission and the joint fact-finding committee on highways, streets and bridges shall relog or cause to be relogged the total road mileages upon which the prorated estimated annual costs per trunk mile are based and shall recalculate such costs on the basis of such relogging and shall report their findings and recommendations to the legislature at its next regular session.

Relogging total road mileages.

(i) The highway commission and the joint fact-finding committee on highways, streets and bridges shall study and report their findings and recommendations to the legislature concerning the following problems as they affect the allocation of "motor vehicle fund" funds to counties:

Report findings and recommendations on following problems affecting allocation of "motor vehicle fund" funds.

(1) Comparative costs per trunk mile based on federal aid contracts versus those herein advocated.

(2) Average costs per trunk mile.

(3) The advisability of using either "trunk mileage" or "county road" mileage exclusively as the criterion instead of both as in this plan adopted.

(4) Reassesment of bridge costs based on current information and relogging of bridges.

(5) The items in the list of resources used in determining the "need factor."

(6) The development of a uniform accounting system for counties with regard to road and bridge construction and maintenance costs.

(7) A redefinition of rural and urban vehicles which better reflects the use of said vehicles on county roads.

To avoid hardships in individual counties reductions prescribed, minimized for limited period.

SEC. 2. (1) In order to avoid sharp decreases in the economy of any single county, a sudden reduction in its labor forces, and extreme hardship to the inhabitants of any such county, and in order to avoid the disruption of the orderly ten-year county road programs in said counties as directed by the 1949 legislature and subsequently established by the various boards of county commissioners, it is the policy of the legislature that reductions prescribed in this act to such counties shall be minimized for a limited period, as follows:

The sum of two hundred fifty thousand dollars (\$250,000.00) is deducted from the net gains to counties whose percent of allocation is increased by the provisions of this act over and above the percentages presently in effect, which sum shall be deducted in direct proportion to their percent of gain and distributed to those counties with decreased percentages in direct proportion to their percent of loss, as provided for in this act, such deduction to be made in equal monthly amounts of such sum of two hundred and fifty thousand dollars (\$250,000.00) during the period March 1, 1956 to April 1, 1957.

Deduction from net tax amount expended by department of highways for counties with decreased percentages of allocations.

(2) There shall be deducted from the net tax amount to be expended by the department of highways under the provisions of RCW 46.68.130, the sum of two hundred fifty thousand dollars (\$250,000.00), which sum shall be deducted in equal monthly amounts during the period March 1, 1956 to April 1, 1957, and distributed to those counties with decreased percentages of allocations under the provisions of this act in direct proportion to their percentage of loss under such allocations.

SEC. 3. This act shall take effect March 1, 1956.

Passed the Senate February 23, 1955.

Passed the House March 7, 1955.

Approved by the Governor March 17, 1955.

## CHAPTER 244.

[ S. B. 53. ]

## STATE PATROL RETIREMENT SYSTEM.

AN ACT relating to the Washington state patrol retirement system; amending section 1, chapter 250, Laws of 1947, as last amended by section 1, chapter 262, Laws of 1953, and RCW 43.43.120 (1953 Supp.); amending section 15, chapter 250, Laws of 1947, as last amended by section 5, chapter 140, Laws of 1951, and RCW 43.43.260; and amending section 19, chapter 250, Laws of 1947, as last amended by section 9, chapter 140, Laws of 1951, and RCW 43.43.300; and adding two new sections to be known as section 4 and section 5.

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

SECTION 1. Section 1, chapter 250, Laws of 1947, Amendment.  
as last amended by section 1, chapter 262, Laws of 1953, and RCW 43.43.120 (1953 Supp.) are each amended to read as follows:

As used in the following sections:

- (1) "Retirement system" means the Washington state patrol retirement system. "Retirement system" defined.
- (2) "Retirement fund" means the Washington state patrol retirement fund. "Retirement fund" defined.
- (3) "State treasurer" means the treasurer of the state of Washington. "State treasurer" defined.
- (4) "Member" means any person included in the membership of the retirement fund. "Member" defined.
- (5) "Employee" means any commissioned employee of the Washington state patrol. "Employee" defined.
- (6) "Beneficiary" means any person in receipt of retirement allowance or any other benefit allowed by this chapter. "Beneficiary" defined.
- (7) "Regular interest" means interest compounded annually at such rates as may be determined by the retirement board. "Regular interest" defined.
- (8) "Retirement board" means the board provided for in this chapter. "Retirement board" defined.

"Insurance commissioner" defined.

(9) "Insurance commissioner" means the insurance commissioner of the state of Washington.

"State auditor" defined.

(10) "State auditor" means the auditor of the state of Washington.

"Service" defined.

(11) "Service" shall mean services rendered to the state of Washington or any political subdivisions thereof for which compensation has been paid. Full time employment for ten days or more in any given calendar month shall constitute one month of service. Only months of service shall be counted in the computation of any retirement allowance or other benefit provided for herein. Years of service shall be determined by dividing the total number of months of service by twelve. Any fraction of a year of service as so determined shall be taken into account in the computation of such retirement allowance or benefit.

"Prior service" defined.

(12) "Prior service" shall mean all services rendered by a member to the state of Washington, or any of its political subdivisions prior to August 1, 1947, unless such service has been credited in another public retirement or pension system operating in the state of Washington.

"Current service" defined.

(13) "Current service" shall mean all service as a member rendered on or after August 1, 1947.

"Average final salary" defined.

(14) "Average final salary" shall mean the average monthly salary received by a member during his last five years of service or any consecutive five year period of service, whichever is the greater, as an employee of the Washington state patrol; or if he has less than five years of service, then the average monthly salary received by him during his total years of service.

"Actuarial equivalent" defined.

(15) "Actuarial equivalent" shall mean a benefit of equal value when computed upon the basis of such mortality table as may be adopted and such interest rate as may be determined by the board.

SEC. 2. Section 15, chapter 250, Laws of 1947, as last amended by section 5, chapter 140, Laws of 1951, and RCW 43.43.260 are each amended to read as follows: Amendment.

Upon compulsory retirement from service as provided by the retirement system, a member shall be granted a retirement allowance which shall consist of: Upon compulsory retirement, retirement allowance consists of.

(1) A prior service annuity which shall be equal to one percent of the member's average final salary multiplied by the number of years of prior service rendered by the member to the Washington state patrol: *Provided*, That a member shall be entitled to prior service benefit only if such member applies for participation in the retirement fund within sixty days after June 11, 1947. Prior service annuity.

(2) A current service annuity which shall be equal to one and seven-tenths percent of the member's average final salary multiplied by the number of years of service rendered while a member of the retirement system. Proviso.

SEC. 3. Section 19, chapter 250, Laws of 1947, as last amended by section 9, chapter 140, Laws of 1951, and RCW 43.43.300 are each amended to read as follows: Current service annuity.

Beginning on July 1, 1951, every Washington state patrol employee who is a member of the retirement fund shall contribute five percentum of his monthly salary, which the state auditor shall deduct from the compensation of each member on each and every payroll. Amendment.

In event a member severs his connection with the Washington state patrol or is dismissed, the amount paid by the state of Washington shall remain in the retirement fund. Contribution by employee.

SEC. 4. Contributions may be received by the Washington state patrol retirement board from any public or private source for deposit into the Washing- Contribution by state.

Contributions from public or private sources. Contributions from public or private sources.

ton state patrol retirement fund, and said contributions shall be dealt with in the same manner as other state patrol retirement funds and subject to the terms of the contribution.

Average final salary of members now retired recomputed.

SEC. 5. The average final salary of members now retired shall be recomputed in accordance with subsection (14) of section 1 and from the effective date of this act the retirement allowance of such members shall be paid under section 2 of this act upon the basis of the average final salary as recomputed.

Passed the Senate February 26, 1955.

Passed the House March 8, 1955.

Approved by the Governor March 17, 1955.

CHAPTER 245.

[ S. B. 188. ]

PUBLIC INSTITUTIONS—TRANSFER OF PRISONERS.

AN ACT relating to public institutions; providing for the transfer of prisoners; amending section 5, chapter 114, Laws of 1935 and RCW 9.95.180; and adding a new section to chapter 9.95, RCW.

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

New section.

SECTION 1. There is added to chapter 9.95, RCW, a new section to read as follows:

Superintendent of public institutions transports prisoners under guard.

(1) The superintendent of public institutions shall transport prisoners under guard

(a) to and between the state penitentiary, the state reformatory and all other institutions under his supervision;

(b) from a county, city, or municipal jail to an institution mentioned in paragraph (a) of this subsection and to a county, city or municipal jail from an institution mentioned in paragraph (a) of this subsection.

May employ necessary persons.

(2) The superintendent of public institutions may employ necessary persons for such purpose.



(3) All equipment acquired and used by, and all funds appropriated to, the board of prison terms and paroles for such purpose shall be transferred to the superintendent of public institutions upon the taking effect of this section.

Equipment  
and funds  
transferred.

SEC. 2. Section 5, chapter 114, Laws of 1935 and RCW 9.95.180 are each amended to read as follows:

Amendment.

Whenever in its judgment the best interests of the state or the welfare of any prisoner confined in any penal institution will be better served by his transfer to another institution the superintendent of public institutions may effect such transfer.

Superintend-  
ent of public  
institutions  
may effect  
transfer.

Passed the Senate February 17, 1955.

Passed the House March 8, 1955.

Approved by the Governor March 17, 1955.

## CHAPTER 246.

[ S. B. 191. ]

### CRIMES—COMMITMENT TO STATE REFORMATORY.

AN ACT relating to punishment for crimes and amending section 25, chapter 249, Laws of 1909 and RCW 9.92.050.

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

SECTION 1. Section 25, chapter 249, Laws of 1909 and RCW 9.92.050 are each amended to read as follows:

Amendment.

Whenever any male person, between the ages of sixteen and thirty years, is convicted of any felony the court may, in its discretion, order such person to be committed to and confined in the Washington state reformatory.

Discretion of  
court to order  
confinement in  
Washington  
state  
reformatory.

Passed the Senate February 3, 1955.

Passed the House March 8, 1955.

Approved by the Governor March 17, 1955.

CHAPTER 247.

[ S. B. 190. ]

BURIAL OF SOLDIERS AND VETERANS.

AN ACT relating to the department of public institutions; providing authority for the burial of deceased members of the Washington Soldiers' Home and Colony and the Washington Veterans' Home, at such institutions.

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

SECTION 1. The superintendent of the Washington Veterans' Home and the superintendent of the Washington Soldiers' Home and Colony are hereby authorized to provide for the burial of deceased members in the cemeteries provided at the Washington Veterans' Home and Washington Soldiers' Home: *Provided*, That this act shall not be construed to prevent any relative from assuming jurisdiction of such deceased persons.

Authorization to provide for burial.

Proviso.

Passed the Senate February 17, 1955.

Passed the House March 8, 1955.

Approved by the Governor March 17, 1955.

## CHAPTER 248.

[ S. B. 200. ]

## CHAPLAINS AT PENITENTIARY, REFORMATORY, ETC.

AN ACT relating to the department of public institutions; providing for the appointment of chaplains for the state penitentiary, the state reformatory, the state school for boys, and the state school for girls; prescribing the duties of chaplains; providing for their qualifications and compensation as recommended by the department of public institutions and approved by the state personnel board; providing for the appointment of a supervisor of chaplains; establishing an interfaith advisory committee; and repealing sections 72.08.180, 72.08.190 and 72.08.200 RCW and chapter 38, Laws of 1905.

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

SECTION 1. The chief executive officer of the department of public institutions is hereby directed and empowered to appoint not more than three, nor less than one chaplain for the state penitentiary; not more than two, nor less than one chaplain for the state reformatory; and one chaplain each for the state school for boys at Chehalis and the state school for girls at Grand Mound, and the chaplains so appointed shall have the qualifications, and shall be compensated in an amount, as shall hereafter be recommended by the department of public institutions and approved by the state personnel board.

Chief executive officer of department of public institutions directed to appoint chaplains.

SEC. 2. It shall be the duty of the chaplains at the respective institutions mentioned in section 1, under the direction of the department of public institutions, to conduct religious services and to give religious and moral instruction to the inmates of the institutions, and to attend to their spiritual wants. They shall counsel with and interview the inmates concerning their social and family problems, and shall give assistance to the inmates and their families in regard to such problems.

Duties of chaplains.

Facilities for chaplains.

SEC. 3. The chaplains at the respective institutions mentioned in section 1 shall be provided with the offices and chapels at their institutions, and such supplies as may be necessary for the carrying out of their duties.

Appointment of supervisor of chaplains.

SEC. 4. The chief executive officer of the department of public institutions is hereby empowered to appoint one of the chaplains, authorized by section 1, to act as supervisor of chaplains for the department, in addition to his duties at one of the institutions designated in section 1.

Interfaith advisory committee; appointed by governor.

SEC. 5. An interfaith advisory committee of not less than nine and not more than twelve members shall be appointed by the governor to advise and assist the chief executive officer of the department of public institutions regarding the qualifications, selection and duties of the institutional chaplains and the development of the religious programs in the state institutions.

Repeal.

SEC. 6. Chapter 38, Laws of 1905, and RCW 72.08-.180, 72.08.190 and 72.08.200 are each repealed.

Passed the Senate February 17, 1955.

Passed the House March 8, 1955.

Approved by the Governor March 17, 1955.

CHAPTER 249.

[ S. B. 224. ]

FAMILY DESERTION AND NONSUPPORT.

AN ACT relating to family desertion or nonsupport; amending section 1, chapter 28, Laws of 1913 as last amended by section 1, chapter 255, Laws of 1953 and RCW 26.20.030.

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

SECTION 1. Section 1, chapter 28, Laws of 1913 as last amended by section 1, chapter 255, Laws of 1953 and RCW 26.20.030 are each amended to read as follows: Amendment.

(1) Every person who:

(a) Has a child dependent upon him or her for care, education or support and deserts such child in any manner whatever with intent to abandon it; or Desertion or failure to provide necessities for wife, child, or ward deemed crime.

(b) Wilfully omits, without lawful excuse, to furnish necessary food, clothing, shelter, or medical attendance for his or her child or children or ward or wards; or

(c) Has sufficient ability to provide for his wife's support or is able to earn the means for his wife's support and wilfully abandons and leaves her in a destitute condition; or who refuses or neglects to provide his wife with necessary food, clothing, shelter, or medical attendance, unless by her misconduct he is justified in abandoning her, shall be guilty of the crime of family desertion or nonsupport. Crime.

(2) When children are involved under the age of sixteen years, such act shall be a felony and punished by imprisonment in the state penitentiary for not more than twenty years or by imprisonment in the county jail for not more than one year or by fine of not more than one thousand dollars or by both fine and imprisonment. Felony.  
Penalty.

(3) When there is no child under sixteen years, such act shall be a gross misdemeanor and shall be Gross misdemeanor.

Penalty. punished by imprisonment in the county jail for not more than one year or by fine of not more than one thousand dollars, or by both fine and imprisonment.

Passed the Senate February 26, 1955.

Passed the House March 8, 1955.

Approved by the Governor March 17, 1955.

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CHAPTER 250.

[ S. B. 320. ]

LIENS—INTERNAL REVENUE TAXES.

AN ACT relating to liens for internal revenue taxes, and amending section 4, chapter 15, Laws of 1925, and RCW 60.68.040.

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

Amendment. SECTION 1. Section 4, chapter 15, Laws of 1925, and RCW 60.68.040 are each amended to read as follows:

Auditors fees. The auditor shall receive one dollar for filing and indexing each notice of lien, and fifty cents for each certificate of discharge.

Passed the Senate February 8, 1955.

Passed the House March 8, 1955.

Approved by the Governor March 17, 1955.

## CHAPTER 251.

[ S. B. 371 ]

## TAXATION—PROPERTY REVALUATION—COUNTY ASSISTANCE.

AN ACT relating to the valuation of property for tax purposes; requiring revaluation of all taxable property within each county before June 1, 1958; permitting the tax commission to contract with counties to assist in valuation of property; adding a new section to chapter 36.21 RCW; repealing section 56, chapter 130, Laws of 1925 extraordinary session and RCW 36.21.010; making an appropriation, and declaring an emergency.

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

SECTION 1. Recent comprehensive studies by the legislative council have disclosed gross inequality and nonuniformity in valuation of real property for tax purposes throughout the state. Serious nonuniformity in valuations exists both between similar property within the various taxing districts and between general levels of valuation of the various counties. Such nonuniformity results in inequality in taxation contrary to standards of fairness and uniformity required and established by the Constitution and is of such flagrant and widespread occurrence as to constitute a grave emergency adversely affecting state and local government and the welfare of all the people.

Traditional public policy of the state has vested large measure of control in matters of property valuation in county government, and the state hereby declares its purpose to continue such policy. However, present statutes and practices thereunder have failed to achieve the measure of uniformity required by the Constitution; the resultant widespread inequality and nonuniformity in valuation of property can and should no longer be tolerated. It thus becomes necessary to require general revaluation of property throughout the state.

Disclosure of gross inequality and nonuniformity in valuation of real property for tax purposes.

Public policy of state.

Failure to achieve measure of uniformity required by Constitution.

Act does not affect procedures whereby taxes are imposed.

SEC. 2. This act does not, and is not intended to affect procedures whereby taxes are imposed either for local or state purposes. This act concerns solely the administrative procedures by which the true and fair value in money of property is determined. The process of valuation, which is distinct and separate from the process of levying and imposing a tax, does not result either in the imposition of a tax or the determination of the amount of a tax. This act is intended to, and applies only to procedures and methods whereby the value of property is ascertained.

County assessor shall commence program of revaluation.

SEC. 3. Each county assessor shall commence, immediately if possible, but no later than January 1, 1956, a comprehensive program of revaluation of all taxable property within his respective county. Such program shall progress at a rate which will result in the revaluation of all taxable property within the county before June 1, 1958. Each assessor shall thereafter maintain an active and systematic program of revaluation on a continuous basis, and shall establish a revaluation schedule which will result in revaluation of all taxable property within the county at least once each four years. A copy of such schedule shall be filed by each assessor with the tax commission before October 15, 1956.

Revaluation by June 1, 1958.

Revaluation schedule filed.

Physical inspection.

SEC. 4. Each county assessor shall cause real property being valued to be physically inspected and shall require such examination as will provide adequate data from which to make accurate valuations. Property which may have been revalued after physical examination by the assessor subsequent to May 31, 1954, shall be considered to have been revalued pursuant to the requirements of this act.

Budget provision.

SEC. 5. Each county assessor in budgets hereafter submitted, shall make adequate provision to effect county-wide revaluations as herein directed. The



several boards of county commissioners in passing upon budgets submitted by the several assessors, shall authorize and levy amounts which in the judgment of the board will suffice to carry out the directions of this act.

SEC. 6. Any county assessor may request special assistance from the tax commission in the valuation of property which either (1) requires specialized knowledge not otherwise available to the assessor's staff, or (2) because of an inadequate staff, cannot be completed by the assessor within the time required by this act. After consideration of such request the tax commission shall advise the assessor that such request is either approved or rejected in whole or in part. Upon approval of such request, the tax commission may assist the assessor in the valuation of such property in such manner as the tax commission, in its discretion, considers proper and adequate.

County assessor may request special assessment from tax commission in valuation.

SEC. 7. If the tax commission finds upon its own investigation, or upon a showing by others, that the revaluation program for any county is not proceeding for any reason as herein directed, or is not proceeding for any reason with sufficient rapidity to be completed before June 1, 1958, the tax commission shall advise both the board of county commissioners and the county assessor of such finding. Within thirty days after receiving such advice, the board of county commissioners, at regular or special session, either (1) shall authorize such expenditures as will enable the assessor to complete the revaluation program as herein directed, or (2) shall direct the assessor to request special assistance from the tax commission for aid in effectuating the county's revaluation program.

Tax commission finding that revaluation program for county not proceeding with sufficient rapidity.

SEC. 8. Upon receiving a request from the county assessor, either upon his initiation or at the direction

of the board of county commissioners, for special assistance in the county's revaluation program, the tax commission may, before undertaking to render such special assistance, negotiate a contract with the board of county commissioners of the county concerned. Such contracts as are negotiated shall provide that the county will reimburse the state for fifty percent of the costs of such special assistance within three years of the date of expenditure of such costs. All such reimbursements shall be paid to the tax commission for deposit to the state general fund. The tax commission shall keep complete records of such contracts, including costs incurred, payments received, and services performed thereunder.

Negotiating contract for special assistance.

Reimbursement.

Records of contract.

Rules, regulations and guides published.

Value property in accordance with standards.

SEC. 9. The tax commission shall make and publish such rules, regulations and guides which it determines are needed to supplement materials presently published by the tax commission for the general guidance and assistance of county assessors. Each assessor is hereby directed and required to value property in accordance with the standards established by section 15, chapter 206, Laws of 1939 (RCW 84.40.030) and in accordance with the applicable rules, regulations and valuation manuals published by the tax commission.

New section.

SEC. 10. There is added to chapter 36.21 RCW, a new section to read as follows:

Assessor may appoint assistants or contract with expert appraisers.

Any assessor who deems it necessary to enable him to complete the listing and the valuation of the property of his county within the time prescribed by law, (1) may appoint one or more well qualified citizens of his county to act as his assistants or deputies; and each assistant so appointed shall, under the direction of the assessor, after taking the required oath, perform all the duties enjoined upon, vested in or imposed upon assessors, and (2) may contract with persons, firms or corporations, regardless of

their residence, who are expert appraisers, to assist in the valuation of property.

SEC. 11. Appraisers whose services may be obtained by contract or who may be assigned by the tax commission to assist any county assessor shall act in an advisory capacity only, and valuations made by them shall not in any manner be binding upon the assessor, it being the intent herein that all valuations made pursuant to this act shall be made and entered by the assessor pursuant to law as directed herein.

Appraisers acting in advisory capacity only.

SEC. 12. Each county assessor shall keep such books and records as are required by the rules and regulations of the tax commission and shall comply with any lawful order, rule or regulation of the commission.

Books and records.

Whenever it appears to the tax commission that any assessor has failed to comply with any of the provisions of this act relating to his duties or the rules of the tax commission made in pursuance thereof, the tax commission, after a hearing on the facts, may issue an order directing such assessor to comply with such provisions of this act or rules of the tax commission. Such order shall be mailed by registered mail to the assessor at the county courthouse. If, upon the expiration of fifteen days from the date such order is mailed, the assessor has not complied therewith or has not taken measures that will insure compliance within a reasonable time, the tax commission may apply to a judge of the superior court or court commissioner of the county in which such assessor holds office, for an order returnable within five days from the date thereof to compel him to comply with such provisions of law or of the tax commission's order or to show cause why he should not be compelled so to do. Any order issued by the judge pursuant to such order to show cause shall be final. The remedy herein provided

Order after hearing directing assessor to comply with act's provisions.

Tax commission may apply for order of compliance.

Remedy cumulative.

shall be cumulative and shall not exclude the tax commission from exercising any powers or rights otherwise granted.

County assessor to submit report on progress of revaluation program.

SEC. 13. Each county assessor, before October 15th each year, shall prepare and submit to the tax commission a detailed report of the progress made in the revaluation program in his county to the date of the report and be made a matter of public record. Such report shall be submitted upon forms supplied by the tax commission and shall consist of such information as the tax commission requires. The tax commission shall transmit a copy of such report to the legislature.

Report forms.

Tax commission to submit report on progress of revaluation program to legislature.

SEC. 14. The tax commission, thirty days prior to the convening of each regular session of the legislature, shall submit a comprehensive report showing the extent of progress of the revaluation program in each county. Such report shall also include any comments and recommendations the tax commission may have in regard to the revaluation program.

Appropriation.

SEC. 15. There is hereby appropriated from the general fund, for the fiscal biennium ending June 30, 1957, for the tax commission the sum of two hundred and fifty thousand dollars, or so much thereof as shall be necessary to carry out the provisions of this act.

Invalidity.

SEC. 16. If any section, provision or part of this act shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of this act as a whole or any section, provision or part hereof not adjudged invalid or unconstitutional.

Repeal.

SEC. 17. Section 56, chapter 130, Laws of 1925 extraordinary session and RCW 36.21.010 are each repealed.

Emergency.

SEC. 18. This act is necessary for the immediate preservation of the public peace, health, and safety,

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

Passed the Senate February 25, 1955.

Passed the House March 8, 1955.

Approved by the Governor March 17, 1955.

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## CHAPTER 252.

[ Sub. S. B. 430. ]

### CITIES—ELECTRIC GENERATING FACILITIES.

AN ACT relating to cities; defining terms; limiting the right to own and operate electrical generating facilities in certain counties; providing for certain payments; and declaring an emergency.

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

SECTION 1. Whenever after the effective date of this act any city shall construct hydroelectric generating facilities or acquire land for the purpose of constructing the same in a county other than the county in which such city is located, and by reason of such construction or acquisition shall (1) cause loss of revenue and/or place a financial burden in providing for the public peace, health, safety, welfare, and added road maintenance in such county, in addition to road construction or relocation as set forth in RCW 90.28.010 and/or (2) shall cause any loss of revenues and/or increase the financial burden of any school district affected by the construction because of an increase in the number of pupils by reason of the construction or the operation of said generating facilities, the city shall enter into an agreement with said county and/or the particular school district or districts affected for the payment of moneys to recompense such losses or to provide for such increased financial burden, upon such terms and conditions as may be mutually agreeable to the city and the county and/or school district or districts.

City construction of generating facilities or acquiring land for same outside city, causing loss of revenues or financial burdens on county or school district.

City shall enter into contract to recompense.

SEC. 2. Whenever a county or school district affected by the project sustains such financial loss or is affected by an increased financial burden as above set forth or it appears that such a financial loss or burden will occur beginning not later than within the next three months, such county or school district shall immediately notify the city in writing setting forth the particular losses or increased burden and the city shall immediately enter into negotiations to effect a contract. In the event the city and the county or school district are unable to agree upon terms and conditions for such contract, then in that event, within sixty days after such notification, the matter shall be submitted to a board of three arbitrators, one of whom shall be appointed by the city council of the city concerned; one by the board of county commissioners for the county concerned or by the school board for the school district concerned, and one by the two arbitrators so appointed. In the event such arbitrators are unable to agree on a third arbitrator within ten days after their appointment then the third arbitrator shall be selected by the state auditor. The board of arbitrators shall determine the loss of revenue and/or the cost of the increased financial burden placed upon the county or school district and its findings shall be binding upon such city and county or school district and the parties shall enter into a contract for reimbursement by the city in accordance with such findings, with the payment under such findings to be retroactive to the date when the city was first notified in writing.

County or school district to notify city.

Disagreement in terms submitted to board of arbitrators.

Appointment of arbitrators.

Boards findings binding.

Payment retroactive.

Findings may provide for varying payments.

SEC. 3. The findings provided for in section 2 of this act may also provide for varying payments based on formulas to be stated in the findings, and for varying payments for different stated periods. The findings shall also state a future time at which the agreement shall be renegotiated or, in event of

failure to agree on such renegotiation, be arbitrated as provided in this act.

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

Passed the Senate March 1, 1955.

Passed the House March 8, 1955.

Approved by the Governor March 17, 1955.

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## CHAPTER 253.

[ Sub. S. B. 158. ]

### SCHOOL DISTRICTS—VALUATION OF TAXABLE PROPERTY.

AN ACT relating to the valuation of property for purposes of school district tax levies; and requiring school district tax levies to be imposed upon property valuations as determined by county assessors and equalized by the state board of equalization; and declaring an emergency.

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

SECTION 1. The public school system of this state is in critical need of equalized opportunity for local school districts to provide adequately for proper education of the greatly increasing number of children now enrolled and soon to enroll in the public schools of the state. Studies by the legislative council have revealed this situation to be largely the result of nonuniform valuations placed upon taxable property contrary to constitutional requirements. This present condition makes it imperative that the state enforce constitutional standards of valuation to effect uniform levels of support of the state's public schools.

Nonuniform  
valuations  
placed upon  
taxable  
property.

Recognizing its constitutional and paramount duty to make ample provision for the education of children within the state, the state hereby declares

Valuation re-  
quirement.

its purpose to fulfill that duty enjoined upon it by the Constitution by requiring that the valuation of taxable property within school districts, for purposes of school district taxes, be made to conform to standards required by the Constitution.

Education de-  
clared state  
function.

SEC. 2. The education, through the establishment and maintenance of public schools, of all children residing within the state is hereby declared to be a state function, and each school district in the exercise of every activity required by or done pursuant to law in the establishment and maintenance of public schools is hereby declared to be carrying out a state function for state purposes.

Basis of  
tax levies.

SEC. 3. All tax levies made by or for any school district shall be based on the assessed valuation of the taxable property within each respective school district, which assessed valuation shall be the value (1) placed upon said property by the county assessor as equalized by the county board of equalization, and by the tax commission in respect to property assessed by it pursuant to chapters 84.12 and 84.16 RCW, (2) and equalized at fifty percent of true and fair value in money by the state board of equalization.

Abstract of  
equalized ag-  
gregate value.

SEC. 4. Each county assessor shall transmit to the state board of equalization before the first day of August next succeeding the adjournment of the county board of equalization, an abstract of the equalized aggregate value of all taxable property within each school district, or part of a school district, situated within his county.

Certification  
of aggregate  
value.

SEC. 5. Within three days following final adjournment of the state board of equalization, the secretary thereto shall certify to each county assessor the aggregate value, as equalized by said board, of all taxable property within each school district, or part of a school district, situated within each respective assessor's county.



SEC. 6. No county shall be required to transfer to school district funds, on account of school district levies on property assessed pursuant to the provisions of this act, amounts in excess of taxes actually collected by the county treasurer.

SEC. 7. None of the provisions of this act shall be construed to derogate from the exemptions provided for in RCW 84.36.080 and 84.36.090.

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

Passed the Senate March 9, 1955.

Passed the House March 7, 1955.

Approved by the Governor March 17, 1955.

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## CHAPTER 254.

[ S. B. 268. ]

### PROPERTY OF DECEDENTS—ESCHEAT.

AN ACT relating to property of decedents and the escheat thereof; limiting section 1, chapter 133, Laws of 1907 as last amended by section 3, chapter 197, Laws of 1919 and RCW 11.08.020; limiting sections 2 through 8, chapter 133, Laws of 1907 and RCW 11.08.030 through 11.08.090; and making an appropriation.

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

SECTION 1. Section 1, chapter 133, Laws of 1907 as last amended by section 3, chapter 197, Laws of 1919 and RCW 11.08.020, and sections 2 through 8, chapter 133, Laws of 1907 and RCW 11.08.030 through 11.08.090 shall not apply to estates of persons dying after the effective date of this act. Limitation of  
sections.

SEC. 2. From and after the effective date of this act, whenever any person dies, whether a resident of this state or not, leaving property subject to the

jurisdiction of this state and without being survived by any person entitled to the same under the laws of this state, such property shall be designated escheat property and shall be subject to the provisions of this act.

Escheat property.

Vesting of title in state.

SEC. 3. Title to escheat property, which shall include any intangible personalty, shall vest in the state at the death of the owner thereof.

Jurisdiction over escheat property.

SEC. 4. The tax commission of this state shall have supervision of and jurisdiction over escheat property and may institute and prosecute any proceedings deemed necessary or proper in the handling of such property, and it shall be the duty of the tax commission to protect and conserve escheat property for the benefit of the permanent common school fund of the state until such property or the proceeds thereof have been forwarded to the state treasurer or the state land commissioner as hereinafter provided.

Escheat property probated.

SEC. 5. Escheat property may be probated under the provisions of the probate laws of this state. Whenever such probate proceedings are instituted, whether by special administration or otherwise, the petitioner shall promptly notify the tax commission in writing thereof on forms furnished by the tax commission to the county clerks. Thereafter, the tax commission shall be served with written notice at least twenty days prior to any hearing on proceedings involving the valuation or sale of property, on any petition for the allowance of fees, and on all interim reports, final accounts or petitions for the determination of heirship. Like notice shall be given of the presentation of any claims to the court for allowance. Failure to furnish such notice shall be deemed jurisdictional and any order of the court entered without such notice shall be void: *Provided*, That the tax commission may waive the provisions of this section in its discretion.

Notice to tax commission.

Failure to furnish notice, jurisdictional.

Proviso.

SEC. 6. The tax commission may demand copies of any papers, documents or pleadings involving the escheat property or the probate thereof deemed by it to be necessary for the enforcement of this act and it shall be the duty of the administrator or his attorney to furnish such copies to the commission.

Papers, documents or pleadings.

SEC. 7. It shall be the duty of the prosecuting attorney of the county in which the escheat property is situated or in which probate proceedings have been instituted, to assist the tax commission in the enforcement of the provisions of this act upon request by the commission.

Prosecuting attorney assists.

SEC. 8. If any person shall take possession of escheat property without proper authorization to do so, and shall have the use thereof for a period exceeding sixty days, he shall be liable to the state for the reasonable value of such use, payment of which may be enforced by the tax commission or by the administrator of the estate.

Liability for reasonable value of use.

SEC. 9. If at the expiration of six months from the date of the first publication of notice to creditors no heirs have appeared and established their claim to the estate, the court may enter an interim order allowing claims, expenses and partial fees. If at the expiration of eighteen months from the date of issuance of letters testamentary or of administration no heirs have appeared and established their claim to the estate, all personal property not in the form of cash shall be sold under order of the court. Personal property found by the court to be worthless shall be ordered abandoned. Real property shall not be sold for the satisfaction of liens thereon, or for the payment of the debts of decedent or expenses of administration until the proceeds of the personal property are first exhausted. The court shall then enter a decree allowing any additional fees and charges deemed proper and distributing the balance

Interim order.

Personal property sold under order of court.

Limitation on sale of real property.

Decree of distribution.

of the cash on hand, together with any real property, to the state. Remittance of cash on hand shall be made to the tax commission which shall make proper records thereof and forthwith forward such funds to the state treasurer for deposit in the permanent common school fund of the state.

Certified  
copies of  
decree of  
distribution.

SEC. 10. The tax commission shall be furnished two certified copies of the decree of the court distributing any real property to the state, one of which shall be forwarded to the state land commissioner who shall thereupon assume supervision of and jurisdiction over such real property and thereafter handle it the same as state common school lands.

Appearance of  
heirs and es-  
tablishment of  
their claims.

SEC. 11. Upon the appearance of heirs and the establishment of their claim to the satisfaction of the court prior to entry of the decree of distribution to the estate, the provisions of this act shall not further apply, except for purposes of appeal: *Provided*, That the tax commission shall be promptly given written notice of such appearance by the claimants and furnished copies of all papers or documents on which such claim of heirship is based. Any documents in a foreign language shall be accompanied by translations made by a properly qualified translator, certified by him to be true and correct translations of the original documents. The administrator or his attorney shall also furnish the tax commission with any other available information bearing on the validity of the claim.

Notice of  
appearance.

Time limita-  
tion on filing  
claim.

SEC. 12. Any claimant to escheated funds or real property shall have fifteen years from the date of issuance of letters testamentary or of administration within which to file his claim. Such claim shall be filed with the court having original jurisdiction of the estate, and a copy thereof served upon the tax commission, together with twenty days notice of the hearing thereon.

Copy of claim  
served on tax  
commissioner.

SEC. 13. Upon establishment of the claim to the satisfaction of the court, it shall order payment to the claimant of any escheated funds and delivery of any escheated land, or the proceeds thereof, if sold.

Establishment  
of claim.

SEC. 14. In the event the order of the court requires the payment of escheated funds or the proceeds of the sale of escheated real property, a certified copy of such order shall be served upon the tax commission which shall thereupon take any steps necessary to effect payment to the claimant out of the general fund of the state.

Payment of  
escheated  
funds to  
claimant.

SEC. 15. In the event the order of the court requires the delivery of real property to the claimant, a certified copy of such order shall be served upon the state land commissioner who shall thereupon make proper certification to the office of the governor for issuance of a quit claim deed for the property to the claimant.

Delivery of  
real property  
to claimant.

SEC. 16. The claims of any persons to escheated funds or real property which are not filed within fifteen years as specified above are forever barred, excepting as to those persons who are minors or who are legally incompetent and not under guardianship, in which event the claim may be filed within fifteen years after their disability is removed.

Claims barred.

Exception.

SEC. 17. There is hereby appropriated to the tax commission from the general fund of the state the sum of twenty thousand dollars for payment of claims as provided in section 14 of this act.

Appropriation.

Passed the Senate March 3, 1955.

Passed the House March 9, 1955.

Approved by the Governor March 17, 1955.

CHAPTER 255.

[ H. B. 360. ]

ALIEN LAND LAW—DEFINITIONS.

AN ACT relating to the alien land law; redefining alien so as to exclude corporations organized under the laws of the United States or any state or territory thereof; and amending section 1, chapter 10, Laws of 1953 and RCW 64.16.010.

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

Amendment.

SECTION 1. Section 1, chapter 10, Laws of 1953 and RCW 64.16.010 are each amended to read as follows:

In this chapter, unless the context otherwise requires:

"Alien" includes.

"Alien" does not include an alien who has in good faith declared his intention to become a citizen of the United States, nor does it include a corporation organized under the laws of the United States or any state or territory thereof, but includes all other aliens and other corporations and other organized groups of persons, a majority of whose capital stock is owned or controlled by aliens or a majority of whose members are aliens, and includes all persons who are noncitizens of the United States and who are ineligible to citizenship by naturalization: *Provided, however,* That a corporation organized under the laws of this or any other state, a majority of whose capital stock is owned by one or more separate and distinct corporations organized under the laws of this or any other state, shall not be considered an alien or a corporation a majority of whose capital stock is owned or controlled by aliens within the meaning of any provision of the Constitution or of this or any other statute of this state;

Corporation not considered alien.

"Land" includes.

"Land" does not include land containing valuable deposits of minerals, metals, iron, coal, or fire clay or the necessary land for mills and machinery to be used in the development thereof and the manufacture of the products therefrom, but includes every other

kind of land and every interest therein and right to the control, possession, use, enjoyment, rents, issues, or profits thereof, except a mortgage and except a right to the possession, use, or enjoyment of land for a period of not more than ten years for a purpose for which an alien is accorded the use of land by a treaty between the United States and the country whereof he is a citizen; and includes any share or interest in a corporation or other organized group of persons deemed an alien in this chapter which has title to land;

To "own" means to have the legal or equitable title to or the right to any benefit of; "Own" defined.

"Title" includes every kind of legal or equitable title; "Title" includes.

Ownership of or title to land acquired by inheritance or in good faith either under mortgage or in the ordinary course of collection of debts, or acquired by a female citizen afterwards expatriated by marriage to an alien, is excluded; Ownership excluded.

"Inheritance" includes devise; "Inheritance" includes.

"Mortgage" includes every kind of lien upon land; "Mortgage" includes.

A mortgage of land under which an alien is entitled before default to any control, possession, use or enjoyment of the land, is an absolute conveyance; and

"Person" includes an individual, partnership, corporation, or any other organized group of persons. "Person" includes.

Passed the House February 10, 1955.

Passed the Senate March 7, 1955.

Approved by the Governor March 18, 1955.

CHAPTER 256.

[ H. B. 404. ]

EDUCATION—SCHOOL DIRECTORS—COUNTY AND REGIONAL UNITS.

AN ACT relating to education; providing for the establishment of county and regional units of the Washington state school directors' association; providing for membership dues and payment and disbursement thereof; and adding a new section to chapter 28.58 RCW.

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

New section.

SECTION 1. There is added to chapter 28.58 RCW, a new section to read as follows:

Regional directors' associations established.

To assist the Washington state school directors' association in carrying out its purpose as provided in RCW 28.58.320, the members of that association may establish county or regional directors' associations which shall be designated as units of the Washington state school directors' association. Each county or regional unit may establish a schedule of dues for members of the unit, which schedule shall provide for dues not in excess of one dollar per year for each member from each school district. Such membership dues shall be payable to the county or regional unit and shall be due and payable at the same time and in the same manner as the membership dues for the Washington state school directors' association are due and payable. Dues payable to a county or regional unit shall be received by the treasurer of such unit and shall be disbursed by him upon order of the executive committee of such unit for necessary expenses incurred by such unit.

Membership dues; when payable.

Passed the House February 19, 1955.

Passed the Senate March 7, 1955.

Approved by the Governor March 18, 1955.



CHAPTER 257.

[ H. B. 497. ]

STATE FAIR GROUNDS IN YAKIMA—SALE.

AN Act relating to the state fair and state fair grounds located in Yakima county; and repealing sections 1 through 5, chapter 164, Laws of 1927 and RCW 15.72.010 through 15.72.040, and section 1, chapter 40, Laws of 1949 and RCW 15.72.050.

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

SECTION 1. The director of agriculture is authorized and empowered to offer for sale and to sell the state fair grounds located in Yakima county to the county of Yakima, if it shall appear that such a sale and conveyance is in the best interest of the state; such conveyance to be executed by the governor upon payment to the state treasurer of the reasonable value of the land and the buildings: *Provided*, That the county of Yakima shall use said property for public purposes only.

Authorization to sell state fair grounds to county of Yakima.

Governor executes conveyance.

Public use only.

SEC. 2. Sections 1 through 5, chapter 164, Laws of 1927 and RCW 15.72.010 through 15.72.040, and section 1, chapter 40, Laws of 1949 and RCW 15.72-.050 are each repealed.

Repeal.

Passed the House February 28, 1955.

Passed the Senate March 7, 1955.

Approved by the Governor March 18, 1955.

CHAPTER 258.

[ H. B. 658. ]

WASHINGTON STATE POWER COMMISSION.

AN ACT relating to state government and providing for the conservation and development of electric power resources; amending sections 5, 7, 12, 15, and 20, chapter 281, Laws of 1953 and RCW 43.52.300, 43.52.320, 43.52.360, 43.52.390, 43.52.260; repealing section 16, chapter 281, Laws of 1953 and RCW 43.52.400; adding twelve new sections to chapter 281, Laws of 1953 and chapter 43.52 RCW; making an appropriation, and declaring an emergency.

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

Amendment.

SECTION 1. Section 5, chapter 281, Laws of 1953 and RCW 43.52.300 are each amended to read as follows:

Commission authority.

The commission shall have authority:

(1) To generate, produce, transmit, deliver, exchange, purchase or sell electric energy and to enter into contracts for any or all such purposes.

Acquire, operate and regulate facilities.

(2) To construct, condemn, purchase, lease, acquire, add to, extend, maintain, improve, operate, develop and regulate plants, works and facilities for the generation and/or transmission of electric energy and to take, condemn, purchase, lease and acquire any real or personal, public or private property, franchise and property rights, including but not limited to state, county and school lands and properties, for any of the purposes herein set forth and for any facilities or works necessary or convenient for use in the construction, maintenance or operation of any such works, plants and facilities; provided that the commission shall not be authorized to acquire by condemnation any plants, works and facilities owned and operated by any city or district, or by a privately owned public utility. The commission shall be authorized to contract for and to acquire by lease or purchase from the United States or any of its agencies, any plants, works or facilities for the

Acquire real or personal public or private property.

generation and transmission of electricity and any real or personal property necessary or convenient for use in connection therewith.

(3) To negotiate and enter into contracts with the United States or any of its agencies, with any state or its agencies, with Canada or its agencies or with any district or city of this state, for the lease, purchase, construction, extension, betterment, acquisition, operation and maintenance of all or any part of any electric generating and transmission plants and reservoirs, works and facilities or rights necessary thereto, either within or without the state of Washington, and for the marketing of the energy produced therefrom. Such negotiations or contracts shall be carried on and concluded with due regard to the position and laws of the United States in respect to international agreements.

Contracts;  
parties to.

Limitation.

(4) To negotiate and enter into contracts for the purchase, sale, exchange, transmission or use of electric energy or falling water with any person, firm or corporation, including political subdivisions and agencies of any state, of Canada, or of the United States, at fair and nondiscriminating rates.

(5) To apply to the appropriate agencies of the state of Washington, the United States or any state thereof, and to Canada and/or to any other proper agency for such permits, licenses or approvals as may be necessary, and to construct, maintain and operate works, plants and facilities in accordance with such licenses or permits, and to obtain, hold and use such licenses and permits in the same manner as any other person or operating unit.

Licenses,  
permits or  
approvals.

(6) To establish rates for electric energy sold or transmitted by the commission. When any revenue bonds or warrants are outstanding the commission shall have the power and shall be required to establish and maintain and collect rates or charges for electric energy, falling water and other services sold,

Rates  
established.

furnished or supplied by the commission which shall be fair and nondiscriminatory and adequate to provide revenues sufficient for the payment of the principal and interest on such bonds or warrants and all payments which the commission is obligated to set aside in any special fund or funds created for such purposes, and for the proper operation and maintenance of the public utility owned by the commission and all necessary repairs, replacements and renewals thereof.

Agent for city or district.

(7) To act as agent for the purchase and sale at wholesale of electricity for any city or district whenever requested so to do by such city or district.

Fishways, etc.

(8) To contract for and to construct, operate and maintain fishways, fish protective devices and facilities and hatcheries as necessary to preserve or compensate for projects operated by the commission.

Navigational, reclamation, flood control and fisheries facilities.

(9) To construct, operate and maintain channels, locks, canals and other navigational, reclamation, flood control and fisheries facilities as may be necessary or incidental to the construction of any electric generating project, and to enter into agreements and contracts with any person, firm or corporation, including political subdivisions of any state, of Canada or the United States for such construction, operation and maintenance, and for the distribution and payment of the costs thereof.

Personnel employment, compensation, etc.

(10) To employ legal, engineering and other professional services and fix the compensation of a managing director and such other employees as the commission may deem necessary to carry on its business, and to delegate to such manager or other employees such authority as the commission shall determine. Such manager and employees shall be appointed for an indefinite time and be removable at the will of the commission.

Studies and reports.

(11) To study, analyze and make reports concerning the development, utilization and integration

of electric generating facilities and requirements within the state and without the state in that region which affects the electric resources of the state.

SEC. 2. Section 7, chapter 281, Laws of 1953, and RCW 43.52.320 are each amended to read as follows: Amendment.

Before the commission shall construct or acquire any hydroelectric generating facility within the state, or make application for or purchase any permit, license or other right necessary thereto, it shall give notice thereof by publishing once a week for four consecutive weeks in a newspaper of general circulation in the county or counties in which such project is located a statement of intention setting forth the general nature, extent and location of the project. Notice required prior to commission action.

If any public utility in the state or any operating agency, as hereinafter provided for, desires to construct or acquire such facility or desires to construct a hydroelectric plant or reservoir in substantially the same location, such utility or operating agency shall notify the commission thereof within ten days after the last date of publication of such notice. If the commission determines that it is in the best public interest that the commission proceed with such construction or acquisition rather than the public utility or operating agency, it shall so notify the director of conservation and development, who shall set a date for hearing thereon. Statement of intention.

If after considering the evidence introduced the director of conservation and development finds that the public utility or agency making the request intends to immediately proceed with such construction or acquisition and is financially capable of carrying out such construction or acquisition, and further finds that the plan of such utility or operating agency is equally well adapted to conserve and utilize in the public interest the water resources of this state, he shall enter an order so finding and such order shall divest the Commission decides whether it proceeds rather than public utility.

Hearing before director of conservation and development.

Commission  
divested of  
authority to  
proceed.

commission of authority to proceed further with such construction or acquisition until such time as the other public utility or agency voluntarily causes an assignment of its right or interest in the project to the commission or fails to procure any further required governmental permit, license or authority, or having procured such, has the same revoked or withdrawn, in accordance with the laws and regulations of such governmental entity, in which event the commission shall have the same authority to proceed as though the director had originally entered an order so authorizing the commission to proceed. If, after considering the evidence introduced, the director of conservation and development finds that the public utility or agency making the request does not intend to immediately proceed with such construction or acquisition or is not financially capable of carrying out such construction or acquisition, or finds that the plan of such utility or operating agency is not equally well adapted to conserve in the public interest the water resources of this state, he shall then enter an order so finding and authorizing the commission to proceed with the construction or acquisition of the facility. Authorization to the commission under this section shall not be construed to constitute a bar to such other utility or agency proceeding according to law to procure any required governmental permits, licenses or authority, but such authorization shall establish the competency of the commission to proceed according to law to procure such other necessary governmental permits, licenses or authority. Except as to projects in which a public utility or operating agency has a prior right, the institution and prosecution of proceedings under this section, or action taken after receipt of authorization from the director of conservation and development, shall not be construed as an impairment or supersedure of

Commission  
authorized  
to proceed.

Authorization  
not bar to legal  
proceedings.

the powers or rights of any person, firm or corporation or political subdivision of the state of Washington under this or any other law. Prior rights shall be established by the filing of an application for a preliminary permit or license with the federal power commission or appropriate state agency, whichever has primary jurisdiction: *Provided*, That the rights of any municipal corporation shall date back to the date of adoption of a plan and system resolution or ordinance if the application is filed within sixty days after the adoption of such plan and system resolution or ordinance.

Prior rights established.

Proviso.

SEC. 3. Section 12, chapter 281, Laws of 1953 and RCW 43.52.360 are each amended to read as follows:

Amendment.

Any two or more cities or districts or combinations thereof may form an operating agency for the purpose of acquiring, constructing, operating and owning plants, systems and other facilities and extensions thereof for the generation and/or transmission of electric energy and power. Each such agency shall be a municipal corporation and operating agency of the state of Washington with the right to sue and be sued in its own name.

Formation of an operating agency.

Municipal corporation.

Application for the formation of an operating agency shall be made to the director of conservation and development after the enactment by the legislative body of each city or district to be initial members thereof authorizing said city or district to participate. Such application shall set forth (1) the name and address of each participant, together with a certified copy of the enactment authorizing its participation; (2) a general description of the project and the principal project works, including dams, reservoirs, power houses and transmission lines; (3) the general location of the project and, if a hydroelectric project, the name of the stream on which such proposed project is to be located;

Application for formation of operating agency.

Contents.

(4) if the project is for generation of electricity, the proposed use or market for the power to be developed; (5) a general statement of the electric loads and resources of each of the participants, and of the agency if the project is not an initial project; (6) a statement of the proposed method of financing the preliminary studies and the participation therein by each of the participants.

Publication  
of notice.

Objection to  
application.

Within ten days after such application is filed with the director of conservation and development notice thereof shall be published once a week for four consecutive weeks in a newspaper of general circulation in the county or counties in which such project is located, setting forth the names of the participants and the general nature, extent and location of the project. Any public utility wishing to do so may object to such application by filing an objection, setting forth the reasons therefor, with the director of conservation and development not later than ten days after the date of last publication of such notice.

Application  
deemed  
approved.

Within ninety days after the date of last publication the director shall either make findings thereon or have instituted a hearing thereon. In event the director has neither made findings nor instituted a hearing within ninety days of the date of last publication, or if such hearing is instituted within such time but no findings issued within one hundred and twenty days of the date of last publication, the application shall be deemed to have been approved and the operating agency established. If the director shall find (a) that the statements set forth in said application are substantially correct; (b) that the contemplated project is such as is adaptable to the reasonably foreseeable requirements of the members and such other public utilities as indicate a good faith intention by contract or by letter of intent to participate in the use of such project; (c) that no



other public utility objects to the formation of such operating agency, which public utility had on file prior to the filing of the application for such operating agency, an application for, or a permit or license from an agency of the state or an agency of the United States, whichever has primary jurisdiction, pertaining to such project; (d) that adequate provision will be made for financing the preliminary engineering, legal and other costs necessary thereto; the director shall enter an order creating such operating agency, establishing the name thereof and the specific project for the construction and operation for which such operating agency is formed. Such order shall not be construed to constitute a bar to any other public utility proceeding according to law to procure any required governmental permits, licenses or authority, but such authorization shall establish the competency of the operating agency to proceed according to law to procure such permits, licenses or authority.

Order not bar to other public utility proceedings.

No operating agency shall undertake projects in addition to those for which it was formed without the approval of the legislative body of each member thereof. Application to construct such additional project shall be made to the director of conservation and development in the same manner, subject to the same requirements and with the same notice as required for an initial agency and project and shall not be constructed until a finding authorizing the same shall have been made by the director in the manner provided for such original application.

Additional projects.

Any party feeling aggrieved by any order or finding of the director shall have the right of appeal to the superior court in the manner set forth in RCW 43.52.430.

Right of appeal.

After the formation of an operating agency, any other city or district may become a member thereof upon application after the adoption of an enactment

Application for membership in existing operating agency.

of its legislative body, and with the consent of the operating agency by the affirmative vote of all its members. Any member may withdraw from an operating agency, and thereupon such member shall forfeit any and all rights or interests which it may have in such operating agency or in any of the assets thereof: *Provided*, That all contractual obligations incurred while a member shall remain in full force and effect. An operating agency may be dissolved by the unanimous agreement of the members, and the members, after making provisions for the payment of all debts and obligations, shall thereupon hold the assets thereof as tenants in common.

Withdrawal.

Proviso.

Dissolution.

Amendment.

SEC. 4. Section 15, chapter 281, Laws of 1953 and RCW 43.52.390 are each amended to read as follows:

Operating agency powers and restrictions.

An operating agency shall, through its board, have all the powers granted to and shall be subject to all the restrictions imposed upon, the state power commission under RCW 43.52.300 (1), (2), (3), (4), (5), (6), (8), (9) and (10), and the provisions of RCW 43.52.310 and 43.52.350 shall be applicable to such agency. An operating agency shall have the right of eminent domain in the same manner as is provided in RCW 43.52.330. An operating agency through its board, in accordance with the provisions of this act, may issue and sell its revenue bonds and from time to time may refund such bonds in its own name, in the same manner, for the same purposes and to the same extent as is provided herein for the commission. All revenues received by an operating agency shall be held by and in the name of the operating agency and shall not be expended except for payment of lawful obligations of the operating agency. Any member of an operating agency may advance or contribute funds to an agency as may be agreed upon by the agency and the member, and the agency shall repay such advances or contribu-

Right of eminent domain.

Issue, sell and refund bonds.

tions from proceeds of revenue bonds, from operating revenues, or from any other funds of the agency, together with interest not to exceed four percent per annum.

SEC. 5. Section 9, chapter 281, Laws of 1953 and RCW 43.52.340 are each amended to read as follows: Amendment.

The commission shall have no right or power to impose any debt nor to suffer or create any financial obligation upon the state of Washington or its subdivisions. Restriction on debt.

No revenues received by the commission for the sale of electricity or otherwise, shall be expended except for the payment of lawful obligations of the commission and all such revenues and receipts shall be kept and maintained in a separate fund. Lawful obligations.

SEC. 6. There is added to chapter 43.52 RCW a new section reading as follows: New section.

For the purposes provided for in this act, any commission created hereunder shall have power to issue revenue bonds or warrants, payable from the revenues of the electric utility properties operated by it. When the commission deems it advisable that the commission acquire or construct an electric utility, or make additions or betterments thereto or extensions thereof, it shall provide therefor by resolution, which shall specify and adopt the system or plan proposed, and declare the estimated cost thereof, as nearly as may be, including as part of the cost, funds necessary for working capital for the operation of such electric utility and for the payment of the expenses incurred in the acquisition or construction thereof. Such resolution may specify that utility revenue bonds are to be issued to defray the cost thereof and the amount of such bonds so to be issued. Revenue bonds or warrants issued.

Commission resolution to acquire or construct electric utilities, etc. Commission resolution to acquire or construct electric utilities, etc.

The commission may provide in the resolution that any additional works, plants, or facilities subsequently acquired or constructed by the commission for the same uses, whether or not physically

connected therewith, shall be deemed additions or betterments to or extensions of the electric utility of the agency.

New section.

SEC. 7. There is added to chapter 43.52 RCW a new section to read as follows:

Creation of special fund to defray cost of electric utility.

When the commission deems it advisable to issue revenue bonds for such purposes, it may, as a part of the plan and system, create a special fund or funds to defray the cost of the electric utility, or additions or betterments thereto or extensions thereof. It may obligate and bind the agency to set aside and pay into such fund or funds a fixed proportion of the gross revenue of the electric utility, and all additions or betterments thereto or extensions thereof, or any fixed amount out of, and not exceeding a fixed proportion of such revenue, or a fixed amount without regard to any fixed proportion, or an amount of the revenue equal to a fixed percentage of the aggregate principal amount of revenue bonds at any time issued against the special fund or funds. It may issue and sell utility revenue bonds payable as to both principal and interest only out of such fund or funds.

Revenue bonds payable as commission determines.

The revenue bonds shall be payable at such places and times, both as to principal and interest, and bear interest at such rates payable semiannually as the commission shall determine.

New section.

SEC. 8. There is added to chapter 43.52 RCW, a new section reading as follows:

Considerations in creating special fund.

In creating any such special fund the commission shall have due regard to the cost of operation and maintenance of the electric utility as acquired, constructed or added to, and to any proportion or amount of the revenue previously pledged as a fund for the payment of revenue bonds. It shall not set aside into the fund a greater amount or proportion of the revenue than in its judgment will be available over and above the cost of maintenance and

operation and any amount or proportion of the revenue so previously pledged. Revenue bonds and interest thereon issued against such fund shall be a valid claim of the holder thereof only as against the fund and the proportion or amount of the revenue pledged thereto, but shall constitute a prior charge over all other charges or claims whatsoever against the fund and the proportion or amount of the revenues pledged thereto. Each revenue bond shall state on its face that it is payable from a special fund, naming the fund and the resolution creating it.

SEC. 9. There is added to chapter 43.52 RCW a new section to read as follows: New section.

The resolution creating any such special fund and authorizing the issuance of revenue bonds payable therefrom shall specify the title of the bonds as determined by the commission, and may contain covenants by the commission to protect and safeguard the security and the rights of the holders thereof, including covenants as to, among other things: Resolution creating special fund and authorizing issuance of revenue bonds.

(1) The purpose or purposes to which the proceeds of the sale of the revenue bonds may be applied and the use and disposition thereof;

(2) The use and disposition of the gross revenue of the electric utility and any additions or betterments thereto or extensions thereof, the cost of which is to be defrayed with such proceeds, including the creation and maintenance of funds for working capital to be used in the operation of the electric utility and for renewals and replacements thereof;

(3) The amount, if any, of additional revenue bonds payable from such fund which may be issued and the terms and conditions on which such additional revenue bonds or warrants may be issued;

(4) The establishment and maintenance of adequate rates and charges for electric power and energy and other services, facilities and commodi-

Covenants to safeguard rights of holders.

ties, sold, furnished or supplied by the electric utility;

(5) The operation, maintenance, management, accounting and auditing of the electric utility;

(6) The terms upon which the revenue bonds, or any of them, may be redeemed at the election of the agency;

(7) Limitations upon the right to dispose of the electric utility or any part thereof without providing for the payment of the outstanding revenue bonds; and

(8) The appointment of trustees, depositaries, and paying agents to receive, hold, disburse, invest, and reinvest all or any part of the income, revenue, receipts and profits derived by the commission from the operation, ownership, and management of its electric utility.

New section.

SEC. 10. There is added to chapter 43.52 RCW a new section to read as follows:

Bond sale.

All bonds issued under or by authority of this act shall be sold to the highest and best bidder after such advertising for bids as the commission may deem proper: *Provided*, That the commission may reject any and all bids so submitted and thereafter sell such bonds so advertised under such terms and conditions as the commission may deem most advantageous to its own interests:

Bids may be rejected.

Proviso.

*Provided further*, That the aggregate interest cost to maturity of the money received for such an issue shall not exceed six percent per annum.

New section.

SEC. 11. There is added to chapter 43.52 RCW, a new section to read as follows:

Bonds and certified copy of resolution authorizing them, delivered to state auditor before issuance.

Prior to the issuance and delivery of any revenue bonds, such bonds and a certified copy of the resolution authorizing them shall be delivered to the state auditor together with any additional information that he may require. When the bonds have been examined they shall be registered by

the auditor in books to be kept by him for that purpose, and a certificate of registration shall be endorsed upon each bond and signed by the auditor or a deputy appointed by him for the purpose. The bonds shall then be prima facie valid and binding obligations of the commission in accordance with their terms, notwithstanding any defects or irregularities in the proceedings for the organization of the commission, or for the authorization and issuance of the bonds, or in the sale, execution or delivery thereof.

Certificate of registration endorsed on each bond.

SEC. 12. There is added to chapter 43.52 RCW, a new section to read as follows: New section.

The commission which has revenue bonds outstanding shall establish, maintain, and collect rates or charges for electric power and energy, and other services, facilities, and commodities sold or supplied by the agency, which shall be fair and nondiscriminatory and adequate to provide revenue sufficient to pay the principal of and interest on any revenue bonds outstanding, and all payments which the commission is obligated to set aside in any special fund or funds created for such purpose, and for the proper operation and maintenance of the utility and all necessary repairs, replacements and renewals thereof.

Rates for electric power and energy sold.

SEC. 13. There is added to chapter 43.52 RCW a new section to read as follows: New section.

When the commission has outstanding revenue bonds, the commission may by resolution provide for the issuance of refunding revenue bonds with which to refund the outstanding revenue bonds, or any part thereof at maturity, or before maturity if they are by their terms or by other agreement subject to call for prior redemption, with the right in the commission to combine various series and issues of the outstanding revenue bonds by a single issue of refunding revenue bonds. The refunding bonds

Resolution for issuance of refunding revenue bonds.

Refunding revenue bonds payable out of special fund.

shall be payable only out of a special fund created out of the gross revenue of the electric utility, and shall only be a valid claim as against such special fund and the amount or proportion of the revenue of the utility pledged to said fund. The rate of interest on refunding revenue bonds shall not exceed the rate of interest on revenue bonds refunded thereby. The commission may exchange the refunding revenue bonds for the revenue bonds which are being refunded, or it may sell them in such manner as it deems for its best interest. Except as specifically provided in this section, the refunding revenue bonds shall be issued in accordance with the provisions contained in this act with respect to revenue bonds.

New section.

SEC. 14. There is added to chapter 43.52 RCW a new section to read as follows:

Bond signature and attestation.

All revenue bonds, including refunding revenue bonds, shall be signed by the chairman of the commission and attested by the secretary. The seal of the agency shall be impressed upon each bond. The interest coupons may have printed or lithographed facsimiles of the signatures of such officers.

New section.

SEC. 15. There is added to chapter 43.52 RCW a new section to read as follows:

Act's provisions enforceable by bondholder.

The provisions of this act and any resolution providing for the issuance of revenue bonds shall constitute a contract with the holder or holders from time to time of the revenue bonds of the commission. Such provisions of this act and of any such resolution shall be enforceable by any such bondholder by appropriate action in any court of competent jurisdiction.

New section.

SEC. 16. There is added to chapter 43.52 RCW a new section to read as follows:

Bonds legal securities.

All revenue bonds issued as obligations of the commission shall be legal securities, which may



be used by a bank or trust company for deposit with the state treasurer, or by a county or city or town treasurer, as security for deposits in lieu of a surety bond under any law relating to deposits of public moneys. They shall constitute legal investments for trustees and other fiduciaries other than corporations doing a trust business in this state, and for savings and loan associations, banks and insurance companies doing business in this state. All revenue bonds and all coupons appertaining thereto shall be negotiable instruments within the meaning and for all purposes of the negotiable instruments law.

Bonds and coupons to be negotiable instruments.

SEC. 17. Section 16, chapter 281, Laws of 1953 and RCW 43.52.400 are each hereby repealed.

Repeal.

SEC. 18. Section 20, chapter 281, Laws of 1953 and RCW 43.52.260 are each amended to read as follows:

Amendment.

It is the intent of this act and this chapter that the commission shall represent the state of Washington and aid and assist the public utilities therein to the end that its water resources and other resources shall be properly developed for the best public interest insofar as they affect electric power, and to this end (1) the commission shall develop and integrate such resources as necessary whenever public utilities other than those owned by the United States and its agencies are not in a position so to do, and (2) the commission shall join with Canada, the United States, the states thereof, and their agencies to develop and integrate the water resources and other resources of the region, and particularly that area incorporated within the watershed of the Columbia river and its tributaries.

Intention of act.

The authority granted in this chapter shall apply equally to the generating of electricity by water power, by steam power, by atomic power or by any other means whatsoever.

Application of power granted.

**Appropriation.**        **SEC. 19.** There is hereby appropriated to the Washington state power commission from the general fund the sum of two hundred fourteen thousand one hundred and forty-two dollars (\$214,142.00), for the ensuing biennium, to carry out the provisions of chapter 281, Laws of 1953 and chapter 43.52 RCW, as now or hereafter amended.

**New section.**        **SEC. 20.** There is added to chapter 281, Laws of 1953, as amended, and to chapter 43.52 RCW a new section to read as follows:

**Invalidity.**        If any provision of chapter 281, Laws of 1953 or of chapter 43.52 RCW, as now or hereafter amended, or its application to any person or circumstance is held invalid, the remainder of the act or chapter, or the application of the provision to other persons or circumstances is not affected.

**Emergency.**        **SEC. 21.** This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House March 5, 1955.

Passed the Senate March 7, 1955.

Approved by the Governor March 18, 1955.

CHAPTER 259.

[ H. B. 229. ]

MOTOR VEHICLES—RECEIPTS FROM CERTIFICATES,  
 LICENSES, EXCISES, OPERATORS' LICENSES—  
 DISPOSITION.

AN ACT relating to the disposition of receipts from motor vehicle certificates, licenses, excises, and operators licenses; and amending section 10, chapter 164, Laws of 1947 and RCW 46.16.200, and section 1, chapter 52, Laws of 1949 and RCW 46.20.160, and section 7, chapter 164, Laws of 1947 and RCW 46.68.020, and section 15, chapter 164, Laws of 1947 and RCW 46.68.030, and section 2, chapter 52, Laws of 1949 and RCW 46.68.040, and section 10, chapter 144, Laws of 1943 and RCW 82.44.110.

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

SECTION 1. Section 10, chapter 164, Laws of 1947 and RCW 46.16.200 are each amended to read as follows: Amendment.

Upon receipt by agents of the director, including county auditors, of original applications for vehicle license accompanied by the proper fees, such agents shall, if the applications are in proper form and accompanied by such information as may be required by the director, immediately forward them, together with the fees, to the director. Applications for motor vehicle licenses; fees.

*This section amended by Sec. 4, Chap. 89, Laws of 1955.*

SEC. 2. Section 1, chapter 52, Laws of 1949 and RCW 46.20.160 are each amended to read as follows: Amendment.

The director upon receipt of application for a vehicle operator's license and fee in the sum of three dollars, shall issue to every person qualified to be licensed as a vehicle operator, a vehicle operator's license, which shall bear the distinguishing number assigned to the license and a brief description of the licensee for the purpose of identification, and a space for the signature of the licensee. Issuance of vehicle operators license.  
Contents.

SEC. 3. Section 7, chapter 164, Laws of 1947 and RCW 46.68.020 are each amended to read as follows: Amendment.

Fees forwarded.

The director shall forward all fees for certificates of ownership or other moneys accruing under the provisions of chapter 46.12 to the state treasurer, together with a proper identifying detailed report. The state treasurer shall credit such moneys to the motor vehicle fund and all expenses incurred in carrying out the provisions of that chapter shall be paid from such fund as authorized by legislative appropriation.

Accrued moneys credited to motor vehicle fund.

Amendment.

SEC. 4. Section 15, chapter 164, Laws of 1947 and RCW 46.68.030 are each amended to read as follows:

All fees received by the director for vehicle licenses under the provisions of chapter 46.16 shall be forwarded to the state treasurer, accompanied by a proper identifying detailed report, and be by him deposited to the credit of the motor vehicle fund.

Amendment.

SEC. 5. Section 2, chapter 52, Laws of 1949 and RCW 46.68.040 are each amended to read as follows:

The director shall forward all funds accruing under the provisions of chapter 46.20 to the state treasurer, together with a proper identifying, detailed report. The state treasurer shall deposit such moneys to the credit of the highway safety fund, except that out of each fee of three dollars collected for a vehicle operator's license the sum of one dollar and twenty cents shall be paid into the state parks and parkways fund. All expenses incurred in carrying out the provisions of chapter 46.20 relating to vehicle operator's license shall be paid from the highway safety fund as by appropriation provided.

Amendment.

SEC. 6. Section 10, chapter 144, Laws of 1943 and RCW 82.44.110 are each amended to read as follows:

Remitting excise taxes when remitting license fee receipts.

The county auditor shall regularly, when remitting license fee receipts, pay over and account to the director of licenses for the excise taxes collected under the provisions of this chapter. The director shall forthwith transmit the excise taxes to the state

treasurer, all of which excise tax revenue shall upon receipt thereof be credited by the state treasurer to a fund which is hereby created to be known as the motor vehicle excise fund.

Passed the House February 15, 1955.

Passed the Senate March 8, 1955.

Approved by the Governor March 18, 1955.

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## CHAPTER 260.

[ H. B. 292. ]

### EDUCATION—STATE SCHOOLS FOR BLIND AND DEAF.

AN ACT relating to state schools for the blind and deaf, and amending section 3, chapter 97, page 258, Laws of 1909, and RCW 72.40.040.

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

SECTION 1. Section 3, chapter 97, page 258, Laws of 1909, and RCW 72.40.040 are amended to read as follows:

Amendment.

The institutions shall be free to residents of the state between the ages of six and twenty-one years, and who are blind or deaf, and who are free from loathsome or contagious diseases: *Provided, further,* That children under the age of six, who are otherwise qualified may be admitted to the institution, if in the discretion of the superintendent they are proper subjects to receive the training given in the institution and the facilities are adequate for proper care and training.

Institutions free.

Director's discretion determines admission.

Passed the House February 21, 1955.

Passed the Senate March 8, 1955.

Approved by the Governor March 18, 1955.

CHAPTER 261.

[ H. B. 405. ]

PUBLIC LANDS—SALE BY REGENTS OF W.S.C.

AN ACT relating to public lands and authorizing the sale of certain properties by the board of regents of the State College of Washington.

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

Board of regents of State College of Washington authorized to sell the following.

SECTION 1. The board of regents of the State College of Washington is authorized to sell all or any part or parts of the following described premises in Whitman county, state of Washington:

(1) That portion of lot 8, block 8 of Reaney's Addition to Pullman more fully described as follows: Beginning at the northwest corner of said lot 8; thence southerly along the west boundary of lot 8, 50 feet to the southwest corner of said lot 8; thence easterly along the south boundary of said lot 8, 125 feet; thence northerly on a line parallel to the west boundary line of lot 8, 50 feet to the north boundary line of said lot 8; thence westerly along said north boundary line 125 feet to the point of beginning. All being located in the city of Pullman, county of Whitman, state of Washington;

(2) A portion of lots 1, 2, and 3, block 7 of Reaney's Addition to the city of Pullman, described as follows, to-wit: Commencing at a point on the south line of Oak Street (formerly Maiden Lane) at the northwesterly corner of said lot 3; thence southwesterly along the northwesterly line of said lot 3 a distance of 150 feet; thence southeasterly at right angle a distance of 50 feet to the southeasterly line of said lot 3; thence northeasterly along the northwesterly line of lot 2 aforesaid a distance of 9 feet; thence southeasterly a distance of 50 feet to the southeasterly line of said lot 2; thence southwesterly along the southeasterly line of said lot 2 a distance of 9 feet; thence southeasterly parallel with the

southerly line of Oak Street a distance of 182.78 feet; thence northeasterly at an interior angle of  $131^{\circ} 31'$  a distance of 25.9 feet; thence northerly at an interior angle of  $138^{\circ} 29'$  a distance of 130.55 feet more or less, to the southerly line of Oak Street; thence west-erly along the southerly line of Oak Street a distance of 300 feet to the point of beginning.

(3) A tract in the southeast quarter in the south-west quarter of section 4, township 14 north, range 45, east W.M., described as follows, to-wit: Com-mencing at a point on the north line of the O. W. RR & N. Company right of way, which point is 50' north at right angles from the centerline of said railroad right of way and 189 feet west measured along the centerline of said right of way from the north and south centerline of said section 4; running thence west along the north right of way of said railroad 363.8 feet; thence at an angle of  $90^{\circ}$  northerly a dis-tance 50.6 feet, more or less, to the south line of primary state highway number 3; thence easterly along the south line of primary state highway num-ber 3 a distance of 364 feet; thence south 42.4 feet to the point of beginning.

(4) Lots 18 and 19 of McGee's subdivision of the southwest quarter of section 33, township 14 north, range 45, E.W.M.

SEC. 2. All sales under the provisions of this chapter shall be made to the highest or best bidder pursuant to a call for bids published at least fifteen days prior to the date fixed for the sale thereof in one issue of a legal weekly newspaper printed and published in Whitman county.

Sale proce-  
dure; publi-  
cation.

SEC. 3. The proceeds from the sale of the proper-ties described in section 1 of this act shall be applied to the State College of Washington building fund.

Application  
of proceeds.

Passed the House March 8, 1955.

Passed the Senate March 7, 1955.

Approved by the Governor March 18, 1955.

CHAPTER 262.

[ H. B. 422. ]

COMMISSION MERCHANTS—BONDS—EXCLUSIONS FROM LAW.

AN ACT relating to commission merchants; amending section 20.12.020, chapter 14, Laws of 1955 and RCW 20.12.020, and section 20.12.030, chapter 14, Laws of 1955 and RCW 20.12.030, and section 20.08.050, chapter 14, Laws of 1955 and RCW 20.08.050; and section 20.04.120, chapter 14, Laws of 1955 and RCW 20.04.120; and repealing section 20.12.010, chapter 14, Laws of 1955 and RCW 20.12.010.

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

Amendment. SECTION 1. Section 20.12.020, chapter 14, Laws of 1955 and RCW 20.12.020 are each amended to read as follows:

Bond required. (1) Before any commission merchant and credit buyer's license shall be issued, every applicant therefor shall execute and deliver to the director a substantial bond in the sum of not more than ten thousand dollars, as may be determined by the director, but in no case less than the sum of five thousand dollars, and with surety satisfactory to the director.

Bonds of standard form approved by director. (2) All such bonds shall be of a standard form as to terms and conditions, approved by the director, and they shall be conditioned for faithful and correct accounting for, and handling of, agricultural products received, provide for the payment to the consignor or vendor of all money or things of value received for goods consigned, and to secure the consignor or vendor against all fraudulent acts of the commission merchant and credit buyer licensee in the resale or the handling of goods of the consignor or vendor. The total liability of the surety upon the bond shall be limited to the face of the bond, and when claims by consignors or vendors exceed the face of the bond, recoveries under the bond shall be prorated. However, it shall not be necessary for any consignor or vendor suing on the bond to join

Liability of surety limited to face of bond.



other consignors or vendors as parties to the action, and the claim of prorating shall be a matter of defense and the burden of establishing the pro rata shall be on the surety. Such bond shall be subject to cancellation and liability thereunder may be terminated by the surety by the service of a notice of its intention so to do upon the director at Olympia, and after thirty days from the service of such notice, the surety shall be released from any and all liability accruing thereafter.

Claim of prorating, matter of defense. Bond subject to cancellation.

SEC. 2. Section 20.12.030, chapter 14, Laws of 1955 and RCW 20.12.030 are each amended to read as follows:

Amendment.

An action may be brought by the director or a consignor or a vendor on the bond furnished by a commission merchant and credit buyer and recovery may be had against the commission merchant and credit buyer and the surety on the bond for the amount due such consignor or vendor. In such action, the court shall allow the consignor or vendor a reasonable attorney's fee.

Actions.

Allow reasonable attorney's fees.

SEC. 3. Section 20.08.050, chapter 14, Laws of 1955 and RCW 20.08.050 are each amended to read as follows:

Amendment.

If an applicant is applying for a license to do a business in agricultural products as a cash buyer, and no part of his business is to be conducted or carried on as a commission merchant and credit buyer, the director shall issue to such applicant, on payment of twenty-five dollars, a cash buyer's license entitling him to conduct the business of purchasing agricultural products for the purpose of processing or resale at the place or places named in the application: *Provided*, That should any or all of such applicant's business include the purchase for resale of any livestock, cattle, horses, mules, swine, sheep, goats, or any hay, grain, or straw, such applicant before being issued a license shall be re-

Cash buyer's license.

Bond required.

quired to execute and deliver to the director a substantial bond in a sum not to exceed ten thousand dollars nor less than two thousand dollars as determined by the director, and with surety satisfactory to the director. Such bond shall be governed in all respects by the terms of RCW 20.12.020, 20.12.030 and 20.12.040, relating to bonds for commission merchants and credit buyers.

Amendment.

SEC. 4. Section 20.04.120, chapter 14, Laws of 1955 and RCW 20.04.120 are each amended to read as follows:

Provisions of title no application.

The provisions of this title shall not apply to any person who sells exclusively his own produce as the producer thereof, nor to any retail merchant as defined herein, nor to cooperative marketing associations or federations incorporated under, or whose articles of incorporation and bylaws are equivalent to the requirements of, chapter 19 of the session laws of 1913, as amended (Chapter 23.56 RCW), or chapter 115 of the session laws of 1921, as amended (Chapter 24.32 RCW). Nor shall they apply to any warehouseman or grain dealer licensed under the state grain warehouse acts with respect to his operations as such licensee; nor to any nurseryman who is required to be licensed under the horticultural laws of the state with respect to his operations as such licensee; nor to any processor or dealer licensed under the now existing dairy laws of the state with respect to his operations as such licensee.

Repeal.

SEC. 5. Section 20.12.010, chapter 14, Laws of 1955 and RCW 20.12.010 are each repealed.

Passed the House March 8, 1955.

Passed the Senate March 7, 1955.

Approved by the Governer March 18, 1955.

CHAPTER 263.

[ H. B. 425. ]

VOLUNTEER FIREMEN BOARD

AN ACT relating to state government; establishing a state board for volunteer firemen; prescribing its powers and duties; providing for a staff; amending section 1, chapter 261, Laws of 1945 and RCW 41.24.010, and section 8, chapter 261, Laws of 1945 and RCW 41.24.080, and section 12, chapter 261, Laws of 1945 and RCW 41.24.120; adding seven new sections to chapter 41.24 RCW; making an appropriation; and repealing any provisions of chapter 41.24 RCW inconsistent herewith.

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

SECTION 1. Section 1, chapter 261, Laws of 1945 and RCW 41.24.010 are each amended to read as follows: Amendment.

As used in this chapter:

Defined as herein used.

“Municipal corporation” or “municipality” includes any city or town, fire protection district, or any water, irrigation, or other district, authorized by law to afford protection to life and property within its boundaries from fire.

“Municipal corporation,” “municipality.”

“Fire department” means any regularly organized fire department consisting wholly of volunteer firemen, or any part-paid and part-volunteer fire department duly organized and maintained by any municipality: *Provided*, That any such municipality wherein a part-paid fire department is maintained may by appropriate legislation permit the full-paid members of its department to come under the provisions of chapter 41.16.

“Fire department.”

Proviso.

“Firemen” includes any fireman who is a member of any fire department of any municipality.

“Firemen.”

“Performance of duty” shall be construed to mean and include any work in and about company quarters or any fire station or any other place under the direction or general orders of the chief or other officer having authority to order such member to

“Performance of duty.”

perform such work; responding to, working at, or returning from an alarm of fire; drill; or any work performed of an emergency nature in accordance with the rules and regulations of the fire department.

**"State board."** "State board" means the state board for volunteer firemen created herein.

**"Appropriate legislation."** "Appropriate legislation" means an ordinance when an ordinance is the means of legislating by any municipality, and resolution in all other cases.

**New section.** SEC. 2. A new section is added to chapter 41.24 RCW to read as follows:

**State board for volunteer firemen established; appointment by governor.** There is established a state board for volunteer firemen to consist of three members of a fire department covered by chapter 41.24 RCW, no two of whom shall be from the same congressional district, to be appointed by the governor to serve overlapping terms of six years. Of members first appointed, one shall be appointed for a term of six years, one for four years, and one for two years. Upon the expiration of a term, a successor shall be appointed by the governor for a term of six years. Any vacancy shall be filled by the governor for the unexpired term. Each member of the state board, before entering on the performance of his duties, shall take an oath that he will not knowingly violate or willingly permit the violation of any provision of law applicable to this act, which oath shall be filed with the secretary of state.

**Terms.**

**Vacancy. Members oath filed.**

**New section.** SEC. 3. A new section is added to chapter 41.24 RCW to read as follows:

**Semiannual and special meetings.** The state board shall hold regular semiannual meetings in April and October of each year, and special meetings not more than once monthly at such times and places as may be called by the chairman or by two of its members. No action shall be taken by the state board without the approval of two members.

**Action to have approval of two members.**

SEC. 4. A new section is added to chapter 41.24 RCW to read as follows: New section.

Each member of the state board shall receive ten dollars per day for each day actually spent in attending meetings of the state board. Each member shall also receive his actual and necessary traveling and other expenses, including going to and from meetings of the state board or other authorized business of the state board, at the same rate as other state officers and employees, but not to exceed the per diem allowance provided by law. Per diem.

SEC. 5. A new section is added to chapter 41.24 RCW to read as follows: New section.

The attorney general shall be the legal advisor for the board. Attorney general, legal advisor.

SEC. 6. There is added to chapter 41.24 RCW a new section to read as follows: New section.

The state board shall:

(1) Generally supervise and control the administration of chapter 41.24 RCW; Duties of state board.

(2) Promulgate, amend, or repeal rules and regulations not inconsistent with chapter 41.24 RCW for the purpose of effecting a uniform and efficient manner of carrying out the provisions of chapter 41.24 RCW and the purposes to be accomplished thereby, and for the government of boards of trustees of the municipalities of this state in the discharge of their functions under chapter 41.24 RCW;

(3) Review any action, and hear and determine any appeal which may be taken from the decision of the board of trustees of any municipality made pursuant to chapter 41.24 RCW;

(4) Take such action as may be necessary to secure compliance of the municipalities governed by chapter 41.24 RCW and to provide for the collection of all fees and penalties which are, or may be, due and delinquent from any such municipality;

(5) Review the action of the board of trustees of any municipality authorizing any pension as provided by chapter 41.24 RCW; and authorize the regular issuance of monthly warrants in payment thereof without further action of the board of trustees of such municipality;

(6) Require periodic reports from the recipient of any benefits under chapter 41.24 RCW for the purpose of determining their continued eligibility therefor;

(7) Maintain such records as may be necessary and proper for the proper maintenance and operation of the volunteer firemen's relief and pension fund and provide all necessary forms to enable local boards of trustees to effectively carry out their duties as provided by chapter 41.24 RCW;

(8) Compel the taking of testimony from witnesses under oath before the state board, or any member or the secretary thereof, or before the local board of trustees or any member thereof, for the purpose of obtaining evidence, at any time, in connection with any claim or pension pending or authorized for payment. For such purpose the state board shall have the same power of subpoena as prescribed in RCW 51.52.100. Failure of any claimant to appear and give any testimony as herein provided shall suspend any rights or eligibility to receive payments for the period of such failure to appear and testify;

Secretary.

(9) Appoint a secretary to hold office at the pleasure of the state board, fix his compensation at such sum as it shall deem appropriate, and prescribe his duties not otherwise provided by chapter 41.24 RCW.

New section.

SEC. 7. A new section is added to chapter 41.24 RCW to read as follows:

Expenses accomplished by vouchers.

All expenses incurred by the state board shall be accomplished by vouchers signed by two members of the state board and issued to the persons entitled thereto and sent to the state auditor. The auditor

shall issue a warrant on the fund for the amount specified.

SEC. 8. A new section is added to chapter 41.24 RCW to read as follows: New section.

The secretary shall maintain an office at Olympia at a place to be provided, wherein he shall Duties of secretary.

(1) keep a record of all proceedings of the state board, which shall be public,

(2) maintain a record of all members of the pension fund, including such pertinent information relative thereto as may be required by law or regulation of the state board,

(3) receive and promptly remit to the state treasurer all moneys received for the volunteer firemen's relief and pension fund,

(4) transmit periodically to the state auditor for payment all claims payable from the volunteer firemen's relief and pension fund, stating the amount and purpose of such payment,

(5) certify monthly for payment a list of all persons approved for pensions and the amount to which each is entitled,

(6) perform such other and further duties as shall be prescribed by the state board.

Before entering into the performance of his duties, the secretary shall furnish a good and sufficient surety bond in the sum of ten thousand dollars, conditioned upon the faithful performance and discharge of his duties, and the prompt deposit and accounting for all funds coming into his hands under the provision of chapter 41.24 RCW. The secretary shall receive such compensation as shall be fixed by the state board, together with his necessary traveling and other expenses in carrying out his duties authorized by the state board. Surety bond required of secretary.

SEC. 9. Section 8, chapter 261, Laws of 1945 and RCW 41.24.080 are each amended to read as follows: Amendment.

The board of trustees of each municipal corpora-

Duties of board of trustees of each municipal corporation.

tion shall provide for enrollment of all members of its fire department under the death and disability provisions hereof; receive all applications for the enrollment under the retirement provisions hereof when the municipality has elected to enroll thereunder; provide for disbursements of relief and compensation; determine the eligibility of firemen for pensions; and pass on all claims and direct payment thereof from the volunteer firemen's relief and pension fund to those entitled thereto. Vouchers shall be signed by the chairman and secretary of the board and issued to the persons entitled thereto for the amount of money ordered paid to them from the fund by the board, which vouchers shall state for what purpose the payment is made. It shall send to the state board, after each meeting, a list of all persons entitled to payment from the fund, stating the amount of such payment and for what granted, which list shall be certified and signed by the chairman and secretary of the board, attested under oath. The state auditor shall issue a warrant on the fund for the amount specified on each voucher: *Provided*, That in pension cases after the initial payment is made to the beneficiary, the state board shall thereafter authorize the regular issuance of monthly warrants in payment thereof without further action of the board of trustees of any such municipality.

Proviso.

Amendment.

SEC. 10. Section 12, chapter 261, Laws of 1945 and RCW 41.24.120 are each amended to read as follows:

Board decisions final and conclusive.

The board shall hear and decide all applications for relief or compensation and pensions under this chapter, and its decision on such applications shall be final and conclusive, subject only to review by, or appeal by the proper person to, the state board.

Appropriation.

SEC. 11. For the biennium ending June 30, 1957, there is appropriated from the volunteer firemen's relief and pension fund to the state board the sum



of twenty thousand dollars, or so much thereof as may be necessary, for the purpose of this act.

SEC. 12. Any provisions of chapter 41.24 RCW Invalidity. inconsistent with the provisions of this act are hereby repealed: *Provided*, That such repeal shall not affect any act or proceeding had or pending, under such provision repealed, but the same shall be construed and prosecuted as though such provision had not been repealed.

Passed the House February 24, 1955.

Passed the Senate March 8, 1955.

Approved by the Governor March 18, 1955.

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## CHAPTER 264.

[ H. B. 446. ]

### MOTOR VEHICLE DEFINED FOR EXCISE TAX.

AN ACT relating to the motor vehicle excise tax; and amending section 1, chapter 152, Laws of 1945 and RCW 82.44.010.

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

SECTION 1. Section 1, chapter 152, Laws of 1945 Amendment. and RCW 82.44.010 are each amended to read as follows:

For the purposes of this chapter, unless context otherwise requires:

“Motor vehicle” means all motor vehicles, trailers and semitrailers used, or of the type designed primarily to be used, upon the public streets and highways, for the convenience or pleasure of the owner, or for the conveyance, for hire or otherwise, of persons or property, including fixed loads and facilities for human habitation; but shall not include (1) vehicles carrying exempt licenses, (2) dock and warehouse tractors and their cars or trailers, lumber carriers of the type known as spiders, and all other “Motor vehicle” defined.

Motor vehicles not included.

automotive equipment not designed primarily for use upon public streets, or highways, (3) motor vehicles or their trailers used entirely upon private property, or (4) motor vehicles owned by nonresident military personnel of the armed forces of the United States or Canada, stationed in the state of Washington provided such personnel were also non-residents at the time of their entry into military service;

"Commission" defined.

"Commission" or "tax commission" means the tax commission of the state.

Passed the House February 27, 1955.

Passed the Senate March 8, 1955.

Approved by the Governor March 18, 1955.

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CHAPTER 265.

[ H. B. 478. ]

MOTOR VEHICLE LICENSES—EXEMPTIONS.

AN ACT relating to motor vehicle licenses; and amending section 1, chapter 33, Laws of 1947 and RCW 46.16.010.

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

Amendment.

SECTION 1. Section 1, chapter 33, Laws of 1947 and RCW 46.16.010 are each amended to read as follows:

Obtaining and displaying motor vehicle license for lawful operation.

It shall be unlawful for a person to operate any vehicle over and along a public highway of this state without first having obtained and having in full force and effect a current and proper vehicle license and display vehicle license number plates therefor as by this chapter provided: *Provided*, That these provisions shall not apply to farm tractors and farm implements temporarily operating or drawn upon the public highways, and trailers used exclusively to transport farm implements from one farm to another

No application to farm tractors and implements temporarily operating on highways.

during the daylight hours or at night when such equipment has lights that comply with the law.

Passed the House March 4, 1955.

Passed the Senate March 8, 1955.

Approved by the Governor March 18, 1955.

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## CHAPTER 266.

[ H. B. 504. ]

### CITIES AND TOWNS—SEWERAGE SYSTEMS.

AN ACT relating to systems of sewerage of cities and towns; providing for issuance of bonds; validating certain revenue bonds heretofore issued; amending section 1, chapter 193, Laws of 1941 and RCW 35.67.010 and 35.67.020; and adding two new sections to chapter 35.67 RCW.

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

SECTION 1. Section 1, chapter 193, Laws of 1941, (heretofore codified as RCW 35.67.010 and 35.67.020) is divided and amended as set forth in sections 2 and 3 of this act.

Division and amendment.

SEC. 2. (RCW 35.67.010) A "system of sewerage" means and includes:

"System of sewerage" means and includes.

- (1) Sanitary sewage disposal sewers;
- (2) Combined sanitary sewage disposal and storm or surface water sewers;
- (3) Storm or surface water sewers when the acquisition, construction, or installation, and the maintenance, conduct and operation of the same is found to be necessary by the legislative body of the city or town for the proper and efficient operation of a system of sanitary sewage disposal and treatment or the proper and efficient operation of a combined system of sanitary sewage and storm or surface water disposal and treatment;
- (4) Outfalls for storm or sanitary sewage and

works, plants, and facilities for sanitary sewage treatment and disposal, or

(5) Any combination of or part of any or all of such facilities.

"Public utility" means "system of sewerage."

The words "public utility" when used in chapter 35.67 RCW shall have the same meaning as the words "system of sewerage."

Enacted without amendment.

SEC. 3. (RCW 35.67.020) Every city and town may construct, condemn and purchase, acquire, add to, maintain, conduct, and operate systems of sewerage and systems and plants for refuse collection and disposal together with additions, extensions, and betterments thereto, within and without its limits, with full jurisdiction and authority to manage, regulate, and control them and to fix, alter, regulate, and control the rates and charges for the use thereof.

New section.

SEC. 4. There is added to chapter 35.67 RCW, a new section to read as follows:

Revenue bonds principal and interest to be paid from.

In the event revenue bonds of any city or town are issued to provide funds to pay part or all of the cost of acquiring, constructing, or installing storm or surface water sewers, or any part thereof necessary for the proper and efficient operation of a system of sanitary sewage disposal and treatment, or the proper and efficient operation of a combined system of sanitary sewage and storm or surface water disposal and treatment, the principal of and interest on such bonds may only be paid from revenues derived from charges made for sanitary sewage disposal service, and charges may not be made for storm or surface water removal. The words "system of sewerage" and "sewerage system" where the same are used in RCW 35.67.190 shall not embrace "system of sewerage" as it is defined in section 1 of this act applicable to storm or surface water sewers, or facilities therefor, only. When storm or surface water sewers only, or outfalls, or facilities

therefor, are acquired, constructed, or installed as authorized in section 1 of this act, the same may not be combined with, and made a part of, the water system of any city or town as provided in RCW 35.67-.320 through 35.67.340 unless such city or town has other sewer lines and facilities that carry, treat, or dispose of both sanitary sewage and storm or surface waters in the same lines or plant.

SEC. 5. There is added to chapter 35.67 RCW, a New section. new section to read as follows:

Any and all water, sewer, or water and sewer revenue bonds part or all of which may have been heretofore issued by any city or town for the purpose of providing funds to pay part or all of the cost of acquiring, constructing, or installing a system of storm or surface water sewers or any part thereof necessary for the proper and efficient operation of a system of sanitary sewage disposal sewers or a sanitary sewage treatment plant, the proceedings for the issuance of which were valid in all other respects, are approved, ratified and validated, and are declared to be legal and binding obligations of such city or town, both principal of and interest on which are payable only out of the revenues of the utility or utilities pledged for such payment.

Revenue bonds  
issued  
heretofore.

Passed the House February 26, 1955.

Passed the Senate March 7, 1955.

Approved by the Governor March 18, 1955.

## CHAPTER 267.

[ H. B. 606. ]

## HOSPITALS—REGULATION—ADVISORY COUNCIL.

AN ACT relating to licensing and regulation of hospitals; establishing a Washington state hospital advisory council; providing penalties; and making an appropriation.

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

Purpose of act. SECTION 1. The primary purpose of this act is to promote safe and adequate care of individuals in hospitals through the development, establishment and enforcement of minimum hospital standards for maintenance and operation. To accomplish these purposes, this act provides for:

To accomplish purpose, provisions for.

- (1) The licensing and inspection of hospitals;
- (2) The establishment of a Washington state hospital advisory council;
- (3) The establishment by the state board of health of standards, rules and regulations for the construction, maintenance and operation of hospitals;
- (4) The enforcement by the Washington state department of health of the standards, rules and regulations established by the board.

Terms defined. SEC. 2. Unless the context clearly indicates otherwise, the following terms, whenever used in this act, shall be deemed to have the following meanings:

"Council." (1) "Council" means the Washington state hospital advisory council herein provided for;

"Department." (2) "Department" means the Washington state department of health;

"Hospital." (3) "Hospital" means any institution, place, building, or agency which provides accommodations, facilities and services over a continuous period of twenty-four hours or more, for observation, diagnosis, or care, of two or more individuals not related to the operator who are suffering from illness, in-

jury, deformity, or abnormality, or from any other condition for which obstetrical, medical, or surgical services would be appropriate for care or diagnosis. "Hospital" as used in this act does not include hotels, or similar places furnishing only food and lodging, or simply domiciliary care; nor does it include clinics, or physician's offices where patients are not regularly kept as bed patients for twenty-four hours or more; nor does it include nursing homes, as defined and which come within the scope of chapter 18.51 RCW; nor does it include maternity homes, which come within the scope of chapter 18.46 RCW; nor does it include psychiatric hospitals, which come within the scope of chapter 71.12 RCW; nor any other hospital, or institution specifically intended for use in the diagnosis and care of those suffering from mental illness, mental retardation, convulsive disorders, or other abnormal mental condition. Furthermore, nothing in this act or the rules and regulations adopted pursuant thereto shall be construed as authorizing the supervision, regulation, or control of the remedial care or treatment of residents or patients in any hospital conducted for those who rely primarily upon treatment by prayer or spiritual means in accordance with the creed or tenets of any well recognized church or religious denominations;

"Hospital" does not include.

(4) "Person" means any individual, firm, partnership, corporation, company, association, or joint stock association, and the legal successor thereof;

"Person."

(5) "Board" means the state board of health.

"Board."

SEC. 3. The board, after consultation with the council, shall establish and adopt such minimum standards, rules and regulations pertaining to the construction, maintenance and operation of hospitals, and rescind, amend or modify such rules and regulations from time to time, as are necessary in the public interest, and particularly for the establishment and maintenance of standards of hospitaliza-

Adopt minimum standards, rules and regulations pertaining to construction, maintenance and operation of hospitals.

tion required for the safe and adequate care and treatment of patients. All rules and regulations to become effective shall be filed with the secretary of state.

Rules and regulations filed with secretary of state.

Consultation with department and council by board.

The board shall advise and consult with the department and the council in matters of policy affecting the administration of this act, and shall conduct fair hearing procedures as provided in section 13 of this act.

Enforcement responsibility of department.

SEC. 4. The enforcement of the provisions of this act and the standards, rules and regulations established hereunder by the board, shall be the responsibility of the department which shall cooperate with the joint commission on the accreditation of hospitals. The board shall advise on the employment of personnel and the personnel shall be under the merit system or its successor.

Board advises on employment of personnel.

Washington state hospital advisory council established.

SEC. 5. There shall be established a Washington state hospital advisory council consisting of six members who shall be appointed by the governor, the original members to be appointed within four weeks after this act becomes effective. The council shall consist of three members who shall be superintendents or administrators of hospitals with at least five years experience as such in hospitals, one member of the medical profession with at least five years current medical practice, one member of the osteopathic medical profession with at least five years current osteopathic medical practice, and one member of the nursing profession who is a registered nurse and who has been actively engaged in hospital nursing for a period of not less than five years immediately prior to appointment. Each of the members of the council shall be appointed from a list of names submitted by their respective official state associations, such lists to have three or more names for each appointment to be made.

Members: qualifications; appointments.



The original appointments shall be, two for a period of three years, two for a period of two years, and two for a period of one year, and thereafter the appointees, except those to fill the unexpired terms in the event of a vacancy, shall be for a period of three years. The members of the council shall elect their own chairman. Terms.

SEC. 6. The council shall meet within four weeks following appointment and at least annually thereafter, at which time officers, including a chairman and a secretary, shall be elected. The secretary shall keep a record of all meetings. Special meetings of the council shall be called by the secretary on written request of the chairman, of any three members of the council, or of the director of the state department of health. Three members shall constitute a quorum. Meetings of the council shall be held at such place within the state of Washington as may from time to time be determined by the council. Council meetings; officers.

SEC. 7. The members of the council shall be reimbursed for actual and necessary expenses in the discharge of their official duties, and shall be paid by the department. Per diem.

The council shall have the following duties: Council duties.

(1) To consult with the board and the department in matters of policy affecting administration of this act, and in the development of rules and regulations, provided for hereunder; and

(2) To review and make recommendations with respect to rules, regulations and standards authorized hereunder, prior to their adoption and promulgation by the board as specified herein.

SEC. 8. Standards for fire protection and the enforcement thereof, with respect to all hospitals to be licensed hereunder shall be the responsibility of the state fire marshal, who shall adopt, after approval by the board, such recognized standards as may be Standards for fire protection and enforcement thereof.

Department  
submits re-  
quest for  
inspection.

applicable to hospitals for the protection of life against the cause and spread of fire and fire hazards. The department upon receipt of an application for a license, shall submit to the state fire marshal in writing, a request for an inspection, giving the applicant's name and the location of the premises to be licensed. Upon receipt of such a request, the state fire marshal or his deputy, shall make an inspection of the hospital to be licensed, and if it is found that the premises do not comply with the required safety standards and fire regulations as adopted pursuant to this act, he shall promptly make a written report to the hospital and to the department listing the corrective actions required and the time allowed for accomplishing such corrections. The applicant or licensee shall notify the state fire marshal upon completion of any corrections required by him, and the state fire marshal, or his deputy, shall make a reinspection of such premises. Whenever the hospital to be licensed meets with the approval of the state fire marshal, he shall submit to the department a written report approving the hospital with respect to fire protection, and such report is required before a full license can be issued. The state fire marshal shall make or cause to be made inspections of such hospitals at least once a year.

Fire marshal's  
report approv-  
ing hospital  
required be-  
fore license  
issued.

Hospital in-  
spections  
annually.

In cities which have in force a comprehensive building code, the provisions of which are determined by the state fire marshal to be equal to the minimum standards of the state fire marshal's code for hospitals, the chief of the fire department, provided the latter is a paid chief of a paid fire department, shall make the inspection with the state fire marshal or his deputy and they shall jointly approve the premises before a full license can be issued.

After January  
1, 1956, license  
required.

SEC. 9. After January 1, 1956, no person or governmental unit of the state of Washington, acting separately or jointly with any other person or gov-

ernmental unit, shall establish, maintain, or conduct a hospital in this state, or use the word "hospital" to describe or identify an institution, without a license under this act: *Provided*, That the provisions of this section shall not apply to state mental institutions and psychiatric hospitals which come within the scope of chapter 71.12 RCW.

No applica-  
tion to.

SEC. 10. An application for license shall be made to the department upon forms provided by it and shall contain such information as the department reasonably requires which may include affirmative evidence of ability to comply with the standards, rules and regulations as are lawfully prescribed hereunder. An application for renewal of license shall be made to the department upon forms provided by it and submitted thirty days prior to the date of expiration of the license. Each application for a license or renewal thereof by a hospital as defined by this act shall be accompanied by an annual fee based on the number of beds in said hospital, excluding bassinets for the newborn, as follows: Less than fifty beds, twenty dollars; fifty beds or more, but less than one hundred twenty-five, thirty-five dollars; one hundred twenty-five beds or more, fifty dollars: *Provided*, That no fee shall be required of government operated institutions.

Application  
for license.

Application  
for renewal  
of license.

Application  
accompanied  
by fee.

Fee.

No fee from.

SEC. 11. Upon receipt of an application for license and the license fee, the department shall issue a license or a provisional license if the applicant and the hospital facilities meet the requirements of this act and the standards, rules and regulations established by the board. All licenses issued under the provisions of this act shall expire on the first day of January next succeeding the date of issue. Each license shall be issued only for the premises and persons named in the application, and no license shall be transferable or assignable except with the writ-

Issuance of  
licenses.

Expiration.

Nontransfer-  
able.

Posting  
license.

ten approval of the department. Licenses shall be posted in a conspicuous place on the licensed premises.

Departments  
discretion to  
issue license  
on failure to  
comply with  
acts provisions.

If there be a failure to comply with the provisions of this act or the standards, rules and regulations promulgated pursuant thereto, the department may in its discretion issue to an applicant for a license, or for the renewal of a license, a provisional license which will permit the operation of the hospital for a period to be determined by the department, but shall not exceed twelve months, unless approved by the board.

Department  
responsible  
for yearly  
inspection of  
hospitals.

SEC. 12. The department shall make or cause to be made at least yearly an inspection of all hospitals. Every inspection of a hospital may include an inspection of every part of the premises. The department may make an examination of all phases of the hospital operation necessary to determine compliance with the law and the standards, rules and regulations adopted thereunder. Any licensee or applicant desiring to make alterations or additions to its facilities or to construct new facilities shall, before commencing such alteration, addition or new construction, comply with the regulations prescribed by the board.

Hospitals li-  
censed under  
act relieved of  
other inspec-  
tions and  
licenses.

No hospital licensed pursuant to the provisions of this act shall be required to be inspected or licensed under other state laws or rules and regulations promulgated thereunder, or local ordinances, relative to hotels, restaurants, lodging houses, boarding houses, places of refreshment, nursing homes, maternity homes, or psychiatric hospitals.

Department  
authorized to  
deny, suspend  
or revoke  
license.

SEC. 13. The department is authorized to deny, suspend, or revoke a license or provisional license in the manner prescribed herein in any case in which it finds that there has been a failure or refusal to comply with the requirements of this act or the

standards, rules and regulations established hereunder. The department shall issue an order to the applicant or licensee giving notice of any rejection, revocation, or suspension, which order shall become final thirty days after the date of mailing: *Providing*, That the applicant or licensee does not within thirty days from the date of mailing of the department's order of rejection, revocation, or suspension of license, make written application to the board for a hearing upon receipt of which the board shall fix a time for such hearing and shall give the applicant or licensee a notice of the time fixed therefor. The procedure governing hearings authorized by this section shall be in accordance with rules promulgated by the board. The board shall render its decision affirming, modifying, or setting aside the order of the department which decision in the absence of an appeal therefrom as provided by this act, shall become final thirty days after the date of mailing.

Department issues order to applicant or licensee.

Written application for hearing.

Hearing procedure.

SEC. 14. Within thirty days after the date of mailing of the decision of the board, the interested applicant or licensee may appeal to the superior court of the county of Thurston and such appeal shall be heard as a case in equity, but upon such appeal only such issues of law may be raised as were properly included in the hearing before the board. Proceedings of every such appeal shall be informal and summary, but full opportunity to be heard upon the issues of law shall be had before judgment is pronounced. Such appeal shall be perfected by serving a notice of appeal on the chairman of the board by personal service, or by mailing a copy thereof to the board and by filing the notice of appeal, together with proof of service thereof, with the clerk of the court. The service and the filing, together with proof of the notice of appeal, all within thirty days shall be jurisdictional. The board shall within ten days after receipt of such notice of appeal serve and file

Appeal from board decision. Jurisdiction.

Informal and summary proceedings.

Appeal perfected.

Jurisdictional requirements.

Board files notice of appearance. Certified copy of proceedings.

a notice of appearance upon appellant or his attorney of record and such appeal shall thereupon be deemed at issue. The board shall serve upon the appellant and file with the clerk of the court before hearing, a certified copy of the complete record of the administrative proceedings which shall, upon being so filed, become the record in such case.

Information received by board shall not be disclosed publicly.

SEC. 15. Information received by the board or the department through filed reports, inspection, or as otherwise authorized under this law, shall not be disclosed publicly in such manner as to identify individuals or hospitals, except in a proceeding involving the question of licensure. Such records of the department shall at all times be available to the council and the members thereof.

Records of department available to council.

Department may maintain injunctive action.

SEC. 16. Notwithstanding the existence or pursuit of any other remedy, the department may, in the manner provided by law, upon the advice of the attorney general who shall represent the department and the board in the proceedings, maintain an action in the name of the state for an injunction or other process against any person or governmental unit to restrain or prevent the establishment, conduct, or operation of a hospital without a license under this law.

Misdemeanor. Separate offense.

SEC. 17. Any person operating or maintaining a hospital without a license under this act shall be guilty of a misdemeanor, and each day of operation of an unlicensed hospital shall constitute a separate offense.

No authorization for standards governing services of physician.

SEC. 18. Nothing contained in this act shall in any way authorize the board to establish standards, rules and regulations governing the professional services rendered by any physician.

Appropriation.

SEC. 19. For the biennium ending June 30, 1957, there is appropriated from the general fund to the

state department of health, the sum of fifty thousand dollars, to carry out the provisions of this act.

SEC. 20. For the biennium ending June 30, 1957, there is appropriated from the general fund to the insurance commissioner, the sum of seven thousand five hundred dollars to carry out the provisions of this act relating to the duties of the state fire marshal.

Appropriation from general fund to insurance commissioner.

SEC. 21. If any part, or parts, of this act shall be held unconstitutional, the remaining provisions shall be given full force and effect, as completely as if the part held unconstitutional had not been included herein, if any such remaining part can then be administered for the purpose of establishing and maintaining standards for hospitals.

Invalidity.

Passed the House March 1, 1955.

Passed the Senate March 8, 1955.

Approved by the Governor March 18, 1955.

## CHAPTER 268.

[ H. B. 597. ]

## TOLL ROADS—TACOMA-SEATTLE-EVERETT.

AN ACT to facilitate vehicular traffic in the state of Washington by providing for the acquisition, construction, improvement, extension, reconstruction, maintenance, repair and operation of toll road projects by the Washington toll bridge authority; defining the powers and duties of the Washington toll bridge authority, cities, towns and other political subdivisions and agencies of the state with respect to such toll road projects; specifically authorizing and establishing the location of the Tacoma-Seattle-Everett toll road project and pledging a portion of the excise tax on motor vehicle fuels to assist the financing thereof; providing for the regulation of traffic on toll road projects and prescribing penalties for the violation thereof; providing for the financing of toll road projects by the issuance of bonds, warrants, and other obligations by the Washington toll bridge authority, and providing for the terms and security of such bonds, warrants and other obligations; providing for the collection of tolls and charges to pay the cost of acquisition, construction, improvement, extension, reconstruction, maintenance, repair and operation of toll road projects and to pay such bonds, warrants and other obligations, and the interest thereon; providing a procedure for determining the validity of such bonds; providing for the closure or relocation of state highways, city streets and county roads intersecting such toll road projects; vesting exclusive jurisdiction in the state over such toll road projects within cities; authorizing the exercise of the power of condemnation in connection with toll road projects; repealing sections 7 and 8, chapter 220, Laws of 1953, sections 1, 2 and 3, chapter 183, Laws of 1953, and RCW 47.56.075, 47.56.077, 47.56.380, 47.56.390 and 47.56.400; and declaring an emergency.

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

**Purpose.**

SECTION 1. In order to facilitate vehicular traffic and remove the present handicaps and hazards on the congested highways in the state of Washington, and to provide for the construction of modern express highways embodying such safety devices as the Washington toll bridge authority shall, in its discretion, determine to be feasible and as may be



approved by the Washington state highway commission, including center divisions, ample shoulder widths, long-sight distances, multiple lanes in each direction and grade separations at intersections with highways, streets, roads and railroads; the Washington toll bridge authority is hereby authorized and empowered to acquire, construct, improve, extend, reconstruct, maintain, repair and operate toll road projects (as hereinafter defined) at the locations hereinafter established, and at such other locations as shall be established by law, and to issue bonds, warrants or other obligations payable from revenues and other funds available therefor to finance the costs of acquisition, construction, improvement, extension, reconstruction, maintenance, repair and operation of such toll road projects.

Authorization to Washington toll bridge authority.

SEC. 2. As used in this act the following words and terms shall have the following meanings, unless the context shall indicate another or different meaning or intent:

Words and terms defined as used in this act.

(1) "Authority" means the Washington toll bridge authority or, if said authority be abolished the board, authority, body, commission or individual succeeding to its principal functions, or to whom the powers given by this act to the authority shall be given by law.

"Authority" defined.

(2) "Commission" means the Washington state highway commission or if said commission be abolished, the board, authority, body, commission or individual succeeding to its principal functions, or to whom the powers given by this act to the commission shall be given by law.

"Commission" defined.

(3) "Toll road project" or "project" means any express highway, superhighway or motorway, or any portion thereof, at such locations and between such termini as herein established or as may hereafter be established by law, and acquired or to be acquired or constructed or to be constructed under

"Toll road project" defined.

the provisions of this act by the authority, over which abutters have no easement or right of light, air or access by reason of the fact that their properties abut thereon; and shall include, but not be limited to, all bridges, tunnels, overpasses, underpasses, interchanges, traffic circles, connecting highways, service roads, grade separations, entrance plazas, approaches, toll houses, service areas, service stations, parking lots, service facilities, communication facilities, and administration, storage and other buildings which the authority may deem necessary for the operation of such toll road project; together with all property, rights, easements and interests which may be acquired by the authority for the construction, improvement, extension, reconstruction, maintenance, repair or operation of such project.

Each toll road project may be separately designated by name or number and may be constructed, extended, improved or reconstructed in such sections or stages as the authority may from time to time determine.

Includes but not limited to.

Separate designation.

"Public highway" defined.

(4) "Public highway" means and shall include any public highway, road or street in the state, whether maintained by the state or by any county, city, town, or other municipal corporation or political subdivision.

"Feeder road" defined.

(5) "Feeder road" means any road which, in the opinion of the authority, is necessary to create or facilitate access to a toll road project.

"Cost" defined.

(6) "Cost" as applied to any toll road project, or any extension, improvement or reconstruction thereof, means the cost of construction, the cost of acquisition of all lands, rights of way, property, rights, easements and interests acquired by the authority for such construction, the cost of demolishing, removing or relocating any buildings or structures on land so acquired, including the cost of acquiring any lands to which such buildings or struc-

tures may be moved, the cost of diverting highways, closing, rebuilding or relocating city streets, county roads and public utilities, the cost of interchange of highways, access roads to private property including the cost of land or easements therefor, the cost of all machinery and equipment, financing charges, interest prior to and during construction and for such period thereafter as the authority may in its discretion, determine, the cost of traffic estimates and of engineering and legal expenses, plans, specifications, surveys, estimates of costs and revenues, other expenses necessary or incident to determining the feasibility or practicability of constructing any such project, administrative expense, and such other expense as may be necessary or incident to the construction of the project, the financing of such construction and the placing of the project in operation, and all other expenses as may be necessary or incident to the carrying out of the purposes of this act. All preliminary expenses or obligations heretofore or hereafter incurred by the authority or the commission in connection with the planning or construction of a toll road project, whether previously paid or not, shall be deemed a part of the cost of such toll road project; all moneys advanced from the motor vehicle fund of the state shall be repaid to such fund and all moneys advanced from any other fund or source may be repaid, either from the proceeds from the sale of bonds in connection with the project or from revenues thereof after payment of principal and interest on the bonds. After all bonds on the project and interest on such bonds have been fully paid, the authority may continue to collect tolls for the use of the toll road for the purpose of reimbursing the motor vehicle fund for moneys advanced for the project and to repay moneys advanced from any other fund or source for the project.

Preliminary expenses or obligations.

Moneys advanced from motor vehicle fund repaid.

Continuation of tolls authorized after principal and interest paid.

"Bonds"  
defined.

(7) "Bonds" mean the bonds, warrants, temporary or interim bonds, interim receipts or other obligations issued by the authority pursuant to the provisions of this act.

"Revenues"  
defined.

(8) "Revenues" mean all tolls, rates, rentals, fees, charges and other income derived or to be derived from the operation of a toll road project, or moneys received by reason of its construction.

"Owner"  
defined.

(9) "Owner" means and shall include all individuals, copartnerships, associations, private or municipal corporations and all political subdivisions and instrumentalities of the state, having any title or interest in any property, rights, easements, and interests authorized to be acquired by this act.

SEC. 3. The authority in carrying out the provisions of this act shall have, in addition to the powers now conferred upon it by other laws not inconsistent with the provisions of this act, the following powers:

Authority has  
following  
powers.

(1) To adopt bylaws for the regulation of its affairs and the conduct of its business;

Office.

(2) To maintain an office at such place or places within the state as it may designate;

Sue and be  
sued.

(3) To sue and be sued in its own name, and to plead and be impleaded;

Toll road  
projects.

(4) To acquire, construct, improve, extend, reconstruct, maintain, repair, police and operate toll road projects; and to establish rules and regulations for the use of such projects;

Bonds, war-  
rants, etc.

(5) To issue bonds, warrants or other obligations of the authority, and to provide for the rights of the holders thereof as provided in this act;

Tolls.

(6) To fix and revise from time to time and charge and collect tolls or other charges for transit over or use of any toll road project acquired or constructed by it;

Acquire and  
dispose of  
real and per-  
sonal property.

(7) To acquire in the name of the state, by purchase, contract, lease, gift, or by any other means, or by the exercise of the power of eminent domain,

and to hold, rent, lease, sell or otherwise dispose of on such terms and conditions as the authority may deem proper, any real or personal property, or any rights or interests therein including, but not limited to, rights of way, franchises, easements and other interests in land or rights to the use thereof, as it may deem necessary, proper or convenient to the performance of any of its duties and the exercise of any of its powers under this act;

(8) To locate and designate, and to establish, limit and control such points of ingress to and egress from each project as may be necessary or desirable in the judgment of the authority to insure the proper operation and maintenance of such toll road project, and to prohibit entrance to such toll road project from any point or points not so designated;

Points of ingress to and egress from project.

(9) To make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this act;

Contracts.

(10) To construct, improve, extend, reconstruct, maintain, repair and operate any feeder road or any public highway connecting parts of a toll road project or two or more toll road projects which in the opinion of the authority will increase the use of a project or projects, to take over for maintenance, repair and operation any existing public highway as a feeder road, and to realign any such existing public highway and build additional sections of road over new alignment in connection with such existing public highways;

Feeder roads and public highways connecting parts of toll road project.

(11) To make and enter into such contracts and agreements as may be necessary for the construction, improvement, extension, reconstruction, maintenance, repair and operation of any feeder road by the state or any county, city, town or other municipal corporation or political subdivision thereof, acting either alone or together with the authority,

and to grant or provide all or part of the funds for such construction, improvement, extension, reconstruction, maintenance, repair or operation of such feeder road.

Personnel appointment and employment; compensation for.

(12) To appoint such additional officers and employ such consulting engineers, accountants, real estate appraisers, construction and financial experts or consultants, superintendents, managers and other employees and agents as the authority deems advisable and as may be necessary in its judgment; to fix their compensation; and to promote and discharge such officers, employees and agents all without regard to the provisions of any other law; to pay the salaries or fees of any attorneys who may be assigned to the authority under the provisions of existing law; and to reimburse the counties and the state general fund for the salaries and expenses of any additional judges and court personnel appointed pursuant to chapter —, Laws of 1955, (H. B. 578).

Note: H. B. 578 failed to pass.

Accept from any federal agency or other source, grants in aid of toll road project.

(13) To receive and accept from the United States of America or any federal agency, grants and contributions for or in aid of the acquisition, construction, financing, improvement, extension, reconstruction, maintenance or repair of any toll road project, and to receive and accept aid or contributions from any source of either money, property, labor or other things of value, to be held, used and applied only for the purposes for which such grants and contributions may be made; and

General power.

(14) To do all acts and things necessary or convenient to carry out the powers and duties expressly provided in this act.

No authorization to acquire state property by eminent domain.

Nothing contained in this act shall be construed to authorize or empower the authority to acquire state property by the exercise of the power of eminent domain.

SEC. 4. (1) The authority shall have power to

construct and reconstruct traffic circles, interchanges and grade separations at intersections of any toll road project with public highways, railroads and public utility facilities and to change and adjust the lines and grades of such highway so as to accommodate the same to the design of such grade separations.

Intersection changes.

(2) If the authority shall find it necessary in the construction, enlargement, or improvement of any portion of a toll road project, to vacate or change the location of any portion of any public highway, railroad or public utility facility, it may cause the same to be reconstructed at such location as the owner thereof and the authority shall determine, and of substantially the same type and condition as the original public highway, railroad, or public utility facility.

Vacate public highway; portion of.

The cost of such reconstruction, relocation, removal, change and adjustment of lines and grades and change in the location of any such public highway, railroad or public utility facility, as well as the cost of any damages incurred thereby as set forth in (1) and (2) above, may, in the discretion of the authority, be ascertained and paid as a part of the cost of such toll road project: *Provided, however,* That as to the Tacoma-Seattle-Everett toll road project specifically authorized in section 23 of this act, regardless of the provisions of existing agreements or franchises, the cost of such reconstruction, relocation, removal, change and adjustment of lines and grades, and change in the location of any such public highway, railroad, or public utility facility, as well as the cost of any damage incurred thereby as set forth in (1) and (2) above, may, in the discretion of the authority, be ascertained and paid as a part of the cost of such toll road project; and in all other cases such costs shall be ascertained and paid as a part of the cost of such toll road project.

Cost to be paid at authority's discretion as part of cost of toll road project.

Cost as to Tacoma-Seattle-Everett toll road project.

Exclusive jurisdiction.

(3) The state shall have title, and through the authority, exclusive jurisdiction and control to and over such toll road projects regardless of the location thereof.

Intersecting public highway deemed closed.

(4) Any intersecting public highway not made a part of a toll road project, and unless other provision for such intersection shall be made by the authority, shall be deemed closed at the right of way line of such toll road project by the designation and construction of such toll road project, and without the consent of any other party, municipal corporation, political subdivision or owner or the necessity of any legal proceedings for such closing, notwithstanding any provision of law to the contrary.

Notice necessary to enter.

(5) In addition to the foregoing powers, the authority and the commission and the authorized agents and employees of either, after notice, may enter upon any lands, waters and premises in the state for the purpose of making surveys, soundings, drillings and examinations as are necessary or proper for the purposes of this act and such entry shall not be deemed a trespass, nor shall an entry for such purposes be deemed an entry under any condemnation proceedings which may be then pending: *Provided*, That before entering upon the premises of any railroad, notice shall be given to the superintendent of such railroad involved at least five days in advance of such entry: *And provided further*, That no survey, sounding, drilling and examination shall be made between the rails, or so close to a railroad track as would in any manner interfere with the safe operation thereof.

Notice before entering to railroad premises.

Limitation.

Reimbursement for damages as result of activities.

The authority shall make reimbursement for any actual damage resulting to such lands, waters and premises and to private property located in, on, along, over or under such lands, waters and premises as a result of such activities. The state hereby consents to the use of all lands owned by it, includ-



ing lands lying under water, which are necessary for the construction or operation of any toll road project, provided adequate compensation is paid for such use and provided any actual public use thereof is otherwise protected.

Consent of state.

(6) The authority shall also have power to make reasonable regulations for the installation, construction, maintenance, repair, renewal, relocation and removal of tracks, pipes, pipelines, mains, conduits, cables, wires, towers, poles and other equipment and appliances, herein called "public utility facilities", in, on, along, over or under any completed toll road project. Such regulation shall provide that whenever the authority shall determine that it is necessary that any such public utility facilities which now are, or hereafter may be located in, on, along, over or under any such project should be relocated in such project, or should be removed from such project, the owner or operator of such facilities shall relocate or remove the same in accordance with the order of the authority: *Provided*, That the cost and expense of such relocation or removal, including the cost of installing such facilities in a new location or new locations, and the cost of any lands, or any rights or interests in lands, and any other rights, acquired to accomplish such relocation or removal may be ascertained and paid by the authority as a part of the cost of such project if the authority shall in its discretion determine such payment by the authority to be necessary or desirable.

Regulations on "public utility facilities" in, on, along, over or under any completed toll road project.

Cost of relocation or removal may be paid as cost of toll road project at authority's discretion.

SEC. 5. (1) All counties, cities, towns and other municipal corporations, political subdivisions and all public agencies, bodies, authorities and commissions of the state, notwithstanding any contrary provision of law, are hereby authorized and empowered to lease, lend, grant or convey to the authority at its request upon such terms and conditions as the proper authorities of such counties, cities, towns, other mu-

Authority given political subdivisions of state.

municipal corporations, political subdivisions or public agencies, bodies, authorities and commissions of the state may deem reasonable and fair and without the necessity for an advertisement, order of court or other action or formality, other than the regular and formal action of the authorities concerned, any real property which may be necessary or convenient to the effectuation of the purposes of this act, including public highways and feeder roads and other real property already devoted to public use.

Agreements  
between mu-  
nicipal corpo-  
rations and  
authority.

(2) By resolution of its governing body, any county, city, town, or other municipal corporation or political subdivision may covenant and agree with the authority as to the laying out, construction, or continuance of use and maintenance of any public highway, connecting with or contributing vehicular traffic to any toll road project, and any county, city, town or other municipal corporation or political subdivision may covenant and agree with the authority for the construction, maintenance and operation by it of any such public highway or any approach to such project, or for the payment by it of all or any part of the expense of such construction, maintenance and operation. Every such covenant or agreement by a county, city, town or other municipal corporation or political subdivision shall be and constitute a valid and legally binding obligation of such county, city, town, or other municipal corporation or political subdivision and shall be deemed to be made with and for the benefit of, and shall be enforceable by, the holders of bonds of the authority, as well as the authority.

Authority to  
acquire land  
by exercise of  
power of emi-  
nent domain.

SEC. 6. The authority is hereby authorized and empowered to acquire in the name of the state, by the exercise of the power of eminent domain, any lands, property, rights, rights of way, franchises, easements and other property, including public lands, parks, playgrounds, cemeteries, reservations,

public highways or parkways, or parts thereof or rights therein, of any person, co-partnership, association, railroad, public service, public utility or other corporation, or municipal corporation, political subdivision, public agency, body, authority or commission, or other owner, deemed necessary or convenient for the construction, improvement, extension, reconstruction, or the efficient operation of any toll road project or necessary in the restoration of public or private property damaged or destroyed. Such proceedings shall be in accordance with and subject to the provisions of any and all laws applicable to the exercise of the power of eminent domain by the state and shall taken precedence over any and all civil actions: *Provided*, That it shall not be necessary to allege or prove any offer to purchase or inability to agree with the owners thereof for the purchase of any such property in said proceedings. Proviso.

SEC. 7. Each feeder road or section thereof acquired, constructed or taken over in connection with a toll road project by the authority shall, for all purposes of this act, be deemed to constitute part of such project, except that no toll shall be charged for transit between points on any public highway taken over as a feeder road. The authority may turn back to the public body from which acquired (1) any public highway taken over as a feeder road from any public body or (2) any feeder road or section thereof constructed upon a new alignment in substitution for the previous alignment of a public highway so taken over. No toll charged on feeder roads.  
Feeder roads turned back to public body.

SEC. 8. (1) The authority shall have the power and is hereby authorized from time to time to issue its negotiable bonds for any of its purposes in connection with the construction, improvement, extension, reconstruction, repair, maintenance and operation of toll road projects, including the payment of Authority to issue negotiable bonds.

part or all of the cost of any one or more toll road projects and the payment, funding or refunding of principal, interest, or redemption premiums on any bonds, warrants or other obligations issued by it whether the bonds, warrants or other obligations to be funded or refunded have or have not matured.

Principal and interest on bonds payable from.

(2) The principal and interest on such bonds shall be payable out of any moneys or revenues of the authority available under the provisions of this act, subject only to any agreements with the holders of particular bonds pledging any particular moneys or revenues.

Bonds issued, negotiable instruments.

(3) All bonds issued by the authority under this act shall be negotiable instruments under the laws of the state of Washington.

Temporary or interim bonds.

(4) Prior to the preparation of definitive bonds, the authority may issue its temporary or interim bonds or receipts, with or without coupons, exchangeable for definitive bonds when such bonds shall have been executed and are available for delivery.

Bonds authorized by resolution of authority; type and form.

(5) Bonds shall be authorized by resolution of the authority and shall bear such dates, mature at such times, bear interest at such rate or rates not exceeding six per centum per annum, be in such denominations, be in such form either coupon or registered, carry such registration and reconversion privileges, be payable in such medium of payment and at such place or places, and be subject to such terms of redemption with or without premium, as such resolution or resolutions may provide.

Signature on bonds and interest coupons.

(6) All bonds shall be signed by the member of the authority who is state auditor, and countersigned by the governor, and any interest coupons appertaining thereto shall bear the signature of the state auditor. The countersignature of the governor on such bonds, and the signature of the state auditor on such coupons, may be their printed or litho-

graphed facsimile signature. In case any officer whose signature or facsimile of whose signature shall appear on any bonds or coupons shall cease to be such officer before delivery of such bonds, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes, the same as if he had remained in office until such delivery.

(7) All bonds issued and sold pursuant to this act shall be sold on sealed bids to the highest and best bidder after such advertising for bids as the authority deems proper. The authority may reject any and all bids and may thereafter sell the bonds at private sale, but not at a price below that of the best bid which was rejected; or it may readvertise for bids.

Selling of bonds.

(8) Any resolution of the authority authorizing the issuance of bonds may appoint a trustee or trustees, a paying agent or paying agents, or such other fiduciaries as the authority may deem necessary. Any trustee, paying agent and other fiduciary so appointed may be any trust company or bank having trust powers within or without the state, and the authority shall have power to determine and contract with respect to the powers, functions, duties and compensation of any such trustee, paying agent or other fiduciary notwithstanding any other provision of law.

Resolution may appoint trustee or paying agent.

SEC. 9. (1) In order to secure the payment of its bonds, the authority shall have power in the resolution authorizing the issuance thereof, or in the trust agreement securing such bonds (which shall constitute a contract with the holders thereof):

Securing payment of bonds. Authority has power to covenant as follows:

(a) to pledge all or any part of its revenues to which its right then exists or may thereafter come into existence, and the moneys derived therefrom, and the proceeds of bonds;

(b) to covenant against pledging all or any part of its revenues, or against mortgaging all or any part

Pledging revenues or mortgaging property.

of its real or personal property then owned or thereafter acquired, or against permitting or suffering any lien on such revenues or property; to covenant with respect to limitations on any right to sell, lease or otherwise dispose of any toll road project or any part thereof, or any property of any kind;

Bonds, terms and conditions.

(c) to covenant as to the bonds to be issued and the limitations thereon and the terms and conditions thereof and as to the custody, application, investment and disposition of the proceeds thereof, and to covenant as to the issuance of additional bonds or as to limitations on the issuance of additional bonds and on the incurring of other debts by it;

Payment of principal and interest on bonds.

(d) to covenant as to the payment of the principal of or interest on the bonds, or any other obligations, as to the sources and methods of such payment, as to the rank or priority of any such bonds, or obligations with respect to any lien or security or as to the acceleration of the maturity of any such bonds or obligations;

Replacement of bonds.

(e) to provide for the replacement of lost, destroyed or mutilated bonds;

Extending time of payment.

(f) to covenant against extending the time for the payment of bonds or interest thereon;

Redemption of bonds.

(g) to covenant as to the redemption of bonds and privileges of exchange thereof for other bonds of the authority;

Rates of toll and charges to be established.

(h) to covenant as to the rates of toll and other charges to be established and charged, the amount to be raised each year or other period of time by tolls or other revenues, and as to the use and disposition to be made thereof; to create or authorize the creation of special funds or moneys to be held in pledge or otherwise for construction, operating expenses, payment or redemption of bonds, reserves or other purposes and to covenant as to the use and disposition of the moneys held in such fund;

(i) to establish the procedure, if any, by which the terms of any contract or covenant with or for the benefit of the holders of bonds may be amended or abrogated, the amount of bonds the holders of which must consent thereto, and the manner in which such consent may be given;

Establish procedure whereby contracts or covenants amended or abrogated.

(j) to covenant as to the maintenance of its real and personal property, the replacement thereof, the insurance to be carried thereon, and the use and disposition of insurance moneys;

Maintenance of its real property and insurance.

(k) to provide for the rights and liabilities, powers and duties arising upon the breach of any covenant, condition or obligation; to prescribe the events of default and the terms and conditions upon which any or all of the bonds shall become or may be declared due and payable before maturity and the terms and conditions upon which any such declaration and its consequences may be waived;

Rights and liabilities arising upon breach of covenant.

(l) to vest in a trustee or trustees such property, rights, powers and duties in trust for the holders of bonds as the authority may determine; to limit or abrogate the rights of the holders of such bonds to appoint such trustee, or to limit the rights, duties and powers of such trustee;

Trustees of bondholders.

(m) to limit the rights of holders of bonds to enforce any pledge or covenant securing the bonds; and

Limitation on bondholders rights to enforce.

(n) to make covenants other than, and in addition to, the covenants herein expressly authorized, of like or different character; and to make such covenants to do such acts and things as may be necessary, convenient, or desirable in order to better secure the bonds, or which, in the absolute discretion of the authority, will tend to make the bonds more marketable, notwithstanding that such covenants, acts or things may not be enumerated herein.

Make covenants other than herein enumerated.

(2) Any pledge of revenues or other moneys made by the authority shall be valid and binding

Pledge of revenues or other money by authority.

from the time when the pledge is made; the revenues or other moneys so pledged and thereafter received by the authority shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act, and the lien of any such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the authority, irrespective of whether such parties have notice thereof. Neither the resolution nor any other instrument by which a pledge is created need be filed or recorded except in the records of the authority. Resolutions providing for the issuance of bonds shall not convey or mortgage any toll road project or any part thereof.

No consent needed by authority to issue bonds.

(3) Bonds may be issued under the provisions of this act by the authority without obtaining the consent of any department, division, commission, board, bureau, agency, or officer of the state, and without any other proceeding or the happening of any other conditions or things than those proceedings, conditions or things which are specifically required by this act.

Authority no power to mortgage.

(4) The authority shall not have power to mortgage the real property of any toll road project.

Moneys of authority secured in manner authority requires.

(5) Moneys of the authority or moneys held in pledge or otherwise for the payment of bonds or in any way to secure bonds and deposits of such moneys may be secured in such manner as the authority may require and it shall be lawful for all banks and trust companies incorporated under the laws of the state which may act as depository of any such deposits to furnish such indemnifying bonds or to pledge such securities as may be required by the authority.

No personal liability on bonds.

(6) Neither the members of the authority nor any person executing bonds shall be liable personally on the bonds or be subject to any personal liability or accountability by reason of the issuance thereof.



(7) The authority shall have the power to purchase bonds out of any funds available therefor. The authority may hold, cancel or resell such bonds subject to and in accordance with agreements with holders of its bonds.

Authority to purchase bonds out of any funds available.

SEC. 10. The authority is hereby authorized to provide by resolution for the issuance of refunding bonds of the authority for the purpose of refunding any bonds, warrants or other obligations then outstanding which shall have been issued under the provisions of this act, including the payment of necessary expenses incurred in the refunding, any redemption premium thereon, and any interest accrued or to accrue to the date of redemption of such bonds, and, if deemed advisable by the authority for the additional purpose of paying the cost of constructing improvements or extensions to, or reconstruction or enlargements of, the toll road project or projects in connection with which the bonds to be refunded shall have been issued. The authority is further authorized to provide by resolution for the issuance of its bonds for the combined purpose of (1) refunding any bonds, warrants or other obligations then outstanding which shall have been issued under the provisions of this act, including the payment of necessary expenses incurred in the refunding, any redemption premium thereon, and any interest accrued or to accrue to the date of redemption of such bonds, and (2) paying all or any part of the cost of any additional toll road project or projects. The issuance of such bonds, the maturities and other details thereof, and the rights, duties and obligations of the authority in respect of the same, shall be governed by the provisions of this act insofar as the same may be applicable.

Authority to provide by resolution for issuance of refunding bonds of the authority.

SEC. 11. (1) Bonds issued under the provisions of this act shall not constitute a debt or liability of the

Bonds not debt or liability of state or political subdivision thereof.

state of Washington or of any political subdivision thereof, or a pledge of the faith and credit of the state or of any such political subdivision, but such bonds, unless refunded by bonds of the authority, shall be payable solely from the funds pledged or available for their payment as authorized herein. All such bonds shall contain on the face thereof a statement to the effect that the authority is obligated to pay the same or the interest thereon only from the revenues or other funds and proceeds of such bonds pledged for their payment, and that neither the state nor any political subdivision thereof is obligated to pay the same or the interest thereon and that neither the faith and credit nor the taxing power of the state or any political division thereof is pledged to the payment of the principal of or the interest on such bonds.

No authority to incur indebtedness on behalf of state or political subdivision thereof.

(2) Nothing in this act contained shall be construed to authorize the authority to incur indebtedness or liability on behalf of, or payable by, the state or any political subdivision thereof.

State pledge to bondholder.

SEC. 12. The state of Washington pledges to and agrees with the holders of the bonds issued pursuant to authority contained in this act, that the state will not limit, alter or restrict the rights hereby vested in the authority to plan, acquire, construct, improve, extend, reconstruct, repair, maintain, manage and operate any toll road project and to reconstruct and relocate existing highways, roads and streets, or sections thereof, and to establish, fix and collect such tolls, fees, rentals and other charges for transit over or the use of a toll road project, or portion thereof, as will be at least adequate to fulfill the terms of any agreements made with the holders of the bonds, or in any way impair the rights, exemptions or remedies of the holders of the bonds until the bonds, together with interest thereon, with interest on any unpaid installment of interest and all costs and expenses in connection with any action or proceedings

by or on behalf of the holders of the bonds, are fully paid and discharged.

SEC. 13. Notwithstanding any restrictions on investments contained in any laws of this state, the state and all public officers, municipal corporations, political subdivisions and public bodies, all banks, bankers, trust companies, savings banks and institutions, building and loan associations, savings and loan associations, investment companies and other persons carrying on a banking business, all insurance companies, insurance associations and other persons carrying on an insurance business, and all executors, administrators, guardians, trustees and other fiduciaries may legally invest any sinking funds, moneys or other funds belonging to them or within their control in any bonds, warrants, or other obligations issued by the authority pursuant to this act, and such bonds, warrants and other obligations shall be authorized security for all public deposits; it being the purpose of this act to authorize any persons, firms, corporations, associations, municipal corporations, political subdivisions, bodies and officers, public or private, to use any funds owned or controlled by them, including (but not limited to) sinking, insurance, investment, retirement, compensation, pension and trust funds and funds held on deposit, for the purchase of any such bonds, warrants or other obligations.

Who may legally invest in bonds, warrants or other obligations issued by the authority pursuant to act.

SEC. 14. Any holder of bonds issued under the provisions of this act, or any of the coupons appertaining thereto, and the trustee under any trust agreement, except to the extent the rights herein given may be restricted by the resolution authorizing the issuance of such bonds or such trust agreement, may, either at law or in equity, by suit, action, mandamus or other proceedings, protect and enforce any and all rights under the laws of the state or

Right in proceedings to enforce and compel performance of duties to be performed by authority.

granted hereunder or under the resolution authorizing the issuance of such bonds or such trust agreement, and may enforce and compel the performance of all duties required by this act or by such resolution or trust agreement to be performed by the authority or by any officer thereof, including the fixing, charging and collecting of tolls and other charges.

Authority not required to pay any taxes or assessments.

SEC. 15. The exercise of the powers granted by this act will be in all respects for the benefit of the people of the state of Washington, for the increase of their commerce and prosperity, and for the improvement of their health and living conditions, and as the operation and maintenance of toll road projects by the authority will constitute the performance of essential governmental functions, the authority shall not be required to pay any taxes or assessments upon any toll road project or any property acquired or used by it under the provisions of this act, or upon the income therefrom; and the bonds, warrants, or other obligations issued under the provisions of this act, their transfer and the income therefrom, including any profit made on the sale thereof, shall at all times be free from taxation within the state.

Moneys received deemed to be trust funds.

SEC. 16. All moneys received pursuant to the authority of this act, whether as proceeds from the sale of bonds or as revenues, shall be deemed to be trust funds, to be held and applied solely as provided in this act. The resolution authorizing the issuance of any bonds or the trust agreement securing such bonds shall provide that any officer with whom, or any bank or trust company with which, such moneys shall be deposited shall act as trustee of such moneys and shall hold and apply the same for the purposes hereof, subject to such regulations as this act and such resolution or trust agreement may provide.

SEC. 17. The authority may, if it deems it expedient, have its authority to issue bonds under the

provisions of this act and the legality of all proceedings in connection therewith, including the validity of any trust agreement executed to secure the payment of the principal and interest of such bonds determined, in the manner hereinafter provided. For such purpose a petition may be filed by the authority in the superior court of Thurston county against the state, and the taxpayers, property owners and citizens thereof, including non-residents owning property or subject to taxation in the state. The petition for validation of bonds shall briefly set out by proper allegations, references or exhibits, the petitioner's authority for the issuance of the bonds, the resolution or other proceedings authorizing the issuance thereof, the trust agreement executed to secure the payment of the principal and interest of such bonds, and all other essential proceedings had or taken in connection therewith. The court shall, upon the filing and presentation of the petition, make and issue an order in general terms in the form of a notice directed against the state and against the several property owners, taxpayers, citizens and others having or claiming any right, title or interest in property to be affected by the issuance of the bonds, or to be affected in any way thereby, requiring, in general terms and without naming them, all such persons, and the state through its attorney general, to appear at a time and place within said county to be designated in such order and show cause why the prayers of the petition should not be granted and the proceedings and bonds validated and confirmed as therein prayed. A copy of the above mentioned petition and order shall be served upon the attorney general at least twenty days before the time fixed in said order for hearing, as aforesaid, and he shall defend such action. The attorney general shall have access, for the purposes aforesaid, to all records and proceedings of the authority and of any officer, agent or employee of

Legality of all proceedings in connection with act determined.

Petition filed.

Petition for validation of bonds.

Court order.

Hearing.

Service of order on attorney general.

the authority having charge, possession, custody or control of any of the books, papers or records which pertain to the proceedings for the issuance of said bonds or which may affect the legality thereof, as may be demanded of him.

**Publication.** Prior to the date set for hearing as above provided, the clerk of the superior court shall cause a copy of said order to be published in a newspaper published in the city of Olympia once in each week for three consecutive weeks, the first publication to be not less than fifteen days prior to the date set for hearing. By the publication of said order all property owners, taxpayers and citizens of the state, and all other persons having or claiming any right, title, or interest in any property in the state, shall be considered as and are made parties defendant to said proceedings, and the court shall have jurisdiction of them to the same extent as if named as defendants in said petition and personally served with process in the proceeding.

**Parties.** Any property owners, taxpayers, citizens, or persons interested may become a party to said proceedings by pleading to said petition on or before the time set for hearing, or thereafter by intervention upon leave of court. At the time and place designated in the order for hearing, the court shall proceed to hear and determine all questions of law and fact in said proceeding, and may make all orders necessary to enable it to properly try and determine the same and to render a final decree therein with the least possible delay.

**Hearing.** Any party to the proceeding, whether petitioner, defendant or intervenor, or otherwise, dissatisfied with the final decree, may apply to the supreme court for a writ of review within five days after the entry thereof; otherwise such decree shall be final.

**Writ of review.** In the event the decree of the superior court validates such bonds and no application for review is

made within the time above prescribed, or if taken and the decree is affirmed, such decree shall be forever conclusive as to all matters adjudicated in favor of or against the petitioner and all parties affected thereby, including all property owners, taxpayers and citizens of the state, and the validity of said bonds, the trust agreement securing the payment thereof, and any proceedings taken in connection with the issuance of said bonds, shall never again be called in question in any court.

Court decree  
forever  
conclusive.

The bonds, the validity of which shall be adjudicated as herein provided, shall have printed, stamped, or written thereon, or on the reverse thereof, the following: "Validated and confirmed by decree of the superior court of the state of Washington for Thurston county (specifying the date when such decree became effective)," which shall be signed by the clerk of said court, or by his facsimile signature, which notice shall be original evidence of said decree and of the validity of said bonds and the proceedings leading up to their issuance, in any court of the state of Washington. In case the clerk of the court whose signature or facsimile of whose signature shall appear on the validation certificate on any bond shall cease to be such officer before delivery of such bonds, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery.

Bonds adjudicated validity  
printed, written or  
stamped on  
bonds.

The costs in each proceeding hereunder shall be paid by the authority, except that in cases where a taxpayer, citizen, or other person may appear and contest the proceeding or intervene therein, the court may tax such part of the costs against such person as shall be equitable and just.

Costs in  
proceedings.

SEC. 18. The authority is hereby authorized to fix, revise, charge and collect tolls for the use of each toll road project, and the different parts or sections

Tolls.

Contracts involving use of any part of toll road project.

thereof, and to contract in the manner herein provided with any person, partnership, association, corporation, municipal corporation, or political subdivision of the state or any agency of any such municipal corporation or political subdivision, desiring the use of any part thereof, including the right of way adjoining the paved portion, the air space over or above any part thereof, and the space over or under any ramp or interchange, for placing thereon, thereunder or thereabove telephone, telegraph, electric light or powerlines, pipelines, gas mains, emergency service for disabled cars, parking lots or other parking facilities including buildings and such gasoline service stations and restaurants as may be expressly authorized by the legislature for each specific project, and to fix the terms, conditions, rents, and rates of charge for such use. Such tolls and charges shall be so fixed and adjusted as to effectuate the purposes of this act and in any event to carry out and perform the terms and provisions of any contract with or for the benefit of holders of bonds. The commission is hereby authorized to join with the authority in any lease, contract, or franchise, the term of which would extend beyond the date of termination of tolls on any toll road project.

Contract terms may extend beyond date of termination of tolls.

Gasoline stations and restaurants.

If gasoline service stations, restaurants, or locations therefor are authorized on any specific toll road project, a sufficient number of such stations, restaurants, or locations therefor shall be authorized and established by the authority, to permit reasonable competition by private business. No governmental agency shall operate any such facility and the operation thereof shall be only after competitive bidding therefor upon such published notice as the authority may deem adequate. Any person who has acquired the right to use a service station or restaurant or location for either, may equip and operate the same or provide for its operation by a third person.

Governmental agency forbidden to operate.



SEC. 19. (1) Each toll road project, and any part thereof, when constructed and opened to traffic, shall be maintained and kept in good condition and repair by the authority or as the authority may provide; shall be operated by such toll takers and other operating employees as the authority may employ or authorize; and shall be policed by the Washington state patrol. All costs of maintenance, operation and policing shall be paid by the authority from the revenues or other funds accruing to the authority by reason of the construction or operation of the particular project from which such costs arose.

Maintenance and operation of toll road project after construction.

Policing.  
Costs.

(2) Subject to the terms of any agreement by the authority with the holders of bonds, if the authority shall find that any part of a toll road project is not suitable or sufficient as a highway to carry mixed traffic, the authority shall have the power to exclude from such part any traffic other than motor vehicles.

Authority to exclude traffic other than motor vehicles.

SEC. 20. The authority shall have power to adopt such bylaws, rules and regulations as it may deem advisable for the control and regulation of traffic on any toll road project, for the use of such toll road project, for the protection and preservation of property under its jurisdiction and control, and for the maintenance and preservation of good order within the property under its control: *Provided*, That such rules and regulations shall be compatible with the general traffic laws of the state insofar as the same are consistent with the general purposes of this act: *And provided, further*, That such rules and regulations shall provide that public police officers, while in the performance of their official duties, be afforded ready access to any toll road property under the jurisdiction of the authority without the payment of tolls. Violation of any such bylaw, rule or regulation shall, unless otherwise provided by law, constitute a misdemeanor. Violations of the general traffic laws of the state upon any

Bylaws, rules and regulations.

Compatibility with traffic laws of state.

Public police officers afforded access to toll road property.

Violation misdemeanor.

Violations of general traffic laws of state.

toll road shall subject offenders to the same penalties as if such offense had occurred upon any other public highway.

Authority may delegate powers to commission; powers authority forbidden to delegate.

SEC. 21. The authority may, in its discretion, delegate to the commission the right to exercise for and on behalf of the authority, any or all of the powers vested in the authority by this act, except the following:

(1) The issuance, sale, payment, redemption or refunding of bonds.

(2) Policing and operation of toll road projects.

(3) Rule or regulation making powers.

(4) Final approval on policy decisions, and of all contracts and commitments relating to acquisition, construction, reconstruction, maintenance, repair and replacement of a toll road project, or any part thereof, and of all franchises, contracts, leases, or other binding commitments having any effect upon the revenues of a toll road project or the pledging or disbursement thereof; reserving, however, to the commission, the power to join in certain agreements as provided in section 18 of this act.

(5) The fixing, collection, and disbursement or management of the revenues of any toll road project.

It is the intent of this section to vest solely and exclusively in the authority all matters relating to the fiscal affairs, and the administration, management, control and operation of any toll road project. Any powers not expressly excluded from delegation as hereinabove provided shall be excluded by implication to the extent necessary to effectuate the intent of this section.

The commission shall carry out, on behalf of the authority, such functions and perform such duties as the authority may, in its discretion and within the limitations of this section, delegate to it.

SEC. 22. All determinations made by the authority in the exercise of its discretionary powers, in-

cluding, but not limited to, the location and terminal points of any toll road project constructed by it, the materials to be used in its construction, the plans and specifications therefor, the tolls to be charged for the use thereof, the letting of contracts for the construction of toll road projects or the sale of bonds to provide funds for the payment of the cost thereof, except as otherwise herein provided, shall be conclusive and shall not be subject to review by the courts: *Provided*, That this section shall not deprive the courts of jurisdiction over violations of this act or from the consideration of any question or interpretation of law.

Determinations made by authority in exercise of its discretionary powers conclusive.

Proviso.

SEC. 23. (1) The authority, pursuant to the provisions of this act, is hereby authorized to acquire, construct, improve, reconstruct, maintain, repair and operate a toll road project to be known as "Tacoma-Seattle-Everett toll road", at the following location, or such part or parts thereof as the authority, with the approval of the commission, may determine to be suitable for a toll road project as contemplated by this act: Beginning at such points as the authority, with the approval of the commission, may select as most feasible and practicable, at or in the vicinity of Ponders Corner near U. S. highway 99 at a point approximately five miles south of the city of Tacoma, and running thence in a general northeasterly and northerly direction, through the cities of Tacoma and Seattle, to a point in the vicinity of the Broadway cut-off at Old Bothell Road near U. S. highway 99, approximately two miles south of the city of Everett. Such toll road, when constructed and placed in operation in accordance with the provisions of this act, shall constitute a part of the interstate highway system within the state of Washington.

Authorization for "Tacoma-Seattle-Everett toll road."

(2) The authority may provide for not more than four gasoline service stations and not more than

Gasoline service stations; restaurants.

four restaurants on the toll road project herein authorized to be located as follows: Not more than one of each such facility on each side of said road or in the median section, between the southern terminus and the southern city limit of Seattle, and not more than one of each such facility on each side of said road or in the median section, between the northern terminus and the northern city limit of Seattle: *Provided, however,* That no person, corporation, or association shall operate more than one of said gasoline stations or restaurants.

Proviso.

Other toll road projects need specific authorization.

(3) Other toll road projects or extensions thereof may be studied and analyzed by the authority and the commission, and recommendations therefor submitted to the legislature, but such other projects shall not be finally financed or constructed by the authority under the provisions of this act, until further specific authorization therefor has been provided by the legislature in the same manner that specific authorization has been provided herein for the toll road project generally described in this section.

Financing Tacoma-Seattle-Everett toll road project.

SEC. 24. To facilitate the financing of the Tacoma-Seattle-Everett toll road authorized pursuant to section 23, the authority is hereby authorized to pledge the moneys hereinafter made available to the authority for such purpose and to execute agreements to that effect. Any such agreement with the holders of bonds issued under this act shall provide that the moneys available to the authority under the provisions of this section from the motor vehicle fund shall be used and applied only to the extent that revenues and other funds available from such toll road project are insufficient to provide for the payment of maintenance and operating expenses of such toll road project, the payment of the principal of and interest on the bonds issued to finance such project and sinking fund requirements established

Limitation on use of moneys from motor vehicle fund.

with respect thereto, and the payments into such reserves as the authority shall have established with respect to the securing of such bonds and the maintenance, operation, repair and replacement of such project. Any moneys from the motor vehicle fund so used, paid or applied by the authority shall be repaid to the motor vehicle fund from any revenues of such toll road project available for this purpose under the resolution and trust agreement of the authority securing the bonds issued to finance such toll road project, and, if necessary, tolls shall be continued beyond the date of retirement of the bonds for such purpose.

Repayment to motor vehicle fund.

The authority is hereby authorized to agree with the holders of the bonds issued to finance the aforesaid toll road project to the pledge and application, under the above conditions, of not exceeding five million dollars (\$5,000,000) per annum. Moneys sufficient in amount to provide the authority with funds to make the payments under such agreement with the holders of such bonds shall be provided from the proceeds of all state excise taxes on motor vehicle fuels imposed by chapters 82.36 and 82.40 RCW. The proceeds of such excise taxes, to the extent not previously pledged, are hereby pledged to the authority for the purpose of enabling it to comply with any agreements with the holders of such such bonds entered into pursuant to the provisions of this section. The legislature hereby agrees to continue to impose excise taxes on motor vehicle fuels in amounts sufficient to provide the authority with funds necessary to enable it to comply with such agreements and to make necessary appropriations to the authority for such purpose.

Moneys provided from proceeds of state excise taxes on motor vehicle fuels.

Legislative agreement to continue excise tax on motor vehicle fuels.

Any funds required to make the payments to the authority pursuant to this section shall be taken from that portion of the motor vehicle fund which results from the imposition of excise taxes on motor

vehicle fuels and which is, or may be, appropriated to the commission for state highway purposes, and shall never constitute a charge against any allocations of such funds to counties, cities and towns unless and until the amount of the motor vehicle fund arising from the excise taxes on motor vehicle fuels and available for state highway purposes proves insufficient to provide funds with which to make the payments to the authority pursuant to this section.

Authority notifies state treasurer of moneys required to meet its obligations on bonds, if any.

On the first day of July in each year, the authority shall notify the state treasurer of the amount, if any, of moneys resulting from collection of excise taxes on motor vehicle fuels it will require to meet its obligations under its agreement with the holders of the bonds issued to finance the aforesaid toll road project. The state treasurer, upon being notified of such amount shall forthwith transfer the required amount from the motor vehicle fund to the credit of the authority for application pursuant to its agreement with bondholders under the resolution or trust agreement securing the bonds issued to finance the aforesaid toll road project. If at any time, upon receipt of such notification by the state treasurer, the moneys available for such purpose in the motor vehicle fund shall be insufficient to make the payment then due the authority, the state treasurer shall thereafter make such payment to the authority from the first moneys available in the motor vehicle fund for such purpose.

The pledge of, and lien on, the excise taxes collected on motor vehicle fuels, created pursuant to this section, shall be subordinate and inferior to the pledge of, and lien on, such excise taxes imposed under chapter 47.10 RCW to the full extent of the pledge authorized thereby.

SEC. 25. This act shall be deemed to provide an additional and alternative method for the doing of the things authorized thereby, and shall be re-

garded as supplemental and additional to powers conferred by other laws, and shall not be regarded as in derogation of any powers now existing: *Provided*, That the issuance of bonds or refunding bonds under the provisions of this act need not comply with the requirements of any other law applicable to the issuance of bonds.

Act supplemental and additional to powers conferred by other laws.  
Proviso.

SEC. 26. This act, being necessary for the welfare of the state and its inhabitants, shall be liberally construed to effect the purposes thereof.

Act liberally construed.

SEC. 27. (1) If any provision of this act or the application thereof to any person, firm, or corporation or circumstance is held invalid, in whole or in part, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provisions or application and to this end the provisions of this act are declared to be severable.

Invalidity.

(2) If any provision of this act shall be declared unconstitutional or ineffective in whole or in part by a court of competent jurisdiction, then to the extent that it is unconstitutional or ineffective, such provision shall not be enforced, nor shall such determination be deemed to invalidate the remaining provisions of this act.

SEC. 28. All other laws, or parts thereof, inconsistent herewith are hereby declared to be inapplicable to the provisions of this act.

Other laws inconsistent declared inapplicable.

SEC. 29. Section 7, chapter 220, Laws of 1953 and RCW 47.56.075, section 8, chapter 220, Laws of 1953 and RCW 47.56.077, section 1, chapter 183, Laws of 1953 and RCW 47.56.380, section 2, chapter 183, Laws of 1953 and RCW 47.56.390, section 3, chapter 183, Laws of 1953 and RCW 47.56.400 are each repealed.

Repeal.

SEC. 30. This act is necessary for the immediate preservation of the public peace, health and safety,

Emergency.

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

Passed the House March 8, 1955.

Passed the Senate March 7, 1955.

Approved by the Governor March 18, 1955.

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CHAPTER 269.

[ H. B. 51 ]

MOTOR VEHICLE EQUIPMENT AND LIGHTING.

AN ACT relating to vehicles and the operation thereof upon the public highways of this state; providing for vehicle equipment devices and lighting, providing for enforcement of this act, and repealing section 34, chapter 189, Laws of 1937, and RCW 46.36.020; and section 2, chapter 56, Laws of 1951, and RCW 46.36.030; and section 35, chapter 189, Laws of 1937, and RCW 46.36.040; and section 36, chapter 189, Laws of 1937, and RCW 46.36.050; and section 37, chapter 189, Laws of 1937, and RCW 46.36.060; and section 38, chapter 189, Laws of 1937, and RCW 46.36.070; and section 39, chapter 189, Laws of 1937, and RCW 46.36.080; and section 1, chapter 220, Laws of 1947, and RCW 46.36.090; and section 41, chapter 189, Laws of 1937, and RCW 46.36.100; and section 42, chapter 189, Laws of 1937, and RCW 46.36.120; and section 14, chapter 189, Laws of 1937, and RCW 46.40.010; and section 15, chapter 189, Laws of 1937, and RCW 46.40.020; and section 2, chapter 267, Laws of 1947, and RCW 46.40.030; and section 3, chapter 267, Laws of 1947, and RCW 46.40.040; and section 18, chapter 189, Laws of 1937, and RCW 46.40.050; and section 19, chapter 189, Laws of 1937, and RCW 46.40.060; and section 21, chapter 189, Laws of 1937, and RCW 46.40.080; and section 2, chapter 248, Laws of 1953, and RCW 46.40.090; and section 24, chapter 189, Laws of 1937, and RCW 46.40.100; and section 1, chapter 157, Laws of 1949, and RCW 46.40.110; and section 1, chapter 157, Laws of 1949, and RCW 46.40.120; and section 25, chapter 189, Laws of 1937, and RCW 46.40.130; and section 5, chapter 267, Laws of 1947, and RCW 46.40.140; and section 27, chapter 189, Laws of 1937, and RCW 46.40.150; and section 28, chapter 189, Laws of 1937, and RCW 46.40.160; and section 2, chapter 157, Laws of 1949, and RCW 46.40.170; and section 30, chapter 189, Laws of 1937, and RCW 46.40.180; and section 31, chapter 189, Laws of 1937, and RCW 46.40.190; and section 32, chapter 189, Laws of 1937, and RCW 46.40.200; and sec-



tion 7, chapter 267, Laws of 1947, and RCW 46.40.210; and section 1, chapter 196, Laws of 1949, and RCW 46.60.030; and declaring an emergency.

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

SECTION 1. (1) It is a misdemeanor for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any highway any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person, or which does not contain those parts or is not at all times equipped with such lamps and other equipment in proper condition and adjustment as required in this chapter, or which is equipped in any manner in violation of this chapter, or for any person to do any act forbidden or fail to perform any act required under this chapter.

Misdemeanor to knowingly permit to be driven or moved on highway vehicle not equipped as herein provided.

(2) Nothing contained in this chapter shall be construed to prohibit the use of additional parts and accessories on any vehicle not inconsistent with the provisions of this chapter.

Additional parts and accessories may be used.

(3) The provisions of this article with respect to equipment on vehicles shall not apply to implements of husbandry, road machinery, road rollers or farm tractors except as herein made applicable.

Limitation with respect to equipment on vehicles.

SEC. 2. Every vehicle upon a highway within this state at any time from a half hour after sunset to a half hour before sunrise and at any other time when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of five hundred feet ahead shall display lighted lamps and illuminating devices as hereinafter respectively required for different classes of vehicles, subject to exceptions with respect to parked vehicles.

When lighted lamps and illuminated devices shall be displayed.

SEC. 3. (1) Whenever requirement is hereinafter declared as to distance from which certain lamps and devices shall render objects visible or within which

such lamps or devices shall be visible, said provisions shall apply during the times stated in section 2 in respect to a vehicle without load when upon a straight, level, unlighted highway under normal atmospheric conditions unless a different time or condition is expressly stated.

(2) Whenever requirement is hereinafter declared as to the mounted height of lamps or devices it shall mean from the center of such lamp or device to the level ground upon which the vehicle stands when such vehicle is without a load.

Motor vehicle  
head lamps  
requirement.

SEC. 4. (1) Every motor vehicle other than a motorcycle or motor-driven cycle shall be equipped with at least two head lamps with at least one on each side of the front of the motor vehicle, which head lamps shall comply with the requirements and limitations set forth in this chapter.

Motorcycle  
and motor-  
driven cycle  
head lamp  
requirement.

(2) Every motorcycle and every motor-driven cycle shall be equipped with at least one and not more than two head lamps which shall comply with the requirements and limitations of this chapter.

Location of  
head lamp.

(3) Every head lamp upon every motor vehicle, including every motorcycle and motor-driven cycle, shall be located at a height measured from the center of the head lamp of not more than fifty-four inches nor less than twenty-four inches to be measured as set forth in section 3 (1).

Tail lamp  
requirement;  
red light  
visible.

SEC. 5. (1) Every motor vehicle, trailer, semi-trailer and pole trailer, and any other vehicle which is being drawn at the end of a train of vehicles, shall be equipped with at least one tail lamp mounted on the rear, which, when lighted as hereinbefore required, shall emit a red light plainly visible from a distance of five hundred feet to the rear, provided that in the case of a train of vehicles only the tail lamp on the rearmost vehicle need actually be seen from the distance specified. And further, every such above-mentioned vehicle, other than a truck

tractor, registered in this state and manufactured or assembled after January 1, 1939, shall be equipped with at least two tail lamps mounted on the rear, which when lighted as herein required, shall comply with the provisions of this section.

Two tail lamps requirement.

(2) Every tail lamp upon every vehicle shall be located at a height of not more than seventy-two inches nor less than twenty inches.

Location of tail lamp.

(3) Either a tail lamp or a separate lamp shall be so constructed and placed as to illuminate with a white light the rear registration plate and render it clearly legible from a distance of fifty feet to the rear. Any tail lamp or tail lamps, together with any separate lamp for illuminating the rear registration plate, shall be so wired as to be lighted whenever the head lamps or auxiliary driving lamps are lighted.

Rear registration plate illuminated.

Wiring requirement.

SEC. 6. (1) Every new motor vehicle hereafter sold and operated upon a highway other than a truck tractor shall carry on the rear, either as a part of the tail lamps or separately, two red reflectors, except that every motorcycle and every motor-driven cycle shall carry at least one reflector, meeting the requirements of this section, and except that vehicles of the type mentioned in section 9 shall be equipped with reflectors as required in those sections applicable thereto.

Red reflector requirement.

(2) Every such reflector shall be mounted on the vehicle at a height not less than twenty inches nor more than sixty inches measured as set forth in section 3 (2), and shall be of such size and characteristics and so mounted as to be visible at night from all distances within three hundred fifty feet to one hundred feet from such vehicle when directly in front of lawful upper beams of head lamps, except that visibility from a greater distance is hereinafter required of reflectors on certain types of vehicles.

Location of reflector; size and character of reflector.

SEC. 7. (1) From and after June 30, 1947, it shall be unlawful for any person to sell any new motor

Stop light  
requirement.

vehicle, including any motorcycle or motor-driven cycle, in this state or for any person to drive such vehicle on the highways unless it is equipped with at least one stop lamp meeting the requirements of section 20.

Mechanical or  
electrical  
turn signals.

(2) No person shall sell or offer for sale or operate on the highways any motor vehicle, trailer or semi-trailer registered in this state and manufactured or assembled after January 1, 1954, unless it is equipped with mechanical or electrical turn signals meeting the requirements of section 20. This paragraph shall not apply to any motorcycle or motor-driven cycle.

Clearance and  
marker lamps,  
reflectors and  
stop lamps.

SEC. 8. Those sections of this chapter which follow immediately, including sections 9, 10, 11, 12 and 13, relating to clearance and marker lamps, reflectors and stop lamps, shall apply as stated in said sections to vehicles of the type therein enumerated, namely passenger buses, trucks, truck tractors, and certain trailers, semitrailers and pole trailers, respectively, when operated upon any highway, and said vehicles shall be equipped as required and all lamp equipment required shall be lighted at the times mentioned in section 2, except that clearance and side marker lamps need not be lighted on any said vehicle when operated within any municipality where there is sufficient light to render clearly discernible persons and vehicles on the highway at a distance of five hundred feet.

Clearance and  
side marker  
lamps when  
operating in  
municipality.

Equipment  
requirements.

SEC. 9. In addition to other equipment required in this chapter, the following vehicles shall be equipped as herein stated under the conditions stated in section 8.

Bus or truck.

(1) On every bus or truck, whatever its size, there shall be the following:

On the rear, two reflectors, one at each side, and one stop lamp.

Bus or truck  
80 inches over-  
all width.

(2) On every bus or truck eighty inches or more

in over-all width, in addition to the requirements in paragraph (1):

On the front, two clearance lamps, one at each side.

On the rear, two clearance lamps, one at each side.

On each side, two side marker lamps, one at or near the front and one at or near the rear.

On each side, two reflectors, one at or near the front and one at or near the rear.

(3) On every truck tractor:

Truck tractor.

On the front, two clearance lamps, one at each side.

On the rear, one stop lamp.

(4) On every trailer or semitrailer having a gross weight in excess of three thousand pounds:

Trailer or semitrailer in excess of three thousand pounds.

On the front, two clearance lamps, one at each side.

On each side, two side marker lamps, one at or near the front and one at or near the rear.

On each side, two reflectors, one at or near the front and one at or near the rear.

On the rear, two clearance lamps, one at each side, also two reflectors, one at each side, and one stop lamp.

(5) On every pole trailer in excess of three thousand pounds gross weight:

Pole trailer in excess of three thousand pounds gross weight.

On each side, one side marker lamp and one clearance lamp which may be in combination, to show to the front, side and rear.

On the rear of the pole trailer or load, two reflectors, one at each side.

(6) On every trailer, semitrailer or pole trailer weighing three thousand pounds gross or less:

Trailer, semitrailer, pole trailer three thousand pounds gross or less.

On the rear, two reflectors, one on each side. If any trailer or semitrailer is so loaded or is of such dimensions as to obscure the stop lamp on the towing vehicle, then such vehicle shall also be equipped with one stop lamp.

**Amber colored lights.** SEC. 10. (1) Front clearance lamps and those marker lamps and reflectors mounted on the front or on the side near the front of a vehicle shall display or reflect an amber color.

**Red colored lights.** (2) Rear clearance lamps and those marker lamps and reflectors mounted on the rear or on the sides near the rear of a vehicle shall display or reflect a red color.

**Light colors for rear of vehicle.** (3) All lighting devices and reflectors mounted on the rear of any vehicle shall display or reflect a red color, except the stop lamp or other signal device, which may be red, amber or yellow, and except that the light illuminating the license plate shall be white and the light emitted by a back-up lamp shall be white or amber.

**Reflectors location.** SEC. 11. (1) Reflectors when required by section 9 shall be mounted at a height not less than twenty-four inches and not higher than sixty inches above the ground on which the vehicle stands, except that if the highest part of the permanent structure of the vehicle is less than twenty-four inches the reflector at such point shall be mounted as high as that part of the permanent structure will permit.

The rear reflectors on a pole trailer may be mounted on each side of the bolster or load.

**Reflectors incorporated with tail light.** Any required red reflector on the rear of a vehicle may be incorporated with the tail lamp, but such reflector shall meet all the other reflector requirements of this chapter.

**Clearance lamp location.** (2) Clearance lamps shall be mounted on the permanent structure of the vehicle in such a manner as to indicate its extreme width and as near the top thereof as practicable. Clearance lamps and side marker lamps may be mounted in combination provided illumination is given as required herein with reference to both.

**Clearance lamps and marker lamps mounted in combination.**

SEC. 12. (1) Every reflector upon any vehicle referred to in section 9 shall be of such size and

characteristics and so maintained as to be readily visible at nighttime from all distances within six hundred feet to one hundred feet from the vehicle when directly in front of lawful upper beams of head lamps. Reflectors required to be mounted on the sides of the vehicle shall reflect the required color of light to the sides, and those mounted on the rear shall reflect a red color to the rear.

Reflector size and characteristics.

(2) Front and rear clearance lamps shall be capable of being seen and distinguished under normal atmospheric conditions at the times lights are required at a distance of five hundred feet from the front and rear, respectively, of the vehicle.

Front and rear clearance lamps; capacity to be seen.

(3) Side marker lamps shall be capable of being seen and distinguished under normal atmospheric conditions at the times lights are required at a distance of five hundred feet from the side of the vehicle on which mounted.

Side marker lamps capacity to be seen.

SEC. 13. Whenever motor and other vehicles are operated in combination during the time that lights are required, any lamp (except tail lamps) need not be lighted which, by reason of its location on a vehicle of the combination, would be obscured by another vehicle of the combination, but this shall not affect the requirement that lighted clearance lamps be displayed on the front of the foremost vehicle required to have clearance lamps, nor that all lights required on the rear of the rearmost vehicle of any combination shall be lighted.

Motor and other vehicles operated in combination.

SEC. 14. Whenever the load upon any vehicle extends to the rear four feet or more beyond the bed or body of such vehicle there shall be displayed at the extreme rear end of the load, at the time specified in section 2 hereof, a red light or lantern plainly visible from a distance of at least five hundred feet to the sides and rear. The red light or lantern required under this section shall be in addition to the red rear light required upon every vehicle. At any

Extension of load beyond rear or body of vehicle requires additional lamp or red flag.

Display of red flag.

other time there shall be displayed at the extreme rear end of such load a red flag or cloth not less than twelve inches square and so hung that the entire area is visible to the driver of a vehicle approaching from the rear.

Lawfully parked auto.

SEC. 15. (1) Whenever a vehicle is lawfully parked upon a street or highway during the hours between a half hour after sunset and a half hour before sunrise and in the event there is sufficient light to reveal any person or object within a distance of five hundred feet upon such street or highway no lights need be displayed upon such parked vehicle.

No lights need be displayed.

Need for lights displayed on lawfully parked car.

(2) Whenever a vehicle is parked or stopped upon a roadway or shoulder adjacent thereto, whether attended or unattended, during the hours between a half hour after sunset and a half hour before sunrise and there is not sufficient light to reveal any person or object within a distance of five hundred feet upon such highway, such vehicle so parked or stopped shall be equipped with one or more lamps meeting the following requirements: At least one lamp shall display a white or amber light visible from a distance of five hundred feet to the front of the vehicle, and the same lamp or at least one other lamp shall display a red light visible from a distance of five hundred feet to the rear of the vehicle, and the location of said lamp or lamps shall always be such that at least one lamp or combination of lamps meeting the requirements of this section is installed as near as practicable to the side of the vehicle which is closest to passing traffic. The foregoing provisions shall not apply to a motor-driven cycle.

Requirements.

No application.

Head lamps dimmed.

(3) Any lighted head lamps upon a parked vehicle shall be depressed or dimmed.

Farm tractors and self propelled farm equipment.

SEC. 16. (1) Every farm tractor and every self-propelled farm equipment unit or implement of husbandry not equipped with an electric lighting system shall at all times mentioned in section 2 be equipped



with at least one lamp displaying a white light visible from a distance of not less than five hundred feet to the front of such vehicle and shall also be equipped with at least one lamp displaying a red light visible from a distance of not less five hundred feet to the rear of such vehicle and two red reflectors visible from a distance of one hundred to six hundred feet to the rear when illuminated by the upper beams of head lamps. The lights required herein shall be positioned so that one lamp showing to the front and one lamp or reflector showing to the rear will indicate the furthest projection of said tractor, unit or implement on the side of the road used in passing such vehicle.

Lamps.

Reflectors.

Position of lamps.

(2) Every combination of farm tractor and towed unit of farm equipment or implement of husbandry not equipped with an electric lighting system shall at all times mentioned in section 2 be equipped with the following lamps:

Combination of farm tractor and farm equipment requirements.

(a) At least one lamp mounted to indicate as nearly as practicable the extreme left projection of said combination and displaying a white light visible from a distance of five hundred feet to the front of said combination, and

White lamp on front.

(b) Two lamps each displaying a red light visible from a distance of five hundred feet to the rear of said combination, or one lamp displaying a red light visible from a distance of five hundred feet to the rear and two red reflectors visible from a distance of one hundred to six hundred feet to the rear when illuminated by the upper beams of head lamps, which said lamps or reflectors shall be so mounted as to indicate as nearly as practicable the extreme left and right rear projections of said towed unit or implement on the highway.

Red lamps on rear.

Reflectors on rear.

(3) Every farm tractor and every self-propelled unit of farm equipment or implement of husbandry equipped with an electric lighting system shall

Electric lighting system equipped farm equipment.

at all times mentioned in section 2 be equipped with two single-beam or multiple-beam head lamps meeting the requirements of sections 22 or 25 of this act, and two red lamps visible from a distance of five hundred feet to the rear, or one red lamp visible from a distance of five hundred feet to the rear and two red reflectors visible from a distance of one hundred to six hundred feet to the rear when illuminated by the upper beams of head lamps; and such red lamps or reflectors shall be mounted in the rear of said farm tractor or self-propelled implement of husbandry so as to indicate as nearly as practicable the extreme left and right projections of said vehicle on the highway.

(4) Every combination of farm tractor and towed farm equipment or implement of husbandry equipped with an electric lighting system shall at all times mentioned in section 2 be equipped with the following lamps:

(a) The farm tractor element of every such combination shall be equipped with two single-beam or multiple-beam head lamps meeting the requirements of sections 22, 24, or 26 of this act, and

(b) The towed unit of farm equipment or implement of husbandry element of such combination shall be equipped with two red lamps visible from a distance of not less than five hundred feet to the rear, or as an alternative, one red lamp visible from a distance of not less than five hundred feet to the rear and two red reflectors visible from a distance of one hundred to six hundred feet to the rear when illuminated by the upper beams of head lamps; and such red lamps or reflectors shall be located so as to indicate as nearly as practicable the extreme left and right rear projections of said towed unit or implement on the highway, and

(c) Said combinations shall also be equipped with a lamp displaying a white or amber light, or

any shade of color between white and amber, visible from a distance of not less than five hundred feet to the front and a lamp displaying a red light visible from a distance of not less than five hundred feet to the rear, which said lamp or lamps shall be installed or capable of being positioned so as to indicate to the front and rear the furthest projection of said combination on the side of the road used by other vehicles in passing such combination.

SEC. 17. Every vehicle, including animal-drawn vehicles and vehicles referred to in section 1 (2), not specifically required by the provisions of this article to be equipped with lamps, or other lighting devices, shall at all times specified in section 2 of this act be equipped with at least one lamp displaying a white light visible from a distance of not less than five hundred feet to the front of said vehicle, and shall also be equipped with two lamps displaying red light visible from a distance of not less than five hundred feet to the rear of said vehicle, or as an alternative, one lamp displaying a red light visible from a distance of not less than five hundred feet to the rear and two red reflectors visible for distances of one hundred to six hundred feet to the rear when illuminated by the upper beams of head lamps.

Requirements  
for every  
vehicle.

SEC. 18. (1) Any motor vehicle may be equipped with not to exceed two spot lamps and every lighted spot lamp shall be so aimed and used upon approaching another vehicle that no part of the high intensity portion of the beam will be directed to the left of the prolongation of the extreme left side of the vehicle nor more than one hundred feet ahead of the vehicle.

Spot lamps.

(2) Any motor vehicle may be equipped with not to exceed two fog lamps mounted on the front at a height not less than twelve inches nor more than thirty inches above the level surface upon which the vehicle stands and so aimed that when the

Fog lamps.

vehicle is not loaded none of the high-intensity portion of the light to the left of the center of the vehicle shall at a distance of twenty-five feet ahead project higher than a level of four inches below the level of the center of the lamp from which it comes. Lighted fog lamps meeting the above requirements may be used with lower head lamp beams as specified in section 22.

Auxiliary  
passing lamp.

(3) Any motor vehicle may be equipped with not to exceed one auxiliary passing lamp mounted on the front at a height not less than twenty-four inches nor more than forty-two inches above the level surface upon which the vehicle stands. The provisions of section 22 shall apply to any combination of head lamps and auxiliary passing lamp.

Auxiliary  
driving lamp.

(4) Any motor vehicle may be equipped with not to exceed one auxiliary driving lamp mounted on the front at a height not less than sixteen inches nor more than forty-two inches above the level surface upon which the vehicle stands. The provisions of section 22 shall apply to any combination of head lamps and auxiliary driving lamp.

Authorized  
emergency  
vehicle re-  
quirement.

SEC. 19. (1) Every authorized emergency vehicle shall, in addition to any other equipment and distinctive markings required by this act, be equipped with a siren, exhaust whistle or bell capable of giving an audible signal.

School bus and  
authorized  
emergency  
vehicle  
requirements.

(2) Every bus used for the transportation of school children and every authorized emergency vehicle shall, in addition to any other equipment and distinctive markings required by this act, be equipped with signal lamps mounted as high and as widely spaced laterally as practicable, which shall be capable of displaying to the front two alternately flashing red lights located at the same level and to the rear two alternately flashing red lights located at the same level, and these lights shall have suffi-

cient intensity to be visible at five hundred feet in normal sunlight.

(3) A police vehicle when used as an authorized emergency vehicle may but need not be equipped with alternately flashing red lights specified herein.

Police vehicle used as emergency vehicle.

(4) The use of the signal equipment described herein shall impose upon drivers of other vehicles the obligation to yield right of way and stop as provided in RCW 46.60.210.

Use imposes obligation on other drivers.

SEC. 20. (1) Any motor vehicle may be equipped and when required under this act shall be equipped with a stop lamp or lamps on the rear of the vehicle which shall display a red or amber light, or any shade of color between red and amber, visible from a distance of not less than one hundred feet to the rear in normal sunlight, and which shall be actuated upon application of a service or foot brake, and which may but need not be incorporated with one or more other rear lamps.

Stop lamp.

(2) Any motor vehicle may be equipped and when required under this act shall be equipped with lamps or mechanical signal devices showing to the front and rear for the purpose of indicating an intention to turn either to the right or left. When lamps are used for such purpose, the lamps showing to the front shall be located on the same level and as widely spaced laterally as practicable and when in use shall display a white or amber light, or any shade of color between white and amber, visible from a distance of not less than one hundred feet to the front in normal sunlight, and the lamps showing to the rear shall be located at the same level and as widely spaced laterally as practicable and when in use shall display a red or amber light, or any shade of color between red and amber, visible from a distance of not less than one hundred feet to the rear in normal sunlight. When actuated such lamps shall indicate the intended direction of turning by

Lamps or mechanical signal devices indicating intention to turn.

Location.

flashing the lights showing to the front and rear on the side toward which the turn is made. Where mechanical signal devices are used for such purpose, said devices shall be self-illuminated when in use at the times mentioned in section 2.

Glaring light prohibited.

(3) No stop lamp or signal lamp or device shall project a glaring light.

Side cowl or fender lamps.

SEC. 21. (1) Any motor vehicle may be equipped with not more than two side cowl or fender lamps which shall emit an amber or white light without glare.

Running board courtesy lamp.

(2) Any motor vehicle may be equipped with not more than one running-board courtesy lamp on each side thereof which shall emit a white or amber light without glare.

Back-up lamps.

(3) Any motor vehicle may be equipped with not more than two back-up lamps either separately or in combination with other lamps, but any such back-up lamp shall not be lighted when the motor vehicle is in forward motion.

Lamps used to warn other drivers of presence of vehicular traffic hazard.

(4) Any vehicle may be equipped with lamps which may be used for the purpose of warning the operators of other vehicles of the presence of a vehicular traffic hazard requiring the exercise of unusual care in approaching, overtaking or passing, and when so equipped may display such warning in addition to any other warning signals required by this act. The lamps used to display such warning to the front shall be mounted at the same level and as widely spaced laterally as practicable, and shall display simultaneously flashing white or amber lights, or any shade of color between white and amber. The lamps used to display such warning to the rear shall be mounted at the same level and as widely spaced laterally as practicable, and shall show simultaneously flashing amber or red lights, or any shade of color between amber and red. These warning lights shall be visible from a distance of not less than five

hundred feet under normal atmospheric conditions at night.

SEC. 22. Except as hereinafter provided, the head lamps or the auxiliary driving lamp or the auxiliary passing lamp or combination thereof on motor vehicles other than motorcycles or motor-driven cycles shall be so arranged that the driver may select at will between distributions of light projected to different elevations and such lamps may be so arranged that such selection can be made automatically subject to the following limitations:

Light arrangement.

Automatic selection.

(1) There shall be an uppermost distribution of light, or composite beam, so aimed and of such intensity as to reveal persons and vehicles at a distance of three hundred fifty feet ahead for all conditions of loading.

Distribution of light requirement.

(2) There shall be a lowermost distribution of light, or composite beam, so aimed and of sufficient intensity to reveal persons and vehicles at a distance of one hundred feet ahead; and on a straight level road under any conditions of loading none of the high intensity portion of the beam shall be directed to strike the eyes of an approaching driver.

(3) Every new motor vehicle, other than a motorcycle or motor-driven cycle, registered in this state after January 1, 1948, which has multiple-beam road-lighting equipment shall be equipped with a beam indicator, which shall be lighted whenever the uppermost distribution of light from the head lamps is in use, and shall not otherwise be lighted. Said indicator shall be so designed and located that when lighted it will be readily visible without glare to the driver of the vehicle so equipped.

Vehicles having multiple-beam road-lighting equipment shall be equipped with beam indicator.

SEC. 23. (1) Whenever a motor vehicle is being operated on a roadway or adjacent thereto during the times specified in section 2, the driver shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal

Distribution of light operating under section 2 conditions.

persons and vehicles at a safe distance in advance of the vehicle, subject to the following requirements and limitations:

Approaching oncoming vehicle.

(2) Whenever a driver of a vehicle approaches an oncoming vehicle within five hundred feet, such driver shall use a distribution of light, or composite beam, so aimed that the glaring rays are not projected into the eyes of the oncoming driver. The lowermost distribution of light, or composite beam, specified in section 22(2) shall be dimmed [deemed] to avoid glare at all times, regardless of road contour and loading.

Following another vehicle.

(3) Whenever the driver of a vehicle follows another vehicle within three hundred feet to the rear, such driver shall use a distribution of light permissible under this chapter other than the uppermost distribution of light specified in paragraph (1) of section 22.

Head lamps providing single distribution of light.

SEC. 24. Head lamps arranged to provide a single distribution of light shall be permitted on motor vehicles manufactured and sold prior to one year after the effective date of this act in lieu of multiple-beam road-lighting equipment herein specified if the single distribution of light complies with the following requirements and limitations:

(1) The head lamps shall be so aimed that when the vehicle is not loaded none of the high-intensity portion of the light shall at a distance of twenty-five feet ahead project higher than a level of five inches below the level of the center of the lamp from which it comes, and in no case higher than forty-two inches above the level on which the vehicle stands at a distance of seventy-five feet ahead.

(2) The intensity shall be sufficient to reveal persons and vehicles at a distance of two hundred feet.

SEC. 25. The head lamp or head lamps upon every motor-driven cycle may be of the single-beam or



multiple-beam type but in either event shall comply with the requirements and limitations as follows:

Head lamps on motor driven cycles.

(1) Every said head lamp or head lamps on a motor-driven cycle shall be of a sufficient intensity to reveal a person or a vehicle at a distance of not less than one hundred feet when the motor-driven cycle is operated at any speed less than twenty-five miles per hour and at a distance of not less than two hundred feet when the motor-driven cycle is operated at a speed of twenty-five or more miles per hour, and at a distance of not less than three hundred feet when the motor-driven cycle is operated at a speed of thirty-five or more miles per hour.

(2) In the event the motor-driven cycle is equipped with a multiple-beam head lamp or head lamps the upper beam shall meet the minimum requirements set forth above and shall not exceed the limitations set forth in section 22(1) and the lowermost beam shall meet the requirements applicable to a lowermost distribution of light as set forth in section 22(2).

Motor driven cycle equipped with multiple-beam head lamp.

(3) In the event the motor-driven cycle is equipped with a single-beam lamp or lamps, said lamp or lamps shall be so aimed that when the vehicle is loaded none of the high-intensity portion of light, at a distance of twenty-five feet ahead, shall project higher than the level of the center of the lamp from which it comes.

Motor-driven cycle equipped with single beam lamp.

SEC. 26. Any motor vehicle may be operated under the conditions specified in section 2 when equipped with two lighted lamps upon the front thereof capable of revealing persons and objects seventy-five feet ahead in lieu of lamps required in section 22 or section 24: *Provided, however,* That at no time shall it be operated at a speed in excess of twenty miles per hour.

Motor vehicle operated under conditions specified in section 2.

SEC. 27. (1) At all times specified in section 2, at least two lighted lamps shall be displayed, one

Display two lighted lamps.

on each side at the front of every motor vehicle other than a motorcycle or motor-driven cycle, except when such vehicle is parked subject to the regulations governing lights on parked vehicles.

Limitation on use of lamps on front of vehicle at any one time.

(2) Whenever a motor vehicle equipped with head lamps as herein required is also equipped with any auxiliary lamps or a spot lamp or any other lamp on the front thereof projecting a beam of intensity greater than three hundred candlepower, not more than a total of four of any such lamps on the front of a vehicle shall be lighted at any one time when upon a highway.

Limitation on use of lamp or illuminating device beam projection.

SEC. 28. (1) Any lighted lamp or illuminating device upon a motor vehicle, other than head lamps, spot lamps, auxiliary lamps, flashing turn signals, emergency vehicle warning lamps and school-bus warning lamps, which projects a beam of light of an intensity greater than three hundred candlepower shall be so directed that no part of the high intensity portion of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than seventy-five feet from the vehicle.

Use forbidden of red light in front center.

(2) No person shall drive or move any vehicle or equipment upon any highway with any lamp or device thereon displaying a red light visible from directly in front of the center thereof. This section shall not apply to any vehicle upon which a red light visible from the front is expressly authorized or required by this act.

No application.

Flashing lights prohibited; exceptions.

(3) Flashing lights are prohibited except on an authorized emergency vehicle, school bus, snow-removal and highway maintenance equipment or on any vehicle as a means of indicating a right or left turn, or the presence of a vehicular traffic hazard requiring unusual care in approaching, overtaking or passing.

SEC. 29. (1) The state commission on equipment is authorized to adopt standards and specifications

applicable to lighting equipment on and special warning devices to be carried by school buses consistent with the provisions of this chapter, but supplemental thereto. Such standards and specifications shall correlate with and, so far as possible, conform to the specifications then current as approved by the society of automotive engineers.

Standards applicable to lighting equipment carried by school buses.

(2) It shall be unlawful to operate any flashing warning signal light on any school bus except when any said school bus is stopped on a highway for the purpose of permitting school children to board or alight from said school bus. The term flashing signal as used herein shall not include an electric turn signal.

Flashing warning signal light use on school bus; when unlawful.

SEC. 30. (1) The state commission on equipment shall adopt standards and specifications applicable to head lamps, clearance lamps, identification and other lamps on snow-removal and highway maintenance equipment when operated on the highways of this state in lieu of the lamps otherwise required on motor vehicles by this chapter. Such standards and specifications may permit the use of flashing lights for purposes of identification on snow-removal or highway maintenance equipment when in service upon the highways. The standards and specifications for lamps referred to in this section shall correlate with and, so far as possible, conform with those approved by the American association of state highway officials.

Lamps on snow-removal and highway maintenance equipment; standards adopted by state commission on equipment.

(2) It shall be unlawful to operate any snow-removal or highway maintenance equipment on any highway unless the lamps thereon comply with and are lighted when and as required by the standards and specifications adopted as provided in this section.

Unlawful operation of snow-removal or highway maintenance equipment.

SEC. 31. (1) On and after January 1, 1938, no person shall have for sale, sell or offer for sale for use upon or as a part of the equipment of a motor vehicle, trailer or semitrailer, or use upon any such

Sale or use of motor vehicle parts prohibited unless approved type.

vehicle any head lamp, auxiliary, or fog lamp, rear lamp, signal lamp or reflector, which reflector is required hereunder, or parts of any of the foregoing which tend to change the original design or performance, unless of a type which has been submitted to the state commission on equipment and approved by it.

Trademark legible when installed.

(2) No person shall have for sale, sell or offer for sale for use upon or as a part of the equipment of a motor vehicle, trailer or semitrailer any lamp or device mentioned in this section which has been approved by the state commission on equipment unless such lamp or device bears thereon the trademark or name under which it is approved so as to be legible when installed.

Mounting, adjusting and aiming lamps.

(3) No person shall use upon any motor vehicle, trailer or semitrailer any lamps mentioned in this section unless said lamps are mounted, adjusted and aimed in accordance with instructions of the state commission on equipment.

State commission on equipment authorized to approve lighting devices and set up standards for.

SEC. 32. (1) The state commission on equipment is hereby authorized to approve or disapprove lighting devices and to issue and enforce regulations establishing standards and specifications for the approval of such lighting devices, their installation, adjustment and aiming, and adjustment when in use on motor vehicles. Such regulations shall correlate with and, so far as practicable, conform to the then current standards and specifications of the society of automotive engineers applicable to such equipment.

Approval of lighting device within reasonable time.

(2) The state commission on equipment is hereby required to approve or disapprove any lighting device, of a type on which approval is specifically required in this chapter, within a reasonable time after such device has been submitted.

Commission sets up procedure.

(3) The state commission on equipment is further authorized to set up the procedure which

shall be followed when any device is submitted for approval.

(4) The state commission on equipment upon approving any such lamp or device shall issue to the applicant a certificate of approval together with any instructions determined by it.

Certificate of approval.

(5) The state commission on equipment shall publish lists of all lamps and devices by name and type which have been approved by it.

Publication of lists of lamps and devices.

SEC. 33. When the state commission on equipment has reason to believe that an approved device as being sold commercially does not comply with the requirements of this chapter, it may, after giving thirty days' previous notice to the person holding the certificate of approval for such device in this state, conduct a hearing upon the question of compliance of said approved device. After said hearing the state commission on equipment shall determine whether said approved device meets the requirements of this chapter. If said device does not meet the requirements of this chapter it shall give notice to the person holding the certificate of approval for such device in this state.

Hearing upon question of compliance of approved device.

If at the expiration of ninety days after such notice the person holding the certificate of approval for such device has failed to satisfy the state commission on equipment that said approved device as thereafter to be sold meets the requirements of this chapter, the state commission on equipment shall suspend or revoke the approval issued therefor until or unless such device is resubmitted to and retested by an authorized testing agency and is found to meet the requirements of this chapter, and may require that all said devices sold since the notification following the hearing be replaced with devices that do comply with the requirements of this chapter. The state commission on equipment may at the time of the retest purchase in the open market and submit

Suspension or revocation of approval.

Commission may require replacement of devices sold.

to the testing agency one or more sets of such approved devices, and if such device upon such retest fails to meet the requirements of this chapter, the state commission on equipment may refuse to renew the certificate of approval of such device.

Brakes.

SEC. 34. (1) Every motor vehicle, other than a motorcycle or motor-driven cycle, when operated upon a highway shall be equipped with brakes adequate to control the movement of and to stop and hold such vehicle, including two separate means of applying the brakes, each of which means shall be effective to apply the brakes to at least two wheels. If these two separate means of applying the brakes are connected in any way, they shall be so constructed that failure of any one part of the operating mechanism shall not leave the motor vehicle without brakes on at least two wheels.

Two separate means of applying brakes required.

Motorcycle brake requirement.

(2) Every motorcycle and every motor-driven cycle, when operated upon a highway, shall be equipped with at least one brake, which may be operated by hand or foot.

Trailer or semitrailer brake requirement.

(3) Every trailer or semitrailer registered in this state and manufactured or assembled after January 1, 1956, of a gross weight of four thousand pounds or more when operated upon a highway shall be equipped with brakes adequate to control the movement of and to stop and to hold such vehicle and so designed as to be applied by the driver of the towing motor vehicle from its cab, and said brakes shall be so designed and connected that in case of an accidental break-away of the towed vehicle the brakes shall be automatically applied.

Brakes applied from motor vehicle cab.

Automatic application of brakes on break-away.

Service brakes.

(4) Every new motor vehicle, trailer or semitrailer sold in this state after January 1, 1938, and operated upon the highways shall be equipped with service brakes upon all wheels of every such vehicle, except that any vehicle having three or more axles shall have brakes on the wheels of at least two

axles, and except any motorcycle or motor-driven cycle, and except that any semitrailer of less than two thousand pounds gross weight, need not be equipped with brakes. Exception.

(5) One of the means of brake operation shall consist of a mechanical connection from the operating lever to the brake shoes or bands and this brake shall be capable of holding the vehicle, or combination of vehicles, stationary under any condition of loading on any up grade or down grade upon which it is operated. Brake capacity to hold.

(6) The brake shoes operating within or upon the drums on the vehicle wheels of any motor vehicle may be used for both service and hand operation.

SEC. 35. Every motor vehicle or combination of vehicles, at all times and under all conditions of loading, shall, upon application of the service or foot brake, be capable of decelerating and developing a breaking force equivalent to such deceleration according to the minimum requirements set forth herein, and also of stopping within the distances set forth herein. Minimum requirements for deceleration upon application of service or foot brake.

	<i>Stopping distance in feet</i>	<i>Deceleration in feet per second per second</i>	<i>Equivalent breaking force in percentage of vehicle or combination weight</i>
Passenger vehicles, not including buses . . . . .	25	17	53.0%
Single-unit vehicles with a manufacturer's gross vehicle weight rating of less than 10,000 pounds.	30	14	43.5%
Single-unit, 2-axle vehicles with a manufacturer's gross vehicle weight rating of 10,000 or more pounds . . . . .	40	14	43.5%
All other vehicles and combinations with a manufacturer's gross vehicle weight rating of 10,000 or more pounds.	50	14	43.5%

Compliance with standards determined under different conditions.

Compliance with standards set forth herein shall be determined either (1) by actual road tests conducted on a substantially level (not to exceed a plus or minus one percent grade), dry, smooth, hard-surfaced road that is free from loose material, and with stopping distance measured from the actual instant breaking controls are moved and from an initial speed of twenty miles per hour, or else (2) by suitable mechanical tests in a testing lane which recreates such same conditions, or (3) a combination of both methods.

Maintenance of brakes.

SEC. 36. All brakes shall be maintained in good working order and shall be so adjusted as to operate as equally as practicable with respect to the wheels on opposite sides of the vehicle.

Brake inspection on motor-driven cycle authorized.

SEC. 37. (1) The state commission on equipment is authorized to require an inspection of the brake on any motor-driven cycle having a motor not in excess of five horsepower and to disapprove any such brake which it finds will not comply with the performance ability standard set forth in section 35, or which in its opinion is not so designed or constructed as to insure reasonable and reliable performance in actual use.

Registration refused, suspended or revoked.

(2) The director of licenses may refuse to register or may suspend or revoke the registration of any vehicle referred to in this section when he determines that the brake thereon does not comply with the provisions of this section.

Unlawful to operate with defective brakes.

(3) No person shall operate on any highway any vehicle referred to in this section in the event the state commission on equipment has disapproved the brake equipment upon such vehicle or type of vehicle.

Horn.

SEC. 38. (1) Every motor vehicle when operated upon a highway shall be equipped with a horn in good working order and capable of emitting sound



audible under normal conditions from a distance of not less than two hundred feet, but no horn or other warning device shall emit an unreasonably loud or harsh sound or a whistle. The driver of a motor vehicle shall when reasonably necessary to insure safe operation give audible warning with his horn but shall not otherwise use such horn when upon a highway.

Distance to be heard.

Horn used.

(2) No vehicle shall be equipped with nor shall any person use upon a vehicle any siren, whistle or bell, except as otherwise permitted in this section.

Use of siren, whistle or bell prohibited.

(3) It is permissible but not required that any commercial vehicle be equipped with a theft alarm signal device which is so arranged that it cannot be used by the driver as an ordinary warning signal.

Commercial vehicle-theft alarm signal device.

(4) Any authorized emergency vehicle may be equipped with a siren, whistle or bell, capable of emitting sound audible under normal conditions from a distance of not less than five hundred feet and of a type approved by the state commission on equipment, but such siren shall not be used except when such vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law, in which said latter events the driver of such vehicle shall sound said siren when reasonably necessary to warn pedestrians and other drivers of the approach thereof.

Authorized emergency vehicle—siren, whistle or bell.

Limitation on use.

SEC. 39. (1) Every motor vehicle shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke, and no person shall use a muffler cut-out, bypass or similar device upon a motor vehicle on a highway.

Muffler.

Muffler cut-out and bypass forbidden.

(2) The engine and power mechanism of every motor vehicle shall be so equipped and adjusted as to prevent the escape of excessive fumes or smoke.

Preventing excessive fumes.

SEC. 40. Every motor vehicle which is so constructed or loaded as to obstruct the driver's view

Side mirror. to the rear thereof from the driver's position shall be equipped with a mirror so located as to reflect to the driver a view of the highway for a distance of at least two hundred feet to the rear of such vehicle.

Window obstructions forbidden. SEC. 41. (1) No person shall drive any motor vehicle with any sign, poster or other nontransparent material upon the front windshield, side wings or side or rear windows of such vehicle which obstructs the driver's clear view of the highway or any intersecting highway.

Windshield wipers and defrosters. (2) The windshield on every motor vehicle shall be equipped with a device for cleaning rain, snow or other moisture from the windshield, which device shall be so constructed as to be controlled or operated by the driver of the vehicle. After January 1, 1938, it shall be unlawful for any person to operate a new motor vehicle first sold or delivered after that date which is not equipped with such device or devices in good working order capable of cleaning the windshield thereof over two separate arcs, one each on the left and right side of the windshield, each capable of cleaning a surface of not less than one hundred twenty square inches, or other device or devices capable of accomplishing substantially the same result.

Maintenance. (3) Every windshield wiper upon a motor vehicle shall be maintained in good working order.

Pneumatic rubber tires. SEC. 42. (1) After January 1, 1938, it shall be unlawful to operate a vehicle upon the public highways of this state unless it is completely equipped with pneumatic rubber tires.

Tire protuberances to be of rubber. (2) No tire on a vehicle moved on a highway shall have on its periphery any block, stud, flange, cleat or spike or any other protuberance of any material other than rubber which projects beyond the tread of the traction surface of the tire, except that it shall be permissible to use farm machinery with

Exception.

tires having protuberances which will not injure the highway, and except also that it shall be permissible to use tire chains of reasonable proportions and of a type approved by the state commission on equipment, upon any vehicle when required for safety because of snow, ice or other conditions tending to cause a vehicle to skid.

(3) The state highway commission and local authorities in their respective jurisdictions may in their discretion issue special permits authorizing the operation upon a highway of traction engines or tractors having movable tracks with transverse corrugations upon the periphery of such movable tracks or farm tractors or other farm machinery, the operation of which upon a highway would otherwise be prohibited under this section.

Permits authorizing operation of traction engines or tractors having movable tracks.

SEC. 43. (1) On and after January 1, 1938, no person shall sell any new motor vehicle as specified herein, nor shall any new motor vehicle as specified herein be registered thereafter unless such vehicle is equipped with safety glazing material of a type approved by the state commission on equipment wherever glazing material is used in doors, windows and windshields. The foregoing provisions shall apply to all passenger-type motor vehicles, including passenger buses and school buses, but in respect to trucks, including truck tractors, the requirements as to safety glazing material shall apply to all glazing material used in doors, windows and windshields in the drivers' compartments of such vehicles.

Safety glazing material in doors, windows and windshields.

Application.

(2) The term "safety glazing materials" means glazing materials so constructed, treated or combined with other materials as to reduce substantially, in comparison with ordinary sheet glass or plate glass, the likelihood of injury to persons by objects from exterior sources or by these safety glazing materials when they may be cracked or broken.

"Safety glazing materials" defined.

(3) The state commission on equipment shall

Commission publishes list of glazing material approved.

compile and publish a list of types of glazing material by name approved by it as meeting the requirements of this section and the director of licenses shall not register after January 1, 1938, any motor vehicle which is subject to the provisions of this section unless it is equipped with an approved type of safety glazing material, and he shall thereafter suspend the registration of any motor vehicle so subject to this section which he finds is not so equipped until it is made to conform to the requirements of this section.

Suspension of registration.

Operation of truck, bus or tractor over eighty inches in overall width; requirements for.

SEC. 44. (1) No person shall operate any motor truck, passenger bus or truck tractor over eighty inches in overall width upon any highway outside the corporate limits of municipalities at any time unless there shall be carried in such vehicle the following equipment except as provided in paragraph (2):

Red flares, lanterns, or reflectors.

(a) At least three flares or three red electric lanterns or three portable red emergency reflectors, each of which shall be capable of being seen and distinguished at a distance of not less than six hundred feet under normal atmospheric conditions at nighttime.

Equipment must be approved.

No flare, fusee, electric lantern or cloth warning flag shall be used for the purpose of compliance with the requirements of this section unless such equipment is of a type which has been submitted to the state commission on equipment and approved by it. No portable reflector unit shall be used for the purpose of compliance with the requirements of this section unless it is so designed and constructed as to include two reflecting elements one above the other, each of which shall be capable of reflecting red light clearly visible from all distances within six hundred feet to one hundred feet under normal atmospheric conditions at night when directly in front of lawful upper beams of head lamps, and

Portable reflectors requirement.

unless it is of a type which has been submitted to the state commission on equipment and approved by it.

(b) At least three red-burning fuses unless red electric lanterns or red portable emergency reflectors are carried.

Red-burning fuses.

(c) At least two red-cloth flags, not less than twelve inches square, with standards to support such flags.

Red cloth flags.

(2) No person shall operate at the time and under conditions stated in paragraph (1) any motor vehicle used for the transportation of explosives, any cargo tank truck used for the transportation of flammable liquids or compressed gases, or any motor vehicle using compressed gas as a fuel unless there shall be carried in such vehicle three red electric lanterns or three portable red emergency reflectors meeting the requirements of paragraph (1) of this section, and there shall not be carried in any said vehicle any flares, fuses or signal produced by flame.

Operation of vehicle for transportation of explosives or cargo tank truck; requirements for.

Flame signals forbidden.

SEC. 45. (1) Whenever any motor truck, passenger bus, truck tractor over eighty inches in overall width, trailer, semitrailer or pole trailer is disabled upon the traveled portion of any highway or the shoulder thereof outside of any municipality at any time when lighted lamps are required on vehicles the driver of such vehicle shall display the following warning devices upon the highway during the time the vehicle is so disabled on the highway except as provided in paragraph (2):

Disabled truck, bus or truck tractor shall display warning devices.

(a) A lighted fusee, a lighted red electric lantern or a portable red emergency reflector shall be immediately placed at the traffic side of the vehicle in the direction of the nearest approaching traffic.

Vehicle traffic side placement.

(b) As soon thereafter as possible but in any event within the burning period of the fusee (fifteen minutes), the driver shall place three liquid-burning flares (pot torches), or three lighted red

Placement.

electric lanterns or three portable red emergency reflectors on the traveled portion of the highway in the following order:

(i) One, approximately one hundred feet from the disabled vehicle in the center of the lane occupied by such vehicle and toward traffic approaching in that lane.

(ii) One, approximately one hundred feet in the opposite direction from the disabled vehicle and in the center of the traffic lane occupied by such vehicle.

(iii) One at the traffic side of the disabled vehicle not less than ten feet rearward or forward thereof in the direction of the nearest approaching traffic. If a lighted red electric lantern or a red portable emergency reflector has been placed at the traffic side of the vehicle in accordance with paragraph (i) of this section, it may be used for this purpose.

Vehicle disabled near obstruction to view.

(2) Whenever any vehicle referred to in this section is disabled within five hundred feet of a curve, hillcrest or other obstruction to view, the warning signal in that direction shall be so placed as to afford ample warning to other users of the highway, but in no case less than five hundred feet from the disabled vehicle.

Warning device placement when disabled upon roadway of a divided highway.

(3) Whenever any vehicle of a type referred to in this section is disabled upon any roadway of a divided highway during the time that lights are required, the appropriate warning devices prescribed in paragraphs 1 and 5 of this section shall be placed as follows:

One at a distance of approximately two hundred feet from the vehicle in the center of the lane occupied by the stopped vehicle and in the direction of traffic approaching in that lane; one at a distance of approximately one hundred feet from the vehicle, in the center of the lane occupied by the vehicle and in the direction of traffic approaching in that lane; one at the traffic side of the vehicle and approxi-

mately ten feet from the vehicle in the direction of the nearest approaching traffic.

(4) Whenever any vehicle of a type referred to in this section is disabled upon the traveled portion of a highway or the shoulder thereof outside of any municipality at any time when the display of fusees, flares, red electric lanterns or portable red emergency reflectors is not required, the driver of the vehicle shall display two red flags upon the roadway in the lane of traffic occupied by the disabled vehicle, one at a distance of approximately one hundred feet in advance of the vehicle, and one at a distance of approximately one hundred feet to the rear of the vehicle.

Red flags displayed.

(5) Whenever any motor vehicle used in the transportation of explosives or any cargo tank truck used for the transportation of any flammable liquid or compressed flammable gas, or any motor vehicle using compressed gas as a fuel, is disabled upon a highway of this state at any time or place mentioned in paragraph (1) of this section, the driver of such vehicle shall immediately display the following warning devices: one red electric lantern or portable red emergency reflector placed on the roadway at the traffic side of the vehicle, and two red electric lanterns or portable red reflectors, one placed approximately one hundred feet to the front and one placed approximately one hundred feet to the rear of this disabled vehicle in the center of the traffic lane occupied by such vehicle. Flares, fusees or signals produced by flame shall not be used as warning devices for disabled vehicles of the type mentioned in this paragraph.

Vehicle used for transportation of explosives or cargo tank truck disabled; warning devices displayed.

(6) The flares, fusees, red electric lanterns, portable red emergency reflectors and flags to be displayed as required in this section shall conform with the requirements of section 44 applicable thereto.

Conformity to requirements of section 44.

Vehicle transporting explosive.

SEC. 46. Any person operating any vehicle transporting any explosive as a cargo or part of a cargo upon a highway shall at all times comply with the provisions of this section.

"Explosive" placards posted.

(1) Said vehicle shall be marked or placarded on each side and the rear with the word "Explosives" in letters not less than eight inches high, or there shall be displayed on the rear of such vehicle a red flag not less than twenty-four inches square marked with the word "danger" in white letters six inches high.

Fire extinguishers required.

(2) Every said vehicle shall be equipped with not less than two fire extinguishers, filled and ready for immediate use, and placed at a convenient point on the vehicle so used.

"Air conditioning equipment" defined.

SEC. 47. (1) The term "air-conditioning equipment" as used or referred to in this section shall mean mechanical vapor compression refrigeration equipment which is used to cool the driver's or passenger compartment of any motor vehicle.

Air conditioning equipment requirements.

(2) Such equipment shall be manufactured, installed and maintained with due regard for the safety of the occupants of the vehicle and the public and shall not contain any refrigerant which is toxic to persons or which is flammable.

Safety requirements and regulations relating to air conditioning equipment.

(3) The state commission on equipment may adopt and enforce safety requirements, regulations and specifications consistent with the requirements of this section applicable to such equipment which shall correlate with and, so far as possible, conform to the current recommended practice or standard applicable to such equipment approved by the society of automotive engineers.

Sale or equipping vehicle forbidden.

(4) No person shall have for sale, offer for sale, sell or equip any motor vehicle with any such equipment unless it complies with the requirements of this section.



(5) No person shall operate on any highway any motor vehicle equipped with any air-conditioning equipment unless said equipment complies with the requirements of this section. Operation of vehicle forbidden.

SEC. 48. The following acts and parts of acts included in the schedule contained in this section are hereby repealed: Repeal.

<i>Section</i>	<i>Chapter</i>	<i>Laws of</i>	<i>RCW</i>
34	189	1937	46.36.020
2	56	1951	46.36.030
35	189	1937	46.36.040
36	189	1937	46.36.050
37	189	1937	46.36.060
38	189	1937	46.36.070
39	189	1937	46.36.080
1	220	1947	46.36.090
41	189	1937	46.36.100
42	189	1937	46.36.120
14	189	1937	46.40.010
15	189	1937	46.40.020
2	267	1947	46.40.030
3	267	1947	46.40.040
18	189	1937	46.40.050
19	189	1937	46.40.060
21	189	1937	46.40.080
2	248	1953	46.40.090
24	189	1937	46.40.100
1	157	1949	46.40.110
1	157	1949	46.40.120
25	189	1937	46.40.130
5	267	1947	46.40.140
27	189	1937	46.40.150
28	189	1937	46.40.160
2	157	1949	46.40.170
30	189	1937	46.40.180
31	189	1937	46.40.190
32	189	1937	46.40.200
7	267	1947	46.40.210
1	196	1949	46.60.030

**Emergency.** SEC. 49. This act is necessary for the immediate preservation of the public peace, health and safety, support of the state government and its existing public institutions and shall take effect immediately.

Passed the House March 8, 1955.

Passed the Senate March 3, 1955.

Approved by the Governor March 18, 1955.

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CHAPTER 270.

[ H. B. 433. ]

LAW AGAINST DISCRIMINATION IN EMPLOYMENT.

AN ACT relating to discrimination in employment; and amending sections 4 and 6, chapter 183, Laws of 1949 and RCW 49.60.050 through 49.60.100 and RCW 49.60.120 through 49.60.170, and section 8, chapter 183, Laws of 1949 and RCW 49.60.230 through 49.60.250.

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

**Amendment.** SECTION 1. Sections 4 and 6, chapter 183, Laws of 1949, (heretofore divided, combined, and codified as RCW 49.60.050 through 49.60.100 and RCW 49.60.120 through 49.60.170) are amended to read as set forth in sections 2 through 13 of this act.

**Enacted without amendment. "Washington state board against discrimination in employment" created.** SEC. 2. (RCW 49.60.050) There is hereby created the "Washington state board against discrimination in employment," which shall be composed of five members to be appointed by the governor, one of whom shall be designated as chairman by the governor.

**Enacted without amendment.** SEC. 3. (RCW 49.60.060) One of the original members of the board shall be appointed for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years, one for a term of five years, but their successors shall be appointed for terms of five years each, except that any individual chosen to fill a vacancy shall be

**Terms of board members.**

appointed only for the unexpired term of the member whom he succeeds.

A member shall be eligible for reappointment.

Eligibility for reappointment; vacancy.

A vacancy in the board shall be filled within thirty days, the remaining members to exercise all powers of the board.

Any member of the board may be removed by the governor for inefficiency, neglect of duty, misconduct or malfeasance in office, after being given a written statement of the charges and an opportunity to be heard thereon.

Removal of member by governor.

SEC. 4. (RCW 49.60.070) Each member of the board while in session or on official business shall receive twenty dollars per day in lieu of subsistence and shall receive reimbursement for actual and necessary traveling expenses incurred during such time. Such reimbursement shall be made in the manner provided by law for similar reimbursements for state employees.

Enacted without amendment.

Per diem.

SEC. 5. (RCW 49.60.080) The board shall adopt an official seal, which shall be judicially noticed.

Enacted without amendment.

SEC. 6. (RCW 49.60.090) The board shall establish and maintain its principal office in the city of Seattle, and may establish and maintain such other offices within the state as it deems necessary.

Enacted without amendment.

Offices.

The board may meet, function, and exercise its powers at any place within the state.

SEC. 7. (RCW 49.60.100) The board, at the close of each calendar year, shall report to the governor, describing in detail the investigations, proceedings, and hearings it has conducted and their outcome, the decisions it has rendered, the recommendations it has issued, and the other work performed by it, and shall make such recommendations for further legislation as may appear desirable. The board shall present its reports to each regular session of the legislature;

Report to governor.

Report to legislature.

Reports published.

the board's reports shall be published and made available upon request.

Enacted without amendment.

SEC. 8. (RCW 49.60.120) The board shall have the function, powers and duties:

Board powers and duties.

(1) To appoint an executive secretary and chief examiner, and such investigators, examiners, clerks, and other employees and agents as it may deem necessary, fix their compensation within the limitations provided by law, and prescribe their duties.

(2) To obtain upon request and utilize the services of all governmental departments and agencies.

(3) To adopt, promulgate, amend, and rescind suitable rules and regulations to carry out the provisions of this chapter, and the policies and practices of the board in connection therewith.

(4) To receive, investigate and pass upon complaints alleging discrimination in employment because of race, creed, color or national origin.

(5) To issue such publications and such results of investigations and research as in its judgment will tend to promote good will and minimize or eliminate discrimination because of race, creed, color or national origin.

(6) To make such technical studies as are appropriate to effectuate the purposes and policies of this chapter and to publish and distribute the reports of such studies.

Enacted without amendment.

SEC. 9. (RCW 49.60.130) The board has power to create such advisory agencies and conciliation councils, local, regional or state-wide, as in its judgment will aid in effectuating the purposes of this chapter. The board may empower them to study the problems of discrimination in all or specific fields of human relationships or in specific instances of discrimination because of race, creed, color or national origin; to foster through community effort or otherwise good will, cooperation, and conciliation among the groups and elements of the population of the state, and to

Creation of advisory agencies and conciliation councils.

make recommendations to the board for the development of policies and procedures in general and in specific instances, and for programs of formal and informal education which the board may recommend to the appropriate state agency.

Such advisory agencies and conciliation councils shall be composed of representative citizens, serving without pay, but with reimbursement for actual and necessary traveling expenses, and the board may make provision for technical and clerical assistance to such agencies and councils and for the expenses of such assistance. The board may use organizations specifically experienced in dealing with questions of discrimination.

SEC. 10. (RCW 49.60.140) The board has power to hold hearings, subpoena witnesses, compel their attendance, administer oaths, take the testimony of any person under oath, and in connection therewith, to require the production for examination of any books or papers relating to any matter under investigation or in question before the board. The board may make rules as to the issuance of subpoenas by individual members, as to service of complaints, decisions, orders, recommendations and other process or papers of the board, its member, agent, or agency, either personally or by registered mail, return receipt requested, or by leaving a copy thereof at the principal office or place of business of the person required to be served. The return post office receipt, when service is by registered mail, shall be proof of service of the same.

Enacted  
without  
amendment.

Boards power  
to hold hear-  
ings; powers  
incidental  
thereto.

SEC. 11. (RCW 49.60.150) No person shall be excused from attending and testifying or from producing records, correspondence, documents or other evidence in obedience to the subpoena of the board or of any individual member, on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or

Enacted  
without  
amendment.

Immunity pro-  
vision;  
effect of.

forfeiture, but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, except that such person so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying. The immunity herein provided shall extend only to natural persons so compelled to testify.

Enacted without amendment.

Cases of contumacy or refusal to obey subpoena.

SEC. 12. (RCW 49.60.160) In case of contumacy or refusal to obey a subpoena issued to any person, the superior court of any county within the jurisdiction of which the investigation, proceeding, or hearing is carried on or within the jurisdiction of which the person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the board shall have jurisdiction to issue to such person an order requiring such person to appear before the board, its member, agent, or agency, there to produce evidence if so ordered, or there to give testimony touching the matter under investigation or in question. Any failure to obey such order of the court may be punished by the court as a contempt thereof.

Contempt of court.

Enacted without amendment.

Witness fees.

SEC. 13. (RCW 49.60.170) Witnesses before the board, its member, agent, or agency, shall be paid the same fees and mileage that are paid witnesses in the courts of this state. Witnesses whose depositions are taken and the person taking the same shall be entitled to same fees as are paid for like services in the courts of the state.

Division and amendment.

SEC. 14. Section 8, chapter 183, Laws of 1949, (heretofore codified as RCW 49.60.230 through 49.60.250) is divided and amended as set forth in sections 15 through 17 of this act.

SEC. 15. (RCW 49.60.230) Any person claiming to be aggrieved by an alleged unfair employment practice may, by himself or his attorney, make, sign, and file with the board a complaint in writing under oath. The complaint shall state the name and address of the person, employer, labor organization, or employment agency alleged to have committed the unfair employment practice and the particulars thereof, and contain such other information as may be required by the board.

Enacted without amendment.

Aggrieved person files complaint.

Complaint contents.

Whenever it has reason to believe that any person has been engaged or is engaging in an unfair employment practice, the board may issue a complaint.

Board may issue complaint.

Any employer whose employees, or any of them, refuse or threaten to refuse to comply with the provisions of this chapter may file with the board a written complaint under oath asking for assistance by conciliation or other remedial action.

Employer may file complaint.

Any complaint filed pursuant to this section must be so filed within six months after the alleged act of discrimination.

Limitation on filing complaint.

SEC. 16. (RCW 49.60.240) After the filing of any complaint, the chairman of the board shall refer it to a member or investigator to make prompt preliminary investigation of the complaint. If such member or investigator determines after such preliminary investigation that there is reasonable cause for believing that an unfair employment practice has been or is being committed as alleged in the complaint, he shall immediately endeavor to eliminate the unfair employment practice complained of by conference, conciliation and persuasion.

Enacted without amendment.

Preliminary investigation of complaint.

Attempt to eliminate unfair employment practice.

No member or investigator shall disclose what has occurred in the course of such endeavors, provided the board may publish the facts in the case of any complaint which has been dismissed and the terms of conciliation when a complaint has been adjusted.

Limitation on publication of occurrences during endeavors.

Procedure on failure to eliminate practice.

SEC. 17. (RCW 49.60.250) In case of failure to eliminate such practice, the investigator or investigating member shall certify the complaint and the results of his investigation to the chairman of the board. The chairman of the board shall thereupon appoint a hearing tribunal of three persons, who shall be members of the board or a panel of hearing examiners, acting in the name of the board, to hear the complaint and shall cause to be issued and served in the name of the board a written notice, together with a copy of the complaint, as the same may have been amended, requiring the person, employer, labor organization or employment agency named in the complaint, hereinafter referred to as the respondent, to answer the charges of the complaint at a hearing before such tribunal, at a time and place to be specified in such notice.

Hearing tribunal appointed.

Notice and complaint served.

Place of hearing.

The place of any such hearing may be the office of the board or another place designated by it. The case in support of the complaint shall be presented at the hearing by counsel for the board; and no member of the board who previously made the investigation or caused the notice to be issued shall participate in the hearing except as a witness, nor shall he participate in the deliberations of the tribunal in such case. Any endeavors or negotiations for conciliation shall not be received in evidence.

Case in support of complaint presented by board's counsel.

Limitation on evidence received.

Rights of respondent.

The respondent may file a written answer to the complaint and appear at the hearing in person or otherwise, with or without counsel, and submit testimony and be fully heard.

Amendments permitted.

The tribunal conducting any hearing may permit reasonable amendment to any complaint or answer. Testimony taken at the hearing shall be under oath and be transcribed at the request of any party.

Testimony under oath.

If, upon all the evidence, the tribunal finds that a respondent has engaged in any unfair employment practice as defined in this chapter, it shall state its



findings of fact and shall issue and file with the board and cause to be served on such respondent an order requiring such respondent to cease and desist from such unfair employment practice and to take such affirmative action, including, (but not limited to) hiring, reinstatement or upgrading of employees, with or without back pay, an admission or restoration to full membership rights in any respondent organization, as, in the judgment of the tribunal, will effectuate the purposes of this chapter, and including a requirement for report of the matter on compliance.

Hearing tribunal's order.

If, upon all the evidence, the tribunal finds that the respondent has not engaged in any alleged unfair employment practice, it shall state its findings of fact and shall similarly issue and file an order dismissing the complaint.

The board shall establish rules of practice to govern, expedite and effectuate the foregoing procedure.

Rules of practice.

Passed the House February 28, 1955.

Passed the Senate March 8, 1955.

Approved by the Governor March 18, 1955.

CHAPTER 271.

[ H. B. 465. ]

APIARIES

AN ACT relating to apiaries; amending sections 1, 2, 3 and 5, chapter 105, Laws of 1949 and sections 4 and 11, chapter 59, Laws of 1933 extraordinary session and sections 2 and 3, chapter 130, Laws of 1941 and RCW 15.60.020 through 15.60.040 and RCW 15.60.080, 15.60.100 and 15.60.110; repealing section 5, chapter 59, Laws of 1933 extraordinary session and RCW 15.60.070, and section 1, chapter 130, Laws of 1941 and RCW 15.60.090; and adding three new sections to chapter 15.60 RCW.

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

New section. SECTION 1. There is added to chapter 15.60 RCW, a new section to read as follows:

Defined as used herein. As used in this chapter:

"Director." (1) "Director" means the director of agriculture of the state of Washington;

"Department." (2) "Department" means the department of agriculture of the state of Washington;

"Apiary." (3) "Apiary" includes bees, hives and appliances, wherever they are kept, located or found;

"Apiarist." (4) "Apiarist" means any person who owns bees or is a keeper of bees;

"Appliances." (5) "Appliances" means any implement or device used in the manipulating of bees or their brood or hives, which may be used in any apiary;

"Bees." (6) "Bees" means honey producing insects of the species *apis mellifica* and include the adults, eggs, larvae, pupal, or other immature stages thereof, together with such materials as are deposited into hives by their adults, except honey and beeswax in rendered form;

"Colony." (7) "Colony" or "colonies of bees" refers to any hive occupied by bees;

"Disease." (8) "Disease" means American or European foul brood, or any other disease or any condition affecting bees in their brood which may cause an epidemic;

(9) "Hive" means any receptacle or container made or prepared for the use of bees, or box or similar container taken possession of by bees;

"Hive."

(10) "Location" means any premises upon which an apiary is located;

"Location."

(11) "Person" includes any individual, firm, partnership, association or corporation, but does not include any common carrier when engaged in the business of transporting bees, hives, appliances, bee cages or other commodities subject to the provisions of this chapter, in the regular course of business;

"Person."

(12) "Combless packaged bees" means bees packed for shipment into this state in packages which contain no honey, honey comb, brood comb, or appliances previously used on bees.

"Combless packaged bees."

SEC. 2. There is added to chapter 15.60 RCW, a new section to read as follows:

New section.

The director shall have the power on his own motion or by petition of industry to promulgate and enforce such reasonable rules, regulations and orders as he may deem necessary or proper to prevent the introduction or spreading of diseases affecting bees or appliances in this state, and to promulgate and enforce such reasonable rules, regulations and orders as he may deem necessary or proper governing the inspection of all bees and appliances within or about to be imported into this state.

Promulgate and enforce rules to prevent the introduction or spreading of diseases affecting bees; inspection of bees and appliances.

SEC. 3. Section 1, chapter 105, Laws of 1949, (heretofore codified as RCW 15.60.020 and 15.60.030) is divided and amended as set forth in sections 4 and 5 of this act.

Division and amendment.

SEC. 4. (RCW 15.60.020) The director shall have authority to enter into reciprocal agreements with any and all states for the prevention or spread of diseases affecting bees or appliances. The director shall appoint one or more apiary inspectors as conditions may warrant, who shall, under his direction,

Reciprocal agreements with other states.

Director appoints apiary inspectors.

have charge of the inspection of apiaries, and bees, the investigation of outbreaks of bee diseases, investigation of bee poisoning by agricultural insecticides and other chemicals, the enforcement of the provisions of this chapter in relation to the eradication and control of bee diseases, or any other such duties as the director may prescribe. Such apiary inspector, or inspectors, shall be paid such reasonable compensation as may be fixed by the director while so employed and his actual and necessary traveling expenses incurred in the performance of his duties.

Compensation for apiary directors.

Enacted without amendment.

Registration of bee owners.

SEC. 5. (RCW 15.60.030) Each person owning or having bees in his possession shall register without charge with the extension agent of the county wherein the bees are located, the location of the bee yard, name, address, and phone number of the owner, and post at the bee yard a notice containing similar information, on or before April 1st each year.

Amendment.

SEC. 6. Section 2, chapter 105, Laws of 1949 and section 4, chapter 59, Laws of 1933 extraordinary session, (heretofore combined and codified as RCW 15.60.040) are amended to read as follows:

Inspections of apiaries.

(1) The director shall make or cause to be made whenever he deems it necessary, inspections of all apiaries.

Procedure when diseased apiary found.

(2) Whenever a disease exists in any apiary, the inspector making the inspection shall plainly mark the hives containing diseased bees. The inspector shall, in writing, notify the owner or person in charge or in possession of such apiary, stating in the notice the nature of the disease found in each colony, identifying such colony by reference to the mark placed upon the hive thereof, and ordering the eradication of such disease within a specified time. When the owner or person in charge or possession of any apiary is not known, the notice shall be served by posting in a conspicuous place in the apiary, or by mailing a copy thereof to the owner's registered address.

(3) The owner or person in charge or in possession of any diseased bees must eradicate such disease within the time specified in the notice. If the disease is American foul brood, the time specified in the notice shall not be less than twenty-four hours nor more than one hundred and twenty hours from the time of serving the notice. Eradication of American foul brood shall be by burning the diseased colonies, including the bees, combs, brood, frames, honey and wax, and by burying the ashes and disinfecting the hive by means approved by the director.

Eradication of disease by owner within specified time.

American foul brood.

(4) Any apiary which is found to contain five percent or more colonies of bees infected with American foul brood may be summarily quarantined by the department. Colonies which have died because of such infection shall be counted in computing the percentage of colonies infected. Notice of the quarantine shall be posted prominently on the apiary, and the owner notified of such quarantine. During the quarantine, no bees, honey, appliances, equipment, or other materials may be removed from the apiary, except when under the supervision of an inspector and for the purpose of eradicating the disease. The quarantine shall be removed when an inspection by the director made at least thirty days after the last previous inspection shows the apiary apparently free from American foul brood.

Department quarantine.

Quarantine removed.

SEC. 7. Section 11, chapter 59, Laws of 1933 extraordinary session and RCW 15.60.080 are each amended to read as follows:

Amendment.

Every apiary in which diseased bees are found, or in which bees are kept in hives wherein the combs or frames are immovable, or which are so constructed as to impede or hinder inspection, is declared a public nuisance, and such apiaries, bees and equipment shall be held by the person in whose possession they may be and shall not be moved from the place where they may be, except upon the written permission or

Apiaries declared public nuisance; procedure.

Notice of violation.

Seizure by director.

Civil action to abate nuisance.

Costs may be assessed against owner.

Amendment.

Bringing bees or appliances into state unlawful; official certificate secured.

Proviso.

upon the specific direction of the director. The inspector shall affix a warning tag or notice to such nuisance and give notice of such violation in the manner provided in RCW 15.60.040. If the person so notified refuses or fails within the time specified in such notice to commence and proceed by due diligence to comply therewith, such apiary, bees, appliances and equipment may be seized by the director. The prosecuting attorney of the county in which such nuisance is found, on the complaint of the director, shall maintain in the name of the state a civil action to abate and prevent such nuisance; and upon judgment and order of the court, such nuisance shall be condemned and destroyed in the manner directed by the court, or released upon such conditions as the court in its discretion may impose to insure that the nuisance will be abated. If the owner fails to comply with the order of the court within the time specified therein, the court may order disposal of the apiary, bees, appliances and equipment under such terms and conditions as the court may prescribe.

The cost incurred by the state in abating such nuisance may be assessed against the owner of the apiary and paid into the court for return to the apiary fund of the department as provided in RCW 69.28.160.

SEC. 8. Sections 2 and 3, chapter 130, Laws of 1941 and sections 3 and 5, chapter 105, Laws of 1949, (heretofore divided, combined, and codified as RCW 15.60.100 and 15.60.110) are amended to read as set forth in sections 9 and 10 of this act.

SEC. 9. (RCW 15.60.100) It shall be unlawful for any person, or any railroad or transportation company, or other common carrier, to bring into this state for any purpose any bees or appliances without first having secured an official certificate, certified by the state bee inspector of the state of origin that such bees and appliances are not infected with disease and without having obtained a permit so to do from the director: *Provided*, That a permit shall not be neces-

sary if bees are brought into this state as "Combless Packages of Bees". All bees and appliances imported into this state under permit shall be placed in quarantine for at least thirty days after arrival and written notice shall be given the director within three days after such date of arrival, giving the date of arrival, destination and/or location of bees or appliances and a copy of the inspection certificate issued by the state of origin. Each hive or colony shall be marked for identification by placing the name or recognized abbreviation of the state of origin, and the initials of the person importing the bees or appliances in letters at least one inch in height. If evidence of any disease is found such imported bees or appliances shall be subject to the same provisions as local bees or appliances.

Imported bees under permit placed under quarantine.

Notice to director.

Colony marked for identification.

SEC. 10. (RCW 15.60.110) No person shall import into this state any used bee supplies, used honey house equipment, or other used apiary equipment, or bees in hives.

Enacted without amendment.

SEC. 11. There is added to chapter 15.60 RCW, a new section to read as follows:

New section.

When an inspection is requested by any person for the purpose of obtaining a certificate of inspection for out of state movement of bees or appliances, the applicant for such certificate shall pay the cost of such inspection, including per diem and traveling expense of the inspector. Any person importing bees or appliances into this state shall pay the cost of such inspection, including per diem and traveling expense of the inspector.

Inspection request for out of state movement; costs of inspection.

SEC. 12. Section 5, chapter 59, Laws of 1933 extraordinary session and section 1, chapter 130, Laws of 1941 and RCW 15.60.070 and 15.60.090 are each repealed.

Repeal.

Passed the House February 21, 1955.

Passed the Senate March 8, 1955.

Approved by the Governor March 18, 1955.

CHAPTER 272.

[ H. B. 518. ]

EDUCATION—HANDICAPPED CHILDREN.

AN ACT relating to education and care of handicapped children; providing services for handicapped children; retaining parental responsibility as long as possible, and providing for commitment to co-custody upon petition therefor.

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

Purpose of act.

SECTION 1. The purpose of this act is to assure the right of every handicapped child to parental love and care as long as possible, to provide for adequate custody of a handicapped child who has lost parental care, and to make available to the handicapped child the services of the state through its various departments and agencies.

Parental responsibility of handicapped child.

SEC. 2. So long as the parents of a handicapped child are able to assume parental responsibility for such child, their parental responsibility may not be removed or denied, and commitment by the state or any officer or official thereof shall never be a requirement for the admission of such child to any state school, or institution, or to the common schools.

Parents may petition court for order for commitment of child to custody.

SEC. 3. The parents or parent of any child who is temporarily or permanently retarded in normal educational processes and/or normal social adjustment by reason of physical or mental handicap, or by reason of social or emotional maladjustment, or by reason of other handicap, may petition the superior court for the county in which such child resides for an order for the commitment of such child to custody as provided in section 4 of this act.

Petition shall request court order for commitment of child to co-custody of state.

SEC. 4. The petition for an order for the commitment of a child to custody shall request the court to issue an order for the commitment of such child to the co-custody of the state and a relative or relatives, a friend or friends, an attorney or attorneys, a church



through its chief officers, a fraternal organization through its chief officers, or a service organization through its chief officers, who shall be named in the petition. The petition shall also request the court to issue such order making the commitment of such child to custody effective as of the date that both parents of such child are deceased or are determined by the court to be unable to continue parental responsibilities for such child as provided in section 7 of this act.

Request effective date.

SEC. 5. Upon the filing of a petition for an order for the commitment of a child to custody, a hearing upon such petition shall be held in open court, and, if the court finds that the petition should be granted, the court shall issue an order for the commitment of the child to custody as petitioned and not otherwise. Written consent of the co-custodians other than the state must be filed with the court before such order for commitment may be issued.

Hearing in open court.

Written consent of co-custodians filed.

SEC. 6. Upon the issuance of an order for the commitment of a child to custody, the court shall transmit copies thereof to the co-custodians named therein. For the state as co-custodian the copy of such order shall be filed with the secretary of state whose duty it shall be to notify the state superintendent of public instruction, the state department of health, the state department of public assistance, and such other state departments or agencies as may have services for the child, of the filing of such order, which notice shall be given by the secretary of state at the time commitment to custody becomes effective under the order.

Copies of court's order to co-custodians; copy filed with secretary of state.

SEC. 7. The parents or parent upon whose petition an order for the commitment of a child to custody has been issued may, before such commitment becomes effective, petition the court for a rescission of the order or for a change in the co-

Petition for rescission of the order or change in co-custodians.

custodians other than the state, or to determine that they are unable to continue parental responsibilities for the child, and the court shall proceed on such petition as on the original petition.

Responsibility of state in relation to child; responsibility of co-custodian other than state.

SEC. 8. It shall be the responsibility of the state and the appropriate departments and agencies thereof to discover methods and procedures by which the mental and/or physical health of the child in custody may be improved and, with the consent of the co-custodians, to apply those methods and procedures. The co-custodians other than the state shall have no financial responsibility for the child committed to their co-custody except as they may in written agreement with the state accept such responsibility. At any time after the commitment of such child they may inquire into his well-being, and the state and any of its agencies may do nothing with respect to the child that would in any way affect his mental or physical health without the consent of the co-custodians. The legal status of the child may not be changed without the consent of the co-custodians. If it appears to the state as co-custodian of a child that the health and/or welfare of such child is impaired or jeopardized by the failure of the co-custodians other than the state to consent to the application of certain methods and procedures with respect to such child, the state through its proper department or agency may petition the court for an order to proceed with such methods and procedures. Upon the filing of such petition a hearing shall be held in open court, and if the court finds that such petition should be granted it shall issue the order.

Necessity of consent of co-custodians.

Petition to proceed with methods and procedures.

SEC. 9. When the co-custodians of any child committed to custody under provisions of this act agree that such child is no longer in need of custody they may petition the court for a rescission of the commitment to custody. Upon the filing of such petition a hearing shall be held in open court and if the

Petition for a rescission of the commitment to custody.

court finds that such petition should be granted it shall rescind the order of commitment to custody.

SEC. 10. Nothing in this act shall be construed as affecting the authority of the courts to make commitments as otherwise provided by law. No limitation on court.

Passed the House February 27, 1955.

Passed the Senate March 8, 1955.

Approved by the Governor March 18, 1955.

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## CHAPTER 273.

[ H. B. 565. ]

### PUBLIC ASSISTANCE—MEDICAL CARE.

AN ACT relating to state government and public assistance; creating within the department of public assistance a division of medical care; transferring the administrative responsibility for providing medical and related services to the department of public assistance; repealing chapter 5, Laws of 1953, first extraordinary session and sections RCW 74.08.390 through 74.08.520; repealing and reenacting section 6, chapter 174, Laws of 1953 and section 6, chapter 216, Laws of 1939 and RCW 74.04.050; and adding a new chapter to Title 74 RCW.

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

SECTION 1. Title 74 RCW shall have added thereto a new chapter numbered Chapter 74.09 and entitled "Medical Care" and in which chapter sections 2 through 24 of this act shall be codified. New chapter.

SEC. 2. Definition of terms:

(1) "Department" means the department of public assistance. Terms defined.  
"Department."

(2) "Director" means the director of the department of public assistance. "Director."

(3) "Division" or "division of medical care" means the division of medical care of the department of public assistance. "Division."

(4) "Assistant director" means the supervisor "Assistant director."

of the division of medical care of the department of public assistance.

"Internal management."

(5) "Internal management" means the administration of medical and related services to recipients of public assistance and medical indigent persons.

"Medical indigents."

(6) "Medical indigents" are persons without income or resources sufficient to secure necessary medical services.

"Chapter."

(7) "Chapter" means Chapter 74.09 RCW.

"Nursing home."

(8) "Nursing home" as used in this act means nursing home as defined in RCW 18.51.010.

Purpose.

SEC. 3. The purpose of this chapter is to provide for more efficient administration of medical, dental and allied services to recipients of public assistance and medical indigent persons.

Administrative responsibility vested in division of medical care.

SEC. 4. On and after July 1, 1955, administrative responsibility for providing for needed medical, dental and allied services to recipients of public assistance and medical indigents shall be the responsibility of the division of medical care.

Transfer of records and papers, equipment and fixtures.

The director of the state department of health shall within thirty days after July 1, 1955, transfer and deliver to the offices of the division of medical care all books, documents, records, papers, and any other writings, and all cabinets, files, furniture, office equipment, motor vehicles, and other tangible property and fixtures which have been used or needed to carry out the administrative responsibilities of providing for needed medical, dental and allied services to recipients of public assistance and medical indigents which was transferred to the department of health by section 1, chapter 5, Laws of 1953 first extraordinary session and which by this chapter will be transferred to the division of medical care on July 1, 1955.

Establishment of division of medical care.

SEC. 5. There is hereby established in the department of public assistance a division of medical care.

The division of medical care shall be administered by an assistant director appointed by the director of the department in accordance with the state merit system or its successor. The assistant director may be a physician and shall be selected on the basis of his knowledge and understanding of administration and shall have demonstrated his ability therein.

Assistant director appointed.

SEC. 6. The assistant director shall be directly responsible to the director and shall have charge and supervision of the division of medical care. With the approval of the director, he shall appoint such professional personnel and other assistants and employees, including professional medical screeners, as may be reasonably necessary to carry out the provisions of this act. The medical screeners shall be supervised by one or more physicians who shall be appointed by the assistant director.

Assistant director responsible to director of public assistance; appointment of personnel.

SEC. 7. The assistant director in the exercise of his administrative responsibilities shall:

(1) Prepare and submit to the director rules, regulations and procedures for the exercise and performance of the administrative powers and duties vested in or imposed upon him, not inconsistent with the law.

Rules, regulations and procedures.

(2) Determine, and from time to time alter when necessary, the internal organization of the division to promote maximum efficiency and economy.

Internal organization.

SEC. 8. The determination of eligibility of recipients for public assistance shall be the responsibility of the department.

Determination of eligibility.

Recipients of public assistance shall be entitled to such medical services as are defined by the assistant director, who shall consider the recommendations thereon of the welfare medical care committee.

The determination of eligibility of medical indigents shall be the responsibility of the division of medical care with consideration to the standards

recommended by the welfare medical care committee. The division of medical care is empowered to employ the necessary personnel to carry out the standards established.

Authority of division when carrying out administrative responsibility.

SEC. 9. In carrying out the administrative responsibility of this chapter, the division of medical care may contract with an individual or a group, may utilize existing local state public assistance offices, or establish separate welfare medical care offices on a county or multi-county unit basis as found necessary.

Division may utilize county hospitals and infirmaries.

SEC. 10. (1) The division of medical care may utilize county hospitals and county infirmaries as determined necessary. County institutions so used shall submit a county hospitalization budget and/or infirmary budget to the director not less than forty days prior to the time county budgets are finally approved and adopted by the county commissioners. He shall consider the proposed budget or budgets and return it or them to the commissioners with his recommendations within thirty days of its receipt by him. The commissioners shall be empowered to adopt as the final budget the proposed budget or budgets as submitted by the board or boards of trustees, recommended budget or budgets of the director or such budget or budgets as the county commissioners themselves determine to adopt: *Provided*, That if the total of the budget or budgets as finally adopted shall be in excess of the total of the budget or budgets as recommended by the director, the said director may withhold from the county the amount of the excess over and above the total set forth in his recommended budget or budgets.

Budgets.

Director's power over budgets.

Compliance with regulations of state department of health.

Any county infirmary so used shall comply with all rules and regulations of the Washington state department of health applicable to nursing homes adopted by the said department under authority of

chapter 117, Laws of 1951 as amended by chapter 160, Laws of 1953.

County hospitals and county infirmaries financed by state funds shall be empowered to accept and care for eligible patients from any county in the state.

Patients from other counties.

(2) Persons other than recipients or medical indigents who require hospital care for communicable disease, whether under quarantine or not, and persons sufficiently mentally disturbed or ill to be placed in a county hospital for observation, diagnosis and/or treatment shall be required to pay for such hospital and medical care at the same rate as charged by non-governmental hospitals and/or private physicians in the county where the hospital is located.

Persons required to pay for care.

(3) Persons other than recipients or medical indigents who receive emergency medical or hospital care at a county hospital shall pay for such medical and/or hospital services or care at the same rate as charged by non-governmental hospitals and private physicians in the county where the hospital is located.

Payment for emergency care.

(4) The division of medical care shall provide for necessary physicians' services and hospital care, considering the recommendations of the welfare medical care committee, and may provide such allied service as dental services, nursing home care, ambulance services, drugs, medical supplies, nursing services in the home, and other appliances, considering recommendations of the welfare medical care committee, who shall take into consideration the appropriations available.

Welfare medical care committee.

Allied services.

(5) The division of medical care shall provide (a) for evaluation of employability when a person is applying for public assistance representing a medical condition as the basis for need, and (b) for medical reports to be used in the evaluation of total and permanent disability. It shall further provide for medical consultation and assistance in determining

Division of medical care provides.

the need for special diets, housekeeper and attendants' services, and other requirements as found necessary because of the medical condition under rules promulgated by the director after considering the recommendation thereon of the welfare medical care committee.

State welfare medical care committee; membership, appointments and duties.

SEC. 11. There is hereby established a state welfare medical care committee composed of twelve members, six members representing the major providers of medical service, one a legislator, one a county commissioner, and the remaining four from the public. Members shall be appointed by the governor and serve at his pleasure and they shall be entitled to actual and necessary travel expenses, together with actual and necessary subsistence expenses not to exceed ten dollars per day, while carrying out the functions of this committee.

The committee shall advise and give assistance to the director and assistant director in planning and carrying out the most efficient and economical welfare medical care program. It shall assist the director and assistant director in preparing and presenting the biennial appropriation request to the governor and the legislature.

Employment of personnel.

SEC. 12. The division of medical care shall employ administrative personnel in both state and local offices and employ the services of professional screeners and consultants as found necessary to carry out the proper administration of the program.

Purchasing necessary physician and dental services; contracts and rates.

SEC. 13. The division of medical care shall purchase necessary physician and dentist services by contract or "fee for service." The division of medical care shall purchase hospital care by contract or by all inclusive day rate, or at not more than the minimum ward rate of each hospital after approval of the rate by the division of medical care. Any hospital when requested by the division of medical



care shall supply such information as necessary to justify its rate. All additional services provided by the hospitals shall be purchased at rates established by the division of medical care after consultation with the hospital. The division of medical care shall purchase nursing home care by contract or at not more than the minimum ward rate of each nursing home. Any nursing home when requested by the division of medical care shall supply such information as necessary to justify this rate. All additional services provided by the nursing home shall be purchased at rates established by the division of medical care after consultation with the nursing home.

All other services and supplies, including drugs, provided under the program shall be secured generally through customary trade channels in accordance with contracts between the vendor and the division of medical care.

Use of customary trade channels.

SEC. 14. The state welfare medical care committee may make recommendations for the minimum standards of care to be provided by the various vendor groups and other standards and rules and regulations as may be necessary to carry out the provisions of this chapter. Such rules, regulations and standards prescribed shall be submitted to the assistant director for his consideration. If approved by the director they shall be filed with the secretary of state and shall become effective thirty days thereafter.

Prescribing rules, regulations and standards of care.

The committee shall further advise the division of medical care on policies and rules and regulations governing the administration of the program.

Rules governing administration of program.

SEC. 15. The department shall biennially provide the committee, the governor and the legislature with a full statistical and financial analysis of the program which shall set forth the amount of service provided, utilization and expenditures by groups served, and

Statistical and financial analysis reports on program.

kind of services provided and other pertinent information.

Personnel under merit system.

SEC. 16. All personnel employed in the administration of the medical care program shall be covered by the existing merit system under the state personnel board or its successor.

Submission of charges for services.

Time limitation.

SEC. 17. Each vendor or group who has a contract and is rendering service to eligible persons as defined in this chapter shall submit such charges as agreed upon between the division of medical care and the individual or group on a monthly basis and shall present their final charges not more than sixty days after the termination of service. If the final charges are not presented within the sixty day period they shall not be a charge against the state unless previous extension in writing has been given by the division of medical care.

Authorization to set up medical prepayment revolving funds.

The department is authorized to set up a medical prepayments revolving fund, or funds, to be used solely for the payment of medical care. Deposits into this fund or these funds shall be made from the appropriation for medical care. Such deposits shall be based upon a per capita amount per beneficiary, said amounts to be determined by the department from time to time. The department may set up such fund or funds to cover any one, several, or all items of the medical care costs of one, several, or all public assistance programs as deemed most advantageous by the director for the best interests of the state: *Provided*, That in the event such fund, or funds is, or are dissolved, the federal government shall be reimbursed for its proportionate share of contributions into such fund or funds.

Upon dissolution of funds federal government reimbursed for its share.

Records available to state welfare medical care committee.

SEC. 18. All of the records and reports of the department of public assistance relative to the administration of the program covered by this chapter shall be available to the state welfare medical care

committee, subject to all restrictions of confidentiality of RCW 74.04.060.

SEC. 19. The provisions of this act shall not apply to recipients whose personal injuries are occasioned by negligence or wrong of another: *Provided, however,* That the director of the department of public assistance may, in his discretion, furnish assistance, under the provisions of this act, for the results of injuries to a recipient, and the department of public assistance shall thereby be subrogated to the recipient's right of recovery therefor to the extent of the value of the assistance furnished by the department of public assistance.

Act's provisions no application.

Assistance at director's discretion; right of subrogation.

SEC. 20. Chapter 5, Laws of 1953, first extraordinary session, and RCW 74.08.390 through 74.08.520 are hereby repealed.

Repeal.

SEC. 21. Section 6, chapter 174, Laws of 1953; section 6, chapter 216, Laws of 1939; and RCW 74.04.050 are each repealed and reenacted to read as follows:

Repeal and reenactment.

The department shall serve as the single state agency to administer public assistance. The department is hereby empowered and authorized to cooperate in the administration of such federal laws, consistent with the public assistance laws of this state, as may be necessary to qualify for federal funds for:

Single agency to administer public assistance.

Cooperate in administration of federal laws to qualify for federal funds.

- (1) Old age assistance;
- (2) Aid to dependent children;
- (3) Aid to the needy blind;
- (4) Child welfare services;
- (5) Aid to permanently and totally disabled;
- (6) Programs of public assistance which are authorized by chapters 74.04 through 74.16 RCW, for which provision for federal aid may from time to time be made.

The state hereby accepts and assents to all the present provisions of the federal law under which

Assent to present provisions of federal law.

grants-in-aid are extended to the state to aid in the support of programs administered by the department, and to such additional legislation as may subsequently be enacted as is not inconsistent with the purposes of chapter 74.04 through 74.16 RCW, authorizing public welfare and assistance activities. The provisions of chapter 74.04 through 74.16 RCW shall be so administered as to conform with federal requirements with respect to eligibility for the receipt of federal grants.

Application for federal funds.

The department shall periodically make application for federal funds and submit such plans, reports and data, as are required by any act of Congress as a condition precedent to the receipt of federal matching funds for such assistance. The department shall make and enforce such rules and regulations as shall be necessary to insure compliance with the terms and conditions of such federal aid grants. In the event of noncompliance with any such rules and regulations, the department shall take over the administration of public assistance programs in any county or counties involved until compliance shall have been effected during which time the department may authorize and approve the expenditure of all public assistance funds within the county.

Department power in event of noncompliance of counties.

SEC. 22. All the provisions of Title 74 RCW, not otherwise inconsistent herewith, shall apply to the provisions of this act.

Limitation on director in respect to recipients.

SEC. 23. Nothing in this act shall be construed as empowering the director to compel any recipient of public assistance and a medical indigent person to undergo any physical examination, surgical operation, or accept any form of medical treatment contrary to the wishes of said person who relies on or is treated by prayer or spiritual means in accordance with the creed and tenets of any well-recognized church or religious denomination.

SEC. 24. The effective date of this act shall be Effective date.  
July 1, 1955.

Passed the House March 1, 1955.

Passed the Senate March 8, 1955.

Approved by the Governor March 18, 1955.

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## CHAPTER 274.

[ S. B. 221. ]

### STATE TEACHERS' RETIREMENT SYSTEM.

AN Act relating to the Washington State Teachers' Retirement System and amending sections 1, 3, 16, 17, 18, 19, 20, 24, 26, 28 through 36, 39, 41, 43, 48 through 57, chapter 80, Laws of 1947 and RCW 41.32.010, 41.32.030, 41.32.160 through 41.32.200, 41.32.240, 41.32.260, 41.32.280, through 41.32.360, 41.32.390, 41.32.410, 41.32.430, 41.32.480, 41.32.490, 41.32.500 through 41.32.570.

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

SECTION 1. Section 1, chapter 80, Laws of 1947 Amendment.  
and RCW 41.32.010 are each amended to read as follows:

As used in this chapter, unless a different meaning is plainly required by the context:

(1) "Accumulated contributions" means the sum of all regular annuity contributions together with regular interest thereon less cost of operation. "Accumulated contributions" defined.

(2) "Actuarial equivalent" means a benefit of equal value when computed upon the basis of such mortality tables and regulations as shall be adopted by the board of trustees and regular interest. "Actuarial equivalent" defined.

(3) "Annuity" means the moneys payable per year during life by reason of accumulated contributions of a member. "Annuity" defined.

(4) "Annuity fund" means the fund in which all of the accumulated contributions of members are held. "Annuity fund" defined.

"Annuity reserve fund" defined.

(5) "Annuity reserve fund" means the fund to which all accumulated contributions are transferred upon retirement.

"Beneficiary" defined.

(6) "Beneficiary" means any person in receipt of a retirement allowance or other benefit provided for by the Teachers' Retirement Law.

"Contract" defined.

(7) "Contract" means any agreement for service and compensation between a member and an employer.

"Creditable service" defined.

(8) "Creditable service" means membership service plus prior service for which credit is allowable.

"Dependent" defined.

(9) "Dependent" means receiving one-half or more of support from a member.

"Disability allowance" defined.

(10) "Disability allowance" means monthly payments during disability.

"Earnable compensation" defined.

(11) "Earnable compensation" means the full rate of compensation that would be paid to a member if he worked the full normal working time during the school year, except that any part of any salary in excess of forty-five hundred dollars per annum shall be excluded in determining the earnable compensation of a member. In all cases where compensation includes maintenance the board of trustees shall fix the value of that part of the compensation not paid in money.

"Employer" defined.

(12) "Employer" means the state of Washington, the school district, or any agency of the state of Washington by which the member is paid.

"Fiscal year" defined.

(13) "Fiscal year" means a year which begins July 1st and ends June 30th of the following year.

"Former state fund" defined.

(14) "Former state fund" means the state retirement fund in operation for teachers under chapter 187, Laws of 1923, as amended.

"Local fund" defined.

(15) "Local fund" means any of the local retirement funds for teachers operated in any school district in accordance with the provisions of chapter 163, Laws of 1917 as amended.

- (16) "Member" means any teacher included in the membership of the retirement system. Also, any other employee of the public schools who, on July 1, 1947, had not elected to exempt himself from membership and who, prior to that date, had by an authorized payroll deduction, contributed to the annuity fund. "Member" defined.
- (17) "Membership service" means service rendered subsequent to the first day of eligibility of a person to membership in the retirement system. "Membership service" defined.
- (18) "Pension" means the moneys payable per year during life from the pension fund. "Pension" defined.
- (19) "Pension fund" means a fund from which all pension obligations are to be paid. "Pension fund" defined.
- (20) "Pension reserve fund" is a fund in the state treasury in which shall be accumulated an actuarial reserve adequate to meet present and future pension liabilities of the system. "Pension reserve fund" defined.
- (21) "Prior service" means service rendered prior to the first date of eligibility to membership in the retirement system for which credit is allowable. "Prior service" defined.
- (22) "Prior service contributions" means contributions made by a member to secure credit for prior service. "Prior service contributions" defined.
- (23) "Public school" means any institution or activity operated by the state of Washington or any instrumentality or political subdivision thereof employing teachers, except the University of Washington and the State College of Washington. "Public school" defined.
- (24) "Regular contributions" means the amounts required to be deducted from the compensation of a member and credited to his individual account in the annuity fund. "Regular contributions" defined.
- (25) "Regular interest" means the interest on funds of the retirement system for the current school year and such other earnings as may be applied thereon by the board of trustees. "Regular interest" defined.
- (26) "Retirement allowance" means the sum of "Retirement allowance" defined.

annuity and pension or any optional benefits payable in lieu thereof.

“Retirement system” defined.

(27) “Retirement system” means the Washington state teachers’ retirement system.

“Service” defined.

(28) “Service” means the time during which a member has been employed by an employer for compensation.

“Survivors’ benefit fund.”

(29) “Survivors’ benefit fund” means the fund from which survivor benefits are paid to dependents of deceased members.

“Teacher” defined.

(30) “Teacher” means any person qualified to teach who is engaged by a public school in an instructional, administrative, or supervisory capacity, including state, county, city superintendents and their assistants; and in addition thereto any qualified school librarian, any registered nurse or any full time school doctor who is employed by a public school and renders service of an instructional or educational nature.

Amendment.

SEC. 2. Section 3, chapter 80, Laws of 1947 and RCW 41.32.030 are each amended to read as follows:

Assets of retirement system credited to funds in state treasury.

All of the assets of the retirement system shall be credited according to the purposes for which they are held, to one of two funds to be maintained in the state treasury, namely, the teachers’ retirement pension reserve fund and the teachers’ retirement fund. In the records of the teachers’ retirement system the teachers’ retirement fund shall be subdivided into the annuity fund, the annuity reserve fund, the survivors’ benefit fund, the pension fund, the disability reserve fund and the expense fund.

Records division of teachers retirement fund.

Amendment.

SEC. 3. Section 16, chapter 80, Laws of 1947 and RCW 41.32.160 are each amended to read as follows:

Rules established for administration of funds created by chapter.

The board of trustees shall, from time to time, establish rules and regulations for the administration of the funds created by this chapter and for the transaction of its business. The board of trustees shall be empowered within the limits of this chapter



to decide on all questions of eligibility covering membership, service credit and benefits.

SEC. 4. Section 17, chapter 80, Laws of 1947 and RCW 41.32.170 are each amended to read as follows: Amendment.

The board of trustees shall hold regular meetings on the second Monday which is not a holiday of January, April, July and October of each year, and may hold as many other meetings as may be found necessary to properly transact the business of the retirement system. Special meetings may be called by the chairman of the board either on his own initiative or at the request in writing of four other members of the board of trustees. Regular and special meetings.

SEC. 5. Section 19, chapter 80, Laws of 1947 and RCW 41.32.190 are each amended to read as follows: Amendment.

From interest and other earnings on the moneys of the retirement system, at the close of each fiscal year the board of trustees shall make such allowance of regular interest on the balance which was on hand at the beginning of the fiscal year in each of the funds as they may deem advisable; however, no interest shall be credited to the expense fund or the pension fund. Board of trustees discretion as to earnings and interest.

SEC. 6. Section 20, chapter 80, Laws of 1947 and RCW 41.32.200 are each amended to read as follows: Amendment.

The board of trustees shall be the trustees of the several funds created by this chapter and shall authorize the state finance committee to invest and reinvest such funds in bonds or other obligations issued directly by or fully guaranteed by the federal government or any agency thereof, general obligation bonds issued by any state of the United States or any political subdivision of any such state, revenue bonds issued by the state of Washington or any authority or subdivision of the state, revenue bonds issued by any state or established authority of a state, and in shares or savings accounts of savings State finance committee authorized to invest funds.

and loan associations to the extent that they are guaranteed by the Federal Savings and Loan Insurance Corporation. Subject to the above limitations, the state finance committee shall have full power to hold, purchase, sell, assign, transfer and dispose of any of the securities and investments in which any of the funds created herein shall have been invested, as well as the proceeds of said investments and any moneys belonging to said funds: *Provided*, That the state finance committee shall have power to invest these funds in school warrants.

State finance committee's power over funds.

Power to invest funds in school warrants.

Amendment.

SEC. 7. Section 24, chapter 80, Laws of 1947 and RCW 41.32.240 are each amended to read as follows:

Membership in retirement system.

All teachers employed in the public schools shall be members of the system except those who have previously exempted themselves from membership. If an exempted teacher desires membership he must file with the board of trustees a written request, duly executed, that his exemption certificate be cancelled, present proof of service, and make the necessary payment before June 30, 1957; or, if not employed when this act takes effect, before June 30 of the second school year after he reenters public school service. All service rendered in this state subsequent to his exemption from membership must be established by proper proof and paid for, with interest at three percent, upon the same basis as he would have paid had he been a member during the period covered by his exemption. Twenty percent of the total amount due must be paid before membership can be established. Payment of the remainder, including interest, must be completed before June 30 of the fourth school year following that in which membership was established.

Exempted teacher desiring membership, written request and payment.

Amendment.

SEC. 8. Section 26, chapter 80, Laws of 1947 and RCW 41.32.260 are each amended to read as follows:

Any member whose public school service is interrupted by service to the United States as a member

of its military, naval or air service, or to the state of Washington as a member of the legislature, may upon becoming reemployed in the public schools, receive credit for such service upon presenting satisfactory proof, and contributing to the annuity fund, either in a lump sum or installments, such amounts as shall be determined by the board of trustees.

Credit received for interrupted service in armed forces or state legislature.

SEC. 9. Section 28, chapter 80, Laws of 1947 and RCW 41.32.280 are each amended to read as follows:

Amendment.

As soon as practicable after the filing of statements of services, the board of trustees shall determine the number of years of service with which an applicant shall be credited and shall issue a prior service certificate to the applicant therefor. The member shall be bound by the terms of this certificate unless prior to June 30 of the second school year after becoming a member he shall have filed an application for additional service credit, presented satisfactory proof of such service and made the necessary payment.

Prior service certificate.

Application for additional service credit.

SEC. 10. Section 29, chapter 80, Laws of 1947 and RCW 41.32.290 are each amended to read as follows:

Amendment.

No credit shall be given for services rendered in a district which at the time such service was rendered was under the jurisdiction of a local fund or the former state fund or under the teachers' retirement system as it existed prior to July 1, 1955, unless contributions were made to such local fund or the former state fund or retirement system during such time, except upon making the contributions as provided under RCW 41.32.310 and 41.32.380.

Limitation on credit given for services rendered under local fund, former state fund, etc.

SEC. 11. Section 30, chapter 80, Laws of 1947 and RCW 41.32.300 are each amended to read as follows:

Amendment.

A total of not more than ten years of service outside of the state is to be credited to a member who has entered public school employment in this state subsequent to April 1, 1938, and not more than

Out of state service credit limitation.

Credit limitation on members entering public school employment after April 1, 1938.

fifteen years of service to a member who entered public school employment in this state prior to that date. Foreign school teaching service, if paid for by public funds of the United States of America, shall be creditable as out-of-state service. No member who establishes out-of-state service credit after July 1, 1947, shall at retirement for pension payment purposes be allowed credit for out-of-state service in excess of the number of years credit which he shall have earned in the public schools of the state of Washington.

Limitation on credit for out-of-state service after July 1, 1947.

Amendment.

SEC. 12. Section 31, chapter 80, Laws of 1947 and RCW 41.32.310 are each amended to read as follows:

Limitation on establishing credit for services.

Any member desiring to establish credit for services previously rendered, must present proof and make the necessary payments before June 30, 1957; or, if not employed on the effective date of this act, before June 30 of the second school year after entry into public school employment in this state. Payments covering all types of membership service credit may be made in a lump sum when due, or in annual installments, with three percent interest. The first annual installment of at least twenty percent of the amount due must be paid before the date specified above, and the final payment before June 30 of the fourth school year following that in which the first payment was made.

Payment.

First installment; time limitation on final payment.

Amendment.

SEC. 13. Section 32, chapter 80, Laws of 1947 and RCW 41.32.320 are each amended to read as follows:

Out-of-state service credit after becoming member.

Any teacher who leaves the state after becoming a member, upon becoming reemployed in the public schools of the state, may be credited with membership service in an amount, which when added to the out-of-state credits for prior service shall not exceed the allowable total, conditioned upon satisfactory proof and upon contributions to the annuity fund.

Amendment.

SEC. 14. Section 33, chapter 80, Laws of 1947 and RCW 41.32.330 are each amended to read as follows:

The board of trustees may allow credit for professional preparation to a member for attendance at institutions of higher learning, or for a scholarship or grant under an established foundation, subsequent to becoming a public school teacher; but not more than one year of such credit may be granted in any ten-year period of service, and not more than two years of such credit may be granted to any member.

Credit for professional preparation.

SEC. 15. Section 34, chapter 80, Laws of 1947 and RCW 41.32.340 are each amended to read as follows:

Amendment.

Creditable service of a member at retirement shall consist of the membership service rendered by him for which credit has been allowed, and also, if he has a prior service certificate that is in full force and effect, the amount of the service certified on his prior service certificate. No pension payments shall be made for service credits established or re-established after July 1, 1955, if such credits entitle the member to retirement benefits from any other public state or local retirement system or fund.

Creditable service of member at retirement.

SEC. 16. Section 35, chapter 80, Laws of 1947 and RCW 41.32.350 are each amended to read as follows:

Amendment.

Throughout each year during which he is employed each member shall contribute five percent of his earnable compensation. These contributions shall be placed in the annuity and disability reserve funds in the proportion specified in RCW 41.32.450. A member may become a fully contributing member by notifying the payroll officer that he wishes to contribute five percent of his total salary. He may make an additional lump sum payment at date of retirement, not to exceed his accumulated contributions, to purchase additional annuity.

Member contribution per year.

Additional lump sum payment at date of retirement.

SEC. 17. Section 36, chapter 80, Laws of 1947 and RCW 41.32.360 are each amended to read as follows:

Amendment.

Throughout each year during which he is employed each member who is employed on a full-time

Transfer from member's contribution sum to provide disability benefits.

basis shall have transferred from his contributions such sum as will, with regular interest, create a fund sufficient according to the actuarial tables adopted by the board of trustees to provide disability benefits for the members whose claims will be approved by the board of trustees during that year. These transfers shall be placed in the disability reserve fund.

Amendment.

SEC. 18. Section 39, chapter 80, Laws of 1947 and RCW 41.32.390 are each amended to read as follows:

Payment before application for prior service credit.

At least twenty percent of the total amount due for prior service credit must be paid before an application for such credit may be presented to the board of trustees for approval. The balance is not due until date of retirement and may be paid at that time without additional charge. Any unpaid installments at the time the member is retired for service or disability shall constitute a first, paramount and prior lien against his retirement allowance.

Unpaid installments at retirement.

Amendment.

SEC. 19. Section 41, chapter 80, Laws of 1947 and RCW 41.32.410 are each amended to read as follows:

Defraying expenses of retirement system.

At the close of each fiscal year the board of trustees shall withdraw from the pension fund and the annuity fund in equal amounts a sum sufficient to defray the expenses of the retirement system estimated by them for the ensuing year and place that amount in the expense fund. A minimum service charge of one dollar per year shall be assessed against all membership accounts to which no contributions have been made during the year. The deductions from the annuity fund less withdrawal fees and minimum service charges shall be prorated from the annuity contributions of the members for the year just closed; however, the annual service charge for any membership account to which contributions have been made during the year shall not be less than one dollar.

Service charge per year to members.

SEC. 20. Section 43, chapter 80, Laws of 1947 and RCW 41.32.430 are each amended to read as follows: Amendment.

Every officer authorized to issue salary warrants to teachers shall deduct from each salary payment to any member employed on a full-time basis five percent of the amount of salary paid up to forty-five hundred dollars in any fiscal year on account of the disability reserve and annuity funds; however, he shall deduct five percent of the amount of the total salary paid to a member who has elected to become a fully contributing member. Deduction from salary payment.

SEC. 21. Section 48, chapter 80, Laws of 1947 and RCW 41.32.480 are each amended to read as follows: Amendment.

(1) Any member who has left public school service after having completed thirty years of creditable service may retire upon the approval by the board of trustees of an application for retirement filed on the prescribed form. Upon retirement such member shall receive a retirement allowance consisting of an annuity which shall be the actuarial equivalent of his accumulated contributions at his age of retirement and a pension of four dollars per month for each year of creditable service established, not to exceed thirty-five years of creditable service. Eligibility for retirement; application approval.

(2) Any member who has attained age sixty years, but who has completed less than thirty years of creditable service, upon leaving public school service, may retire upon the approval by the board of trustees of an application for retirement filed on the prescribed form. Upon retirement such member shall receive a retirement allowance consisting of an annuity which shall be the actuarial equivalent of his accumulated contributions at his age of retirement and a pension of four dollars per month for each year of creditable service established. Retirement allowance.

SEC. 22. Section 49, chapter 80, Laws of 1947 and RCW 41.32.490 are each amended to read as follows: Amendment.

Any former member of the retirement system or

Former members of state funds receiving retirement allowances; minimum allowance.

a former fund who is receiving a retirement allowance either for service or disability on June 30, 1955, shall have his pension from the state increased by a cost-of-living adjustment of twenty-five per cent beginning July 1, 1955; but no former member who has been retired for disability shall receive an allowance of less than seventy-five dollars per month.

Amendment.

SEC. 23. Section 50, chapter 80, Laws of 1947 and RCW 41.32.500 are each amended to read as follows:

Termination of membership in retirement system.

Membership in the retirement system is terminated and the prior service certificate becomes void when a member retires for service or disability, dies, withdraws his accumulated contributions, transfers his membership to the state employees' retirement system or is unemployed in the public schools of the state for more than five consecutive years; however, a member may retain membership in the teachers' retirement system by leaving his accumulated contributions in the teachers' retirement fund under one of the following conditions:

Retaining membership in system.

- (1) If he is eligible for retirement;
- (2) If he is a member of another public retirement system in the state of Washington by reason of change in employment and has arranged to have membership extended during the period of such employment;
- (3) If he is not eligible for retirement but has established ten or more years of Washington membership service credit and has filed a formal request with the board of trustees for a five-year extension of membership prior to the date of lapsation.

Amendment.

SEC. 24. Section 51, chapter 80, Laws of 1947 and RCW 41.32.510 are each amended to read as follows:

Cessation of employment and request for refund of accumulated contributions.

Should a member cease to be employed in the public schools of this state and request upon a form provided by the board of trustees a refund of his accumulated contributions with interest to the June 30th next preceding, this amount shall be paid to



him less a withdrawal fee of ten dollars which shall be deposited to the annuity fund's share of the cost of operation. The amount withdrawn, together with interest must be paid if he desires to reestablish his former service credits. Upon termination of membership, interest on accumulated contributions in the annuity fund shall cease and all accumulated contributions unclaimed after the expiration of ten years thereafter become an integral part of the annuity fund.

Withdrawal fee.

Accumulated contributions unclaimed.

SEC. 25. Section 52, chapter 80, Laws of 1947 and RCW 41.32.520 are each amended to read as follows:

Amendment.

Upon receipt of proper proofs of death of any member before retirement or before the first installment of his retirement allowance shall become due his accumulated contributions shall be paid to his estate or to such persons as he shall have nominated by written designation duly executed and filed with the board of trustees. If a member had established five or more years of Washington membership service credit and was in active service or receiving or entitled to receive temporary disability payments at the time of his death, the named beneficiary if otherwise eligible, or the guardian of a minor child, may elect, in lieu of a cash refund, one of the following survivor benefit plans:

Death of member before retirement.

Election in lieu of cash refund.

Survivor benefit plans.

(1) A widow or dependent widower, with a child or children under eighteen years of age, may elect a monthly payment of one hundred dollars until the youngest child reaches age eighteen. A widow or dependent widower without a child or children under eighteen years of age may elect a monthly payment of fifty dollars beginning at age sixty-five. If the member had fifteen or more years of Washington membership service credit, the monthly payment of fifty dollars shall become effective at age fifty.

Widow with child under eighteen.

Widow without child.

Guardian of minor child or children.

(2) The guardian of a minor child or children may elect a payment of fifty dollars per month per child to continue until age eighteen. When the number of dependent children exceeds two the monthly payment shall not exceed one hundred dollars.

Dependent parents.

(3) A dependent parent or parents may elect a payment of fifty dollars per month each, beginning at age sixty-five.

If member eligible for retirement, options available.

(4) If the member was eligible for retirement the named beneficiary, if the surviving spouse or a dependent, may elect to receive a retirement allowance under Option 2. This election shall also be available to the spouse or a dependent of a member who has died while eligible for retirement during the period July 1, 1947, to June 30, 1955, inclusive, upon the repayment to the teachers' retirement fund of the refunded contributions. No benefits may be paid for any months prior to July 1, 1955.

Failure of named beneficiary to survive member.

If no named beneficiary survives a member, at his death his accumulated contributions shall be paid to his estate, or his dependents may qualify for survivor benefits in lieu of a cash refund in the following order: Widow or dependent widower, guardian of a dependent child or children under age eighteen, or dependent parent or parents.

Under survivors' benefit plan (1), (2) or (3), the board of trustees shall transfer to the survivors' benefit fund the accumulated contributions of the deceased member together with an amount from the pension fund determined by actuarial tables to be sufficient to fully fund the liability. Benefits shall be paid from the survivors' benefit fund monthly and terminated at the marriage of the beneficiary.

Amendment.

SEC. 26. Section 53, chapter 80, Laws of 1947 and RCW 41.32.530 are each amended to read as follows:

Upon an application for retirement approved by the board of trustees every member shall receive the

maximum retirement allowance available to him throughout life unless prior to the time the first installment thereof becomes due he has elected, by executing the proper application therefor, to receive the actuarial equivalent of his retirement allowance in reduced payments throughout his life with the following options:

Receiving actuarial equivalent of retirement allowance—options.

Option 1. If he dies before he has received the present value of his accumulated contributions at the time of his retirement in annuity payments the unpaid balance shall be paid to his estate or to such person as he shall have nominated by written designation executed and filed with the board of trustees.

Option 1.

Option 2. Upon his death his adjusted retirement allowance shall be continued throughout the life of and paid to such person as he shall have nominated by written designation duly executed and filed with the board of trustees at the time of his retirement.

Option 2.

Option 3. Upon his death one-half of his adjusted retirement allowance shall be continued throughout the life of and paid to such person as he shall have nominated by written designation executed and filed with the board of trustees at the time of his retirement.

Option 3.

Option 4. Such other benefits shall be paid as the member may designate for himself or others equal to the actuarial value of his retirement annuity at the time of his retirement: *Provided*, That the board of trustees shall limit withdrawals of accumulated contributions to such sums as will not reduce the member's retirement allowance below one hundred and twenty dollars per month.

Option 4.

Proviso.

SEC. 27. Section 54, chapter 80, Laws of 1947 and RCW 41.32.540 are each amended to read as follows:

Amendment.

Upon application of a member in service or of his employer any member may be granted a temporary disability allowance by the board of trustees if the medical director, after a medical examination of such

Temporary disability allowance.

member, shall certify that such member is mentally or physically incapacitated for the further performance of duty. The disability allowance will be in the amount of seventy-five dollars per month payable from the disability reserve fund for a period not to exceed two years, but no payments shall be made for a disability period of less than sixty days.

Amendment.

SEC. 28. Section 55, chapter 80, Laws of 1947 and RCW 41.32.550 are each amended to read as follows:

Disability continuing over two year period, options of members.

Should the board determine from the report of the medical director at the end of a two year disability period that a member's disability will continue, a member who had fifteen years or more of service credit when first granted the temporary disability allowance shall have the option of then receiving all accumulated contributions in a lump sum payment and cancelling his membership, or of accepting a retirement allowance because of disability. If the member elects to receive a retirement allowance because of disability he shall be paid an annuity which shall be the actuarial equivalent of his accumulated contributions at his age of retirement and a pension which shall be the actuarial equivalent of the pension to which he would be entitled at age sixty according to his years of service credit, but in no event shall the total allowance for disability be less than seventy-five dollars per month.

Limitation.

Amendment.

SEC. 29. Section 56, chapter 80, Laws of 1947 and RCW 41.32.560 are each amended to read as follows:

Minimum disability allowance for former members.

Any former member of the retirement system or a former fund receiving permanent disability allowances on July 1, 1955, shall in lieu of all allowances provided by any former law receive a disability allowance adjusted for cost of living to seventy-five dollars per month to be paid from the pension fund. Any member of the retirement system receiving a temporary disability allowance on July 1, 1955, shall in lieu of the disability allowance provided by the

former law receive a disability allowance adjusted for cost of living to seventy-five dollars per month to be paid from the disability reserve fund. Such disability allowances may be continued only upon recommendation of the medical director and approval of the board of trustees.

SEC. 30. Section 57, chapter 80, Laws of 1947 and RCW 41.32.570 are each amended to read as follows: Amendment.

Any retired teacher who enters service in any public educational institution shall cease to receive pension payments while engaged in such service: Pension pay-  
ments cease.  
*Provided*, That substitute service may be rendered up to forty-five days per school year without reduction of pension. Substitute  
service.

Passed the Senate February 7, 1955.

Passed the House March 2, 1955.

Approved by the Governor March 18, 1955.

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## CHAPTER 275.

[ S. B. 349. ]

### OPTOMETRY.

AN ACT relating to optometry; establishing an account; providing for reinstatement of suspended licenses; amending section 13, chapter 144, Laws of 1919 and RCW 18.53.050 and adding a new section to chapter 18.53 RCW.

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

SECTION 1. Section 13, chapter 144, Laws of 1919 and RCW 18.53.050 are each amended to read as follows: Amendment.

During the month of January of each year, every registered optometrist shall pay to the state treasurer fifteen dollars as a renewal fee, and failure to pay such fee within the prescribed time shall cause the suspension of his certificate. The state treasurer shall place two dollars and forty cents from each Renewal fee.  
  
Suspension of  
certificate.

Optometry account established.

renewal fee into the general fund and shall place the balance into an optometry account which is hereby created for the enforcement of this chapter. Any residue in such account shall be accumulated and shall not revert to the general fund at the end of any biennium.

Notice of suspension; declaration of revocation of certificate.

In the event of failure to pay the renewal fee, the director shall mail a notice of such suspension to the last known post office address of the holder between the first and fifth days of February, March and April next following and if the fee is not paid by May 1st the director may declare the certificate revoked and immediately notify the county clerk of the county in which the certificate is recorded, and the clerk shall mark his records accordingly.

New section.

SEC. 2. There is added to chapter 18.53 RCW a new section to read as follows:

Reinstatement.

In the event of revocation of license for nonpayment of required renewal fees, reinstatement may be effected by payment of accumulated unpaid renewal fees accruing from the date of suspension of license to the date of reinstatement. Funds realized from such reinstatements shall be distributed as provided in RCW 18.53.050.

Passed the Senate March 4, 1955.

Passed the House March 2, 1955.

Approved by the Governor March 18, 1955.

## CHAPTER 276.

[ S. B. 393. ]

## FISHERIES CODE—REEF NETTING.

AN ACT relating to the fisheries code of the state of Washington; creating reef net fishing areas; making it unlawful to fish for salmon commercially with reef net gear except in said reef net areas; providing for the regulation of distances between reef net gears; and adding new sections to chapter 12, Laws of 1955 and chapter 75.12 RCW; and declaring an emergency.

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

SECTION 1. Sections 2 through 4 of this act are added to chapter 12, Laws of 1955, and chapter 75.12 RCW. New sections.

SEC. 2. The following reef net fishing areas are hereby created: *Provided*, That nothing in this act shall be interpreted as prohibiting other types of legal gear from fishing within the areas created: Reef net fishing areas created.

(1) Point Roberts reef net fishing area includes those waters within 250 feet on each side of a line projected 129° true from a point at longitude 123° 01' 15" W. latitude 48° 58' 38" N. to a point one mile distant, as such description is shown upon the United States Coast and Geodetic Survey map numbered 6300, published September, 1941, in Washington, D. C., eleventh edition. Point Roberts.

(2) Cherry Point reef net fishing area includes those waters inland and inside the 10-fathom line between lines projected 205° true from points on the mainland at longitude 122° 44' 54" latitude 48° 51' 48" and longitude 122° 44' 18" latitude 48° 51' 33", as such descriptions are shown upon the United States Coast and Geodetic Survey map numbered 6380, published March, 1947, in Washington, D. C., eighth edition. Cherry Point.

(3) Lummi Island reef net fishing area includes those waters inland and inside a line projected from Lummi Island.

Village Point  $208^{\circ}$  true to a point 900 yards distant, thence  $128^{\circ}$  true to the point of intersection with a line projected true west from the shore of Lummi Island at  $122^{\circ} 40' 42''$  longitude  $48^{\circ} 41' 34''$ , as such descriptions are shown upon the United States Coast and Geodetic Survey map numbered 6380, published March, 1947, in Washington, D. C., eighth edition.

Sinclair  
Island.

(4) Sinclair Island reef net fishing area includes those waters inland and inside a line projected from the northern point of Sinclair Island to Boulder reef, thence  $200^{\circ}$  true to the northwesterly point of Sinclair Island, as such descriptions are shown upon the United States Coast and Geodetic Survey map numbered 6380, published March, 1947, in Washington, D. C., eighth edition.

Flat Point.

(5) Flat Point reef net fishing area includes those waters within a radius of 125 feet of a point off Lopez Island located at longitude  $122^{\circ} 55' 24''$  longitude  $48^{\circ} 32' 33''$ , as such description is shown upon the United States Coast and Geodetic Survey map numbered 6380, published March, 1947, in Washington, D. C., eighth edition.

Lopez Island.

(6) Lopez Island reef net fishing area includes those waters within 400 yards of shore between lines projected true west from points on the shore of Lopez Island at longitude  $122^{\circ} 55' 04''$  longitude  $48^{\circ} 31' 59''$  and longitude  $122^{\circ} 55' 54''$  longitude  $48^{\circ} 30' 55''$ , as such descriptions are shown upon the United States Coast and Geodetic Survey map numbered 6380, published March, 1947, in Washington, D. C., eighth edition.

Iceberg Point.

(7) Iceberg Point reef net fishing area includes those waters inland and inside a line projected from Davis Point on Lopez Island to the west point of Long Island, thence to the southern point of Hall Island, thence to the eastern point at the entrance to Jones Bay, and thence to the southern point at the entrance to Mackaye Harbor on Lopez Island; and those



waters inland and inside a line projected  $320^\circ$  from Iceberg Point light on Lopez Island, a distance of 400 feet, thence easterly to the point on Lopez Island at longitude  $122^\circ 53' 00''$  latitude  $48^\circ 25' 39''$ , as such descriptions are shown upon the United States Coast and Geodetic Survey map numbered 6380, published March, 1947, in Washington, D. C., eighth edition.

(8) Aleck Bay reef net fishing area includes those waters inland and inside a line projected from the southwestern point at the entrance to Aleck Bay on Lopez Island at longitude  $122^\circ 51' 11''$  latitude  $48^\circ 25' 14''$  southeasterly 800 yards to the submerged rock shown on U.S.G.S. map number 6380, thence northerly to the cove on Lopez Island at longitude  $122^\circ 50' 49''$  latitude  $48^\circ 25' 42''$ , as such descriptions are shown upon the United States Coast and Geodetic Survey map numbered 6380, published March, 1947, in Washington, D. C., eighth edition.

(9) Shaw Island reef net fishing area number 1 includes those waters within 300 yards of shore between lines projected true south from points on Shaw Island at longitude  $122^\circ 56' 14''$  latitude  $48^\circ 33' 28''$  and longitude  $122^\circ 57' 29''$  latitude  $48^\circ 32' 58''$ , as such descriptions are shown upon the United States Coast and Geodetic Survey map numbered 6380, published March, 1947, in Washington, D. C., eighth edition.

(10) Shaw Island reef net fishing area number 2 includes those waters inland and inside a line projected from Point George on Shaw Island to the westerly point of Neck Point on Shaw Island, as such description is shown upon the United States Coast and Geodetic Survey map numbered 6380, published March, 1947, in Washington, D. C., eighth edition.

(11) Stuart Island reef net fishing area number 1 includes those waters within 600 feet of the shore of Stuart Island between lines projected true east from points at longitude  $123^\circ 10' 47''$  latitude  $48^\circ$

39° 47'' and longitude 123° 10' 47'' latitude 48° 39' 33'', as such descriptions are shown upon the United States Coast and Geodetic Survey map numbered 6380, published March, 1947, in Washington, D. C., eighth edition.

Stuart Island,  
number 2.

(12) Stuart Island reef net fishing area number 2 includes those waters within 250 feet of Gossip Island, also known as Happy Island, as such description is shown upon the United States Coast and Geodetic Survey map numbered 6380, published March, 1947, in Washington, D. C., eighth edition.

Johns Island.

(13) Johns Island reef net fishing area includes those waters inland and inside a line projected from the eastern point of Johns Island to the northwestern point of Little Cactus Island, thence northwesterly to a point on Johns Island at longitude 123° 09' 24'' latitude 48° 39' 59'', as such descriptions are shown upon the United States Coast and Geodetic Survey map numbered 6380, published March 1947, in Washington, D. C., eighth edition.

Battleship  
Island.

(14) Battleship Island reef net fishing area includes those waters lying within 350 feet of Battleship Island, as such description is shown upon the United States Coast and Geodetic Survey map numbered 6380, published March, 1947, in Washington, D. C., eighth edition.

Open Bay.

(15) Open Bay reef net fishing area includes those waters lying within 150 feet of shore between lines projected true east from a point on Henry Island at longitude 123° 11' 34½'' latitude 48° 35' 27½'' and a point 250 feet south, as such descriptions are shown upon the United States Coast and Geodetic Survey map numbered 6380, published March, 1947, in Washington, D. C., eighth edition.

Mitchell Reef.

(16) Mitchell Reef net fishing area includes those waters within a line beginning at the rock shown on U.S.G.S. map number 6380 at longitude 123° 10' 56'' latitude 48° 34' 49½'', and projected 50

feet northwesterly, thence southwesterly 250 feet, thence southeasterly 300 feet, thence northeasterly 250 feet, thence to the point of beginning, as such descriptions are shown upon the United States Coast and Geodetic Survey map numbered 6380, published March, 1947, in Washington, D. C., eighth edition.

(17) Smugglers Cove reef [net] fishing area includes those waters within 200 feet of shore between lines projected true west from points on the shore of San Juan Island at longitude  $123^{\circ} 10' 29''$  latitude  $48^{\circ} 33' 50''$  and longitude  $123^{\circ} 10' 31''$  latitude  $48^{\circ} 33' 45''$ , as such descriptions are shown upon the United States Coast and Geodetic Survey map numbered 6380, published March, 1947, in Washington, D. C., eighth edition.

Smugglers  
Cove.

(18) Andrews Bay reef net fishing area includes those waters lying within 300 feet of the shore of San Juan Island between a line projected true south from a point at the northern entrance of Andrews Bay at longitude  $123^{\circ} 09' 53\frac{1}{2}''$  latitude  $48^{\circ} 33' 00''$  and the cable crossing sign in Andrews Bay, at longitude  $123^{\circ} 09' 45''$  latitude  $48^{\circ} 33' 04''$ , as such descriptions are shown upon the United States Coast and Geodetic Survey map numbered 6380, published March, 1947, in Washington, D. C., eighth edition.

Andrews Bay.

(19) Orcas Island reef net fishing area includes those waters inland and inside a line projected true west a distance of 1,000 yards from the shore of Orcas Island at longitude  $122^{\circ} 57' 40''$  latitude  $48^{\circ} 41' 06''$  thence northeasterly to Point Doughty, as such descriptions are shown upon the United States Coast and Geodetic Survey map numbered 6380, published March, 1947, in Washington, D. C., eighth edition.

Orcas Island.

SEC. 3. The director may by appropriate regulations specify the distances to be maintained between rows of reef net gears.

Distances  
specified.

SEC. 4. It shall be unlawful to fish for salmon for commercial purpose with reef net fishing gear in

Commercial  
purpose  
salmon fish-  
ing unlawful.

any waters of the state of Washington except in those waters within the reef net areas described in this chapter.

**Invalidity.**

SEC. 5. The several provisions of this act are hereby declared to be separate and severable, and if any clause, sentence, paragraph, subdivision, section or part thereof shall, for any reason, be adjudged invalid, or the applicability thereof to any person, circumstance or product adjudged invalid, such judgment shall not affect, impair or invalidate the remainder of the act, and the applicability thereof to other persons, circumstances or products shall not thereby be affected, but such judgment, if any, shall be confined in its operation to the particular clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

**Emergency**

SEC. 6. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate March 4, 1955.

Passed the House March 2, 1955.

Approved by the Governor March 18, 1955.

## CHAPTER 277.

[ S. B. 66. ]

## STATE EMPLOYEES' RETIREMENT SYSTEM.

AN ACT relating to the state employees' retirement system; amending sections 1, 5, 7 and 10, chapter 200, Laws of 1953, section 2, chapter 201, Laws of 1953, section 15, chapter 200, Laws of 1953, sections 6 and 9, chapter 50, Laws of 1951, and amending RCW 41.40.010, 41.40.120, 41.40.150, 41.40.180, 41.40.200, 41.40.290, and 41.40.310, and declaring an emergency.

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

SECTION 1. Section 1, chapter 200, Laws of 1953, and RCW 41.40.010, are each amended to read as follows: Amendment.

As used in this chapter, unless a different meaning is plainly required by the context: Definitions as herein used.

(1) "Retirement system" means the state employees' retirement system provided for in this chapter. "Retirement system."

(2) "Retirement board" means the board provided for in this chapter to administer said retirement system. "Retirement board" defined.

(3) "State treasurer" means the treasurer of the state of Washington. "State treasurer" defined.

(4) "Employer" means every branch, department, agency, commission, board, and office of the state and any political subdivision of the state admitted into the retirement system. "Employer" defined.

(5) "Member" means any employee included in the membership of the retirement system, as provided for in RCW 41.40.120. "Member" defined.

(6) "Original member" of this retirement system means: "Original member" defined.

(a) Any person who became a member of the system prior to April 1, 1949;

(b) Any person who becomes a member through the admission of an employer into the retirement

system on and after April 1, 1949, and prior to April 1, 1951;

(c) Any person who first becomes a member by securing employment with an employer prior to April 1, 1951, provided he has rendered at least one or more years of service to any employer prior to October 1, 1947;

(d) Any person who first becomes a member through the admission of an employer into the retirement system on or after April 1, 1951, provided, such person has been in the regular employ of the employer for at least six months of the twelve month period preceding the said admission date;

(e) Any member who has restored all his contributions that may have been withdrawn by him as provided by RCW 41.40.150 and who on the effective date of his retirement becomes entitled to be credited with ten years or more of membership service except that the provisions relating to the minimum amount of retirement allowance for the member upon retirement at age seventy as found in RCW 41.40.190(4) shall not apply to the member.

(f) Any member who has been a contributor under the system for two or more years, after restoring all contributions previously withdrawn, if any, and who has rendered ten or more years of service for the state or any political subdivision thereof prior to the time of the admission of the employer into the system; except that the provisions relating to the minimum amount of retirement allowance for the member upon retirement at age seventy as found in RCW 41.40.190(4) shall not apply to the member.

"New member" defined.

(7) "New member" means a person who becomes a member on or after April 1, 1949, except as otherwise provided in this section.

"Compensation earnable" defined.

(8) "Compensation earnable" means salaries or wages earned during a payroll period for personal

services and where the compensation is not all paid in money maintenance compensation shall be included upon the basis of the schedules established by the member's employer.

(9) "Service" means periods of employment rendered to any employer for which compensation is paid, and includes time spent in office as an elected or appointed official of an employer. Full time work for ten days or more or an equivalent period of work in any given calendar month shall constitute one month of service. Only months of service shall be counted in the computation of any retirement allowance or other benefit provided for in this chapter. Years of service shall be determined by dividing the total number of months of service by twelve. Any fraction of a year of service as so determined shall be taken into account in the computation of such retirement allowance or benefits. Service by a state employee officially assigned by the state on a temporary basis to assist another public agency, shall be considered as service as a state employee.

"Service"  
defined.

(10) "Prior service" means all service of an original member rendered to any employer prior to October 1, 1947.

"Prior service"  
defined.

(11) "Membership service" means:

"Membership  
service"  
defined.

(a) In the case of any person who first becomes a member through the admission of an employer into the retirement system on and after April 1, 1949, all service rendered after October 1, 1947;

(b) In the case of all other members, all service as a member.

(12) "Beneficiary" means any person in receipt of a retirement allowance, pension or other benefit provided by this chapter.

"Beneficiary"  
defined.

(13) "Regular interest" means such rate as the retirement board may determine, such rate not to be lower than one percent per annum nor more than four percent per annum compounded annually.

"Regular in-  
terest" defined.

"Accumulated contributions" defined.

(14) "Accumulated contributions" means the sum of all contributions for the purchase of annuities standing to the credit of a member in his individual account together with regular interest thereon.

"Average final compensation" defined.

(15) "Average final compensation" means the annual average of the greatest compensation earnable by a member during any consecutive five year period of service for which service credit is allowed; or if he has less than five years of service then the annual average compensation earnable during his total years of service for which service credit is allowed.

"Final compensation" defined.

(16) "Final compensation" means the annual rate of compensation earnable by a member at the time of termination of his employment.

"Annuity" defined.

(17) "Annuity" means payments for life derived from accumulated contributions of a member. All annuities shall be paid in monthly installments.

"Pension" defined.

(18) "Pension" means payments for life derived from contributions made by the employer. All pensions shall be paid in monthly installments.

"Retirement allowance" defined.

(19) "Retirement allowance" means the sum of the annuity and the pension.

"Annuity reserve" defined.

(20) "Annuity reserve" means the present value, computed upon the basis of such mortality, and other tables, as shall be adopted by the retirement board, of all payments to be made on account of any annuity or benefits in lieu of any annuity granted to a member under the provisions of this chapter.

"Pension reserve" defined.

(21) "Pension reserve" means the present value, computed upon the basis of such mortality, and other tables, as shall be adopted by the retirement board, of all payments to be made on account of any pension, or benefits in lieu of any pension, granted to a member under the provisions of this chapter.

"Employee" defined.

(22) "Employee" means any person who may become eligible for membership under this chapter, as set forth in RCW 41.40.120.



(23) "Contributions for the purchase of annuities" means amounts deducted from the compensation of a member, under the provisions of RCW 41.40.330, other than contributions to the retirement system expense fund.

"Contributions for the purchase of annuities" defined.

(24) "Actuarial equivalent" means a benefit of equal value when computed upon the basis of such mortality and other tables as may be adopted by the retirement board.

"Actuarial equivalent" defined.

(25) "Retirement" means withdrawal from active service with a retirement allowance as provided by this chapter.

"Retirement" defined.

(26) "Eligible position" means:

"Eligible position" defined.

(a) Any position which normally requires five or more uninterrupted months of service a year for which regular compensation is paid to the occupant thereof;

(b) Any position occupied by an elected official or person appointed directly by the governor for which compensation is paid.

(27) "Ineligible position" means any position which does not conform with the requirements set forth in section (26).

"Ineligible position" defined.

(28) "Leave of absence" means the period of time a member is authorized by the employer to be absent from service without being separated from membership.

"Leave of absence" defined.

SEC. 2. Section 5, chapter 200, Laws of 1953, and RCW 41.40.120, are each amended to read as follows:

Amendment.

Membership in the retirement system shall consist of all regularly compensated employees and appointive and elective officials of employers as defined in this chapter who have served at least six months without interruption, with the following exceptions:

Membership in retirement system; qualification.

(1) Persons in ineligible positions;

(2) Employees of the legislature except the officers thereof elected by the members of the senate

Disqualified from membership.

and the house and legislative committees, unless membership of such employees be authorized by the said committee;

(3) Persons holding elective offices or persons appointed directly by the governor: *Provided*, That such persons shall have the option of applying for membership and to be accepted by the action of the retirement board, such membership may become effective at the start of the term of office: *And provided further*, That any such persons previously denied service credit because of any prior laws excluding membership which have subsequently been repealed, shall nevertheless be allowed to recover or regain such service credit denied or lost because of the previous lack of authority;

(4) Employees holding membership in, or receiving pension benefits under, any retirement plan operated wholly or in part by an agency of the state or political subdivision thereof, or who are by reason of their current employment contributing to or otherwise establishing the right to receive benefits from any such retirement plan: *Provided, however*, In any case where the state employees' retirement system has in existence an agreement with another retirement system in connection with exchange of service credit or an agreement whereby members can retain service credit in more than one system, such an employee shall be allowed membership rights should the agreement so provide: *And provided further*, That an employee shall be allowed membership if otherwise eligible while receiving survivor's benefits as secondary payee under the optional retirement allowances as provided by RCW 41.40.290;

(5) Patient and inmate help in state charitable, penal and correctional institutions;

(6) "Members" of a state veterans' home or state soldiers' home;

(7) Persons employed by an employer or serving in an institution operated by an employer, primarily as an incident to and in furtherance of their education or training;

(8) Employees of the University of Washington and the State College of Washington during the period of service necessary to establish eligibility for membership in the retirement plans operated by such institutions;

(9) Persons rendering professional services to an employer on a fee, retainer or contract basis or as an incident to the private practice of a profession.

SEC. 3. Section 7, chapter 200, Laws of 1953, and RCW 41.40.150, are each amended to read as follows:

Amendment.

Should any member die, or should he separate or be separated from service without leave of absence before attaining age sixty years, or should he become a beneficiary, except a beneficiary of an optional retirement allowance as provided by RCW 41.40.290, he shall thereupon cease to be a member: *Provided*, That any member who would have attained sixty years or more by April 1, 1949, who shall be involuntarily separated from service prior to that date, with ten years or more service, shall not thereby lose his right to benefits under this chapter. Should he again become employed by an employer he shall enter the retirement system as a new member and his membership service shall be computed from the date he last became a member, except;

Person deemed no longer member.

Member, sixty before April April 1, 1949, involuntarily separated prior thereto, retains benefits hereunder.

(1) As provided in RCW 41.40.170.

(2) An employee who reenters or has reentered service within ten years from the date of his separation, shall upon completion of six months of continuous service and upon the restoration of all withdrawn contributions, which restoration must be completed within a total period of three years of membership service following his first resumption of employment, be returned to the status, either as an

Reentering service; qualifications for membership.

original member or new member which he held at time of separation.

Member separated for reasons beyond his control remains member during absence.

(3) A member separated for reasons beyond his control, who has completed at least fifteen years of service, or who has completed at least ten years of service and is age fifty or older shall remain a member during the period of his absence from service for the exclusive purpose only of receiving a retirement allowance to begin at attainment of age sixty-five, however, such a member may upon thirty days written notice to the board elect to receive a reduced retirement allowance on or after age sixty which allowance shall be the actuarial equivalent of the sum necessary to pay regular retirement benefits as of age sixty-five: *Provided*, That if such member should withdraw all or part of his accumulated contributions he shall thereupon cease to be a member unless the amounts so withdrawn be restored before his retirement age is reached.

Proviso.

Recipient of retirement allowance not yet seventy shall immediately become member of retirement system.

(4) (a) The recipient of a retirement allowance who has not yet reached the compulsory retirement age of seventy and who shall be employed in an eligible position shall be considered to have terminated his retirement status and he shall immediately become a member of the retirement system with the status of membership he had as of the date of his retirement. Retirement benefits shall be suspended during the period of his eligible employment and he shall make contributions and receive membership credit. Such a member shall have the right to again retire if eligible in accordance with RCW 41.40.180: *Provided*, That where any such right to retire is exercised to become effective before the member has rendered six uninterrupted months of service the type of retirement allowance he had at the time of his previous retirement shall be reinstated, but no additional service credit shall be available;

Previous retirement allowance reinstated unless six months continuous service.

(b) The recipient of a retirement allowance who has not yet reached the compulsory retirement age of seventy, following his election to office or appointment to office directly by the governor, and who shall apply for and be accepted in membership as provided in RCW 41.40.120(3) shall be considered to have terminated his retirement status and he shall become a member of the retirement system with the status of membership he had as of the date of his retirement. Retirement benefits shall be suspended from the date of his return to membership until the date when he again retires and he shall make contributions and receive membership credit. Such a member shall have the right to again retire if eligible in accordance with RCW 41.40.180: *Provided*, That where any such right to retire is exercised to become effective before the member has rendered six uninterrupted months of service the type of retirement allowance he had at the time of his previous retirement shall be reinstated, but no additional service credit shall be available: *And provided further*, That if such a recipient of a retirement allowance does not elect to apply for reentry into membership as provided in RCW 41.40.120(3), or should he have reached the age of seventy and be ineligible to apply as provided in RCW 41.40.125, he shall be considered to remain in a retirement status and his retirement benefits shall continue without interruption.

Termination of retirement status and membership status reacquired.

Six continuous months service or previous retirement allowance.

Proviso.

(5) Subject to the provisions of RCW 41.04.070, 41.04.080 and 41.04.100, any member who leaves the employment of an employer and enters the employ of a public agency or agencies of the state of Washington, other than those within the jurisdiction of the state employees' retirement system, and who establishes membership in a retirement system or a pension fund operated by such agency or agencies and who shall continue his membership therein until

Remaining member while changing employment.

attaining age sixty, shall remain a member for the exclusive purpose only of receiving a retirement allowance without the limitation found in RCW 41.40.190(5) to begin an attainment of age sixty-five, however, such a member may upon thirty days written notice to the retirement board elect to receive a reduced retirement allowance on or after age sixty which allowance shall be the actuarial equivalent of the sum necessary to pay regular retirement benefits commencing at age sixty-five: *Provided*, That if such member should withdraw all or part of his accumulated contributions, he shall thereupon cease to be a member unless the amount so withdrawn be restored before his retirement age is reached.

Proviso.

Amendment.

SEC. 4. Section 10, chapter 200, Laws of 1953, and RCW 41.40.180, are each amended to read as follows:

Members over sixty years old may retire upon written application to retirement board.

(1) On and after April 1, 1949, any member who has attained age sixty or over may retire upon his written application to the retirement board, setting forth at what time, not less than thirty days, nor more than ninety days subsequent to the execution and filing thereof, he desires to be retired: *Provided*, That in the national interest, during time of war engaged in by the United States, the retirement board may extend beyond age sixty, subject to the provisions of subsection (2) of this section, the age at which any member may be eligible to retire.

Retirement board may extend age.

Members over seventy shall be retired; retirement board may continue such member in service.

(2) On and after April 1, 1949, any member who has attained age seventy shall be retired forthwith on the first day of the calendar month next succeeding that in which the said member shall have attained the age of seventy: *Provided*, That a member who has attained the age of seventy is possessed of special skill in the performance of particular duties, the retirement board shall continue such member in service for such period or periods as may be applied for by the governing body of the political subdivision where the member is employed or the head of the

department, agency, commission, board and offices of the state.

(3) On and after April 1, 1953, any member who has completed thirty years of service may retire on his written application to the retirement board setting forth at what time, not less than thirty days, nor more than ninety days subsequent to the execution and filing thereof, he desires to be retired, subject to war measures.

Members completing thirty years of service may retire.

SEC. 5. Section 6, chapter 50, Laws of 1951, and RCW 41.40.200, are each amended to read as follows:

Amendment.

Subject to the provisions of RCW 41.40.310 and 41.40.320, upon application of a member, or his employer, a member who becomes totally incapacitated for duty as the natural and proximate result of an accident occurring in the actual performance of duty, while in the service of an employer, without wilful negligence on his part, shall be retired: *Provided*, The medical adviser after a medical examination of such member made by or under the direction of the said medical adviser shall certify in writing that such member is mentally or physically totally incapacitated for the further performance of his duty to his employer and that such member should be retired: *Provided further*, That the retirement board concurs in the recommendation of the medical adviser: *And provided further*, No application shall be valid or a claim thereunder enforceable unless filed within two years after the date upon which the injury occurred.

Total incapacitation for duty as result of accident occurring in actual performance of duty, without negligence, grounds for retirement.

Medical advisor to certify.

Retirement board concurrence.

Time limitation on filing.

SEC. 6. Section 2, chapter 201, Laws of 1953, and section 15, chapter 200, Laws of 1953, and RCW 41.40.290, are each amended to read as follows:

Amendment.

Except as provided by RCW 41.40.250, any member may elect, in accordance with the provisions of this section and in lieu of a regular retirement allowance payable throughout life with termination at death, to receive as an optional retirement allowance

Election to receive actuarial equivalent of regular retirement allowance.

When election of optional retirement allowance not effective.

Option II automatically given effect if surviving spouse so elects.

the actuarial equivalent, at the time of his retirement, of his regular retirement allowance in accordance with the provisions of options I, II, and III, as hereinafter set forth. No election of an optional retirement allowance shall be effective in case the member making such election dies before his actual retirement date: *Provided*, That any option selected in writing by any member who shall have heretofore died or who shall hereafter die while still in service at an attained age of seventy years or more shall be effective and in any such case if no such option shall have been selected, then option II shall automatically be given effect as if in fact selected for the benefit of the surviving spouse, unless such spouse shall elect to take payment under RCW 41.40.270: *Provided, however*, That any member who shall hereafter die while still in service at an attained age of sixty years and not more than seventy years and who has fifteen or more years of total service or ten or more years of membership service, or who has thirty or more years of total service regardless of age shall have option II automatically given effect as if in fact selected for the benefit of the surviving spouse, unless such spouse shall elect to take payment under RCW 41.40.270.

Option I.

Option I. If he dies before the total of the annuity portions of the retirement allowance paid to him equals the amount of his accumulated contributions at the time of retirement, then the balance shall be paid to such person or persons having an insurable interest in his life, as he shall have nominated by written designation duly executed and filed with the retirement board, or if there be no such designated person or persons, then to his legal representatives; or

Option II.

Option II. Upon his death his reduced retirement allowance shall be continued throughout the life of and paid to such person, having an insurable interest in his life, as he shall have nominated by written



designation duly executed and filed with the retirement board at the time of his retirement; or

Option III. Upon his death, one-half of his reduced retirement allowance shall be continued throughout the life of and paid to such person, having an insurable interest in his life, as he shall have nominated by written designation duly executed and filed with the retirement board at the time of his retirement. Option III.

SEC. 7. Section 9, chapter 50, Laws of 1951, and RCW 41.40.310, are each amended to read as follows: Amendment.

(1) Once each year during the first five years following the retirement of a member on a disability pension or retirement allowance, and at least once in every three year period thereafter the retirement board may, and upon the member's application shall, require any disability beneficiary, who has not attained age sixty years, to undergo a medical examination; such examination to be made by or under the direction of the medical adviser at the place of residence of said beneficiary, or other place mutually agreed upon. Should any disability beneficiary, who has not attained age sixty years, refuse to submit to such medical examination in any such period, his disability pension or retirement allowance may be discontinued until his withdrawal of such refusal, and should such refusal continue for one year, all his rights in and to his disability pension, or retirement allowance, may be revoked by the retirement board. If upon such medical examination of a disability beneficiary, the medical adviser reports and his report is concurred in by the retirement board, that the disability beneficiary is physically able and capable of resuming employment, or is no longer totally incapacitated for duty as the result of the injury for which the disability was granted, his disability pension or retirement allowance shall cease.

Disability beneficiary may be required to undergo a medical examination.

Refusal to submit to medical examination can result in discontinuance of allowance.

Engaging in gainful occupation grounds for reduction of pension.

(2) Should the secretary report and certify to the retirement board that such disability beneficiary is engaged in a gainful occupation paying more than the difference between his disability retirement allowance and his final compensation, and should the retirement board concur in such report, then the amount of his pension shall be reduced to an amount which, together with his annuity, if he has an annuity, and the amount earned by him shall equal the amount of his final compensation. Should the earnings of such disability beneficiary be later changed, the amount of his pension shall be further modified in like manner.

Emergency.

SEC. 8. 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 existing public institutions, and shall take effect as of April 1, 1955.

Passed the Senate March 6, 1955.

Passed the House March 2, 1955.

Approved by the Governor March 18, 1955.

## CHAPTER 278.

[ S. B. 94. ]

## PUBLIC BUILDINGS—STANDARDS OF DESIGN AND CONSTRUCTION.

AN ACT requiring that hospitals, schools, buildings for places of public assembly, and publicly owned structures be designed and constructed to resist earthquakes; and providing penalties.

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

SECTION 1. The word "person" includes any individual, corporation, or group of two or more individuals acting together for a common purpose, whether acting in an individual, representative, or official capacity.

"Person" defined.

SEC. 2. Hospitals, schools, except one story, portable, frame school buildings, buildings designed or constructed as places of assembly accommodating more than three hundred persons; and all structures owned by the state, county, special districts, or any municipal corporation within the state of Washington shall hereafter be designed and constructed to resist probable earthquake intensities at the location thereof in accordance with section 3 of this act, unless other standards of design and construction for earthquake resistance are prescribed by enactments of the legislative authority of counties, special districts, and/or municipal corporations in which the structure is constructed.

Buildings to be designed and constructed to resist earthquake intensities.

SEC. 3. Structural frames, exterior walls, and all appendages of the buildings described in section 2 of this act, whose collapse will endanger life and property shall be designed and constructed to withstand horizontal forces from any direction of not less than the following fractions of the weight of the structure and its parts acting at the centers of gravity:

Western Washington 0.05

Violation of  
act misde-  
meanor.  
Proviso.

SEC. 4. Any person violating any provision of the act shall be guilty of a misdemeanor: *Provided*, That any person causing such a building to be built shall be entitled to rely on the certificate of a licensed professional engineer and/or registered architect that the standards of design set forth above have been met.

Passed the Senate February 8, 1955.

Passed the House March 7, 1955.

Approved by the Governor March 18, 1955.

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CHAPTER 279.

[ Sub. S. B. 54. ]

STATE CAPITOL BUILDINGS AND LAND.

AN ACT relating to state government; authorizing the issuance of bonds for the construction of a new state office building, a new state library building, and for the clearing of piling and debris from Capitol Lake; authorizing the refunding of bonds heretofore issued; prescribing purposes for which the proceeds shall be used; defining certain powers of the state capitol committee; amending sections 3, 4, 5 and 7, chapter 22, Laws of 1951 (uncodified) as amended by section 3, chapter 187, Laws of 1953; making an appropriation; and declaring an emergency.

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

Authority to  
issue coupon  
or registered  
bonds of  
state capitol  
committee;  
amount and  
limitations on.

SECTION 1. The state capitol committee may issue coupon or registered bonds of the state in an amount not to exceed four million three hundred thousand dollars. The bonds shall bear interest at a rate not to exceed four percent per annum, both principal and interest to be payable only from revenues hereafter received from leases and contracts of sale heretofore or hereafter made of lands, timber, and other products from the surface or beneath the surface of the lands granted to the state by the United States pursuant to the act of Congress approved February 22, 1889, for capitol building purposes.

SEC. 2. Such bonds may be sold in such manner and in such amount, in such denominations, and at such times as the capitol committee shall determine, at the best price obtainable, but not for a sum so low as to make the net interest return to the purchaser exceed four percent per annum as computed by standard tables upon such sums.

Selling of  
bonds.

SEC. 3. Section 3, chapter 22, Laws of 1951 (un-

Amendment.

codified) is amended to read as follows:

Bonds issued under this act shall mature serially and annually beginning two years after date of issue and ending not later than the twentieth year after the date of issue in such amounts as nearly as practicable, as will, together with the interest, require an equal amount of money for the payment of said principal and interest, with the option to redeem any or all of said bonds at par in inverse order of number on any semiannual interest paying date. The principal and interest of said bonds shall be payable at the office of the state treasurer, or at the office of the fiscal agent of the state in New York City at the option of the holder of any such bond or bonds. Any bonds which may have been heretofore issued and are now outstanding by authority of chapter 22, Laws of 1951 as amended, may be refunded out of the proceeds of the bonds provided for in this amendatory act and the state capitol committee may repeal any resolution heretofore adopted authorizing issuance of such bonds and may negotiate a cancellation of any agreements to purchase such bonds.

Maturity of  
issued bonds;  
principal and  
interest paid.

Bonds hereto-  
fore issued  
may be  
refunded.

SEC. 4. Section 4, chapter 22, Laws of 1951 (un-

Amendment.

codified) is amended to read as follows:

The bonds shall be signed by the governor and state auditor under the seal of the state which may be printed or engraved in the border of such bonds. The signature of the governor may be a facsimile printed upon the bonds and any coupons attached

Form and  
signatures on  
bonds.

Registration  
of bonds.

thereto shall be signed with the facsimile signatures of said officials. Any of such bonds may be registered in the name of the holder upon presentation to the state treasurer, or at the fiscal agency of the state in New York City, as to principal alone, or as to both principal and interest, under such regulations as the treasurer may prescribe.

Created capi-  
tol building  
bond redemp-  
tion fund.

SEC. 5. For the purpose of paying the principal and interest of said bonds as the same shall become due, or as said bonds become callable at the option of the capitol committee, there is hereby created a fund to be denominated the "capitol building bond redemption fund." While any of said bonds remain outstanding and unpaid, it shall be the duty of the capitol committee in December of each year to determine the amount that will be required for the redemption of bonds and the payment of interest during the twelve month period of the next calendar year, and certify said amount to the state treasurer in writing. The state treasurer shall forthwith and thereafter during said twelve month period deposit into the capitol building bond redemption fund all receipts that would otherwise be deposited in the capitol building construction fund until the amount certified to said treasurer by the said capitol committee has accrued to the capitol building bond redemption fund.

Receipts  
deposited from  
capitol  
building  
construction  
fund.

Proceedings  
to compel  
deposit of  
funds.

The owner and holder of any of said bonds or the trustee for any of said bonds may by mandamus or other appropriate proceeding require and compel the deposit and payment of funds as directed herein.

Bond sale  
proceeds.

The proceeds from the sale of the bonds hereby authorized shall be paid into the capitol building construction fund.

SEC. 6. Bonds authorized by this act shall be accepted by the state, counties, cities, towns, school districts, and other political subdivisions as security

for the deposit of any of their funds in any banking institution. Any officer of this state, or any county, city, town, school district, or other political subdivision may invest surplus funds, which he is authorized to invest in securities, and where such authorization is not limited or restricted as to the class of securities in which he may invest, in bonds issued under this act.

Bonds  
accepted as  
security.

SEC. 7. Section 7, chapter 22, Laws of 1951 (uncodified), as amended by section 3, chapter 187, Laws of 1953 (uncodified), is amended to read as follows:

Amendment.

Proceeds of the bonds issued hereunder shall be expended by the state capitol committee for the purposes enumerated in this section.

Bond proceeds  
expended for  
following  
purposes.

The state capitol committee may:

(1) Select and acquire, by purchase or condemnation, suitable grounds adjacent to the present capitol grounds and construct thereon a modern office-type building and furnish the same. Said building shall be reinforced concrete construction, but devoid of stone facing or decorative features. The building shall contain not less than one hundred ten thousand square feet of floor space and shall include an auditorium or hearing room of reasonable size. The plans for the building shall make provision for the later addition if necessary of another wing to the building. The public printer, and such other state agencies, departments, and offices, as may from time to time be assigned by the director of public institutions, shall be housed in said building. The building referred to in this subsection is that building which was commenced under authority of chapter 22, Laws of 1951, as amended by chapter 187, Laws of 1953, and which presently is under construction;

Office type  
building.

(2) Construct and furnish a building for the purpose of adequately housing the state library to-

State library  
building.

gether with all books, materials, equipment, and offices thereof;

Debris from Capitol Lake.

(3) Clear piling and debris from Capitol Lake.

Location of improvements.

The improvements provided for in subsection (2) of this section shall be located either upon the present capitol grounds or upon lands contiguous thereto. The capitol committee may select such lands and acquire them by purchase or condemnation. As an aid to such selection, the committee may cause location, topographical, economic, traffic, and other surveys to be conducted, and for this purpose may utilize the services of existing state agencies, may employ personnel, or may contract for the services of any person, firm or corporation. In selecting plans for the construction of the improvements authorized by this section and use of the grounds, the committee shall consider recommendations of the director of public institutions for the purpose of coordinating such plans with the over-all office space needs of the various state departments.

Appropriation.

SEC. 8. There is appropriated to the state capitol committee from the capitol building construction fund for the interim period, April 1 through June 30, 1955 (being the period following the fiscal biennium April 1, 1953 through March 31, 1955; and preceding the fiscal biennium July 1, 1955 through June 30, 1957) and for the fiscal biennium commencing July 1, 1955 and ending June 30, 1957, for the purposes of this act, the sum of four million four hundred seventeen thousand, seven hundred eighteen dollars and fifty-nine cents, or so much thereof as may be necessary, which sum represents the total of the following amounts: (a) Unexpended balance of amount appropriated in chapter 22, Laws of 1951, and reappropriated in chapter 187, Laws of 1953, one million two hundred ninety-two thousand, seven hundred eighteen dollars and fifty-nine cents; (b) unexpended new appropriation in chapter 187, Laws of

Appropriation represents total of these accounts.



1953, one million eight hundred fifty thousand dollars; (c) new appropriation herein, one million two hundred seventy-five thousand dollars.

SEC. 9. This act is necessary for the immediate Emergency. preservation of the public peace, health and safety, and for the immediate support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate March 9, 1955.

Passed the House March 6, 1955.

Approved by the Governor March 18, 1955.

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CHAPTER 280.

[ S. B. 163. ]

APPROPRIATIONS—STATE AGENCY FOR SURVEYS AND MAPS.

AN ACT relating to surveys and maps; and making an appropriation.

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

SECTION 1. For the biennium ending June 30, 1957, there is hereby appropriated from the general fund to the commissioner of public lands fifty thousand dollars to carry out the provisions of chapter 58.24 RCW. Appropriation from general fund to commissioner of public lands.

Passed the Senate February 3, 1955.

Passed the House March 8, 1955.

Approved by the Governor March 18, 1955.

CHAPTER 281.

[ S. B. 360. ]

STATE LANDS—RECONVEYANCE IN GRAYS HARBOR COUNTY.

AN ACT declaring erroneous in part a certain deed by which the state of Washington acquired title to land in Grays Harbor county, and restoring said lands to the grantors therein named or their successors and assigns.

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

Declaration inclusion of described property erroneous.

SECTION 1. It is hereby declared that inclusion of the following described real property, to wit: That portion of lots 9 and 10 lying west of State Road No. 9, block 18, first addition to McCleary townsite, as per plat recorded in volume 4 of plats, page 47, records of Grays Harbor, state of Washington, in that certain right of way deed executed by Alexander M. Mulinowski and Maggie Mulinowski, his wife, dated February 14, 1922, under fee No. 129681, and recorded in volume 155 of deeds at page 444, records of Grays Harbor county, was erroneous and inadvertent.

Right of way released and property revested.

SEC. 2. All right which the state of Washington acquired in said property by and through said right of way deed with regard to the property hereinbefore described is hereby released and said property is hereby restored to and revested in the grantors named in said right of way deed, or their successors or assigns of record.

Direction to commissioner of public lands to draw deed.

SEC. 3. The commissioner of public lands is hereby directed to draw a deed, with the seal of the state attached thereto, covering the above-described property, to the grantors or their successors or assigns, said deed to be signed by the governor and attested by the secretary of state.

Passed the Senate February 24, 1955.

Passed the House March 8, 1955.

Approved by the Governor March 18, 1955.

## CHAPTER 282.

[ S. B. 420. ]

## COMIC BOOKS.

AN ACT relating to comic books; regulating their distribution and sale; prohibiting distribution and sale of certain crime comic books to minors; providing penalties.

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

SECTION 1. The publication, sale and distribution of crime comic books is a basic factor in impairing the moral and mental health of minors. Such publication, sale and distribution, being detrimental to the ethical development of minors, contributes to their delinquency and is a source of crime. Therefore the legislature hereby finds and declares that the provisions hereinafter enacted are essential to the public interest.

Publication, sale and distribution of comic books; effect of.

SEC. 2. This act shall be deemed an exercise of the police power of the state for the protection of the welfare, mental 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.

Exercise of police power.

Liberal construction.

SEC. 3. For the purposes of this act the following words shall have the following definitions:

Definitions.

(1) "Wholesale" means a sale by a publisher, wholesale dealer, distributor or jobber to a person who sells, or intends to sell direct to the user; "wholesale dealer" means a publisher, wholesale dealer, distributor or jobber;

"Wholesale" defined.

(2) "Retail" means a sale to the ultimate user; and "retail dealer" means a person who sells to the ultimate user, but who receives a portion of the comic books he sells from unlicensed wholesale dealers, or from wholesale dealers outside the state;

"Retail" defined.

(3) "Dealer" means any wholesale or retail dealer;

"Dealer" defined.

“Comic book” defined.

(4) “Comic book” means any book, magazine or pamphlet, sold or distributed for profit, a major part of which consists of drawings depicting or telling a story of a real or fanciful event or series of events, with a substantial number of said drawings setting forth the spoken words of the characters with pointers, or brackets, or enclosures, or by such other means as will plainly indicate the character speaking such words: *Provided, however,* That no comic section of any regularly published daily or weekly newspaper shall be deemed to be a “comic book” for the purposes of this act;

“Supervisor” defined.

(5) “Supervisor” means the supervisor of children and youth services.

License requirement.

SEC. 4. It shall be unlawful for any person, firm or corporation to sell or have in his possession with intent to sell, any comic book which would appeal to, or be likely to be read or looked at by minors under the age of eighteen, at wholesale or retail, without having a valid and subsisting wholesale dealer’s or retail dealer’s license; or for any licensed wholesale dealer to make any sale, other than at wholesale; or for any licensed retail dealer to make any sale other than at retail. Any dealer violating this section shall be guilty of a misdemeanor. Upon a second conviction for such violation, the dealer shall be punished as for a gross misdemeanor, and upon a third conviction as for a felony.

Violation is misdemeanor.

Gross misdemeanor. Felony.

Presumption.

SEC. 5. For the purposes of this act, all comic books shall be presumed to be appealing to and likely to be read or looked at by minors under the age of eighteen. This presumption may not be overcome by statements to the effect that the comic book was not intended for juveniles under the age of eighteen years.

Wholesale dealer’s license fee.

SEC. 6. The fee for a wholesale dealer’s license shall be one hundred dollars, and the fee for a

retail dealer's license shall be one dollar. A separate license shall be required for each store, warehouse, or place of business from which sales are made.

Retail dealer's license fee.

SEC. 7. No dealer shall print, publish, design, prepare, import, distribute, exhibit, display, sell or possess with intent to sell, or offer to sell any comic book appealing to or likely to be read or looked at by minors under the age of eighteen years which is obscene or indecent; or which is devoted to the publication or exploitation of fictional or actual deeds of violent bloodshed, lust, crime or immorality by characters depicted either as real or fanciful, human or inhuman, so massed as reasonably to tend to incite minors to violence or depraved or immoral acts against the person.

Prohibition as to type of comic books.

SEC. 8. No wholesale dealer shall as a condition to a sale or delivery for resale of any paper, magazine, book, periodical or publication require that the purchaser or consignee receive for resale any comic book appealing to or likely to be read or looked at by minors under the age of eighteen years.

Limitation on wholesale dealer.

SEC. 9. Any dealer who sells or distributes commercially or has in his possession with intent to sell, distribute commercially, or who otherwise offers for sale or commercial distribution any comic book appealing to or likely to be read or looked at by minors under the age of eighteen years, which is devoted to the publication and exploitation of fictional or actual deeds of violent bloodshed, lust, crime or immorality by characters depicted either as real or fanciful, human or inhuman, so massed as reasonably to tend to incite minors to violence or depraved or immoral acts against the person, shall be guilty of a misdemeanor. Upon a second conviction for violation of this section, the dealer shall be punished as for a gross misdemeanor, and upon a third conviction as for a felony.

Violation is misdemeanor; gross misdemeanor, and felony.

Supervisors right to refuse issuance of license or revoke or suspend.

SEC. 10. Subject to the following limitations, the supervisor may refuse to issue a dealer a license, or may suspend or revoke such license, whenever he shall find that the dealer has violated any of the provisions of this act or of RCW 9.68.010. This shall be in addition to any penalties imposed by the court. For the first offense, the license may be suspended for not more than one year; for the second offense, for not less than six months nor more than two years; for the third offense, for not less than one year nor more than three years. For the fourth offense, the license may be permanently revoked. For the purpose of this section, all violations occurring the same calendar week shall be deemed a single offense.

Violations in calendar week, single offense.

Upon complaint supervisor calls hearing.

SEC. 11. Upon receipt of a complaint or other information by the supervisor that an applicant should not be licensed or that a dealer has violated any of the provisions of this act, he may call a hearing to give the person affected an opportunity to show cause why his application for license should not be refused or why his license should not be revoked or suspended. Notice of the hearing shall be given in writing by registered mail to the holder or applicant for such license and shall designate a time and place for the hearing before the supervisor which shall be not less than ten days from the date of the notice. The supervisor may require the attendance of any witnesses or documents by issue of subpoenas, and shall make a record of all proceedings and testimony. Should the supervisor decide that an existing license should be suspended or revoked or that an application for issuance of a license should be denied the applicant or licensee may, within thirty days from the date of the decision of the supervisor, appeal to the superior court of the county of the aggrieved person's residence for a review of the record of the decision, filing a notice of appeal with the clerk of

Notice of hearing given.

Supervisor's decision.

Right of appeal to superior court.

Notice of appeal filed.

the superior court and at the same time filing a copy of such notice with the supervisor. On receipt of such notice, the supervisor shall prepare, certify and forward to the court the record of the proceedings. No license may be revoked or suspended and no application for license may be denied without a prior hearing held as herein provided.

Record of proceedings prepared, certified and forwarded to court.

SEC. 12. The supervisor shall refuse to issue a wholesale dealer's license to any applicant, or if the license has already been granted, shall revoke the same, if it shall appear that any wholesale dealer, whose license has been revoked or suspended, has a beneficial interest in the business of the applicant, or if it shall appear that the applicant is the successor in interest to all or a part of the business and good will of a wholesale dealer, whose license has been revoked or suspended.

Supervisor to refuse issuance of wholesale dealer's license to applicant.

SEC. 13. Each wholesale dealer, within ten days after distributing any issue of any comic book to any retail dealer, shall supply three copies of each such issue to the supervisor. Any person purchasing any issue of any comic book from a source outside the state shall, in a similar manner, submit three copies thereof to the supervisor prior to retail sale.

Wholesale dealer to supply copies of comic book to supervisor.

Out-of-state source purchases.

SEC. 14. The supervisor of children and youth services shall, with the advice and guidance of the council for children and youth, enforce the provisions of this act and shall, with the advice and guidance of the council for children and youth, adopt reasonable rules and regulations to carry this act into effect. The appointment of personnel to assist in the administration of this act shall be done in accordance with the provisions of RCW 43.19.290 through 43.19.360.

Supervisor of children and youth services shall enforce act.

SEC. 15. If any section or provision of the act shall be adjudged to be invalid, such adjudication shall not affect the validity of the act as a whole or

Invalidity.

any section, provision or part thereof not adjudged to be invalid.

Passed the Senate March 3, 1955.

Passed the House March 8, 1955.

Approved by the Governor March 18, 1955.

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## CHAPTER 283.

[ S. B. 498. ]

### MOTOR VEHICLES—DEALER LICENSE PLATES.

AN ACT relating to the use of dealer license plates; and amending section 10, chapter 150, Laws of 1951 and RCW 46.70.090.

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

Amendment.

SECTION 1. Section 10, chapter 150, Laws of 1951 and RCW 46.70.090 are each amended to read as follows:

Dealer license plate displayed.

The dealer license plate shall be displayed upon every vehicle demonstrated by such dealer whenever the same is operated upon any public highway in this state, and on such vehicles as may be actually owned by the dealer and used by members or employees of his firm for the purposes for which said dealer license was actually issued. Dealer license plates shall not be used upon any vehicle for the transportation of any person, produce, freight or commodities, except there shall be permitted the use of such dealer license plates on a vehicle transporting commodities in course of demonstration over a period not to exceed seventy-two consecutive hours from the commencement of such demonstration, if a representative of the dealer is present and accompanies such vehicle during the course of the demonstration: *Provided*, That nothing herein shall be interpreted in such manner as to prevent a dealer from moving, by vehicle bearing a dealer license plate, another vehicle or vehicles upon which the

Limitation on use of vehicle whereon dealer license plates are displayed.

Proviso.



said dealer might have used his dealer license plate: *Provided further*, That transportation of dealers' own tools and equipment, in a vehicle bearing a dealer license plate, to a total net weight not to exceed five hundred pounds shall not be considered a violation of the use of said dealer license.

Transportation of dealers' tools and equipment permitted.

Passed the Senate March 3, 1955.

Passed the House March 8, 1955.

Approved by the Governor March 18, 1955.

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## CHAPTER 284.

[ S. B. 433. ]

### INTERSTATE COMPACT ON JUVENILES.

AN ACT relating to an interstate compact on juveniles; authorizing the state of Washington to enter into a compact with any of the United States, its territories and possessions, for the return of absconding or escaping juveniles, and mutual assistance in the supervision of juveniles on probation and parole; providing for the appointment of a juvenile compact administrator, prescribing powers and duties and declaring an emergency.

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

SECTION 1. Execution of Compact. The governor is hereby authorized and directed to execute a compact on behalf of this state with any other state or states legally joining therein in the form substantially as follows:

Authorization to governor to execute compact.

### INTERSTATE COMPACT ON JUVENILES

The contracting states solemnly agree:

#### ARTICLE I—Findings and Purposes

That juveniles who are not under proper supervision and control, or who have absconded, escaped or run away, are likely to endanger their own health, morals and welfare, and the health, morals and welfare of others. The cooperation of the states party to

Findings and purposes of compact.

this compact is therefore necessary to provide for the welfare and protection of juveniles and of the public with respect to:

(1) Cooperative supervision of delinquent juveniles on probation or parole;

(2) The return, from one state to another, of delinquent juveniles who have escaped or absconded;

(3) The return, from one state to another, of nondelinquent juveniles who have run away from home; and

(4) Additional measures for the protection of juveniles and of the public, which any two or more of the party states may find desirable to undertake cooperatively. In carrying out the provisions of this compact the party states shall be guided by the non-criminal, reformatory and protective policies which guide their laws concerning delinquent, neglected or dependent juveniles generally. It shall be the policy of the states party to this compact to cooperate and observe their respective responsibilities for the prompt return and acceptance of juveniles and delinquent juveniles who become subject to the provisions of this compact. The provisions of this compact shall be reasonably and liberally construed to accomplish the foregoing purposes.

#### ARTICLE II—Existing Rights and Remedies

Addition to existing rights and remedies.

That all remedies and procedures provided by this compact shall be in addition to and not in substitution for other rights, remedies and procedures, and shall not be in derogation of parental rights and responsibilities.

#### ARTICLE III—Definitions

Definitions. "Delinquent juvenile."

That, for the purposes of this compact, "delinquent juvenile" means any juvenile who has been adjudged delinquent and who, at the time the provisions of this compact are invoked, is still subject

to the jurisdiction of the court that has made such adjudication or to the jurisdiction or supervision of an agency or institution pursuant to an order of such court; "probation or parole" means any kind of conditional release of juveniles authorized under the laws of the states party hereto; "court" means any court having jurisdiction over delinquent, neglected or dependent children; "state" means any state, territory or possession of the United States, the District of Columbia, and the Commonwealth of Puerto Rico; and "residence" or any variant thereof means a place at which a home or regular place of abode is maintained.

"Probation or parole."

"Court."

"State."

"Residence."

#### ARTICLE IV—Return of Runaways

(a) That the parent, guardian, person or agency entitled to legal custody of a juvenile who has not been adjudged delinquent but who has run away without the consent of such parent, guardian, person or agency may petition the appropriate court in the demanding state for the issuance of a requisition for his return. The petition shall state the name and age of the juvenile, the name of the petitioner and the basis of entitlement to the juvenile's custody, the circumstances of his running away, his location if known at the time application is made, and such other facts as may tend to show that the juvenile who has run away is endangering his own welfare or the welfare of others and is not an emancipated minor. The petition shall be verified by affidavit, shall be executed in duplicate, and shall be accompanied by two certified copies of the document or documents on which the petitioner's entitlement to the juvenile's custody is based, such as birth certificates, letters of guardianship, or custody decrees. Such further affidavits and other documents as may be deemed proper may be submitted with such petition. The judge of the court to which this application is made may hold a hearing thereon to determine whether for the purposes of

Return of runaways.

Petition for issuance of requisition for return.

Verification.

Documents showing right to custody.

Hearing.

Requisition  
for return.

Requisition  
for return on  
court's own  
motion.

Receipt of  
requisition.

Detention  
order.

this compact the petitioner is entitled to the legal custody of the juvenile, whether or not it appears that the juvenile has in fact run away without consent, whether or not he is an emancipated minor, and whether or not it is in the best interest of the juvenile to compel his return to the state. If the judge determines, either with or without a hearing, that the juvenile should be returned, he shall present to the appropriate court or to the executive authority of the state where the juvenile is alleged to be located, a written requisition for the return of such juvenile. Such requisition shall set forth the name and age of the juvenile, the determination of the court that the juvenile has run away without the consent of a parent, guardian, person or agency entitled to his legal custody, and that it is in the best interest and for the protection of such juvenile that he be returned. In the event that a proceeding for the adjudication of the juvenile as a delinquent, neglected or dependent juvenile is pending in the court at the time when such juvenile runs away, the court may issue a requisition for the return of such juvenile upon its own motion, regardless of the consent of the parent, guardian, person or agency entitled to legal custody, reciting therein the nature and circumstances of the pending proceeding. The requisition shall in every case be executed in duplicate and shall be signed by the judge. One copy of the requisition shall be filed with the compact administrator of the demanding state, there to remain on file subject to the provisions of law governing records of such court. Upon the receipt of a requisition demanding the return of a juvenile who has run away, the court or the executive authority to whom the requisition is addressed shall issue an order to any peace officer or other appropriate person directing him to take into custody and detain such juvenile. Such detention order must substantially recite the

facts necessary to the validity of its issuance hereunder. No juvenile detained upon such order shall be delivered over to the officer whom the court demanding him shall have appointed to receive him, unless he shall first be taken forthwith before a judge of a court in the state, who shall inform him of the demand made for his return, and who may appoint counsel or guardian ad litem for him. If the judge of such court shall find that the requisition is in order, he shall deliver such juvenile over to the officer whom the court demanding him shall have appointed to receive him. The judge, however, may fix a reasonable time to be allowed for the purpose of testing the legality of the proceeding.

Juvenile  
rights.

Upon reasonable information that a person is a juvenile who has run away from another state party to this compact without the consent of a parent, guardian, person or agency entitled to his legal custody, such juvenile may be taken into custody without a requisition and brought forthwith before a judge of the appropriate court who may appoint counsel or guardian ad litem for such juvenile and who shall determine after a hearing whether sufficient cause exists to hold the person, subject to the order of the court, for his own protection and welfare, for such a time not exceeding ninety days as will enable his return to another state party to this compact pursuant to a requisition for his return from a court of that state. If, at the time when a state seeks the return of a juvenile who has run away, there is pending in the state wherein he is found any criminal charge, or any proceeding to have him adjudicated a delinquent juvenile for an act committed in such state, or if he is suspected of having committed within such state a criminal offense or an act of juvenile delinquency, he shall not be returned without the consent of such state until discharged from prosecution or other form of pro-

Custody taken  
without  
requisition.

Limitation on  
return of  
runaway  
to state.

ceeding, imprisonment, detention or supervision for such offense or juvenile delinquency. The duly accredited officers of any state party to this compact, upon the establishment of their authority and the identity of the juvenile being returned, shall be permitted to transport such juvenile through any and all states party to this compact, without interference. Upon his return to the state from which he ran away, the juvenile shall be subject to such further proceedings as may be appropriate under the laws of that state.

Cost of payment of transportation.

(b) That the state to which a juvenile is returned under this article shall be responsible for payment of the transportation costs of such return.

"Juvenile" defined.

(c) That "juvenile" as used in this article means any person who is a minor under the law of the state of residence of the parent, guardian, person or agency entitled to the legal custody of such minor.

#### ARTICLE V—Return of Escapees and Absconders

Return of escapees and absconders.

(a) That the appropriate person or authority from whose probation or parole supervision a delinquent juvenile has absconded or from whose institutional custody he has escaped shall present to the appropriate court or to the executive authority of the state where the delinquent juvenile is alleged to be located a written requisition for the return of such delinquent juvenile. Such requisition shall state the name and age of the delinquent juvenile, the particulars of his adjudication as a delinquent juvenile, the circumstances of the breach of the terms of his probation or parole or of his escape from an institution or agency vested with his legal custody or supervision, and the location of such delinquent juvenile, if known, at the time the requisition is made. The requisition shall be verified by affidavit, shall be executed in duplicate, and shall be accompanied by two certified copies of the judgment,

Requisition for return.

Verification of requisition.

formal adjudication, or order of commitment which subjects such delinquent juvenile to probation or parole or to the legal custody of the institution or agency concerned. Such further affidavits and other documents as may be deemed proper may be submitted with such requisition. One copy of the requisition shall be filed with the compact administrator of the demanding state, there to remain on file subject to the provisions of law governing records of the appropriate court. Upon the receipt of a requisition demanding the return of a delinquent juvenile who has absconded or escaped, the court or the executive authority to whom the requisition is addressed shall issue an order to any peace officer or other appropriate person directing him to take into custody and detain such delinquent juvenile. Such detention order must substantially recite the facts necessary to the validity of its issuance hereunder. No delinquent juvenile detained upon such order shall be delivered over to the officer whom the appropriate person or authority demanding him shall have appointed to receive him, unless he shall first be taken forthwith before a judge of an appropriate court in the state, who shall inform him of the demand made for his return and who may appoint counsel or guardian ad litem for him. If the judge of such court shall find that the requisition is in order, he shall deliver such delinquent juvenile over to the officer whom the appropriate person or authority demanding him shall have appointed to receive him. The judge, however, may fix a reasonable time to be allowed for the purpose of testing the legality of the proceeding.

Detention  
order.

Upon reasonable information that a person is a delinquent juvenile who has absconded while on probation or parole, or escaped from an institution or agency vested with his legal custody or supervision in any state party to this compact, such person

Custody taken  
without  
requisition.

may be taken into custody in any other state party to this compact without a requisition. But in such event, he must be taken forthwith before a judge of the appropriate court, who may appoint counsel or guardian ad litem for such person and who shall determine, after a hearing, whether sufficient cause exists to hold the person subject to the order of the court for such a time, not exceeding ninety days, as will enable his detention under a detention order issued on a requisition pursuant to this article. If, at the time when a state seeks the return of a delinquent juvenile who has either absconded while on probation or parole or escaped from an institution or agency vested with his legal custody or supervision, there is pending in the state wherein he is detained any criminal charge or any proceeding to have him adjudicated a delinquent juvenile for an act committed in such state, or if he is suspected of having committed within such state a criminal offense or an act of juvenile delinquency, he shall not be returned without the consent of such state until discharged from prosecution or other form of proceeding, imprisonment, detention or supervision for such offense or juvenile delinquency. The duly accredited officers of any state party to this compact, upon the establishment of their authority and the identity of the delinquent juvenile being returned, shall be permitted to transport such delinquent juvenile through any and all states party to this compact, without interference. Upon his return to the state from which he escaped or absconded, the delinquent juvenile shall be subject to such further proceedings as may be appropriate under the laws of that state.

Right of person to hearing.

Limitation on return of person to state.

Payment of costs of transportation.

(b) That the state to which a delinquent juvenile is returned under this article shall be responsible for payment of the transportation costs of such return.



## ARTICLE VI—Voluntary Return Procedure

That any delinquent juvenile who has absconded while on probation or parole, or escaped from an institution or agency vested with his legal custody or supervision in any state party to this compact, and any juvenile who has run away from any state party to this compact, who is taken into custody without a requisition in another state party to this compact under the provisions of article IV (a) or of article V (a), may consent to his immediate return to the state from which he absconded, escaped or ran away. Such consent shall be given by the juvenile or delinquent juvenile and his counsel or guardian ad litem, if any, by executing or subscribing a writing, in the presence of a judge of the appropriate court, which states that the juvenile or delinquent juvenile and his counsel or guardian ad litem, if any, consent to his return to the demanding state. Before such consent shall be executed or subscribed, however, the judge, in the presence of counsel or guardian ad litem, if any, shall inform the juvenile or delinquent juvenile of his rights under this compact. When the consent has been duly executed, it shall be forwarded to and filed with the compact administrator of the state in which the court is located and the judge shall direct the officer having the juvenile or delinquent juvenile in custody to deliver him to the duly accredited officer or officers of the state demanding his return, and shall cause to be delivered to such officer or officers a copy of the consent. The court may, however, upon the request of the state to which the juvenile or delinquent juvenile is being returned, order him to return unaccompanied to such state and shall provide him with a copy of such court order; in such event a copy of the consent shall be forwarded to the compact administrator of the state to which said juvenile or delinquent juvenile is ordered to return.

Voluntary  
return  
procedure.

Consent to  
immediate  
return.

ARTICLE VII—Cooperative Supervision of Probationers and Parolees

Cooperative supervision of probationers and parolees.

Juvenile delinquent on probation permitted to reside in another state.

Opportunity for investigation.

(a) That the duly constituted judicial and administrative authorities of a state party to this compact (herein called "sending state") may permit any delinquent juvenile within such state, placed on probation or parole, to reside in any other state party to this compact (herein called "receiving state") while on probation or parole, and the receiving state shall accept such delinquent juvenile, if the parent, guardian or person entitled to the legal custody of such delinquent juvenile is residing or undertakes to reside within the receiving state. Before granting such permission, opportunity shall be given to the receiving state to make such investigations as it deems necessary. The authorities of the sending state shall send to the authorities of the receiving state copies of pertinent court orders, social case studies and all other available information which may be of value to and assist the receiving state in supervising a probationer or parolee under this compact. A receiving state, in its discretion, may agree to accept supervision of a probationer or parolee in cases where the parent, guardian or person entitled to the legal custody of the delinquent juvenile is not a resident of the receiving state, and if so accepted the sending state may transfer supervision accordingly.

Assumption of duties of visitation and supervision.

(b) That each receiving state will assume the duties of visitation and of supervision over any such delinquent juvenile and in the exercise of those duties will be governed by the same standards of visitation and supervision that prevail for its own delinquent juveniles released on probation or parole.

(c) That, after consultation between the appropriate authorities of the sending state and of the receiving state as to the desirability and necessity of returning such a delinquent juvenile, the duly ac-

credited officers of a sending state may enter a receiving state and there apprehend and retake any such delinquent juvenile on probation or parole. For that purpose, no formalities will be required, other than establishing the authority of the officer and the identity of the delinquent juvenile to be retaken and returned. The decision of the sending state to retake a delinquent juvenile on probation or parole shall be conclusive upon and not reviewable within the receiving state, but if, at the time the sending state seeks to retake a delinquent juvenile on probation or parole, there is pending against him within the receiving state any criminal charge or any proceeding to have him adjudicated a delinquent juvenile for any act committed in such state, or if he is suspected of having committed within such state a criminal offense or an act of juvenile delinquency, he shall not be returned without the consent of the receiving state until discharged from prosecution or other form of proceeding, imprisonment, detention or supervision for such offense or juvenile delinquency. The duly accredited officers of the sending state shall be permitted to transport delinquent juveniles being so returned through any and all states party to this compact, without interference.

Retaking juvenile delinquent on probation from receiving state.

Discharge from prosecution from receiving state.

(d) That the sending state shall be responsible under this article for paying the costs of transporting any delinquent juvenile to the receiving state or of returning any delinquent juvenile to the sending state.

Costs of transportation.

#### ARTICLE VIII—Responsibility for Costs

(a) That the provisions of articles IV (b), V (b) and VII (d) of this compact shall not be construed to alter or affect any internal relationship among the departments, agencies and officers of and in the government of a party state, or between a party state and its subdivisions, as to the payment of costs, or responsibilities therefor.

Responsibility for costs not to affect internal relationship.

Nothing preventing assertion of right to costs.

(b) That nothing in this compact shall be construed to prevent any party state or subdivision thereof from asserting any right against any person, agency or other entity in regard to costs for which such party state or subdivision thereof may be responsible pursuant to articles IV (b), V (b) or VII (d) of this compact.

ARTICLE IX—Detention Practices

Detention practices.

That, to every extent possible, it shall be the policy of states party to this compact that no juvenile or delinquent juvenile shall be placed or detained in any prison, jail or lockup nor be detained or transported in association with criminal, vicious or disolute persons.

ARTICLE X—Supplementary Agreements

Supplementary agreements.

That the duly constituted administrative authorities, of a state party to this compact may enter into supplementary agreements with any other state or states party hereto for the cooperative care, treatment and rehabilitation of delinquent juveniles whenever they shall find that such agreements will improve the facilities or programs available for such care, treatment and rehabilitation. Such care, treatment and rehabilitation may be provided in an institution located within any state entering into such supplementary agreement. Such supplementary agreements shall:

Supplementary agreement; provisions of.

(1) Provide the rates to be paid for the care, treatment and custody of such delinquent juveniles, taking into consideration the character of facilities, services and subsistence furnished;

(2) Provide that the delinquent juvenile shall be given a court hearing prior to his being sent to another state for care, treatment and custody;

(3) Provide that the state receiving such a delinquent juvenile in one of its institutions shall act

solely as agent for the state sending such delinquent juvenile;

(4) Provide that the sending state shall at all times retain jurisdiction over delinquent juveniles sent to an institution in another state;

(5) Provide for reasonable inspection of such institutions by the sending state;

(6) Provide that the consent of the parent, guardian, person or agency entitled to the legal custody of said delinquent juvenile shall be secured prior to his being sent to another state; and

(7) Make provision for such other matters and details as shall be necessary to protect the rights and equities of such delinquent juveniles and of the cooperating states.

#### ARTICLE XI—Acceptance of Federal and Other Aid

That any state party to this compact may accept any and all donations, gifts and grants of money, equipment and services from the federal or any local government, or any agency thereof and from any person, firm or corporation, for any of the purposes and functions of this compact, and may receive and utilize the same subject to the terms, conditions and regulations governing such donations, gifts and grants.

Acceptance of federal and other aid.

#### ARTICLE XII—Compact Administrators

That the governor of each state party to this compact shall designate an officer who, acting jointly with like officers of other party states, shall promulgate rules and regulations to carry out more effectively the terms and provisions of this compact.

Compact administrators.

#### ARTICLE XIII—Execution of Compact

That this compact shall become operative immediately upon its execution by any state as between it and any other state or states so executing. When executed it shall have the full force and effect of

Effective date.

Execution of compact.

law within such state, the form of execution to be in accordance with the laws of the executing state.

#### ARTICLE XIV—Renunciation

**Renunciation.** That this compact shall continue in force and remain binding upon each executing state until renounced by it. Renunciation of this compact shall be by the same authority which executed it, by sending six months' notice in writing of its intention to withdraw from the compact to the other states party hereto. The duties and obligations of a renouncing state under article VII hereof shall continue as to parolees and probationers residing therein at the time of withdrawal until retaken or finally discharged. Supplementary agreements entered into under article X hereof shall be subject to renunciation as provided by such supplementary agreements, and shall not be subject to the six months' renunciation notice of the present article.

#### ARTICLE XV—Severability

**Severability.** That the provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any participating state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating therein, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

**Juvenile compact administrator.**

SEC. 2. Juvenile Compact Administrator. Pursuant to said compact, the governor is hereby authorized and empowered to designate an officer who

shall be the compact administrator and who, acting jointly with like officers of other party states, shall promulgate rules and regulations to carry out more effectively the terms of the compact. Said compact administrator shall serve subject to the pleasure of the governor. The compact administrator is hereby authorized, empowered and directed to cooperate with all departments, agencies and officers of and in the government of this state and its subdivisions in facilitating the proper administration of the compact or of any supplementary agreement or agreements entered into by this state thereunder.

SEC. 3. Supplementary Agreements. The compact administrator is hereby authorized and empowered to enter into supplementary agreements with appropriate officials of other states pursuant to the compact. In the event that such supplementary agreement shall require or contemplate the use of any institution or facility of this state or require or contemplate the provision of any service by this state, said supplementary agreement shall have no force or effect until approved by the head of the department or agency under whose jurisdiction said institution or facility is operated or whose department or agency will be charged with the rendering of such service.

Supplementary agreements.

SEC. 4. Financial Arrangements. The compact administrator, subject to the approval of the state auditor, may make or arrange for any payments necessary to discharge any financial obligations imposed upon this state by the compact or by any supplementary agreement entered into thereunder.

Financial arrangements.

SEC. 5. Fees. Any judge of this state who appoints counsel or guardian ad litem pursuant to the provision of the compact may, in his discretion, fix a fee to be paid out of funds available for disposition by the court but no such fee shall exceed twenty-five dollars.

Fees.

Responsibilities of state departments, agencies and officers.

SEC. 6. Responsibilities of State Departments, Agencies and Officers. The courts, departments, agencies and officers of this state and its subdivisions shall enforce this compact and shall do all things appropriate to the effectuation of its purposes and intent which may be within their respective jurisdictions.

"Uniform interstate compact on juveniles."

SEC. 7. This act may be cited as the "uniform interstate compact on juveniles."

Emergency.

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

Passed the Senate February 28, 1955.

Passed the House March 7, 1955.

Approved by the Governor March 18, 1955.



## CHAPTER 285.

[ S. B. 489. ]

## STATE DEPARTMENT OF GENERAL ADMINISTRATION.

AN ACT relating to state government; establishing a department of general administration; creating the office of director of general administration; defining powers and duties; adding a new section to chapter 43.19 RCW; amending section 2, chapter 209, Laws of 1919, sections 37 and 42, chapter 7, Laws of 1921, section 1, chapter 111, Laws of 1937, sections 1, 2, 11, 13, 16, 17, 18 and 21, chapter 176, Laws of 1935, section 1, chapter 123, Laws of 1945, sections 2 and 3, chapter 217, Laws of 1945, section 1, chapter 267, Laws of 1945, section 1, chapter 114, Laws of 1947 and RCW 43.17.010, 43.17.020, 43.19.010, 43.19.020, 43.19.040, 43.19-.100, 43.19.110, 43.19.180, 43.19.190, 43.19.200, 43.19.220, 43.19.230, 73.12.020 and repealing section 10, chapter 119, Laws of 1901 and section 8, chapter 160, Laws of 1907 and RCW 72.04.070 and 72.04.080 and amending section 2, chapter 220, Laws of 1953 and RCW 47.56.020, and section 1, chapter 11, Laws of 1947 and RCW 46.08.150.

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

SECTION 1. Section 1, chapter 111, Laws of 1937, sections 1 and 2, chapter 176, Laws of 1935, section 1, chapter 267, Laws of 1945 and section 5, chapter 114, Laws of 1947 (heretofore combined, divided and codified as RCW 43.17.010 and 43.17.020) are divided and amended to read as set forth in sections 2 and 3 of this act.

Division and amendment.

SEC. 2. (RCW 43.17.010) There shall be departments of the state government which shall be known as (1) the department of public assistance, (2) the department of institutions, (3) the department of health, (4) the department of conservation and development, (5) the department of labor and industries, (6) the department of agriculture, (7) the department of licenses, (8) the department of fisheries, (9) the department of game, (10) the department of highways and (11) the department of general administration, which shall be charged with the execution, enforcement, and administration of such laws,

Departments of state governments.

and invested with such powers and required to perform such duties, as the legislature may provide.

Chief executive officers of departments.

SEC. 3. There shall be a chief executive officer of each department to be known as: (1) The director of social security, (2) the director of institutions, (3) the director of health, (4) the director of conservation and development, (5) the director of labor and industries, (6) the director of agriculture, (7) the director of licenses, (8) the director of fisheries, (9) the director of game, (10) the director of highways, and (11) the director of general administration.

Appointment.

They shall be appointed by the governor, with the consent of the senate, and hold office at the pleasure of the governor. If a vacancy occurs while the senate

Vacancy.

is not in session, the governor shall make a temporary appointment until the next meeting of the senate, when he shall present to that body his nomination for the office.

Amendment.

SEC. 4. Section 11, chapter 176, Laws of 1935 and RCW 43.19.010 are each amended to read as follows:

Divisions of department of general administration.

The department of general administration shall be organized into five divisions, to be known as, (1) the division of banking, (2) the division of savings and loan associations, (3) the division of capitol buildings, (4) the division of purchasing, and (5) the division of veterans' loan insurance.

The director of general administration shall have charge and general supervision of the department. He may appoint and deputize such clerical and other assistants as may be necessary for the general administration of the department. The director of general administration shall receive a salary in an amount fixed by the governor.

This section repealed by sec. 6, chap. 195, Laws of 1955.

Amendment.

SEC. 5. Section 2, chapter 209, Laws of 1919 and section 1, chapter 123, Laws of 1945 (heretofore com-

bined and codified as RCW 43.19.020) are combined and amended to read as follows:

The director of general administration shall appoint and deputize an assistant director to be known as the supervisor of banking, who shall have charge and supervision of the division of banking. With the approval of the director, he may appoint and employ bank examiners and such other assistants and personnel as may be necessary to carry on the work of the division.

Supervisor  
of banking.

No person shall be eligible for appointment as supervisor of banking unless he is, and for the last two years prior to his appointment has been, a citizen of the United States and a resident of this state; nor if he is interested in any bank or trust company as director, officer, or stockholder.

Qualifications  
for appoint-  
ment as  
supervisor of  
banking.

SEC. 6. Section 17, chapter 176, Laws of 1935 and RCW 43.19.040 are each amended to read as follows:

Amendment.

The director of general administration, through the division of banking, shall exercise all the powers and perform all the duties prescribed by law with respect to banks and trust companies, mutual savings banks, loan agencies and other similar institutions.

Duties director  
exercises—  
division of  
banking.

SEC. 7. Section 13, chapter 176, Laws of 1935 and RCW 43.19.100 are each amended to read as follows:

Amendment.

The director of general administration, shall appoint and deputize an assistant director to be known as the supervisor of savings and loan associations, who shall have charge and supervision of the division of savings and loan associations.

Supervisor of  
savings and  
loan associa-  
tions.

With the approval of the director, he may appoint and employ such assistants and personnel as may be necessary to carry on the work of the division.

Personnel.

No person shall be eligible for appointment as supervisor of savings and loan associations unless he is, and for at least two years prior to his appointment has been, a citizen of the United States and a resident of this state, and has had at least two years' practical

Qualifications  
for appoint-  
ment as super-  
visor of sav-  
ings and loan  
associations.

experience in savings and loan employment, examination, or supervision.

Amendment.

SEC. 8. Section 18, chapter 176, Laws of 1935 and RCW 43.19.110 are each amended to read as follows:

Duties director exercises—division of savings and loan associations.

The director of general administration, through the division of savings and loan associations, shall exercise all the powers and perform all the duties prescribed by law with respect to savings and loan associations, credit unions, and other similar institutions.

New section.

SEC. 9. There is added to chapter 43.19 RCW a new section to read as follows:

Duties director exercises—division of capitol buildings.

The director of general administration, through the division of capitol buildings, shall:

- (1) Have custody and control of the capitol buildings and grounds, supervise and direct proper care, heating, lighting and repairing thereof, and designate rooms in the capitol buildings to be occupied by various state officials;
- (2) Prepare topographical and architectural plans for the state capitol buildings where not already prepared;
- (3) Establish a systematic building program providing for the grouping of buildings at the state capitol;
- (4) Prepare plans, specifications, and estimates of cost for all necessary repairs or betterments to the state capitol buildings, to accompany the estimates for the biennial budget;
- (5) Supervise the erection, repairing and betterment of all capitol buildings.

Amendment.

SEC. 10. Section 16, chapter 176, Laws of 1935 and RCW 43.19.180 are each amended to read as follows:

Supervisor of purchasing.

The director of general administration shall appoint and depute an assistant director to be known as the supervisor of purchasing, who shall have charge and supervision of the division of purchasing.

With the approval of the director, he may appoint and employ such assistants and personnel as may be necessary to carry on the work of the division.

Personnel.

SEC. 11. Section 21, chapter 176, Laws of 1935 and sections 37 and 42, chapter 7, Laws of 1921 (heretofore divided, combined, and codified as RCW 43.19.190 and 43.19.200) are divided and amended to read as set forth in sections 12 and 13 of this act.

Division and amendment.

SEC. 12. (RCW 43.19.190) The director of general administration, through the division of purchasing, shall:

Duties director exercises—  
division of purchasing.

(1) Purchase all supplies for the support and maintenance of the state institutions under the control of the department of institutions, and all supplies needed for the support, maintenance, and use of the state's educational institutions, the offices of the elective state officers, the supreme court, the administrative and other departments of the state government, and the offices of all appointive officers of the state;

(2) Administer the "central stores" system and all of its affiliated activities;

(3) Purchase, lease, or otherwise acquire and dispose of federal surplus property for the use of any state department or political subdivision of the state;

(4) Sell or exchange personal property belonging to the state for which the office, department, or institution having custody thereof has no further use, at public or private sale and with or without notice, and cause the moneys realized from the sale of any such property to be paid into the state treasury, accompanied by a statement showing the fund from which the property sold was purchased, to which fund the state treasurer shall credit such moneys: *Provided*, That if such fund is not in existence at the time of the sale, the moneys shall be credited to the general fund.

Enacted without amendment.

SEC. 13. (RCW 43.19.200) The governing authorities of the state's educational institutions, the elective state officers, the supreme court, the administrative and other departments of the state government, and all appointive officers of the state, shall prepare estimates of the supplies required for the proper conduct and maintenance of their respective institutions, offices, and departments, covering periods to be fixed by the director, and forward them to the director in accordance with his directions. No such authorities, officers, or departments, or any officer or employee thereof, may purchase any article for the use of their institutions, offices, or departments, except in case of extreme and immediate necessity. All persons making emergency purchases, shall immediately report the same, with the reasons therefore, to the director.

Estimates of supplies to be sent director.

Prohibition on purchase of articles.

Emergency purchases.

Payment for purchases.

Purchases made for the state's educational institutions, the offices of the elective state officers, the supreme court, the administrative and other departments of the state government, and the offices of all appointive officers of the state, shall be paid for out of the moneys appropriated for supplies, material, and service of the respective institutions, offices, and departments.

Amendment.

SEC. 14. Section 2, chapter 217, Laws of 1945 and RCW 43.19.220 are each amended to read as follows:

Supervisor of veterans' loan insurance.

The director of general administration shall appoint and deputize an assistant director to be known as the supervisor of veterans' loan insurance, who shall have charge and supervision of the division of veterans' loan insurance.

Personnel.

With the approval of the director, he may appoint and deputize such clerical and other assistants as may be necessary to carry on the work of the division and provide necessary quarters, supplies, and equipment.

Division and amendment.

SEC. 15. Section 3, chapter 217, Laws of 1945 (heretofore divided and codified as RCW 43.19.230

and 73.12.020) is divided and amended to read as set forth in sections 16 and 17 of this act.

SEC. 16. (RCW 43.19.230) The director of general administration, through the division of veterans' loan insurance, shall have charge and supervision of the guarantee of loans to war veterans as provided in Title 73, and such other powers and duties as may be prescribed by law.

Duties director exercises—  
division of  
veterans' loan  
insurance.

SEC. 17. (RCW 73.12.020) In order to assist the granting of loans to any citizen of the state who is serving or who has served in the army, navy, marine corps, or coast guard during World War II and who applies to any state bank or savings and loan association chartered under the laws of the state for a loan which may be guaranteed by the United States under the provisions of Public Law 346, the director of general administration, through the division of veterans' loan insurance, shall have the power and duty:

(1) To guarantee, under such terms and conditions as he deems advisable, the payment of any federally guaranteed loan made to any such citizen by any such state bank or savings and loan association, to an amount not in excess of twenty-five percent of the face value of such loan, any such guarantee to be in addition to the federal guarantee and to be made solely from and by means of the veterans' loan insurance reserve fund: *Provided*, That in no event shall the total of any guarantee of the United States and any guarantee made under the provisions hereof exceed seventy-five percent of the face value of any such loan: *Provided further*, That the total amount of all guarantees made by the director shall not exceed the total liability of the veterans' loan insurance reserve fund.

Guarantee in  
addition to  
federal  
guarantee.

Restriction on  
amount of  
guarantee.

(2) To exercise such other powers and perform such other duties in connection with such loans and the veterans' loan insurance reserve fund guarantee

thereof as may be necessary to accomplish the purposes hereof and to protect the interests of the state in connection therewith and to have such other powers and duties as may be prescribed by law.

Transfer of moneys.

(3) To transfer such money from the veterans' loan insurance fund to the veterans' loan insurance reserve fund at such times and in such amounts as he deems necessary to accomplish the purposes hereof.

Issue regulations; receive premiums.

(4) To issue regulations concerning the terms and conditions under which the veterans' loan insurance reserve fund guarantee will be extended or paid in connection with any loan guaranteed pursuant to the provisions hereof, and to receive from borrowers and lenders such loan insurance premiums as he may require from time to time to be paid by them.

Duties director exercises—formerly invested in director of public institutions.

SEC. 18. The director of general administration shall have the power and duties of the director of public institutions contained in the following chapters of RCW: Chapter 33.04 concerning savings and loan associations; chapter 39.32 concerning purchase of federal property; chapter 40.08 and 40.12 concerning archives; chapter 43.90 concerning central stores and chapter 73.12 concerning veterans' loan insurance.

Repeal.

SEC. 19. Section 10, chapter 119, Laws of 1901 and section 8, chapter 166, Laws of 1907 and RCW 72.04.070 and 72.04.080 are repealed.

Amendment.

SEC. 20. Section 2, chapter 220, Laws of 1953 and RCW 47.56.020 are each amended to read as follows:

Creation of Washington toll bridge authority.

There is hereby created the Washington toll bridge authority composed of the governor, state auditor, chairman of the public service commission, chairman of the Washington state highway commission, and the director of general administration. The director of highways shall be an ex officio member of said authority but without a vote. Members shall

Ex officio member.



serve without compensation other than that received in the office by virtue of which they are members. Any expenses incurred for clerical or other assistance and necessary supplies shall be paid for in the manner and from funds as provided herein. A majority of the members of the authority shall constitute a quorum for the transaction of business.

SEC. 21. Section 1, chapter 11, Laws of 1947 and RCW 46.08.150 are each amended to read as follows: Amendment.

The director of general administration shall have power to devise and promulgate rules and regulations for the control of vehicular and pedestrian traffic and the parking of motor vehicles on the state capitol grounds. Such rules and regulations shall be promulgated by publication in one issue of a newspaper published at the state capital and shall be given such further publicity as the director may deem proper.

Rules and regulations—  
pedestrian  
and vehicle  
control.

Passed the Senate March 1, 1955.

Passed the House March 8, 1955.

Approved by the Governor March 18, 1955.

CHAPTER 286.

[ S. B. 39. ]

UNEMPLOYMENT COMPENSATION.

AN ACT relating to unemployment compensation; amending section 7, chapter 214, Laws of 1949, and RCW 50.12.010; section 5, chapter 8, Laws of 1953, First Extraordinary Session, and RCW 50.16.010; section 90, chapter 35, Laws of 1945, and RCW 50.24.020; section 21, chapter 215, Laws of 1947, and RCW 50.24.190 and 50.24.200; section 2, chapter 235, Laws of 1949, as amended by section 16, chapter 215, Laws of 1951, and section 18, chapter 8, Laws of 1953, First Extraordinary Session, and RCW 50.28.010, 50.28.020 and 50.28.030; section 20, chapter 8, Laws of 1953, First Extraordinary Session, and RCW 50.28.040; section 4, chapter 235, Laws of 1949, as amended by section 21, chapter 8, Laws of 1953, First Extraordinary Session, and RCW 50.28.050 and 50.28.060; repealing and reenacting section 70, chapter 35, Laws of 1945, and RCW 50.20.030; and repealing section 71, chapter 35, Laws of 1945, and RCW 50.20.040; and providing an effective date.

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

Amendment.

SECTION 1. Section 7, chapter 214, Laws of 1949, and RCW 50.12.010 are each amended to read as follows:

Commissioner to administer title.

The commissioner shall administer this title. He shall have the power and authority to adopt, amend, or rescind such rules and regulations, to employ such persons, make such expenditures, require such reports, make such investigations, and take such other action as he deems necessary or suitable to that end.

Rules effective upon publication.

Such rules and regulations shall be effective upon publication and in the manner, not inconsistent with the provisions of this title, which the commissioner shall prescribe. The commissioner, in accordance with the provisions of this title, shall determine the organization and methods of procedure of the divisions referred to in this title, and shall have an official seal which shall be judicially noticed. Not

Official seal.

later than the 31st day of December of each year, he shall submit to the governor a report covering the

Report.

administration and operation of this title during the preceding fiscal year, July 1 through June 30, and shall make such recommendations for amendments to this title as he deems proper: *Provided*, That the report submitted in 1955 shall cover the eighteen months beginning January 1, 1954. Such report shall include a balance sheet of the moneys in the fund in which there shall be provided, if possible, a reserve against the liability in future years to pay benefits in excess of the then current contributions, which reserve shall be set up by the commissioner in accordance with accepted actuarial principles on the basis of statistics of employment, business activity, and other relevant factors for the longest possible period. Whenever the commissioner believes that a change in contribution or benefit rates will become necessary to protect the solvency of the fund, he shall promptly so inform the governor and legislature and make recommendations with respect thereto.

1955 Report.  
Report to contain balance sheet of moneys in fund.

SEC. 2. Section 5, chapter 8, Laws of 1953, First Extraordinary Session, and RCW 50.16.010 are each amended to read as follows:

Amendment.

There shall be maintained as special funds, separate and apart from all public moneys or funds of this state, an unemployment compensation fund and an administrative contingency fund, which shall be administered by the commissioner exclusively for the purposes of this title, and to which RCW 43.01-.050 shall not be applicable. The unemployment compensation fund shall consist of

Two separate funds administered.

Unemployment compensation fund shall consist of.

- (1) all contributions collected pursuant to the provisions of this title,
- (2) interest earned upon any moneys in the fund,
- (3) any property or securities acquired through the use of moneys belonging to the fund,
- (4) all earnings of such property or securities,
- (5) any moneys received from the federal unemployment account in the unemployment trust fund

in accordance with Title XII of the social security act, as amended, and

(6) all moneys received for the fund from any other source.

Commingling.

All moneys in the unemployment compensation fund shall be commingled and undivided.

Administrative contingency fund shall consist of.

The administrative contingency fund shall consist of all interest on delinquent contributions collected pursuant to this title after June 20, 1953, and all fines and penalties collected pursuant to the provisions of this title. The amount in this fund in excess of one hundred thousand dollars on the close of business of the last day of each calendar quarter shall be immediately transferred to this state's account in the unemployment trust fund. Moneys available in the administrative contingency fund shall be expended upon the direction of the commissioner, with the approval of the governor, whenever it appears to him that such expenditure is necessary for:

Transfer of moneys.

Moneys expended; procedure.

(a) The proper administration of this title and no federal funds are available for the specific purpose to which such expenditure is to be made, provided, the moneys are not substituted for appropriations from federal funds which, in the absence of such moneys, would be made available.

(b) The proper administration of this title for which purpose appropriations from federal funds have been requested but not yet received, provided, the administrative contingency fund will be reimbursed upon receipt of the requested federal appropriation.

Repeal and re-enactment.

SEC. 3. Section 70, chapter 35, Laws of 1945, and RCW 50.20.030 are each repealed and reenacted to read as follows:

Presumption.

A pregnant woman shall be presumed to be unable to work and unavailable for work if she left her most recent work voluntarily because of pregnancy: *Provided, however,* That in any event a

pregnant woman shall be ineligible to receive benefits for any calendar week during the period beginning with the tenth calendar week before expected confinement, as determined by a doctor, and extending through the fourth calendar week following childbirth.

Period pregnant woman is ineligible to receive benefits.

SEC. 4. Section 71, chapter 35, Laws of 1945, and RCW 50.20.040 are each repealed.

Repeal.

SEC. 5. Section 90, chapter 35, Laws of 1945, and RCW 50.24.020 are each amended to read as follows:

Amendment.

The commissioner may compromise any claim for contributions, interest, or penalties, and any amount owed by an individual because of benefit overpayments, whether reduced to judgment or otherwise, existing or arising under this title in any case where collection of the full claim, in the case of contributions, interest, or penalties, would result in the insolvency of the employing unit or individual from whom such contributions, interest, or penalties are claimed, and any case where collection of the full amount of benefit overpayments made to an individual, whether reduced to judgment or otherwise, would be against equity and good conscience.

Commissioner's authority to compromise claims.

Whenever a compromise is made by the commissioner in the case of a claim for contributions, there shall be placed on file in the office of the unemployment compensation division a statement of the amount of contributions, interest and penalties imposed by law and claimed due, a complete record of the compromise agreement and the amount actually paid in accordance with the terms of the compromise agreement. Whenever a compromise is made by the commissioner in the case of a claim of a benefit overpayment, whether reduced to judgment or otherwise, there shall be placed on file in the office of the unemployment compensation division a statement of the amount of the benefit overpayment, attorneys' fees and costs, if any, a complete record of the com-

Record of compromise filed.

Statement of amount of benefit overpayment.

promise agreement and the amount actually paid in accordance with the terms of the compromise agreement.

Compromise final and conclusive.

If any such compromise is accepted by the commissioner, within such time as may be stated in the compromise or agreed to, such compromise shall be final and conclusive and except upon showing of fraud or malfeasance or misrepresentation of a material fact the case shall not be reopened as to the matters agreed upon. In any suit, action, or proceeding, such agreement or any determination, collection, payment, adjustment, refund, or credit made in accordance therewith shall not be annulled, modified, set aside, or disregarded.

Division and amendment.

SEC. 6. Section 21, chapter 215, Laws of 1947, (heretofore divided and codified as RCW 50.24.190 and 50.24.200) is divided and amended as set forth in sections 7 and 8 of this act.

Time limitation on commencement of suit or assessment.

SEC. 7. (RCW 50.24.190) The commissioner shall commence action for the collection of contributions, interest, and benefit overpayments imposed by this title by assessment or suit within three years after a return is filed or notice of benefit overpayment is served. No proceedings for the collection of such amounts shall be begun after the expiration of such period.

No time limitation on commencement.

In case of a false or fraudulent return with intent to evade contributions or interest, or in the event of a failure to file a return, the contributions and interest may be assessed or a proceeding in court for the collection thereof may be begun at any time.

Authority of commissioner to charge off as uncollectible.

SEC. 8. (RCW 50.24.200) The commissioner may charge off as uncollectible and no longer an asset of the unemployment compensation fund or the administrative contingency fund, as the case may be, any delinquent contributions, interests, credits, or benefit overpayments at any time after three years

from the date of delinquency or service of notice of benefit overpayment, if the commissioner and the attorney general are satisfied that there are no available and lawful means by which such contributions, interest, credits, or benefit overpayments may thereafter be collected.

SEC. 9. Section 2, chapter 235, Laws of 1949, as amended by section 16, chapter 215, Laws of 1951, and section 18, chapter 8, Laws of 1953, First Extraordinary Session, (heretofore divided and codified as RCW 50.28.010, 50.28.020 and 50.28.030) is divided and amended as set forth in sections 10, 11, and 12 of this act.

SEC. 10. (RCW 50.28.010) As used in this chapter:

“Computation date” means January 1st of any year;

“Cut-off date” means March 31st next following the computation date;

“Effective date” means June 30th next following the computation date;

“Credit year” means the four consecutive calendar quarters immediately following the effective date;

“Payroll” means all wages paid by an employer to individuals in his employment;

“Acquire” means the right to occupy or use the operating assets formerly in the possession of a predecessor employer whether that acquisition be by purchase, lease, gift, or by any legal process;

Experience rating credits applied in payment of contributions shall be deemed to be “contributions.”

SEC. 11. (RCW 50.28.020) “Qualified employer” means: (1) Any employer as of the effective date who had some employment in the twelve-month period immediately preceding April 1 of the first of the three consecutive calendar years immediately pre-

ceding the computation date, who had some employment in each of these three calendar years, and who had filed contribution reports thereon on or before the cut-off date: *Provided*, That such employer shall not be deemed a qualified employer if he has reported no employment for four or more consecutive calendar quarters in such three calendar years; or

(2) Any employer as of the effective date who has not been subject to the act for a period of time sufficient to be classified as a qualified employer under the provisions of section (1) of this subdivision but who has had some employment in the twelve-month period immediately preceding April 1 of the first of the two consecutive calendar years immediately preceding the computation date, who had some employment in each of these two calendar years, and who had filed contribution reports thereon on or before the cut-off date: *Provided*, That such employer shall not be deemed a qualified employer if he has reported no employment for four or more consecutive calendar quarters in such two calendar years: *And provided further*,

(a) When an employer or prospective employer has acquired all or substantially all the operating assets of an employer, the payroll experience of both shall be jointly considered for the purpose of determining and establishing the acquiring party's qualification for and amount of credit, and the transferring employer shall be divested of his experience; or

(b) When an employer or prospective employer has acquired an operating department, section, division or any substantial portion of the business or assets of any employer, which is clearly segregable and identifiable, the entire payroll experience of the transferring employer shall be divided between the transferring and acquiring employers in proportion to the payroll for the four preceding completed cal-



endar quarters attributable to the operating assets conveyed and retained.

SEC. 12. (RCW 50.28.030) "Surplus" means the lesser of (1) that amount by which the moneys in the unemployment compensation fund as of the effective date, after subtracting the amount of credits previously established under this title and outstanding as valid on such date, exceed four times the amount of contributions paid on the payrolls reported by all employers on or before the cut-off date for the preceding calendar year, or (2) an amount equal to forty percent of the contributions so paid for the preceding calendar year. No portion of the surplus shall be credited to any employer unless the amount of the surplus is at least ten percent of the amount of the contributions paid on the payrolls reported by all employers on or before the cut-off date for the preceding calendar year.

Enacted without amendment.

"Surplus" defined.

SEC. 13. Section 20, chapter 8, Laws of 1953, First Extraordinary Session, and RCW 50.28.040 are each amended to read as follows:

Amendment.

The amount of credit for each qualified employer shall be established in the following manner:

Credit for each qualified employer established as follows.

(1) Qualified employers shall be grouped into six credit classes, to be designated as classes 6, 5, 4, 3, 2, and 1, in accordance with the sum of the quotients of annual decreases of payroll in regard to the three consecutive calendar years immediately preceding the computation date, each such quotient to be obtained by dividing any decrease of the payroll of a qualified employer in any calendar year from the preceding calendar year by the amount of the payroll in such preceding calendar year, each division being carried out to the fourth decimal place and the remaining fraction, if any, disregarded. Each qualified employer's credit class shall be determined from the sum of such employer's quotients of annual decrease of payroll in accordance with the following

Credit classes.

Credit class determined.

Proviso.

schedule: *Provided, however,* That the credit class of an employer who qualifies under the provisions of section (2) of RCW 50.28.020 shall be that credit class on the line on which his annual decrease quotient is equal to one-half the sum of annual decrease quotients in said schedule, such quotient to be obtained by dividing any decrease of the payroll of the employer in the calendar year immediately preceding the computation date from the preceding calendar year by the amount of the payroll in such preceding year, each division being carried to the fourth decimal place and the remaining fraction, if any, disregarded:

Credit class schedule.	Sum of annual decrease quotients	Credit class
	0.0000 to 0.0999 .....	6
	0.1000 to 0.2999 .....	5
	0.3000 to 0.4999 .....	4
	0.5000 to 0.6999 .....	3
	0.7000 to 0.7999 .....	2
	0.8000 or more .....	1

"Class weight"  
assigned each  
credit class;  
schedule.

(2) A "class weight" shall be assigned to each credit class as follows:

Credit class	Class weight
6 .....	6
5 .....	5
4 .....	4
3 .....	3
2 .....	2
1 .....	0

"Class  
product"  
obtained.

(3) The "class product" shall be obtained by dividing the total of the payrolls for the calendar year immediately preceding the computation date for all qualified employers in the same class by the total of the payrolls of all qualified employers for such year, such division being carried out to the fourth decimal place, and multiplying the quotient by the class weight.

(4) The surplus to be credited to each class

shall be the product obtained by dividing the class product for each class by the sum of the class products for all classes and multiplying the quotient by the surplus to be credited to all employers. No portion of the surplus shall be credited to credit class 1.

Surplus credited to each class; formula.

(5) The "class credit factor" shall be the quotient obtained by dividing the portion of the surplus assigned to any class of qualified employer by the sum of the payrolls of all employers in that class for the calendar year immediately preceding the computation date, such division being carried out to the fourth decimal place and the remaining fraction, if any, disregarded.

"Class credit factor;" formula.

(6) The portion of the surplus which is to be credited to any qualified employer is the product obtained by multiplying his payroll in the calendar year immediately preceding the computation date by the class credit factor of his class.

Portion of surplus to be credited to qualified employer.

(7) As soon as practicable after the effective date, each qualified employer shall be furnished a notice showing the amount of credit to which he is entitled, if any. The amount shown on the notice may be applied only against contributions which are payable by him on wages paid in the credit year and reported not later than the date prescribed by the commissioner for payment of contributions on wages paid in the last quarter of such credit year: *Provided, however,*

Employer's notice of credit.

Application of amount shown on credit notice.

(a) When an employer or prospective employer has acquired all or substantially all the operating assets of a qualified employer, any unused portion of the experience rating credit of the transferring employing unit shall be transferred to the acquiring employer who may apply such acquired credit only upon contributions which accrue and become due from such employer by reason of employment occurring subsequent to the date of acquisition and prior to the end of the current credit year, or

Transfer of credit rating to new employer.

Transfer of credit rating to new employer who has acquired a segregable and identifiable division of the business.

(b) When an employer or prospective employer has acquired an operating department, section, division or any substantial portion of the business or assets of any employer, which is clearly segregable and identifiable, any unused portion of the experience rating credit of the transferring employing unit shall be divided between the transferring and acquiring employers in proportion to the payroll for the four preceding completed calendar quarters attributable to the operating assets conveyed and retained and the acquiring employers may apply such acquired credit only upon contributions which accrue and become due from such employers by reason of employment occurring subsequent to the date of acquisition and prior to the end of the current credit year: *Provided further,*

Limitation.

(c) That the transferring employing unit has submitted all reports and has paid all contributions and interest due to the date of such acquisition.

Division and amendment.

SEC. 14. Section 4, chapter 235, Laws of 1949, as amended by section 21, chapter 8, Laws of 1953, First Extraordinary Session, (heretofore divided and codified as RCW 50.28.050 and 50.28.060) is divided and amended as set forth in sections 15 and 16 of this act.

Reconsideration by commissioner of credit allowed employer; time limitation.

SEC. 15. (RCW 50.28.050) Within three years from the effective date the commissioner may reconsider the credit allowed any employer whenever he finds that there has been an error in the computation evident from the payroll data or other facts submitted by the employer prior to the cut-off date. When an increase is due, he shall issue to such employer a supplementary credit notice reflecting the increase in the employer's credit; however, when a credit notice has been issued to an employer whose credit is reduced, such notice shall be deemed canceled and a revised notice issued. If the credit shown by the incorrect notice has already been applied in payment of contributions in

Supplementary credit notice.

Revised notice.

excess of the correct credit, the employer shall thereupon become liable for payment into the fund in an amount equal to the excess of the credit taken by him over the credit to which he is entitled and such amount shall be deemed and collected as contributions payable under this title.

Corrections or modifications of an employer's payroll shall not be taken into account for the purpose of an increase of his credit unless such corrections or modifications were established on or before the cut-off date.

Corrections or modifications of employer's payroll considered.

Corrections or modifications of an employer's payroll may be taken into account for the purpose of a reduction in his credit within three years after the effective date.

Increases or reductions of an employer's credit shall not affect the credits established or to be established for any other employer, and shall further not affect any other computation made under this title.

Increases or reductions of an employer's credit no effect.

SEC. 16. (RCW 50.28.060) Any employer dissatisfied with the amount of credit shown on his credit notice or revision thereof may file a request for adjustment with the commissioner within thirty days of the mailing of such credit notice to the employer, showing wherein the amount of credit may be in error. Should such request for adjustment be denied the employer may within ten days of the mailing of such notice of denial of adjustment file with the appeal tribunal a petition for hearing which shall be heard in the same manner as a petition for a denial of refund. The appellate procedure prescribed by this title for further appeal shall apply to all denials of adjustment.

Enacted without amendment.

Request for adjustment; procedure.

SEC. 17. The provisions of section 5 of this act shall not become effective until the 3rd day of July, 1955.

Effective date.

Passed the Senate March 9, 1955.

Passed the House March 8, 1955.

Approved by the Governor March 18, 1955.

## CHAPTER 287.

[ Sub. S. B. 56. ]

## MOTOR VEHICLE USE FUEL TAX.

AN Act relating to the motor vehicle use fuel tax; amending sections 1 and 2, chapter 110, Laws of 1943 and RCW 82.40.030 and 82.40.040, sections 2, 13a, 14, 17, 18 and 24, through 26, chapter 127, Laws of 1941 and RCW 82.40.010, 82.40.130, 82.40.140, 82.40.170, 82.40.180, 82.40.250, 82.40.260, 82.40.270; and adding three new sections to chapter 82.40 RCW.

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

Amendment.

SECTION 1. Section 2, chapter 127, Laws of 1941 and RCW 82.40.010 are each amended to read as follows:

"Motor vehicle" defined.

For the purposes of this chapter:

(1) "Motor vehicle" means every vehicle which is in itself a self-propelled unit, equipped with solid rubber, hollow-cushion rubber or pneumatic rubber tires and capable of being moved or operated upon a public highway, except motor vehicles used as motive power for or in conjunction with farm implements and machines or implements of husbandry.

"Highway" defined.

(2) "Highway" means every way or place open to the use of the public, as a matter of right, for purposes of vehicular travel.

"Fuel" defined.

(3) "Fuel" means any combustible gas, liquid, or material of a kind used in an internal combustion engine for the generation of power to propel a motor vehicle except motor vehicle fuel as defined in chapter 82.36.

"Internal combustion engine" defined.

(4) "Internal combustion engine" means any engine operated by internal expansion.

"Use" defined.

(5) "Use" as a verb, means to receive into any receptacle on a motor vehicle, fuel consumed in propelling such motor vehicle on the highways within the state; except that if such fuel is received into such receptacle outside the taxing jurisdiction of this state, "use" as a verb, means to consume in pro-

selling such motor vehicle on the highways within this state; "use" as a noun, means the act of using.

(6) "User" means any person who uses fuel.

"User" defined.

(7) "Director" means the director of licenses.

"Director" defined.

(8) "Bond" means (a) a corporate surety bond duly executed by any person subject to the tax as principal, payable to the state and conditioned for faithful performance of all requirements of this chapter, including the payment of all taxes, penalties, interest, and other obligations arising out of this chapter; or (b) a deposit with the state treasurer by the person subject to the tax, under such reasonable terms and conditions as the director may prescribe, of a like amount of lawful money of the United States or bonds or other obligations of the United States, the state of Washington or any county of said state; of an actual market value not less than the amount so fixed by said director.

"Bond" defined.

SEC. 2. Section 2, chapter 110, Laws of 1943 and RCW 82.40.030 are each amended to read as follows:

Amendment.

Each user shall on or before the twentieth day of each month, file with the director a report showing the amount of fuel used during the immediately preceding calendar month and such other information as the director may require for the purposes of this chapter. Such reports shall be signed by the user or his authorized agent on forms furnished by the director. Each report shall be accompanied by a remittance payable to the state treasurer for the amount of tax due and payable hereunder.

User to file report showing amount of fuel used.

Remittance to accompany report.

SEC. 3. Section 25, chapter 127, Laws of 1941, and RCW 82.40.260 are each amended to read as follows:

Amendment.

It shall be unlawful for the director, or any person having an administrative duty under this chapter, to divulge or to make known in any manner whatever, the business affairs, operations, or information obtained by an investigation of records and

Unlawful to divulge information.

equipment of any user or other person visited or examined in the discharge of official duty, or the amount or source of income, profits, losses, expenditures, or any particular thereof, set forth or disclosed in any report, or to permit any report or copy thereof or any book containing any abstract or particulars thereof to be seen or examined by any person except as provided by law: *Provided*, That the director may, upon request from the officials to whom are entrusted the enforcement of the use fuel tax law of any other state or any political subdivision, the District of Columbia, the United States, its territories and possessions, the provinces or the Dominion of Canada, forward to such officials any information which he may have relative to the receipt, storage, delivery, sale, use, or other disposition of use fuel by any use fuel seller or use fuel user, provided such other state or states furnish like information to this state.

Director may upon request from officials whose duty it is to enforce use fuel tax, forward information.

Amendment.

SEC. 4. Section 1, chapter 110, Laws of 1943 and RCW 82.40.040 are each amended to read as follows:

Due date of excise tax imposed on use of fuel.

The excise tax imposed hereunder with respect to the use of fuel during any calendar month shall be due and payable on or before the twentieth day of the immediately succeeding calendar month; however, with respect to delivery into the fuel supply tank of a noncommercial passenger vehicle by a person licensed to sell or otherwise distribute fuel in this state, the tax shall be paid to the person making such delivery who shall report and remit the tax collected as provided for users.

Amendment.

SEC. 5. Section 13a, chapter 127, Laws of 1941 and RCW 82.40.130 are each amended to read as follows:

Bond requirement.

The director may require any person subject to the excise tax imposed hereunder to provide a bond as defined in section 1 of this act, to secure his com-



pliance with this act, and the payment of any and all taxes, penalties and interest due and to become due hereunder.

The total amount of the bond or bonds required of any person subject to the tax shall be fixed by the director in an amount not less than twice the estimated amount of the monthly tax, determined in such manner as the director shall deem proper, and may be increased or reduced by the director at any time subject to the limitations herein prescribed: *Provided, however,* That the total amount of such bond or bonds shall not exceed fifty thousand dollars.

Every bond filed with and approved by the director shall, without the necessity of periodic renewal, remain in force and effect until such time as the use fuel tax permit of the principal is revoked for cause or otherwise canceled. The surety on a bond, as provided herein, shall be released and discharged from all liability to the state accruing on such bond after the expiration of thirty days from the date upon which such surety shall have lodged with the director a written request to be released and discharged, but this provision shall not operate to relieve, release, or discharge the surety from any liability already accrued or which shall accrue (due and to become due hereunder) before the expiration of the thirty-day period. The director shall promptly, upon receiving any such request, notify the principal who furnished the bond; and unless the principal shall, on or before the expiration of the thirty-day period, file a new bond, the director shall forthwith cancel the principal's use fuel tax permit.

SEC. 6. Section 14, chapter 127, Laws of 1941 and RCW 82.40.140 are each amended to read as follows:

Whenever any user is delinquent in the payment of any obligation imposed hereunder, and such delinquency continues after notice and demand for payment by the director, the director shall proceed

Bond amount fixed by director.

Maximum amount of bond.

Duration of bond.

Surety's written request for release; when released.

Principal notified; time limitation on filing new bond.

Amendment.

Procedure in respect to delinquent obligations.

Seizure of motor vehicle subject to lien of such excise tax.

Notice of sale.

Publication.

Contents of notice.

Sale; bill of sale given purchaser.

to collect the amount due from the user in the following manner: The director shall seize any motor vehicle subject to the lien of said excise tax, penalty, and interest and thereafter sell it at public auction to pay said obligation and any and all costs that may have been incurred on account of the seizure and sale. Notice of such intended sale and the time and place thereof shall be given to such delinquent user and to all persons appearing of record to have an interest in such motor vehicle. The notice shall be given in writing at least ten days before the date set for the sale by enclosing it in an envelope addressed to such user at his address as the same appears in the records of the director and, in the case of any person appearing of record to have an interest in such motor vehicle, addressed to such person at his last known residence or place of business, and depositing such envelope in the United States mail, postage prepaid. In addition, the notice shall be published for at least ten days before the date set for the sale in a newspaper of general circulation published in the county in which the motor vehicle seized is to be sold. If there is no newspaper of general circulation in such county, the notice shall be posted in three public places in the county for a period of ten days. The notice shall contain a description of the motor vehicle to be sold, together with a statement of the amount due hereunder, the name of the user and the further statement that unless such amount is paid on or before the time fixed in the notice the motor vehicle will be sold in accordance with law.

The director shall then proceed to sell the motor vehicle in accordance with the law and the notice, and shall deliver to the purchaser a bill of sale which shall vest title in the purchaser. If upon any such sale the moneys received exceed the amount due to the state hereunder from the delinquent user, the

excess shall be returned to such user and his receipt obtained therefor. If any person having an interest in or lien upon the motor vehicle has filed with the director prior to such sale notice of such interest or lien, the director shall withhold payment of any such excess to such user pending a determination of the rights of the respective parties thereto by a court of competent jurisdiction. If for any reason the receipt of such user shall not be available, the director shall deposit such excess with the state treasurer as trustee for such user, his heirs, successors, or assigns: *Provided*, That prior to making any seizure of property as herein provided for, the director may first serve upon the user's bondsman a notice of the delinquency, with a demand for the payment of the amount due.

Excess  
moneys.

Notice of in-  
terest of third  
party.

Notice of de-  
linquency be-  
fore seizure.

SEC. 7. Section 17, chapter 127, Laws of 1941 and RCW 82.40.170 are each amended to read as follows:

Amendment.

If the director is not satisfied with the report filed or amount of tax paid to the state by any user, he may make an additional assessment of tax due from such user based upon any information available to him. Every such additional assessment shall bear interest at the rate of one-half of one percent per month, or a fraction thereof, from the twentieth day after the close of the month or months, for which the additional assessment is imposed until paid. If any part of the deficiency for which the additional assessment is imposed is found to have been occasioned by negligence or intentional disregard of this chapter or rules and regulations adopted hereunder, a penalty of ten percent of the amount of the additional assessment may be added thereto. If any part of the deficiency for which the additional assessment is imposed is found to have been occasioned by fraud or an intent to evade this chapter or rules and regulations adopted hereunder, a penalty of twenty-five percent of the amount of the additional assessment

Additional  
assessment.

Interest rate  
on additional  
assessment.

Penalty may  
be added to  
additional  
assessment.

shall be added thereto in addition to the ten percent penalty above provided for. The director shall give to the user written notice of such additional assessment. Such notice may be served personally or by mail; if by mail, service shall be made by depositing such notice in the United States mail, postage pre-paid addressed to the user at his address as the same appears in the records of the director.

Notice of additional assessment.

Amendment.

SEC. 8. Section 18, chapter 127, Laws of 1941 and RCW 82.40.180 are each amended to read as follows:

Director's estimate.

If any user neglects or refuses to make a report as required by this chapter, the director shall make an estimate, based upon the best information available for the month or months with respect to which such user failed to make a report, of the amount of fuel used by such user and, upon the basis of such estimate, compute and assess the tax due from such user.

Assessment to bear interest.

Every such assessment shall bear interest at the rate of one-half of one percent per month, or fraction thereof, from the twentieth day after the close of the month or months, for which such assessment is imposed until paid.

Penalty added to assessment.

There shall be added to every such assessment a penalty of twenty-five percent of the amount thereof. If the neglect or refusal to make a

Added penalty.

report as required by this chapter is found to have been occasioned by fraud or an intent to evade this chapter or rules and regulations adopted hereunder, a penalty of twenty-five percent of the amount of such assessment shall be added thereto in addition to the twenty-five percent penalty above provided for.

Written notice of assessment.

The director shall give to such user written notice of such assessment, the notice to be served in the manner prescribed in RCW 82.40.170.

Amendment.

SEC. 9. Section 24, chapter 127, Laws of 1941 and RCW 82.40.250 are each amended to read as follows:

Every user and every person selling, distributing, storing, transporting, or otherwise handling fuel,

shall keep in this state records, in such form as the director may require. Records: form.

Every person required to remit the tax on fuel delivered into noncommercial passenger vehicles shall be subject to the same penalties imposed upon users. The director shall pursue against such persons the same procedure and remedies for audit, adjustment, collection, and enforcement of this chapter as is provided with respect to users. Penalties similar.

The director may examine during normal business hours the books, papers, records, and equipment of any user or of any person selling, distributing, storing, transporting, or otherwise handling fuel and investigate the character of the disposition which any such user or such other person makes of fuel in order to determine whether all taxes due hereunder are being properly reported and paid. Authority to examine books and equipment.

The director is charged with the enforcement of the provisions of this chapter and may prescribe, adopt, and enforce rules and regulations relating to the administration and enforcement hereof. State patrolmen shall aid the director in the enforcement of this chapter, and, for this purpose, are declared to be peace officers, and given police power and authority throughout the state to arrest on sight any person known to have committed a violation of the provisions of this chapter. Rules and regulations.  
State patrolmen aid in enforcing.

SEC. 10. Section 26, chapter 127, Laws of 1941 and RCW 82.40.270 are each amended to read as follows: Amendment.

It shall be unlawful for any person to deliver fuel, which is to be consumed in propelling a motor vehicle in this state, into or place such fuel into, or cause such fuel to be delivered into or placed into, any receptacle on such motor vehicle from which receptacle such fuel can be supplied to propel such motor vehicle, unless an emblem is displayed on such motor vehicle as provided in RCW 82.40.050. Delivery of fuel into storage facilities having dispensing Necessity to display emblem on motor vehicle.

equipment designed to fuel motor vehicles shall be prima facie evidence that the intended use of such fuel is for motor vehicles.

New section.

SEC. 11. There is added to chapter 82.40 RCW, a new section to read as follows:

Director's authority to exempt users.

The director may exempt users operating non-commercial passenger vehicles, for which fuel is exclusively acquired tax inclusive, from the provisions of RCW 82.40.030 and RCW 82.40.050, but the director shall have authority to promulgate such rules and regulations as may be deemed necessary to insure compliance with this chapter.

New section.

SEC. 12. There is added to chapter 82.40 RCW, a new section to read as follows:

Lien on franchises, property and rights to property, real or personal, of dealer who fails to pay tax imposed by this chapter.

If any dealer liable for the remittance of tax imposed by this chapter fails to pay the same, the amount thereof, including any interest, penalty, or addition to such tax, together with any costs that may accrue in addition thereto, shall be a lien in favor of the state upon all franchises, property, and rights to property, whether real or personal, then belonging to or thereafter acquired by such person, located or situated in the county wherein such lien arises, whether such property is employed by such person in the prosecution of business or is in the hands of a trustee, or receiver, or assignee for the benefit of creditors, from the date the taxes were due and payable, until the amount of the lien is paid or the property sold in payment thereof.

Lien priority.

The lien shall have priority over any lien or encumbrance whatsoever, except the lien of other state taxes having priority by law, and except that such lien shall not be valid as against any bona fide mortgagee, pledgee, judgment creditor, or purchaser whose rights have attached prior to the time the director has filed and recorded notice of such lien in the office of the county auditor of the county in which

the principal place of business of the taxpayer is located.

SEC. 13. There is added to chapter 82.40 RCW, a New section.  
new section to read as follows:

There is exempted from the tax imposed by this State, county and municipal vehicle use exempted.  
chapter, the use of fuel for street and highway construction and maintenance purposes, in motor vehicles owned and operated by the state of Washington, or any county or municipality.

Passed the Senate March 9, 1955.

Passed the House March 7, 1955.

Approved by the Governor March 18, 1955.

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CHAPTER 288.

[ S. B. 303. ]

INTOXICATING LIQUOR—SEARCH AND SEIZURE.

AN ACT relating to liquor searches and seizures; and amending section 4, chapter 39, Laws of 1955, and RCW 66.32.020.

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

SECTION 1. Section 4, chapter 39, Laws of 1955 Amended.  
and RCW 66.32.020 are each amended to read as follows:

If, upon the sworn complaint of any person, it is made to appear to any judge of the superior court, justice of the peace, or magistrate, that there is probable cause to believe that intoxicating liquor is being manufactured, sold, bartered, exchanged, given away, furnished, or otherwise disposed of or kept in violation of the provisions of this title, such judge, justice of the peace, or magistrate shall, with or without the approval of the prosecuting attorney, issue a warrant directed to a civil officer of the state duly authorized to enforce or assist in enforcing any law thereof, or to an inspector of the board, com- Search and seizure warrant; issuance of.

manding him to search the premises, room, house, building, boat, vehicle, structure or place designated and described in the complaint and warrant, and to seize all intoxicating liquor there found, together with the vessels in which it is contained, and all implements, furniture, and fixtures used or kept for the illegal manufacture, sale, barter, exchange, giving away, furnishing, or otherwise disposing of the liquor, and to safely keep the same, and to make a return of the warrant within ten days, showing all acts and things done thereunder, with a particular statement of all articles seized and the name of the person or persons in whose possession they were found, if any, and if no person is found in the possession of the articles, the return shall so state.

Return of warrant; time limitation.

Passed the Senate March 9, 1955.

Passed the House March 8, 1955.

Approved by the Governor March 18, 1955.



## CHAPTER 289.

[ S. B. 307. ]

## INTOXICATING LIQUOR—UNLAWFUL ACTS—LICENSES.

AN ACT relating to intoxicating liquor, and making it illegal for any person to sell, offer for sale, or transport spirituous liquor not having government stamp or seal attached thereto, or to have in his possession, or to operate, any still for the production of spirituous liquor, or to have in his possession any mash capable of being distilled into spirituous liquor; relating to sales of liquor; fixing expiration date of licenses and fixing fees; providing penalty for violation; and amending section 28, chapter 62, Laws of 1933 extra session, and section 6, chapter 172, Laws of 1939, RCW 66.44.090, and RCW 66.44.130 through 66.44.160.

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

SECTION 1. Section 28, chapter 62, Laws of 1933 extraordinary session and section 6, chapter 172, Laws of 1939 (heretofore divided, combined and codified as RCW 66.44.090 and 66.44.130 through 66.44.160) are amended to read as set forth in sections 2 through 6 of this act. Amendment.

SEC. 2. (RCW 66.44.090) Any person doing any act required to be licensed under this title without having in force a license issued to him shall be guilty of a gross misdemeanor. Enacted without amendment.  
Gross misdemeanor.

SEC. 3. (RCW 66.44.130) Except as otherwise provided in this title, every person who sells by the drink or bottle, any liquor shall be guilty of a violation of this title. Violation of act.

SEC. 4. (RCW 66.44.140) Every person who shall sell or offer for sale, or transport in any manner, any spirituous liquor, without government stamp or seal attached thereto, or who shall operate or shall have in his possession without a license, any still or other device for the production of spirituous liquor, or shall have in his possession or under his control any mash capable of being distilled into spirituous liquor, shall be guilty of a gross misdemeanor and upon con- Enumerated acts constituting violation.  
Gross misdemeanor.

Penalty.

viction thereof shall upon his first conviction be fined not less than five hundred dollars and confined in the county jail not less than six months, and upon second and subsequent conviction shall be fined not less than one thousand dollars and confined in the county jail not less than one year.

Enacted without amendment.

SEC. 5. (RCW 66.44.150) If any person in this state buys alcoholic beverages from any person other than the board, a state liquor store, or some person authorized by the board to sell them, he shall be guilty of a misdemeanor.

SEC. 6. (RCW 66.44.160) Except as otherwise provided in this title, any person who has or keeps or transports alcoholic beverages other than those purchased from the board, a state liquor store, or some person authorized by the board to sell them, shall be guilty of a violation of this title.

Possession of liquor with intent to sell.

SEC. 7. Any person who keeps or possesses liquor upon his person or in any place, or on premises conducted or maintained by him as principal or agent with the intent to sell it contrary to provisions of this title, shall be guilty of a violation of this title. The possession of liquor by the principal or agent on premises conducted or maintained, under federal authority, as a retail dealer in liquors, shall be prima facie evidence of the intent to sell liquor.

Expiration of licenses.

SEC. 8. Unless sooner cancelled, every license issued by the board shall expire at midnight of the thirtieth day of June of the fiscal year for which it was issued, except that licenses presently held by licensees or issued hereafter for use in the present licensing period shall expire on the thirtieth day of September of 1955.

Fee for licenses issued subsequent to September 30, 1955.

In issuing licenses for use subsequent to September 30, 1955, the board shall issue the same for a fee of three-fourths the annual license fee and such license so issued shall expire on the thirtieth day of

June of 1956, and thereafter every license shall be issued on an annual basis and shall expire on the thirtieth day of June succeeding such issuance.

Passed the Senate March 9, 1955.

Passed the House March 8, 1955.

Approved by the Governor March 18, 1955.

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## CHAPTER 290.

[ Sub. S. B. 308. ]

### MUNICIPAL COURTS.

AN ACT creating and establishing municipal courts in cities of the first class having more than five hundred thousand inhabitants, defining and prescribing their jurisdiction, regulating their practice and procedure; providing judges and personnel thereof; and fixing salaries.

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

SECTION 1. There is hereby created and established in each incorporated city of this state having a population of more than five hundred thousand inhabitants, as shown by the federal or state census, which ever is the later, a municipal court, which shall be styled "The Municipal Court of ..... (name of city)," hereinafter designated and referred to as the municipal court, which court shall have jurisdiction and shall exercise all the powers by this act declared to be vested in such municipal court, together with such powers and jurisdiction as is generally conferred in this state either by common law or statute.

Municipal court established in incorporated city of population of over five hundred thousand inhabitants.

SEC. 2. The municipal court shall be always open except on nonjudicial days. It shall hold regular and special sessions at such times as may be prescribed by the judges thereof. The judges shall have the power to act as magistrates in accordance with the provisions of chapter 10.16 RCW. The legislative

Court sessions; power to act as magistrate.

body of the city may by ordinance authorize a department of the municipal court to act as a night court, and shall appropriate the necessary funds therefor.

Exclusive jurisdiction.

SEC. 3. The municipal court shall have exclusive original jurisdiction to try violations of all city ordinances and all other actions brought to enforce or recover license penalties or forfeitures declared or given by any such ordinances. It is empowered to forfeit cash bail or bail bonds and issue execution thereon, to hear and determine all causes, civil or criminal, arising under such ordinances, and to pronounce judgment in accordance therewith: *Provided*, That for a violation of the criminal provisions of an ordinance no greater punishment shall be imposed than a fine of five hundred dollars or imprisonment in the city jail not to exceed six months, or both such fine and imprisonment. All civil and criminal proceedings in municipal court, and judgments rendered therein, shall be subject to review in the superior court by writ of review or on appeal. Costs in civil and criminal cases may be taxed as provided in justice of the peace courts.

Limitation on penalty—violation of criminal ordinance.

Costs.

Procedure to take appeals to superior court.

SEC. 4. Appeals in actions brought under section 3 hereof shall be taken to the superior court in and for the county wherein the municipal court is situated by oral notice in open court at the time judgment is rendered, or by serving a copy of a written notice of appeal upon the attorney for the opposing party and filing the original thereof, together with acknowledgement or affidavit of such service, with the clerk of the municipal court within ten days after the judgment shall have been pronounced. After notice appellant shall diligently prosecute the appeal, and within ten days of the notice of appeal shall file with the clerk of the municipal court an appeal bond or cash in such amount as may be fixed by the court conditioned as provided in section 6

File appeal bond or cash.

hereof. Within a period of thirty days from the date of entry of the judgment by the judge, the clerk of the municipal court shall file with the clerk of the superior court a transcript duly certified by the judge hearing the case, which shall contain a copy of all written pleadings and docket entries of the municipal court, and shall also deliver to said court any exhibits introduced in evidence in the trial in the municipal court, which exhibits may be offered in evidence if a trial is had in the superior court; otherwise to be returned to the custody of the municipal court. No charge shall be made for the transcript. The appellant shall note the case for trial in the superior court not later than ten days from the expiration date for the clerk to file the transcript with the clerk of the superior court.

Municipal court clerk's duties upon appeal.

No charge for transcript.

Time limitation.

SEC. 5. In criminal actions wherein the appellant has been committed to the city jail, he shall remain committed until he shall recognize or give bond to the city in such reasonable sum and with such sureties as provided in section 4 of this act.

Necessity of bond for appellant.

SEC. 6. Failure to proceed with the appeal within the time and in the manner herein provided shall render the appeal ineffectual for any purpose. Upon dismissal of the appeal for failure of appellant to proceed diligently in the manner herein prescribed, or for any other cause, the judgment of the municipal court shall be enforced by the municipal court. If, at the time of such dismissal, a cash deposit or appeal bond has been furnished and shall be in the custody of the clerk of the superior court, the cash deposit or bond shall be returned to the municipal court, together with the order of dismissal and such original files and exhibits as may have been forwarded by the municipal court. The municipal court is empowered to forfeit the cash bail or bond and to issue execution thereon for the breach of any condition thereof.

Appeal rendered ineffectual.

Procedure upon dismissal.

Trial de novo in superior court.

Limitation on penalty in superior court.

Costs.

Right of appeal from superior court.

Proceedings and matters pending before justices of the peace transferred to municipal court.

Not affected.

SEC. 7. In the superior court the trial shall be de novo, subject, however, to the right of the city to file an amended complaint therein in criminal cases. If the defendant be convicted in the superior court, he shall be sentenced anew by the superior court judge to pay a fine of not to exceed five hundred dollars or to imprisonment in the city jail for not to exceed six months, or both such fine and imprisonment. Neither the appellant nor the respondent shall be required to pay in advance any fee for filing or prosecuting the appeal in a criminal case, but if the appellant is convicted he may be required, as a part of the sentence, to pay the costs of prosecution which shall be taxed in the amount and manner of costs in criminal prosecutions in the superior court, in addition to the costs taxed in the municipal court. If the appellant be acquitted, he shall have judgment against the city for his costs to be fixed and taxed in the same manner. From judgment of the superior court appeal shall lie to the supreme court as in other superior court actions.

SEC. 8. All cases, proceedings and matters now pending before justices of the peace who immediately prior to the effective date of this act were acting as municipal judges in first class cities of over five hundred thousand population, shall upon the effective date hereof be transferred to the municipal court, together with all files, records and proceedings relating to such cases, and shall be disposed of therein in due course of law. This act shall not affect any appeal from any police justice or municipal judge, commenced and pending prior to its effective date, but such appeal shall be conducted and concluded as if this act had not been enacted, except that if remanded from the superior court the municipal court shall have authority and power to forfeit bail or bond or impose sentence thereon.

SEC. 9. In all civil cases and criminal cases where jurisdiction is concurrent with justices of the peace as provided in section 25 of this act, within the jurisdiction of the municipal court, the plaintiff or defendant may demand a jury, which shall consist of six citizens of the state who shall be impaneled and sworn as in cases before justices of the peace, or the trial may be by a judge of the municipal court. Each juror shall receive five dollars for each day in attendance upon the municipal court, and in addition thereto shall receive mileage as provided by law. No trial by jury shall be allowed in criminal cases involving violations of city ordinances.

Right to jury.

Jury of six.

Compensation to juror.

No trial by jury.

SEC. 10. There shall be two departments of the municipal court, provided that the legislative body of the city shall create one additional department for each additional one hundred fifty thousand inhabitants over five hundred thousand, as determined by the most recent federal or state census. The latter shall be as provided by Chapter 96, section 2, Laws of 1951 (RCW 43.62.030). Each department shall be presided over by a municipal judge who shall be elected as hereinafter provided. The departments shall be established in such places as may be provided by the legislative body of the city. A change of venue from the municipal court to a justice of the peace where the court has concurrent jurisdiction with justices of the peace as provided in section 25 of this act shall be allowed in accordance with the provisions of RCW 3.20.100 and RCW 3.20.110 in all civil and criminal proceedings, but shall not be allowed between departments of the court.

Departments of the municipal court.

Department presided over by municipal judge.

Change of venue allowed.

Change of venue not allowed.

SEC. 11. The municipal court shall have a seal which shall be the vignette of George Washington, with the words "Seal of The Municipal Court of ..... (name of city), State of Washington," surrounding the vignette. All process from

Municipal court seal.

such court shall issue under the seal thereof and shall run throughout the state.

Expenses borne by city and county.

SEC. 12. All blanks, books, papers, stationery and furniture necessary for the transaction of business and the keeping of records of the court shall be furnished at the expense of the city, except those expenses incidental to the operation of the court in matters brought before the court because of concurrent jurisdiction with justices of the peace, which expense shall be borne by the county and paid out of the county treasury. All other expenses on account of such court which may be authorized by the city council or the county commissioners and which are not specifically mentioned in this act, shall be paid respectively out of the city treasury and county treasury.

Department No. 2.

SEC. 13. The department of the municipal court which shall be designated as Department No. 2 shall be primarily responsible for the disposition of traffic cases and the supervision of the traffic violations bureau or similar agency of the city.

Meetings of judges.

SEC. 14. It shall be the duty of the judges to meet together at least once each month, except during the months of July and August, at such hour and place as they may designate, and at such other times as they may desire, for the consideration of such matters pertaining to the administration of justice in said court as may be brought before them. At these meetings they shall receive and investigate, or cause to be investigated, all complaints presented to them pertaining to the court and the employees thereof, and shall take such action as they may deem necessary or proper with respect thereto. They shall have power and it shall be their duty to adopt, or cause to be adopted, rules and regulations for the proper administration of justice in said court.

Power and duty to adopt rules for proper administration of justice in court.



SEC. 15. The municipal judges shall be elected on the first Tuesday after the first Monday in November, 1958, and on the first Tuesday after the first Monday of November every fourth year thereafter by the electorate of the city in which the court is located. The auditor of the county concerned shall designate by number each position to be filled in the municipal court, and each candidate at the time of the filing of his declaration of candidacy shall designate by number so assigned the position for which he is a candidate, and the name of such candidate shall appear on the ballot only for such position. Elections for municipal judge shall be non-partisan. They shall hold office for a term of four years and until their successors are elected and qualified. Any vacancy in the municipal court due to a death, disability or resignation of a municipal court judge shall be filled by the mayor, to serve out the unexpired term. Such appointment shall be subject to confirmation by the legislative body of the city.

Election of municipal judges, procedure and election dates.

Non-partisan.  
Terms.

Vacancy to be filled by mayor subject to confirmation.

SEC. 16. The total of the salaries of each municipal judge under this act shall be fixed by the legislative body of the city at not less than nine thousand dollars per annum, to be paid in monthly or semi-monthly installments as for other officials of the city or county, and such total salaries shall not be more than the salaries paid the superior court judges in the county in which the court is located. Three thousand dollars of the total salaries shall be paid by the county treasurer and the remainder shall be paid by the city treasurer.

Salaries; minimum; limitation on; payment by city and county.

SEC. 17. No person shall be eligible to the office of judge of the municipal court unless he shall have been admitted to practice law before the courts of record of this state and is an elector of the city in which he files for office. No judge of said court during his term of office shall engage either directly or indirectly in the practice of law.

Eligibility for office of judge.

Practice of law prohibited.

Oath of judge before entering duties of office.

SEC. 18. Every judge of such municipal court, before he enters upon the duties of his office, shall take and subscribe the following oath or affirmation: "I do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of Washington, and that I will faithfully discharge the duties of the office of judge of the municipal court of the city of ..... (naming such city) according to the best of my ability; and I do further certify that I do not advocate, nor am I a member of an organization that advocates, the overthrow of the government of the United States by force or violence." The oath shall be filed in the office of the county auditor. He shall also give such bonds to the state and city for the faithful performance of his duties as may be by law or ordinance directed.

Oath filed. Bonds given to state and city.

Whenever departments increased mayor shall appoint judge to act until next general election.

SEC. 19. Whenever the number of departments of the municipal court is increased as authorized under the provisions of section 10 of this act, the mayor of such city shall appoint a qualified person as provided in section 17 hereof to act as municipal judge until the next general election. He shall be paid salaries in accordance with the provisions of this act and provided with the necessary court, office space and personnel as authorized herein.

Appointment of judges pro tempore.

SEC. 20. The mayor shall, from attorneys residing in the city and qualified to hold the position of judge of the municipal court as provided in section 17 of this act, appoint judges pro tempore who shall act in the absence of the regular judges of the court. Such appointments shall be made from a list of attorneys in accordance herewith furnished by the judges of the municipal court, which list shall contain not less than five names in addition to the number of judges pro tempore requested. Appointment of judges pro tempore shall be for the term of office of the regular judges unless sooner removed in the

Term of judge pro tempore.

same manner as they were appointed. While acting as judge of the court judges pro tempore shall have all of the powers of the regular judges. Before entering upon his duties, each judge pro tempore shall take, subscribe and file an oath as is taken by a municipal judge. Judges pro tempore shall not practice before the municipal court during their term of office as judge pro tempore. Such municipal judges pro tempore shall receive such compensation as shall be fixed by ordinance by the legislative body of the city and such compensation shall be paid by the city.

Judge pro tempore; powers and duties; oath; compensation.

SEC. 21. There shall be a chief clerk of the municipal court appointed by the city comptroller from the civil service clerical employees performing duties and clerical work relating to the functions of the court. Upon this act becoming effective those employees connected with the court under civil service status shall be continued in such employment and such classification under the department of the city comptroller of such city. Before he enters upon the duties of his office the chief clerk shall take and subscribe an oath the same as other city officers, and shall execute to his city a penal bond in such sum and with such sureties as the legislative body of the city may direct and subject to their approval, conditioned that he will faithfully account to and pay over to the treasurer of said city all moneys coming into his hands as such clerk, and that he will faithfully perform the duties of his office to the best of his knowledge and ability. Upon the recommendation of the judge or judges of the municipal court, the legislative body of the city may provide for the appointment of such assistant clerks of the municipal court when they deem the same necessary, with such compensation as they may deem reasonable and such assistant clerks shall be subject to such civil service as may be provided in such city: *Provided*, That the judges of the municipal court shall ap-

Chief clerk of the municipal court; appointment of; oath and bond.

Appointment of assistant clerks.

point such clerks as the board of county commissioners may determine to handle cases involving violations of state law, wherein the court has concurrent jurisdiction with justices of the peace and the superior court. All clerks of the court shall have power to administer oaths, swear and acknowledge signatures of those persons filing complaints with the court, take testimony in any action, suit or proceeding in the court relating to the city or county for which they are appointed, and may certify any records and documents of the court pertaining thereto. They shall give bond for the faithful performance of their duties as required by law.

Powers of clerk.

Bond.

Chief clerk: duties and powers.

SEC. 22. The chief clerk, under the supervision and direction of the city comptroller, shall have the custody and care of the books, papers and records of said court; he shall be present by himself or deputy during the session of said court, and shall have the power to swear all witnesses and jurors, and administer oaths and affidavits, and take acknowledgments. He shall keep the records of said court, and shall issue all process under his hand and the seal of said court, and shall do and perform all things and have the same powers pertaining to his office as the clerks of the superior courts have in their office. He shall receive all fines, penalties and fees of every kind, and keep a full, accurate and detailed account of the same; and shall on each day pay into the city treasury all moneys received for said city during the day previous, with a detailed account of the same, and taking the treasurer's receipt therefor.

Probation officers and bailiffs; appointment of; compensation.

SEC. 23. The judges of the municipal court shall appoint a probation officer and bailiff for the court, together with such additional probation officers or bailiffs as may be authorized by the legislative body of the city. Said probation officer and bailiff shall be paid by the city treasurer in such amount as is deemed reasonable by the legislative body of the

city. Such additional probation officers and bailiffs of the court as may be authorized by the legislative body of the city or the county commissioners shall be paid respectively from the city and/or county treasuries.

SEC. 24. Upon the effective date of this act, any justice of the peace who was the duly appointed and acting police justice of the city shall become a judge of the municipal court upon his filing his oath of office and bond as required by this act, and shall serve as a judge of said municipal court until the regularly elected judges of the court shall qualify following their election in 1958, or thereafter as provided in section 15 of this act. Such judge shall be paid salaries in accordance with this act while so serving. Such salaries from the city and county shall be in lieu of those now being paid to the justice of the peace acting as police justice of the city court: *Provided*, That upon the justices of the peace qualifying as municipal judges under this act, the number of justices of the peace for such city shall be reduced accordingly as provided in section 19 of this act. Should any justice of the peace acting as police judge fail to qualify as a judge of the municipal court, the mayor of such city shall designate one of the other justices of the peace of that city to act as municipal judge until the next general election in November, 1958, and the qualifying of the regularly elected judge. All furniture and equipment belonging to the city and county in which the court is situated, now under the care and custody of the justice of the peace and municipal judge, shall be transferred to the municipal court for use in the operation and maintenance of such court.

Justice of the peace acting as police judge to become judge of municipal court.

Salaries.

Failure to qualify.

Transfer of furniture and equipment.

SEC. 25. The municipal court shall have concurrent jurisdiction with the superior court and justices of the peace in all civil and criminal matters as now provided by law for justices of the peace,

Concurrent jurisdiction.

Judge's powers as to sentencing, probation, parole, fines and forfeitures.

Appeals.

and a judge thereof may sit in preliminary hearings as magistrate. Judges of the municipal court, in their discretion, shall have the power to suspend all or part of any sentence, and fix the terms thereof, and provide for such probation and parole as in their opinion is reasonable and necessary under the circumstances of the case. Fines and forfeitures before the court under the provisions of this section shall be paid to the county treasurer as provided for justices of the peace and commitments shall be to the county jail. Appeals from judgment or order of the court in such cases shall be governed by the law pertaining to appeals from judgments or orders of justices of the peace.

Authority to subpoena witnesses.

SEC. 26. The court shall have authority to subpoena witnesses as now authorized in superior courts throughout the state. Such witnesses shall be paid according to law with mileage as authorized for witnesses to such cases.

Provisions inconsistent with act.

SEC. 27. The provisions of sections 35.22.420, 35.22.430, 35.22.440, 35.22.450, 35.22.460, 35.22.480, 35.22.490, 35.22.510, 35.22.520, 35.22.530, 35.22.540, 35.22.550 and 35.22.560, RCW, insofar as inconsistent with the provisions of this act shall apply only to cities of the first class having a population of less than five hundred thousand inhabitants.

Repeal or modification.

SEC. 28. All acts or parts of acts not specifically repealed or modified by section 27 of this act, which are inconsistent or conflicting with the provisions of this act, are hereby repealed or modified accordingly. No provision of this act shall be construed as repealing or anywise limiting or affecting the jurisdiction of justices of the peace under the general laws of this state.

Invalidity.

SEC. 29. If any section, subsections, sentence or clause of this act shall be adjudged unconstitutional, such adjudication shall not affect the validity of the

act as a whole or of any section, subsection, sentence or clause hereof not adjudged unconstitutional.

Passed the Senate March 4, 1955.

Passed the House March 8, 1955.

Approved by the Governor March 18, 1955.

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## CHAPTER 291.

[ S. B. 340. ]

### ADOPTIONS.

AN ACT relating to adoption; and repealing sections 1a, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15, chapter 268, Laws of 1943, and sections 1, 2, 3, 4 and 5, chapter 251, Laws of 1947, and RCW 26.32.010 through 26.32.160.

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

SECTION 1. As used in this chapter, an "approved agency" means any public or private association, corporation or individual who has custody of a minor child with lawful authority to place such child for adoption.

"Approved agency" defined.

SEC. 2. Any person not married, or any husband and wife jointly, or either spouse, when the object of adoption is the child of the other spouse, may petition the superior court of the county in which the petitioner is a resident, or of the county in which the person to be adopted is domiciled, for leave to adopt, and to change the name, if desired, of any person.

Petition for adoption; who may file.

SEC. 3. Written consent to such adoption must be filed prior to a hearing on the petition, as follows:

Written consent to adoption; filing of.

(1) By the person to be adopted, if such person is fourteen years of age or older, but the filing of such consent shall not obviate the necessity of securing any other consent herein required;

(2) If the person to be adopted is of legitimate birth or legitimized thereafter, and a minor, then

by each of his living parents, except as hereinafter provided;

(3) If the person to be adopted is illegitimate and a minor, then by his mother, if living, except as hereinafter provided;

(4) If a legal guardian has been appointed for the person of the child, then by such guardian;

(5) If the person to be adopted is a minor and has been permanently committed upon due notice to his parents by any court of general jurisdiction to an approved agency, then by such approved agency, in which event neither notice to nor consent by its parents in the adoption proceeding shall be necessary: *Provided*, That if the approved agency refuses to consent to the adoption, the court, in its discretion, may order that such consent be dispensed with.

Court may order consent dispensed with.

No consent for adoption of minor required from following.

SEC. 4. No consent for the adoption of a minor shall be required as follows:

(1) From a parent deprived of civil rights when in a hearing for that purpose, as provided in section 5 of this act, the court finds that the circumstances surrounding the loss of said parent's civil rights were of such a nature that the welfare of the child would be best served by a permanent deprivation of parental rights;

(2) From a parent who has been deprived of the custody of the child by a court of competent jurisdiction, after notice: *Provided*, That a decree in an action for divorce, separate maintenance, or annulment, which grants to a parent any right of custody, control, or visitation of a minor child, or requires of such parent the payment of support money for such child, shall not constitute such deprivation of custody;

(3) From a parent who, more than one year prior to filing of a petition hereunder, has been adjudged to be mentally ill or otherwise mentally incompetent, and who has not thereafter been restored



to competency by the court making such adjudication, and the court at a hearing called for such purpose, as provided in section 5 of this act, finds that the best interests of the child will be served by a permanent deprivation of custody;

(4) From a parent who has been found by a court of competent jurisdiction, upon notice as herein provided to such parent, to have deserted or abandoned such child under circumstances showing a wilful substantial lack of regard for parental obligations;

(5) From a father of an illegitimate child.

SEC. 5. If the court in an adoption proceeding, after a hearing for that purpose upon notice thereof as hereinafter provided having been given to a parent, finds any of the conditions set forth in section 4 of this act to be a fact as to the parent, the court may decree that consent of such parent shall not be required prior to adoption: *Provided*, That the father of an illegitimate child shall not be entitled to notice of such hearing.

No consent necessary; finding during proceedings.

SEC. 6. An adoption proceeding shall be instituted by filing a petition in the superior court of the proper county. The petition shall contain allegations as to all requisite facts, including the new name, if any, to be given the child, the qualifications, religion and race of the adopter, and the race of the child, the religion of the child, if any, and if the child's religion is unknown, then the petition shall state unknown, and shall be signed and verified under oath by the proposed adopter. If the petition is by one spouse to adopt a child of the other spouse, it shall be approved under oath by such other spouse.

Petition for adoption.

Petition of one spouse to adopt child of other.

SEC. 7. (1) The written consent shall be acknowledged before a notary public and filed with the petition or at all events before any action is taken by the court in such proceeding. Such consent shall recite that it is given subject to the approval of the court to be requested in an adoption

Written consent; acknowledged and filed.

Order of re-  
linquishment.  
  
Consent  
irrevocable.

proceeding and to have no force or effect until such court has approved the same. Such consent shall also provide therein that, after it is approved by the court and the order of relinquishment issued and filed, as required by RCW 26.36.010, and the child relinquished to the petitioners, it is not revocable except for fraud practiced by the petitioners or mental incompetency of the person signing the consent at the time of signing the same;

Consent of  
a minor.

(2) If the parent signing the consent is a minor, the court shall appoint a guardian ad litem, who shall make an investigation and report prior to the order of relinquishment, covering the competency of the person signing the consent and certifying that the consent was voluntarily made and for the best interests of the child;

Appointment  
of next friend.

(3) The court, prior to signing an order of relinquishment, may appoint a next friend, as hereinafter provided in section 9 of this act, who shall report to the court either orally or in writing as to the competency of the parent signing the consent, whether or not such consent is voluntary, and whether or not at that time anything affirmatively appears that the best interests of the child would not be served by the adoption. The order of relinquishment shall not be signed without the written approval of the next friend and without the court calling a hearing as to the advisability of the relinquishment, whenever the court appoints a next friend.

Notice of hear-  
ing to noncon-  
senting parent  
or guardian,  
person or  
organization.

SEC. 8. (1) The court shall direct notice of any hearing under section 5 of this act to be given to any nonconsenting parent or guardian, if any, and to any person or association having the actual care, custody, or control of the child: *Provided*, That where a parent has been deprived of the custody of such child and such child has been set over for adoption by an order of a court of competent jurisdiction,

after due notice in a proceeding regularly had for such purpose, no notice need be given to the parent so deprived, and the record of such deprivation proceedings shall be deemed prima facie proof of such deprivation;

No notice necessary.

(2) Such notice shall be given in the following manner: The court shall direct the clerk to issue a notice of such hearing directed to the persons entitled to notice, notifying such persons of the filing of the petition, stating briefly the object of the petition and the purpose of the hearing, and notifying such persons of the date, time and place of the hearing. A copy of the notice shall be served in the manner provided by law for the service of the summons upon the persons entitled thereto at least ten days prior to the hearing;

Manner in which notice given.

(3) In the event it shall appear by the affidavit of the petitioners that the persons entitled to notice, or either of them, are nonresidents of the state or that they cannot, after diligent search, be found within the state, and that a copy of said notice has been deposited in the post office, postage prepaid, directed to such person or persons at their last known place of residence, unless it is stated in the affidavit that such residence is unknown to petitioners, then the court may order said notice published in a legal newspaper printed in the county, qualified to publish summons, once a week for three consecutive weeks, the first publication of said notice to be at least twenty-five days prior to the date fixed for the hearing. Proof of service of notice shall be filed in the cause as required by law for making proof of the service of summons or summons by publication;

Notice by publication.

Proof of service of notice filed.

(4) Personal service of the notice out of the state, made twenty-five days or more prior to the date fixed for the hearing, shall be deemed equivalent to service by publication;

Personal service of notice outside state.

(5) If the court is satisfied of the illegitimacy



The investigation shall be made without expense to the petitioners. The investigator appointed by the court shall make a report in writing to the court within sixty days from the time of the appointment unless further time be granted by the court. Such report shall be in writing and contain all reasonably available information concerning the physical and mental condition of the child, the religion of the child, if any, and if unknown, then the report shall designate unknown, the parents of the child, and the physical, mental, moral, and financial condition of the petitioners, and any other facts and circumstances relating to the propriety and advisability of the adoption.

Investigation expense.

Report; time limitation on.

Written report; contents of.

When the object of the adoption proceeding is the petition of a parent to adopt the child of the other spouse, the report of the next friend shall be made within ten days of the date of appointment, unless such time is extended by the court, and in such cases the court may dispense with formal written report and require such information as the court deems necessary in the particular case as to the propriety of the adoption.

SEC. 10. No decree of adoption shall be granted without a hearing thereon, whether the report of next friend is favorable or adverse. All such hearings, as well as any hearing incidental to an adoption, shall not be public unless specially ordered by the court.

Hearing before decree.

SEC. 11. If the petition is for the adoption of a person over the age of twenty-one years and of legal competency, and is accompanied by the written consent of such person, neither notice to any person nor investigation shall be required.

No notice or investigation required.

SEC. 12. Upon the conclusion of such hearing, if had, or upon filing the report of investigation, if any, or as soon as the procedure hereunder may permit,

Decree provisions.

the court shall enter its decree either granting or denying the petition for adoption and change of name, if any, all as in its discretion it shall deem proper. If the decree is for adoption, it shall provide:

(1) For the issuance of a certificate of birth of any child born in the state of Washington, by the state registrar of vital statistics, in such form and containing such information as the court may deem proper and by such decree shall direct;

(2) That the records of the registrar shall be secret unless otherwise provided by the court, and the same shall be disclosed only upon order of court for good cause shown;

(3) That such adoption shall remain interlocutory for six months from date of entry of such decree, and shall become absolute at the expiration of said six months.

Decree final as to parties.

Such decree shall be final as to the parties thereto and those notified as herein provided unless appealed from within thirty days after entry thereof.

Verified petition for modification or vacation of decree of adoption; time limitation.

SEC. 13. At any time prior to the expiration of six months from entry of such decree, any interested person may file in the adoption proceedings his verified petition for the vacation or modification of such decree.

Procedure.

Notice of hearing.

Such decree may be vacated only where the court finds from the facts alleged and proven that no other solution is possible, consistent with the welfare of the minor child. Upon the filing of such petition, the court shall, upon application, fix a time for hearing thereon. At least ten days' notice of such hearing shall be served upon all of the parties to the adoption proceeding and to the persons served as provided in section 8 and also upon the person making the report of investigation pursuant to section 9 of this act. Upon such hearing, if the petition is granted, the court shall enter an order vacating

the decree of adoption, and may also make such further order for the welfare of the child as in its discretion seems proper. An appeal from any order vacating or refusing to vacate such decree may be taken, as in civil cases.

Appeal.

If no appeal be taken from the decree of adoption and if no petition to vacate or modify the same is filed within such six months period then the decree shall be deemed a final judgment as of the date of its entry.

When decree deemed final judgment.

SEC. 14. By a decree of adoption the natural parents shall be divested of all legal rights and obligations in respect to the child, and the child shall be free from all legal obligations of obedience and maintenance in respect to them, and shall be, to all intents and purposes, and for all legal incidents, the child, legal heir, and lawful issue of his or her adopter or adopters, entitled to all rights and privileges, including the right of inheritance and the right to take under testamentary disposition, and subject to all the obligations of a child of the adopter or adopters begotten in lawful wedlock. An adopter or adopters and the spouse of an adopted child, and their respective kin, shall have the rights of inheritance from such child prescribed by the statutes of descent and distribution for natural parents, spouse, and their respective kin to the exclusion of the adopted child's natural parents and kin and any prior adopted or adopters and their kin: *Provided*, That where an adopter is the spouse of a natural parent of an adopted child, such natural and adopted parent and kin shall inherit the same as natural parents and their kin.

Rights and duties of parties by decree of adoption.

SEC. 15. Unless otherwise requested by the adopted, all records of any proceeding hereunder shall be sealed and shall not be thereafter open to inspection by any person except upon order of the

Records of adoption proceeding sealed.

court for good cause shown, and thereafter shall be again sealed as before.

Clerk of court to transmit to state registrar of vital statistics certified copy of decree.

SEC. 16. If a decree of adoption is entered, as soon as the time for appeal therefrom has expired, or if an appeal is taken, then upon final determination thereof, if the adoption is affirmed, the clerk of the court shall transmit to the state registrar of vital statistics a certified copy of such decree.

Repeal.

SEC. 17. Sections 1a, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15, chapter 268, Laws of 1943, and sections 1, 2, 3, 4 and 5, chapter 251, Laws of 1947, and RCW 26.32.010 through 26.32.160 are each repealed.

Passed the Senate March 9, 1955.

Passed the House March 7, 1955.

Approved by the Governor March 18, 1955.



CHAPTER 292.

[ S. B. 348. ]

VETERANS' BONUS.

AN ACT providing for the payment of a bonus to veterans of the armed forces from the state of Washington serving between June 27, 1950, and July 26, 1953, from the proceeds of a bond issue; providing terminal dates for filing and processing application; making an appropriation and providing penalties.

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

Recognition of service.

SECTION 1. Since the people of the state of Washington have recognized the sacrifices of its sons in the service of their country during World War II, and having desired to aid them in their return to civil life, did authorize the payment of certain compensation in recognition of such services, and since problems arising out of said conflict threatened to defeat the ideals for which said war was waged and made it necessary for many of our sons to again bear arms



for the preservation of justice and peace, it is fitting and proper that we again recognize that service and give that helping hand to those who have given so much to us and have brought so much honor to our great state.

SEC. 2. There shall be paid to each person who was on active federal service as a member of the armed military or naval forces of the United States between the 27th day of June, 1950, and the 26th day of July, 1953, and who for a period of one year immediately prior to the date of his entry into such active service, was a bona fide citizen or resident of the state of Washington, for service between said dates, the sum of one hundred dollars for service in excess of eighty-nine days within the continental United States, the sum of one hundred fifty dollars for service in excess of eighty-nine days and less than three hundred sixty-five days where any part of such service was outside the continental limits of the United States, or the sum of two hundred dollars for service in excess of three hundred sixty-four days where any part of such service was outside the continental limits of the United States: *Provided, however,* That persons otherwise eligible who have been continuously in said armed services for a period of five years or more immediately prior to June 27, 1950, shall not be eligible to receive compensation under the terms of this act: *Provided, further,* That persons who have already received extra compensation or other benefits based upon claimed residence at the time of entry into such active service from any other state or territory shall not be entitled to compensation under this act.

Qualifications for veterans' bonus; formula to determine sum due.

Persons not eligible.

In case of the death of any such person prior to June 10, 1955, an equal amount shall be paid to his surviving widow if not remarried at the time compensation is requested, or in case he left no widow or in case his widow has remarried and he has left

Payment in case of death of qualified person prior to June 10, 1955.

Parent not eligible; when.

children, then to his surviving children, or in the event he left no widow eligible for payment hereunder, or children surviving on June 10, 1955, then to his surviving parent or parents: *Provided, however,* That no such parent who has been deprived of custody of such child or children by a decree of a court of competent jurisdiction shall be entitled to any compensation under this act if the husband of the surviving spouse was either killed in action or died as a result of wounds or disabilities incurred in action during the period covered by this act, such spouse, if not remarried at the time compensation is requested, shall be entitled to the largest amount payable hereunder.

"Person," shall not include.

SEC. 3. The word "person" as used in section 2 of this act shall not include persons who, during the period of their service, refused on conscientious, political, or other grounds to subject themselves to full military discipline and unqualified service or who were separated from such service under conditions other than honorable, and who have not subsequently been officially restored to an honorable status, and such persons shall not be entitled to the benefits of this chapter: *Provided,* That the word "person" as used in section 2 of this act shall include those persons with honorable discharge who claimed exemptions from combatant training and service by reason of religious training and belief and whose claims were sustained under authority of the selective training and service act of 1940 and executive order No. 8606, but who were inducted into the armed forces and assigned to noncombatant service and who did not otherwise refuse to subject themselves to full military discipline and unqualified service.

"Person," shall include.

Disbursements made upon presentation of certificate.

SEC. 4. All disbursements required by this chapter, for compensation shall be made upon the presentation of a certificate upon a form to be pre-

scribed by the state auditor. Such form shall be duly verified by the claimant under oath, and shall set forth his name, residence at the time of entry into the service, date of enlistment, induction, or entry upon active federal service, beginning and ending dates of overseas service, date of discharge or release from active federal service, or if the claimant has not been released at the time of application, a statement by competent military authority that the claimant during the period for which compensation is claimed did not refuse to subject himself to full military discipline and unqualified service, and that that he has not been separated from service under circumstances other than honorable.

Form, verification and contents.

The state auditor may require such further information to be included in such certificate as he deems necessary to enable him to determine the eligibility of applicants. Such certificate shall be presented to the state auditor or his representative, together with evidence of honorable service satisfactory to the state auditor.

Evidence of honorable discharge.

The state auditor shall draw warrants in payment of such compensation claims against the war veterans' compensation fund, which has heretofore been established in the state treasury. Claims for such compensation may be filed after the effective date of this act but no payments shall be made prior to January 2, 1956.

Warrants drawn against war veterans' compensation fund.

No payments made prior to January 2, 1956.

The state auditor may make such reasonable requirements for applications as are necessary to prevent fraud or the payment of compensation to persons not entitled thereto.

SEC. 5. Where compensation is payable under this chapter to any person who is mentally incompetent at the time application is made, said compensation may be paid to any guardian, committee, conservator, or curator duly appointed, pursuant to the laws of the state of residence of said incompetent

Payment where compensation due to person who is mentally incompetent at time of application.

to control and manage the person and/or estate of the incompetent, or such compensation may be paid to any chief officer of any state or federal institution having custody of such incompetent: *Provided, however,* The chief officer of any state or federal institution shall use any compensation received pursuant to this section for the personal benefit of the incompetent, exclusive of care and maintenance.

Qualification on use of funds.

Application for mental incompetent.

Certification under oath.

The guardian, committee, conservator, curator, chief officer or person in charge shall make application for the incompetent's compensation upon the form regularly provided for such purpose pursuant to section 4 of this act, and in addition, shall certify under oath that the applicant is the guardian, committee, conservator, curator, chief officer, or person in charge as above set forth, and shall further certify that the compensation received shall be used for the personal benefit of the incompetent as provided herein and in accord with the laws applicable to the administration of their office.

Compensation paid deemed complete settlement.

Any compensation paid upon the basis of the above certification shall be complete settlement and satisfaction of any claim made pursuant to the provisions of this chapter as if made to a person not incompetent.

Forms furnished by state auditor free of charge.

SEC. 6. The state auditor shall furnish free of charge upon the application therefor the necessary forms upon which applications may be made and may establish at different points within the state offices at which there shall be kept on file for the use of persons covered by this chapter a sufficient number of certificate forms, so that there is no delay in the payment of compensation. The state auditor may authorize the county auditor or county clerk, or both, of any county of the state to act for him in receiving such applications, and shall furnish them with the proper forms to enable them to accept such applications. The state auditor shall procure such

County clerk or auditor authorized to act for state auditor in receiving applications.

printing, office supplies and equipment and employ such persons as may be necessary to properly carry out the provisions of this chapter. All expenses incurred by him in the administration of this chapter shall be paid by warrants drawn upon the war veterans' compensation fund.

Expenses; payment from.

SEC. 7. The executive officer of the veterans' rehabilitation council shall advise with and assist the state auditor in the performance of the duties of the auditor under this chapter, and when so called upon, the executive officer shall employ such persons and incur such expenses as may be necessary, such expenses to be paid by warrant drawn upon the war veterans' compensation fund.

Executive officer of veterans' rehabilitation council to advise and assist state auditor.

SEC. 8. The state auditor may, in his discretion, issue warrants under the provisions of this chapter in anticipation of the sale of the bonds herein authorized.

SEC. 9. The money not yet expended arising from the sale of bonds previously authorized and credited to the special fund known as the war veterans' compensation fund, pursuant to chapter 73.32, RCW, and chapter 180, Laws of 1949, as amended, together with the proceeds of the bonds authorized and not yet sold, as shall remain after the payment of World War II bonuses in said act provided shall be, and the same are hereby made available for the payment of the compensation herein authorized, and for any and all expenses necessary to carry out the provisions of this act, and the appropriation in said act made (eighty million dollars) shall be, and the same is, hereby confirmed as appropriated to complete all payments made under both the act authorizing the compensation to veterans of World War II and the compensation herein set forth.

Moneys made available for payment of compensation herein authorized and expenses necessary to carry out act's provisions.

SEC. 10. Any person who with intent to defraud, subscribes to any false oath or makes any false

False representations to obtain funds hereunder constitutes felony.

representation, either in the execution of the certificates provided for by this chapter, or who with intent to defraud, presents to the state auditor or any other officer any certificate for the purpose of obtaining funds provided by this chapter, which do not in fact belong to such person, or makes any false representation in connection with obtaining any funds under the terms of this chapter, shall be guilty of a felony.

No charge for services.

SEC. 11. No charge shall be made by any agent, notary public, or attorney for any service in connection with filing an application to obtain the allowance provided for by this chapter, and no person shall, for a consideration, discount or attempt to discount, or for a consideration, advance money upon any certificate or certificates issued pursuant to this chapter. Any violation of this section shall be a gross misdemeanor.

Violation deemed gross misdemeanor.

Time limitation on filing.

SEC. 12. Neither the state auditor nor his authorized agents shall accept any certificate presented for the purpose of obtaining the benefits of this act after twelve o'clock noon on December 31, 1957, nor shall he draw any warrant for the payment of any compensation authorized by this act unless a formal application has been filed on or before the hour and date set forth above.

Time limitation on processing of applications.

The state auditor and his authorized agents shall have until December 31, 1958, to process all applications filed pursuant to this act and microfilm all records pertaining thereto.

Invalidity.

SEC. 13. If any section or provision of this act shall for any reason be held invalid, such decision shall not invalidate the remaining portions of this act.

Passed the Senate March 9, 1955.

Passed the House March 9, 1955.

Approved by the Governor March 18, 1955.

## CHAPTER 293.

[ S. B. 401. ]

STATE CAPITOL GROUNDS—PARKING FACILITIES—  
FISHERIES AND HEALTH LABORATORIES—  
APPROPRIATIONS.

AN ACT relating to state government; authorizing the construction of parking facilities for the capitol grounds; authorizing the completion of fisheries and health laboratories; making an appropriation.

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

SECTION 1. The state capitol committee may construct parking facilities for the state capitol adequate to provide parking space for up to four hundred automobiles, said parking facilities to be either of a single level, multiple level, or both, and to be either on one site or more than one site and located either on or in close proximity to the capitol grounds, though not necessarily contiguous thereto. The state capitol committee may select such lands as are necessary therefor and acquire them by purchase or condemnation. As an aid to such selection the committee may cause location, topographical, economic, traffic, and other surveys to be conducted, and for this purpose may utilize the services of existing state agencies, may employ personnel, or may contract for the services of any person, firm or corporation. In selecting the location and plans for the construction of the parking facilities the committee shall consider recommendations of the director of public institutions.

Space in the parking facilities, when completed, shall be rented to employees of the state on a monthly basis at a rental to be determined by the director of public institutions. The state shall not sell gasoline, oil, or any other commodities or perform any services for any vehicles or equipment other than state equipment: *Provided*, That the director of public institutions shall survey automobile parking

State capitol committee authorized to construct parking facilities.

Land may be acquired.

Recommendations considered.

Space to be rented to state employees on monthly basis.

Prohibition.

Report to  
legislature.

facilities operated by the state and prepare a report to the thirty-fifth legislature as to the automobile parking facilities operated by the state, their location and charges, if any, being made on them.

Facilities  
which may be  
constructed.

SEC. 2. The state capitol committee may construct any two of the following three facilities: (1) A two story parking facility south of the transportation and public lands building in the existing parking area; (2) multiple level but not to exceed three story parking facility adjacent to the new office building; (3) multiple level but not to exceed three story parking facility adjacent to the new office building.

Appropriation.

SEC. 3. There is appropriated to the state capitol committee from the capitol building construction fund for the fiscal biennium ending June 30, 1957, the sum of seven hundred thousand dollars for the purposes of this act. Of this sum five hundred thousand dollars is to be used for parking purposes as outlined above and the remaining two hundred thousand dollars of this sum are to be used to complete the fisheries and health laboratories in the new office building on the contingency that it is necessary for the fisheries and health departments to move to Olympia.

Passed the Senate February 23, 1955.

Passed the House March 10, 1955.

Approved by the Governor March 18, 1955.



## CHAPTER 294.

[ H. B. 632. ]

## PARK LANDS IN PASCO.

AN ACT relating to certain park lands in the city of Pasco; and authorizing the city to lease, sell, or otherwise dispose of such lands.

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

SECTION 1. The city council of the city of Pasco, upon finding that the property is not required for park purposes, shall have power to lease, sell, or otherwise dispose to the best and highest bidder after advertising for bids in not less than three editions of the official newspaper, the following described property located in Franklin county, state of Washington:

Authority of city council of Pasco to dispose of property after finding the same is not required for park purposes.

Those portions of the west half of the west half of the southwest quarter of the southeast quarter ( $W\frac{1}{2}W\frac{1}{2}SW\frac{1}{4}SE\frac{1}{4}$ ) of Section Thirty (30), Township Nine (9) North, Range Thirty (30) East, W. M., lying north of a line drawn parallel with and distant 700 feet northerly from the south line of the southeast quarter ( $SE\frac{1}{4}$ ) of said section thirty (30), EXCEPT those portions thereof of Lucas Street, Hopkins Street, Olive Street, Mound Street and Grace Street, which were dedicated to the public by Order of the Board of County Commissioners of Franklin County, Washington [as] of July 3, 1922, and which order was recorded July 5, 1922 as auditor's file No. 50692 in Volume 42 of Deeds at page 586, records of Franklin County, Washington.

Description of property.

Passed the House March 7, 1955.

Passed the Senate March 6, 1955.

Approved by the Governor March 19, 1955.

CHAPTER 295.

[ H. B. 88. ]

STATE BOARD FOR CERTIFICATION OF LIBRARIANS—  
EXPENSES.

AN ACT relating to the state board for certification of librarians;  
and adding a new section to chapter 27.08, RCW.

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

New section. SECTION 1. A new section is added to chapter  
27.08, RCW, to read as follows:

Providing for  
expenses for  
the certifica-  
tion of  
librarians.

The expenses provided for in RCW 27.08.040 for  
the state board for the certification of librarians shall  
be paid from any funds appropriated and available  
for the use of the state library commission.

Passed the House February 11, 1955.

Passed the Senate March 8, 1955.

Approved by the Governor March 19, 1955.

CHAPTER 296.

[ H. B. 115. ]

BANKS, ETC.—GROUP PLAN LIFE INSURANCE.

AN ACT relating to banks and group plan life insurance for  
officers and employees; and amending section 30.12.200,  
chapter 33, Laws of 1955 and RCW 30.12.200.

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

Amendment. SECTION 1. Section 30.12.200, chapter 33, Laws of  
1955 and RCW 30.12.200 are each amended to read  
as follows:

Payment of  
group plan life  
insurance on  
employees or  
officers, by  
banks, savings  
and loan asso-  
ciations, etc.

A bank, mutual savings bank, trust company or  
savings and loan association, in the discretion of its  
governing board, may pay any part or all of the cost  
of group-plan life insurance for such of its active  
officers and employees as will participate in paying  
the rest of the cost, if any: *Provided*, That the terms

and conditions of any such insurance be approved Approval.  
by the state insurance commissioner.

Passed the House March 8, 1955.

Passed the Senate March 7, 1955.

Approved by the Governor March 19, 1955.

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## CHAPTER 297.

[ H. B. 137. ]

### FAIRS—COUNTY AND DISTRICT.

AN ACT relating to county and district fairs; and amending section 1, chapter 83, Laws of 1923 and section 3, chapter 184, Laws of 1947 and RCW 36.37.040.

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

SECTION 1. Section 1, chapter 83, Laws of 1923 Amendment. and section 3, chapter 184, Laws of 1947 (heretofore combined and codified as RCW 36.37.040) are amended to read as follows:

Appropriations by boards of county commissioners in any one year for the purpose of acquiring property for, and the maintenance of, such fairs shall be limited according to the following schedule: Appropriations for purpose of acquiring property for and maintenance of fairs; limitation.

Counties of more than one hundred thousand, ten thousand dollars;

Counties of between one hundred thousand and fifty thousand, seven thousand five hundred dollars;

Counties of between fifty thousand and twenty-five thousand, five thousand dollars;

Counties under twenty-five thousand, two thousand five hundred dollars.

The board of county commissioners of any county may also expend a sum not exceeding ten thousand dollars in any one year, to be used only for the purpose of acquiring necessary grounds for such county or district fair, the construction and improvement of buildings thereon, and the payment of premiums: Board of county commissioners may expend additional limited fund.

Additional expenditures than authorized above.

*Provided,* That the board of county commissioners of any county may make expenditures in excess of the amounts above set forth in such years, in such amounts and for such purposes as may be authorized by a majority of the electors voting on the proposition to authorize such additional expenditures at either a special or regular election of the county. The board of county commissioners of any county may also authorize the county auditor to provide a revolving fund to be used by the fair officials for the conduct of the fair.

Revolving fund authorized.

Passed the House March 8, 1955.

Passed the Senate March 7, 1955.

Approved by the Governor March 19, 1955.

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CHAPTER 298.

[ S. B. 124. ]

ABANDONED ICEBOXES AND CONTAINERS.

AN ACT relating to abandoned iceboxes; prohibiting the leaving of such iceboxes or similar closed containers in places accessible to children; and providing penalties.

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

Abandoning refrigerator, icebox, or deep freeze locker in place accessible to children deemed misdemeanor.

SECTION 1. Any person who discards or abandons or leaves in any place accessible to children any refrigerator, icebox, or deep freeze locker having a capacity of one and one-half cubic feet or more, which is no longer in use, and which has not had the door removed or a portion of the latch mechanism removed to prevent latching or locking of the door, is guilty of a misdemeanor.

Owner, lessee, or manager knowingly permitting same to remain on premises.

SEC. 2. Any owner, lessee, or manager who knowingly permits such an unused refrigerator, icebox, or deep freeze locker to remain on the premises under his control without having the door removed or a portion of the latch mechanism removed to

prevent latching or locking of the door is guilty of a misdemeanor.

SEC. 3. Guilt of a violation of sections 1 or 2 of this act shall not, in itself, render one guilty of manslaughter, battery, or other crime against a person who may suffer death or injury from entrapment in such refrigerator, icebox, or deep freeze locker.

Limitation on liability.

SEC. 4. Any person who keeps or stores refrigerators, iceboxes, or deep freeze lockers for the purpose of selling or offering them for sale shall not be guilty of a violation of this act if he takes reasonable precautions to effectively secure the door of any refrigerator, icebox, or deep freeze locker held for purpose of sale so as to prevent entrance of children small enough to fit into such articles.

Person keeping the same for sale.

Passed the Senate March 9, 1955.

Passed the House March 7, 1955.

Approved by the Governor March 19, 1955.

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## CHAPTER 299.

[ S. B. 479. ]

### PLATS, SUBDIVISIONS, DEDICATIONS.

AN ACT relating to plats, subdivisions and dedications; amending section 7, chapter 186, Laws of 1937 and RCW 58.16.060; and declaring an emergency.

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

SECTION 1. Section 7, chapter 186, Laws of 1937 and RCW 58.16.060 are amended to read as follows:

Amendment.

The city, town, or county authority shall inquire into the public use and interest proposed to be served by the establishment of the plat, subdivision, or dedication. It shall see that appropriate provision is made in the plat or subdivision for streets and other public ways, parks, playgrounds, sites for schools and school grounds, and shall consider all

Authority shall inquire into the public interest and use proposed.

Provision for public facilities.

other facts deemed by it relevant and designed to indicate whether or not the public interest will be served by the platting, subdividing, or dedication. If it finds that the plat, subdivision, or dedication makes appropriate provision for streets and other public ways, parks, playgrounds, sites for schools and school grounds, and that the public use and interest will be served by the platting, subdividing, or dedication, then it shall execute its written approval which shall be suitably inscribed on the plat, subdivision, or dedication. Upon compliance with the provisions of sections 58.08.030 and 58.08.040 the plat, subdivision, or dedication shall be eligible for filing with the auditor of the county in which the land is located, and thenceforth it shall be known as an authorized plat, subdivision, or dedication of the land. The original shall be filed with the county auditor and two copies with the county assessor, one of which shall be forwarded by the assessor to the state tax commission.

Execution of  
written  
approval.

Filing.

Authorized  
plat, subdivi-  
sion or dedica-  
tion of land.

Emergency.

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

Passed the Senate March 9, 1955.

Passed the House March 7, 1955.

Approved by the Governor March 19, 1955.

## CHAPTER 300.

[ S. B. 62. ]

## PUBLIC WAREHOUSES.

AN ACT relating to public warehouses; amending section 1, chapter 90, Laws of 1937, section 1, chapter 202, Laws of 1937, section 1, chapter 154, Laws of 1933 and RCW 22.08-.010, 22.20.010 and 22.20.030, and declaring an emergency.

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

SECTION 1. Section 1, chapter 90, Laws of 1937 and RCW 22.08.010 are each amended to read as follows: Amendment.

“Grain warehouse” includes any elevator, mill, warehouse, public grain warehouse, public warehouse, or other structure in which grain or other commodities are received from the public for storage, shipment or handling; “Grain warehouse” defined.

“Terminal warehouse” means any grain warehouse designated by the director as a terminal, and at which inspection facilities are maintained by the department; “Terminal warehouse” defined.

“Warehouseman” means any person owning, operating, or controlling a grain warehouse; “Warehouseman” defined.

“Depositor” means any person who deposits a commodity in a grain warehouse for storage, handling or shipment, or who is the owner or legal holder of a receipt or other evidence of such deposit; “Depositor” defined.

“Commodities” means all grains, hay, peas, hops, grain and hay products, beans, lentils, corn, sorghums, malt, peanuts, flax, seeds and other similar agricultural products; “Commodities” defined.

“Director” means the director of agriculture; “Director” defined.

“Department” means the department of agriculture; “Department” defined.

“Person” includes individuals, corporations, partnerships and associations. “Person” includes.

SEC. 2. Section 1, chapter 202, Laws of 1937 and section 1, chapter 154, Laws of 1933 (heretofore Division and amendment.

divided and codified as RCW 22.20.010 and 22.20.030) is divided and amended as set forth in sections 3 and 4 of this act.

SEC. 3. (RCW 22.20.010) As used in this chapter:

“Person” includes.  
“Storage warehouse” defined.

“Person” includes port commissions and districts;

“Storage warehouse” means a building or structure, or any part thereof, in which goods, wares, or merchandise are received for storage for compensation, within any county having a population of thirty thousand or more inhabitants; except fruit warehouses, fruit packing plants, warehouses licensed under the provisions of chapter 22.08 RCW, used exclusively for the storage of grains, hay, peas, hops, grain and hay products, beans, lentils, corn, sorghums, malt, peanuts, flax, seeds, and other similar agricultural products, exclusively cold storage warehouses, buildings or structures in which freight is handled in transit exclusively, public garages storing automobiles, railroad freight sheds, and docks and wharves;

“Dock” or “wharf” includes.

“Dock” or “wharf” includes all structures at which any steamboat, vessel, or other watercraft lands for the purpose of receiving or discharging freight from or for the public, together with any building or structure used for storing such freight, while in transit exclusively for the public for hire;

“While in transit” defined.

“While in transit” means all goods, wares, and merchandise received on any dock or wharf, destined to or consigned from waterborne commerce, it being the intention of the legislature to exempt all goods received on any dock or wharf for shipment from land via water or received on said dock or wharf by water to be transhipped by land, or water, irrespective of the time of its retention upon said dock or wharf;

“Storage warehouseman” and “warehouseman” defined.

“Storage warehouseman” and “warehouseman” mean any person operating any storage warehouse;



"Commission" means the public service commission. "Commission" defined.

SEC. 4. (RCW 22.20.030) This chapter shall not apply to storage furnished by a cooperative marketing association for its members, or for other cooperative associations, or as an incidental part of its business within the limits permitted by Title 24. Enacted without amendment.

Nor shall this chapter apply to the business of renting locked boxes by any bank or trust company.

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

Passed the Senate February 4, 1955.

Passed the House March 5, 1955.

Approved by the Governor March 21, 1955.

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## CHAPTER 301.

[ S. B. 203. ]

### STATE SUSTAINED YIELD FOREST NO. 2.

AN ACT relating to state lands; providing for the administration and sale of timber thereon; amending section 1, chapter 159, Laws of 1949 and RCW 79.52.010; and making an appropriation.

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

SECTION 1. Section 1, chapter 159, Laws of 1949 and RCW 79.52.010 are each amended to read as follows: Amendment.

The area of state lands embraced within townships 24, 25, 26, 27, and 28 north, ranges 10, 11, 12, 13, and 14 W., W. M., are hereby set aside and established as "state sustained yield forest No. 1." The area of state land embraced within township 28 north, ranges 8, 9, and 10 E., W. M., and township 29 north, ranges 7, 8, 9, and 10 E., W. M., and township Establishment of "state sustained yield forest No. 1."

"State sustained yield forest No. 2."

30 north, range 8 E., W. M., are hereby set aside and established as "state sustained yield forest No. 2." All of said lands above described are hereby reserved from sale and the timber thereon, except salvable wind thrown, fire-killed and insect-killed trees, shall be sold under the "sustained yield plan," which, for the purposes of this chapter, is defined to mean a plan by which the yield or cut of timber is managed in such way as to permit so far as economically possible, the removal of approximately equal volume of timber annually or periodically equal to the increment. The timber of said forests shall be administered and sold in the same manner as the timber on common school lands of the state, except as otherwise provided herein or as provided in the laws pertaining to the administration of state forest board lands.

Land reserved from sale.

"Sustained yield plan" defined.

Administration and sale.

SEC. 2. In order to carry out the purpose of "state sustained yield forest No. 2" and provide for the making of a topographical survey of said forest, the dividing of the same into logging circles or units, making maps thereof and managing said forest under the sustained yield as provided in chapter 79.52 RCW, there is appropriated from the general fund the sum of ten thousand dollars.

Appropriation.

SEC. 3. The appropriation provided for in this act shall be disbursed as directed by a committee composed of the governor, commissioner of public lands, state auditor and director of the department of conservation and development. The governor shall be chairman of said committee.

Appropriation disbursement.

Passed the Senate February 17, 1955.

Passed the House March 5, 1955.

Approved by the Governor March 21, 1955.

CHAPTER 302.

[ S. B. 207. ]

BANKING ORGANIZATIONS—INVESTMENTS.

AN ACT relating to state banks and trust companies, and mutual savings banks and their corporate powers and authorizing investment in corporations organized to conduct a safe deposit business and investment in corporations owning the building in which a bank or trust company has its premises.

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

SECTION 1. Any state bank or trust company or mutual savings bank may invest in the capital stock of a corporation organized under the law of this state to conduct a safe deposit business in an amount not to exceed in the case of a bank or trust company fifteen percent of its capital stock actually paid in and unimpaired, and fifteen percent of its unimpaired surplus, and in an amount not to exceed in the case of a mutual savings bank fifteen percent of its guaranty fund.

Limitation on bank, trust company or mutual savings bank investment—safe deposit business.

SEC. 2. Any state bank or trust company may:

(1) Invest in the stock, bonds, debentures or other such obligations of any corporation holding the premises of such bank or its branches; or

Authority given state bank or trust company to invest in corporations owning its premises.

(2) Make loans to or upon the security of the stock of any such corporation: *Provided*, That in the event any such investment is made, the aggregate of all such investments and loans, including amounts invested in real estate under the terms of subdivision (1) of RCW 30.04.210, together with the amount of any indebtedness incurred by any such corporation which is an affiliate of the bank (as the term "affiliate" is hereinafter defined), shall not exceed the amount of the capital stock of such bank without the approval of the supervisor.

Limitation on investment.

As used in this section, the term "affiliate" shall include any corporation, business trust, association, or other similar organization:

"Affiliate" includes.

(a) Of which a bank, directly or indirectly, owns or controls either a majority of the voting shares or more than fifty percent of the number of shares voted for the election of its directors, trustees, or other persons exercising similar functions at the preceding election, or controls in any manner the election of a majority of its directors, trustees, or other persons exercising similar functions; or

(b) Of which control is held, directly or indirectly, through stock ownership or in any other manner, by the shareholders of a member bank who own or control either a majority of the shares of such bank or more than fifty percent of the number of shares voted for the election of directors of such bank at the preceding election, or by trustees for the benefit of the shareholders of any such bank.

Passed the Senate February 17, 1955.

Passed the House March 5, 1955.

Approved by the Governor March 21, 1955.

## CHAPTER 303.

[ S. B. 214. ]

## INSURANCE.

AN ACT relating to insurance; amending section 16, chapter 190, Laws of 1949 and RCW 48.13.120, section .13.13, chapter 79, Laws of 1947 and RCW 48.13.130, section .13.14, chapter 79, Laws of 1947 and RCW 48.13.140, section .14.01, chapter 79, Laws of 1947 and RCW 48.14.010, section .15.09, chapter 79, Laws of 1947 and RCW 48.15.090, section .15.10, chapter 79, Laws of 1947 and RCW 48.15.100, section .15.11, chapter 79, Laws of 1947 and RCW 48.15.110, section .15.15, chapter 79, Laws of 1947 and RCW 48.15.150, section 23, chapter 190, Laws of 1949 and RCW 48.17.110, section .17.20, chapter 79, Laws of 1947 and RCW 48.17.200, section .17.33, chapter 79, Laws of 1947 and RCW 48.17.330, section 8, chapter 197, Laws of 1953 and RCW 48.17.510, section .18.30, chapter 79, Laws of 1947 and RCW 48.18.300, section .21.11, chapter 79, Laws of 1947 and RCW 48.21.110, section .24.02, chapter 79, Laws of 1947 and RCW 48.24.020, section .24.04, chapter 79, Laws of 1947 and RCW 48.24.040, section .24.05, chapter 79, Laws of 1947 and RCW 48.24.050, section 11, chapter 197, Laws of 1953 and RCW 48.24.060, section 12, chapter 197, Laws of 1953 and RCW 48.24.070, section .24.16, chapter 79, Laws of 1947 and RCW 48.24.160, section .24.18, chapter 79, Laws of 1947 and RCW 48.24.180, section 14, chapter 197, Laws of 1953 and RCW 48.36.070, and section 31, chapter 190, Laws of 1949 and RCW 48.36.350; adding a new section to chapter 48.24 RCW; and repealing section .17.14, chapter 79, Laws of 1947 and RCW 48.17.140, and section .32.11, chapter 79, Laws of 1947 and RCW 48.36.110.

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

SECTION 1. Section 16, chapter 190, Laws of 1949 and RCW 48.13.120 are each amended to read as follows:

Amendment.

(1) No mortgage loan or investment therein upon any one parcel of real property shall exceed in amount at the time of acquisition:

Limitation on amount of mortgage loan or investment therein, on any one parcel of real property.

(a) Seventy-five percent of the fair value of the property if the property is a dwelling house primarily intended for occupancy by one family and the loan is required to be amortized within not more than twenty-five years by payment of installments thereon

at regular intervals not less frequent than every three months; or

(b) sixty-six and two-thirds percent of the fair value of the property in all other cases.

(2) The extent to which a mortgage loan made under subdivision (3) or (4) of RCW 48.13.110 is guaranteed or insured by the Federal Housing Administration or guaranteed by the Administrator of Veterans' Affairs may be deducted before application of the limitations contained in subsection (1) of this section.

Deductions before applications of limitations contained in subsection (1).

Amendment.

SEC. 2. Section .13.13, chapter 79, Laws of 1947 and RCW 48.13.130 are each amended to read as follows:

Real property not deemed encumbered within meaning of RCW 48.13.110 by reason of existence of following.

(1) Real property shall not be deemed to be encumbered within the meaning of RCW 48.13.110 by reason of the existence of:

(a) Instruments reserving mineral, oil, timber or similar rights, rights of way, sewer rights, or rights in walls;

(b) Liens for taxes or assessments not delinquent, or liens not delinquent for community recreational facilities, or for the maintenance of community facilities, or for service and maintenance of water rights;

(c) Building restrictions or other restrictive covenants;

(d) Encroachments, if such encroachments are taken into consideration in determining the fair value of the property;

(e) A lease under which rents or profits are reserved to the owner if in any event the security for the loan or investment is a first lien upon the real property; or

(f) With respect to loans secured by mortgage, deed of trust, or other collateral guaranteed or insured in full or in part by the government of the United States, such encumbrances as are allowed as

exceptions in title by the administrator or administration of the division of such government so guaranteeing or insuring.

(2) If under any of the exceptions set forth in subsection (1) of this section there is any sum owing but not due or delinquent, the total amount of such sum shall be deducted from the amount which otherwise might be loaned on the property. The value of any mineral, oil, timber or similar right reserved shall not be included in the fair value of the property.

SEC. 3. Section .13.14, chapter 79, Laws of 1947 and RCW 48.13.140 are each amended to read as follows: Amendment.

(1) The fair value of property shall be determined by appraisal by a competent appraiser at the time of the making or acquiring of a mortgage loan or investing in a contract for the deed thereon; except, that as to bonds or notes secured by mortgage or trust deed guaranteed or insured by the Federal Housing Administration, or guaranteed or insured as to principal in full or in part by the Administrator of Veterans' Affairs, or guaranteed or insured by the Farmers Home Administration, the valuation made by such administration or administrator shall be deemed to have been made by a competent appraiser for the purposes of this subsection. Determining fair value of property.

(2) Buildings and other improvements located on the mortgaged premises shall be kept insured for the benefit of the mortgagee against loss or damage from fire in an amount not less than the unpaid balance of the obligation, or the insurable value of the property, whichever is the lesser. Buildings and improvements to be kept insured.

(3) An insurer shall not make or acquire a loan or loans upon the security of any one parcel of real property in aggregate amount in excess of twenty-five thousand dollars or more than the amount permissible under RCW 48.13.030, whichever is the greater. Limitation on loans made or acquired as security on parcel of real estate.

Amendment.

SEC. 4. Section .14.01, chapter 79, Laws of 1947 and RCW 48.14.010 are each amended to read as follows:

Fees collected in advance by commissioner.

(1) The commissioner shall collect in advance the following fees:

Charter documents.

(a) For filing charter documents:

- (i) Original charter documents, bylaws or record of organization of insurers, or certified copies thereof, required to be filed ..... \$25.00
- (ii) Amended charter documents, or certified copy thereof, other than amendments of bylaws ..... \$10.00
- (iii) No additional charge or fee shall be required for filing any of such documents in the office of secretary of state.

Certificate of authority.

(b) Certificate of authority:

- (i) Issuance ..... \$10.00
- (ii) Renewal ..... \$10.00

Annual statement of insurer. Organization of financing of domestic insurers and affiliated corporations.

(c) Annual statement of insurer, filing..... \$20.00

(d) Organization or financing of domestic insurers and affiliated corporations:

- (i) Application for solicitation permit, filing ..... \$15.00
- (ii) Issuance of solicitation permit..... \$10.00

Agents' licenses.

(e) Agents' licenses:

- (i) Agent's license for life, or disability insurance, only, or both for same insurer, each year..... \$2.00
- (ii) Agent's license for other kind or kinds of insurance, three-year period..... \$10.00  
Filing of appointment of each such agent ..... \$5.00
- (iii) Limited license as travel insurance agent, each year..... \$1.00
- (iv) Temporary license as agent..... \$2.00

Brokers' licenses.

(f) Brokers' licenses:

- (i) Resident or nonresident broker, each year .....\$100.00
- (ii) Surplus line broker, twelve-month period .....\$100.00
- (iii) Temporary license as broker..... \$25.00

Solicitor's license.

(g) Solicitor's license, each year ..... \$2.00



(h) Adjusters' licenses:		Adjusters' licenses.
(i) Independent adjuster, each year.....	\$10.00	
(ii) Public adjuster, each year.....	\$10.00	
(i) Resident general agent's license, each year .....	\$5.00	Resident general agent's license.
(j) Examination for license, each examination .....	\$2.00	Examination for license.
Filing application for first examination for license .....	\$3.00	Filing application for first examination for license.
(k) Miscellaneous services:		Miscellaneous services.
(i) Filing other documents, each.....	\$1.00	
(ii) Commissioner's certificate under seal..	\$1.00	
(iii) Copy of documents filed in the commissioner's office, reasonable charge therefor as determined by the commissioner.		

(2) All fees so collected shall be remitted by the commissioner to the state treasurer not later than the first business day following, and shall be placed to the credit of the general fund.

SEC. 5. Section .15.09, chapter 79, Laws of 1947 and RCW 48.15.090 are each amended to read as follows:

(1) A surplus line broker shall not knowingly place surplus line insurance with insurers unsound financially. The broker shall ascertain the financial condition of the unauthorized insurer before placing insurance therewith. The broker shall not so insure with any insurer having surplus as to policyholders of less than four hundred and fifty thousand dollars, unless there is on file with the commissioner a copy of a trust agreement, certified by the trustee, evidencing a subsisting trust deposit of not less than four hundred and fifty thousand dollars by such insurer with a bank or trust company in the United States, and which deposit is held for the protection of United States policyholders. The commissioner may, by rule and regulation, prescribe the terms under which the foregoing financial requirements may be waived in circumstances where insurance

cannot be otherwise procured on risks located in this state.

Violation by broker of section; penalty.

(2) For any violation of this section the broker shall be fined not less than twenty-five dollars or more than two hundred and fifty dollars, his surplus line broker's license shall be revoked, and the broker may not again be so licensed within a period of two years thereafter.

Amendment.

SEC. 6. Section .15.10, chapter 79, Laws of 1947 and RCW 48.15.100 are each amended to read as follows:

Broker's records; contents of.

(1) Each licensed surplus line broker shall keep a full and true record of each surplus line contract procured by him including a copy of the daily report, if any, showing such of the following items as may be applicable:

- (a) Amount of the insurance;
- (b) Gross premiums charged;
- (c) Return premium paid, if any;
- (d) Rate of premium charged upon the several items of property;
- (e) Effective date of the contract, and the terms thereof;
- (f) Name and address of the insurer;
- (g) Name and address of the insured;
- (h) Brief general description of property insured and where located;
- (i) Other information as may be required by the commissioner.

Records available for inspection.

(2) All such records as to any particular transaction shall be kept available and open to the inspection of the commissioner at any business time during the five years next following the date of completion of such transaction.

Amendment.

SEC. 7. Section .15.11, chapter 79, Laws of 1947 and RCW 48.15.110 are each amended to read as follows:

(1) Each surplus line broker shall on or before the first day of March of each year file with the commissioner a verified statement of all surplus line insurance transacted by him during the preceding calendar year.

Verified statement filed of all surplus line insurance transacted.

(2) The statement shall be on forms as prescribed and furnished by the commissioner and shall show:

Statement form and contents.

(a) Aggregate of net premiums;

(b) Additional information as required by the commissioner.

SEC. 8. Section .15.15, chapter 79, Laws of 1947 and RCW 48.15.150 are each amended to read as follows:

Amendment.

(1) An unauthorized insurer shall be sued, upon any cause of action arising in this state under any contract issued by it as a surplus line contract, pursuant to this chapter, in the superior court of the county in which the cause of action arose.

Venue.

(2) Service of legal process against the insurer may be made in any such action by service upon the commissioner. At the time of such service the plaintiff shall pay to the commissioner two dollars, taxable as costs in the action. The commissioner shall forthwith mail the documents of process served, or a true copy thereof, to the person designated by the insurer in the policy for the purpose by prepaid registered mail with return receipt requested. The insurer shall have forty days from the date of service upon the commissioner within which to plead, answer, or otherwise defend the action. Upon service of process upon the commissioner in accordance with this provision, the court shall be deemed to have jurisdiction in personam of the insurer.

Service of legal process; procedure.

Costs.

Time limitation.

Jurisdiction in personam.

(3) An unauthorized insurer issuing such policy shall be deemed thereby to have authorized service of process against it in the manner and to the effect as provided in this section. Any such policy shall

Unauthorized insurer; process against.

contain a provision stating the substance of this section, and designating the person to whom the commissioner shall mail process as provided in subsection (2) of this section.

Amendment. SEC. 9. Section .17.06, chapter 79, Laws of 1947 and RCW 48.17.060 are each amended to read as follows:

Prohibition on persons acting without license.

(1) No person shall in this state act as or hold himself out to be an agent, broker, solicitor, or adjuster unless then licensed therefor by this state.

(2) No agent, solicitor, or broker shall solicit or take applications for, procure, or place for others any kind of insurance for which he is not then licensed.

Section shall have no application.

(3) This section shall not apply with respect to any person securing and forwarding information required for the purposes of group insurance covering the unpaid balance, or remaining payments proposed to be made, in connection with the purchase of merchandise or securities, and where no commission or other compensation is payable on account of such insurance to such person.

Violator subject to penalty.

(4) Any person violating this section shall be liable to a fine of not to exceed five hundred dollars and imprisonment for not to exceed six months for each instance of such violation.

Amendment. SEC. 10. Section 23, chapter 190, Laws of 1949 and RCW 48.17.110 are each amended to read as follows:

Applicants for license to take examination.

(1) Each applicant for license as agent, broker, solicitor, or adjuster shall prior to the issuance of any such license, personally take and pass to the satisfaction of the commissioner an examination given by the commissioner as a test of his qualifications and competence; but this requirement shall not apply to:

Examination requirement shall not apply to following.

(a) Applicants for limited licenses, as travel insurance agents only, under RCW 48.17.190, nor, at the

discretion of the commissioner, to applicants for licenses as disability insurance agents for the purpose of handling limited coverages pertaining to sports and recreation.

(b) Applicants who within the five-year period next preceding date of application have been licensed in this state under a license requiring qualifications similar to qualifications required by the license applied for and who are deemed by the commissioner to be fully qualified and competent.

(c) Applicants for license as nonresident agent or as nonresident broker who have fulfilled qualification requirements in their state of residence and who are deemed by the commissioner to be fully qualified and competent.

(d) Applicants for an agent's or solicitor's license covering the same kinds of insurance as an agent's or solicitor's license then held by them.

(2) Applicants for the renewal of licenses in force on October 1, 1947, or issued thereafter shall not be required to take an examination except as provided in subsection (3) of this section.

(3) The commissioner may at any time require any licensed agent, broker, solicitor, or adjuster to take and successfully pass an examination testing his competence and qualifications as a condition to the continuance or renewal of his license, if the licensee has been guilty of violation of this code, or has so conducted his affairs under his license as to cause the commissioner reasonably to desire further evidence of his qualifications.

Examination as condition to continuance or renewal of license.

SEC. 11. Section .17.12, chapter 79, Laws of 1947 and RCW 48.17.120 are each amended to read as follows: Amendment.

(1) Each such examination shall be as the commissioner prescribes and shall be of sufficient scope reasonably to test the applicant's knowledge relative to the kinds of insurance which may be dealt with

Examination; manner and scope.

under the license applied for, and of the duties and responsibilities of, and laws of this state applicable to, such a licensee.

(2) Examination as to ocean marine and related coverages may be waived by the commissioner as to any applicant deemed by the commissioner to be qualified by past experience to deal in such insurances.

Manual made available for applicants.

(3) The commissioner shall prepare and make available to insurers, general agents, brokers, agents, and applicants a printed manual specifying in general terms the subjects which may be covered in any examination for a particular license.

Repeal.

SEC. 12. Section .17.14, chapter 79, Laws of 1947 and RCW 48.17.140 are each hereby repealed.

Amendment.

SEC. 13. Section .17.16, chapter 79, Laws of 1947 and RCW 48.17.160 are each amended to read as follows:

Written notice of appointment of agent.

(1) Each insurer on appointing an agent in this state shall file written notice thereof in duplicate with the commissioner on forms as prescribed and furnished by him, and shall pay the filing fee therefor as provided in RCW 48.14.010. If then licensed, or as soon as licensed, the commissioner shall mail one copy of the appointment to the agent.

Appointment continues in force until terminated as follows:

(2) Each such appointment shall continue in force until:

(a) The commissioner notifies the insurer that the person so appointed is no longer licensed as an agent by this state; or

(b) the appointment is revoked by the insurer by written notice of such revocation to the agent. The insurer shall forthwith file a duplicate copy of such notice of revocation with the commissioner. No fee shall be charged for filing such copy.

Date revocation effective.

(3) Revocation of an appointment by the insurer shall be deemed to be effective as of the date designated in the notice as being the effective date if the

notice is actually received by the agent prior to such designated date; otherwise, as of the earlier of the following dates:

(a) The date such notice of revocation was received by the agent.

(b) The date such notice, if mailed to the agent at his last address of record with the insurer, in due course should have been received by the agent.

SEC. 14. Section .17.20, chapter 79, Laws of 1947 and RCW 48.17.200 are each amended to read as follows: Amendment.

(1) An agent appointed by an insurer for life insurance, or for life and disability insurances, or for disability insurance only, shall be separately licensed as to such insurer. Agent separately licensed as to insurer.

(2) An agent is required to have but one license inclusive of all other kinds or combination of kinds of insurance he is licensed to handle, regardless of the number of insurers for whom he is appointed as agent for such insurances or any of them. Agent required to have but one license.

(3) An agent or broker shall have separate and additional license or licenses as to each office location in excess of one, maintained by him in this state for the transaction of business as such agent or broker. Agent or broker to have separate licenses—each office location.

SEC. 15. Section 8, chapter 197, Laws of 1953 and RCW 48.17.510 are each amended to read as follows: Amendment.

(1) The commissioner may issue an agent's or broker's temporary license in the following circumstances: Issuance of agent's or broker's temporary license.

(a) To applicants for licensing as agent of a life insurer, and pending taking of the examination provided for in RCW 48.17.110 within ninety days from date of license without privilege of extension, notwithstanding the provisions of RCW 48.17.520 (1).

(b) To the surviving spouse or next of kin or to the administrator or executor, or the employee of the

administrator or executor, of a licensed agent or broker becoming deceased.

(c) To the spouse, next of kin, employee, or legal guardian of a licensed agent or broker becoming disabled because of sickness, insanity, or injury.

(d) To a surviving member of a firm or surviving officer or employee of a corporation licensed as agent or broker upon the death of an individual designated in the firm or corporation's license to exercise powers thereunder.

Qualifications for temporary license.

(2) An individual to be eligible for any such temporary license must be qualified as for a permanent license except as to experience, training, or the taking of any examination.

Crediting of fee.

(3) Any fee paid to the commissioner for issuance of a temporary license as specified in RCW 48.14.010 shall be credited toward the fee required for a permanent license which is issued to replace the temporary license prior to the expiration of such temporary license.

Amendment.

SEC. 16. Section .18.30, chapter 79, Laws of 1947 and RCW 48.18.300 are each amended to read as follows:

Cancellation of policy by insured.

(1) Cancellation by the insured of any policy which by its terms is cancellable at the insured's option or of any binder based on such policy may be effected by written notice thereof to the insurer or surrender of the policy or binder for cancellation prior to or on the effective date of such cancellation. In event the policy or binder has been lost or destroyed and cannot be so surrendered, the insurer may in lieu of such surrender accept and in good faith rely upon the insured's written statement setting forth the fact of such loss or destruction.

Written notice.

Unearned portion of premium paid returned to insured.

(2) As soon as practicable following such cancellation the insurer shall pay to the insured or to the person entitled thereto as shown by the insurer's records, any unearned portion of any premium paid



on the policy as computed on the customary short rate or as otherwise specified in the policy. If no premium has been paid on the policy, the insured shall be liable to the insurer for premium for the period during which the policy was in force.

(3) The surrender of a policy to the insurer for any cause by any person named therein as having an interest insured thereunder shall create a presumption that such surrender is concurred in by all persons so named.

Presumption of occurrence in surrender.

(4) This section shall not apply to life insurance policies or to annuity contracts.

No application.

SEC. 17. Section .21.11, chapter 79, Laws of 1947 and RCW 48.21.110 are each amended to read as follows:

Amendment.

The benefits payable under any policy or contract of group or blanket disability insurance shall be payable to the employee or other insured member of the group or to the beneficiary designated by him, other than the policyholder, employer or the association or any officer thereof as such, subject to provisions of the policy in the event there is no designated beneficiary as to all or any part of any sum payable at the death of the individual insured.

Benefits payable under any policy or contract of group or blanket disability insurance.

The policy may provide that any hospital, medical, or surgical benefits thereunder may be made payable jointly to the insured employee or member and the person furnishing such hospital, medical, or surgical services.

SEC. 18. Section .24.04, chapter 79, Laws of 1947 and RCW 48.24.040 are each amended to read as follows:

Amendment.

The lives of a group of individuals may be insured under a policy issued to a creditor, who shall be deemed the policyholder, to insure debtors of the creditor, subject to the following requirements:

Group insurance; creditor-debtors.

(1) The debtors eligible for insurance under the policy shall be all of the debtors of the creditor whose

indebtedness is repayable in installments, or all of any class or classes thereof determined by conditions pertaining to the indebtedness or to the purchase giving rise to the indebtedness. The policy may provide that the term "debtors" shall include the debtors of one or more subsidiary corporations, and the debtors of one or more affiliated corporations, proprietors or partnerships if the business of the policyholder and of such affiliated corporations, proprietors or partnerships is under common control through stock ownership, contract, or otherwise.

"Debtors" may include.

Premium payment; by policyholder.

(2) The premium for the policy shall be paid by the policyholder, either from the creditor's funds, or from charges collected from the insured debtors, or from both. A policy on which part or all of the premium is to be derived from the collection from the insured debtors of identifiable charges not required of uninsured debtors shall not include, in the class or classes of debtors eligible for insurance, debtors under obligations outstanding at its date of issue without evidence of individual insurability unless at least seventy-five percent of the then eligible debtors elect to pay the required charges. A policy on which no part of the premium is to be derived from the collection of such identifiable charges must insure all eligible debtors, or all except any as to whom evidence of individual insurability is not satisfactory to the insurer.

Limitations as to issuance of policy.

(3) The policy may be issued only if the group of eligible debtors is then receiving new entrants at the rate of at least one hundred persons yearly, or may reasonably be expected to receive at least one hundred new entrants during the first policy year, and only if the policy reserves to the insurer the right to require evidence of individual insurability if less than seventy-five percent of the new entrants become insured.

(4) The amount of insurance on the life of any

debtor shall at no time exceed the amount owed by him which is repayable in installments over a period not in excess of five years, to the creditor, or ten thousand dollars, whichever is less.

Limitations on amount of insurance per debtor.

(5) The insurance shall be payable to the policyholder. Such payment shall reduce or extinguish the unpaid indebtedness of the debtor to the extent of such payment.

Insurance payable to policyholder.

(6) Payment by the debtor insured under any such group life insurance contract of the premium charged the creditor by the insurer for such insurance pertaining to the debtor, shall not be deemed to constitute a charge upon a loan in violation of any usuary law.

Not charge upon a loan.

SEC. 19. Section .24.05, chapter 79, Laws of 1947 and RCW 48.24.050 are each amended to read as follows:

Amendment.

The lives of a group of individuals may be insured under a policy issued to a labor union, which shall be deemed the policyholder, to insure members of such union for the benefit of persons other than the union or any of its officials, representatives or agents, subject to the following requirements:

Group insurance; labor unions.

(1) The members eligible for insurance under the policy shall be all of the members of the union, or all of any class or classes thereof determined by conditions pertaining to their employment, or to membership in the union, or both.

Requirements.

(2) The premium for the policy shall be paid by the policyholder, either wholly from the union's funds, or partly from such funds and partly from funds contributed by the insured members specifically for their insurance. No policy may be issued of which the entire premium is to be derived from funds contributed by the insured members specifically for their insurance. A policy on which the premium is to be derived in part from funds contributed by the insured members specifically for their insur-

Members of union.

Premium payment by policyholder; funds for.

ance may be placed in force only if at least seventy-five percent of the then eligible members, excluding any as to whom evidence of individual insurability is not satisfactory to the insurer, elect to make the required contributions. A policy on which no part of the premium is to be derived from funds contributed by the insured members specifically for their insurance must insure all eligible members, or all except any as to whom evidence of individual insurability is not satisfactory to the insurer.

Minimum coverage at date of issue.

(3) The policy must cover at least twenty-five members at date of issue.

Individual selection precluded.

(4) The amounts of insurance under the policy must be based upon some plan precluding individual selection either by the members or by the union.

Amendment.

SEC. 20. Section 11, chapter 197, Laws of 1953 and RCW 48.24.060 are each amended to read as follows:

Group insurance; public employees.

The lives of a group of public employees may be insured under a policy issued to the departmental head or to a trustee, or issued to an association of public employees formed for purposes other than obtaining insurance and having, when the policy is placed in force, a membership in the classes eligible for insurance of not less than seventy-five percent of the number of employees eligible for membership in such classes, which department head or trustee or association shall be deemed the policyholder, to insure such employees for the benefit of persons other than the policyholder or any of its officials, subject to the following requirements:

Requirements.

Public employees.

(1) The persons eligible for insurance under the policy shall be all of the employees of the department or members of the association, or all of any class or classes thereof determined by conditions pertaining to their employment, or to membership in the association, or both.

Premium paid by policyholder; funds for.

(2) The premium for the policy shall be paid by the policyholder, in whole or in part either from

salary deductions authorized by, or charges collected from, the insured employees or members specifically for the insurance, or from the association's own funds, or from both. Any such deductions from salary may be paid by the employer to the association or directly to the insurer. No policy may be placed in force unless and until as least seventy-five percent of the then eligible employees or association members, excluding any as to whom evidence of individual insurability is not satisfactory to the insurer, have elected to be covered and have authorized their employer to make any required deductions from salary.

(3) The rate of charges to the insured employees or members specifically for the insurance, and the dues of the association if they include the cost of insurance, shall be determined according to each attained age or in not less than four reasonably spaced attained age groups. In no event shall the rate of such dues or charges be level for all members regardless of attained age.

Rate of charges to insured members determined.

(4) The policy must cover at least twenty-five persons at date of issue.

Minimum coverage at date of issue.

(5) The amounts of insurance under the policy must be based upon some plan precluding individual selection either by the employees or members or by the association. Such amounts shall in no event exceed five thousand dollars of life insurance in the case of any employee or member, and the amount of life insurance shall not exceed five hundred dollars in the case of retired employees or members and persons over age sixty-five.

Individual selection precluded.

Maximum amount of insurance per member.

As used herein, "public employees" means employees of the United States government, or of any state, or of any political subdivision or instrumentality of any of them.

"Public employees" defined.

SEC. 21. Section 12, chapter 197, Laws of 1953 and RCW 48.24.070 are each amended to read as follows:

Amendment.

Group insurance; employers—labor unions, in same industry.

The lives of a group of individuals may be insured under a policy issued to the trustees of a fund established by two or more employers in the same industry, or by one or more labor unions, or by one or more employers in the same industry and one or more labor unions, or by one or more employers and one or more labor unions whose members are in the same or related occupations or trades, which trustees shall be deemed the policyholder, to insure employees or members for the benefit of persons other than the employers or the unions, subject to the following requirements:

Persons eligible for insurance.

(1) The persons eligible for insurance shall be all of the employees of the employers or all of the members of the unions, or all of any class or classes thereof determined by conditions pertaining to their employment, or to membership in the unions, or to both. The policy may provide that the term "employees" shall include the individual proprietor or partners if an employer is an individual proprietor or a partnership. The policy may provide that the term "employees" shall include the trustees or their employees, or both, if their duties are connected with such trusteeship. The policy may provide that the term "employees" shall include retired employees.

"Employees" shall include.

Premium paid by trustees; funds for.

(2) The premium for the policy shall be paid by the trustees wholly from funds contributed by the employer or employers of the insured persons, or by the union or unions, or by both, or partly from such funds and partly from funds contributed by the insured persons. A policy on which part of the premium is to be derived from funds contributed by the insured persons specifically for their insurance may be placed in force only if at least seventy-five percent of the then eligible persons, excluding any as to whom evidence of insurability is not satisfactory to the insurer, elect to make the required contribu-

tions. A policy on which no part of the premium is to be derived from funds contributed by the insured persons specifically for their insurance must insure all eligible persons, or all except any as to whom evidence of individual insurability is not satisfactory to the insurer.

(3) The policy must cover at least one hundred persons at date of issue. Minimum coverage at date of issue.

(4) The amounts of insurance under the policy must be based upon some plan precluding individual selection either by the insured persons or by the policyholder, employers, or unions. Individual selection precluded.

SEC. 22. A new section is added to chapter 48.24 RCW to read as follows: New section.

No such policy of group life insurance may be issued to an employer, or to a labor union, or to the trustees of a fund established in whole or in part by an employer or a labor union, which provides term insurance on any person which together with any other term insurance under any group life insurance policy or policies issued to the employer or employers of such person or to a labor union or labor unions of which such person is a member or to the trustees of a fund or funds established in whole or in part by such employer or employers or such labor union or labor unions, exceeds twenty thousand dollars, unless one hundred and fifty percent of the annual compensation of such person from his employer or employers exceeds twenty thousand dollars, in which event all such term insurance shall not exceed forty thousand dollars or one hundred and fifty percent of such annual compensation, whichever is the lesser. Prohibition on issuance of policy to employer or labor union.

SEC. 23. Section .24.16, chapter 79, Laws of 1947 and RCW 48.24.160 are each amended to read as follows: Amendment.

There shall be a provision that any sum becoming due by reason of the death of the individual in- Procedure on death of insured.

sured shall be payable to the beneficiary designated by such individual, subject to the provisions of the policy in the event there is no designated beneficiary, as to all or any part of such sum, living at the death of the individual insured and subject to any right reserved by the insurer in the policy and set forth in the certificate to pay at its option a part of such sum not exceeding five hundred dollars to any person appearing to the insurer to be equitably entitled thereto by reason of having incurred funeral or other expenses incident to the last illness or death of the individual insured.

Amendment.

SEC. 24. Section .24.18, chapter 79, Laws of 1947 and RCW 48.24.180 are each amended to read as follows:

Termination of employment or membership; right to individual policy.

There shall be a provision that if the insurance, or any portion of it, on an individual covered under the policy, other than a child insured pursuant to RCW 48.24.030, ceases because of termination of employment or of membership in the class or classes eligible for coverage under the policy, such individual shall be entitled to have issued to him by the insurer, without evidence of insurability, an individual policy of life insurance without disability or other supplementary benefits, provided application for the individual policy shall be made, and the first premium paid to the insurer, within thirty-one days after such termination, and provided further that,

Requirements for individual policy issuance.

Form of insurance.

(1) the individual policy shall, at the option of such individual, be on any one of the forms, except term insurance, then customarily issued by the insurer at the age and for the amount applied for;

Amount of policy.

(2) the individual policy shall be in an amount not in any event in excess of the amount of life insurance which ceases because of such termination nor less than one thousand dollars unless a smaller amount of coverage was provided for such individual under the group policy, *Provided*, That any amount



of insurance which matures on the date of such termination or has matured prior thereto under the group policy as an endowment payable to the individual insured, whether in one sum or in installments or in the form of an annuity, shall not, for the purposes of this provision, be included in the amount which is considered to cease because of such termination; and

(3) the premium on the individual policy shall be at the insurer's then customary rate applicable to the form and amount of the individual policy, to the class of risk to which such individual then belongs, and to his age attained on the effective date of the individual policy. Premium rate.

SEC. 25. Section 14, chapter 197, Laws of 1953 and RCW 48.36.070 are each amended to read as follows: Amendment.

(1) Any society may admit to beneficial membership any person not less than fifteen years of age, who has been examined by a legally qualified physician, and whose examination has been supervised and approved in accordance with the laws of the society, or who has made a declaration of insurability acceptable to the society: *Provided*, That any beneficial member of a society who shall apply for additional benefits more than six months after becoming a beneficial member shall pass an additional medical examination, or make an additional declaration of insurability, as required by the society. Qualifications to be admitted to beneficial membership of society.

(2) Any person so admitted prior to attaining the full age of twenty-one years shall be bound by the terms of his or her application and certificate, and by all the laws, rules and regulations of the society, and shall be entitled to all the rights and privileges of membership therein, as fully and to the same extent as though he or she were a person of full legal age, and may at any time surrender his or her membership and insurance or give a valid dis- Application for additional benefits.

(3) Any person so admitted prior to attaining the full age of twenty-one years shall be bound by the terms of his or her application and certificate, and by all the laws, rules and regulations of the society, and shall be entitled to all the rights and privileges of membership therein, as fully and to the same extent as though he or she were a person of full legal age, and may at any time surrender his or her membership and insurance or give a valid dis- Persons admitted prior to majority age.

charge for any benefit accruing or any money payable thereunder.

No prohibition against general or social members.

(3) Nothing herein contained shall prevent such society from accepting general or social members, who shall have no voice or vote in the management of the insurance affairs of the society, nor from issuing juvenile certificates on the lives of children under the age of eighteen years.

Repeal.

SEC. 26. Section .32.11, chapter 79, Laws of 1947 and RCW 48.36.110 are each hereby repealed.

Amendment.

SEC. 27. Section 31, chapter 190, Laws of 1949 and RCW 48.36.350 are each amended to read as follows:

Fraternal benefit societies; provision for payment of death or annuity benefits upon the lives of children.

Any fraternal benefit society operating on the lodge system and authorized to transact the business of fraternal insurance in this state, may provide in its constitution and bylaws, in addition to other benefits provided for therein, for the payment of death or annuity benefits upon the lives of children between the ages of one and eighteen years at next birthday. Any such society may at its option organize and operate branches for such children and membership in local lodges and initiation therein shall not be required of such children, nor shall they have any voice in the management of the society.

SEC. 28. Section .17.33, chapter 79, Laws of 1947 and RCW 48.17.330 are each amended to read as follows:

License to nonresident.

(1) The commissioner may license as a life and/or disability insurance agent only, or as a broker, a person who is otherwise qualified therefor under this code but who is not a resident of or domiciled in this state, if by the laws of the state or province of his residence or domicile a similar privilege is extended to residents of or corporations domiciled in this state.

(2) Any such licensee shall be subject to the same obligations and limitations, and to the commissioner's supervision as though resident or domiciled in this state, subject to RCW 48.14.040.

Obligations and limitations on license.

(3) No such person shall be so licensed unless he files the power of attorney provided for in RCW 48.17.340, and, if a corporation, it must have complied with the laws of this state governing the admission of foreign corporations.

Power of attorney.

SEC. 29. Section .24.02, chapter 79, Laws of 1947 and RCW 48.24.020 are each amended to read as follows:

Amendment.

The lives of a group of individuals may be insured under a policy issued to an employer, or to the trustees of a fund established by an employer, which employer or trustee is deemed the policyholder, insuring employees of the employer for the benefit of persons other than the employer, subject to the following requirements:

Group insurance; employers.

(1) The employees eligible for insurance under the policy shall be all of the employees of the employer, or all of any class or classes thereof determined by conditions pertaining to their employment. The policy may provide that the term "employees" shall include the employees of one or more subsidiary corporations, and the employees, individual proprietors, and partners of one or more affiliated corporations, proprietors or partnerships if the business of the employer and of such affiliated corporations, proprietors or partnerships is under common control through stock ownership, contract or otherwise. The policy may provide that the term "employees" shall include the individual proprietor or partners if the employer is an individual proprietor or a partnership. The policy may provide that the term "employees" shall include retired employees.

Requirements.

Employees of employer.

"Employees" may include.

(2) The premium for the policy shall be paid by the policyholder, either wholly from the employer's

Premium paid by policyholder; funds for.

funds or funds contributed by him, or partly from such funds and partly from funds contributed by the insured employees. No policy may be issued on which the entire premium is to be derived from funds contributed by the insured employees. A policy on which part of the premium is to be derived from funds contributed by the insured employees may be placed in force only if at least seventy-five percent of the then eligible employees, excluding any as to whom evidence of individual insurability is not satisfactory to the insurer, elect to make the required contributions. A policy on which no part of the premium is to be derived from funds contributed by the insured employees must insure all eligible employees, or all except any as to whom evidence of individual insurability is not satisfactory to the insurer.

Minimum coverage at date of issue.

(3) The policy must cover at least ten employees at date of issue.

Individual selection precluded.

(4) The amounts of insurance under the policy must be based upon some plan precluding individual selection either by the employees or by the employer or trustees.

Passed the Senate February 8, 1955.

Passed the House March 2, 1955.

Approved by the Governor March 21, 1955.

CHAPTER 304.

[ S. B. 233. ]

SOIL CONSERVATION.

AN Act relating to soil conservation; amending sections 3, 5, 6, 8, 9 and 15, chapter 187, Laws of 1939, section 3, chapter 216, Laws of 1951 and section 2, chapter 106, Laws of 1949 and RCW sections 89.08.020 through 89.08.070, 89.08.090 through 89.08.220 and 89.08.350 through 89.08.380 and repealing sections 9 through 12, chapter 187, Laws of 1939 and RCW 89.08.230 through 89.08.330.

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

SECTION 1. Section 3, chapter 187, Laws of 1939 and RCW 89.08.020 are each amended to read as follows: Amendment.

Unless the context clearly indicates otherwise, as used in this chapter: Definition of terms as herein used.

“Committee” and “conservation committee” mean the state soil conservation committee created hereunder; “Committee.”  
“Conservation committee.”

“District” means a soil conservation district created hereunder; “District.”

“Board” and “supervisors” mean the board of supervisors of a soil conservation district; “Board.”  
“Supervisors.”

“Land owner” or “owner of land” means the holder of legal or equitable title to land in a district; “Landowner.”  
“Owner of land.”

“Tenant” means person or persons who operate a farm under a lease, crop share or similar arrangement; “Tenant.”

“Due notice” means a notice published at least twice, with at least six days between publications, in a publication of general circulation within the affected area, or if there is no such publication, by posting at a reasonable number of public places within the area, where it is customary to post notices concerning county and municipal affairs. Any hearing held pursuant to due notice may be postponed from time to time without a new notice. “Due notice.”

Division and amendment.

SEC. 2. Section 3, chapter 216, Laws of 1951 (heretofore codified as RCW 89.08.030 through 89.08.070) is divided and amended as set forth in sections 3 through 7 of this act.

Soil conservation committee established.

SEC. 3. (RCW 89.08.030) There is hereby created as an agency of the state, the state soil conservation committee.

Committee membership; appointment and election to; qualification for; terms.

The committee shall consist of five farmer members and two ex officio members. The farmer members shall be actively engaged in commercial farming in this state. Two of the farmer members shall be appointed by the governor and three shall be elected as herein provided. The appointed farmer members shall serve for a term of four years. The appointments of the first farmer members after the effective date of this amendatory act shall be effective upon the expiration of the terms of the present appointed farmer members.

Elected members; terms.

The other three farmer members shall be elected for three-year terms, one being elected each year by the district supervisors at their annual statewide meeting. One of the members shall be from eastern Washington, one from central Washington and one from western Washington, the specific boundaries to be determined by district supervisors. At the first such election, the term of the member from western Washington shall be one year, central Washington two years and eastern Washington three years, and successors shall be elected for three years.

Unexpired term vacancies filled.

Unexpired term vacancies in the office of appointed committee members shall be filled by appointment by the governor in the same manner as full-term appointments. Unexpired terms of elected committee members shall be filled by the vice president of the state association of soil conservation districts who serves the part of the state where the vacancy occurs, such term to continue only until

district supervisors can fill the unexpired term by electing the committee member.

The director of the department of conservation and development and the director of the institute of agricultural sciences at the State College of Washington shall be ex officio members of the committee. An ex officio member of the committee shall hold office so long as he retains the office by virtue of which he is a member of the committee.

Ex officio members of committee; terms.

Upon the effective date of this amendatory act, the officers and directors representing the soil conservation districts shall appoint one farmer member from each of the three respective areas of the state to serve on the committee until the next annual meeting of the district supervisors, at which time elections shall be held as provided for in this act.

Appointment of district farmer member.

SEC. 4. (RCW 89.08.040) The committee shall designate its chairman from time to time. Members shall receive no compensation, but shall be entitled to expenses, including traveling expenses, necessarily incurred in the discharge of their duties.

Enacted without amendment.

Per diem.

The committee shall keep a record of all its official actions, proceedings, resolutions, regulations, and orders, provide for an annual audit of its accounts, adopt a seal, which shall be judicially noticed, adopt and promulgate rules, hold public hearings, and do all things necessary to carry out its functions. The state department of conservation and development is empowered to pay the necessary travel expenses of the farmer members of the state soil conservation committee, and the salaries, wages and other expenses of such administrative officers or other employees as may be required under the provisions of this chapter.

Records of committee; committee duties.

State department of conservation and development empowered to pay necessary expenses.

SEC. 5. (RCW 89.08.050) The committee may employ an administrative officer, and such technical experts and such other agents and employees as it requires, and determine their qualifications, duties,

Enacted without amendment.

Personnel.

and compensation, and may call upon the attorney general for such legal services as it may require.

Delegation of power.

It may delegate to its chairman or to its members or employees such duties and powers as it deems proper. It shall provide for surety bonds for its officers and employees entrusted with funds or property.

Bonds.

Quorum.

A majority of the committee shall constitute a quorum, and a majority must concur in any matter calling for committee action.

Enacted without amendment.

SEC. 6. (RCW 89.08.060) The committee may request any state agency or state institution of learning to make studies, surveys, and reports on any matter relating to its functions, and may request that a member of the personnel of such agency or institution be assigned to it as assistant, and such requests shall be complied with so far as possible and practicable.

Requests of other state agencies or institutions.

Committee duties and responsibilities.

SEC. 7. (RCW 89.08.070) In addition to the duties and responsibilities hereinafter conferred upon the committee, it shall have the following duties and responsibilities:

(1) To offer such assistance as may be appropriate to the supervisors of soil conservation districts in the carrying out of any of their powers and programs.

(2) To keep the supervisors of each of the several soil conservation districts informed of the activities and experience of all other such districts organized hereunder, and to facilitate an interchange of advice and experience between such districts and cooperation between them.

(3) To coordinate the programs of the several soil conservation districts so far as this may be done by advice and consultation.

(4) To secure the cooperation of the United States and any of its agencies, and of agencies of this state in the work of such districts.



(5) To disseminate information throughout the state concerning the activities and programs of the soil conservation districts organized hereunder, and to encourage the formation of such districts in areas where their organization is desirable.

(6) The committee may upon the petition of a majority of the owners of land and tenants in any one or more conservation districts or the owners of land and tenants in unorganized territory adjoining a conservation district change the boundaries of a district or districts if such action will promote the practical and feasible administration of any such district or districts. The committee may also upon a similar petition change the name of a district provided the proposed new name is not identical with that of another district or so similar thereto that confusion might result.

SEC. 8. Section 5, chapter 187, Laws of 1939 (heretofore codified as RCW 89.08.090 through 89.08.180) is divided and amended as set forth in sections 9 through 18 of this act.

Division and amendment.

SEC. 9. (RCW 89.08.090) Within thirty days after a petition is filed, the committee shall give due notice of the time and place of a public hearing thereon. At the hearing all interested persons shall be heard.

Enacted without amendment.

Notice of hearing.

If it appears to the committee that additional land should be included in the district, the hearing shall be adjourned and a new notice given covering the entire area and a new date fixed for further hearing, unless waiver of notice by the owners of the additional land is filed with the committee.

Procedure—appears at hearing that additional land should be included in district.

No district shall include any portion of a railroad right of way, or another similar district. The lands included in a district need not be contiguous.

SEC. 10. (RCW 89.08.100) After the hearing, if the committee finds that the public health, safety, and welfare warrant the creation of the district, it shall enter an order to that effect and define the

Enacted without amendment.

Determining whether district is needed.

boundaries thereof by metes and bounds or by legal subdivisions.

Committee considerations in making its findings as to need.

In making its findings the committee shall consider the topography of the particular area and of the state generally; the composition of the soil; the distribution of erosion; the prevailing land use practices; the effects upon and benefits to the land proposed to be included; the relation of the area to existing watersheds and agricultural regions and to other similar districts organized or proposed; and consider such other physical, geographical, and economic factors as are relevant.

If the committee finds there is no need for the district, it shall enter an order denying the petition, and no petition covering the same or substantially the same area may be filed within six months thereafter.

Determining whether district is practicable.

SEC. 11. (RCW 89.08.110) If the committee finds that the district is needed, it shall then determine whether it is practicable. To assist the committee in determining this question, it shall, within a reasonable time, submit the proposition to a vote of the landowners and tenants in the proposed district.

Vote on proposition.

The committee shall fix the date of the election, establish the voting precincts, designate the polling places, fix the hours for opening and closing the polls, and appoint the election officials. The election shall be conducted, the vote counted and returns canvassed and the results published by the committee in the same manner as is done in general county elections.

Election procedure.

Enacted without amendment.

SEC. 12. (RCW 89.08.120) The committee shall provide the ballots for the election which shall contain the words

Ballots; form of.

“ For creation of a soil conservation district of the lands below described and lying in the county or counties of \_\_\_\_\_, \_\_\_\_\_ and \_\_\_\_\_,” and

“ Against creation of a soil conservation district of the lands below described and lying in the county or counties of ..... and .....” The ballot shall set forth the boundaries of the proposed district, and contain a direction to insert an X in the square of the voter’s choice.

SEC. 13. (RCW 89.08.130) The committee shall give due notice of the election, which shall state generally the purpose of the election, the date thereof, the place and hours of voting, and set forth the boundaries of the proposed district.

Notice of election.

Only owners of land and tenants within the proposed district as determined by the committee may vote at the election. Each voter shall vote in the precinct of his residence. If he resides outside the district, he shall vote at the nearest polling place in the district.

Voters qualifications.

SEC. 14. (RCW 89.08.140) The committee shall bear all expense of giving the notices and conducting the hearings and election, and shall issue regulations governing all hearings and elections and supervise the conduct thereof. It shall provide for registration of eligible voters or prescribe the procedure to determine the eligible voters. No informality in connection with the election shall invalidate the results, if the notice thereof was substantially given, and the election fairly conducted.

Enacted without amendment.

Expenses of election; procedure of registration.

SEC. 15. (RCW 89.08.150) If a majority of the votes cast at the election are against the creation of the district, the committee shall deny the petition. If a majority favor the district, the committee shall determine the practicability of the project.

Enacted without amendment.

Procedure after voter’s decision.

In making such determination, the committee shall consider the attitude of the landowners of the district; the number of eligible voters who voted at the election; the size of the majority vote; the wealth

Committee considerations in determining practicality.

and income of the landowners; the probable expense of carrying out the project; and any other economic factors relevant thereto.

Limitation on filing new petition on same area.

If the committee finds that the project is impracticable it shall enter an order to that effect and deny the petition. When the petition has been denied, no new petition covering the same or substantially the same area may be filed within six months therefrom.

Enacted without amendment.

Procedure when project found practicable.

Governing board of district.

SEC. 16. (RCW 89.08.160) If the committee finds the project practicable, it shall appoint two supervisors, who shall be qualified by training and experience to perform the specialized skilled services required of them. They, with the three elected supervisors, shall constitute the governing board of the district.

The two appointed supervisors shall file with the secretary of state a sworn application, reciting that a petition was filed with the committee for the creation of the district; that all required proceedings were had thereon; that they were appointed by the committee as such supervisors; and that the application is being filed to complete the organization of the district. It shall contain the names and residences of the applicants, a certified copy of their appointments, the name of the district, the location of the office of the supervisors and the term of office of each applicant.

Statement of committee; filed with sworn application; contents of.

The application shall be accompanied by a statement of the committee, reciting that a petition was filed, notice issued, and hearing held thereon as required; that it determined the need for the district and defined the boundaries thereof; that notice was given and an election held on the question of creating the district; that a majority vote favored the district, and that the committee had determined the district practicable; and shall set forth the boundaries of the district.

SEC. 17. (RCW 89.08.170) If the secretary of state finds that the name of the proposed district is such as will not be confused with that of any other district, he shall enter the application and statement in his records. If he finds the name may be confusing, he shall certify that fact to the committee, which shall submit a new name free from such objections, and he shall enter the application and statement as modified, in his records. Thereupon the district shall be considered organized into a body corporate.

Enacted without amendment.

Procedure of secretary of state on receipt of sworn application and statements of committee.

District considered body corporate.

The secretary of state shall then issue to the supervisors a certificate of organization of the district under the seal of the state, and shall record the certificate in his office. Proof of the issuance of the certificate shall be evidence of the establishment of the district, and a certified copy of the certificate shall be admissible as evidence and shall be proof of the filing and contents thereof. The name of a soil conservation district may be changed upon recommendation by the supervisors of a district and approval by the state soil conservation committee and the secretary of state. The new name shall be recorded by the secretary of state following the same general procedure as for the previous name.

Certificate of organization.

Changing name of soil conservation district.

SEC. 18. (RCW 89.08.180) Territory may be added to an existing district upon filing a like petition with the committee by owners and tenants of the lands to be included. The same proceedings shall be followed as on the petition for the creation of the district: *Provided*, That the committee may upon the petition of two-thirds of the owners of land in a part of any one or more soil conservation districts change the boundaries of said district or districts. In case of an election all owners of land and tenants in the area proposed to be annexed, shall be eligible to vote thereat.

Procedure to add territory to existing district.

Proviso.

Amendment.

SEC. 19. Section 6, chapter 187, Laws of 1939 and RCW 89.08.190 are each amended to read as follows:

Petitions to nominate candidates for three elected supervisors.

Within thirty days after the issuance of the certificate of organization, unless the time is extended by the committee, petitions may be filed with the committee to nominate candidates for the three elected supervisors. The petition shall be signed by not less than twenty-five district voters, and a voter may sign more than one petition.

Notice of election.

The committee shall give due notice of an election to elect the three supervisors. All provisions pertaining to elections on the creation of a district shall govern this election so far as applicable.

Election procedure.

The names of all nominees shall appear on the ballot in alphabetical order, together with instructions to vote for three. The three candidates receiving the most votes shall be declared elected supervisors.

Determining elected supervisors.

Alternative method of election.

An alternate method of dividing the district into three zones may be used when requested by the board of supervisors and approved by the committee. In such case, instructions will be to vote for one in each zone. The candidate receiving the most votes in a zone shall be declared elected.

Division and amendment.

SEC. 20. Section 2, chapter 106, Laws of 1949 (heretofore codified as RCW 89.08.200 and 89.08.210) is divided and amended as set forth in sections 21 and 22 of this act.

Terms of office for supervisors.

SEC. 21. (RCW 89.08.200) The term of office of each supervisor shall be three years and until his successor is appointed or elected and qualified, except that the supervisors first appointed shall serve for one and two years respectively from the date of their appointments, as designated in their appointments.

In the case of elected supervisors, the term of office of each supervisor shall be three years and until his successor is elected and qualified, except

that for the first election, the one receiving the largest number of votes shall be elected for three years; the next largest two years; and the third largest one year. Successors shall be elected for three-year terms.

Vacancies in the office of appointed supervisors shall be filled by the state soil conservation committee. Vacancies in the office of elected supervisors shall be filled by appointment made by the remaining supervisors for the unexpired term.

Vacancies in office filled.

A majority of the supervisors shall constitute a quorum and the concurrence of a majority is required for any official action or determination.

Quorum.

Supervisors shall serve without compensation. A supervisor may be removed by the state soil conservation committee upon notice and hearing, for neglect of duty or malfeasance in office, but for no other reason.

No compensation.  
Removal from office.

The governing board shall designate a chairman from time to time.

Chairman.

SEC. 22. (RCW 89.08.210) The board may employ all necessary clerical and technical assistants, and determine the qualifications, duties, and compensation of its employees. It may call upon the attorney general for legal services, or may employ its own counsel and legal staff. It may delegate to its chairman or employees such powers and duties as it deems proper. It shall provide for the execution of surety bonds for the officers and employees entrusted with funds or property.

Enacted without amendment.

Powers and duties of board.

The board shall keep a record of all its proceedings, resolutions, rules, regulations, orders, and ordinances, which shall be open to public inspection and remain in the custody and control of its chairman. It shall provide for an annual audit of its accounts. It shall furnish the committee, upon request, copies of its rules, regulations, orders, docu-

ments and instruments used by it, and any other information concerning its activities.

The board may invite the legislative body of any municipality or county near or within the district, to designate a representative to advise and consult with it on all questions of program and policy which may affect the property, water supply, or other interests of such municipality or county.

Amendment.

SEC. 23. Sections 8 and 9, chapter 187, Laws of 1939 (heretofore combined and codified as RCW 89.08.220) are amended to read as follows:

Prohibition  
against levying  
taxes—issuing  
bonds.

(RCW 89.08.220) A district shall constitute a body corporate, exercising public powers, but shall not levy taxes or issue bonds.

A district may:

Powers of a  
district.

(1) Conduct, in cooperation with the state college and any state or federal agency, surveys relating to the character of soil erosion and control measures needed within the district; publish the results thereof; and disseminate the information concerning such measures;

(2) Conduct demonstrational projects within the district on lands controlled by any state agency in cooperation with such agency and on other lands within the district with the consent of the owner thereof, in order to demonstrate how soil and soil resources may be conserved and soil erosion prevented and controlled;

(3) Carry out preventative and control measures, such as engineering operations, methods of cultivation, growing of vegetation or changes in land use on land within the district, with the consent and cooperation of the person or agency owning it or in control thereof;

(4) Cooperate or enter into agreements with any agency or landowner or tenant and furnish financial or other aid in carrying on erosion control and preventative operations within the district, as the board



deems necessary to carry out the purposes of this chapter;

(5) Obtain options upon and acquire in any manner, except by condemnation, any property or rights therein necessary or proper to further the purposes for which it was created, and manage, lease, and dispose of such property for such purposes, and use the income therefrom for district purposes;

(6) Make available to landowners and tenants in the district, agricultural and engineering equipment, fertilizer, seeds, seedlings, and such other equipment and material as will assist them to conserve their soil resources and prevent and control soil erosion;

(7) Develop detailed comprehensive plans for the conservation of soil resources and prevention and control of soil erosion and publish such plans and spread the information thereon throughout the district;

(8) Acquire or lease and operate any soil conservation, erosion control, or prevention project in the district undertaken by any state or federal agency; act as agent for the agency in acquiring, constructing, or operating the project; and accept contributions from the agency and use them to carry out its operations;

(9) Cooperate with other districts organized under this chapter in the exercise of any of its powers;

(10) Construct, improve, and maintain structures necessary or convenient for its purposes; and

(11) Sue and be sued in its name; adopt a seal; have perpetual existence, subject to termination provided herein; execute all instruments necessary for its purposes; and make and amend rules to carry out its purposes.

SEC. 24. Section 15, chapter 187, Laws of 1939 (heretofore codified as RCW 89.08.350 through

**Division and  
amendment.**

89.08.380) is divided and amended as set forth in sections 25 through 28 of this act.

Petition to dissolve district; committee procedure upon receipt of petition.

SEC. 25. (RCW 89.08.350) At any time after five years from the organization of a district, fifteen owners and tenants of land in the district may file with the committee a petition, praying that the district be dissolved. The committee may hold public hearings thereon, and within sixty days from receipt of the petition, shall give due notice of an election on the question of dissolution. It shall provide appropriate ballots, conduct the election, canvass the returns, and declare the results in the same manner as for elections to create a district.

All owners and tenants of land in the district may vote at the election. No informality relating to the election shall invalidate it if notice is substantially given and the election is fairly conducted.

Enacted without amendment.

Dissolving district or determination whether continuance of district is practicable.

SEC. 26. (RCW 89.08.360) If a majority of the votes cast at the election are for dissolution, the district shall be dissolved. If two-thirds of the votes are against dissolution, the committee shall determine whether the continuance of the district is practicable. In making the determination it shall consider all the factors considered by it in determining that the district was practicable originally. If it finds that further operation of the district is impracticable it shall order it dissolved and certify its determination to the supervisors.

Enacted without amendment.

Termination of affairs of district.

SEC. 27. (RCW 89.08.370) If the district is ordered dissolved, the supervisors shall forthwith terminate the affairs of the district and dispose of all district property at public auction, and pay the proceeds therefrom to the state treasurer.

Verified application for dissolution of district.

They shall then file a verified application with the secretary of state for the dissolution of the district, accompanied by a certificate of the committee reciting the determination that further operation of the district is impracticable. The application

shall recite that the property of the district has been disposed of, that the proceeds therefrom have been paid to the treasurer, and contain a full accounting of the property and proceeds. Thereupon the secretary shall issue to the supervisors a certificate of dissolution and file a copy thereof in his records.

Certificate of dissolution.

SEC. 28. (RCW 89.08.380) A dissolution of a district shall not affect any contracts or obligations of the district. Upon the issuance of the certificate of dissolution, the committee shall be substituted for the supervisors and it shall assume all the duties, liabilities, and powers of the supervisors.

Enacted without amendment.

When a petition for the dissolution of a district is rejected, no new petition may be filed for a period of five years.

SEC. 29. Sections 9 through 12, chapter 187, Laws of 1939 and RCW 89.08.230 through 89.08.330 are each repealed.

Repeal.

Passed the Senate February 22, 1955.

Passed the House March 5, 1955.

Approved by the Governor March 21, 1955.

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## CHAPTER 305.

[ S. B. 244. ]

### PSYCHOLOGISTS.

AN ACT relating to psychologists; providing for their certification; creating an examining board and giving it certain powers and duties; and defining crimes and providing penalties.

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

SECTION 1. When used in this act:

- (1) "Director" means director of licenses;
- (2) "Board" means the examining board created by this act.

"Director" defined.  
"Board" defined.

Unlawful to use title "certified psychologist."

SEC. 2. On and after six months from the effective date of this act it shall be unlawful for any person in the state of Washington to use the title "certified psychologist" unless the director has issued to him a certificate as hereinafter provided.

Examining board of psychology.

SEC. 3. There is hereby created an examining board of psychology, hereinafter referred to as the board, which shall be charged with the duty of examining the qualifications of applicants for certification. The board shall consist of five persons appointed by the director. Each member of the board shall be a citizen of the United States, over twenty-one years of age who shall have actively practiced psychology in the state of Washington, for at least three years immediately preceding his appointment, and who is, in the case of the first members of the board, entitled to certification under this act. The director shall appoint the board within thirty days after the effective date of this act. At the first meeting of the board the members shall determine by lot one member to serve for three years, two members to serve for two years and two members to serve one year. Upon the expiration of each member's term, the director shall appoint a certified psychologist as successor who shall serve for a term of three years. Upon the death, resignation, or removal of a member, the director shall appoint a successor to serve for the unexpired term. The board shall elect one of its members to serve as chairman.

Members of board; qualifications for; appointment of; terms; chairman of.

Meetings.

SEC. 4. The first meeting of the board shall be held within thirty days after the appointment of the board at a specific time and place designated by the director. Thereafter the board shall meet at least once a year and at as many other times as the board deems appropriate to proper discharge of its duties. All meetings shall be held in Olympia, Washington,

at a place designated by the director. Four members of the board shall constitute a quorum.

Quorum.

SEC. 5. It shall be the duty of the board to:

Duties of board.

(1) Examine the qualifications of applicants for certification under this act, to determine which applicants are eligible for certification hereunder and forward to the director the names of applicants so eligible.

Examine qualifications of applicants.

(2) Prepare, give and grade such examinations to applicants as are required by the terms of this act. The board shall determine the scope and length of such examinations, whether such examinations shall be oral or written or both and what score shall be deemed a passing score. The board may designate one or more of its members to personally supervise the taking of the examinations by applicants.

Examinations.

(3) Keep a complete record of its own proceedings, of the questions given in examinations, of the names and qualifications of all applicants, the names and addresses of all certified psychologists. The examination paper of such applicant shall be kept on file for a period of at least one year after examination.

Records.

SEC. 6. Each applicant for a certificate shall file with the director an application duly verified, in such form and setting forth such information as the board shall prescribe. An application fee in the sum of twenty-five dollars shall accompany each application.

Application and application fee.

SEC. 7. An applicant for the title of "certified psychologist" must submit proof to the board that:

Qualification proof submitted.

(1) He is of good moral character.

(2) He holds the degree of doctor of philosophy with a major in psychology from an accredited institution of higher learning, or that he holds a doctor's degree from an accredited institution of higher learning in a related field and has had at

least two years experience practicing psychology under qualified supervision.

(3) He is professionally competent by passing an examination in psychology prescribed by the board and covering the basic subject matter of psychology and psychological skills and techniques: *Provided*, That persons holding the degree of doctor of philosophy or doctor of education or master of arts or master of sciences with major in psychology from an accredited institution of higher learning who have practiced psychology for a period of five years or its equivalent in part time employment, at least one year of which shall have been in the state of Washington prior to the date of application and who submit to the board proof of good moral character shall be granted the title of "certified psychologist" without taking any examination, if such persons apply for such certificate within six months after the effective date of this act.

Excused from examination.

Re-examination.

Any applicant who shall fail to make the required grade in his examination shall be entitled to another examination the next time such examination is administered.

Certificate of "certified psychologist."

SEC. 8. Upon forwarding to the director by the board of the name of each applicant entitled to a certificate under this act, the director shall promptly issue to such applicant a certificate authorizing such applicant to use the title "certified psychologist" for a period of one year. Said certificate shall be in such form as the director shall determine. Each certified psychologist shall keep his certificate displayed in a conspicuous place in his principal place of business.

Renewal of certificate.

SEC. 9. Each certified psychologist may renew his certificate by paying to the state treasurer, on or before the tenth day of January of each year, a renewal fee in the amount of ten dollars. Upon receipt of such payment by the state treasurer the director

shall issue a certificate of renewal in such form as the director shall determine.

SEC. 10. Failure to renew a certificate as herein provided shall suspend such certificate: *Provided*, That a certificate holder whose certificate has been suspended for failure to renew may reinstate such certificate by paying to the state treasurer the renewal fees for all of the years in which such failure occurred, together with a renewal fee for the current year.

Failure to re-  
new suspends  
certificate.

Reinstate  
certificate.

SEC. 11. Confidential communications between a client and a certified psychologist shall be privileged against compulsory disclosure to the same extent and subject to the same conditions as confidential communications between attorney and client.

Privileged  
communica-  
tions.

SEC. 12. The director shall refuse to grant a certificate to any applicant and shall revoke or suspend any certificate upon proof of the following:

Certificate re-  
fused, revoked  
or suspended.

- (1) Conviction of crime involving moral turpitude;
- (2) Habitual use of narcotics, or any other substance which impairs the intellect and judgment to such an extent as to incapacitate the applicant or certificate holder for the practice of psychology;
- (3) Habitual drunkenness;
- (4) Violation of the provisions of this act;
- (5) The unethical practice of psychology.

SEC. 13. Within the meaning of this act unethical practice of psychology shall include the following:

Unethical  
practice of  
psychology  
includes.

- (1) Wilfully misleading a client or furnishing a client with information known to be erroneous.
- (2) The offering of any psychological services entirely by mail, the use of untrained personnel or of mechanical devices alone in the interpretation of test results, the indiscriminate dissemination of psychological testing materials.

(3) The employment of psychological techniques for entertainment, or other purposes not consistent with the development of psychology as a science.

(4) Engaging in individual psychological diagnosis or treatment in the course of public lectures or demonstrations, newspaper or magazine articles, radio or television programs, or similar media.

Manner of suspension or revocation.

SEC. 14. Certificates issued pursuant to this act may be suspended or revoked in the manner provided in RCW 43.24.110.

Notice of revocation or suspension proceedings.

SEC. 15. In all proceedings having for their purpose the revocation or suspension of a certificate, the holder of such certificate shall be given twenty days' notice in writing by the director, which notice shall specify the offense or offenses against this act with which said accused person is charged, and said notice shall also give the day and place where the hearing is to be held, which place of hearing shall be in the city of Olympia, Washington, unless a different place shall be fixed by the director. The director shall have the power to issue subpoenas to compel the attendance of witnesses or the production of books or documents. The accused person shall have the opportunity to make his defense and may have issued such subpoenas as he may desire. Subpoenas shall be served in the same manner as in civil cases in the superior court. Witnesses shall testify under oath administered by the director. Testimony should be taken in writing and may be taken by deposition under such rules as the director may prescribe. The committee appointed pursuant to RCW 43.24.110, shall hear and determine the charges and shall make findings and conclusions on the evidence produced and shall file the same in the director's office, together with a transcript of all evidence, a duplicate copy of which shall be served upon the accused. The revocation or suspension of the certificate shall be

Subpoenas.

Rights of accused.

Testimony.

Findings and conclusions.



in writing, signed by the director, stating the ground upon which such order is based.

SEC. 16. Any person feeling himself aggrieved by the refusal of the director to issue a certificate as provided in this act, or to renew the same, or by the revocation or suspension of a certificate issued pursuant to the provisions of this act, shall have the right to appeal from such order within fifteen days after a copy of such order is served upon him to the superior court of any county, which court shall hear such matter de novo, and appeal shall lie to the supreme court of the state from the judgment of the said superior court in the same manner as provided by law in other civil cases.

Right of appeal.

SEC. 17. The board shall be empowered to enter into reciprocal agreements with other states or territories of the United States which have certified or licensed psychologists. Any applicant for a certificate who has been examined by the board of psychology in any of the states or territories of the United States which through reciprocity similarly accredits the holder of a certificate issued by the board of psychology of the state of Washington, may on the payment of a fee of twenty-five dollars and on filing in the office of the board a true and attested copy of said certificate, showing the same and also showing that the standard of requirements adopted and enforced by said board is equal to that provided by this act, shall without further examination receive the certificate: *Provided*, That such applicant has not previously failed at any examination held by the board of psychology of the state of Washington.

Reciprocal agreements with other states or territories.

Applicants coming under such reciprocal agreements.

Proviso.

SEC. 18. It shall be a gross misdemeanor for any person to:

Deemed gross misdemeanor for person to do following.

(1) Use in connection with his or her name any designation tending to imply that he or she is a certified psychologist unless duly certified under the provisions of this act;

(2) Practice as a certified psychologist during the time his or her certificate issued under the provisions of this act is suspended or revoked; or

(3) Otherwise violate any of the provisions of this act.

Passed the Senate February 24, 1955.

Passed the House March 6, 1955.

Approved by the Governor March 21, 1955.

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CHAPTER 306.

[ S. B. 305. ]

WEIGHMASTERS.

AN ACT relating to weighmasters and amending section 6, chapter 146, Laws of 1953 and RCW 15.80.070.

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

Amendment.

SECTION 1. Section 6, chapter 146, Laws of 1953 and RCW 15.80.070 are each amended to read as follows:

Weighmasters license; application for.

Any person may make application to the director for a weighmaster's license. Application for a weighmaster's license shall be in writing on a form prescribed by the director. Each applicant shall furnish satisfactory evidence of good moral character, ability to weigh accurately and to make correct weight tickets. Upon receipt of the application together with satisfactory evidence of qualifications, on or before July 1 of any year, accompanied by a fee of fifteen dollars, the director shall issue an annual weighmaster's license. No weighmaster's license shall be issued to any applicant unless he owns or has under lease a motor truck scale of at least fifteen tons capacity, or to any applicant under the age of eighteen years, or to any person whose license issued under this chapter has been revoked: *Provided, That,* a weighmaster's license shall be issued to any licensed

License fee.

No license issued.

License issued to licensed renderer.

renderer who meets all the requirements set out in this act except that of having a fifteen ton motor truck scale, whose business is the wholesaling of grease and tallow and by necessity must have a certified weight on each fifty gallon drum of grease or tallow sold or shipped. For this exception only, a one thousand pound scale shall be deemed sufficient.

Passed the Senate March 6, 1955.

Passed the House March 5, 1955.

Approved by the Governor March 21, 1955.

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## CHAPTER 307.

[ S. B. 362. ]

### WORLD FAIRS.

AN ACT relating to state development and world fairs; creating a commission for the study of a world fair; describing powers and duties; and making an appropriation.

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

SECTION 1. The 1909 world fair and exposition known as the Alaska-Yukon-Pacific Exposition held in Seattle redounded in large measure to the benefit to the state of Washington by attracting thousands of visitors and promoting the state and its large variety of products and industries and its great trade potential. The year 1959 will mark the fiftieth anniversary of this exposition. There is wide interest in the state in the holding of another such world fair to dramatize the recent great developments and accomplishments in this state as well as its future opportunities. The feasibility and desirability of such a world fair and the proper participation of the state of Washington in such a fair should be thoroughly studied before the 1957 regular session of the legislature.

Feasibility and desirability of holding world fair and the proper participation of the state in such a fair studied.

World fair  
commission  
created;  
membership.

SEC. 2. There is created the world fair commission to consist of seven members to be selected as follows: Three by the governor, of whom one shall be designated by the governor as chairman of the commission, two by the president of the senate and two by the speaker of the house of representatives, to serve until April 30, 1957. The commission shall serve without compensation and shall meet at such time as it is called by the governor or by the chairman of the commission.

Duties of  
commission.

SEC. 3. The commission shall make complete studies and investigations concerning the feasibility and desirability of such a world fair and shall cooperate with other civic groups studying this matter. The commission shall file a report of its conclusions and its recommendations as to the recommended participation of the state of Washington in assisting such a fair and as to legislation necessary therefor. Copies of said report shall be submitted to the governor, the president of the senate, and the speaker of the house of representatives by November 1, 1956. The commission may employ such staff and personnel as is necessary to carry out its duties.

Report.

Authority to  
employ staff.

Appropriation.

SEC. 4. There is appropriated from the general fund to the world fair commission the sum of five thousand dollars or as much thereof as may be necessary for the fiscal biennium ending June 30, 1957, for carrying out the purposes of this act.

Passed the Senate February 16, 1955.

Passed the House March 6, 1955.

Approved by the Governor March 21, 1955.

## CHAPTER 308.

[ S. B. 412. ]

## NURSERY STOCK.

AN ACT relating to inspection of nursery stock and providing for the condemnation and destruction of dead or dying nursery stock; and adding a new section to chapter 15.12 RCW.

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

SECTION 1. There is added to chapter 15.12 RCW New section. a new section to read as follows:

All nursery stock required to be graded shall be living stock and shall not be dead, or in a dying condition, and shall not be seriously broken, frozen or damaged, and shall not be abnormally potbound. Qualification for grading.

Any person authorized to make inspection of shipments of nursery stock shall condemn any and all stock found to be dead or in dying condition, seriously broken, frozen, or damaged and shall order it destroyed. Condemnation and destruction authorized. The order of the inspector shall be final fifteen days after the date of its issuance unless within such time the superior court of the county where the condemnation occurred shall issue an order requiring the director of agriculture to show cause why the inspector's order should not be stayed.

Passed the Senate February 22, 1955.

Passed the House March 6, 1955.

Approved by the Governor March 21, 1955.

CHAPTER 309.

[ S. B. 210. ]

CITIES—MAYORS' AND COMMISSIONERS' SALARIES.

AN ACT relating to salaries of mayors and city commissioners of second and third class cities; amending section 14, chapter 116, Laws of 1911, as last amended by section 1, chapter 46, Laws of 1951 and RCW 35.17.040 and 35.17.110.

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

Division and amendment.

SECTION 1. Section 14, chapter 116, Laws of 1911, as last amended by section 1, chapter 46, Laws of 1951, (heretofore codified as RCW 35.17.040 and 35.17.110) is divided and amended as set forth in sections 2 and 3 of this act.

Schedule of salaries of mayors and city commissioners of second and third class cities based on population.

SEC. 2. (RCW 35.17.110) In cities having a population of two thousand five hundred, and less than forty-five hundred, the annual salary of the mayor shall be five hundred dollars and that of each of the commissioners two hundred fifty dollars.

In cities having a population of forty-five hundred and less than seven thousand, the annual salary of the mayor shall be fifteen hundred dollars, and that of each of the commissioners twelve hundred dollars.

In cities having a population of seven thousand and less than fourteen thousand the annual salary of the mayor shall be two thousand dollars, and that of each of the commissioners eighteen hundred dollars.

In cities having a population of fourteen thousand and less than twenty thousand, the annual salary of the mayor shall be three thousand two hundred dollars and that of each of the commissioners, two thousand seven hundred dollars.

In cities having a population of twenty thousand and less than thirty thousand the annual salary of the mayor may be any amount up to six thousand dollars and that of each of the commissioners may be any amount up to five thousand five hundred dollars.

The salaries of the mayor and the commissioners shall be payable on a monthly basis.

Salaries payable monthly.

SEC. 3. (RCW 35.17.040) The commission shall have and maintain an office at the city hall, or such other place as the city may provide.

Enacted without amendment.

Passed the Senate March 8, 1955.

Passed the House March 6, 1955.

Approved by the Governor March 21, 1955.

CHAPTER 310.

[ S. B. 274. ]

RAILROADS—GRADE CROSSINGS.

AN ACT relating to railroad grade crossings; and amending section 37, chapter 187, Laws of 1937 and RCW 36.86.040, section 81, chapter 53, Laws of 1937 and RCW 47.32.140 and section 1, chapter 22, Laws of 1937 and RCW 81.52.100 through 81.52.120.

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

SECTION 1. Section 37, chapter 187, Laws of 1937 and RCW 36.86.040 are each amended to read as follows:

Amendment.

The board shall erect and maintain upon the county roads such suitable and proper signs, signals, signboards, and guideposts and appropriate stop, caution, warning, restrictive, and directional signs and markings as it deems necessary or as may be required by law. All such markings shall be in accordance with the uniform state standard of color, design, erection and location adopted and designed by the Washington state highway commission. In respect to existing and future railroad grade crossings over county roads the board shall be required to install and maintain standard, non-mechanical railroad approach warning signs on both sides of the railroad upon the approaches of the county road. All

Erection and maintenance by board of proper signs, signals, and guide posts.

Uniform state standard of color.

Standard, non-mechanical railroad approach warning signs.

Location. such signs shall be located a sufficient distance from the crossing to give adequate warning to persons traveling on county roads.

Division and amendment. SEC. 2. Section 1, chapter 22, Laws of 1937 (heretofore codified as RCW 81.52.100, through 81.52.120) is divided and amended as set forth in sections 3 through 5 of this act.

Petition to cross railroad or highway at grade. SEC. 3. (RCW 81.52.100) Whenever any railroad company desires to cross any highway or railroad at grade, it shall file a written petition with the commission setting forth the reasons why the crossing cannot be made either above or below grade, and whenever the county commissioners of any county, or the municipal authorities of any city, or the state officers authorized to lay out and construct state roads, or state parks committee, desire to extend any highway across any railroad at grade, they shall file a written petition with the commission, setting forth the reasons why the crossing cannot be made

Investigation and notice of hearing. either above or below grade. Upon receiving such petition the commission shall immediately investigate it, giving at least ten days' notice to the railroad company and the county or city affected thereby, of the time and place of such investigation, to the end that all parties interested may be present and heard. If the highway involved is a state road or parkway, the director of highways or state parks committee shall be notified of the time and place

Evidence. of hearing. The evidence introduced shall be reduced to writing and be filed by the commission. If it finds that it is not practicable to cross the railroad or highway either above or below grade, the commission shall enter a written order in the cause,

Written order. either granting or denying the right to construct a grade crossing at the point in question. The commission may provide in the order authorizing a grade crossing, or at any subsequent time, that the railroad company shall install and maintain proper sig-



nals, warnings, flagmen, interlocking devices, or other devices or means to secure the safety of the public and its employees. In respect to existing railroad grade crossings over county roads or state highways the commission may require the railroad company to install and maintain, at or near each crossing, on both sides thereof, a sign known as the sawbuck crossing sign with the lettering "Railroad Crossing" inscribed thereon with a suitable inscription indicating the number of tracks. Such a sign shall be of standard design conforming to specifications furnished by the Washington state highway commission.

Existing rail-  
way road  
crossings.

Sawbuck  
crossing sign.

SEC. 4. (RCW 81.52.110) If the commission finds that it is impracticable to construct an over-crossing or under-crossing on the established or proposed highway, and shall find that by deflecting the established or proposed highway a practicable and feasible over-crossing or under-crossing or a safer grade crossing can be provided, it shall continue the hearing and hold a supplemental hearing thereon. At least ten days' notice of the time and place of the supplemental hearing shall be given to all land owners that may be affected by the proposed change in location of the highways. At the supplemental hearing the commission shall inquire into the propriety and necessity of changing and deflecting the highway as proposed. If the proposed change in route of the highway involves the abandonment and vacation of a portion of an established highway, the owners of land contiguous to the portion of the highway to be vacated shall, in like manner, be notified of the time and place of the supplemental hearing. At the conclusion of the hearing, the commission shall enter its findings in writing, and shall determine the location of the crossing which may be constructed, and whether it shall be an under-crossing, over-crossing or grade crossing, and shall deter-

Enacted  
without  
amendment.

Supplemental  
hearing.

Notice of  
supplemental  
hearing.

Inquiry at  
supplemental  
hearing.

Owners  
notified.

mine whether or not any proposed change in the route of an existing highway, or the abandonment of a portion thereof is advisable or necessary to secure an over-crossing, under-crossing, or safer grade crossing.

Enacted without amendment.

Findings and determinations.

SEC. 5. (RCW 81.52.120) If the commission finds and determines that a change in route of an existing highway, or vacation of a portion thereof, is necessary or advisable, it shall further find and determine what private property or property rights it is necessary to take or damage for the purpose of constructing the highway along a new route, and what private property or property rights, will be affected by the proposed vacation of a portion of an existing highway. The property and property rights found necessary to be taken or damaged shall be described in the findings with reasonable accuracy. In any action brought to acquire the right to take or damage any such property or property rights, the findings of the commission shall be conclusive as to the necessity therefor. A copy of the findings shall be served upon all parties to the cause.

Service of findings.

New section.

SEC. 6. There is added to chapter 36.86 RCW a new section to read as follows:

Railroad company charged with clearance of brush and timber.

Each railroad company shall keep its right of way clear of all brush and timber in the vicinity of a railroad grade crossing with a county road for a distance of one hundred feet from the crossing in such a manner as to permit a person upon the road to obtain an unobstructed view in both directions of an approaching train. The board shall cause brush and timber to be cleared from the right of way of county roads in the proximity of a railroad grade crossing for a distance of one hundred feet from the crossing in such a manner as to permit a person traveling upon the road to obtain an unobstructed view in both directions of an approaching train. It shall be unlawful to erect or maintain a sign, signboard, or bill-

board at or near a county road or railroad and within a distance of five hundred feet from the point of intersection at grade of the road and railroad and in such a way that it may obstruct the view or distract the attention of a person operating a vehicle or train and approaching the crossing.

Erection of or maintenance of sign, signboard or billboard unlawful.

When a person who has erected or who maintains such a sign, signboard, or billboard or when a railroad company permits such brush or timber in the vicinity of a railroad grade crossing with a county road or permits the surface of a grade crossing to become inconvenient or dangerous for passage and who has the duty to maintain it, fails, neglects, or refuses to remove or cause to be removed such brush, timber, sign, signboard, or billboard, or maintain the surface of the crossing, the public service commission upon complaint of the board or upon complaint of any party interested, or upon its own motion, shall enter upon a hearing in the manner now provided for hearings with respect to railroad-highway grade crossings, and make and enforce proper orders for the removal of the brush, timber, sign, signboard or billboard, or maintenance of the crossing: *Provided*, That nothing in this section shall prevent the posting or maintaining thereon of highway or road signs or traffic devices giving directions or distances for the information of the public when the signs conform to the "Manual for Uniform Traffic Control Devices" issued by the state highway commission. The board shall inspect highway grade crossings and make complaint of the violation of any provisions of this section.

Violations—  
hearing.

Proviso.

Inspection of  
highway grade  
crossings.

SEC. 7. Section 81, chapter 53, Laws of 1937 and RCW 47.32.140 are each amended to read as follows:

Amendment.

(RCW 47.32.140) Each railroad company shall keep its right of way clear of all brush and timber in the vicinity of a railroad grade crossing with a state highway for a distance of one hundred feet from

Washington state highway commission shall cause brush and timber to be cleared.

Erection or maintenance of signs unlawful.

Violations—  
hearing.

Proviso.

the crossing in such manner as to permit a person upon the highway to obtain an unobstructed view in both directions of an approaching train. The Washington state highway commission shall cause brush and timber to be cleared from the right of way of a state highway in the proximity of a railroad grade crossing for a distance of one hundred feet from the crossing in such a manner as to permit a person upon the highway to obtain an unobstructed view in both directions of an approaching train. It shall be unlawful to erect or maintain a sign, signboard, or billboard, except official highway signs and traffic devices and railroad warning or operating signs, at or near a grade crossing of a state highway and a railroad or within a distance of five hundred feet from the point of intersection of such highway and railroad.

When a person who has erected or who maintains such a sign, signboard, or billboard or when a railroad company permits such brush or timber in the vicinity of a railroad grade crossing with a state highway or permits the surface of a grade crossing to become inconvenient or dangerous for passage and who has the duty to maintain it, fails, neglects, or refuses to remove or cause to be removed such brush, timber, sign, signboard, or billboard, or maintain the surface of the crossing, the public service commission upon complaint of the highway commission or upon complaint of any party interested, or upon its own motion, shall enter upon a hearing in the manner now provided for hearings with respect to railroad-highway grade crossings, and make and enforce proper orders for the removal of the brush, timber, sign, signboard or billboard, or maintenance of the crossing: *Provided*, That nothing in this section shall prevent the posting or maintaining of any legal notice or sign, signal, or traffic device required or permitted to be posted or maintained, or the placing and maintaining thereon of highway or road

signs or traffic devices giving directions or distances for the information of the public when the signs are approved by the commission. The commission shall inspect highway grade crossings and make complaint of the violation of any provisions of this section.

SEC. 8. Whenever the director of highways or the governing body of any city, town or county shall deem that the public safety requires signals or other warning devices, other than sawbuck signs, at any crossing of a railroad at common grade by any state or county highway, road, street, alley, avenue, boulevard, parkway or other public place actually open and in use or to be opened and used for travel by the public, he or it shall file with the public service commission a petition in writing, alleging that the public safety requires the installation of specified signals or other warning devices at such crossing or specified changes in the method and manner of existing crossing warning devices. Upon receiving such petition, the commission shall set the matter for hearing, giving at least ten days' notice to the railroad company or companies and the county or municipality affected thereby, or the director of highways in the case of a state highway, of the time and place of such hearing. At the time and place fixed in the notice, all persons and parties interested shall be entitled to be heard and introduce evidence, which shall be reduced to writing and filed by the commission. If the commission shall find from the evidence that public safety does not require the installation of the signal, other warning device or change in the existing warning device specified in the petition, it shall make findings to that effect and enter an order denying said petition in toto. If the commission shall find from the evidence that public safety requires the installation of such signals or other warning devices at such crossing or such change in the existing warning devices at said cross-

Petition public service commission for signal or warning devices at railroad crossings for the public's safety.

Notice of hearing.

Findings.

ing, it shall make findings to that effect and enter an order directing the installation of such signals or other warning devices or directing that such changes shall be made in existing warning devices.

Costs.

The commission shall also at said hearing receive evidence as to the benefits to be derived by the railroad and the public, respectively, and shall on the basis of such benefits apportion the cost of installation of such signals or other warning devices, other than sawbuck signs, between the railroad, municipality or county affected, or if the highway is a state road or parkway, between the railroad and the state:

Limitation on apportionment of cost to public body involved.

*Provided*, That the commission shall in no case apportion more than fifty percent of the cost of such installation or change in existing warning devices to the public body involved. Nothing herein shall be deemed to foreclose the right of the interested parties to enter into an agreement providing for the installation of signals or other warning devices at any such crossing or for the apportionment of the cost thereof.

Orders subject to review, supersedeas and appeal.

Any order entered by the public service commission under this section shall be subject to review, supersedeas and appeal as provided in RCW 81.04.170 through RCW 81.04.190.

Passed the Senate March 8, 1955.

Passed the House March 5, 1955.

Approved by the Governor March 21, 1955.

## CHAPTER 311.

[ S. B. 293. ]

HIGHWAYS—ARTERIALS AND FARM TO MARKET ROADS  
IN GRANT, FRANKLIN AND ADAMS COUNTIES.

AN ACT relating to county arterial highways and farm to market roads in Grant, Franklin and Adams counties; providing for the issuance, sale and retirement of motor vehicle bonds; providing for reimbursement of all construction costs in said counties; making an appropriation; and declaring an emergency.

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

SECTION 1. Construction of county arterial highways and farm to market roads in Grant, Franklin and Adams counties to coincide with the opening of lands for settlement in the Columbia Basin irrigation project, is declared to be a project of the first priority. The construction of said project is required in the interest of the public safety and for the orderly development of the state.

Construction of county arterial highways and farm to market roads—declared first priority.

SEC. 2. To provide funds for construction of this first priority project, there shall be issued and sold limited obligation bonds of the state of Washington in the sum of four million three hundred thousand dollars.

Limited obligation bonds.

The issuance, sale and retirement of said bonds shall be under the general supervision and control of the state finance committee. The state finance committee shall, when notified by the director of highways, provide for the issuance of coupon or registered bonds to be dated, issued and sold from time to time in such amounts as may be necessary to the orderly progress of construction of this first priority project.

State finance committee—supervision and control of issuance, sale and retirement of bonds.

SEC. 3. Each of such bonds shall be made payable at any time not exceeding twenty-five years from the date of its issuance, with such reserved rights of prior redemption as the state finance com-

Bonds; form, etc.

mittee may prescribe to be specified therein. The bonds shall be signed by the governor and the state auditor under the seal of the state, one of which signatures shall be made manually and the other signatures may be in printed facsimile, and any coupons attached to such bonds shall be signed by the same officers whose signatures thereon may be in printed facsimile. Any bonds may be registered in the name of the holder on presentation to the state treasurer or at the fiscal agency of the state of Washington in New York City, as to principal alone, or as to both principal and interest under such regulations as the state treasurer may prescribe. Such bonds shall be payable at such places as the state finance committee may provide. All bonds issued under authority of this act shall be fully negotiable instruments.

Bonds payable.

Not general obligation bonds.

SEC. 4. Bonds issued under the provisions of this chapter shall distinctly state that they are not a general obligation of the state, but are payable in the manner provided in this chapter from the proceeds of all state excise taxes on motor vehicle fuels imposed by chapter 82.36 RCW, and RCW 82.36.020, 82.36.230, 82.36.250 and 82.36.400; and chapter 82.40 RCW and RCW 82.40.020. The proceeds of such excise taxes are pledged to the payment of any bonds and the interest thereon issued under the provisions of this chapter. The legislature agrees to continue to impose the same excise taxes on motor fuels in amounts sufficient to pay the principal and interest on all bonds issued under the provisions of this chapter when due.

Denomination and selling of bonds.

SEC. 5. The bonds issued hereunder shall be in denominations to be prescribed by the state finance committee. They may be sold in such manner and in such amounts and at such times and on such terms and conditions as the committee may prescribe. If such bonds are sold to any purchaser other than the state of Washington, they shall be sold at public



sale. It shall be the duty of the state finance committee to cause such sale to be advertised in such manner as it shall deem sufficient. Bonds issued under the provisions of this chapter shall be legal investment for any of the funds of the state, except the permanent school fund.

SEC. 6. The money arising from the sale of said bonds shall be deposited in the state treasury to the credit of the motor vehicle fund and such money shall be available only for the construction of this first priority project, and payment of the expense incurred in the printing, issuance and sale of any such bonds.

Money from  
sale of bonds.

SEC. 7. Any funds required to repay such bonds, or the interest thereon when due, subject to the proviso of this section, shall be taken from that portion of the motor vehicle fund which results from the imposition of all excise taxes on motor vehicle fuels and which is, or may be, appropriated to the highway department for state highway purposes. They shall never constitute a charge against any allocation of such funds to counties, cities and towns unless and until the amount of the motor vehicle fund arising from the excise taxes on motor vehicle fuels and available for state highway purposes proves insufficient to meet the requirements for bond retirement or the interest on any bonds: *Provided*, That money required hereunder to pay interest on or to retire any bonds issued for Columbia Basin county arterial highways or farm to market roads shall be repaid by any such county or counties wherein such highways or roads are constructed in the manner set forth in section 9 of this act.

Repayment of  
bonds and in-  
terest thereon.

SEC. 8. At least one year prior to the date any interest is due and payable on such bonds or before the maturity date of any bonds, the state finance committee shall estimate, subject to the provisions of section 7 of this act, the percentage of receipts in

Procedural  
steps in  
retirement  
of bonds.

money of the motor vehicle fund, resulting from collection of excise taxes on motor vehicle fuels, for each month of the year which will be required to meet interest or bond payments hereunder when due, and shall notify the state treasurer of such estimated requirement. The state treasurer shall thereafter from time to time each month as such funds are paid into the motor vehicle fund, transfer such percentage of the monthly receipts from excise taxes on motor vehicle fuels of the motor vehicle fund to the highway bond retirement fund, which is hereby established, and which fund shall be available solely for payment of such interest or bonds when due. If in any month it shall appear that the estimated percentage of money so made is insufficient to meet the requirements for interest or bond retirement, the treasurer shall notify the state finance committee forthwith and such committee shall adjust its estimates so that all requirements for interest and principal of all bonds issued shall be fully met at all times.

Highway bond retirement fund established.

Report of sums expended from funds resulting from sale of bonds in counties.

SEC. 9. The director of highways shall report to the state finance committee all sums expended from funds resulting from the sale of bonds for Columbia Basin county arterial highways and farm to market roads in Grant, Franklin and Adams counties under the provisions of this chapter. Said counties shall repay to the state all the cost of any Columbia Basin highway or road facilities actually constructed under the provisions of this chapter within each of said counties as follows: The state finance committee, at least one year prior to the date any such interest is due and payable on such bonds or before the maturity date of any such bonds, shall ascertain the percentage of the motor vehicle funds arising from the excise taxes on motor vehicle fuels, which is to be transferred to such counties under the provisions of law which will be necessary

Construction costs repaid.

to pay all of the interest upon or retire when due all of the portion of said bonds chargeable to expenditures incurred under the provisions of this chapter in each of said counties. The state finance committee shall notify the state treasurer of this estimate and the treasurer shall thereafter, when distributions are made from the motor vehicle fund to counties, retain such percentage of the total sums credited to such counties as aforesaid in the motor vehicle fund arising from such excise taxes on motor vehicle fuels until such fund is fully reimbursed for all expenditures under this chapter in Grant, Adams and Franklin counties. Any money so retained shall be available for state highway purposes.

SEC. 10. The sums retained from motor vehicle funds, arising from the excise taxes on motor vehicle fuel, of any such counties shall not exceed in any distribution period fifty percent of the total amount to be credited to such county. If there shall be a deficit in the amount available for reimbursement of the motor vehicle fund, due to this provision, then such deficit shall continue to be a charge against any sums due any such county from the motor vehicle fund from such excise taxes until the full cost of such Columbia Basin highway facilities is paid.

Limitation on amount retained from county.

Deficit in amount available for reimbursement.

SEC. 11. Whenever the percentage of the motor vehicle fund arising from excise taxes on motor fuels, payable into the highway bond retirement fund, shall prove more than is required for the payment of interest on bonds when due, or current retirement of bonds, any excess may, in the discretion of the state finance committee, be available for prior redemption of any bonds or remain available in the fund to reduce the requirements upon the fuel excise tax portion of the motor vehicle fund at the next interest or bond payment period.

Excess over that required for interest on or retirement of bonds.

SEC. 12. The bonds authorized herein are allocated to the counties as follows:

Bond allocation to counties.

(1) For Adams county—six hundred thousand dollars.

(2) For Franklin county—one million five hundred thousand dollars.

(3) For Grant county—two million two hundred thousand dollars:

Qualification on bonds issued for Columbia Basin county arterial highway and road purposes.

*Provided*, That no bonds shall be issued for Columbia Basin county arterial highway and road purposes unless expenditures are actually required for the settlement of lands ready for irrigation in the Columbia Basin project and all construction of arterial highways and roads in such counties shall be accomplished by the engineering forces of the various counties under the supervision of the director of highways.

Appropriation.

SEC. 13. There is appropriated from the motor vehicle fund the sum of four million three hundred thousand dollars, or so much thereof as may be necessary, to carry out the provisions of this chapter, but no money shall be available under this appropriation from said fund unless a like amount of the bonds provided for herein are sold and the money derived deposited to the credit of such fund.

Qualification before money available out of motor vehicle fund.

Emergency.

SEC. 14. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate February 21, 1955.

Passed the House March 7, 1955.

Approved by the Governor March 21, 1955.

CHAPTER 312.

[ S. B. 344. ]

COUNTY PRINTING.

AN ACT relating to county printing; and amending section 1, chapter 141, Laws of 1947 and RCW 36.72.050 and 36.72.060.

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

SECTION 1. Section 1, chapter 141, Laws of 1947 (heretofore codified as RCW 36.72.050 and 36.72-.060) is divided and amended as set forth in sections 2 and 3 of this act.

Division and amendment.

SEC. 2. (RCW 36.72.050) The county auditor, at least five weeks, but not more than eight weeks, before the meeting of the board of county commissioners in April of each year, shall advertise for proposals for the public printing, for the term of one year, beginning on the first day of July following, which advertisement shall be inserted for four consecutive weeks in the official newspaper of the county, or if there is no official newspaper, then in some other newspaper published in the county, or in a county adjacent to such county, and having a general circulation therein.

County auditor shall advertise for proposals for the public printing for one year term.

The board of county commissioners shall not be compelled in any event to accept any bid for a greater price than two dollars and forty cents per folio of one hundred words for the first insertion, and one dollar and eighty cents per folio of one hundred words for each subsequent insertion, or its equivalent in number of words.

Limitation on amount of bid.

SEC. 3. (RCW 36.72.060) The county auditor, when calling for bids, shall state how the matter shall be set, what kind of type, and whether solid or leaded.

Enacted without amendment.

Passed the Senate February 25, 1955.

Passed the House March 7, 1955.

Approved by the Governor March 21, 1955.

CHAPTER 313.

[ S. B. 365. ]

BEAUTY CULTURE AND HAIRDRESSING.

AN ACT relating to hairdressing and beauty culture; and amending section 1, chapter 180, Laws of 1951 and RCW 18.18.010, sections 10 and 12, chapter 215, Laws of 1937, sections 5 through 7, chapter 180, Laws of 1951 and RCW 18.18.090, 18.18.110, 18.18.130 and 18.18.140; repealing section 2, chapter 211, Laws of 1927 and RCW 18.15.030.

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

Amendment. SECTION 1. Section 1, chapter 180, Laws of 1951 and RCW 18.18.010 are each amended to read as follows:

Definition of terms. Unless the context clearly indicates otherwise, the words used in this chapter have the meaning given in this section:

"Practice of hairdressing." "Hairdressing." (1) "Practice of hairdressing" or "hairdressing" means the arranging, dressing, curling, waving, permanent waving, cleansing, bleaching or coloring of the hair, or doing similar work thereon by use of the hands or any method of mechanical application or appliances or the practice of haircutting on female persons;

"Hairdresser." (2) "Hairdresser" means any person, firm or corporation who engages in the practice of hairdressing;

"Practice of beauty culture." "Beauty culture." (3) "Practice of beauty culture" or "beauty culture" means the massaging, cleansing, stimulating, manipulating, exercising or beautifying of the scalp, face, arms, bust or upper part of the body, or doing similar work thereon with the hands or with any mechanical or electrical apparatus or appliances, or by the use of cosmetic preparations, antiseptic tonics, lotions, creams, similar preparations or compounds, and manicuring the nails or removing superfluous hair or the practice of haircutting on female persons;

"Beauty culturist." (4) "Beauty culturist" means any person, firm

or corporation who engages in the practice of beauty culture;

(5) A "student" is any person of the age of sixteen years or over who has completed two years of high school or has an equivalent education, who attends a duly licensed beauty school, and who does not receive any wage or commission; "Student."

(6) An "operator" is a person of the age of eighteen years or over, who has been licensed to practice hairdressing and beauty culture under the direct supervision and direction of a manager operator or owner operator; "Operator."

(7) A "manager operator" is any person having practiced as an operator under the supervision of a manager operator or an owner operator for at least one year; "Manager operator."

(8) An "owner" is any person, firm, copartnership or corporation owning a hairdressing and beauty culture shop; "Owner."

(9) An "owner operator" is any person owning a hairdressing and beauty culture shop and having practiced as an operator under the supervision of a manager operator or an owner operator for at least one year; "Owner operator."

(10) A "shop" is any building or structure, or any part thereof, other than a school, wherein the practice of hairdressing and beauty culture is conducted; "Shop."

(11) A "school" is an institution of learning devoted exclusively to the instruction and training of students in the practice of hairdressing and beauty culture; "School."

(12) An "instructor operator" is a person who gives instruction in the practice of hairdressing and beauty culture in a school or who has the qualifications of a manager operator or an owner operator and who has passed an instructor examination: *Provided*, That the provisions of this subdivision shall "Instructor operator."

not apply to any person acting as an instructor operator on March 16, 1951. An instructor shall not perform beauty culture services for members of the public except for instruction purposes;

"Director." (13) "Director" means the state director of licenses.

Amendment. SEC. 2. Sections 10 and 12, chapter 215, Laws of 1937, as last amended by sections 5 through 7, chapter 180, Laws of 1951 (heretofore divided, combined and codified as RCW 18.18.090, 18.18.110, 18.18.130 and 18.18.140) are amended to read as set forth in sections 3 through 6 of this act.

Application fees. SEC. 3. (RCW 18.18.090) Each application shall be accompanied by the following fees: Operator, seven dollars; instructor operator, ten dollars; manager operator, four dollars; owner operator, eight dollars; owner, ten dollars; school, one hundred fifty dollars. Any applicant who fails to pass the examination may take the next succeeding examination without payment of an additional fee.

Enacted without amendment. Examinations. SEC. 4. (RCW 18.18.110) Examinations for license as an operator shall be conducted four times each calendar year by the director upon such days as he may fix.

Examination; written and oral questions; practical tests; grading. The examination shall consist of written and oral questions and answers and practical tests. Written examinations shall cover each of the branches of hairdressing and beauty culture required in the course of study.

Practical tests shall consist of actual demonstrations in hairdressing and beauty culture under the direction and supervision of the committee.

Applicants shall also be required to pass an examination in anatomy, physiology, hygiene, sanitation, sterilization and the use of antiseptics in hairdressing and beauty culture.



Passing grades shall be based upon the standard of one hundred percent.

Standard for grades.

An applicant who receives a passing grade of not less than seventy-five percent in each branch, and in addition thereto passes the required examination in anatomy, physiology, hygiene, sanitation, sterilization and the use of antiseptics, shall be entitled to a license as an operator.

Qualifications for license.

SEC. 5. (RCW 18.18.130) The director shall issue to each applicant, who has complied with the provisions of this chapter, the license applied for. All licenses shall remain in effect until the first day of July following their issuance, unless sooner revoked or suspended.

Enacted without amendment.

SEC. 6. (RCW 18.18.140) Licenses may be renewed from year to year upon the payment on or before the first day of each July following their issuance, of a renewal fee as follows: Operator, two dollars; instructor operator, five dollars; manager operator, four dollars; owner operator, six dollars; owner, five dollars; school, one hundred and fifty dollars.

License renewal fees.

If a certificate of health is required with an application for a license, one must also be filed with a renewal application.

Certificate of health.

Any person whose license has lapsed may have the same renewed upon payment of all fees which the applicant would have been required to pay to keep such license in effect, and an additional fee of two dollars: *Provided*, That any person whose license has lapsed for more than three years shall be reexamined, as in the case of any applicant for an original license.

Elapsed license renewal.

Reexamination required.

SEC. 7. Section 2, chapter 211, Laws of 1927 and RCW 18.15.030 are hereby repealed.

Repeal.

Passed the Senate March 8, 1955.

Passed the House March 6, 1955.

Approved by the Governor March 21, 1955.

CHAPTER 314.

[ S. B. 422. ]

INSTITUTIONAL INDUSTRIES COMMISSION.

AN ACT relating to public institutions; creating an institutional industries commission; fixing a penalty; and adding a new chapter to Title 43, RCW.

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

New chapter. SECTION 1. There is added to Title 43, RCW, a new chapter entitled "Institutional Industries Commission" and numbered chapter 43.95.

Definition of terms. SEC. 2. Definition of terms:

"Institution." "Institution" means any place under the jurisdiction of the department of public institutions at which individuals are confined pursuant to court order.

"Department." "Department" means that agency of the state government which now has jurisdiction over such institutions or such agency of the state government as may hereafter have such jurisdiction.

"Commission." "Commission" means the institutional industries commission as herein created.

"Enterprise." "Enterprise" means an agricultural or manufacturing operation or group of closely related operations within a single institution which in accepted trade practices would ordinarily be carried on as a single unit for the purpose of producing saleable items above and beyond the needs of the producing institution, not to include or apply to self sustaining activities, maintenance and construction work and handiwork of prisoners.

"Chapter." "Chapter" means chapter 43.95, RCW.

Institutional industries commission created; membership. SEC. 3. There is hereby created the institutional industries commission which shall consist of the director of the department of public institutions and six members appointed by the governor of whom two shall be representatives of organized labor, two shall be representatives of industry, one shall be a

representative of agriculture and one shall be a representative of the general public.

SEC. 4. The first term of the members representing industry and labor shall be two years. The first term of the members representing agriculture and the general public shall be four years. After the first term all appointments shall have a term of four years. The first term of each member shall commence on the first day of June, 1955. No member shall be removed except by the appointing authority and for cause. In the event of a vacancy in the office of any member the balance of the term shall be filled by the appointing authority as in the case of original appointments. The director of the department of public institutions shall act as chairman of the commission.

First terms.  
Terms thereafter.  
Commencement of first term.  
Removal.  
Vacancy filled.  
Chairman.

SEC. 5. The commission shall meet regularly at least four times during each fiscal year and may hold extra meetings on call of the chairman. Four members of the commission shall constitute a quorum and a vote of the majority of the members in office is necessary for the transaction of the business of the commission.

Meetings.  
Quorum.  
Majority vote to transact business.

SEC. 6. The members of the commission, other than the chairman, shall receive a per diem of twenty-five dollars for each day they are engaged in the official business of the commission, including time spent in traveling, for not more than twenty days in each fiscal year. All members, including the chairman, shall receive their actual and necessary expenses of travel incurred in attending meetings of the commission and in making investigations either as a commission or individually as members of the commission at the request of the chairman. The compensation and expenses of the members shall be paid from appropriations made for industrial operations at the institutions and shall be prorated among such appropriations on the basis of

Per diem.  
Travel expenses.  
Source of payment for compensation and expenses.

time spent where the efforts of the members are of application to more than one institution.

Commission duties.

SEC. 7. The commission shall:

(1) Recommend productive, industrial and agricultural enterprises in the institutions under the jurisdiction of the department of public institutions in such volume and of such kinds as to eliminate unnecessary idleness among the inmates and to provide diversified work activities which will serve as means of vocational education as well as of occupation and financial support.

(2) Determine the advisability and suitability of establishing, expanding, diminishing, or discontinuing each separate industrial or agricultural enterprise at each institution involving a gross annual production of more than twenty-five thousand dollars value but less than two hundred seventy-five thousand dollars value and authorize or prohibit such action. The commission shall determine the gross annual production, within the limit set above, of each new enterprise at the time of its establishment. The annual production so set shall not be increased until a public hearing concerning the proposed increase has been held before the commission. It shall be the duty of the commission, annually, to adjust the maximum gross annual production value of two hundred seventy-five thousand dollars permitted for each separate enterprise at each institution, the purpose of such adjustment being to keep said limit in balance with changes in population of state institutions and changes in cost of production. Such adjustment shall be made in the following manner:

Maximum gross annual production value adjusted annually.

Adjustment procedure.

(a) The maximum limitation of two hundred seventy-five thousand dollars shall serve as a base figure as of December 31, 1954, for such computation.

(b) The maximum limitation for each enterprise

at each institution shall be increased or decreased in the same proportion as the population of state institutions shall have increased or decreased in comparison with their population on December 31, 1954.

(c) The maximum limitation for each enterprise at each institution shall be further increased or decreased in the same proportion as the wholesale price index of the United States bureau of labor statistics shall have increased or decreased in comparison with such wholesale price index as of December 31, 1954.

The maximum gross annual limitation on production as adjusted in accordance with the above formula shall replace and serve in lieu of the two hundred seventy-five thousand dollars limitation until the next annual adjustment is made by the commission. It shall apply to enterprises previously authorized as well as to those authorized during the current period, and such adjustment may be made without public hearing.

(3) Hold hearings and make rules for the conducting of such hearings. The commission may in its discretion hold public hearings on any subject within its jurisdiction.

Hearings.

SEC. 8. No industrial enterprise which involves a gross annual production of more than twenty-five thousand dollars shall be established unless and until a hearing concerning the enterprise has been had before the commission. Public notice of the hearing shall be given prior to the hearing. At the time this commission becomes established by law, it shall at the earliest possible time convene and make necessary arrangements to place industrial enterprises that were in operation prior to this law under compliance with this law.

Hearing before enterprise established.

Public notice.

SEC. 9. Each inmate, who is engaged in productive work in any state prison or institution under the jurisdiction of the department of public institutions

Compensation to inmate determined by director of public institutions.

as a part of the work program, may receive for his work such compensation as the director of public institutions shall determine. Such compensation shall be in accordance with a graduated schedule based on quantity and quality of work performed and skill required for its performance, and be limited to such amounts as are set up by the director and approved by the commission. Said compensation shall be credited to the account of the inmate.

Forfeiture of inmates earnings.

When any inmate violates the rules of the institution or escapes, the director of the department of public institutions shall determine what portion of his earnings shall be forfeited and such forfeiture shall be deposited in the industrial operations revolving fund of such institution.

Industrial operations revolving fund.

Said compensation shall be paid from the industrial operations revolving fund of the institution. Whenever by any statute a price is required to be fixed for any article, material, supply, or services to be produced, manufactured, supplied, or performed in connection with the work program of the department of public institutions, the compensation paid to inmates shall be included as an item of cost in fixing the final statutory price.

Compensation to inmate included as cost item in fixing statutory price.

Compensation to inmates engaged in productive work outside program.

Inmates not engaged on work programs under the jurisdiction of the commission and financed out of the industrial operations revolving fund, but who are engaged in productive labor outside of such programs may be compensated in like manner. The compensation of such inmates shall be paid either out of funds appropriated by the legislature for that purpose or out of the industrial operations revolving fund of the institution, as the director of the department of public institutions may direct.

Civil rights of inmate not restored.

SEC. 10. Nothing in this chapter is intended to restore, in whole or in part, the civil rights of any inmate. No inmate compensated under this chapter shall be considered as an employee or to be em-

ployed by the state or the department of public institutions, nor shall any such inmate come within any of the provisions of the workmen's compensation act, or be entitled to any benefits thereunder whether on behalf of himself or of any other person. All moneys paid to inmates shall be considered a gratuity.

Inmate not employee.

Gratuity.

SEC. 11. The department of public institutions is hereby authorized and empowered to cause the inmates in the state institutions of this state to be employed in the rendering of such services and in the production and manufacture of such articles, materials, and supplies as are now, or may hereafter be, needed by the state, or any political subdivision thereof, or that may be needed by any public institution of the state or of any political subdivision thereof.

Authorization to employ inmates in services needed by the state or political subdivision thereof.

SEC. 12. The commission shall, from time to time, determine the kind, quality, and quantity, of the several articles, materials, and supplies to be thus produced and manufactured or the services to be rendered.

Kind, quality and quantity determined.

SEC. 13. All articles, materials, and supplies, produced or manufactured under the provisions of this chapter shall be solely and exclusively for public use and no article, material, or supplies, produced or manufactured under the provisions of this chapter shall ever be sold, supplied, furnished, exchanged, or given away, for any private use or profit whatever, except that, to avoid waste or spoilage and consequent loss to the state, byproducts and surpluses of agricultural and animal husbandry enterprises may be sold to private persons, at private sale, under rules prescribed by the director of public institutions.

Articles and services solely for public use.

SEC. 14. Each and every article manufactured under the provisions of this chapter shall have plainly

"Washington  
Institutional  
Industries"  
mark.

marked or stamped on the outside of the shipping container thereof, the words "Washington Institutional Industries."

Examination  
and approval  
of price.

SEC. 15. The commission shall from time to time examine and approve the price at which such articles, materials, and supplies are sold, which price shall be as near the prevailing market price as possible.

Authority to  
purchase given  
state agency  
or political  
subdivision  
of state; pref-  
erence given.

SEC. 16. All articles, materials, and supplies herein authorized to be produced or manufactured may be purchased from the institution producing or manufacturing the same by any state agency or political subdivision of the state and at the prices fixed in the manner herein provided, and the director of the department of public institutions shall require those institutions under his direction to give preference to the purchasing of their needs of such articles as are produced under this chapter.

Action deemed  
unlawful.

SEC. 17. It shall be unlawful for any person to sell, expose for sale, or offer for sale within this state, any article or articles manufactured wholly or in part by inmate labor, except articles the sale of which is specifically sanctioned by law.

Misdemeanor.

Every person selling, exposing for sale, or offering for sale any article manufactured in this state wholly or in part by inmate labor, the sale of which is not specifically sanctioned by law, is guilty of a misdemeanor.

Accrued  
profits to be  
utilized.

SEC. 18. If and when the industries or enterprises covered by this act develop to a point where they accrue profits, profits shall be utilized as follows:

(1) Maintenance of facilities or equipment used in existing industries.

(2) Establishment and maintenance of new industries.



(3) To provide vocational training for employees of the industries and other inmates.

(4) To hold in a reserve all additional profits for the purpose of creating a fund to establish forest camps and treatment facilities.

Passed the Senate February 18, 1955.

Passed the House March 7, 1955.

Approved by the Governor March 21, 1955.

CHAPTER 315.

[ S. B. 70. ]

GRAIN AND TERMINAL WAREHOUSES—COMMODITY INSPECTION.

AN ACT relating to commodity inspection and amending section 17, chapter 189, Laws of 1919 and RCW 22.08.150.

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

SECTION 1. Section 17, chapter 189, Laws of 1919 and RCW 22.08.150 are each amended to read as follows: Amendment.

All grain and other commodities received at terminal warehouses shall be inspected and weighed by the inspector and when exported shall, if requested, be reinspected and graded in like manner and a certificate of grade issued. The director shall have the authority to designate qualified inspectors as licensed weighers for the performance of their duties in connection with the inspection and weighing of commodities for foreign export. A reasonable fee to be fixed by the department shall be charged for the inspection or reinspection. All other grain and other commodities received in carload lots, or, when shipped by water in lots containing more than thirty tons of grain or twelve tons of other commodities at inspection points, not unloaded at a terminal warehouse, shall be weighed, inspected and graded, un- Inspection and weighing at terminal warehouses.

less the bill of lading contains a notation "not for terminal weight and grade."

Passed the Senate January 28, 1955.

Passed the House March 8, 1955.

Approved by the Governor March 21, 1955.

CHAPTER 316.

[ S. B. 98. ]

PUBLIC SERVICE COMPANIES—GAS.

AN ACT relating to the public service commission and its authority in relation to public service companies and persons and corporations transporting natural gas by pipeline, prescribing fees, providing penalties, amending section 8, chapter 117, Laws of 1911, as last amended by section 1, chapter 223, Laws of 1929 and RCW 80.04.010 and 81.04.010, and adding new sections to chapter 117, Laws of 1911, as last amended by chapter 120, Laws of 1953, and to chapter 80.28 RCW.

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

Division and amendment.

SECTION 1. Section 8, chapter 117, Laws of 1911, as last amended by section 1, chapter 223, Laws of 1929 (heretofore divided and codified as RCW 80.04.010 and 81.04.010) is divided and amended as set forth in sections 2 and 3 of this act.

Definition of terms.

SEC. 2. (RCW 80.04.010) As used in this title, unless the context indicates otherwise:

"Commission."

"Commission" means the Washington public service commission;

"Company."

"Company" includes a corporation, association, joint stock association, partnership, or person, their lessees, trustees, or receivers;

"Gas plant."

"Gas plant" means all property used or to be used for or in connection with the transmission, distribution, sale or furnishing of natural gas, or the manufacture, transmission, distribution, sale or furnishing of other type gas, for light, heat or power;

“Gas company” means every company and every city or town owning, controlling, operating, or managing any gas plant for hire; “Gas company.”

“Electric plant” means all property used or to be used for or in connection with the generation, transmission, distribution, sale, or furnishing of electricity for light, heat or power; “Electric plant.”

“Electric company” means every company and every city or town owning, controlling, operating, or managing any electric plant for hire; “Electric company.”

“Telephone plant” means all property used or to be used for or in connection with the transmission or furnishing of telephonic communication; “Telephone plant.”

“Telephone company” means every company and every city or town owning, controlling, operating, or managing any telephone plant for hire; “Telephone company.”

“Telegraph plant” means all property used or to be used for or in connection with the transmission or furnishing of telegraphic communication; “Telegraph plant.”

“Telegraph company” means every company owning, controlling, operating, or managing any telegraph plant for hire; “Telegraph company.”

“Water system” means all property used or to be used for or in connection with the supply, storage, distribution, sale, or furnishing of water for power, irrigation, reclamation, manufacturing, municipal, domestic, or other beneficial uses; “Water system.”

“Water company” means every company and every city or town owning, controlling, operating, or managing any water system for hire; “Water company.”

“Public service company” includes every gas company, electrical company, telephone company, telegraph company, and water company; “Public service company.”

The term “service” is used in this title in its broadest and most inclusive sense. “Service.”

SEC. 3. (RCW 81.04.010) As used in this title, unless the context indicates otherwise: Enacted without amendment.

- Definition of terms.  
 "Commission." "Commission" means Washington public service commission;
- "Company." "Company" means a corporation, association, joint stock association, partnership, or person, their lessees, trustees, or receivers;
- "Street railroad." "Street railroad" means every railroad, by whatever power operated, and any extension or branch thereof, for public use in the conveyance of persons or property mainly upon, above, or below any street or public place in a city, and all property used by or in connection with such railroad;
- "Street railroad company." "Street railroad company" means every company, and every city or town owning, controlling, operating, or managing any street railroad for hire;
- "Railroad." "Railroad" means every railroad other than a street railroad, by whatever power operated, for public use in the conveyance of persons or property, and all property used by or in connection with such railroad;
- "Railroad company." "Railroad company" means every company owning, controlling, operating, or managing any railroad for hire;
- "Express company." "Express company" means every company which engages in the business of carrying freight, merchandise, or property for hire on the line of any common carrier;
- "Common carrier." "Common carrier" includes all railroads, railroad companies, street railroads, street railroad companies, steamboat companies, express companies, car companies, sleeping car companies, freight companies, freight line companies and every company and every city or town owning, controlling, operating, or managing any such agency for public use in the conveyance of persons or property for hire;
- "Vessel." "Vessel" means every species of watercraft, by whatever power operated, for public use in the conveyance of persons or property upon water, excepting all towboats, tugs, scows, barges, and lighters, and excepting rowboats and sailing boats under

twenty tons gross burden, open steam launches of five tons gross and under, and vessels under five tons gross propelled by gas, fluid, naphtha, or electric motors;

“Steamboat company” means every company owning, controlling, operating, or managing any vessel for hire; “Steamboat company.”

“Conveyance of property” includes any service in connection with the receiving, delivery, elevation, transfer in transit, ventilation, refrigeration, icing, storage, and handling of the property transported, and the transmission of credit; “Conveyance of property.”

“Conveyance of persons” includes any service in connection with the receiving, carriage and delivery of the person transported and his baggage and all facilities used, or necessary to be used, in connection with his safety, comfort, and convenience; “Conveyance of persons.”

“Public service company” means every common carrier; “Public service company.”

The term “service” is used in this title in its broadest and most inclusive sense. “Service.”

SEC. 4. There is added to chapter 117, Laws of 1911, as last amended by chapter 120, Laws of 1953 (heretofore divided and codified as Titles 80 and 81 RCW) and to chapter 80.28 RCW, a new section to read as follows: New section.

No gas company shall, after January 1, 1956, operate in this state any gas plant for hire without first having obtained from the commission under the provisions of this act a certificate declaring that public convenience and necessity requires or will require such operation and setting forth the area or areas within which service is to be rendered; but a certificate shall be granted where it appears to the satisfaction of the commission that such gas company was actually operating in good faith, within the confines of the area for which such certificate shall be sought, on the effective date of this act. Certificate of public convenience and necessity required to operate gas plant for hire.  
  
Companies in operation on effective date of act.

Transfer-ability of certificate or rights, limited.

Certificate issued only after hearing when request involves area already being served.

Right of commission to alter, amend, suspend or revoke certificate.

Commission's power and authority; limitation on.

Any right, privilege, certificate held, owned or obtained by a gas company may be sold, assigned, leased, transferred or inherited as other property, only upon authorization by the commission. The commission shall have power, after hearing, when the applicant requests a certificate to render service in an area already served by a certificate holder under this act only when the existing gas company or companies serving such area will not provide the same to the satisfaction of the commission and in all other cases, with or without hearing, to issue said certificate as prayed for; or for good cause shown to refuse to issue same, or to issue it for the partial exercise only of said privilege sought, and may attach to the exercise of the rights granted by said certificate such terms and conditions as, in its judgment, the public convenience and necessity may require.

The commission may, at any time, by its order duly entered after a hearing had upon notice to the holder of any certificate hereunder, and an opportunity to such holder to be heard, at which it shall be proven that such holder willfully violates or refuses to observe any of its proper orders, rules or regulations, suspend, revoke, alter or amend any certificate issued under the provisions of this section, but the holder of such certificate shall have all the rights of rehearing, review and appeal as to such order of the commission as is provided herein.

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

the effect specified in the public service commission laws of this state.

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, directive, demand or requirements, or any part of provisions hereof, is guilty of a gross misdemeanor and punishable as such.

Violator guilty of gross misdemeanor.

Neither this act nor any provisions thereof shall apply or be construed to apply to commerce with foreign nations or commerce among the several states of this Union except insofar as the same may be permitted under the provisions of the Constitution of the United States and Acts of Congress.

No application.

The commission shall collect the following miscellaneous fees from gas companies: application for a certificate of public convenience and necessity or to amend a certificate, twenty-five dollars; application to sell, lease, mortgage or transfer a certificate of public convenience and necessity or any interest therein, ten dollars.

Commission to collect miscellaneous fees.

SEC. 5. There is added to chapter 117, Laws of 1911, as last amended by chapter 120, Laws of 1953 (heretofore divided and codified as Titles 80 and 81 RCW) and to chapter 80.28 RCW, a new section to read as follows:

New section.

Whenever any gas company whose rates are subject to the jurisdiction of the commission shall receive any refund of amounts charged and collected from it on account of natural gas purchased by it, by reason of any reduction of rates or disallowance of an increase in rates of the seller of such natural gas pursuant to an order of the federal power commission, whether such refund shall be directed by the federal power commission or by any court upon review of such an order or shall otherwise accrue

Refund to gas company.

to such company, the commission shall have power after a hearing, upon its own motion, upon complaint, or upon the application of such company, to determine whether or not such refund should be passed on, in whole or in part, to the consumers of such company and to order such company to pass such refund on to its consumers, in the manner and to the extent determined just and reasonable by the commission.

Persons transporting natural gas by pipe line subject to regulation.

SEC. 6. Every person or corporation, except a city or town, transporting natural gas by pipeline, or having for one or more of its principal purposes the construction, maintenance or operation of pipelines for transporting natural gas, in this state, even though such person or corporation not be a public service company under chapter 80.28 RCW, and even though such person or corporation does not deliver, sell or furnish any such gas to any person or corporation within this state, shall be subject to regulation by the public service commission insofar as the construction and operation of such facilities shall affect matters of public safety, and every such company shall construct and maintain such facilities as will be safe and efficient. The commission shall have the authority to prescribe rules and regulations in the manner prescribed in RCW 80.04.160 to effectuate the purpose of this enactment. Every such person and every such officer, agent and employee of a corporation who, as an individual or as an officer or agent of such corporation, violates or fails to comply with, or who procures, aids, or abets another, or his company, in the violation of, or noncompliance with, any provision of this act, or any order, rule or requirement of the commission hereunder, shall be guilty of a gross misdemeanor.

Matters of public safety.

Violator guilty of gross misdemeanor.

Passed the Senate February 9, 1955.

Passed the House March 8, 1955.

Approved by the Governor March 21, 1955.



CHAPTER 317.

[ Sub. S. B. 164. ]

ELECTIONS—POLITICAL ADVERTISING.

AN ACT relating to elections; prohibiting anonymous political advertisements; and providing penalties.

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

SECTION 1. There shall be added to chapter 29.85 New section.  
RCW a new section to read as follows:

All political advertising, whether relating to candidates or issues, however promulgated or disseminated, shall identify at least one of the sponsors thereof if the advertising is sponsored by other than the candidate or candidates listed thereon, by listing the name and address of the sponsor or sponsors on the material in connection with its presentation. The person or persons listed as sponsors of such advertising shall warrant its truth. The use of an assumed name shall be unlawful. Whenever any corporation sponsors political advertising, the name and address of the president of the corporation shall be listed on the material or in connection with its presentation.

Political advertising to identify at least one sponsor thereof.

Sponsor warrants truth.

Use of assumed name unlawful.

SEC. 2. Any violation of this act shall constitute a gross misdemeanor and shall be subject to a fine of not more than one thousand dollars or imprisonment for not more than one year, or both.

Violation constitutes gross misdemeanor.

Penalty.

Passed the Senate March 9, 1955.

Passed the House March 8, 1955.

Approved by the Governor March 21, 1955.

CHAPTER 318.

[ S. B. 170. ]

STATE BUREAU OF CRIMINAL IDENTIFICATION.

AN ACT relating to state government; creating a state bureau of criminal identification; prescribing powers, duties and responsibilities of certain officers and individuals.

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

"State bureau of criminal identification" established.

Maintained to provide.

SECTION 1. There is hereby established in the department of institutions at Olympia, a central office which is hereby designated as the "state bureau of criminal identification," which shall be maintained for the purpose of providing:

(1) An authentic record of each person who is arrested for any crime against the state as described in section 6 of this act;

(2) Information relative to the identity of each person so arrested; and

(3) A record of the final disposition of each such arrest.

Authorization to employ superintendent of bureau.

SEC. 2. The director of the department of institutions is authorized to employ a competent person as superintendent of the bureau. The superintendent may engage subject to the rules and regulations of the department such other employees as may be necessary to maintain the bureau.

Duties of bureau.

SEC. 3. The bureau shall: (1) Receive, classify, search and file in an orderly manner all fingerprints, photographs, and descriptions, including personal history data and previous criminal records so far as known, of all persons arrested for the crimes described in section 6 of this act;

(2) Classify and file in like orderly manner all identification material and records received from the government of the United States and from other state governments and subdivisions thereof and cooperate with such governmental units in the exchange of pertinent information; and

(3) Promptly return to any law enforcement agency submitting a set of fingerprints to the bureau, a true transcript of the criminal record of previous crimes committed by the person identified by such fingerprints.

SEC. 4. All persons arrested for any of the crimes described in section 6 of this act, except juveniles under the age of eighteen years, shall submit to the taking of their fingerprints, photographs, physical description and other identifying data.

SEC. 5. All sheriffs, constables, chiefs of police of organized police departments, town marshals, wardens, superintendents, jailers, keepers of jails, reformatories, penitentiaries, state hospitals for the insane, state narcotic farm colony, shall furnish to the bureau, as soon as practicable after the arrest or confinement, a fingerprint card provided by the bureau upon which shall be imprinted the fingerprints of each person arrested or committed for crimes described in section 6 of this act, together with the physical description and such other information as pertains to the criminal activity of the arrested or convicted person.

Duty of officials of penal and other institutions to furnish data to bureau.

SEC. 6. All officials and persons described in section 5 of this act and other law enforcement officers shall submit completed fingerprint cards on all persons who are arrested for:

- (1) Any felony or gross misdemeanor;
- (2) Being a fugitive from justice;
- (3) Being a vagrant;
- (4) Being an habitual user of narcotics;
- (5) Being in possession of stolen goods;
- (6) Being in possession of illegal or illegally carried weapons, burglar tools, counterfeiting equipment, or alcoholic liquids or substances; or
- (7) Any offense involving lewd or lascivious conduct.

Fingerprint cards submitted on all persons arrested for following crimes.

Information relative to disposition made of actions resulting from arrests.

SEC. 7. The officials and other persons described in sections 5 and 6 of this act shall further transmit to the bureau on forms supplied by the bureau: (1) Information relative to the disposition made of every action or proceeding resulting from arrests described in section 6 of this act, and (2) further information relative to the mode of operation of offenders.

Bureau records available for official use.

SEC. 8. The records of the bureau shall be available for official use of all law enforcement agencies, prosecuting attorneys, parole officers, penal institutions, state hospitals for the insane, and the state narcotic farm colony. The bureau shall assist prosecuting attorneys, county sheriffs and chiefs of police in the preparation and distribution of circulars relative to fugitives when so requested.

Circulars relative to fugitives.

Superintendent of institutions to transmit photographs, fingerprints and description to bureau.

SEC. 9. The superintendent or other person in charge of each penal institution, reformatory, state hospital for the insane, or state narcotic hospital or farm colony, shall transmit to the bureau fingerprints, photographs and descriptions of each such committed person taken at the time of his commitment.

Notification of release sent to bureau.

Such superintendent or other person in charge shall at the time of release of such committed person transmit to the bureau fingerprints, photographs and descriptions of the committed person at the time of release.

Bureau furnishes information.

The bureau shall add such fingerprints, photographs, and descriptions to the person's criminal record with information concerning the date and conditions of release and shall furnish it without request to the county sheriff of the county in which the conviction resulting in the person's commitment was had and to the county sheriff of the county and the chief of police of the city to which such person is being released or paroled.

Information in files privileged.

SEC. 10. Information in the files of the bureau relative to the commission of a crime by any person

shall be considered privileged and shall not be disclosed for any purpose except as authorized by this act: *Provided*, That any person for himself or through his attorney, or any practicing attorney, may obtain without cost a transcript of the criminal record of such person upon furnishing the bureau with a notarized request of such person whose record is catalogued in the files of the bureau when such request is accompanied by a set of fingerprints of such person taken by officials of a regular law enforcement agency and submitted to the bureau directly from that agency.

Notarized  
request for  
transcript.

SEC. 11. Any agency of the state government which has in its possession any of the information, records, material, files or equipment set forth in this act shall turn such information, records, material, files and equipment over to the state bureau of criminal identification.

Transfer of in-  
formation now  
in possession  
of state  
agency.

Passed the Senate March 1, 1955.

Passed the House March 8, 1955.

Approved by the Governor March 21, 1955.

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## CHAPTER 319.

[ S. B. 171. ]

### CITIES AND TOWNS—CLASSIFICATION.

AN ACT relating to municipal corporations; providing for the classification thereof; and amending sections 11 and 12, page 140, Laws of 1890; sections 13 and 14, page 141, Laws of 1890; section 1, chapter 248, Laws of 1907; and RCW 35.01.010, 35.01.020, 35.01.030, 35.01.040, 35.06.010 and 35.06.020.

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

SECTION 1. Sections 11 and 12, page 140, Laws of 1890, sections 13 and 14, page 141, Laws of 1890 and section 1, chapter 248, Laws of 1907, (heretofore combined and codified as RCW 35.01.010, 35.01.020,

Amendment.

35.01.030, 35.01.040, 35.06.010 and 35.06.020) are amended to read as set forth in sections 2, 3, 4, 5, 6 and 7 of this act.

First class city defined.

SEC. 2. (RCW 35.01.010) A first class city is one having at least twenty thousand inhabitants at the time of its organization or reorganization.

Second class city defined.

SEC. 3. (RCW 35.01.020) A second class city is one having at least ten thousand inhabitants at the time of its organization or reorganization.

Third class city defined.

SEC. 4. (RCW 35.01.030) A third class city is one having at least fifteen hundred inhabitants at the time of its organization or reorganization.

Municipal corporation of the fourth class defined.

SEC. 5. (RCW 35.01.040) A municipal corporation of the fourth class, which shall be known as a town, is one having at least three hundred inhabitants at the time of its organization.

Qualification to become city of a higher class; use of federal or state census.

SEC. 6. (RCW 35.06.010) A city or town which has, as ascertained by a local census, or which has on the first day of January in any year according to an official report or abstract of the then next preceding federal or state census, at least twenty thousand inhabitants may become a city of the first class; a city or town which has, when ascertained in the same way, at least ten thousand inhabitants may become a city of the second class; a city or town which has, when ascertained in the same way, at least fifteen hundred inhabitants may become a city of the third class.

Procedure when petition filed seeking reorganization as a city of a higher class.

SEC. 7. (RCW 35.06.020) When a petition is filed in accordance with RCW 35.05.020 seeking reorganization of any town or city as a city of a higher class than that indicated by the last preceding federal or state census, the city or town council to which the petition is presented shall forthwith cause a census to be taken by one or more suitable persons of all the inhabitants of such town or city in which census the full name of each person shall be plainly written,

Census taken.

and the names alphabetically arranged and regularly numbered in complete series. The census shall be verified before an officer authorized to administer oaths and filed with the city or town clerk.

Census  
verified.

If the census shows such city or town qualified for the class named in the petition, the same proceedings shall be had as if the census were a federal or state census.

If the census shows such city or town not qualified for the class named in the petition, no further proceedings shall be had: *Provided*, That the city or town may be reorganized as a city or town of the class indicated by the census, upon a proper petition filed within six months from the filing of such census with the clerk, without other or further census.

Proviso.

Passed the Senate February 25, 1955.

Passed the House March 8, 1955.

Approved by the Governor March 21, 1955.

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## CHAPTER 320.

[ S. B. 193. ]

### CRIMES AND PUNISHMENTS—ESCAPES.

AN ACT relating to crimes and punishments; defining the crime of escape and defining the term "escape", and amending section 90, chapter 249, Laws of 1909; and RCW 9.31.010 and adding a new section to chapter 9.31 RCW.

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

SECTION 1. Chapter 9.31 RCW, is amended by adding the following section: New section.

The term "escape", for the purposes of this chapter, shall mean the unlawful departure of a prisoner from the custody of a penal or correctional institution of the state of Washington, with or without the exertion of force or fraud in the execution thereof.

"Escape"  
defined.

SEC. 2. Section 90, chapter 249, Laws of 1909, and RCW 9.31.010 are each amended to read as follows: Amendment.

Charge, conviction or sentence determines degree of crime on escape or attempt to escape.

Every prisoner confined in a prison, or being in the lawful custody of an officer or other person, who escapes or attempts to escape from such prison or custody if he is held on a charge, conviction, or sentence of a felony, shall be guilty of a felony; if held on a charge, conviction, or sentence of a gross misdemeanor or misdemeanor, he shall be guilty of a misdemeanor.

Passed the Senate February 3, 1955.

Passed the House March 8, 1955.

Approved by the Governor March 21, 1955.

CHAPTER 321.

[ S. B. 223. ]

ANIMALS—FUR FARMING.

AN ACT relating to certain fur bearing animals; giving authority to the director of agriculture in connection therewith; repealing sections 70 and 71, chapter 275, Laws of 1947, section 1, chapter 142, Laws of 1949 and RCW 77.20.070 through RCW 77.20.090.

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

New section.

SECTION 1. Sections 2 through 6 of this act shall constitute a new chapter in Title 16 RCW.

Definitions.

SEC. 2. As used in this chapter:

"Director."

"Director" means director of agriculture.

"Department."

"Department" means department of agriculture.

"Person."

"Person" includes any individual, firm, corporation, trust, association, copartnership, society, or other organization of individuals and any other business unit, device or arrangement.

"Fur farming."

"Fur farming" means breeding, raising and rearing of mink, marten, fox and chinchilla in captivity or enclosures.

Fur farming deemed agricultural pursuit.

SEC. 3. Fur farming shall be deemed an agricultural pursuit and the director is hereby authorized



to exercise quarantine controls over such forms in accordance with the provisions of this title. Facilities available to the department may be used by the director in carrying out the provisions of this chapter.

Quarantine controls.

SEC. 4. All fox, mink and marten that have been lawfully imported or acquired, or bred or reared in captivity or enclosures, are declared to be personal property. Any person hereafter acquiring any such fur bearing animals in the wild state, shall within ten days furnish satisfactory proof to the director that such animals were lawfully obtained. Such wild animals shall not become personal property under the provisions of this section until such proof is furnished.

Personal property.

Proof of lawful obtainment of animals in wild state.

SEC. 5. The owners of any fox, mink, or marten may mark them by branding with tattoo or other marks for the purpose of identification, but no person shall be entitled to ownership in or rights under any particular branding marks unless and until the branding marks are recorded with the department in the same manner and with like effect as brands of other animals are recorded as provided in chapter 16.56 RCW.

Branding; necessity to record branding marks.

SEC. 6. Each person engaged in fur farming in this state shall register with the department on a form to be provided giving the location of the fur farm, name, and address of the owner and such other information and at such times as the department may by regulation require.

Fur farmer to register with department.

SEC. 7. Sections 70 and 71, chapter 275, Laws of 1947, section 1, chapter 142, Laws of 1949 and RCW 77.20.070 through RCW 77.20.090 are each repealed.

Repeal.

Passed the Senate February 25, 1955.

Passed the House March 8, 1955.

Approved by the Governor March 21, 1955.

CHAPTER 322.

[ S. B. 279. ]

CITIES AND TOWNS—BUDGETS AND EXPENDITURES.

AN ACT relating to budgets and expenditures in certain class cities; amending section 5, chapter 158, Laws of 1923 and RCW 35.33.120.

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

Amendment.

SECTION 1. Section 5, chapter 158, Laws of 1923 and RCW 35.33.120 are amended to read as follows:

Expenditures in final budget constitutes city's appropriations for ensuing fiscal year.

The expenditures as classified and itemized in the final budget shall constitute the city's appropriations for the ensuing fiscal year. Every officer and employee of the city shall be limited in the making of expenditures and incurring of liabilities to the amounts of the detailed appropriation items or classes. Transfers between the general classes and expenditures from funds received in excess of estimated revenues shall be permitted when authorized by ordinance upon the vote of one more than the majority of all members of the legislative body of any city: *Provided*, That the legislative body shall at all times have the power by ordinance with like vote to revoke, recall, or decrease the whole or any part of an unexpended item listed in the budget appropriation ordinance for salaries and wages, maintenance and operation, or capital outlay, for said year and also to make transfers by resolution between items within any class in the budget, but no salary shall be increased above the amount provided therefor in the budget: *Provided*, That the legislative body in passing said ordinance shall state therein the reason for such transfer of funds or the revoking, recall, or decrease, in whole or in part, of any unexpended item as above provided, and shall further in said ordinance find that it is to the best interest of the municipality that such transfer or revocation, recall,

Transfers between general classes.

Legislative power by ordinance.

Ordinance to state therein reason for transfer, etc.

or decrease of any unexpended item listed in the budget appropriation be made.

Liabilities incurred by any officer or employee of the city in excess of any budget appropriation shall not be a liability of the city. The clerk shall issue no warrant and the city commission, council or mayor shall approve no claim for an expenditure in excess of any individual budget appropriation except upon an order of a court of competent jurisdiction or for emergencies as provided in this chapter.

Liabilities incurred in excess of budget appropriation.

Passed the Senate February 28, 1955.

Passed the House March 8, 1955.

Approved by the Governor March 21, 1955.

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## CHAPTER 323.

[ S. B. 285. ]

### ELECTIONS—VOTING MACHINES.

AN ACT relating to voting machines and amending section 1, chapter 85, Laws of 1935 and RCW 29.33.130 through 29.33.150, and section 3, chapter 58, Laws of 1913 and section 1, chapter 114, Laws of 1915 and section 3, chapter 77, Laws of 1947 and RCW 29.33.160.

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

SECTION 1. Section 1, chapter 85, Laws of 1935 (heretofore codified as RCW 29.33.130 through 29.33.150) is divided and amended as set forth in sections 2, 3 and 4 of this act.

Division and amendment.

SEC. 2. (RCW 29.33.130) The county auditor of a county, the city clerk, or proper officer of a district, in which voting machines are to be used shall cause them to be properly prepared therefor; and for that purpose shall employ for such time as is necessary one or more competent persons who shall be election officers known as the voting machine custodians. Voting machine custodians shall be sworn to per-

Enacted without amendment.

Voting machine custodians; employment of.

form their duties honestly and faithfully, and shall be paid for the time actually spent in the discharge of their duties. One custodian shall be employed for each twenty machines; if more than one is employed they shall be selected from the political parties entitled to representation on a board of election officers.

SEC. 3. (RCW 29.33.140) The county auditor of a county, the clerk of a city or district, having two hundred voting machines or more, shall appoint a permanent employee who shall be a competent mechanic. He shall be known as the chief custodian of voting machines, shall be sworn to perform his duties honestly and faithfully, and shall furnish a corporate surety bond in the sum of five thousand dollars for the honest and faithful performance of his duties. His salary shall be set by the board of county commissioners, paid out of the current expense fund of the county or the general fund of the city or district, as the case may be.

Chief custodian of voting machines; appointment, duties, salary and bond.

The chief custodian of voting machines shall supervise the work of all other voting machine custodians, and shall instruct and supervise them and have general charge of the preparation and approval of voting machines for elections.

Supervision and instruction.

He shall also have charge of the instruction schools for election officials, and of the procuring and rental of all polling places in precincts where voting machines are to be used. He shall have continuous charge of the maintenance, upkeep and care of the voting machines in his jurisdiction.

Instruction schools.

Polling places.

Maintenance and repair of machines.

SEC. 4. (RCW 29.33.150) In preparing a voting machine for an election, the custodian shall arrange the machine and labels therefor according to the printed directions furnished by the auditor or clerk so that it will in every particular meet the requirements for voting and counting at such elections, thoroughly test same, and certify thereto to the said

Enacted without amendment.

Preparing voting machine for election.

auditor or clerk. A voting machine may be so arranged for an election that the names of candidates nominated independently may be placed in the same party row with those nominated by a major political party, if such placing does not prevent such independently nominated candidates from being voted for individually. It may also be so arranged that candidates nominated independently, or by political organizations which nominated but one candidate, are placed in the same party row and voted for individually; in which event the party voting device of the party row shall be locked against movement, and the political designation of each candidate shall be printed upon the ballot labels in connection with his name. The auditor or clerk shall direct the arrangement of all ballot labels on a voting machine in case of nonpartisan primaries and elections in cities of the first class operating under freeholders' charters, so that the arrangement of the names of candidates shall conform as nearly as practicable to the provisions for the arrangement of names on paper ballots. In all other cases of nonpartisan primaries and elections, and in all cases of party primaries and elections, the arrangement of names of candidates upon the ballot labels shall conform as nearly as practicable to the statutory provisions for the arrangement of names on paper ballots.

Arrangement of voting machine.

Auditor or clerk directs arrangement of ballot labels on voting machine in nonpartisan primaries and first class city elections.

After being prepared for a primary or an election, each machine shall be examined by the auditor or clerk, and if it was prepared in accordance with law for use thereat, he shall file a certificate thereof in his office. The custodian shall cause all voting machines to be delivered to the polling places in charge of an authorized official who shall certify to their delivery in good order on the certificate furnished therefor. After such delivery the auditor or clerk shall provide proper protection therefor. The custodian shall provide a lantern or proper light for

Examination of machines.

Certificate filed. Delivery to polling places.

Lighting for machines.

every machine, which light shall be in good order and give sufficient light to enable voters while in the booth to read the ballot labels, and suitable for use by the election officers in examining the counters.

Amendment.

SEC. 5. Section 3, chapter 58, Laws of 1913, section 1, chapter 114, Laws of 1915, and section 3, chapter 77, Laws of 1947 (heretofore combined and codified as RCW 29.33.160) are each amended to read as follows:

General provisions with reference to use.

(RCW 29.33.160) General provisions with reference to use of voting machines are:

Official ballot.

(1) The list of offices and candidates and the statements of measures when properly arranged and affixed by ballot labels to a voting machine shall be deemed an official ballot.

"Diagram" defined.

(2) A "diagram" as in this chapter defined shall be deemed a sample ballot.

Protective counter construction.

(3) The protective counter on a voting machine must be so constructed that it cannot be reset, altered, or operated except by operating the machine in the manner it is operated when actually voting.

Statements of canvass.

(4) Statements of canvass take the place of tally-keepers, statements, and returns provided for in connection with voting in precincts where voting machines are not used.

Determining election precincts.

(5) Not later than forty days before any primary or election, for the purpose of using one or more voting machine therein, the county auditor may create, unite, combine or divide election precincts. More than one voting machine may be used in the same precinct. There shall be at least one machine in each precinct: *Provided*, That where precincts have been combined under the provisions of this chapter, there shall be used at such combined polling place a number of voting machines no less than the number of precincts so combined.

One voting machine required in each precinct.

Limitation as to use of voting machine.

(6) No voting machine shall be used at any election unless each voting device thereon is locked

against movement, and the machine has been prepared in such a way that the voter cannot by a single operation vote for all the candidates of one party.

Passed the Senate March 9, 1955.

Passed the House March 7, 1955.

Approved by the Governor March 21, 1955.

## CHAPTER 324.

[ S. B. 350. ]

### STATE LANDS—GRAZING RANGES.

AN ACT providing for the improvement of the state grazing ranges in Okanogan and Yakima counties.

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

SECTION 1. The commissioner of public lands is hereby authorized on behalf of the state of Washington, or in cooperation with the United States Forest Service, or the cattlemen's associations of Okanogan and Yakima counties to enter into agreements for the improvement of the state's grazing ranges in said counties by the clearing of debris, maintenance of trails and water holes and other requirements for the general improvement of said ranges.

Authorization to enter into agreements for improvement of state's grazing ranges in Okanogan and Yakima counties.

SEC. 2. In order to encourage the improvement of grazing ranges by holders of grazing permits, the land commissioner shall consider (1) extension of grazing permit periods to a maximum of five years, and (2) reduction of grazing fees, in situations where the permittee contributes or agrees to contribute to the improvement of the range, financially, by labor, or otherwise.

Encourage improvement of ranges by holders of grazing permits.

Passed the Senate March 3, 1955.

Passed the House March 8, 1955.

Approved by the Governor March 21, 1955.

CHAPTER 325.

[ S. B. 347. ]

VETERANS' BONUS—LIMITATION DATE.

AN ACT providing terminal dates for filing and processing applications for bonuses to veterans of World War II, and amending chapter 180, Laws of 1949, as last amended by chapter 208, Laws of 1953, and chapter 73.32 RCW.

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

New section.

SECTION 1. Chapter 180, Laws of 1949, as last amended by chapter 208, Laws of 1953, and chapter 73.32 RCW, are each amended by adding a new section thereto to read as follows:

Terminal dates for filing and processing applications for bonuses to veterans of World War II.

Neither the state auditor nor his authorized agents shall accept any certificate presented for the purpose of obtaining the benefits of this act after twelve o'clock noon on December 31, 1955, nor shall he draw any warrant for the payment of any compensation authorized by this act unless a formal application has been filed on or before the hour and date set forth above.

The state auditor and his authorized agents shall have until December 31, 1956, to process all applications filed pursuant to this act and to microfilm all records pertaining thereto.

Passed the Senate February 10, 1955.

Passed the House March 8, 1955.

Approved by the Governor March 21, 1955.



## CHAPTER 326.

[ S. B. 380. ]

## STATE CEREBRAL PALSY FUND—ABOLISHED.

AN ACT transferring certain moneys in and to be paid into the state treasury, and abolishing the state cerebral palsy fund; defining the duties and powers of the state treasurer in connection therewith, and declaring that this act shall take effect April 1, 1955.

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

SECTION 1. All moneys in the state treasury to the credit of the state cerebral palsy fund on the first day of May, 1955, and all moneys thereafter paid into the state treasury for or to the credit of the state cerebral palsy fund, shall be and are hereby transferred to and placed in the general fund.

Transfer to general fund, moneys from state cerebral palsy fund.

SEC. 2. From and after the first day of April, 1955, all appropriations made by the thirty-fourth legislature from the state cerebral palsy fund shall be paid out of moneys in the general fund.

Payment of appropriations.

SEC. 3. From and after the first day of May, 1955, the state cerebral palsy fund is abolished.

Fund abolished.

SEC. 4. From and after the first day of May, 1955, all warrants drawn on the state cerebral palsy fund and not presented for payment shall be paid from the general fund, and it shall be the duty of the state treasurer and he is hereby directed to pay such warrants when presented from the general fund.

Warrants to be paid out of general fund.

SEC. 5. This act is necessary for the immediate support of the state government and its existing public institutions and shall take effect April 1, 1955.

Effective date.

Passed the Senate February 18, 1955.

Passed the House March 8, 1955.

Approved by the Governor March 21, 1955.

CHAPTER 327.

[ S. B. 381. ]

STATE TUBERCULOSIS EQUALIZATION FUND—  
ABOLISHED.

AN ACT transferring certain moneys in and to be paid into the the state treasury, and abolishing the state tuberculosis equalization fund; defining the duties and powers of the state treasurer in connection therewith, and declaring that this act shall take effect April 1, 1955.

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

Transfer to general fund, moneys from state tuberculosis equalization fund.

SECTION 1. All moneys in the state treasury to the credit of the state tuberculosis equalization fund on the first day of May, 1955, and all moneys thereafter paid into the state treasury for or to the credit of the state tuberculosis equalization fund, shall be and are hereby transferred to and placed in the general fund.

Payment of appropriations.

SEC. 2. From and after the first day of April, 1955, all appropriations made by the thirty-fourth legislature from the state tuberculosis equalization fund shall be paid out of moneys in the general fund.

Fund abolished.

SEC. 3. From and after the first day of May, 1955, the state tuberculosis equalization fund is abolished.

Warrants to be paid out of general fund.

SEC. 4. From and after the first day of May, 1955, all warrants drawn on the state tuberculosis equalization fund and not presented for payment shall be paid from the general fund, and it shall be the duty of the state treasurer and he is hereby directed to pay such warrants when presented from the general fund.

Effective date.

SEC. 5. This act is necessary for the immediate support of the state government and its existing

public institutions and shall take effect April 1, 1955.

Passed the Senate February 18, 1955.

Passed the House March 8, 1955.

Approved by the Governor March 21, 1955.

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## CHAPTER 328.

[ S. B. 382. ]

### STATE COLLEGE FUND—ABOLISHED.

AN ACT transferring certain moneys in and to be paid into the state treasury, and abolishing the Washington State College fund; defining the duties and powers of the state treasurer in connection therewith, and declaring that this act shall take effect April 1, 1955.

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

SECTION 1. All moneys in the state treasury to the credit of the Washington State College fund on the first day of May, 1955, and all moneys thereafter paid into the state treasury for or to the credit of the Washington State College fund, shall be and are hereby transferred to and placed in the general fund.

Transfer to general fund, moneys from Washington State College fund.

SEC. 2. From and after the first day of April, 1955, all appropriations made by the thirty-fourth legislature from the Washington State College fund shall be paid out of moneys in the general fund.

Payment of appropriations.

SEC. 3. From and after the first day of May, 1955, the Washington State College fund is abolished.

Fund abolished.

SEC. 4. From and after the first day of May, 1955, all warrants drawn on the Washington State College fund and not presented for payment shall be paid from the general fund, and it shall be the duty of the state treasurer and he is hereby directed to pay such warrants when presented from the general fund.

Warrants to be paid out of general fund.

Limitation on  
use of revenue.

SEC. 5. No revenue from any source other than the general fund, which, except for the provisions hereof, would have been paid into the Washington State College fund, shall be used for any purpose except the support of the State College of Washington.

Effective date.

SEC. 6. This act is necessary for the immediate support of the state government and its existing public institutions and shall take effect April 1, 1955.

Passed the Senate February 18, 1955.

Passed the House March 8, 1955.

Approved by the Governor March 21, 1955.

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## CHAPTER 329.

[ S. B. 383. ]

### FEDERAL EXPERIMENT STATION FUND—ABOLISHED.

AN ACT transferring certain moneys in and to be paid into the state treasury, and abolishing the federal experiment station fund; defining the duties and powers of the state treasurer in connection therewith, and declaring that this act shall take effect April 1, 1955.

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

Transfer to  
general fund,  
moneys from  
federal experi-  
ment station  
fund.

SECTION 1. All moneys in the state treasury to the credit of the federal experiment station fund on the first day of May, 1955, and all moneys thereafter paid into the state treasury for or to the credit of the federal experiment station fund, shall be and are hereby transferred to and placed in the general fund.

Payment of  
appropria-  
tions.

SEC. 2. From and after the first day of April, 1955, all appropriations made by the thirty-fourth legislature from the federal experiment station fund shall be paid out of moneys in the general fund.

Fund  
abolished.

SEC. 3. From and after the first day of May, 1955, the federal experiment station fund is abolished.

SEC. 4. From and after the first day of May, 1955, all warrants drawn on the federal experiment station fund and not presented for payment shall be paid from the general fund, and it shall be the duty of the state treasurer and he is hereby directed to pay such warrants when presented from the general fund.

Warrants to be paid out of general fund.

SEC. 5. This act is necessary for the immediate support of the state government and its existing public institutions and shall take effect April 1, 1955.

Effective date.

Passed the Senate February 18, 1955.

Passed the House March 8, 1955.

Approved by the Governor March 21, 1955.

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## CHAPTER 330.

[ S. B. 384. ]

### STATE GENERAL OBLIGATION BOND RETIREMENT FUND—ABOLISHED.

AN ACT transferring certain moneys in and to be paid into the state treasury, and abolishing the general obligation bond retirement fund; defining the duties and powers of the state treasurer in connection therewith, and declaring that this act shall take effect April 1, 1955.

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

SECTION 1. All moneys in the state treasury to the credit of the general obligation bond retirement fund on the first day of May, 1955, and all moneys thereafter paid into the state treasury for or to the credit of the general obligation bond retirement fund, shall be and are hereby transferred to and placed in the general fund.

Transfer to general fund, moneys from general obligation bond retirement fund.

SEC. 2. From and after the first day of April, 1955, all appropriations may by the thirty-fourth legislature from the general obligation bond retirement fund shall be paid out of moneys in the general fund.

Payment of appropriations.

Fund abolished.

SEC. 3. From and after the first day of May, 1955, the general obligation bond retirement fund is abolished.

Warrants to be paid out of general fund.

SEC. 4. From and after the first day of May, 1955, all warrants drawn on the general obligation bond retirement fund and not presented for payment shall be paid from the general fund, and it shall be the duty of the state treasurer and he is hereby directed to pay such warrants when presented from the general fund.

Effective date.

SEC. 5. This act is necessary for the immediate support of the state government and its existing public institutions and shall take effect April 1, 1955.

Passed the Senate February 18, 1955.

Passed the House March 8, 1955.

Approved by the Governor March 21, 1955.

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CHAPTER 331.

[ S. B. 385. ]

STATE NORMAL SCHOOL CURRENT FUND—ABOLISHED.

AN ACT transferring certain moneys in and to be paid into the state treasury, and abolishing the normal school current fund; defining the duties and powers of the state treasurer in connection therewith, and declaring that this act shall take effect April 1, 1955.

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

Transfer to general fund, moneys from normal school current fund.

SECTION 1. All moneys in the state treasury to the credit of the normal school current fund on the first day of May, 1955, and all moneys thereafter paid into the state treasury for or to the credit of the normal school current fund, shall be and are hereby transferred to and placed in the general fund.

Payment of appropriations.

SEC. 2. From and after the first day of April, 1955, all appropriations made by the thirty-fourth legisla-

ture from the normal school current fund shall be paid out of moneys in the general fund.

SEC. 3. From and after the first day of May, 1955, the normal school current fund is abolished. Fund abolished.

SEC. 4. From and after the first day of May, 1955, all warrants drawn on the normal school current fund and not presented for payment shall be paid from the general fund, and it shall be the duty of the state treasurer and he is hereby directed to pay such warrants when presented from the general fund. Warrants to be paid out of general fund.

SEC. 5. No revenue from any source other than the general fund, which, except for the provisions hereof, would have been paid into the normal school current fund, shall be used for any purpose except the support of the Colleges of Education. Limitation on use of revenue.

SEC. 6. This act is necessary for the immediate support of the state government and its existing public institutions and shall take effect April 1, 1955. Effective date.

Passed the Senate February 18, 1955.

Passed the House March 8, 1955.

Approved by the Governor March 21, 1955.

CHAPTER 332.

[ S. B. 386. ]

STATE UNIVERSITY OF WASHINGTON FUND—  
ABOLISHED.

AN ACT transferring certain moneys in and to be paid into the state treasury, and abolishing the University of Washington fund; defining the duties and powers of the state treasurer in connection therewith, and declaring that this act shall take effect April 1, 1955.

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

Transfer to general fund, moneys from University of Washington fund.

SECTION 1. All moneys in the state treasury to the credit of the University of Washington fund on the first day of May, 1955, and all moneys thereafter paid into the state treasury for or to the credit of the University of Washington fund, shall be and are hereby transferred to and placed in the general fund.

Payment of appropriations.

SEC. 2. From and after the first day of April, 1955, all appropriations made by the thirty-fourth legislature from the University of Washington fund shall be paid out of moneys in the general fund.

Fund abolished.

SEC. 3. From and after the first day of May, 1955, the University of Washington fund is abolished.

Warrants to be paid out of general fund.

SEC. 4. From and after the first day of May, 1955, all warrants drawn on the University of Washington fund and not presented for payment shall be paid from the general fund, and it shall be the duty of the state treasurer and he is hereby directed to pay such warrants when presented from the general fund.

Limitation on use of revenue.

SEC. 5. No revenue from any source other than the general fund, which, except for the provisions hereof, would have been paid into the University of Washington fund, shall be used for any purpose except the support of the University of Washington.



SEC. 6. This act is necessary for the immediate support of the state government and its existing public institutions and shall take effect April 1, 1955. Effective date.

Passed the Senate February 18, 1955.

Passed the House March 8, 1955.

Approved by the Governor March 21, 1955.

## CHAPTER 333.

[S. B. 387.]

### STATE CENTRAL COLLEGE FUND—ABOLISHED.

AN ACT transferring certain moneys in and to be paid into the state treasury, and abolishing the Central College fund; defining the duties and powers of the state treasurer in connection therewith, and declaring that this act shall take effect April 1, 1955.

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

SECTION 1. All moneys in the state treasury to the credit of the Central College fund on the first day of May, 1955, and all moneys thereafter paid into the state treasury for or to the credit of the Central College fund, shall be and are hereby transferred to and placed in the general fund. Transfer to general fund, moneys from Central College fund.

SEC. 2. From and after the first day of April, 1955, all appropriations made by the thirty-fourth legislature from the Central College fund shall be paid out of moneys in the general fund. Payment of appropriations.

SEC. 3. From and after the first day of May, 1955, the Central College fund is abolished. Fund abolished.

SEC. 4. From and after the first day of May, 1955, all warrants drawn on the Central College fund and not presented for payment shall be paid from the general fund, and it shall be the duty of the state treasurer and he is hereby directed to pay such warrants when presented from the general fund. Warrants to be paid out of general fund.

Limitation on use of revenue.

SEC. 5. No revenue from any source other than the general fund, which, except for the provisions hereof, would have been paid into the Central College fund, shall be used for any purpose except the support of the Central Washington College of Education.

Effective date.

SEC. 6. This act is necessary for the immediate support of the state government and its existing public institutions and shall take effect April 1, 1955.

Passed the Senate February 18, 1955.

Passed the House March 8, 1955.

Approved by the Governor March 21, 1955.

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CHAPTER 334.

[ S. B. 388. ]

STATE EASTERN COLLEGE FUND—ABOLISHED.

AN ACT transferring certain moneys in and to be paid into the state treasury, and abolishing the Eastern College fund; defining the duties and powers of the state treasurer in connection therewith, and declaring that this act shall take effect April 1, 1955.

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

Transfer to general fund, moneys from Eastern College fund.

SECTION 1. All moneys in the state treasury to the credit of the Eastern College fund on the first day of May, 1955, and all moneys thereafter paid into the state treasury for or to the credit of the Eastern College fund, shall be and are hereby transferred to and placed in the general fund.

Payment of appropriations.

SEC. 2. From and after the first day of April, 1955, all appropriations made by the thirty-fourth legislature from the Eastern College fund shall be paid out of moneys in the general fund.

Fund abolished.

SEC. 3. From and after the first day of May, 1955, the Eastern College fund is abolished.

SEC. 4. From and after the first day of May, 1955, all warrants drawn on the Eastern College fund and not presented for payment shall be paid from the general fund, and it shall be the duty of the state treasurer and he is hereby directed to pay such warrants when presented from the general fund.

Warrants to be paid out of general fund.

SEC. 5. No revenue from any source other than the general fund, which, except for the provisions hereof, would have been paid into the Eastern College fund, shall be used for any purpose except the support of the Eastern Washington College of Education.

Limitation on use of revenue.

SEC. 6. This act is necessary for the immediate support of the state government and its existing public institutions and shall take effect April 1, 1955.

Effective date.

Passed the Senate February 18, 1955.

Passed the House March 8, 1955.

Approved by the Governor March 21, 1955.

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## CHAPTER 335.

[ S. B. 391. ]

### STATE WESTERN COLLEGE FUND—ABOLISHED.

AN ACT transferring certain moneys in and to be paid into the state treasury, and abolishing the Western College fund; defining the duties and powers of the state treasurer in connection therewith, and declaring that this act shall take effect April 1, 1955.

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

SECTION 1. All moneys in the state treasury to the credit of the Western College fund on the first day of May, 1955, and all moneys thereafter paid into the state treasury for or to the credit of the Western College fund, shall be and are hereby transferred to and placed in the general fund.

Transfer to general fund, moneys from Western College fund.

Payment of appropriations.

SEC. 2. From and after the first day of April, 1955, all appropriations made by the thirty-fourth legislature from the Western College fund shall be paid out of moneys in the general fund.

Fund abolished.

SEC. 3. From and after the first day of May, 1955, the Western College fund is abolished.

Warrants to be paid out of general fund.

SEC. 4. From and after the first day of May, 1955, all warrants drawn on the Western College fund and not presented for payment shall be paid from the general fund, and it shall be the duty of the state treasurer and he is hereby directed to pay such warrants when presented from the general fund.

Limitation on use of revenue.

SEC. 5. No revenue from any source other than the general fund, which, except for the provisions hereof, would have been paid into the Western College fund, shall be used for any purpose except the support of the Western Washington College of Education.

Effective date.

SEC. 6. This act is necessary for the immediate support of the state government and its existing public institutions and shall take effect April 1, 1955.

Passed the Senate February 18, 1955.

Passed the House March 8, 1955.

Approved by the Governor March 21, 1955.

CHAPTER 336.

[ S. B. 520. ]

LIENS FOR SEED.

AN ACT relating to seed liens; providing for liens on crops and for preservation and enforcement thereof; preserving existing rights; adding new sections to chapter 60.12 RCW; and amending sections 3 and 7, chapter 256, Laws of 1927 and RCW 60.12.030 and 60.12.080.

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

SECTION 1. There is added to chapter 60.12 RCW a new section to read as follows: New section.

Every person who, at the request of the owner of real property or his agent, furnishes seed for growing crops upon such real property shall have a lien for the agreed price or the reasonable value thereof upon any or all crops grown from such seed during the calendar year in which such seed was furnished. If such seed is furnished and the crop therefrom is to be grown and harvested in the following calendar year, the lien shall attach to such crop. Person furnishing seed to have lien upon crops grown from such seed.

SEC. 2. Section 3, chapter 256, Laws of 1927 and RCW 60.12.030 are each amended to read as follows: Amendment.

The liens provided for in this chapter shall be preferred to any other encumbrance upon the crops to which they attach. The seed lien provided for in this chapter shall be superior to any lien except a labor lien. Such a lien or right of lien and the right of action therefor shall be assignable so as to vest in the assignee all rights and remedies of the assignor, subject to all defenses thereto that might be made if the assignment had not been made. Lien priority.  
  
Lien assignable.

SEC. 3. There is added to chapter 60.12 RCW a new section to read as follows: New section.

A person claiming a seed lien shall, within sixty days after delivering the seed to the owner purchasing the seed, or his agent, file in the manner required for filing chattel mortgages a claim of lien subscribed Claim of lien filed; time, manner and place of filing.

and verified by the claimant or someone on his behalf, to the effect that affiant believes the claim to be just. Such filing shall be with the county auditor of the county in which the real property is situated and the crop is to be grown or is growing. The county auditor shall file and index the claims of lien on the crop in a book kept for that purpose and for the same fee as required for chattel mortgages.

Claim of lien; necessary contents of.

SEC. 4. The claim of lien for seed shall state the name of the claimant; if the claim has been filed, the name of the assignee; the demand of the claimant and the amount thereof, after deducting all just credits and offsets; the contract price or reasonable value of the seed sold; the kind and amount thereof; the date of delivery of the seed; the description of the land and the crop to be charged, giving the kind of crop, a description of the land upon which the crop is to be planted or is growing.

Amendment.

SEC. 5. Section 7, chapter 256, Laws of 1927 and RCW 60.12.080 are each amended to read as follows:

Limitation on liens effect.

No lien shall bind a crop for a longer period than eight calendar months after the claim was filed, unless an action is commenced within that time to enforce it: *Provided*, That if the claim of lien is upon a crop to be grown and harvested in the following calendar year, after the work of preparing the ground or planting or sowing the crop is done, the lien shall bind the crop for a period of twelve calendar months after the claim was filed, if an action is commenced within that time to enforce it: *Provided further*, That a lien for seed shall not expire until six months after the crop from said seed has been harvested or until after two years from filing, whichever is the shorter time: *Provided further*, That if an action to enforce a lien is nonsuited or dismissed for any cause other than the merits, the lien shall continue for an additional month, to per-

Claim of lien on crop to be grown.

Expiration of lien.

Prosecution of action to enforce lien.

mit the commencement of another action thereon. If action to enforce a lien is not prosecuted to judgment within two years after its commencement, the court may dismiss it for want of prosecution, and the dismissal or judgment that no lien exists, shall constitute a cancellation of the lien.

SEC. 6. Nothing contained in this act shall affect Existing rights  
or lessen any existing rights. unaffected.

Passed the Senate March 3, 1955.

Passed the House March 8, 1955.

Approved by the Governor March 21, 1955.

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## CHAPTER 337.

[ S. B. 282. ]

### CITIES AND TOWNS—COUNCIL-MANAGER PLAN—FINANCES.

AN ACT relating to the council-manager plan for municipal corporations; and amending sections 4, 6, 8, 12 and 17, chapter 271, Laws of 1943 and RCW 35.18.010, 35.18.020, 35.18.040, 35.18.050, 35.18.060, 35.18.090, 35.18.100, 35.18.190, 35.18.200, 35.18.210 and 35.18.270; section 19, chapter 271, Laws of 1943 and RCW 35.18.110 and 35.18.150; section 14, chapter 271, Laws of 1943 and RCW 35.18.120 through 35.18.140; section 7, chapter 271, Laws of 1943 and RCW 35.18.170; sections 2 and 5, chapter 271, Laws of 1943 and RCW 35.18.240 and 35.18.250; sections 1 and 5, chapter 61, Laws of 1929 and section 1, chapter 27, Laws of 1941 and RCW 35.27.420, 35.27.450, 35.27.460, 35.27.470 and 35.27.480; section 6, chapter 158, Laws of 1923 and RCW 35.33.080, 35.33.090, 35.33.100 and 35.33.150; and adding a new section to chapter 35.18 RCW.

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

SECTION 1. Sections 4, 6, 8, 12 and 17, chapter 271, Laws of 1943, and sections 1, 2 and 3, chapter 84, Laws of 1949 (heretofore divided, combined and codified as RCW 35.18.010, 35.18.020, 35.18.040, 35.18.050, 35.18.060, 35.18.090, 35.18.100, 35.18.190, 35-

Amendment.

.18.200, 35.18.210 and 35.18.270) are amended to read as set forth in sections 2 through 12 of this act.

Enacted without amendment. Councilmen only elected officials.

"City manager" appointed.

SEC. 2. (RCW 35.18.010) Under the council-manager plan of city government, the councilmen shall be the only elective officials. The council shall appoint an officer whose title shall be "city manager" who shall be the chief executive officer and head of the administrative branch of city or town government. The city manager shall be responsible to the council for the proper administration of all affairs of the city or town.

Determination of number of councilmen.

SEC. 3. (RCW 35.18.020) The number of councilmen shall be in proportion to the population of the city or town as determined by the last preceding federal census as follows:

(1) A city or town having not more than two thousand inhabitants, five councilmen;

(2) A city having more than two thousand, but not more than twenty thousand inhabitants, seven councilmen.

Election and terms.

All councilmen shall be elected at large or from such wards or districts as may be established by ordinance, and shall serve for a term of four years and until their successors are elected and qualified:

First election.

*Provided, however,* That at the first election, the following shall apply:

(a) At the first election, one councilman shall be nominated and elected from each ward or such other existing district of said city as may have been established for the election of members of the legislative body of the city and the remaining councilmen shall be elected at large; but if there are no such wards or districts in the city, or at an initial election for the incorporation of a community, the councilmen shall be elected at large.

Terms determined.

(b) In cities electing five councilmen, the candidates having the three highest number of votes shall be elected for a four year term and the other



two for a two year term and until their successors are elected and qualified.

(c) In cities electing seven councilmen, the candidates having the four highest number of votes shall be elected for a four year term and the other three for a two year term and until their successors are elected and qualified.

(d) In determining the candidates receiving the highest number of votes, only the candidate receiving the highest number of votes in each ward, as well as the councilman-at-large or councilmen-at-large, are to be considered. When a municipality has qualified for an increase in the number of councilmen from five to seven by virtue of the next succeeding federal census after the majority of the voters thereof have approved operation under the council-manager plan, at the first election when two additional councilmen are to be elected, one of the two additional councilmen receiving the highest number of votes shall be elected for a four year term and the other additional councilman shall be elected for a two year term.

Determining candidates votes.

Procedure when city qualifies for increase in number of councilmen.

If a vacancy in the council occurs, the remaining members shall appoint a person to fill such office only until the next regular general municipal election at which a person shall be elected to serve for the remainder of the unexpired term.

Council vacancy; filling of.

SEC. 4. (RCW 35.18.040) The city manager need not be a resident. He shall be chosen by the council solely on the basis of his executive and administrative qualifications with special reference to his actual experience in, or his knowledge of, accepted practice in respect to the duties of his office. No person elected to membership on the council shall be eligible for appointment as city manager until one year has elapsed following the expiration of the term for which he was elected.

Enacted without amendment. City manager; may be non-resident; basis for choice.

Enacted  
without  
amendment.

City manager;  
official oath  
and execution  
of bond.

SEC. 5. (RCW 35.18.050) Before entering upon the duties of his office the city manager shall take the official oath for the support of the government and the faithful performance of his duties and shall execute and file with the clerk of the council a bond in favor of the city or town in such sum as may be fixed by the council.

Powers and  
duties of the  
city manager.

SEC. 6. (RCW 35.18.060) The powers and duties of the city manager shall be:

(1) To have general supervision over the administrative affairs of the municipality;

(2) To appoint and remove at any time all department heads, officers, and employees of the city or town, except members of the council, and subject to the provisions of any applicable law, rule, or regulation relating to civil service: *Provided*, That the council may provide for the appointment by the mayor, subject to confirmation by the council, of the city planning commission, and other advisory citizens' committees, commissions and boards advisory to the city council: *Provided further*, That the city manager shall appoint the police judge, subject to confirmation by the council. The council may cause an audit to be made of any department or office of the city or town government and may select the persons to make it, without the advice or consent of the city manager;

(3) To attend all meetings of the council at which his attendance may be required by that body;

(4) To see that all laws and ordinances are faithfully executed, subject to the authority which the council may grant the mayor to maintain law and order in times of emergency;

(5) To recommend for adoption by the council such measures as he may deem necessary or expedient;

(6) To prepare and submit to the council such

reports as may be required by that body or as he may deem it advisable to submit;

(7) To keep the council fully advised of the financial condition of the city or town and its future needs;

(8) To prepare and submit to the council a tentative budget for the fiscal year;

(9) To perform such other duties as the council may determine by ordinance or resolution.

SEC. 7. (RCW 35.18.090) The city manager may authorize the head of a department or office responsible to him to appoint and remove subordinates in such department or office. Any officer or employee who may be appointed by the city manager, or by the head of a department or office, except one who holds his position subject to civil service, may be removed by the manager or other such appointing officer at any time. Subject to the provisions of RCW 35.18.060, the decision of the manager or other appointing officer, shall be final and there shall be no appeal therefrom to any other office, body, or court whatsoever.

Enacted without amendment.

Delegation by city manager of right of appointment or removal.

SEC. 8. (RCW 35.18.100) Appointments made by or under the authority of the city manager shall be on the basis of executive and administrative ability and of the training and experience of the appointees in the work which they are to perform. Residence within the city or town shall not be a requirement. All such appointments shall be without definite term.

Enacted without amendment.

Basis of appointments.

SEC. 9. (RCW 35.18.190) Biennially at the first meeting of the new council the members thereof shall choose a chairman from among their number who shall have the title of mayor. In addition to the powers conferred upon him as mayor, he shall continue to have all the rights, privileges and immunities of a member of the council.

Enacted without amendment.

Council members choose chairman titled mayor.

Enacted without amendment.

Duties of mayor.

SEC. 10. (RCW 35.18.200) The mayor shall preside at meetings of the council, and be recognized as the head of the city or town for all ceremonial purposes and by the governor for purposes of military law.

He shall have no regular administrative duties, but in time of public danger or emergency, if so authorized by the council, shall take command of the police, maintain law, and enforce order.

Enacted without amendment.

Mayor pro tempore.

SEC. 11. (RCW 35.18.210) If a vacancy occurs in the office of mayor, or in case of the incumbent's absence or disability, a mayor pro tempore selected by the members of the council from among their number shall act as mayor for the unexpired term or during the continuance of the absence or disability.

Enacted without amendment.

Council elected; when.

SEC. 12. (RCW 35.18.270) If the majority of the votes cast at an election for organization on the council-manager plan favor the plan, the city or town at its next regular election shall elect the council required under the council-manager plan in number according to the population of the municipality. They shall take office at the time provided by general law.

Division and amendment.

SEC. 13. Section 19, chapter 271, Laws of 1943 (heretofore codified as RCW 35.18.110 and 35.18.150) is divided and amended as set forth in sections 14 and 15 of this act.

Limitations on council in dealing with administrative services and personnel.

SEC. 14. (RCW 35.18.110) Neither the council, nor any of its committees or members shall direct or request the appointment of any person to, or his removal from, office by the city manager or any of his subordinates. Except for the purpose of inquiry, the council and its members shall deal with the administrative service solely through the manager and neither the council nor any committee or member thereof shall give orders to any subordinate of the city manager, either publicly or privately: *Provided,*

*however*, That nothing herein shall be construed to prohibit the council, while in open session, from fully and freely discussing with the city manager anything pertaining to appointments and removals of city officers and employees and city affairs.

Discussion in open sessions permitted.

SEC. 15. (RCW 35.18.150) Only a qualified elector of the city or town may be a member of the council and upon ceasing to be such, or upon being convicted of a crime involving moral turpitude, or of violating the provisions of RCW 35.18.110, he shall immediately forfeit his office.

Enacted without amendment.

Forfeiture of office required of council member.

SEC. 16. Section 14, chapter 271, Laws of 1943 (heretofore codified as RCW 35.18.120 through 35.18.140) is divided and amended as set forth in sections 17 through 19 of this act.

Division and amendment.

SEC. 17. (RCW 35.18.120) The city manager shall be appointed for an indefinite term and may be removed by a majority vote of the council.

Term and removal of city manager.

At least thirty days before the effective date of his removal, the city manager must be furnished with a formal statement in the form of a resolution passed by a majority vote of the city council stating the council's intention to remove him and the reasons therefor. Upon passage of the resolution stating the council's intention to remove the manager, the council by a similar vote may suspend him from duty, but his pay shall continue until his removal becomes effective.

Removal resolution.

Suspension from duty.

SEC. 18. (RCW 35.18.130) The city manager may, within thirty days from the date of service upon him of a copy thereof, reply in writing to the resolution stating the council's intention to remove him. In the event no reply is timely filed, the resolution shall upon the thirty-first day from the date of such service, constitute the final resolution removing the manager, and his services shall terminate upon that day. If a reply shall be timely filed with its clerk,

Enacted without amendment.

Reply to resolution.

Final resolution and termination.

**Public hearing.** the council shall fix a time for a public hearing upon the question of the manager's removal and a final resolution removing the manager shall not be adopted until a public hearing has been had. The action of the council in removing the manager shall be final.

**Council's removal action final.**

**When council may designate officer to perform duties of manager.** SEC. 19. (RCW 35.18.140) The council may designate a qualified administrative officer of the city or town to perform the duties of manager:

- (1) Upon the adoption of the council-manager plan, pending the selection and appointment of a manager; or
- (2) Upon the termination of the services of a manager, pending the selection and appointment of a new manager; or
- (3) During the absence, disability, or suspension of the manager.

**Amendment.** SEC. 20. Section 7, chapter 271, Laws of 1943 and RCW 35.18.170 are each amended to read as follows:

**Council meetings.** The council shall meet at the times and places fixed by ordinance but must hold at least one regular meeting each month. The clerk shall call special meetings of the council upon request of the mayor or any two members. At all meetings of the city council, a majority of the councilmen shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time and may compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. Requests for special meetings shall state the subject to be considered and no other subject shall be considered at a special meeting.

**Quorum.**

**Special meetings; request for.**

**Council and its committee meetings public.** All meetings of the council and of committees thereof shall be open to the public and the rules of the council shall provide that citizens of the city or town shall have a reasonable opportunity to be heard at any meetings in regard to any matter being considered thereat.

SEC. 21. Sections 2 and 5, chapter 271, Laws of 1943 (heretofore divided, combined and codified as RCW 35.18.240 and 35.18.250) are amended to read as set forth in sections 22 and 23 of this act. Amendment.

SEC. 22. (RCW 35.18.240) Petitions to reorganize a city or town on the council-manager plan must be signed by registered voters resident therein equal in number to at least twenty percent of the votes cast for all candidates for mayor at the last preceding municipal election. In addition to the signature and residence addresses of the petitioners thereon, a petition must contain an affidavit stating the number of signers thereon at the time the affidavit is made. Petitions to reorganize city on council-manager plan; signatures and other information required.

Petitions containing the required number of signatures shall be accepted by the city or town clerk as prima facie valid until their invalidity has been proved. Petitions deemed prima facie valid.

A variation on such petitions between the signatures on the petition and that on the voter's permanent registration caused by the substitution of initials instead of the first or middle names or both shall not invalidate the signature on the petition if the surname and handwriting are the same. Signatures, including the original, of any voter who has signed such petitions two or more times shall be stricken. Variation in signatures.

SEC. 23. (RCW 35.18.250) Upon the filing of a petition for the adoption of the council-manager plan of government, or upon resolution of the council to that effect, the mayor, only after the petition has been found to be valid, by proclamation issued within ten days after the filing of the petition or the resolution with the clerk, shall submit the question at a special election to be held at a time specified in the proclamation, which shall be as soon as possible after the sufficiency of the petition has been determined or after the said resolution of the council has been enacted, but in any case not less than ninety days Mayor, by proclamation, shall submit question of adoption of council-manager plan at special election.

before the next regular municipal election therein. All acts necessary to hold this election, including legal notice, jurisdiction and canvassing of returns, shall be conducted in accordance with existing law.

Declarations of candidacy.

Declarations of candidacy for city or town elective positions under the council-manager plan for cities and towns already in existence shall be filed with the city clerk not more than forty-five nor less than thirty days prior to said election. Any candidate

Declaration of withdrawal.

may file a written declaration of withdrawal at any time within five days after the last day for filing a declaration of candidacy. All names of candidates

Names on ballot.

to be voted upon shall be printed upon the ballot alphabetically in group under the designation of the title of the offices for which they are candidates.

Assumption of office by newly elected officials; terms of office.

There shall be no rotation of names. The said newly elected officials shall assume office on the thirtieth day following the issuance of certificates of election and shall continue in office until their successors are elected and qualified at the next general municipal election to be held on the second Tuesday of March on the first even-numbered year following

Proviso.

said special election: *Provided*, That should said election be held on or after January first and before the second Tuesday of March of any even-numbered year and a majority of the votes cast are for the adoption of the council-manager plan, the next municipal general election shall not be held until the subsequent even-numbered year.

New section.

SEC. 24. There shall be added to chapter 35.18 RCW a new section to read as follows:

Limitation on revisal of appropriations by first council.

If, at the beginning of the term of office of the first council elected in a city organized under the council-manager plan, the appropriations for the expenditures of the city for the current fiscal year have been made, the council, by ordinance, may revise them but may not exceed the total appropriations for ex-



penditures already specified in the budget for the year.

SEC. 25. Sections 1 and 5, chapter 61, Laws of 1929 and section 1, chapter 27, Laws of 1941 (heretofore divided, combined and codified as RCW 35.27.420, 35.27.450, 35.27.460, 35.27.470 and 35.27.480) are amended to read as set forth in sections 26 through 30 of this act. Amendment.

SEC. 26. (RCW 35.27.420) On or before the second Monday in September of each year the town council shall make estimates of the amount required to meet the expenses of the town for the ensuing year and the amount necessary to be raised by taxation. Enacted without amendment.  
Estimate of expenses and necessary taxation for ensuing year.

The estimates shall be fully itemized, showing under separate heads the amount required for each department, public office, public official, public improvement, maintenance of each public building, structure, or institution, the salary of each public officer or employee, the maintenance of public highways, roads, streets, and bridges and the construction, operation, and maintenance of each public utility. They shall contain a full and complete disclosure and statement of the contemplated expenditures for the ensuing year, showing the amount to be expended from each separate fund, and the total amount of public expense. Estimates fully itemized.

They shall also contain the total amount of emergency warrants issued during the preceding fiscal year. The statement shall also contain an estimate of the receipts for the ensuing year from sources other than direct taxation and the amount proposed to be raised by taxation upon the real and personal taxable property within the town, which shall include a levy sufficient to pay any emergency warrants remaining unpaid and to reimburse any funds out of which any of them may have been paid. Emergency warrants included in estimate; receipts for ensuing year.

Enacted without amendment.

Limitation on contracting indebtedness.

Emergency expenditures exception.

Violator guilty of misdemeanor.

Penalty.

Emergency expenditures; procedure for.

SEC. 27. (RCW 35.27.450) It shall be unlawful for any town council, public officer or employee of a town to contract any indebtedness or incur any liability in behalf of the town during any current fiscal year more than two percent in excess of the revenues provided for that year in the town's formally adopted estimates unless authorized by a majority vote of the electors of the town at a general or special election and any indebtedness contracted or liability incurred in violation hereof shall be void: *Provided*, That this shall not apply to emergency expenditures authorized as provided in RCW 35.27.460 and 35.27.470.

Any person violating the provisions of this section and RCW 35.27.420, 35.27.430, 35.27.440, 35.27.460, 35.27.470 and 35.27.480 shall be guilty of a misdemeanor punishable by a fine of not less than one hundred dollars nor more than five hundred dollars.

SEC. 28. (RCW 35.27.460) Upon the happening of any emergency caused by fire, flood, explosion, storm, earthquake, epidemic, riot, or insurrection, or for the immediate preservation of order or public health, or for the restoration to a condition of usefulness of any public property, the usefulness of which has been destroyed by accident, or for the relief of a stricken community overcome by calamity, or in settlement of approved claims for personal injuries or property damages (exclusive of claims arising from the operation of any public utility owned by the town) or to meet mandatory expenditures required by laws enacted since the last annual estimate was adopted, or to cover expenses incident to asking necessary arrangements for the establishment of a new form of government between the date on which the change in form of government has been approved by the electorate of the town and the date on which it is to become effective, including the expenses incident to arranging for the initial selection

of a city manager when the form of government has been changed to the council-manager plan, the town council, upon the adoption by unanimous vote of all members present of an ordinance stating the facts constituting the emergency and the estimated amount required to meet it, may make the expenditures therefor without any further notice or hearing.

SEC. 29. (RCW 35.27.470) If a public emergency which could not reasonably have been foreseen at the time of making the annual estimate requires the expenditures of money not provided for in such estimate, and if it is not one of the emergencies specifically enumerated in RCW 35. 27.460, the town council before making any expenditure beyond the two percent tolerance excess permitted, shall adopt an ordinance stating the facts constituting the emergency and the estimated amount required to meet it and declaring that an emergency exists.

Enacted without amendment.

Emergency not enumerated in RCW 35.27.460.

This ordinance shall not be voted on until one week has elapsed after its introduction and it shall require the unanimous vote of the council members present and the approval of the mayor.

Limitation.

Any taxpayer may appear at the council meeting at which the emergency ordinance is to be voted on and be heard for or against the adoption thereof.

Right to be heard.

SEC. 30. (RCW 35.27.480) All emergency expenditures shall be paid for by the issuance of emergency warrants. Emergency warrants shall be paid from any money on hand in the town treasury in the fund properly chargeable with the expenditure.

Enacted without amendment.

Emergency warrants.

If at any time there is insufficient money on hand in the proper fund with which to pay any emergency warrant, the warrant shall be registered, bear interest and shall be called in the same manner as other town warrants.

SEC. 31. Section 6, chapter 158, Laws of 1923 (heretofore codified as RCW 35.33.080, 35.33.090,

Division and amendment.

35.33.100 and 35.33.150) is divided and amended as set forth in sections 32 through 35 of this act.

Emergency expenditures; enumerated conditions warranting same; procedure.

SEC. 32. (RCW 35.33.080) Upon the happening of any emergency caused by fire, flood, explosion, storm, earthquake, epidemic, riot, or insurrection, or for the immediate preservation of order or public health, or for the restoration to a condition of usefulness of any public property, the usefulness of which has been destroyed by accident, or for the relief of a stricken community overtaken by calamity, or in settlement of approved claims for personal injuries or property damage (exclusive of claims arising from the operation of any public utility owned by the city), or to meet mandatory expenditures required by laws enacted since the last annual budget was adopted, or to cover expenses incident to making necessary arrangements for the establishment of a new form of government between the date on which the change in form of government has been approved by the electorate of the city and the date on which it is to become effective, including the expenses incident to arranging for the initial selection of a city manager when the form of government has been changed to the council-manager plan, the city commission or council upon the adoption by the unanimous vote of all members present of an ordinance stating the facts constituting the emergency and the estimated amount required to meet it may make the expenditures therefor without notice or hearing.

Enacted without amendment.

SEC. 33. (RCW 35.33.090) If a public emergency which could not reasonably have been foreseen at the time of the making of the estimates for the annual budget requires the expenditure of money not provided for in the annual budget, and if it is not one of the emergencies specifically enumerated in RCW 35.33.080 the city commission or council before making any expenditure therefor shall adopt an ordinance stating the facts constituting the emer-

Emergencies not enumerated in 35.33.080.

gency and the estimated amount required to meet it and declaring that an emergency exists.

Such ordinance shall not be voted on until one week has elapsed after its introduction and it shall require the unanimous vote of the commissioners or council members present and in cities not having the commission form of government must also be approved by the mayor.

Limitation.

Any taxpayer may appear at the meeting at which the emergency ordinance is to be voted on and be heard for or against the adoption thereof. Any city which publishes a weekly bulletin or official gazette shall publish a copy of the proposed ordinance therein together with a notice of the time set thereon before the day set for the vote.

Right to be heard.

Publication.

SEC. 34. (RCW 35.33.100) All emergency expenditures shall be paid for by the issuance of emergency warrants. Emergency warrants shall be paid from any moneys on hand in the city treasury in the fund properly chargeable with such expenditures.

Enacted without amendment.

Emergency warrants.

If at any time there is insufficient money on hand in the fund with which to pay any emergency warrant, the warrant shall be registered, bear interest and be called in the same manner as other city warrants.

The clerk shall include in the annual budget to be submitted to the city commission or mayor the total amount of emergency warrants issued during the preceding fiscal year; and at the time the final budget is adopted the city commission or council shall include in its tax levies a levy sufficient to reimburse the fund or funds out of which the emergency warrants were paid: *Provided*, That any or all of such warrants may be funded into bonds in any manner authorized by law if deemed advisable.

Budget to include total amount of emergency warrants issued preceding fiscal year.

Proviso.

SEC. 35. (RCW 35.33.150) All appropriations shall lapse at the end of the fiscal year, but the

Appropriations lapse.

accounts shall remain open for twenty days thereafter for the payment of claims incurred prior to the close of such year. Any claim presented after the twentieth day following the close of a fiscal year shall not be paid from the appropriations for that year but shall be provided for in the next ensuing budget: *Provided*, That this shall not prevent payment upon uncompleted improvements in progress at the close of the fiscal year.

Proviso.

Invalidity.

SEC. 36. If any section, paragraph, sentence, clause or phrase of this act is declared unconstitutional or invalid for any reason, the remainder of this act shall not be affected thereby.

Passed the Senate March 9, 1955.

Passed the House March 8, 1955.

Approved by the Governor March 21, 1955.

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CHAPTER 338.

[ S. B. 329. ]

DRAINAGE IMPROVEMENT DISTRICTS.

AN ACT relating to drainage improvement districts; and amending section 4, chapter 157, Laws of 1921 and RCW 85.08.300.

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

Amendment.

SECTION 1. Section 4, chapter 157, Laws of 1921 and RCW 85.08.300 are each amended to read as follows:

Board of supervisors of district; membership.

At the election, two electors of the county owning land in the district shall be elected, who, with the district engineer, shall constitute the first board of supervisors of the district. The supervisors shall have charge of the construction and maintenance of the systems of improvements, subject to the limitations hereinafter set forth, and may employ a superintendent of construction and maintenance who may be one of the two elected supervisors. The

Employ superintendent of construction and maintenance.

elected supervisors may be employed upon the construction or maintenance, receiving the same compensation as other labor of like character. The engineer shall receive compensation for his services as supervisor in the maintenance of the system at the per diem rate allowed him for other work; and if he is a salaried officer the compensation shall be a charge against the district in favor of the engineer's office.

Employment of elected supervisors possible.

Compensation for engineer.

The term of office of each elected district supervisor shall be four years, and until his successor is elected and qualified except that the terms of those chosen at the first election in each district shall be as follows: The one receiving the highest number of votes shall serve for a period ending four years after the first Monday of January of the first odd-numbered year following the election; and the one receiving the second highest number of votes shall serve for a period ending two years after the first Monday of January of the first odd-numbered year following the election. Elections after the first election in a district shall be held biennially on the fourth Tuesday of November in the even-numbered years, except that where the first election is in an odd-numbered year no election shall be held in the next even-numbered year. Terms of office shall begin on the first Monday of January next following the election, except that the terms of the supervisors elected at the first election shall begin immediately on their qualifying. Every duly elected supervisor shall qualify in the same manner as other county officers. A vacancy on the board shall be filled by a district elector appointed by the board of county commissioners.

Terms of office.

Terms of first elected supervisors.

Elections held biennially.

Date terms commenced.

Qualification.  
Vacancy filled.

There shall be no general district election held in the year 1957 and the commissioner in each district whose term expires in 1957 shall continue in office until his successor is qualified for a four-year term beginning the first Monday in January 1959.

No general district election in 1957; commissioner continues in office.

Election  
procedure.Election  
expense.Notice of  
election;  
publication.Commission-  
ers to canvass  
votes, declare  
results and  
issue certi-  
ficates of  
election.When district  
engineer shall  
act as super-  
visor of  
district.

Elections, except for the first election as provided in RCW 85.08.290, shall be conducted by the board of supervisors of such district, who shall prepare the ballot therefor. The expenses of the election shall be defrayed by the district, and the judges, clerks and inspectors of the election shall each receive not to exceed the sum of five dollars per day for services so rendered. At least thirty days before the election the district supervisors shall post notice thereof in four public places in the district, and publish notice of the election at least once in a legal newspaper published in the district, or if none is published therein, then in a legal newspaper in the county in which the district is situated. Such notice shall contain the names of the two judges and one inspector of the election, who shall be electors of the district appointed by the supervisors. The supervisors may declare the entire district as one precinct and shall designate in the notice of election the number and places of voting. The commissioners shall meet on the day following the election and canvass the votes, declare the results, and issue the certificates of election.

When a district contains not more than five hundred acres, or when a petition is presented to the board of county commissioners signed by the owners of fifty percent of the acreage of the district praying for such action, the district engineer shall act as supervisor of the district; and in such case the allowance of all claims against the district shall be by the county commissioners.

Passed the Senate February 22, 1955.

Passed the House March 8, 1955.

Approved by the Governor March 21, 1955.



## CHAPTER 339.

[ S. B. 404. ]

## PUBLIC FUNDS—CERTIFYING CLAIMS FOR SERVICES, ETC.

AN ACT relating to certification of claims for services and amending section 2, chapter 126, Laws of 1891 and section 1, chapter 77, Laws of 1945 and RCW 42.24.030.

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

SECTION 1. Section 2, chapter 126, Laws of 1891 and section 1, chapter 77, Laws of 1945 (heretofore combined and codified as RCW 42.24.030) are amended to read as follows: Amendment.

All persons furnishing materials, rendering service or performing labor, or receiving certificates of indebtedness from any disbursing officer of the state, or any county, city, district, or precinct, shall furnish a certificate, certifying on honor that he has furnished materials, rendered services, or performed labor, as described and that the claim is just; due and unpaid, which certificate shall be a part of the voucher.

Certified certificate.

The certificate as to services of legislators, officers or employees of the state, or any county, city, district or precinct, drawing annual or monthly salaries may be set forth in form prescribed by the department of municipal corporations, as part of the endorsement on the warrant or check issued in payment of such services.

Certificate form as to state, county, city, district or precinct employees.

The certificate need not be sworn to but any person certifying a claim that is false or untrue shall be guilty of perjury in the second degree.

Certifying false claim—second degree perjury.

Passed the Senate March 9, 1955.

Passed the House March 7, 1955.

Approved by the Governor March 21, 1955.

CHAPTER 340.

[ Sub. S. B. 519. ]

STATE GOVERNMENT—SALARIES—ADVISORY SALARY COMMITTEE.

AN ACT relating to state government; creating an advisory committee on salaries; and amending section 1, chapter 111, Laws of 1949 and RCW 43.03.040, section 14, chapter 176, Laws of 1935, section 7, chapter 196, Laws of 1941, section 3, chapter 114, Laws of 1947 and RCW 43.41.010, section 5, chapter 227, Laws of 1949 and RCW 43.52.040 and RCW 43.52.050, section 1, chapter 260, Laws of 1951 and RCW 43.53.010, section 1, chapter 155, Laws of 1945 and RCW 43.67.020, RCW 43.67.030 and RCW 43.67.040, section 1, chapter 151, Laws of 1951 and RCW 43.78.070, and declaring an emergency.

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

Governor's advisory committee created.

Committee members.

Salaries and duties of appointed state officials studied.

Recommend salaries.

Amendment.

SECTION 1. There is hereby created a committee to be known as the Governor's advisory committee on salaries, to consist of six members as follows: The dean of the College of Business Administration of the University of Washington; the dean of the School of Economics and Business of Washington State College; the chairman of the State Personnel Board; the president of the Association of Washington Industries; the president of the Pacific Northwest Personnel Managers' Association; and one representative from organized labor. The committee herein created shall study the duties and salaries of the directors of the several departments and the members of the several boards and commissions of state government who are subject to appointment by the governor, and to recommend to the governor the salaries to be fixed for each respective position. Such recommendations shall be submitted to the governor in writing at least once in each fiscal biennium on such date as the governor may designate.

SEC. 2. Section 1, chapter 111, Laws of 1949 and RCW 43.03.040 are each amended to read as follows: The directors of the several departments and mem-

bers of the several boards and commissions, who are subject to appointment by the governor, shall each severally receive such salaries, payable in monthly installments, as shall be fixed by the governor, after consideration of the recommendations of the advisory committee on salaries created in section 1 of this act, upon the basis of official responsibility, not to exceed, however, the sum of twelve thousand dollars per annum for the director, acting director, commissioner, board member or other such officer, except the director of public institutions and the sum of eight thousand five hundred dollars for the director of the veterans' rehabilitation council.

Salary fixed by governor.

Maximum salary.

Exception.

SEC. 3. Section 14, chapter 176, Laws of 1935, section 7, chapter 196, Laws of 1941, and section 3, chapter 114, Laws of 1947 (heretofore combined and codified as RCW 43.41.010) are each amended to read as follows:

Amendment.

(RCW 43.41.010) There is hereby created in the office of the governor the office of "director of budget." The director of budget shall be appointed by the governor with the consent of the senate; shall hold office during the pleasure of the governor, and shall receive an annual salary to be fixed by the governor at not less than seven thousand five hundred dollars nor more than twelve thousand dollars per annum. He shall have the power to appoint such assistants, deputies and other personnel as may be necessary to carry out the provisions of this chapter. As the personal representative of the governor with respect to fiscal matters it shall be his duty to attend the meetings of the administrative board.

"Director of budget;" appointment, term, salary and duties.

SEC. 4. Section 5, chapter 227, Laws of 1949 (heretofore divided and codified as RCW 43.52.040 and RCW 43.52.050) is divided and amended as set forth in sections 5 and 6 of this act.

Division and amendment.

Enacted without amendment.

SEC. 5. (RCW 43.52.040) The commission shall consist of three members appointed by the governor, with the advice and consent of the senate. Members of the commisison shall serve at the pleasure of the governor. In making such appointments the governor shall give due recognition to the varying geographical sections of this state.

Commission; appointment and terms of members.

Commission member's salary.

SEC. 6. (RCW 43.52.050) The members of the commission shall receive a salary of not less than eight thousand five hundred dollars nor more than ten thousand dollars per annum, as fixed by the governor, and their necessary traveling and other expenses.

Amendment.

SEC. 7. Section 1, chapter 260, Laws of 1951 and RCW 43.53.010 are each amended to read as follows:

Washington public service commission created.

There is hereby created and established a state commission to be known and designated as the Washington public service commission, and in this chapter referred to as the commission.

Commission membership.

The commission shall be composed of three members appointed by the governor, with the consent of the senate. Not more than two members of said commission shall belong to the same political party.

Limitation.

Terms of first appointed commission members.

The members of the first commission to be appointed after taking effect of this section shall be appointed for terms beginning April 1, 1951, and expiring as follows: One commissioner for the term expiring January 1, 1953; one commissioner for the term expiring January 1, 1955; one commissioner for the term expiring January 1, 1957. Each of the commissioners shall hold office until his successor is appointed and qualified. Upon the expiration of the terms of the three commissioners first to be appointed as herein provided, each succeeding commissioner shall be appointed and hold office for the term of six years. One of such commissioners to be designated by the governor, shall, during the term

Terms of succeeding commission members.

of the appointing governor, be the chairman of the commission. Chairman.

Each commissioner shall receive a salary of not less than ten thousand dollars nor more than twelve thousand dollars per annum, payable monthly, as may be fixed by the governor. Salary of commissioner.

Any member of the commission may be removed for inefficiency, malfeasance or misfeasance in office, upon specific written charges filed by the governor, who shall transmit such written charges to the member accused and to the chief justice of the supreme court. The chief justice shall thereupon designate a special tribunal composed of three judges of the superior court to hear and adjudicate the charges. Such tribunal shall fix the time, place and procedure for the hearing, and the hearing shall be public. The decision of such tribunal shall be final and not subject to review. Removal of commissioner; procedure.  
  
Public hearing.

If the tribunal specified herein finds the charges of the governor to be true, the governor shall have the right to immediately remove the commissioner from office, to declare the position of the commissioner vacant, and appoint another commissioner to the position in accordance with the provisions of the law.

Any vacancy arising in the office of commissioner shall be filled by appointment by the governor, and an appointee selected to fill such vacancy shall hold office for the balance of the full term for which his predecessor on the commission was appointed. Vacancy; appointee's term.

If a vacancy occurs while the senate is not in session, the governor shall make a temporary appointment until the next meeting of the senate, when he shall present to the senate his nomination or nominations for the office to be filled. Temporary appointment.

SEC. 8. Section 1, chapter 155, Laws of 1945 (heretofore divided and codified as RCW 43.67.020, RCW 43.67.030 and RCW 43.67.040) is divided and Division and amendment.

amended to read as set forth in sections 9, 10, and 11 of this act.

Board of prison terms and paroles; membership and terms.

SEC. 9. (RCW 43.67.020) The board of prison terms and paroles shall consist of a chairman and two other members, each of whom shall be appointed by the governor with the consent of the senate. Each member shall hold office for a term of six years, and until his successor is appointed and qualified. The terms shall be staggered so that the term of one member will expire on April 15th of each odd-numbered year. Vacancies in the membership of the board shall be filled in the same manner in which the original appointments are made. In the event of the inability of any member to act, the governor shall appoint some competent person to act in his stead during the continuance of such inability. The members shall not be removable during their respective terms except for cause determined by the superior court of Thurston county. The governor in appointing the members shall designate one of them to serve as chairman during his term of office.

Vacancies.

Removal.

Chairman.

Limitation on activities of board member.

The members of the board of prison terms and paroles and its officers and employees shall not engage in any other business or profession or hold any other public office; nor shall they, at the time of appointment or employment or during their incumbency, serve as the representative of any political party on an executive committee or other governing body thereof, or as an executive officer or employee of any political committee or association. The members of the board of prison terms and paroles shall each severally receive salaries, payable in monthly installments, in the sum of not less than seven thousand five hundred dollars nor more than ten thousand dollars a year, as may be fixed by the governor, and in addition thereto, their necessary expenses actually incurred in the discharge of their official duties.

Salaries.

The board may employ, and fix, with the approval of the governor, the compensation of and prescribe the duties of a secretary and such officers, employees, and assistants as may be necessary, and provide necessary quarters, supplies, and equipment.

Personnel and facilities.

SEC. 10. (RCW 43.67.030) The board of prison terms and paroles shall meet at the penitentiary and the reformatory at such times as may be necessary for a full and complete study of the cases of all convicted persons whose terms of imprisonment are to be determined by it or whose applications for parole come before it. Other times and places of meeting may also be fixed by the board. A majority of the board shall constitute a quorum for the transaction of business and no order of the board shall be valid unless concurred in by at least two of its members.

Enacted without amendment.

Board meetings.

Quorum.

Valid board order.

The superintendent of the different institutions shall provide suitable quarters for the board and assistants while in the discharge of their duties.

Quarters.

SEC. 11. (RCW 43.67.040) The board of prison terms and paroles shall transmit to the governor, for submission to the legislature, biennially, or as often as the governor may require it, a report of its work, in which shall be given the number of prisoners whose terms of imprisonment have been fixed by it and the number who have been released on parole, and such other information as may be relevant.

Enacted without amendment.

Board report.

SEC. 12. Section 1, chapter 151, Laws of 1951 and RCW 43.78.070 are each amended to read as follows:

Amendment.

The public printer shall use the state printing plant, upon the following conditions, to wit:

Use of state printing plant by public printer.

(1) He shall do the public printing, and charge therefor the fees as fixed by the director of budget, but in no instance higher than provided by law. He may print the Washington reports for the pub-

lishers thereof under a contract approved in writing by the governor.

“State printing plant revolving fund.”

(2) The gross income of the public printer shall be deposited in an account designated “state printing plant revolving fund” in depositories approved by the state treasurer, and shall be disbursed by the public printer by check and only as follows:

Disbursement procedure.

First in payment of the actual cost of labor, material, supplies, replacements, repairs, water, light, heat, telephone, rent, and all other expenses necessary in the operation of the plant: *Provided*, That no machinery shall be purchased except on written approval of the governor;

Operational expenses.

Insurance.

Second, in payment of the cost of reasonable insurance upon the printing plant, payable to the state and of all fidelity bonds required by law of the public printer;

Public printer's salary.

Third, in payment to the public printer of a salary which shall be fixed by the governor, but not exceeding ten thousand dollars per annum;

General fund.

Fourth, in remitting the balance to the state treasurer for the general fund, after quarterly audits which shall be conducted by the director of budget: *Provided*, That a reasonable sum to be determined by the governor, the public printer, and the director of budget shall be retained in the fund for working capital for the public printer. Copies of the audits shall be furnished to the governor and state treasurer as soon as completed.

Working capital retained.

Emergency.

SEC. 13. This act is necessary for the preservation of the public peace, health, safety and welfare and for the immediate support of the state government and its existing public institutions and shall take effect immediately.

Passed the Senate March 9, 1955.

Passed the House March 8, 1955.

Approved by the Governor March 21, 1955.



## CHAPTER 341.

[ Sub. H. B. 402. ]

## DAIRY INDUSTRY REGULATION.

AN ACT relating to state government and regulation of the dairy industry; and declaring an emergency.

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

SECTION 1. As a matter of legislative determination, it is hereby declared that milk is a necessary article of food for human consumption; that the production and maintenance of an adequate supply of healthful milk is vital to the public health and welfare; that uneconomic practices in the production of milk within the state of Washington constitute a constant menace to the health and welfare of the inhabitants of this state and undermine sanitary regulations and standards of content and purity of milk; that, even with stringent enforcement of sanitary regulations, these uneconomic practices threaten seriously to impair and ultimately to destroy the supply of wholesome and healthful milk for adults and children within this state; that these facts create an emergency situation; and that, to preserve the health of the people of this state, it is necessary in such an emergency and in the public interest that the distribution and sale thereof be regulated as provided herein.

Regulating the distribution and sale of milk—declaration of necessity for.

As a further and subsequent matter of legislative determination, it is hereby declared that the production, sale, and distribution of milk and certain milk products in this state are affected with serious conditions affecting milk producers; that milk is a most necessary human food, vital for promotion of the public health and for the development of strength and vigor of the people of this state; that milk is a most fertile field for the growth of bacteria; that the cost of production of milk has been increased by more costly sanitary requirements than those of any other com-

Legislative determination.

modity in this state; that milk consumers are not assured of a constant and sufficient supply of pure and wholesome milk unless the high cost of maintaining sanitary conditions of production and standards of purity is reflected in the return to the producers of milk and, if this is not done, large numbers will dispose of their herds and remaining producers will supply milk of lower quality because of financial inability to comply with sanitary requirements and to keep vigilant against contamination; that public health is menaced when milk processors do not or can not pay a price to producers commensurate with the cost of sanitary production; that milk processors handle surplus in excess of emergency requirements of normal variations of fluid consumption and in excess of seasonal variations in production, which excess tends to demoralize the industry; that milk producers must make delivery of their highly perishable commodity immediately after it is produced and generally must be disposed in any market at any price; that, under the prevailing method of payment existing in the milk industry, this market price is unknown until the milk processor sells the fluid milk and uses or disposes of the surplus; that usually only processors have facilities for accurately weighing and testing milk; that the knowledge of weights, tests, and uses is in most instances in the exclusive possession of the processor; that the producers' lack of control over their market is aggravated by the trade custom of processors of paying weeks after delivery, thereby keeping producers obligated to continue delivery in order to receive payment for previous sales, and permitting processors to operate on producers' capital without giving security therefor, hence subjecting milk producers to fraudulent practices and imposition and denying to them the freedom of contract necessary to procure the cost of production; that public control of the milk industry

in recent years is stabilizing the conditions therein and any relaxation of such control will cause a return to the unhealthful, uneconomic, deceptive, and destructive practices of the past with respect to this paramount industry upon which the health and welfare of the state largely depends; and that it is necessary, to preserve and to promote the strength and vigor of the inhabitants of this state, to protect the public health and welfare, to treat the production, of milk in this state, as a business continuously affecting the public health and continuously affected with the public interest.

SEC. 2. As used in this act:

- (1) "Director" means the director of agriculture of the state of Washington. Defined.  
"Director."
- (2) "Milk shed" means any area containing not less than one thousand persons designated by the director as a natural marketing area, and may include one or more cities and towns. "Milk shed."
- (3) "Person" means any person, firm, partnership, corporation, or association. "Person."
- (4) "Processor" means one who purchases milk for processing, manufacturing, sale, or distribution. "Processor."
- (5) "Producer" means a person who produces milk from cows and sells it for human or animal food, or medicinal or industrial uses. "Producer."

SEC. 3. The director of agriculture is authorized to designate as emergency areas those milk sheds of the state where the price paid to producers of milk for their product is below the cost of production. The director after making such determination of an emergency area, and based thereon, may fix by official order, the minimum prices producers of milk are to receive for their product during the emergency period which period shall not exceed ninety days. Such minimum price so fixed by the director may vary according to the kinds, grades, and classes of milk; the usages thereof; to the types and sales

Designation  
of emer-  
gency areas.

Minimum  
prices for  
producer  
fixed.

Emergency  
period.

Minimum  
price may  
vary.

thereof; and to the localities in which such prices shall apply, but each price fixing order issued by the director shall be uniformly applicable to all persons subject thereto, and shall define the various classifications established by such order. Upon termination of the ninety days included within the order the director shall not again designate such areas as emergency areas until the lapse of an additional thirty days.

Limitation on designation of emergency area.

SEC. 4. The director may determine, from knowledge of the milk industry and investigations of economic and other conditions therein, what prices for milk handled or sold in the milk shed covered by this act will adequately protect the milk industry and insure a sufficient quantity of pure and wholesome milk to adults and children, having special regard to the health and welfare of children, and the public interest; the director shall take into consideration all conditions affecting the milk industry, including the amount necessary to yield a reasonable return to the milk producer. In determining what is a reasonable return to the producer, the director shall take into consideration the necessary cost incurred in maintaining dairy animals in a healthy condition, the cost of wages of employees sufficient for their subsistence at levels generally prevailing, and for the safeguarding of their health and defraying the ordinary fixed charges and operating expenses incidental to the ownership, control, and management of a herd of average numerical size, including a reasonable amount for annual rent of land and equipment necessarily utilized therein.

Considerations in price fixing.

SEC. 5. When, in the judgment of the director, it is necessary or advisable during the emergency period in order to promote a proper balance between the supply of and the demand for milk, to fix a lesser price for milk which is produced in excess of that needed for food consumption, the director may es-

Price fixing of excess milk.

establish a quantity or quota applicable to each producer, and to certain classes of producers, or to producers producing for a certain market or markets. For that purpose the director may require any processor to supply necessary information about the quantities of milk received from producers during a specified period of time, and to determine a quota or quantity for each producer in accordance with the rules to be adopted by the director. The director may determine the prices to be received by producers for milk within the quota and the price for milk in excess of it. When the director shall establish a price order applicable to sales of milk in a milk shed, all transactions, whether within or without the milk shed, relating to milk subsequently handled within the milk shed shall be in accordance with such order. Any processor buying milk, any part of which is subsequently handled or processed within a milk shed or any part of which is commingled with milk which is subsequently handled or processed within a milk shed, from any producer in such designated emergency area shall pay to such producer for all of such milk bought such prices as may be prescribed by the director during such emergency.

Producer  
quota  
established.

Application to  
processor.

SEC. 6. The director shall exercise the powers granted under the preceding section of this act by rule, regulation and order which shall have the force and effect of law. Whoever violates such rule, regulation, or order shall, on conviction, be guilty of a misdemeanor, and each day's violation shall constitute a separate offense.

Effect of rules  
and orders.

Violation—  
misdemeanor.

SEC. 7. This act shall not be construed to affect in any manner the relations between any agricultural cooperative marketing association, organized pursuant to the laws of Washington or of the United States, and its members or producers selling to it: *Provided*, That any such association shall itself com-

Application to  
agricultural  
cooperative  
marketing  
associations.

ply with the provisions hereof as a producer with respect to milk sold to handlers or processors.

Expiration.

SEC. 8. The provisions of sections 2 through 7 of this act shall expire and be of no further force and effect after September 30, 1956.

Emergency.

SEC. 9. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House March 1, 1955.

Passed the Senate March 5, 1955.

Approved by the Governor March 21, 1955.

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CHAPTER 342.

[ H. B. 111. ]

DIKING DISTRICTS—SALE OF PROPERTY.

AN ACT authorizing diking districts to sell property; providing method of sale; authorizing certain powers; and adding to chapter 85.04 RCW, five new sections.

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

New sections.

SECTION 1. There is added to chapter 85.04 RCW, five new sections, as set forth in sections 2 through 6 of this act, to read as follows:

Authorization to sell property, real or personal, of diking district.

SEC. 2. Whenever, in the judgment of a board of commissioners of any diking district heretofore or hereafter organized, real or personal property, or any part thereof, owned by said district, is no longer of use to or needed by such district, or if personal property has become obsolete, the same may be sold by the board of commissioners of said district at public or private sale.

SEC. 3. Whenever in the judgment of the commissioners of any diking district, it is advisable so to sell real or personal property, the board of

commissioners of such district shall pass a resolution declaring its intention to make such sale, describing the property to be sold and stating the terms of such sale. The resolution shall set a date upon which the board shall meet, to determine whether or not such sale shall be made. Thereafter a copy of such declaratory resolution and a notice of hearing thereon shall be posted under the direction of the board, in three public places in such district at least ten days before the date of hearing. The notice shall state the time and place of hearing, describe the property to be sold and the terms of the proposed sale. In addition a copy of such resolution and of such notice of hearing thereon shall be published twice, at least two weeks prior to such proposed sale in some newspaper qualified for legal publication in accordance with the provisions of RCW 65.16, of general publication in the county in which such diking district is located.

Declaratory resolution.

Copies posted.

Notice of hearing.

Publication.

SEC. 4. At the time set for hearing, or at any time to which said hearing may be adjourned, any district elector within such district may appear and file a written protest against the proposed action of the board, which protest shall state clearly the basis thereof. At such hearing, which shall be public, the board shall give full consideration to the proposed sale and all protests filed, either written or oral and on said date or at any adjourned date, take final action thereon by resolution of the board. This resolution shall provide that upon payment of the purchase price involved, conveyance of the property shall be made by a majority of the board of said district, by deed if the property be real property; by bill of sale if the property be personal property, conveying the property sold to the purchaser thereof, and such conveyance shall pass to the purchaser such title as the district has to the property.

Protests filed.

Hearing.

Resolution directing sale.

Limitation on conveyance.

SEC. 5. If protests be filed against such sale, such conveyance shall not be executed or delivered until more than ten days elapse from the date of the hearing at which the resolution directing the sale, was passed. If appeal be taken by a protestant from the action of the board, such conveyance shall not be executed until termination of proceedings on appeal is had, and then only if the result of such appeal does not prevent such sale.

Appeal of protestant; time limitation.

SEC. 6. Any protestant who filed a protest prior to the final order of the board, may appeal from such final order, but to do so must within ten days from the date said order was entered, bring direct action in the superior court in the county wherein such district or portion thereof is situated, against such board of commissioners in their official capacity, which action shall be prosecuted under the procedure of civil actions, with right of appeal to the supreme court as provided in civil actions. In any such action so brought, the order of the board shall be conclusive of the regularity and propriety of the proceedings, and all other matters, except it shall be open to attack upon the ground of fraud, unfair dealing, arbitrary or unreasonbale action of the board.

Passed the House March 3, 1955.

Passed the Senate March 2, 1955.

Approved by the Governor March 21, 1955.



## CHAPTER 343.

[ H. B. 403. ]

## MILK AND MILK PRODUCTS.

AN ACT relating to milk and milk products; providing for reports by milk processors; providing that such reports shall not be public records; providing for annual publication of certain information from such reports; providing penalties; and declaring an emergency.

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

SECTION 1. All milk processors, as the term "processor" is defined in RCW 15.44.010, not within a federal order area, shall file with the department of agriculture of the state of Washington, on or before the fifteenth day of each month, a report, on forms supplied by the department of agriculture, showing the amount of milk purchased during the preceding month, and the percentage of such milk purchased or produced by the processor, if such is the case, that was used in each of the dairy products produced during the preceding month. If any milk was disposed of other than by producing it into dairy products during the preceding month, the report shall show the disposition of such milk. The report required by this section shall be verified under oath, certifying to the correctness and the completeness of the report.

Milk processors' report; filing date; contents of.

Verification.

SEC. 2. The report required by section 1 of this act shall not be a public record, and it shall be a misdemeanor for any person to divulge any information given in such report which would reveal the business operation of the person making the report; except that nothing contained in this section shall be construed to prevent or make unlawful the use of information concerning the business operation of a person in any action, suit or proceeding instituted under the authority of this act.

Report not public record.

Misdemeanor to divulge information.

Department of agriculture report.

SEC. 3. The department of agriculture shall publish at least once annually information concerning the production, sales and volume of milk processed into dairy products by processors in this state.

Violation—misdemeanor; gross misdemeanor.

SEC. 4. The first violation of the provisions of sections 1 or 2 of this act shall be a misdemeanor. A second violation and succeeding violations shall be a gross misdemeanor.

Emergency.

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

Passed the House February 21, 1955.

Passed the Senate March 6, 1955.

Approved by the Governor March 21, 1955.

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CHAPTER 344.

[ Sub. H. B. 568. ]

SCHOOL DISTRICTS—NONHIGH DISTRICTS.

AN ACT relating to school districts; providing for participation by nonhigh school districts in financing high school facilities or for annexation of such nonhigh school districts; creating taxing areas within certain nonhigh school districts; providing for the participation by such taxing areas in financing high school facilities or for the annexation of such taxing areas; amending sections 1 through 7, chapter 229, Laws of 1953 and RCW 28.56.010 through 28.56.070; and providing the effective date of this act.

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

Amendment.

SECTION 1. Section 1, chapter 229, Laws of 1953 and RCW 28.56.010 are each amended to read as follows:

Written request.

Upon receipt of a written request from the board of directors of a high school district or a union high school district or a nonhigh school district that presents to the county committee on school district

organization satisfactory evidence of a need for high school facilities located therein and of intent and ability to provide such facilities within a period of two years, the county committee shall prepare a plan for participation by the nonhigh school districts and proposed taxing areas within such nonhigh school districts, as provided for by section 10 of this act, in providing capital funds to pay the cost of school building facilities and equipment to be provided for the education of high school students residing in the school districts or taxing areas involved in each case. Prior to submission of the aforesaid request the board of directors of the school district concerned therewith shall determine the nature and extent of the high school facilities and equipment proposed to be provided, the approximate amount of local capital funds required to pay the cost thereof, and the site or sites upon which the proposed facilities are to be located, and shall submit a report thereon to the county committee along with the aforesaid request.

Request  
contents.Plan for par-  
ticipation.Report on  
proposed  
facilities and  
required local  
financing.

SEC. 2. Section 2, chapter 229, Laws of 1953 and RCW 28.56.020 are each amended to read as follows:

Amendment.

The said county committee shall give consideration to:

Consideration  
given follow-  
ing.

(1) The report submitted by the board of directors as stated above;

(2) The exclusion from the plan of nonhigh school districts or taxing areas because of remoteness or isolation or because they are so situated with respect to location, present and/or clearly foreseeable future population, and other pertinent factors as to warrant the establishment of a high school therein or the inclusion of their territory in some other nonhigh school district within which the establishment of a high school is warranted;

(3) The assessed valuation of the school districts or taxing areas involved in each case and the

ability of each district or taxing area to issue bonds within the limit of indebtedness prescribed by law;

(4) The cash balance, if any, in the building fund of the district submitting the request which is designated for high school building construction purposes, together with the sources of such balance;

(5) Any other factors found by the committee to have a bearing on the preparation of an equitable plan.

Amendment.

SEC. 3. Section 3, chapter 229, Laws of 1953 and RCW 28.56.030 are each amended to read as follows:

Public hearing.

The said county committee shall also hold a public hearing or hearings on any proposed plan: *Provided*, That three members of the committee or two members of the committee and the county superintendent may be designated by the committee to hold such public hearing or hearings and to submit a report thereof to the county committee. The county committee shall cause to be posted, at least ten days prior to the date appointed for any such hearing, a written or printed notice thereof in at least three prominent and public places in the territory of the school districts and taxing areas involved or affected, on the schoolhouse door of each such district, and at the place or places of holding the hearing.

Notice posted.

Amendment.

SEC. 4. Section 4, chapter 229, Laws of 1953 and RCW 28.56.040 are each amended to read as follows:

County committee plan; submission to state board of education.

Subsequent to the holding of a hearing or hearings as aforesaid, the county committee shall determine the nonhigh school districts and taxing areas to be included in the plan and the amount of capital funds to be provided by every district and taxing area included therein, and shall submit the proposed plan to the state board of education together with such maps and other materials pertaining thereto as the state board may require. The state board shall review such plan, shall approve any plan which in its judgment makes adequate and satisfactory provi-

sion for participation by the nonhigh school districts and taxing areas in providing capital funds to be used for the purpose above stated, and shall notify the county committee of such action. Upon receipt by the county committee of such notification, the county superintendent shall notify the board of directors of each school district and the governing board of each taxing area included in the plan, supplying each board with complete details of the plan and shall state the total amount of funds to be provided and the amount to be provided by each district and taxing area.

County committee procedure upon board's approval.

If any such plan submitted by a county committee is not approved by the state board, the county committee shall be so notified, which notification shall contain a statement of reasons therefor and suggestions for revision. Within sixty days thereafter the county committee shall submit to the state board a revised plan which revision shall be subject to the procedural requirements and provisions of law applicable to an original plan submitted to said board.

County committee procedure upon board's non-approval.

SEC. 5. Section 5, chapter 229, Laws of 1953 and RCW 28.56.050 are each amended to read as follows:

Amendment.

Within sixty days after receipt of the notice of approval from the county superintendent, the board of directors of each school district and the governing board of each taxing area included in the plan shall submit to the voters thereof a proposal or proposals for providing, through the issuance of bonds and/or the authorization of an excess tax levy, the amount of capital funds that the district or taxing area is required to provide under the plan. The proceeds of any such bond issue and/or excess tax levy shall be credited to the building fund of the school district in which the proposed high school facilities are to be located and shall be expended to pay the cost of school building facilities and equipment for the education of high school students residing in the school

Proposals for financing submitted to voters.

districts and taxing areas included in the plan and not otherwise.

Amendment.

SEC. 6. Section 6, chapter 229, Laws of 1953 and RCW 28.56.060 are each amended to read as follows:

Second election.

In the event that a proposal or proposals for providing capital funds as aforesaid is not approved by the voters of a nonhigh school district or taxing area, a second election thereon shall be held within sixty days thereafter. If the vote of the electors of the nonhigh school district or taxing area is again in the negative, the high school students residing therein shall not be entitled to admission to the high school or union high school under the provisions of RCW 28.58.230, following the close of the school year during which the second election is held: *Provided*, That

Students denied admission.

Determination of initiating proposal for annexation.

in any such case the county committee shall determine within thirty days after the date of the aforesaid election the advisability of initiating a proposal for annexation of such nonhigh school district or taxing area to the school district in which the proposed facilities are to be located or to some other district where its students can attend high school without undue inconvenience: *Provided further*, That pending such determination by the county committee and action thereon as required by law the board of directors of the high school or union high school district shall continue to admit high school students residing in the nonhigh school district or taxing area involved. Any proposal for annexation of a nonhigh school district or taxing area initiated by a county committee shall be subject to the procedural requirements of this amendatory act respecting a public hearing and submission to and approval by the state board of education. Upon approval by the state board of any such proposal, the county superintendent shall make an order establishing the annexation.

Students admitted pending determination.

Procedural requirements.

Amendment.

SEC. 7. Section 7, chapter 229, Laws of 1953 and RCW 28.56.070 are each amended to read as follows:

In case of failure or refusal by a board of directors of a nonhigh school district or the governing board of a taxing area to submit a proposal or proposals to a vote of the electors within the time limit specified in sections 5 and 6 of this amendatory act, the county committee may initiate a proposal for annexation of such nonhigh school district or taxing area as provided for in section 6 of this amendatory act.

County committees may initiate proposals to vote.

SEC. 8. If part of the students residing in a nonhigh school district attend high school in one adjoining or nearby school district and part of the students residing in such nonhigh school district attend school in another one or two adjoining or nearby school districts, and such nonhigh school district has not presented to the county committee satisfactory evidence of a need for high school facilities located therein and of intent and ability to provide such facilities within a period of two years, such nonhigh school district shall be divided by the county committee into separate proposed taxing areas equal in number to the number of adjoining or nearby high school districts in which students from such nonhigh school district are attending school.

Division of nonhigh school district into separate taxing areas.

SEC. 9. For the purpose of determining the proper boundaries for each proposed taxing area lying within a nonhigh school district which sends students to different high school districts, the county committee shall call a public hearing, similar to the public hearings provided for by section 3 of this amendatory act, at which hearing the residents of the nonhigh school district may express their preference for which high school district they wish to have their lands attached to within the boundaries of a taxing area.

Determination of boundaries.

Public hearing.

SEC. 10. Within thirty days after holding the hearing provided for in section 8 of this act, the county committee shall determine the boundaries of each taxing area within the nonhigh school district,

Taxing areas designated.

and shall assign a number to each such taxing area, and shall designate to which high school district such taxing area shall be annexed under the terms of this act.

School board director becomes member of taxing area governing board.

SEC. 11. When a nonhigh school district has been divided into taxing areas as provided in section 10 of this act, any member or members of the board of directors of the nonhigh school district shall become, by virtue of his position as a member of the board of directors, a member of the governing board of such taxing area, unless more than three school directors shall live in one such taxing area, in which case the school directors shall choose by lot three of their number to serve as members of the governing board of such taxing area.

Appointment of taxing area governing board members.

SEC. 12. If fewer than three members of the board of directors of such nonhigh school district reside in any taxing area created from such district, the county school superintendent shall appoint from the qualified electors residing in such taxing area enough additional members of the governing board of such taxing area to constitute a governing board of three members.

Governing board authority.

SEC. 13. From and after the date that such taxing areas are created and their governing boards are constituted, as provided in sections 10, 11 and 12 of this act, the governing board of each taxing area shall be vested with the same authority over such taxing area, for the purposes of annexation hearings and elections under this act, as that exercised by the board of directors of a nonhigh school district in which all of the students attend one high school over such nonhigh school district.

SEC. 14. For the purpose of the procedure and proceedings provided for in sections 1 through 7 of this act, each such taxing area shall be deemed to be equivalent to a nonhigh school district and the gov-



erning board of such taxing area shall be deemed equivalent to the board of directors of a nonhigh school district.

SEC. 15. When a taxing area is created as provided in this act and its boundaries have been defined and the electors residing therein have voted in favor of a proposal or proposals to provide capital funds for a high school district to which such taxing area is sending students, the county committee shall transmit to the proper county authorities the information necessary for the placing of the lands lying within the boundaries of such taxing area on the assessment rolls as lands included within the boundaries of such taxing area. Each such taxing area shall bear the number assigned to it by the county committee and shall be known by that number on the tax rolls.

Information transferred.

Taxing area number.

SEC. 16. If the electors residing within a taxing area twice vote against providing capital funds for a high school district in accordance with a plan as provided for in sections 1 through 4 of this act, and annexation of such taxing area to another school district is ordered by the county superintendent under the provisions of section 6 of this act, immediately upon the issuance of the order of annexation the county committee shall transmit to the proper county authorities the information necessary for the placing of the lands lying within the boundaries of such taxing area on the assessment rolls as lands included within the boundaries of the school district to which the taxing areas shall have been annexed. The taxing area shall cease to exist after the date of the annexation order: *Provided*, That all taxes levied or bond issuance plans approved by a taxing area shall, on the date such taxing area ceases to exist, become taxes levied by or bond issuance plans approved by the school district to which such taxing area shall have been annexed. All funds, property or records,

Annexation order.

Taxing area abolished.

and every other thing of any value, held by or used by such taxing area shall be delivered to and become the property of the school district to which the taxing area shall have been annexed.

Invalidity.

SEC. 17. If any part or parts of this act shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of any other part or parts of this act.

Emergency.

SEC. 18. This act is necessary for the immediate preservation of public peace, health and safety, support of the state government and its existing public institutions, and shall take effect on April 1, 1955.

Passed the House February 27, 1955.

Passed the Senate March 6, 1955.

Approved by the Governor March 21, 1955.

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## CHAPTER 345.

[ Sub. H. B. 22. ]

### MUNICIPALITIES—INCORPORATION OF INTERCOUNTY AREAS.

AN ACT relating to the organization, classification, incorporation and government of cities and towns located in areas of more than one county; prescribing powers and duties of certain officers; prescribing certain procedures in relation thereto.

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

Terms explained.

SECTION 1. As used in this act, unless the context indicates otherwise, "principal county auditor", "principal board of county commissioners", "principal county canvassing board", and "principal county officer" mean respectively those in the county of that part of the proposed corporation in which the largest number of inhabitants reside as of the date of the incorporation thereof.

SEC. 2. Any area lying in two or more counties which is not incorporated as a municipal corporation,

may become incorporated under the provisions of this act. When so incorporated, it shall, unless otherwise provided by law, possess all the powers, duties, and benefits conferred upon or vested in, or that may hereafter be conferred upon or vested in, other municipalities of the same class and upon the officers thereof.

Incorporation of towns located in more than one county.

SEC. 3. A petition shall first be presented to the principal county auditor signed by qualified voters resident within each area of each county of the proposed corporation equal in number to twenty percent of the votes cast at the last state election. The petition shall set forth and particularly describe the form of government under which the proposed corporation is to operate in the event it is incorporated, the proposed boundaries of the proposed corporation, the number of inhabitants, as nearly as may be, within each area of each county within the proposed corporation, the name of the proposed corporation, and shall pray that the area may be incorporated under the provisions of this act.

Petition for incorporation.

SEC. 4. The principal auditor shall, as soon as possible, but in any case not later than thirty days after the date of receiving the petition, determine or cause to be determined whether the legal description of the area to be incorporated in his county is correct, and determine whether there is a sufficient number of valid signatures in his county. Upon such determination the principal county auditor shall transmit the petition to the other county auditor, or if more than one is involved, successively to each, and such other auditors shall determine whether the legal description is correct and whether there is a sufficient number of valid signatures from the area within their respective counties. No one county auditor shall be allowed more than thirty days within which so to check the petition. Thereupon the auditor or auditors shall attach a certificate

Procedure of county auditors upon receipt of petition.

Time limitation.

Certificate of  
sufficiency.

of sufficiency and return the petition to the principal county auditor who, in turn, shall, not later than five days after receiving it, attach his certificate of sufficiency thereto for his respective county and transmit the petition and certificates to the principal board of county commissioners.

Hearing  
date set.

Publication.

Approval  
secured.

SEC. 5. The principal board of county commissioners shall meet and fix a date for a hearing on the petition, and shall give notice of the hearing upon the petition and the time and place thereof by at least one publication not more than ten nor less than three days prior to the date set for the hearing in one or more newspapers of general circulation within the respective counties in which the proposed corporation is located. The approval of each board of county commissioners of the other county or counties involved shall first be secured by the principal board of county commissioners prior to action by them under this section.

Hearing on  
petition.

SEC. 6. The hearing provided for in section 5 of this act shall be held jointly by all the respective boards of county commissioners under the direction of the principal board of county commissioners. The hearing may be adjourned from time to time not to exceed two months in all. If upon final hearing the respective boards find that any land has been unjustly or improperly included within or excluded from the proposed corporation, the respective boards may change and fix the boundary lines of the portion of the proposed corporation within their respective counties in such a manner as they deem reasonable and just and conducive to the public welfare and convenience, and each such board shall thereupon enter an order establishing and defining the boundary lines of the proposed corporation within its respective county. No land shall be so included within the boundaries described in the petition unless each board of county commissioners of that county in

Board order.

Limitation on  
land included  
in boundaries.

which the area sought to be included is located first obtains the written assent of not less than a number of qualified voters resident within each area to be included in the proposed corporation equal in number to twenty percent of the votes cast at the last state election. Each board of county commissioners shall for the area within its respective county, promptly after the final hearing, by order establish and define the boundaries of the proposed corporation, determine the number of inhabitants residing therein and state the name of the proposed corporation: *Provided*, That for the action required after the final hearing, the boards may act jointly but in such case a majority of each board must vote favorably on such final action and the order shall be entered in the minutes of each board.

Assent of voters.

Procedure after final hearing.

SEC. 7. For the purpose of the type of incorporation provided for in this act, the population shall be determined as follows:

Population determined; formula for.

A count shall be made by, or under the direction of, each board of each county in which a portion of the proposed corporation is located, of the number of dwelling units in that area at the time of incorporation or with respect to any area to be annexed thereto later, multiplied by a factor of 2.95, and the population so determined shall constitute the official population of the proposed corporation and subtracted from the official population of the unincorporated area of each of the counties in which the proposed corporation is located. In the event unincorporated territory is annexed to such corporation, the same procedures with respect to population shall be applicable.

SEC. 8. Within sixty days after the passage of the order required by section 6, the principal county auditor shall cause an election to be held within the boundaries so established for the purpose of determining whether the area described shall be in-

Election called.

incorporated into the class of corporation to which it belongs and to fill the various elective offices prescribed by law for corporations of such class under the form of government specified in the petition. The election shall be conducted by the principal county auditor in accordance with the general election laws of the state. The principal county officers and principal county canvassing board shall exercise all powers and perform all duties in connection therewith with the assistance of the officers and canvassing board of the other county or counties. If the election is successful, all costs incurred shall be borne by the corporation, but if unsuccessful, all costs incurred shall be borne proportionately by each county in that ratio which the number of inhabitants residing in that part of each county forming a part of the proposed corporation bears to the total number of inhabitants residing within the boundaries of the whole of the proposed corporation.

Election procedure.

Election costs.

Filing declarations of candidacy.

Withdrawal of declaration.

No filing fee.

Qualified voter.

SEC. 9. Any qualified person may, not earlier than forty-five days nor later than thirty days prior to such election, file with the principal county auditor his declaration of candidacy. Any candidate may withdraw his declaration at any time within five days after the last day allowed for filing declarations of candidacy. There shall be no fee charged for filing declarations of candidacy for this incorporation election. All names of candidates to be voted upon shall be printed upon the ballot alphabetically in groups under the designation of the respective titles of office for which they are candidates. Names of candidates printed upon the ballot need not be rotated. No person shall be entitled to vote at such election unless he is a qualified elector of his respective county within the proposed corporation and has resided within the limits of such proposed corporation for at least thirty days next preceding such election.

SEC. 10. The notice of election shall be given by the principal county auditor as provided by RCW 29.27.080, and shall describe the boundaries of the proposed corporation, its name, and the number of inhabitants residing therein as ascertained by the boards of county commissioners of the counties in which it is located.

Notice of election.

SEC. 11. The form of ballot at such election shall be "for incorporation", "against incorporation"; and shall contain the names of the candidates for each office to be voted upon.

Form of ballot.

SEC. 12. The principal county canvassing board shall certify the results of the election to the respective boards of county commissioners. If, at the election, a majority of those voting thereat in each area favor incorporation, the respective boards of county commissioners acting jointly shall, by order, declare such territory to be incorporated as a corporation of the class to which it belongs under the name of (naming it) and such order shall be entered in the minute record of each board. The candidate receiving the highest number of votes for his respective office shall be declared elected and the principal county auditor shall issue a certificate of such election on or before the twentieth day following election.

Election results; procedure if incorporation favored.

Certificate of election.

SEC. 13. The incorporation shall be complete upon the filing of a certified copy of the order of the boards of county commissioners declaring it so in the office of the secretary of state. The successful candidates shall assume office on the first Monday following the issuance of the certificate of election and shall continue in office until their successors are elected and qualified at the next general municipal election to be held on the second Tuesday in March of the first even-numbered year following the incorporation election: *Provided*, That if the

Incorporation complete.

Assumption of office.

incorporation election is held on or after January 1st and before the second Tuesday of March of any even-numbered year, the first general municipal election shall not be held until the subsequent even-numbered year.

Elections after incorporation.

SEC. 14. After such a proposed corporation has been incorporated, the elections shall be conducted as provided in RCW 29.13.020 or 29.13.030, as the case may be, except each county auditor in each county in which a part of such corporation is located shall be responsible for closing registration files in accordance with RCW 29.07.160.

Actions by county officer after incorporation; costs.

SEC. 15. After incorporation all purposes essential to the maintenance, operation, and administration of the corporation whenever any action is required or may be performed by any county officer or board, such action shall be performed by the respective officer or board of the county of that part of the municipality in which the largest number of inhabitants reside as of the date of the incorporation of the proposed corporation except as provided in section 16, and all costs incurred shall be borne proportionately by each county in that ratio which the number of inhabitants residing in that part of each county forming a part of the proposed corporation bears to the total number of inhabitants residing within the whole of the corporation.

Taxation procedure.

SEC. 16. In the case of evaluation, assessment, collection, apportionment, and any other allied power or duty relating to taxes in connection with the corporation, the action shall be performed by the officer or board of the county for that area of the corporation which is located within his respective county, and all materials, information, and other data and all moneys collected shall be submitted to the proper officer of the county of that part of the corporation in which the largest number of inhabitants reside.



Any power which may be or duty which shall be performed in connection therewith shall be performed by the officer or board receiving such as though only a corporation in a single county were concerned. All moneys collected from such area constituting a part of such corporation that should be paid to such corporation shall be delivered to the corporate treasurer thereof, and all other materials, information, or data relating to the corporation shall be submitted to the appropriate corporate officials.

Any costs or expenses incurred under this section shall be borne proportionately by each county involved.

Costs.

SEC. 17. Any corporation incorporated as provided in this act shall, in addition to all other powers, duties and benefits of corporations of the same class, be authorized to purchase, acquire, lease, or administer any property, real or personal, or property rights and improvements thereon owned by the federal government on such terms and conditions as may be mutually agreed upon, when authorized to do so by the United States government, and thereafter to sell, transfer, exchange, lease, or otherwise dispose of any such property, and to execute contracts with the federal government with respect to supplying water and for other utility services.

Additional power authorized.

SEC. 18. Any corporation incorporated as provided in this act may consolidate or annex other incorporated or unincorporated territory outside the existing boundaries of such corporation but contiguous thereto, whether or not the territory lies in one or more counties, by following the procedure provided by law for such cases when only a single county is involved.

Authority to consolidate or annex other territory; procedure.

SEC. 19. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the

Invalidity.

provision to other persons or circumstances is not affected.

Passed the House February 21, 1955.

Passed the Senate March 7, 1955.

Approved by the Governor March 21, 1955.

CHAPTER 346.

[ H. B. 105. ]

STATE COLLEGE—REGENTS, OFFICERS AND ORGANIZATION.

AN ACT relating to the State College of Washington; and amending section 6, page 246, Laws of 1909 and RCW 28.80.110.

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

Amendment.

SECTION 1. Section 6, page 246, Laws of 1909 and RCW 28.80.110 are each amended to read as follows:

President elected.

The board of regents shall meet and organize by the election of a president from their own number, on the first Wednesday in April of each year.

Treasurer appointed; duties and bond.

The board of regents shall appoint a treasurer who shall hold office during the pleasure of the board. The treasurer shall render a true and faithful account of all moneys received and paid out by him, and shall give bond for the faithful performance of the duties of his office in such amount as the regents require.

Secretary; bond.

The president of the college shall be secretary of the board of regents, and shall perform all the duties pertaining to that office, but he shall not have the right to vote. The secretary shall give a bond in the penal sum of not less than five thousand dollars, conditioned for the faithful performance of his duties as such officer.

Passed the House February 14, 1955.

Passed the Senate March 7, 1955.

Approved by the Governor March 21, 1955.

## CHAPTER 347.

[ H. B. 113. ]

## BANKING—DEPOSITS.

AN ACT relating to banks and banking and bank deposits.

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

SECTION 1. When a deposit has been or shall hereafter be made in any national bank, state bank, trust company or other banking institution subject to the supervision of the supervisor by any person in trust for another, and no other or further notice of the existence and terms of a legal and valid trust have been given in writing to such corporation, in the event of the death of a trustee, the deposit or any part thereof together with the interest or the dividends thereon may be paid to the person for whom the deposit was made.

Payment of funds deposited in trust for another.

Passed the House February 3, 1955.

Passed the Senate March 7, 1955.

Approved by the Governor March 21, 1955.

## CHAPTER 348.

[ Sub. H. B. 197. ]

## PORT DISTRICTS.

AN ACT relating to port districts; providing for compensation for certain commissioners; providing for organization and operation of the commission; prescribing procedures for obtaining materials and work, including bid procedures; amending section 1, chapter 179, Laws of 1921 and RCW 53.08.120, 53.08.130, 53.12.250 and 53.36.010; and adding a new section to chapter 53.12 RCW; and declaring an emergency.

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

SECTION 1. Section 1, chapter 179, Laws of 1921 (heretofore codified as RCW 53.08.120, 53.08.130, 53.12.250 and 53.36.010) is divided and amended as set forth in section 2 through 5 of this act.

Division and amendment

Enacted without amendment.

Material procurement and work contracts; procedure for contracting.

SEC. 2. (RCW 53.08.120) All material required by a port district may be procured in the open market or by contract and all work ordered may be done by contract or day labor. All such contracts shall be let at public bidding upon notice published in a newspaper in the district at least ten days before the letting, calling for sealed bids upon the work, plans and specifications for which shall then be on file in the office of the commission for public inspection. The same notice may call for bids on such work or material based upon plans and specifications submitted by the bidder.

Notice.

Bids; bid proposal deposit.

Bids publicly opened.

Bid proposal deposits returned.

Bond.

SEC. 3. (RCW 53.08.130) The notice shall state generally the nature of the work to be done and require that bids be sealed and filed with the commission at a time specified therein. Each bid shall be accompanied by a bid proposal deposit in the form of a cashier's check, money order, or surety bid bond to the commission for a sum not less than five percent of the amount of the bid, and no bid shall be considered unless accompanied by such bid proposal deposit. At the time and place named the bids shall be publicly opened and read and the commission shall proceed to canvass the bids and may let the contract to the lowest responsible bidder upon plans and specifications on file, or to the best bidder submitting his own plans and specifications. If, in the opinion of the commission, all bids are unsatisfactory, they may reject all of them and readvertise, and in such case all such bid proposal deposits shall be returned to the bidders; but if the contract is let, then all bid proposal deposits shall be returned to the bidders, except that of the successful bidder, which shall be retained until a contract is entered into for the purchase of such materials or doing such work, and a bond given to the port district for the performance of the contract and otherwise conditioned as required by law, with

sureties satisfactory to the commission, in an amount to be fixed by the commission, but not in any event less than twenty-five percent of the contract price. If said bidder fails to enter into the contract in accordance with his bid and furnish such bond within ten days from the date at which he is notified that he is the successful bidder, the check or money order and the amount thereof shall be forfeited to the port district or the port district shall recover the amount of the surety bid bond.

Forfeiture.

SEC. 4. (RCW 53.12.250) The compensation of port district commissioners shall be as follows:

Compensation of port district commissioners.

(1) Commissioners of a port district having a population, according to the latest United States census, of less than 100,000 persons but at least 1,000 persons may, by unanimous resolution, after a public hearing, notice of which shall be published no less than four times during a period of not less than ten nor more than twenty days next preceding the hearing in the newspaper of largest general circulation in the district, provide that each commissioner be reimbursed for actual attendance at meetings of the port district at a rate not to exceed twenty-five dollars per diem: *Provided*, That the commissioners shall not receive per diem for meetings in excess of four each month: *Provided further*, That the question of per diem for the commissioners must be submitted for approval to the electors, at the next succeeding general election. The proposition shall be clearly stated on the ballot and in such a manner as to permit a vote for or against it. If a majority of the votes cast on the proposition favor it, thereafter the commissioners shall receive such per diem. At any general election thereafter the commissioners may resubmit the proposition.

(2) Commissioners of a port district having a population, according to the latest United States census, of less than three hundred and fifty thou-

sand persons but at least one hundred thousand persons may, by unanimous resolution, after a public hearing, notice of which shall be published no less than four times during a period of not less than ten nor more than twenty days next preceding the hearing in the newspaper of largest general circulation in the district, provide that each commissioner receive a salary not to exceed three thousand and six hundred dollars per year: *Provided*, That the question of salaries for the commissioners must be submitted for approval to the electors at the next succeeding general election. The proposition shall be clearly stated on the ballot and in such a manner as to permit a vote for or against it. If a majority of the votes cast on the proposition favor it, thereafter the commissioners shall receive such salary. At any general election thereafter the commissioners may resubmit the proposition.

(3) The commissioners of a port district having a population, according to the latest United States census, of three hundred and fifty thousand persons or more may, by unanimous resolution, after a public hearing, notice of which shall be published no less than four times during a period of not less than ten nor more than twenty days next preceding the hearing in the newspaper of largest general circulation in the district, provide that each commissioner receive a salary not to exceed five thousand dollars per year: *Provided*, That the question of salaries for commissioners must be submitted for approval to the electors at the next succeeding general election. The proposition shall be clearly stated on the ballot and in such a manner as to permit a vote for or against it. If a majority of the votes cast on the proposition favor it, thereafter the commissioners shall receive such salary. At any general election thereafter the commissioners may resubmit the proposition.

Any resolution adopted under the provisions of this section relating to per diem or salaries of commissioners shall not increase or diminish the compensation of any commissioner for the remainder of his term of office.

SEC. 5. (RCW 53.36.010) The treasurer of the county in which a port district is located shall be treasurer of the district. All district funds shall be paid to him as such treasurer and shall be disbursed by him upon warrants signed by a port auditor appointed by the port commission, upon vouchers approved by the commission.

Enacted  
without  
amendment.  
Treasurer of  
district.

SEC. 6. There is added to chapter 53.12 RCW, a new section to read as follows:

New section.

The port commission shall organize by the election of its own members of a president and secretary, shall by resolution adopt rules governing the transaction of its business and shall adopt an official seal. All proceedings of the port commission shall be by motion or resolution recorded in a book or books kept for such purpose, which shall be public records.

Port commis-  
sion organi-  
zation.

Proceedings  
recorded.

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

Invalidity.

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

Emergency.

Passed the House February 26, 1955.

Passed the Senate March 7, 1955.

Approved by the Governor March 21, 1955.

CHAPTER 349.

[ H. B. 245. ]

POULTRY DISEASE DIAGNOSTIC LABORATORIES.

AN ACT relating to poultry disease diagnostic laboratories; and making an appropriation therefor.

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

SECTION 1. Whereas, poultry production comprises one of the largest state agricultural industries; whereas, epidemic poultry diseases constitute a serious menace to the welfare of the people; whereas, present facilities for diagnosis and control of poultry diseases are not adequate; and whereas, the poultry industry has offered a sum constituting approximately one-third of the cost needed for establishment of adequate poultry disease diagnostic facilities.

Therefore, construction and equipping of poultry disease diagnostic laboratories is a subject of general interest and concern, which requires appropriate action by the legislature.

Purpose.

Therefore, the state exercising herein its police and sovereign power, endeavors by this act to remedy the further spread of epidemic poultry diseases by providing for establishment of sufficient diagnostic facilities.

Legislative declaration.

Therefore, the legislature declares that in its considered judgment, the public good and general welfare of the citizens of this state require the enactment of this measure.

Appropriation.

SEC. 2. For the biennium ending June 30, 1957, there is appropriated to the State College of Washington from the general fund, the sum of sixty thousand dollars, or as much thereof as may be necessary, to carry out the purposes of this act.

Constructing laboratory at Puyallup.

(1) Forty-five thousand dollars of the amount appropriated shall be allocated for the construction of a poultry disease diagnostic laboratory at the



Western Washington experiment station at Puyallup.

(2) Fifteen thousand dollars of the amount appropriated shall be allocated for the equipping of poultry disease diagnostic laboratories at the Northwestern Washington experiment station at Mount Vernon and at the Southwestern Washington experiment station at Vancouver.

Equipping  
laboratories  
at Mount  
Vernon and  
Vancouver.

SEC. 3. No portion of the sums allocated in subdivisions (1) and (2) of section 2 shall be expended, until the Washington state poultry industry pledged contribution of thirty-five thousand dollars has been deposited, in a joint depository selected by the State College of Washington and the Washington state poultry industry.

Limitation on  
expenditure.

All payments from the joint depository shall be made only:

(1) On vouchers signed by duly authorized representatives of the State College of Washington and the Washington state poultry industry; and

(2) For the equipping of the poultry disease diagnostic laboratory at Western Washington experiment station at Puyallup.

Passed the House February 22, 1955.

Passed the Senate March 7, 1955.

Approved by the Governor March 21, 1955.

CHAPTER 350.

[ H. B. 296. ]

EDUCATION—APPORTIONMENT OF STATE AND COUNTY FUNDS.

AN ACT relating to education; providing for the manner of apportionment of state and county moneys to school districts and adding a new section to Title 28, RCW.

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

New section.

SECTION 1. There is added a new section to Title 28, RCW, which reads as follows:

Apportionment procedure.

State and county funds which may become due and apportionable to school districts shall be apportioned in such a manner that any apportionment factors used shall utilize data and statistics derived in the school year that such funds are paid: *Provided*, That the superintendent of public instruction may make necessary administrative provision for the use of estimates, and corresponding adjustments, to the extent necessary.

Passed the House February 19, 1955.

Passed the Senate March 7, 1955.

Approved by the Governor March 21, 1955.

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CHAPTER 351.

[ H. B. 328. ]

APPROPRIATIONS—FIRCREST—IMPROVING REGENTS BOULEVARD.

AN ACT making an appropriation from the motor vehicle fund for the improvement and paving of Regents Boulevard in the town of Fircrest and deducting certain motor vehicle funds from allocations to the county of Pierce and the cities of Pierce county to reimburse the motor vehicle fund; and declaring an emergency.

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

Appropriation for Fircrest.

SECTION 1. There is appropriated from the motor vehicle fund for the town of Fircrest for damages

due to extraordinary traffic generated by the Tacoma Narrows Bridge, Airport, University Place, Narrowview, Steilacoom, Lemons Beach and Day Island, the sum of seventeen thousand dollars, or so much thereof as may be necessary, to pay for the improvement and paving of Regents Boulevard.

SEC. 2. In order to reimburse the motor vehicle fund for such expenditures, one-half of the sum appropriated shall from time to time, as such sums shall accrue, and as the work progresses, be deducted from any motor vehicle fund moneys appropriated by law to the county of Pierce, and the remaining half of said sum shall be deducted from any motor vehicle fund moneys apportioned by law to the cities of Pierce county, before such sums are individually apportioned between such cities, and such sums when deducted shall be retained by the treasurer in the motor vehicle fund.

Reimbursement procedure.

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

Emergency.

Passed the House February 27, 1955.

Passed the Senate March 7, 1955.

Approved by the Governor March 21, 1955.

CHAPTER 352.

[ H. B. 352. ]

STATE GAME COMMISSION.

AN ACT relating to the state game commission, and amending section 77.04.060, chapter 36, Laws of 1955 and RCW 77.04.060.

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

Amendment.

SECTION 1. Section 77.04.060, chapter 36, Laws of 1955 and RCW 77.04.060 are each amended to read as follows:

State game commission meetings.

The state game commission shall hold regular meetings on the first Mondays of January, April, July, and October of each year, and special meetings at such times as may be called by the chairman or by two-thirds majority of the members.

Commission organization; chairman.

The commission at its first regular meeting after the appointment and qualification of its membership, shall meet at the state capitol and organize by electing one of its members as chairman to serve for a term of two years, and until his successor is elected and qualified, and biennially thereafter the commission shall meet at its office and elect one of its members as chairman, who shall serve for a term of two years and until his successor is elected and qualified.

Director of game; election of; salary and duties.

At such meeting, and at any other meeting after a vacancy in the office of the director of game has occurred, the commission shall elect a director of game by a two-thirds vote of its membership, who shall hold office at the pleasure of the commission. The director shall receive such salary as shall be fixed by the commission. The said director shall be ex officio secretary of the state game commission, attend its meetings, keep a record of the business transacted by it, and perform such other duties as the commission may direct.

Commissioner's salary.

Each member of the commission shall receive twenty-five dollars for each day actually spent in the

performance of his duties and his actual necessary travelling and other expenses in connection therewith, including all expenses in going to, attending, and returning from meetings of the commission: *Provided*, That such expenses shall not exceed fifteen dollars per diem exclusive of necessary travelling expenses, not to exceed eight cents per mile.

Limitation  
on expenses.

The commission shall, on or before the last Monday of October in each odd-numbered year, make a full and complete report of the official business transacted by it, which report shall be published in pamphlet form.

Commission  
report.

The commission shall maintain its office in the principal office of the department of game.

Passed the House March 7, 1955.

Passed the Senate March 6, 1955.

Approved by the Governor March 21, 1955.

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## CHAPTER 353.

[ H. B. 377. ]

### CITIES AND TOWNS—LOCAL IMPROVEMENTS.

AN ACT relating to local improvements by cities and towns; amending section 20, chapter 98, Laws of 1911 and section 1, chapter 275, Laws of 1927 and RCW 35.49.030 and 35.50.010; and adding a new section to chapter 35.50 RCW.

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

SECTION 1. There is added to chapter 35.50 RCW, a new section to read as follows:

New section.

Within fifteen days after any city or town has awarded a contract for the making of a local improvement, or within fifteen days after commencement of work on said improvement when the work is done by the city or town, the city or town awarding said contract shall cause to be filed with the officer authorized by law to collect the assessments for such improvement, the title of the improvement

Time  
limitation.

Improvement  
district infor-  
mation filed.

and district number and a copy of the diagram or print showing the boundaries of the district and preliminary assessment roll or abstract of same showing thereon the lots, tracts and parcels of land that will be especially benefited thereby and the estimated cost and expense of such improvement to be borne by each lot, tract, or parcel of land. Such officer shall immediately post the proposed assessment roll upon his index of local improvement assessments against the properties affected by the local improvement.

Post assess-  
ments.

Amendment.

SEC. 2. Section 20, chapter 98, Laws of 1911 and section 1, chapter 275, Laws of 1927, (heretofore divided, combined, and codified as RCW 35.49.030 and 35.50.010) are amended to read as set forth in sections 3 and 4 of this act.

Enacted  
without  
amendment.

SEC. 3. (RCW 35.49.030) Every city and town shall prescribe by ordinance within what time assessments or installments thereof shall be paid, and shall provide for the payment and collection of interest thereon at a rate not to exceed eight percent per annum. Assessments or installments thereof, when delinquent, in addition to such interest, shall bear such penalty not less than five percent as shall be by general ordinance prescribed.

Assessment  
lien.

SEC. 4. (RCW 35.50.010) The charge assessed upon the respective lots, tracts, or parcels of land and other property in the assessment roll confirmed by ordinance of the city or town council for the purpose of paying the cost and expense in whole or in part of any local improvement, shall be a lien upon the property assessed from the time the assessment roll is placed in the hands of the city or town treasurer for collection, but as between the grantor and grantee, or vendor and vendee of any real property, when there is no express agreement as to payment of the local improvement assessments against the real property, the lien of such assessment shall at-

tach thirty days after the filing of the diagram or print and the estimated cost and expense of such improvement to be borne by each lot, tract, or parcel of land, as provided in section 1 of this amendatory act. Interest and penalty shall be included in and shall be a part of the assessment lien.

The assessment lien shall be paramount and superior to any other lien or encumbrance theretofore or thereafter created except a lien for general taxes. Priority of  
lien.

Passed the House February 15, 1955.

Passed the Senate March 7, 1955.

Approved by the Governor March 21, 1955.

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## CHAPTER 354.

[ Sub. H. B. 380. ]

### CITIES OF FIRST CLASS—MAYOR, LEGISLATIVE BODY.

AN ACT relating to the compensation and time to be devoted to the performance of the duties of the mayor and members of legislative bodies of first class cities.

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

SECTION 1. The compensation and the time to be devoted to the performance of the duties of the mayor and members of the legislative bodies of all cities of the first class shall be as fixed by ordinance of said city irrespective of any city charter provisions. Compensation  
and duty  
hours fixed by  
ordinance.

Passed the House March 3, 1955.

Passed the Senate March 7, 1955.

Approved by the Governor March 21, 1955.

CHAPTER 355.

[ H. B. 443. ]

CITIES OF SECOND CLASS—CLERK AND ATTORNEY  
DUTIES—OFFICERS' SALARIES.

AN ACT relating to second class cities; and amending sections 12, 20, 22 and 26, chapter 241, Laws of 1907 and sections 1 through 5, chapter 105, Laws of 1939 and section 1, chapter 85, Laws of 1951 and RCW 35.23.090, 35.23.140 and 35.23.220.

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

Amendment.

SECTION 1. Sections 12, 20, 22 and 26, chapter 241, Laws of 1907 and sections 1 through 5, chapter 105, Laws of 1939 and section 1, chapter 85, Laws of 1951, (heretofore divided, combined, and codified as RCW 35.23.090, 35.23.140 and 35.23.220) are amended to read as set forth in sections 2 through 4 of this act.

Enacted  
without  
amendment.  
Duties of  
city clerk.

SEC. 2. (RCW 35.23.090) The city clerk shall:

(1) Keep the corporate seal and all papers and documents belonging to the city and file them in his office under appropriate heads;

(2) Attend the sittings of the city council, and keep a journal of its proceedings and records of its resolutions and ordinances;

(3) Sign all warrants and licenses issued pursuant to the orders and ordinances of the city council and affix the corporate seal to the licenses;

(4) Sign all deeds, leases, contracts, bonds and other documents when authorized by the council;

(5) Keep an accurate account in a suitable book under the appropriate heads of all expenditures, of all orders drawn upon the city treasurer and of all warrants issued in pursuance thereof;

(6) Keep an account in an appropriate book of all licenses issued, with the names of the persons to whom issued, the date of issue, the time for which they were granted and the sums paid therefor;



(7) Perform such other duties as he may be required to perform by statute or by ordinance.

SEC. 3. (RCW 35.23.140) The city attorney shall be the legal advisor of the city council and of all the officers of the city in relation to matters pertaining to their respective offices. He shall represent the city in all litigation in all courts in which the city is a party or directly interested and shall prosecute all violations of city ordinances and shall act generally as attorney for the city and the several departments of the city government, and he shall perform such other duties as the city council may direct.

Enacted without amendment.

Duties of city attorney.

SEC. 4. (RCW 35.23.220) The city council shall fix the salary of all officials (except library trustees who shall serve without compensation) subject to the following limitations:

City council fixes salaries: limitations on.

(1) The salary of the mayor shall not exceed six thousand dollars per year; and

(2) The salary of councilmen shall not exceed eight hundred dollars per year, subject to a deduction of five dollars for each absence from a regular meeting of the city council.

No officer's salary or compensation shall be increased or diminished during his term of office, nor shall any officer be allowed any extra or additional compensation, either directly or indirectly, for the rendition of services that the city council have authority to require of him by virtue of his office.

The salaries of all city officers shall be paid monthly.

Paid monthly.

Passed the House February 21, 1955.

Passed the Senate March 7, 1955.

Approved by the Governor March 21, 1955.

CHAPTER 356.

[ H. B. 480. ]

BANKING—MINIMUM AVAILABLE FUNDS—  
CONTRIBUTIONS, GIFTS.

AN ACT relating to banks and banking, and to minimum available funds required and to contributions and gifts by banks; and amending section 30.04.090, chapter 33, Laws of 1955 and RCW 30.04.090.

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

Amendment.

SECTION 1. Section 30.04.090, chapter 33, Laws of 1955 and RCW 30.04.090 are each amended to read as follows:

Minimum available funds required.

Every bank and trust company shall have on hand at all times in available funds, not less than six percent of its savings account deposits and not less than fifteen percent of all of its other deposits and one hundred percent of its uninvested trust funds; such sums may consist of balances due it from such banks or trust companies as the supervisor may approve, and actual cash or checks on solvent banks located in the same city. This section shall not apply to a corporation which is a member of the federal reserve banking system and duly complies with all of the reserve and other requirements of that system.

No application.

Contributions constitute proper use of bank funds.

SEC. 2. It is hereby declared to be the public policy of the state of Washington that contributions made in accordance with the provisions of this act shall constitute a valid and proper use of bank funds; and, in the absence of an express provision in its original or amended charter to the contrary, the making of such contributions or gifts by a state bank or trust company is within its powers and shall be deemed to inure to the benefit of such bank.

SEC. 3. Any state bank or trust company may contribute from surplus or reserve funds such sums

as its board of directors or trustees may deem proper:

Authority to contribute from surplus or reserve funds.

(1) To the United States or any territory or possession thereof, or to any state or political subdivision thereof, for exclusively public purposes; or

(2) To any corporation or any community chest fund or foundation organized and operated exclusively for religious, charitable, scientific, literary or educational purposes, no part of the net earnings of which inures to the benefit of any private shareholder or individual and no substantial part of the activities of which is carrying on propoganda or otherwise attempting to influence legislation.

SEC. 4. This act shall not be construed as invalidating any contributions or gifts heretofore made by any national bank, state bank or any banking institution subject to the supervision of the supervisor of banking, and all contributions or gifts so made shall be valid as if made after the effective date of this act.

Prior contributions deemed valid.

Passed the House March 4, 1955.

Passed the Senate March 7, 1955.

Approved by the Governor March 21, 1955.

CHAPTER 357.

[ H. B. 510. ]

MINING CLAIMS.

AN ACT relating to the manner of locating and holding of lode mining claims; amending section 3, chapter 45, Laws of 1899 and RCW 78.08.070; and repealing section 9, chapter 45, Laws of 1899 and RCW 78.08.130; and amending section 6, chapter 45, Laws of 1899 and RCW 78.08.081.

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

Amendment.

SECTION 1. Section 3, chapter 45, Laws of 1899 and RCW 78.08.070 are each amended to read as follows:

Any open cut, excavation or tunnel which cuts or exposes a lode and from which a total of two hundred cubic feet of material has been removed or in lieu thereof a test hole drilled on the lode to a minimum depth of twenty feet from the collar, shall hold the lode the same as if a discovery shaft were sunk thereon, and shall be equivalent thereto.

Repeal.

SEC. 2. Section 9, chapter 45, Laws of 1899 and RCW 78.08.130 are each repealed.

Amendment.

SEC. 3. Section 6, chapter 45, Laws of 1899 and RCW 78.08.081 are each amended to read as follows:

Within thirty days after the expiration of the period of time fixed for the performance of annual labor or the making of improvements upon any quartz or lode mining claim or premises, the person in whose behalf such work or improvement was made or some person for him knowing the facts, shall make and record in the office of the county auditor of the county wherein such claims are situate an affidavit or oath of labor performed on such claim. Such affidavit shall state the exact amount and kind of labor, including the number of feet of shaft, tunnel or open cut made on such claim, or any other kind of improvements allowed by law or by rules of mining districts made thereon. Such

Affidavit of labor performed; recording and contents of.

affidavit shall contain the section, township and range in which such lode is located if the location be in a surveyed area.

Passed the House March 1, 1955.

Passed the Senate March 7, 1955.

Approved by the Governor March 21, 1955.

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## CHAPTER 358.

[ H. B. 546. ]

### WATER DISTRICTS—BOUNDARIES IDENTICAL WITH MUNICIPALITY.

AN ACT relating to water districts and to municipalities; and adding a new section to chapter 57.04 RCW and a new section to chapter 80.40 RCW.

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

SECTION 1. There is added to chapter 57.04 RCW, New section. a new section to read as follows:

A water district whose boundaries are identical with the boundaries of an incorporated town may be dissolved by summary dissolution proceedings if the water district is free from all debts and liabilities except contractual obligations between the district and the town. Summary dissolution shall take place if the board of commissioners of the water district votes unanimously to dissolve the district and to turn all of its property over to the town within which the district lies, and the council of such town unanimously passes an ordinance accepting the conveyance of the property and assets of the district tendered to the town by the water district. Summary dissolution proceedings.

Prerequisites to dissolution.

SEC. 2. There is added to chapter 80.40 RCW, a New section. new section to read as follows:

A town, whose boundaries are identical with those of a water district which is free from all debts and liabilities except contractual obligations between

Operation as  
municipal  
water works.

the district and the town, may accept the property and assets of the water district and operate such property and assets as a municipal waterworks, if the district and the town each participate in a summary dissolution proceedings for the district as provided in section 1 of this act.

Passed the House February 23, 1955.

Passed the Senate March 7, 1955.

Approved by the Governor March 21, 1955.

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CHAPTER 359.

[ H. B. 572. ]

SHORELANDS AT WENATCHEE.

AN ACT relating to certain shorelands at Wenatchee; authorizing and directing the governor to execute and the secretary of state to attest a deed conveying said shorelands to the city of Wenatchee; amending section 2, chapter 17, Laws of 1917 (uncodified); and adding to chapter 17, Laws of 1917 a new section to be known as section 3.

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

Amendment.

SECTION 1. Section 2, chapter 17, Laws of 1917, (uncodified) is amended to read as follows:

Shorelands granted.

Sec. 2. That all of the said shorelands described in section 1 of this act be and the same are hereby granted to the city of Wenatchee, county of Chelan, state of Washington.

New section.

SEC. 2. There is added to chapter 17, Laws of 1917, a new section to be known as section 3 and to read as follows:

Conveyance procedure; authorization of.

SEC. 3. The commissioner of public lands of the state of Washington is authorized and directed to certify to the governor in the manner provided by law, for deed without reservation to the city of Wenatchee, all of the shorelands described in section

1 of this act and the governor is authorized and directed to execute and the secretary of state to attest with his signature and seal, in the manner provided by law, a correction deed conveying without reservation, to the city of Wenatchee all of said shorelands. Such deed shall supersede that prior deed to such property filed of record in the office of the commissioner of public lands at page 320, volume 14 of state record of tide and shore land deeds.

Passed the House February 28, 1955.

Passed the Senate March 7, 1955.

Approved by the Governor March 21, 1955.

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## CHAPTER 360.

[ H. B. 64. ]

### INDUSTRIAL INSURANCE—EMPLOYER'S REPORTS.

AN ACT relating to industrial insurance; fixing the time for the filing of certain employer's quarterly reports and the payment of premiums.

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

SECTION 1. From and after the last day of July, 1955 every employer, as defined in RCW 51.08.070, shall on or before the last day of January, April, July and October of each year, furnish the department of labor and industries with a true and accurate payroll and the aggregate number of workmen hours, during which workmen, as defined in RCW 51.08.180, were employed by him during the preceding calendar quarter, the total amount paid to such workmen during such preceding calendar quarter, and a segregation of employment in the different classes provided in Title 51 RCW, and shall pay his premium under Title 51 RCW thereon to the accident fund and medical aid fund defined in chapter 51.44 RCW. The sufficiency of such state-

Employer's  
quarterly  
report.

Payment of  
premium.

Sufficiency.

ment shall be subject to the approval of the director of the department of labor and industries.

Passed the House February 11, 1955.

Passed the Senate March 8, 1955.

Approved by the Governor March 21, 1955.

CHAPTER 361.

[ H. B. 132. ]

HIGHWAYS—COUNTY ROADS.

AN ACT relating to county roads and amending section 1, chapter 125, Laws of 1945, and RCW 36.75.070 through 36.75.090.

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

Division and amendment.

SECTION 1. Section 1, chapter 125, Laws of 1945, (heretofore codified as RCW 36.75.070 through 36.75.090) is divided and amended as set forth in sections 2, 3 and 4 of this act.

Enacted without amendment.

SEC. 2. (RCW 36.75.070) All public highways in this state, outside incorporated cities and towns and not designated as state highways, which have been used as public highways for a period of not less than seven years, where they have been worked and kept up at the expense of the public, are county roads.

Public highways declared county roads.

SEC. 3. (RCW 36.75.080) All public highways in this state, outside incorporated cities and towns and not designated as state highways, which have been used as public highways for a period of not less than ten years are county roads: *Provided*, That no duty to maintain such public highway nor any liability for any injury or damage for failure to maintain such public highway or any road signs thereon shall attach to the county until the same shall have been adopted as a part of the county road system by resolution of the county commissioners.

No duty of maintenance on county.



SEC. 4. (RCW 36.75.090) All public highways in this state which have been a part of the route of a state highway and have been or may hereafter be no longer necessary as such shall, upon certification thereof by the director to the board of the county in which any portion of such highway is located, be and become a county road of such county, and upon such certification the director may certify to the governor the abandonment of such highways, giving a description thereof, and the governor may execute and the secretary of state shall attest and deliver to the county a deed of conveyance on behalf of the state to such abandoned highways or portions thereof.

Enacted without amendment.

Abandonment of state highway—become county road; procedure for.

Passed the House February 8, 1955.

Passed the Senate March 8, 1955.

Approved by the Governor March 21, 1955.

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## CHAPTER 362.

[ H. B. 337. ]

### WATER RIGHTS—STORAGE DAMS, PLANS AND SPECIFICATIONS.

AN ACT relating to water and water rights and structures for the control and storage thereof, and amending section 36, chapter 117, Laws of 1917, as amended by section 1, chapter 107, Laws of 1939 and RCW 90.28.060.

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

SECTION 1. Section 36, chapter 117, Laws of 1917, as amended by section 1, chapter 107, Laws of 1939 and RCW 90.28.060 are each amended to read as follows:

Amendment.

Any person, corporation or association intending to construct or modify any dam or controlling works for the storage of ten acre-feet or more of water, shall before beginning said construction or modification, submit plans and specifications of the same to

Prerequisite to construction or modification of dam.

Plans sub-  
mitted in  
duplicate.

Approved as  
to its safety.

Presumption  
of public  
nuisance.

Abatement  
proceedings.

the supervisor for his examination and approval as to its safety. Such plans and specifications shall be submitted in duplicate, one copy of which shall be retained as a public record, by the supervisor, and the other returned with his approval or rejection endorsed thereon. No such dam or controlling works shall be constructed or modified until the same or any modification thereof shall have been approved as to its safety by the supervisor. Any such dam or controlling works constructed or modified in any manner other than in accordance with plans and specifications approved by the supervisor or which shall not be maintained in accordance with the order of the supervisor shall be presumed to be a public nuisance and may be abated in the manner provided by law, and it shall be the duty of the prosecuting attorney of the county wherein such dam or controlling works, or the major portion thereof, is situated to institute abatement proceedings against the owner or owners of such dam or controlling works, whenever he is requested to do so by the supervisor.

Passed the House February 22, 1955.

Passed the Senate March 8, 1955.

Approved by the Governor March 21, 1955.

## CHAPTER 363.

[ H. B. 382. ]

## MOTOR VEHICLES—LICENSES—FEES.

AN ACT relating to motor vehicles; and amending section 15, chapter 142, Laws of 1915, as last amended by section 1, chapter 227, Laws of 1953 and RCW 46.16.070 through 46.16.110.

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

SECTION 1. Section 15, chapter 142, Laws of 1915, as last amended by section 1, chapter 227, Laws of 1953, (heretofore codified as RCW 46.16.070 through 46.16.110) is divided and amended as set forth in sections 2 through 8 of this act.

Division and amendment.

SEC. 2. (RCW 46.16.070) In addition to other fees for the licensing of vehicles there shall be paid and collected annually for each motor truck and truck tractor based upon the maximum gross weight thereof as set by the licensee in his application, or otherwise, the following fees: *Provided, however,* That no motor truck or truck tractor having an empty weight of more than four thousand pounds shall be licensed for less than one hundred fifty percent of the actual empty weight of such vehicle;

Enacted without amendment.

Additional license fee—motor truck and truck tractor; basis of.

Fee schedule.

Up to 4,000 lbs.....	\$4.50
4,000 lbs. or more and less than 6,000 lbs.....	\$9.50
6,000 lbs. or more and less than 8,000 lbs.....	\$15.50
8,000 lbs. or more and less than 10,000 lbs.....	\$18.50
10,000 lbs. or more and less than 12,000 lbs.....	\$21.50
12,000 lbs. or more and less than 14,000 lbs.....	\$25.00
14,000 lbs. or more and less than 16,000 lbs.....	\$30.00
16,000 lbs. or more and less than 18,000 lbs.....	\$50.00
18,000 lbs. or more and less than 20,000 lbs.....	\$70.00
20,000 lbs. or more and less than 22,000 lbs.....	\$100.00
22,000 lbs. or more and less than 24,000 lbs.....	\$125.00
24,000 lbs. or more and less than 26,000 lbs.....	\$160.00
26,000 lbs. or more and less than 28,000 lbs.....	\$190.00
28,000 lbs. or more and less than 30,000 lbs.....	\$230.00
30,000 lbs. or more and less than 32,000 lbs.....	\$285.00
32,000 lbs. or more and less than 34,000 lbs.....	\$325.00
34,000 lbs. or more and less than 36,000 lbs.....	\$370.00

Enacted without amendment.

SEC. 3. (RCW 46.16.072) In addition to other fees for the licensing of vehicles there shall be paid and collected annually for each trailer, semitrailer and pole trailer based upon the maximum gross weight thereof as set by the licensee in his application, or otherwise, the following fees: *Provided, however,* That no trailer, semitrailer or pole trailer having an empty weight of more than four thousand pounds shall be licensed for less than one hundred fifty percent of the actual empty weight of the vehicle:

Additional license fee—trailer, semitrailer, etc.; basis of.

Fee schedule.

4,000 lbs. or more and less than 6,000 lbs.....	\$9.50
6,000 lbs. or more and less than 8,000 lbs.....	\$15.50
8,000 lbs. or more and less than 10,000 lbs.....	\$18.50
10,000 lbs. or more and less than 12,000 lbs.....	\$21.50
12,000 lbs. or more and less than 14,000 lbs.....	\$25.00
14,000 lbs. or more and less than 16,000 lbs.....	\$30.00
16,000 lbs. or more and less than 18,000 lbs.....	\$50.00
18,000 lbs. or more and less than 20,000 lbs.....	\$70.00
20,000 lbs. or more and less than 22,000 lbs.....	\$100.00
22,000 lbs. or more and less than 24,000 lbs.....	\$125.00
24,000 lbs. or more and less than 26,000 lbs.....	\$160.00
26,000 lbs. or more and less than 28,000 lbs.....	\$190.00
28,000 lbs. or more and less than 30,000 lbs.....	\$230.00
30,000 lbs. or more and less than 32,000 lbs.....	\$285.00
32,000 lbs. or more and less than 34,000 lbs.....	\$325.00
34,000 lbs. or more and less than 36,000 lbs.....	\$370.00

Enacted without amendment.

SEC. 4. (RCW 46.16.074) As to any such motor truck or truck tractor propelled by steam, electricity, natural gas, diesel oil, butane, or propane the schedule of fees set forth in RCW 46.16.070 shall be increased in every instance by twenty-five percent thereof and paid in addition to any excise tax upon such substance other than motor vehicle fuel.

Enacted without amendment.

SEC. 5. (RCW 46.16.080) In lieu of the additional fee provided in RCW 46.16.070 or 46.16.072 there shall be collected a fee of five dollars on any motor truck, truck tractor, trailer or semitrailer used only for the purpose of transporting any well drilling machine, air compressor, rock crusher, conveyor, hoist, wrecker, donkey engine, cook house, tool house,

bunk house, or similar machine or structure attached to or made a part of such motor truck, trailer or semitrailer.

**Earlier amendment, see sec. 22, chap. 139, Laws of 1955.**

SEC. 6. (RCW 46.16.090) Motor trucks of less than twenty-six thousand pounds may be specially licensed based on the maximum gross weight thereof for fifty percent of the various amounts set forth in the schedule provided in RCW 46.16.070, when such trucks are owned and operated by farmers, but only if the following condition or conditions exist:

Trucks owned and operated by farmers under following conditions.

(1) When such trucks are to be used for the transportation of such farmer's own farm, orchard or dairy products from point of production to market, and of supplies to be used on his farm; and/or

(2) When such trucks are to be used for the infrequent or seasonal transportation by one such farmer for another farmer in his neighborhood of products of the farm, orchard or dairy owned by such other farmer from point of production to market, or supplies to be used on such other farm, but only if such transportation for another farmer is for compensation other than money: *Provided, however,* That farmers shall be permitted an allowance of an additional eight thousand pounds, within the legal limits, on motor trucks, when used in the transportation of such farmer's own farm machinery between his own farm or farms and for a distance of not more than thirty-five miles from his farm or farms.

The department shall prepare a special form of application to be used by farmers applying for licenses under this section, which form shall contain a statement to be signed by the farmer to the effect that the vehicle concerned will be used subject to the limitations of this section. The department shall prepare special insignia which shall be placed upon all such vehicles to indicate that the vehicle is specially

Farmers' application form.

Special insignia.

licensed, or may, in its discretion, substitute a special license plate for such vehicles for such designation.

Any person who operates such a specially licensed vehicle in transportation upon the public highways in violation of the limitations of this section shall be guilty of a misdemeanor.

Misdemeanor.

Enacted without amendment.

Special permit; fee.

Limitation on use.

One-transit permit; fee.

Annual capacity fee.

SEC. 7. (RCW 46.16.100) When any vehicle subject to license is to be moved upon the public highways of this state from one point to another, the director may issue a special permit therefor upon an application presented to him in such form as shall be approved by the director and upon payment therefor of a fee of five dollars. Such permit shall be for the transit of the vehicle only, and the vehicle shall not at the time of such transit be used for the transportation of any persons or property whatsoever for compensation or otherwise, and shall be for one transit only between the points of origin and destination as set forth in the application: *Provided*, (1) That when such vehicle is to be moved from one point in this state to another and when the owner of such vehicle desires to carry a load of passengers or commodities, or both, he may obtain a one-transit permit upon the payment to the director of a fee of ten dollars, and (2) for each vehicle used exclusively in the transportation of circus, carnival and show equipment and in the transportation of supplies used in conjunction therewith, there shall be charged in addition to other fees provided for the licensing of vehicles, an annual capacity fee in the amount of ten dollars.

**Earlier amendment, see sec. 23, chap. 139, Laws of 1955.**

Enacted without amendment.

Maximum gross weight.

SEC. 8. (RCW 46.16.110) The maximum gross weight in case of any motor truck, truck tractor, trailer or semitrailer shall be the scale weight of such motor truck, truck tractor, trailer or semitrailer unladen, to which shall be added the maximum load

to be carried thereon, as set by the licensee in his application or otherwise.

Earlier amendment, see sec. 24, chap. 139, Laws of 1955.

Passed the House February 27, 1955.

Passed the Senate March 8, 1955.

Approved by the Governor March 21, 1955.

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## CHAPTER 364.

[ H. B. 387. ]

### CITIES AND TOWNS—ASSESSMENT DISTRICT— COST ITEMS.

AN ACT relating to local improvements by cities and towns; and amending section 55, chapter 98, Laws of 1911 and RCW 35.44.020.

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

SECTION 1. Section 55, chapter 98, Laws of 1911 and RCW 35.44.020 are each amended to read as follows: Amendment.

There shall be included in the cost and expense of every local improvement for assessment against the property in the district created to pay the same, or any part thereof: Include in cost of local improvement for assessment the following.

(1) The cost of the portion of the improvement within the street intersections;

(2) The estimated cost and expense of all engineering and surveying necessary for the improvement done under the supervision of the city or town engineer;

(3) The estimated cost and expense of ascertaining the ownership of the lots or parcels of land included in the assessment district;

(4) The estimated cost and expense of advertising, mailing, and publishing all necessary notices;

(5) The estimated cost and expense of accounting, clerical labor, and of books and blanks extended or used on the part of the city or town clerk and city

or town treasurer in connection with the improvement;

Proviso.

(6) All cost of the acquisition of rights of way, property, easements or other facilities or rights, whether by eminent domain, purchase, gift, or in any other manner: *Provided*, That the costs enumerated in this subsection may be excluded from the cost and expense to be assessed against the property in such local improvement district if the legislative body of such city or town so designates by ordinance.

Passed the House March 9, 1955.

Passed the Senate March 8, 1955.

Approved by the Governor March 21, 1955.

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CHAPTER 365.

[ H. B. 409. ]

CITIES OF THIRD CLASS—OFFICERS—ELECTIONS.

AN ACT relating to third class cities; and amending sections 2 and 28, chapter 184, Laws of 1915 and section 1, chapter 182, Laws of 1929 and section 1, chapter 108, Laws of 1941 and RCW 35.24.020 and 35.24.050.

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

Amendment.

SECTION 1. Sections 2 and 28, chapter 184, Laws of 1915 and section 1, chapter 182, Laws of 1929 and section 1, chapter 108, Laws of 1941, (heretofore divided, combined, and codified as RCW 35.24.020 and 35.24.050) are amended to read as set forth in sections 2 and 3 of this act.

Third class city—officials; government vested in.

SEC. 2. (RCW 35.24.020) The government of a third class city shall be vested in a mayor, a city council of seven members, a city attorney, a clerk, a treasurer, all elective; and a chief of police, police judge, city engineer, street superintendent, health officer and such other appointive officers as may be provided for by statute or ordinance: *Provided*,



That the council may enact an ordinance providing for the appointment of the city clerk and city attorney by the mayor, which appointment shall be subject to confirmation by a majority vote of the city council. Such ordinance shall be enacted and become effective not later than thirty days prior to the first day allowed for filing declarations of candidacy for such offices when such offices are subject to an approaching city primary election. Elective incumbent city clerks and city attorneys shall serve for the remainder of their unexpired term notwithstanding any appointment made pursuant to RCW 35.24.020 and 35.24.050. If a free public library and reading room is established, five library trustees shall be appointed and if a public park is maintained, three park commissioners shall be appointed. The city council by ordinance shall prescribe the duties and fix the compensation of all officers: *Provided*, That the provisions of any such ordinance shall not be inconsistent with any statute.

Ordinance may provide for appointment of city clerk and attorney.

Library trustees.

Duties and compensation fixed by ordinance.

The mayor shall appoint and at his pleasure may remove all appointive officers except as otherwise provided herein. Every appointment or removal must be in writing signed by the mayor and filed with the city clerk.

Appointive officers; appointment and removal.

SEC. 3. (RCW 35.24.050) General municipal elections in third class cities not operating under the commission form of government shall be held biennially, and, shall be held on the second Tuesday in March in the even-numbered years. The term of office of the mayor, city attorney, clerk, and treasurer shall be four years and until their successors are elected and qualified: *Provided*, That if the offices of city attorney and clerk are made appointive, the city attorney and clerk shall not be appointed for a definite term: *Provided further*, That the term of the treasurer shall not commence in the same biennium in which the term of the mayor commences, nor in

General municipal elections.

Terms of office.

which the terms of the city attorney and clerk commence if they are elected.

Election of councilmen.

A councilman-at-large shall be elected biennially for a two-year term; of the other six councilmen, three shall be elected biennially as the terms of their predecessors expire for terms of four years.

Commencement of terms.

All officers elected at such election shall take office on the first Monday in June following the date of election. There shall be no primary or general elections held in the year 1957 and the officers whose terms would have expired in 1957, but for the provisions of this act, shall continue in office until their successors are elected at the general election to be held on the second Tuesday of March 1958. There shall be no primary or general elections held in the year 1959 and the officers whose terms would have expired in 1959, but for the provisions of this act, shall continue in office until their successors are elected at the general election to be held on the second Tuesday of March, 1960.

No elections in 1957 or 1959; incumbents continue in office.

**Earlier amendment, see sec. 6, chap. 55, Laws of 1955.**

Passed the House March 8, 1955.

Passed the Senate March 7, 1955.

Approved by the Governor March 21, 1955.

CHAPTER 366.

[ H. B. 442. ]

CHILD WELFARE AGENCIES.

AN ACT relating to child welfare agencies; and amending section 2, chapter 270, Laws of 1951 and RCW 74.14.010.

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

SECTION 1. Section 2, chapter 270, Laws of 1951 and RCW 74.14.010 are each amended to read as follows: Amendment.

For the purpose of this chapter, unless otherwise clearly indicated by the context, the terms used shall have the following meanings: Terms defined.

(1) "Department" means the state department of public assistance. "Department."

(2) "Director" means the director of the state department of public assistance. "Director."

(3) "Children's staff" means personnel of the department specially qualified in and responsible for the direction of services for children. "Children's staff."

(4) "Agency" is defined as any person, firm, association or corporation, or any private institution, but not including foster homes, which receives for control, care, placement, or maintenance, minor children, and not including in the case of an individual, children related to such persons or under guardianship, but shall include within its scope the following: "Agency."

(a) A children's institution is defined as an establishment which is maintained and operated for the group care of children or which may accept custody and responsibility as required for the welfare of children under care. It shall not apply to any boarding school which is essentially and primarily engaged in educational work characterized by having education as its only function, operating on a definite school year schedule, following a stated academic curriculum, accepting only school-age children, and not accepting custody of children; nor to any non- "Children's institution."  
Not children's institution.

profit institution which is operated under adequate local control by an established board of laymen or by a church organization.

"Child-plac-  
ing agency."

(b) A child-placing agency is defined as any agency, society, association, institution or person not related by blood to the child placed, which places or supervises children in family homes or special institutions or arranges temporary or continued care for children or places a child or children for adoption.

Not child-  
placing  
agency.

An agency, society, association or institution which is not operated for profit and which is operated under adequate local control by an established board of laymen or a church organization and which places or supervises children in family homes or special institutions or arranges temporary or continued care for children or places a child or children for adoption shall not be considered a child-placing agency within the terms of this chapter.

"Maternity  
home."

(c) A maternity home is an institution or place of residence the primary function of which is to give care to illegitimately pregnant girls or women, before or during confinement, or which provides care as needed to mothers and their infants after confinement, with or without compensation.

"Day  
nursery."

(d) A day nursery is an institution which provides care during the day for a group of children with or without compensation. Its primary function is to give care and supervision to children in need of supplemental parental care during the day whose own families are unable to provide this daytime care. A day nursery shall not mean a nursery school which is essentially and primarily engaged in educational work with preschool children whose parents send the child to the nursery school only for education, the child not being in need of supplemental parental care: *Provided*, That nothing in this chapter shall be construed to cover the care of a neighbor's,

Not day  
nursery.

relative's, or friend's child or children with or without monetary consideration where the person does not regularly engage in such activity or where parents on a mutually cooperative basis exchange care of one another's children. It shall not include any agency operated by another state department or governmental agency, or by a church organization.

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

Passed the House March 9, 1955.

Passed the Senate March 8, 1955.

Approved by the Governor March 21, 1955.

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## CHAPTER 367.

[ H. B. 444. ]

### IRRIGATION DISTRICTS.

AN ACT relating to irrigation districts and adding four new sections to chapter 87.08 RCW.

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

SECTION 1. There is added to chapter 87.08 RCW, New sections. four new sections to read as set out in sections 2 through 5 of this act.

SEC. 2. When an irrigation district desires to connect its system of drainage with that of a lower drainage district or districts, it shall make the lower district or districts a party to the proceedings to construct its system, and allege in its petition that the connection is needed to afford a proper outlet and that the outlet is sufficient for both districts. If the lower system or systems must be improved to support the additional burden, the petition shall be ac- System of drainage connection. Party to proceedings.

companied by plans and specifications therefor. The owners of all lands in the lower district or districts affected thereby and also persons having an interest therein shall be made parties to the action and assessment for damages shall be the same as is provided by law for the establishment of the drainage system in the irrigation district.

Parties to  
the action.  
Assessment.

Findings.

SEC. 3. The jury, or the court if jury be waived, shall first determine whether the lower drainage system or systems when so improved will afford a sufficient drainage and outlet for both the drainage district and irrigation district, and if it finds that it will not, the finding shall terminate the proceedings so far as the connecting with the lower drainage district or districts is concerned and the costs shall be paid as in other suits: *Provided*, That the irrigation district may maintain said suit for the purpose of acquiring the necessary rights of way from the lower drainage district or districts and the landowners in said lower district or districts that will not interfere with the operation and maintenance of the drainage system in the lower district or districts.

Costs.

Rights of way  
acquired.

Assessment  
of damages.

SEC. 4. If the jury, or the court if jury be waived, finds the outlet and drainage sufficient it shall assess the damages sustained by the lands in the lower drainage district or districts by reason of the improvement, together with awards for damaging and taking lands for rights of way required, which shall be paid by the irrigation district in the same manner as such payments are made in establishing the system in the irrigation district, and the cost of improving the lower system or systems to the extent the improvement benefits lands in the irrigation district shall be assessed to the lands in the irrigation district as other costs of drainage improvement are assessed.

SEC. 5. The lower district or districts may require the jury or court to determine any increased cost to it in annual maintenance of its system as improved, and judgment shall be rendered against the irrigation district in favor of the lower drainage district or districts for any amount so found, and it shall be paid annually as the cost of construction is paid, and the amount so paid shall be used by the lower drainage district or districts for maintenance.

Increased  
maintenance  
cost.

Passed the House February 19, 1955.

Passed the Senate March 8, 1955.

Approved by the Governor March 21, 1955.

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## CHAPTER 368.

[ H. B. 462. ]

### AGRICULTURE AND SOIL CONSERVATION.

AN ACT relating to agriculture and soil conservation.

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

SECTION 1. The director of agriculture is hereby authorized to enter into agreements with local, state and federal agencies, agencies of other states and associations of agricultural producers, such as, but not limited to the crop improvement association, for the growing and/or testing of plant materials and other types of plant vegetation having value for soil conservation and proper land use for agriculture on such property or properties known as the northwest Washington nursery located near Bellingham, Washington. Such agreements shall provide for payment of reasonable fees to cover the cost of such growing and/or testing of plant materials and other types of plant vegetation having value for soil conservation and proper land use for agriculture.

Authorization  
to director of  
agriculture.

Northwest nursery fund created.

SEC. 2. There is created a fund to be known as the northwest nursery fund into which shall be paid all moneys received as payment to cover the costs of production for growing and/or testing plant materials and other types of plant vegetation having value for soil conservation and proper land use for agriculture in this state and such other money as shall be received from services rendered on such premises not otherwise provided for by law. None of the provisions of RCW 43.01.050 shall be applicable to the northwest nursery fund, nor to any of the moneys received and collected.

Provisions of RCW 43.01.050 not applicable to fund.

Depositing fund; security for.

SEC. 3. The northwest nursery fund shall be deposited by the director in such banks and financial institutions as may be selected which shall give to the director surety bonds executed by surety companies authorized to do business in this state, or collateral eligible as security for deposit of state funds, in at least the full amount of the deposit in each such bank or financial institution.

Deposits daily.

All moneys received by the director or any employee, shall be deposited each day, and as often during the day as advisable, in the authorized depository selected by the director under the terms of this section.

Moneys expended.

SEC. 4. Moneys in the northwest nursery fund shall be expended by the director for defraying expenses of carrying out the agreements for the growing and/or testing of plant materials and other types of plant vegetation having value for soil conservation and proper land use for agriculture and necessary expenses of operation and administration.

Passed the House February 19, 1955.

Passed the Senate March 8, 1955.

Approved by the Governor March 21, 1955.



CHAPTER 369.

[ H. B. 534. ]

JUVENILE DETENTION—FINANCIAL RESPONSIBILITY.

AN ACT relating to juvenile detention; prescribing financial responsibility for the cost of detention; adding a new section to chapter 13.16 RCW; and declaring an emergency.

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

SECTION 1. There is added to chapter 13.16 RCW, New section. a new section to read as follows:

In any case in which a child under eighteen years of age has been placed in any detention facility under the jurisdiction of the juvenile court, the court may inquire into the facts concerning the necessity or propriety of such child's detention notwithstanding the fact that such child may not have been found to be either a dependent or a delinquent child. Inquiry authorized as to necessity or propriety of detention.

The court may, either in the proceedings involving the question of dependency or delinquency of such child or in a separate proceeding, upon the parent or parents, guardian, or other person having custody of said child being duly summoned or voluntarily appearing, proceed to inquire into the necessity or propriety of such detention and into the ability of such person or persons to pay the cost of such detention. Cost of detention.

If the court finds that such detention was necessary or proper for the welfare of the child or for the protection of the community, and if the court also finds the parent or parents, guardian, or other person having the custody of such child able to pay or contribute to the payment of the cost of such detention, the court may enter such order or decree as shall be equitable in the premises, and may enforce the same by execution or in any way a court of equity may enforce its decrees. Equitable decree.

Emergency.

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

Passed the House March 9, 1955.

Passed the Senate March 8, 1955.

Approved by the Governor March 21, 1955.

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CHAPTER 370.

[ H. B. 538. ]

STATE FUNDS ABOLISHED.

AN ACT relating to state government; abolishing certain state funds, creating accounts in the state general fund and transferring moneys thereto; and declaring an emergency.

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

SECTION 1. All moneys to the credit of the following state funds on the first day of May, 1955, and all moneys thereafter paid to the state treasurer for or to the credit of such funds, are hereby transferred to the following accounts in the state general fund, the creation of which is hereby authorized:

Following state funds abolished—transfer to general fund accounts.

(1) State institutional revolving fund moneys and reformatory revolving fund moneys, to the state institutional revolving account;

(2) Capitol building construction fund moneys, to the capitol building construction account;

(3) Cemetery fund moneys, to the cemetery account;

(4) Commercial feed fund moneys, to the commercial feed account;

(5) Commission merchants fund moneys, to the commission merchants account;

(6) Electrical licenses fund moneys, to the electrical licenses account;

(7) Feed and fertilizer fund moneys, to the feed and fertilizer account;

(8) Fertilizer, agricultural mineral and limes fund moneys to the fertilizer, agricultural mineral and limes account;

(9) Forest development fund moneys, to the forest development account;

(10) Harbor improvement fund moneys, to the harbor improvement account;

(11) Institutional building construction fund moneys, to the institutional building construction account;

(12) Investment reserve fund moneys, to the investment reserve account;

(13) Lewis river hatchery fund moneys, to the Lewis river hatchery account;

(14) Millersylvania Park current fund moneys, to the Millersylvania Park current account;

(15) Nursery inspection fund moneys, to the nursery inspection account;

(16) State parks and parkways fund moneys, to the state parks and parkways account;

(17) Penitentiary revolving fund moneys, to the penitentiary revolving account;

(18) Public school building construction fund moneys, to the public school building construction account;

(19) Puget Sound pilotage fund moneys, to the Puget Sound pilotage account;

(20) Real estate commission fund moneys, to the real estate commission account;

(21) Reclamation revolving fund moneys, to the reclamation revolving account;

(22) Seed fund moneys, to the seed account;

(23) United States vocational education fund moneys, to the United States vocational education account;

(24) University of Washington building fund moneys, to the University of Washington building account;

(25) University of Washington medical and dental building and equipment fund moneys, to the University of Washington medical and dental building and equipment account;

(26) State College of Washington building fund moneys, to the State College of Washington building account;

(27) Veterans rehabilitation council fund moneys, to the Veterans rehabilitation council account; and

(28) School emergency construction fund moneys, to the public school building construction account.

Funds abolished May 1, 1955.

SEC. 2. From and after the first day of May, 1955, all funds from which moneys are transferred to general fund accounts pursuant to section 1 hereof, are abolished.

Appropriations from general fund.

SEC. 3. From and after the first day of April, 1955, all appropriations made by the thirty-fourth legislature from any of the funds abolished by this act, shall be paid from the general fund from the account to which the moneys of the abolished fund have been transferred by section 1 hereof.

Warrants paid from general fund.

SEC. 4. From and after the first day of May, 1955, all warrants drawn on any fund abolished by this act and not theretofore presented for payment, shall be paid from the general fund from the account to which the moneys of the abolished fund are directed by section 1 of this act to be transferred.

Limitation on expenditures.

SEC. 5. Expenditures from any account described in section 1 hereof shall be limited to the moneys credited to the account. No revenue from any source other than the general fund, which, except for the provisions of this act, would have been paid into any

fund other than the general fund, shall be used for any purpose except those purposes for which such moneys were authorized prior to the enactment hereof.

SEC. 6. This act is necessary for the immediate support of the state government and its existing public institutions and shall take effect April 1, 1955. Effective date.

Passed the House March 4, 1955.

Passed the Senate March 8, 1955.

Approved by the Governor March 21, 1955.

## CHAPTER 371.

[ H. B. 547. ]

### VOCATIONAL REHABILITATION OF DISABLED PERSONS.

AN ACT relating to vocational rehabilitation of disabled persons and providing for acceptance by the state of benefits of the acts of congress; and amending section 5, chapter 176, Laws of 1933 and RCW 28.10.050.

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

SECTION 1. Section 5, chapter 176, Laws of 1933 and RCW 28.10.050 are each amended to read as follows: Amendment.

The state of Washington does hereby:

(1) Accept the provisions and benefits of the act of congress entitled "An Act to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment," approved June 2, 1920, as amended June 5, 1924, and June 9, 1930; also as amended on August 3, 1954, by the "vocational rehabilitation amendments of 1954," or other federal acts which provide benefits for the purposes of this act; State accepts provisions and benefits of act of congress.

(2) Designate the state treasurer as custodian of all moneys received by the state from appropria- State treasurer—custodian.

tions made by the congress of the United States for vocational rehabilitation of persons disabled in industry or otherwise, and authorize the state treasurer to make disbursements therefrom upon the order of the state board for vocational education; and

Disburse-  
ments.

Federal civil-  
ian vocational  
rehabilita-  
tion act.

(3) Empower and direct the state board for vocational education to cooperate with the federal board for vocational education in carrying out the provisions of the federal civilian vocational rehabilitation act.

Passed the House March 3, 1955.

Passed the Senate March 8, 1955.

Approved by the Governor March 21, 1955.

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CHAPTER 372.

[ H. B. 540. ]

INJURIES CAUSED BY INTOXICATED PERSONS.

AN ACT relating to civil procedure; and repealing section 1, chapter 62, Laws of 1905 and RCW 4.24.100.

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

Repeal.

SECTION 1. Section 1, chapter 62, Laws of 1905 and RCW 4.24.100 are each repealed.

Passed the House February 28, 1955.

Passed the Senate March 8, 1955.

Approved by the Governor March 21, 1955.

CHAPTER 373.

[ H. B. 574. ]

SEWER DISTRICT COMMISSIONERS.

AN ACT relating to sewer district commissioners; and amending section 8, chapter 140, Laws of 1945 and RCW 56.12.010.

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

SECTION 1. Section 8, chapter 140, Laws of 1945 and RCW 56.12.010 are each amended to read as follows:

Amendment.

The governing body of a sewer district shall be a board of commissioners consisting of three members. The commissioners shall annually elect one of their number as president and another as secretary of the board.

Sewer district board of commissioners.

A district may provide by resolution for the payment of compensation to each of its commissioners at a rate not exceeding ten dollars for each day or major part thereof devoted to the business of the district. In addition, the secretary may be paid a reasonable sum for his services as secretary and for bookkeeping work and keeping the records of the district.

Compensation.

The board shall by resolution adopt rules governing the transaction of its business and shall adopt an official seal. All proceedings shall be by resolution recorded in a book kept for that purpose, which shall be a public record.

Board duties and records.

Passed the House March 1, 1955.

Passed the Senate March 8, 1955.

Approved by the Governor March 21, 1955.

CHAPTER 374.

[ H. B. 615. ]

STATE LANDS—ACQUISITION BY SPOKANE.

AN ACT authorizing the city of Spokane to acquire certain state lands by condemnation.

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

Spokane authorized to acquire portion of Riverside state park by condemnation.

SECTION 1. The city of Spokane is hereby authorized to acquire for use in connection with the construction and development of a modern sewage disposal system by condemnation in the superior court of Spokane county that portion of Riverside state park described as follows:

Description.

That part of government lot one, section three, township twenty-five, range forty-two, lying south of the northerly line of the smelter switch railroad right of way, except as follows: Beginning at the northeast corner of section three, township twenty-five, range forty-two; thence south five degrees, thirty-six minutes east along the east line of said section three, eight hundred twenty-seven and fourteen one-hundredths feet; thence south eighteen degrees naught two minutes west, four hundred ninety-three feet more or less to the northerly line of the smelter switch railroad right of way and true point of beginning; thence continuing south eighteen degrees naught two minutes west, four hundred fifty-seven and two tenths feet to a point; thence south thirty-eight degrees naught nine minutes west, ninety-two feet more or less, to the north bank of the Spokane river; thence easterly along the said north bank to the east line of said section three; thence north along the east line of said section three to the northerly line of the smelter switch railroad right of way; thence westerly along said northerly right of way line to the true point of beginning. (Subject to flowage rights). That part of tracts B



and C of Buena Vista addition to Spokane, Washington, and included smelter switch right of way in section two, township twenty-five, range forty-two described as follows: Beginning at a point on the west line of tract B, one thousand, one hundred and thirty feet south of the northwest corner of section two, township twenty-five, range forty-two; thence south forty-eight degrees, fifty-one minutes east seven hundred feet to a point; thence south forty-two degrees, forty-one minutes east seven hundred and thirty-five feet more or less, to the intersection of the northeasterly line of the smelter switch right of way with the east line of said Buena Vista addition; thence south forty-seven degrees, nineteen minutes west to the southwesterly line of said addition; thence northwesterly and northerly along the southwesterly line and west line of said addition to the point of beginning or that portion of Riverside State Park lying north and east of the Spokane river in the west one-half of the west one-half of section thirty-four, township twenty-six north, range forty-two east W. M. (Subject to flowage rights). All situated in the county of Spokane, state of Washington.

SEC. 2. The site shall be selected by the city of Spokane only after notice and public hearing on the selection of said site. Notice and hearing.

Passed the House March 9, 1955.

Passed the Senate March 8, 1955.

Approved by the Governor March 21, 1955.

CHAPTER 375.

[ Sub. H. B. 622. ]

PUBLIC BONDS AND COUPONS—FACSIMILE SIGNATURES—REGISTRATION.

AN ACT relating to the use of facsimile signatures on bonds and coupons thereof; providing for the registration of certain bonds thereof; and amending section 1, chapter 52, Laws of 1941 and RCW 39.44.100; and providing penalties.

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

Amendment.

SECTION 1. Section 1, chapter 52, Laws of 1941 and RCW 39.44.100 are each amended to read as follows:

Sufficient signatures on bonds or coupons.

On all bonds hereafter issued by the state or any agency thereof or by any county, city, town, municipal corporation, junior taxing district, school district or other political subdivision of the state, the printed, engraved or lithographed facsimile signatures of the officers required by law to sign the bonds or interest coupons thereon shall be sufficient signature on such bonds or coupons: *Provided*, That such facsimile signatures shall not be used for bond issues of less than one hundred bonds.

Limitation on use.

Procedure on use of facsimile signatures.

Whenever such facsimile signature reproduction of the signature of any officer is used in place of the personal signature of such officer, the issuing authority shall specify in a written order or requisition to the printer, engraver, or lithographer, the number of bonds or coupons upon which such facsimile signature is to be printed, engraved, or lithographed, and the manner of numbering the bonds or coupons upon which such signature shall be placed. Within ninety days after the completion of the printing, engraving, or lithographing of such bonds or coupons, the plate or plates used for the purpose of affixing the facsimile signature shall be destroyed and it shall be the duty of the issuing authority, within ninety days after receipt of the completed bonds or

Plate destroyed.

coupons, to ascertain that such plate or plates have been destroyed.

SEC. 2. Every printer, engraver, or lithographer, who with the intent to defraud, prints, engraves, or lithographs a facsimile signature upon any bond or coupon without written order of the issuing authority, or fails to destroy such plate or plates containing the facsimile signature upon direction of such issuing authority, shall be guilty of a felony.

Violation by printer, engraver, etc., deemed felony.

SEC. 3. Where any bond so issued requires registration by the county treasurer, that bond shall bear a statement on the back thereof showing the name of the person to whom sold, date of issue, the number and series of the bond, and shall be signed by the county treasurer in his own name or by a deputy county treasurer in his own name.

Bond form when registration by county treasurer required.

Passed the House March 3, 1955.

Passed the Senate March 8, 1955.

Approved by the Governor March 21, 1955.

CHAPTER 376.

[ H. B. 640. ]

STATE LANDS—SALE OF SCHOOL LANDS IN  
WALLA WALLA COUNTY.

AN ACT relating to state lands, and authorizing the sale of  
certain school lands in Walla Walla county.

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

Commission  
authorized to  
sell property.

SECTION 1. The commissioner of public lands is  
authorized to sell at public auction in the manner  
provided by law the following described property in  
Walla Walla county:

Description.

All that part of the Northwest quarter, and all  
that part of the Northwest quarter of the Southwest  
quarter of Section Sixteen (16) in Township Nine  
(9) North, of Range Thirty-six (36) East of the Wil-  
lamette Meridian, lying Westerly of the Westerly  
line of the County Road running through said sub-  
divisions, and containing forty-eight (48) acres,  
more or less.

Passed the House March 3, 1955.

Passed the Senate March 8, 1955.

Approved by the Governor March 21, 1955.

CHAPTER 377.

[ H. B. 683. ]

PUBLIC OFFICERS AND EMPLOYEES—SUBVERSIVE  
ACTIVITIES—OATH.

AN ACT relating to subversive activities; requiring state, county and municipal employers to ask employees under oath concerning memberships in the communist party or other subversive groups; and amending section 12, chapter 254, Laws of 1951 and RCW 9.81.070 and section 13, chapter 254, Laws of 1951 and RCW 9.81.080.

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

SECTION 1. Section 12, chapter 254, Laws of 1951 and RCW 9.81.070 are each amended to read as follows:

Amendment.

Every person and every board, commission, council, department, court or other agency of the state of Washington or any political subdivision thereof, who or which appoints or employs or supervises in any manner the appointment or employment of public officials or employees shall establish by rules, regulations or otherwise, procedures designed to ascertain whether any person is a subversive person. In securing any facts necessary to ascertain the information herein required, the applicant shall be required to sign a written statement containing answers to such inquiries as may be material, which statement shall contain notice that it is subject to the penalties of perjury. Every such person, board, commission, council, department, court, or other agency shall require every employee or applicant for employment to state under oath whether or not he or she is a member of the communist party or other subversive organization, and refusal to answer on any grounds shall be cause for immediate termination of such employee's employment or for refusal to accept his or her application for employment.

Procedures established to ascertain subversives.

Written statement by applicant.

Statement under oath.

Grounds for termination.

Amendment.

SEC. 2. Section 13, chapter 254, Laws of 1951 and RCW 9.81.080 are amended to read as follows:

The inquiries prescribed in preceding sections, other than the written statement to be executed by an applicant for employment and the requirement set forth in section 1 of this amendatory act, relative to membership in the communist party or other subversive organization, shall not be required as a prerequisite to the employment of any persons in any case in which the employing authority may determine, and by rule or regulation specify the reasons why, the nature of the work to be performed is such that employment of such persons will not be dangerous to the health of the citizens or the security of the governments of the United States, the state of Washington, or any political subdivision thereof.

Application of act by employing authority; waiver of inquiry.

Membership in subversive organization defined.

SEC. 3. For the purpose of this act, membership in a subversive organization shall be membership in any organization after it has been placed on the list of organizations designated by the attorney general of the United States as being subversive pursuant to executive order No. 9835.

Membership deemed subversive activity.

SEC. 4. The communist party is a subversive organization within the purview of RCW 9.81 and membership in the communist party is a subversive activity thereunder.

Passed the House March 9, 1955.

Passed the Senate March 8, 1955.

Approved by the Governor March 21, 1955.

## CHAPTER 378.

[ H. B. 415. ]

CITIES AND TOWNS—CEMETERIES—  
POWERS OF TOWNS.

AN ACT relating to cities and towns; amending section 1, chapter 156, Laws of 1909 and RCW 68.12.040, and section 4, chapter 156, Laws of 1909 and RCW 68.12.050, and section 1, chapter 151, Laws of 1949 and RCW 35.27.370; and adding a new section to chapter 68.12 RCW.

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

SECTION 1. Section 1, chapter 156, Laws of 1909 and RCW 68.12.040 are each amended to read as follows: Amendment.

Any city or town may acquire, hold, or improve land for cemetery purposes, and may sell lots therein, and may provide by ordinance that a specified percentage of the proceeds therefrom be set aside and invested, and the income from the investment be used in the care of the lots, and may take and hold any property devised, bequeathed or given upon trust, and apply the income thereof for the improvement or embellishment of the cemeteries or the erection or preservation of structures, fences, or walks therein, or for the repair, preservation, erection, or renewal of any tomb, monument, gravestone, fence, railing, or other erection at or around a cemetery, lot, or plat, or for planting and cultivating trees, shrubs, flowers, or plants in or around the lot or plot, or for improving or embellishing the cemetery in any other manner or form consistent with the design and purpose of the city, according to the terms of the grant, devise, or bequest. City or town authorization—land for cemetery purposes.

SEC. 2. There is added to chapter 68.12 RCW, a new section to read as follows: New section.

The legislative body of any city or town may provide by ordinance for a cemetery board to be appointed by the mayor in cities and towns operating Cemetery board; appointment procedure.

under the mayor-council form of government, by the city commission in cities operating under the commission form of government, and by the city manager in cities and towns operating under the council-manager form of government: *Provided further*, That no ordinance shall be enacted, pursuant to this section, in conflict with provisions contained in charters of cities of the first class.

Prohibition on ordinance.

Amendment.

SEC. 3. Section 4, chapter 156, Laws of 1909 and RCW 68.12.050 are each amended to read as follows:

Money receipts and disbursements.

All moneys received in the manner above provided shall be deposited with the city treasurer, and shall be kept apart in a fund known as the cemetery improvement fund, and shall be paid out only upon warrants drawn by the order of the cemetery board, if such a board exists, or by order of the body, department, commission, or committee duly authorized by ordinance to issue such an order, or by the legislative body of a city or town, which order shall be approved by such legislative body if such order is not issued by the legislative body, and shall be indorsed by the mayor and attested by the city controller or other authorized officer.

Cemetery improvement fund.

Amendment.

SEC. 4. Section 1, chapter 151, Laws of 1949 and RCW 35.27.370 are each amended to read as follows:

Council powers.

The council of said town shall have power:

Ordinances.

(1) To pass ordinances not in conflict with the Constitution and laws of this state, or of the United States;

(2) To purchase, lease or receive such real estate and personal property as may be necessary or proper for municipal purposes, and to control, dispose of and convey the same for the benefit of the town; to acquire, own, and hold real estate for cemetery purposes either within or without the corporate limits, to sell and dispose of such real estate, to plat or replat such real estate into cemetery lots and to

Real and personal property for municipal purposes.



sell and dispose of any and all lots therein, and to operate, improve and maintain the same as a cemetery: *Provided*, That they shall not have the power to sell or convey any portion of any waterfront;

(3) To contract for supplying the town with water for municipal purposes, or to acquire, construct, repair and manage pumps, aqueducts, reservoirs, or other works necessary or proper for supplying water for use of such town or its inhabitants, or for irrigating purposes therein;

Water for  
municipal  
purposes.

(4) To establish, build and repair bridges, to establish, lay out, alter, widen, extend, keep open, improve, and repair streets, sidewalks, alleys, squares and other public highways and places within the town, and to drain, sprinkle and light the same; to remove all obstructions therefrom; to establish the grades thereof; to grade, pave, plank, macadamize, gravel and curb the same, in whole or in part, and to construct gutters, culverts, sidewalks and crosswalks therein, or on any part thereof; to cause to be planted, set out and cultivated trees therein, and generally to manage and control all such highways and places;

Public ways,  
squares and  
bridges.

(5) To establish, construct and maintain drains and sewers, and shall have power to compel all property owners on streets along which sewers are constructed to make proper connections therewith, and to use the same for proper purposes when such property is improved by the erection thereon of a building or buildings; and in case the owners of such improved property on such streets shall fail to make such connections within the time fixed by such council, they may cause such connections to be made, and to assess against the property in front of which such connections are made the costs and expenses thereof;

Sewage  
systems.

(6) To provide fire engines and all other necessary or proper apparatus for the prevention and extinguishment of fires;

Fire  
apparatus.

(7) To impose and collect an annual license not

Dog license

exceeding two dollars on every dog allowed to run at large within the limits of the town, and to provide for the killing of all dogs found at large and not duly licensed;

Property tax.

(8) To levy and collect annually a property tax, for the payment of current expenses and for the payment of indebtedness (if any indebtedness exists) within the limits authorized by law;

License; business.

(9) To license, for purposes of regulation and revenue, all and every kind of business, authorized by law and transacted and carried on in such town;

License; entertainment.

and all shows, exhibitions and lawful games carried on therein and within one mile of the corporate limits thereof; to fix the rate of license tax upon the same, and to provide for the collection of the same, by suit or otherwise; to regulate, restrain, or prohibit the running at large of any and all domestic animals within the city limits, or any part or parts thereof, and to regulate the keeping of such animals within any part of the city; to establish, maintain and regulate a common pound for estrays, and to appoint a poundkeeper, who shall be paid out of the fines and fees imposed on, and collected from, the owners of any impounded stock;

Domestic animals; pound established.

(10) To improve the rivers and streams flowing through such town or adjoining the same; to widen, straighten and deepen the channels thereof, and to remove obstructions therefrom; to prevent the pollution of streams or water running through such town, and for this purpose shall have jurisdiction for two miles in either direction; to improve the waterfront of the town, and to construct and maintain embankments and other works to protect such town from overflow;

Rivers and channels; pollution prevented.

(11) To erect and maintain buildings for municipal purposes;

Municipal buildings.

(12) To grant franchises or permits to use and occupy the surface, the overhead and the under-

Franchises.

ground of streets, alleys and other public ways, under such terms and conditions as it shall deem fit, for any and all purposes, including but not being limited to the construction, maintenance and operation of railroads, street railways, transportation systems, water, gas and steam systems, telephone and telegraph systems, electric lines, signal systems, surface, aerial and underground tramways.

(13) To punish the keepers and inmates and lessors of houses of ill fame, and keepers and lessors of gambling houses and rooms and other places where gambling is carried on or permitted, gamblers and keepers of gambling tables;

Gambling and houses of ill fame; keepers punished.

(14) To impose fines, penalties and forfeitures for any and all violations of ordinances, and for any breach or violation of any ordinance, to fix the penalty by fine or imprisonment, or both; but no such fine shall exceed three hundred dollars, nor the term of imprisonment exceed three months;

Fines, penalties and forfeitures.

Limitation.

(15) To cause all persons imprisoned for violation of any ordinance to labor on the streets or other public property or works within the town;

Prisoners' labor.

(16) To operate ambulance service which may serve the town and surrounding rural areas and, in the discretion of the council, to make a charge for such service.

Ambulance service.

(17) To make all such ordinances, bylaws, rules, regulations and resolutions not inconsistent with the Constitution and laws of the state of Washington, as may be deemed expedient to maintain the peace, good government and welfare of the town and its trade, commerce and manufacturers, and to do and perform any and all other acts and things necessary or proper to carry out the provisions of this chapter.

Ordinances, by laws, rules and regulations.

Passed the House March 8, 1955.

Passed the Senate March 7, 1955.

Approved by the Governor March 21, 1955.

CHAPTER 379.

[ H. B. 441. ]

PUBLIC ASSISTANCE—ADVISORY COMMITTEE—  
ADVISORY COMMITTEE FOR BLIND.

AN ACT relating to public assistance; creating an advisory committee for the blind; providing aid to the blind; amending section 10, chapter 174, Laws of 1953 and RCW 74.04.035, and section 8, chapter 166, Laws of 1949 and RCW 74.16.250; adding a new section to chapter 74.16 RCW.

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

Amendment.

SECTION 1. Section 10, chapter 174, Laws of 1953 and RCW 74.04.035 are each amended to read as follows:

State advisory committee powers and duties.

The state advisory committee shall have the following powers and duties:

(1) To serve in an advisory capacity to the director on all matters pertaining to chapters 74.04 through 74.14, except that in the case of the blind the state advisory committee shall have no powers or duties.

(2) To acquaint themselves fully with the operations of the department and periodically recommend such changes to the governor as they deem advisable.

(3) To prepare and publish a mimeographed report of their recommendations. The committee shall prescribe rules for the transaction of its business. The committee shall select a chairman and a secretary. Meetings shall be held quarterly, and special meetings may be called by the director upon seven days' notice to the committee. Each member of the committee shall receive fifteen dollars per diem for each day actually spent in the performance of his duties and his actual necessary traveling and other expenses in going to, attending and returning from meetings of his committee, and his actual and necessary traveling and other expenses incurred in the

discharge of such duties as may be requested of him by the director and a majority vote of the committee: *Provided*, That no member shall receive in excess of seven hundred dollars in any one year.

No person shall be eligible to hold the office of member of the state advisory committee who holds any public office, whether appointive or elective, with the exception of nonsalaried positions, nor who is an official of any political party, nor who is a candidate for any public office.

SEC. 2. There is added to chapter 74.16 RCW, a new section to read as follows:

There is hereby created an advisory committee for the blind to be composed of three members. The committee shall act as an advisory committee to the department of public assistance on all matters pertaining to the blind. The director shall appoint the three members of the committee for terms of two, four and six years respectively. Thereafter each member of the committee shall be appointed for a term of six years; except in the case of a vacancy in which event the appointment shall be only for the remainder of the unexpired term in which the vacancy occurs. Each of the three members of the committee shall receive his actual necessary traveling and other expenses in going to, attending and returning from the meetings of his committee. Appointment to the committee shall be made on the basis of a recognized interest in and a demonstrated knowledge of the problems of the blind. All members of the committee shall be blind. The committee shall make recommendations as to procedures and policies affecting any problem of the blind before the department. The committee shall advise such services, activities, programs, investigations and researches as in its judgment shall contribute to the welfare of blind persons. The department shall seek the advice of and consult with the committee on

New section.

Advisory committee for blind created; membership; appointments; terms; duties.

Per diem.

Appointment basis.

problems and policy changes affecting the blind within the department's jurisdiction; and the committee may initiate consultations with the department.

Amendment.

SEC. 3. Section 8, chapter 166, Laws of 1949 and RCW 74.16.250 are each amended to read as follows:

Determination  
of aid to  
recipient.

A recipient shall be entitled to that amount of aid which, when added to his net annual income in excess of twelve hundred dollars, shall equal not more than eighty dollars per month: *Provided*, That for every dollar a recipient earns in excess of twelve hundred dollars, fifty cents shall be deducted from the eighty dollar monthly grant.

Income  
considered in  
computing.

Net income from any one or more of the following sources shall be considered in computing the total value of twelve hundred dollars per annum:

- (1) Income from applicant's or recipient's labor or services;
- (2) The value of foodstuffs produced by him or his family for the use of himself or that of his family;
- (3) The value of firewood and/or water produced on his own premises or given to him by another for his use;
- (4) The value of gifts;
- (5) The value of the use and occupancy of premises owned and occupied by him;
- (6) The net income from real and personal property owned by him;
- (7) Cash income from any other source.

Passed the House March 8, 1955.

Passed the Senate March 7, 1955.

Approved by the Governor March 21, 1955.

## CHAPTER 380.

[ H. B. 575. ]

PUBLIC ASSISTANCE—VOCATIONAL REHABILITATION  
OF NONDISABLED PERSONS.

AN ACT relating to vocational rehabilitation of certain nondisabled persons.

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

SECTION 1. This act provides for the return to full or partial self-support of nondisabled recipients of public assistance whose capacity to earn a living is impaired.

Return to self-support—nondisabled recipients.

SEC. 2. As used in this act:

Defined.

(1) "Nondisabled person" means an individual:

"Nondisabled person."

(a) Who does not have a substantial physical or mental handicap;

(b) Who is receiving public assistance and may be expected to remain a public charge of the state; and

(c) Who is "vocationally handicapped," because of lack of training, experience, skills, or other factors which, if corrected, would lead to self-support instead of dependency.

(2) "Board" means the state board for vocational education and includes the division of vocational rehabilitation of the "board."

"Board."

SEC. 3. To be eligible for vocational rehabilitation under this act, a person must:

Eligibility under act; requirements for.

(1) Be a "nondisabled person," as defined in section 2 of this act; and

(2) Either be responsible for his own maintenance, or be the responsible head of a household; and

(3) Have a potential capacity which would warrant development with a reasonable chance for employment after rehabilitation services; and

(4) Be accessible to services, or be willing to move if necessary to take advantage of the services offered; and

(5) Be referred by a public assistance agency.

Information forwarded.

The public assistance agency, referring a nondisabled person for vocational rehabilitation, shall forward with such referral any medical, psychiatric, social, financial, or other information that the board may request.

Board duties.

SEC. 4. The board shall:

(1) Disburse all funds provided by law, and all funds obtained from private and other sources, that are unconditionally offered for the rehabilitation program provided for by this act;

(2) Appoint and fix the compensation of the personnel necessary to administer this act;

(3) Vocationally rehabilitate and place in remunerative occupation, insofar as it is deemed possible and feasible, persons eligible for the benefits of this act;

(4) Provide for the training of personnel as may be needed to carry out and to develop vocational rehabilitation services for the rehabilitation of those eligible for the benefits of this act;

(5) Make such rules and regulations as may be deemed necessary for the administration of this act.

SEC. 5. The state treasurer is designated custodian of all moneys received from appropriations, or otherwise, for purposes of this act, and is authorized to make disbursements therefrom upon the order of the board.

SEC. 6. The board is authorized to cooperate with other agencies in carrying out the provisions of this act and may formulate a plan of cooperation with the state department of public assistance.

SEC. 7. The state of Washington accepts the provisions and benefits of any acts of congress which



provide for the rehabilitation of nondisabled persons as defined in section 2 of this act.

SEC. 8. If any clause, sentence, or section of this act shall be held ineffective or unconstitutional, such ineffective clause, sentence, or section shall not affect the constitutionality of the remaining portions of this act. Invalidity.

Passed the House March 2, 1955.

Passed the Senate March 8, 1955.

Approved by the Governor March 21, 1955.

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## CHAPTER 381.

[ H. B. 605. ]

### MOTOR VEHICLES—HIGHWAY USER TAX STRUCTURE.

AN ACT relating to motor vehicles; providing for proportional payment of certain fees and taxes in respect to vehicles traveling in more than one state or jurisdiction; creating a reciprocity commission to control and arrange relationships with other states pertinent to the movement of vehicles between and among the states; and repealing section 1, chapter 130, Laws of 1949 and RCW 46.16.300 and declaring an emergency.

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

SECTION 1. The legislature adopts the principle that each state or jurisdiction should have the freedom to develop the kind of highway user tax structure that it determines to be most appropriate, but the method of taxation of interstate vehicles should not be a determining factor in developing a user tax structure. In order to encourage the free flow of commerce, and for the purpose of developing equitable methods for the taxation of motor vehicles which travel extensively in more than one state or jurisdiction, taxes, or other charges of the fixed fee type, should be apportioned among the states or jurisdic-

Legislative principle—highway user tax structure.

tions within the limits of practicality on the basis of vehicle miles traveled within each of the states.

Fleets of four or more vehicles operating; registration and license procedure.

SEC. 2. Any owner or person entitled to the possession or right to operate vehicles, engaged in operating fleets of four or more vehicles in this state may, in lieu of registration of such vehicles under the provisions of chapter 46.16 RCW, and payment of excise taxes or fees imposed by chapter 82.44 RCW and RCW 81.80.320, register and license each such fleet for operation in this state by filing a sworn statement with the department of licenses declaring the total mileage operated with each such fleet of vehicles in all jurisdictions prorating under agreement with this state, or in other jurisdictions as declared by the reciprocity commission pursuant to section 9 of this act, and the total mileage operated in this state during the preceding calendar year with each such fleet and describing and identifying each vehicle in each fleet to be operated in this state during the ensuing license year. Such statements shall also designate a sufficient number of certain vehicles in each fleet to be registered and licensed under chapter 46.16 RCW, to produce total fee payments not less than an amount obtained by applying the proportion of in-state fleet miles to total fleet miles, as reported in said statement to the amounts respectively which would otherwise be required under said chapter 46.16 RCW, chapter 82.44 RCW, and RCW 81.80.320, for complete licensing and registration of such fleet in this state. The department shall transmit the amounts of fees and taxes collected under the provisions of this act pursuant to the provisions of chapter 46.16 RCW, chapter 82.44 RCW and RCW 81.80.320 to the state treasurer, who shall deposit the same in the funds designated by the provisions of said acts. The departments shall thereupon register and issue a license plate or plates for such designated vehicles and shall issue distinctive stickers or other

Minimum total fees

Fees and taxes transmitted.

Issuance of plates and stickers.

suitable devices for each other vehicle named in said statement identifying it as an interstate fleet vehicle, which shall be exempt from all further license, weight fee, motor freight carrier gross weight fee and motor vehicle excise requirements of this state for any type of movement or operation: *Provided*, That each of such other vehicles is properly and duly licensed and registered in some other state, district, possession or territory of the United States or some foreign province, state or country. A fee of two dollars shall be paid for each such sticker or device issued. The proportional registration and licensing provisions of this section shall apply to vehicles added to said fleet and operated in this state during the license year. Nonresidents shall be entitled to proportional registration hereunder unless the terms and conditions of any reciprocity agreement, arrangement, or declaration filed in the office of the director of licenses under the provisions of this act require otherwise.

Qualification.

Sticker fee.

Additions to fleet during license year.

Nonresidents.

SEC. 3. Mileage proportions for such interstate fleets not operated in this state during the preceding year shall be determined by the department upon sworn application on forms to be supplied by the department, upon request, which will show the operations of the preceding year in other states and the estimated operation in this state. If no operations were conducted the previous year, a full statement of the proposed method of operation shall accompany said application.

Mileage proportions determined.

Sworn application.

SEC. 4. Any owner or person complying with the provisions of this section shall preserve the records on which the application is based for a period of four full years following the year upon which said application is based, and such applicant shall agree to make such records available to the department at its request and at its designated office for audit as to accuracy of computation and payments, or to pay the

Records preserved.

Availability of records.

costs of an audit by the department or its duly appointed representative at the applicant's home office. If the department determines that the applicant should have registered more vehicles in this state under the provisions of this act, the department may deny him the right of any further benefits by reason of any reciprocal agreement or declaration until the fees for such additional vehicle or vehicles, which should have been registered, have been paid. The fees determined to be due and owing under the provisions of this paragraph shall be a lien upon all the property of the applicant, and such lien shall attach at the time the audit report has been mailed to such applicant by the department, and shall have the effect of an execution duly levied on such property and shall so remain until said additional fees, so determined, are paid, or a sufficient amount of such property sold for the payment thereof.

Denial of further benefits.

Lien; attachment of.

Reciprocity commission created; membership.

SEC. 5. The reciprocity commission, hereby created, shall consist of the director of licenses, the chairman of the state tax commission, the chairman of the public service commission, the chairman of the highway commission and the chief of the Washington state patrol, or their duly designated representatives. Members of the western interstate highway policy committee from the state of Washington shall be advisory members of the reciprocity commission, and may attend meetings and conferences of the commission in such capacity, but shall not vote as members thereof.

Advisory members.

Administrator of commission's agreements.

The director of licenses, herein called the department, shall be charged with the administration of the commission's agreements, arrangements, declarations, rules and regulations.

Reciprocity commission powers.

SEC. 6. The reciprocity commission shall have the power to enter into agreements or arrangements with duly authorized representatives of other states, the District of Columbia, territories or possessions

of the United States and foreign states, provinces or countries granting exemption to owners or persons entitled to the possession of or right to operate vehicles of any type required to be registered in this state which are properly registered or licensed in such jurisdictions, and upon which evidence of registration is conspicuously displayed, from the payment wholly or partially, of any taxes, fees or other charges imposed under the laws of this state, except gallowage taxes on motor fuels. Such agreements or arrangements shall contain provisions by which owners or persons entitled to the possession of or right to operate any such vehicles registered or licensed in this state who operate vehicles of the same type upon the highways of such other states, the District of Columbia, territories or possessions of the United States and foreign states, provinces or countries, may receive substantially equivalent exemptions, benefits and privileges, under terms and conditions which, in the commission's judgment, are best calculated to promote the interests of this state, as are extended to such persons or owners of vehicles of the same type from such jurisdictions in this state.

Agreement or arrangement provisions.

SEC. 7. Agreements or arrangements entered into by the commission herein created may contain provisions authorizing an owner or owners or persons entitled to the possession of or right to operate such vehicles who are residents of one of the states, or the district, or territories or possessions of the United States or foreign states, provinces or countries which is a party thereto to register or license such vehicles in another jurisdiction which is a party thereto. Vehicles validly registered or licensed in one of such jurisdictions under such provision shall be exempt from registration or licensing requirements in the other jurisdiction or jurisdictions which are parties thereto and shall be entitled to all exemptions, benefits and privileges granted with respect to other

Exemption of vehicles validly registered or licensed in another jurisdiction.

vehicles validly registered or licensed in such jurisdiction.

SEC. 8. Agreements or arrangements entered into by the commission herein created may contain provisions denying the exemptions, benefits and privileges granted thereunder to any person who violates conditions stated therein or who violates rules and regulations for the administration of reciprocal exemptions, benefits and privileges issued by the reciprocity commission.

SEC. 9. The reciprocity commission is authorized to examine the legal requirements of motor vehicle registration, license and weight fee statutes of jurisdictions which grant reciprocal privileges to out of state owners or persons but which do not authorize negotiation or execution of agreements by administrative officials, and it is authorized to determine, by such examination, and to declare the extent and nature of the reciprocal exemptions, benefits and privileges to which owners of such vehicles or other persons from such jurisdictions shall be entitled under the laws of this state.

Agreements, arrangements, rules and regulations under act; requirements.

SEC. 10. All agreements, arrangements, declarations and rules and regulations authorized by this act shall be in writing and shall be approved as to legality only, by endorsement by the attorney general, at which time they will become effective. Original copies of such agreements, arrangements, declarations and rules and regulations shall be filed in the office of the director of licenses, who shall make copies available to the public upon request. Upon becoming effective, they shall supersede the provisions of RCW 46.16.030 to the extent that they are inconsistent therewith.

Repeal.

SEC. 11. Section 1, chapter 130, Laws of 1949 and RCW 46.16.300 are each repealed.

SEC. 12. This act is necessary for the immediate Emergency. preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House March 9, 1955.

Passed the Senate March 8, 1955.

Approved by the Governor March 21, 1955.

## CHAPTER 382.

[ Sub. H. B. 449. ]

### MUNICIPAL FIREMEN RELIEF AND PENSION SYSTEM.

AN ACT relating to firemen of cities and towns; creating a relief and pension system for certain firemen and providing for pensions, benefits and allowances thereunder; providing for the maintenance of and contributions and payments to municipal firemen's pension funds; providing for the distribution of and payments from such funds; and defining terms and prescribing powers and duties of certain officers and individuals.

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

SECTION 1. For the purpose of this act, unless Definitions. clearly indicated otherwise by the context, words and phrases shall have the meaning hereinafter ascribed.

(1) The words "board", "contributions", "disability", "fire department", "firemen's pension fund", "fund", "municipality", and "performance of duty", shall have the meaning set forth in section 1, chapter 91, Laws of 1947 (RCW 41.16.010). Miscellaneous terms.

(2) "Fireman" means any person hereafter regularly or temporarily, or as a substitute newly employed and paid as a member of a fire department, who has passed a civil service examination for fireman and who is actively employed as a fireman; and any person heretofore regularly or temporarily, or as a substitute, employed and paid as a member of a "Fireman."

fire department, and who has contributed under and been covered by the provisions of chapter 91, Laws of 1947 (chapter 41.16 RCW) and who has come under the provisions of this act in accordance with section 16 hereof and who is actively engaged as a fireman or as a member of the fire department.

"Retired fireman."

(3) "Retired fireman" means and includes a person employed as a fireman and retired under the provisions of this act.

"Basic salary."

(4) "Basic salary" means the basic monthly salary attached to the rank held by the retired fireman for the year preceding the date of his retirement or disability, as the case may be, without regard to extra compensation which such fireman may have received for special duties or services: *Provided*, That such basic salary shall not be deemed to exceed the salary of a Battalion Chief.

"Widow."

(5) "Widow" means the surviving wife of a fireman and shall include the surviving wife of a fireman, retired on account of length of service, who was lawfully married to him for a period of five years prior to the time of his retirement; and the surviving wife of a fireman, retired on account of disability, who was lawfully married to him at and prior to the time he sustained the injury or contracted the illness resulting in his disability. The word shall not mean the divorced wife of an active or a retired fireman.

"Child."  
"Children."

(6) "Child" or "children" means a fireman's child or children under the age of eighteen years, unmarried, and in the legal custody of such fireman at the time of his death.

"Earned interest."

(7) "Earned interest" means and includes all annual increments to the firemen's pension fund from income earned by investment of the fund. The earned interest payable to any fireman shall be determined as being that portion of the total earned income of the firemen's pension fund which such



fireman's contributions to such fund bears to the total contributions to such fund by all firemen.

SEC. 2. The board, in addition to such general and special powers as are vested in it by the provisions of chapter 91, Laws of 1947 (chapter 41.16 RCW), which powers the board shall have with respect to this act shall have power to:

Additional board powers.

(1) Generally supervise and control the administration of this act;

(2) Pass upon and allow or disallow applications for pensions or other benefits provided by this act;

(3) Provide for payment from the firemen's pension fund of necessary expenses of maintenance and administration required by the provisions of this act;

(4) Make rules and regulations not inconsistent with this act for the purpose of carrying out and effecting the same;

(5) Require the physicians appointed under the provisions of chapter 91, Laws of 1947 (chapter 41.16 RCW), to examine and report to the board upon all applications for relief and pensions under this act; and

(6) Perform such acts, receive such compensation and enjoy such immunity as provided in section 4, chapter 91, Laws of 1947 (RCW 41.16.040).

SEC. 3. Every fireman to whom this act applies shall contribute to the firemen's pension fund and there shall be deducted from his pay and placed in the fund an amount in accordance with the following table:

Determination of fireman's contribution to fund.

Fireman whose age at last birthday at time of entry of service was:	Contributions and deductions from salary up to the pay of a battalion chief
21 and under	5.00%
22	5.24%
23	5.50%
24	5.77%

25	6.07%
26	6.38%
27	6.72%
28	7.09%
29	7.49%
30 and over	7.92%

Eligibility for retirement.

SEC. 4. Every fireman to whom this act applies, who shall have served twenty-five or more years as a member of the fire department, and having attained the age of fifty-five years, shall be eligible for retirement and shall be retired by the board upon his written request. Upon his retirement such fireman shall be paid a monthly pension based upon his basic salary, the number of years of his service and a salary percentage factor based upon his age on entering service as follows:

Monthly pension; basis of.

Salary percentage factor determination.

Entrance age at last birthday	Salary percentage factor
20 and under	1.50%
21	1.54%
22	1.58%
23	1.62%
24	1.66%
25	1.71%
26	1.76%
27	1.81%
28	1.87%
29	1.93%
30 and over	2.00%

Computation of monthly pension.

Unless the retired fireman otherwise elects, as hereinafter provided, his regular monthly pension shall be an amount computed by multiplying the monthly basic salary of such fireman by the number of years of his service and by multiplying the result by the applicable salary percentage factor. When the retired fireman, not having otherwise elected as hereinafter provided, dies, all his pension benefits, including survivors' benefits, shall cease.

Pension ceases on death.

Should the fireman so elect on or before the effective date of his retirement by giving written notice of such election to the board, his pension shall be paid under one of the following three options, each of which will provide the eventual additional benefit proper to the individual option:

Election of option; notice to board.

(1) A monthly pension in an amount less by five dollars than the regular monthly pension hereinabove provided for—the additional benefit proper to this option shall be the return to the retired fireman's widow or, if there be no widow, to his child or children, of the amount, if any, of the firemen's total contributions to the fund, plus earned interest, after deducting therefrom the total monthly pension benefits paid to said fireman;

Option.

(2) A monthly pension in the amount of eighty percent of the regular monthly pension hereinabove provided for—the additional benefit proper to this option shall be the payment of a like monthly amount to the retired fireman's widow or, if there be no widow, to his child or children;

Option.

(3) A monthly pension in the amount of ninety percent of the regular monthly pension hereinabove provided for—the additional benefit proper to this option shall be the payment of a monthly sum to the retired firemen's widow or, if there be no widow, to his child or children, equal to one-half of the monthly pension theretofore paid to such fireman.

Option.

Whenever any fireman shall die while eligible to retirement on account of years of service and age and shall not have been retired there shall be paid to his widow or, if there be no widow, to his child or children, a monthly sum equal to eighty percent of the regular monthly pension hereinabove provided for.

Death when eligible for retirement.

SEC. 5. Every fireman who shall become disabled as a result of the performance of duty may be retired at the expiration of six months from the date

Disabled fireman—retirement.

Procedure.

of his disability, upon his written request filed with his retirement board. The board may, upon such request being filed, consult such medical advice as it sees fit, and may have the applicant examined by such physicians as it deems desirable. If from the reports of such physicians the board finds the applicant capable of performing his duties in the fire department, the board may refuse to recommend his retirement. If, after the expiration of six months from the date of his disability, the board deems it for the good of the fire department or the pension fund it may recommend the retirement of a fireman disabled as a result of the performance of duty without any request for the same by him, and after having been given by the board a thirty days' written notice of such recommendation he shall be retired.

Fireman  
declared  
inactive.

SEC. 6. Whenever the retirement board, pursuant to examination by the board's physician and such other evidence as it may require, shall find a fireman has been disabled while in the performance of his duties it shall declare him inactive. For a period of six months from the time of such disability he shall draw from the pension fund a disability allowance equal to his monthly salary at the time of disability and, in addition, he may be provided with such medical, hospital and nursing care as long as the disability exists. If the board finds at the expiration of six months that the fireman is unable to return to and perform his duties, then he shall be retired as provided in section 7.

Inactive duty  
—disability  
pension.

SEC. 7. If a fireman, disabled as a result of the performance of duty, shall have at the time of his retirement (after six months disability) a total of less than twenty-five years of creditable service or shall be less than age fifty-five, he shall be placed on inactive duty and shall receive a disability pension of fifty percent of his basic salary. If he recovers from his disability he shall be restored to active

service with the same rank held at the time of the disability. If such fireman at the time of his disability retirement shall have a total of twenty-five years or more of creditable service and shall be not less than age fifty-five or, becoming fifty-five years of age or more while on disability retirement he would have had a total of twenty-five years or more of creditable service had he continued in active service, he shall receive a disability pension computed in the same manner and selected under the same options as the service retirement pension provided for under section 4 of this act.

SEC. 8. In the event a fireman is killed in the performance of duty, or in the event a disabled fireman shall die as a result of service-connected disabilities, his widow shall receive a monthly pension equal to fifty percent of his basic salary or, if she at any time so elects in writing and the board after hearing finds it to be financially beneficial to the pension fund, she may receive in lieu of all future monthly pension and other benefits, including benefits to child or children, the sum of five thousand dollars in cash. If there be no widow at the time of such fireman's death or upon the widow's death the monthly pension benefits hereinabove provided for shall be paid to his child or children. If there be a widow and a child or children at the time of such fireman's death, the widow's monthly pension benefit shall be increased in a sum equal to five percent of the basic salary of such fireman for each child until such child reaches the age of eighteen years: *Provided*, That such increased benefit shall in no event exceed ten percent of the basic salary of such fireman. The widow's monthly pension benefit, including increased benefits to her children shall cease if and when she remarries.

Fireman killed in performance of duty or dies as result of; provision for dependents.

Limitations.

SEC. 9. Any fireman who has served more than fifteen years and sustains a disability not in the per-

Disabled not in performance of duty.

Contribution  
of monthly  
pension.

Death of  
fireman not in  
performance  
of duty.

Resignation  
or dismissal  
of fireman.

Contribution  
or monthly  
pension.

Election of  
option; failure  
to exercise.

formance of his duty which renders him unable to continue his service, shall within sixty days exercise his choice either to receive his contribution to the fund, plus earned interest, or be retired and paid a monthly pension based on the factor of his age shown in section 4, hereof, times his monthly basic salary at the date of his retirement, times the number of years of service rendered at the time he sustained such disability. If such fireman shall die leaving surviving him a wife, or child or children, then such wife, or if he leaves no wife, then his child or children shall receive the sum of his contributions, plus earned interest, and such payment shall be reduced in the amount of the payments made to deceased.

SEC. 10. Any fireman who has served twenty years or more and who shall resign or be dismissed, shall have the option of receiving all his contributions plus earned interest, or a monthly pension in the amount of his basic salary times the number of years of service rendered, times one and one-half percent. Payment of such pension shall commence at the time of severance from the fire department, or at the age of fifty-five years, whichever shall be later. The fireman shall have sixty days from the severance date to elect which option he will take. In the event he fails to exercise his right of election then he shall receive the amount of his contributions plus earned interest. In the event he elects such pension, but dies before attaining the age of fifty-five, his widow, or if he leaves no widow, then his child or children shall receive only his contribution, plus earned interest. In the event he elects to take a pension and dies after attaining the age of fifty-five, his widow, or if he leaves no widow, then child or children shall receive his contribution, plus earned interest, less the amount of pension payments made to such fireman during his lifetime.

SEC. 11. Any fireman who shall have served for a period of less than twenty years, and shall resign, or be dismissed from the fire department for a reason other than conviction for a felony, shall be paid the amount of his contributions to the fund plus earned interest.

Resignation or dismissal—  
contribution  
returned.

SEC. 12. Whenever any fireman shall die from natural causes, or from an injury not sustained in the performance of his duty and for which no pension is provided for in this act, and who has not been retired on account of disability, his widow or, if there be no widow, his child or children, shall be entitled to the amount of his contributions to the fund plus earned interest, or the sum of one thousand dollars, whichever sum shall be the greater.

Death from  
natural  
causes, etc.;  
contributions  
returned.

SEC. 13. The board shall pay from the firemen's pension fund upon the death of any active or retired fireman the sum of two hundred dollars, to assist in defraying the funeral expenses of such fireman.

Funeral  
expenses.

SEC. 14. Every person who was a member of the fire department at the time he entered and served in the armed forces of the United States in time of war, whether as a draftee or inductee, and who shall have been discharged from such armed forces under conditions other than dishonorable, shall have added and accredited to his period of employment as a fireman his period of war or peacetime service in the armed forces: *Provided*, That such added and accredited service shall not as to any individual exceed five years.

Armed forces  
time  
accredited.

Limitation.

SEC. 15. The board shall require all firemen receiving disability pensions to be examined every six months: *Provided*, That no such examinations shall be required if upon certification by physicians the board shall formally enter upon its records a finding of fact that the disability is and will continue to be of such a nature that return to active duty

Examination  
required.

Examination  
requirement  
waived.

Examination procedure.

Rights forfeited.

Procedure when found fit for service.

can never reasonably be expected. All examinations shall be made by physicians duly appointed by the board. If a fireman shall wilfully fail to present himself for examination, within thirty days after being ordered so to do, he shall forfeit all rights under this act. If such fireman, upon examination as aforesaid, shall be found fit for service, he shall be restored to duty in the same rank held at the time of his retirement, or if unable to perform the duties of said rank then, at his request, in such other like or lesser rank as may be or become open and available, the duties of which he is then able to perform. The board shall thereupon so notify the fireman and shall require him to resume his duties as a member of the fire department. If, upon being so notified, such member shall wilfully fail to report for employment within ten days, he shall forfeit all rights to any benefit under this act.

Provisions exclusive application to following.

SEC. 16. The provisions of this act governing contributions, pensions, and benefits shall have exclusive application (1) to firemen as defined in this act hereafter becoming members of a fire department, (2) to firemen as defined in this act heretofore employed in a department who have not otherwise elected as provided for in section 17 hereof, and (3) to firemen on disability retirement under chapter 91, Laws of of 1947 (chapter 41.16 RCW), at the effective date of this act, who thereafter shall have been returned to active duty by the retirement board, and who have not otherwise elected as provided for in section 17 hereof within sixty days after return to active duty.

Every fireman may avail himself of benefits of act.

SEC. 17. Every fireman as defined in this act heretofore employed as a member of a fire department, whether or not as a prior fireman as defined in chapter 91, Laws of 1947 (chapter 41.16 RCW), who desires to make the contributions and avail himself of the pension and other benefits of said



chapter 91, Laws of 1947 (chapter 41.16 RCW), can do so by handing to and leaving with the firemen's pension board of his municipality a written notice of such intention within sixty days of the effective date of this act, or if he was on disability retirement under chapter 91, Laws of 1947 (chapter 41.16 RCW), at the effective date of this act and has been recalled to active duty by the retirement board, shall give such notice within sixty days of his return to active duty, and not otherwise.

Notice of  
intention.

Passed the House February 26, 1955.

Passed the Senate March 8, 1955.

Approved by the Governor March 21, 1955.

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## CHAPTER 383.

[ H. B. 639. ]

### HIGHWAYS.

AN ACT relating to state government and to public highways and the operation of motor vehicles thereon; defining the duties of the state highway commission and the joint fact-finding committee on highways, streets and bridges; establishing certain primary and secondary state highways; making appropriations and reappropriations from the motor vehicle fund and the highway equipment fund; making appropriations for surveys and studies of highways; relating to the functions of the Washington state toll bridge authority as to certain toll roads and bridges; amending section 3, chapter 225, Laws of 1949 and RCW 47.16.020, section 2, chapter 273, Laws of 1951 and RCW 47.16.100, and section 5, chapter 225, Laws of 1949 and RCW 47.16.190, and section 1, chapter 8, Laws of 1951 and RCW 47.16.140, and section 2, chapter 207, Laws of 1937, as amended by sections 2 through 5, chapter 280, Laws of 1953 and RCW 47.20.010 through 47.20.120, and section 4, chapter 207, Laws of 1937, as amended by section 5, chapter 273, Laws of 1951 and sections 7 and 8, chapter 280, Laws of 1953 and RCW 47.20.170 through 47.20.220, and section 2, chapter 212, Laws of 1943 and RCW 47.20.250 through 47.20.300, and section 9, chapter 280, Laws of 1953 and 47.20.320, and section 10, chapter 207, Laws of 1937, as amended by section 1, chapter 232, Laws of 1947 and section 8, chapter 273, Laws of 1951 and RCW 47.20.360 through 47.20.380, and section 11, chapter 207, Laws of 1937 and

RCW 47.20.390 through 47.20.400, and section 3, chapter 5, Laws of 1939 and RCW 47.20.480, and section 3, chapter 220, Laws of 1949 and RCW 43.27.060, and section 15, chapter 247, Laws of 1951 and RCW 43.27.200; adding a new section to RCW 47.20; repealing chapter 225, Laws of 1941; and declaring an emergency and the effective dates of certain sections of this act.

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

- Title. SECTION 1. This act shall be known as the Washington state highway act of 1955.
- Amendment. SEC. 2. Section 3, chapter 225, Laws of 1949 and RCW 47.16.020 are each amended to read as follows:
- Highways established; descriptions of. (RCW 47.16.020) No. 2 Sunset highway. A primary state highway to be known as primary state highway No. 2, or the Sunset highway, is hereby established according to description as follows: Beginning at the intersection of the west approach to the Lake Washington bridge at Rainier Avenue in Seattle in King county, thence in an easterly direction by the most feasible route by way of the Lake Washington bridge and approaches crossing Lake Washington and Mercer Island to the east shore of Lake Washington, thence in an easterly direction by the most feasible route by way of North Bend, Snoqualmie Pass, Cle Elum, Blewett Pass, Wenatchee, Waterville, Wilbur, Davenport and Spokane to the Washington-Idaho boundary line; also beginning at Seattle in King county, thence in an easterly direction by the most feasible route by way of Renton to a junction with primary state highway No. 2, as herein described, in the vicinity of Issaquah; also beginning at Seattle in King county, thence in an easterly direction by the most feasible route to the north of Lake Washington to a junction with primary state highway No. 2, as herein described, in the vicinity west of Snoqualmie Pass; also from a junction at a point approximately four miles west of North Bend in a general southwesterly direction by
- No. 2 Sunset highway.

the most direct and feasible route by way of Auburn to a junction with state road No. 1 in the vicinity of Milton.

SEC. 3. Section 2, chapter 273, Laws of 1951 and RCW 47.16.100 are each amended to read as follows: Amendment.

(RCW 47.16.100) A primary state highway to be known as primary state highway No. 10, or the Chelan-Okanogan highway, is established as follows: No. 10 Chelan-Okanogan highway. Beginning at Quincy, on primary state highway No. 7, thence in a northwesterly direction to a junction with primary state highway No. 2, in the vicinity east of Wenatchee; also beginning at a junction with primary state highway No. 2, in the vicinity northwesterly of Wenatchee, thence in a northerly direction on the west side of the Columbia river by way of Chelan, Pateros, Brewster, Okanogan and Oroville to the international boundary line; also beginning at a point on primary state highway No. 10 at Brewster, thence in a southeasterly direction on the north side of the Columbia river to Chief Joseph dam, thence crossing the Columbia river to the south side in the vicinity of Bridgeport, thence southerly to the junction with primary state highway No. 2 in the vicinity west of Coulee City; also from Brewster on primary state highway No. 10, thence in a southeasterly direction on the south side of the Columbia river to a junction with primary state highway No. 10 in the vicinity of Bridgeport.

SEC. 4. Section 5, chapter 225, Laws of 1949 and RCW 47.16.190 are each amended to read as follows: Amendment.

(RCW 47.16.190) A primary state highway to be known as primary state highway No. 21, or the Kitsap Peninsula highway, is hereby established according to description as follows: No. 21 Kitsap Peninsula highway. Beginning at a junction with primary state highway No. 9 near the mouth of the Skokomish river, thence in a north-easterly direction along the southeast shore of Hood Canal to the vicinity of Belfair, thence northeasterly

by the most feasible route to Bremerton, thence northerly and easterly by the most feasible route in the vicinity of Poulsbo to Port Gamble, thence southerly and easterly to Kingston; also, beginning at Lofall on Hood Canal, thence in an easterly direction to a connection with primary state highway No. 21 as herein described; also beginning at Keyport, thence in a westerly direction by the most feasible route to a junction with primary state highway No. 21, as herein described.

Amendment.

SEC. 5. Section 1, chapter 8, Laws of 1951, and RCW 47.16.140 are each amended to read as follows:

No. 14 Navy  
Yard highway.

(RCW 47.16.140) A primary state highway to be known as primary state highway No. 14, or the Navy Yard highway, is hereby established according to description as follows: Beginning at a junction with primary state highway No. 21 near the southwest end of Sinclair Inlet, thence northeasterly by way of Port Orchard to Manchester and Harper; also, beginning at a junction with primary state highway No. 14 in the vicinity of Port Orchard, as herein described, thence in a southeasterly direction by way of the Tacoma Narrows Bridge to a junction with primary state highway No. 1 in Tacoma.

Division and  
amendment.

SEC. 6. Section 2, chapter 207, Laws of 1937 as last amended by sections 2 through 5, chapter 280, Laws of 1953, (heretofore codified as RCW 47.20.010 through 47.20.120) is divided and amended as set forth in sections 7 through 18 of this act.

Enacted  
without  
amendment.

SEC. 7. (RCW 47.20.010) Secondary state highways as branches of primary state highway No. 1 are established as follows:

Secondary  
highways;  
branches of  
primary No. 1;  
established.

Secondary state highway No. 1A; beginning at a junction with the Mt. Baker branch of primary state highway No. 1 in the vicinity of Lawrence, thence in a northerly direction to the international boundary in the vicinity west of Sumas; also beginning at a junction with secondary state highway No. 1A in

No. 1A.

the vicinity of Nooksack, thence southwesterly by way of Everson to a junction with secondary state highway No. 1B in the vicinity of Wiser Lake; also beginning at a junction with the Mt. Baker branch of primary state highway No. 1 in the vicinity of Deming, thence in a southerly direction by way of Sedro Woolley, Arlington and Snohomish to a junction with primary state highway No. 2 in the vicinity of Woodinville;

Secondary state highway No. 1B; beginning at No. 1B. Bellingham on primary state highway No. 1, thence in a northerly direction to the international boundary in the vicinity east of Delta.

SEC. 8. (RCW 47.20.020) Secondary state highways as branches of primary state highway No. 1 are established as follows:

Secondary state highway No. 1C; beginning at a No. 1C junction with primary state highway No. 1 in the vicinity south of Blanchard, thence in a southerly direction to a junction with primary state highway No. 1 in the vicinity of Whitney; also beginning at Burlington on primary state highway No. 1, thence in a westerly direction to a junction with primary state highway No. 1 in the vicinity east of Whitney;

Secondary state highway No. 1D; beginning at a No. 1D. junction with primary state highway No. 1 in the vicinity southeast of Anacortes, thence southerly by way of Deception Pass to the vicinity of Columbia Beach in the southern portion of Whidbey Island; also beginning at a junction with secondary state highway No. 1D as herein described in the vicinity easterly of the Keystone ferry slip, thence westerly to the Keystone ferry slip.

SEC. 9. (RCW 47.20.030) Secondary state highways as branches of primary state highway No. 1, Enacted without amendment. are established as follows:

Secondary state highway No. 1E; beginning at No. 1E. Conway on primary state highway No. 1, thence in a

southerly direction by way of East Stanwood, thence in a southeasterly direction to a junction with primary state highway No. 1, thence in an easterly direction to Arlington on secondary state highway No. 1A;

No. 1F. Secondary state highway No. 1F; beginning at a junction with primary state highway No. 1 in the vicinity of Burlington, thence in a northeasterly direction to a junction with secondary state highway No. 1A in the vicinity of Sedro Woolley.

Enacted  
without  
amendment.

SEC. 10. (RCW 47.20.040) Secondary state highways as branches of primary state highway No. 1, are established as follows:

No. 1G. Secondary state highway No. 1G; beginning at Mt. Vernon on primary state highway No. 1, thence in an easterly direction to a junction with secondary state highway No. 1A.

No. 1H. Secondary state highway No. 1H; beginning at Conway on primary state highway No. 1; thence in a southeasterly direction to McMurray on secondary state highway No. 1A.

Enacted  
without  
amendment.

SEC. 11. (RCW 47.20.050) Secondary state highways as branches of primary state highway No. 1, are established as follows:

No. 1I. Secondary state highway No. 1I; beginning at Everett on primary state highway No. 1, thence in a westerly direction to Mukilteo, thence in a southeasterly direction to a junction with primary state highway No. 1 in the vicinity south of Everett;

No. 1J. Secondary state highway No. 1J; beginning at a junction with primary state highway No. 1 in the vicinity north of Seattle, thence in an easterly direction to the vicinity of Lake Washington, thence in a southeasterly direction to Seattle in the vicinity of the Naval Air Station at Sandpoint.

Enacted  
without  
amendment.

SEC. 12. (RCW 47.20.060) Secondary state highways as branches of primary state highway No. 1, are established as follows:

Secondary state highway No. 1K; beginning at Seattle on primary state highway No. 1, thence in a southerly direction to Des Moines, thence in a south-easterly direction to a junction with primary state highway No. 1;

Secondary state highway No. 1L; beginning at a junction with primary state highway No. 5 in the vicinity south of Renton, thence in a westerly direction to a junction with primary state highway No. 1, thence in a westerly direction to a junction with secondary state highway No. 1K near Sunnydale.

SEC. 13. (RCW 47.20.070) Secondary state highways as branches of primary state highway No. 1 are established as follows: Enacted  
without  
amendment.

Secondary state highway No. 1M, beginning at a junction with primary state highway No. 1, in the vicinity south of Tumwater, thence in a southwesterly direction to a junction with primary state highway No. 9 in the vicinity of Rochester; No. 1M.

Secondary state highway No. 1N; beginning at Tenino, thence in a southerly direction by the most feasible route by way of Bucoda to the north corporate limits of the city of Centralia. No. 1N.

SEC. 14. (RCW 47.20.080) Secondary state highways as branches of primary state highway No. 1, are established as follows: Enacted  
without  
amendment.

Secondary state highway No. 1P; beginning at Toledo on primary state highway No. 1, thence in a southwesterly direction by way of Vader to Rydewood; No. 1P.

Secondary state highway No. 1Q; beginning at a junction with primary state highway No. 1 in the vicinity south of Toledo, thence in an easterly and southerly direction to a junction with secondary state highway No. 1R in the vicinity north of Toutle. No. 1Q.

SEC. 15. (RCW 47.20.090) Secondary state highways as branches of primary state highway No. 1, are established as follows: Enacted  
without  
amendment.

No. 1R. Secondary state highway No. 1R; beginning at a junction with primary state highway No. 1 in the vicinity north of Castle Rock, thence in an easterly direction by way of St. Helens to the boundary of the Columbia National Forest in the vicinity northwest of Mt. St. Helens;

No. 1S. Secondary state highway No. 1S; beginning at a junction with primary state highway No. 1 in the vicinity north of Woodland, thence in an easterly direction to Amboy, thence in a southerly direction to Battleground, thence in a westerly direction to a junction with primary state highway No. 1 in the vicinity north of Vancouver.

SEC. 16. (RCW 47.20.100) Secondary state highways as branches of primary state highway No. 1, are established as follows:

No. 1T. Secondary state highway No. 1T; beginning at Vancouver on primary state highway No. 1, thence in a northerly direction by way of Sara to Ridgefield, thence in an easterly direction to a junction with primary state highway No. 1 in the vicinity south of LaCenter;

No. 1U. Secondary state highway No. 1U; beginning at Battleground on secondary state highway No. 1S, thence in a southerly direction to Orchard on the secondary state highway No. 8A.

SEC. 17. (RCW 47.20.110) Secondary state highways as branches of primary state highway No. 1, are established as follows:

No. 1V. Secondary state highway No. 1V; beginning at Tacoma on primary state highway No. 1, thence in a northeasterly direction west of primary state highway No. 1 by way of Redondo to Des Moines on secondary state highway No. 1K;

No. 1W. Secondary state highway No. 1W; beginning at a junction with primary state highway No. 1 in the vicinity of the Snohomish-King county line, thence in a northwesterly direction to Edmonds.



SEC. 18. (RCW 47.20.120) Secondary state highways as branches of primary state highway No. 1 are established as follows:

Secondary state highway No. 1X; beginning at a junction with primary state highway No. 1 in the vicinity of Milton, thence in an easterly direction by way of Milton to a junction with secondary state highway No. 5D in the vicinity east of Milton; No. 1X.

Secondary state highway No. 1Y; beginning at a junction with primary state highway No. 1 in the vicinity east of East Stanwood; thence in a westerly direction to a junction with secondary state highway No. 1E in the vicinity of East Stanwood; thence in a westerly direction by way of Stanwood and over a bridge to a point on Camano Island known as McEachern's Corner. No. 1Y.

Secondary state highway No. 1Z; beginning at a junction with primary state highway No. 1 northwest of Bellingham, thence in a westerly direction to a junction with a Whatcom county road at a location where construction is feasible from an engineering and economic point of view. No. 1Z.

SEC. 19. Section 4, chapter 207, Laws of 1937 as last amended by section 5, chapter 273, Laws of 1951 and sections 7 and 8, chapter 280, Laws of 1953, (heretofore divided and codified as RCW 47.20.170 through 47.20.220) is divided and amended as set forth in the six succeeding sections. Division and amendment.

SEC. 20. (RCW 47.20.170) Secondary state highways as branches of primary state highway No. 3 are established as follows: Enacted without amendment.

Secondary state highway No. 3A; beginning at Union Gap on primary state highway No. 3, thence in a southeasterly direction to the south of the Yakima river to Toppenish on primary state highway No. 8, thence in a southeasterly direction by way of Mabton to Prosser on primary state highway No. 3; Secondary highways; branches of primary No. 3; established.  
No. 3A.

No. 3B. Secondary state highway No. 3B; beginning at Toppenish on primary state highway No. 8, thence in a westerly direction to White Swan.

Enacted  
without  
amendment.

SEC. 21. (RCW 47.20.180) Secondary state highways as branches of primary state highway No. 3 are established as follows:

No. 3C. Secondary state highway No. 3C; beginning at a junction with secondary state highway No. 3A south of Union Gap, thence in a southerly direction to a junction with secondary state highway No. 3B in the vicinity west of Toppenish.

No. 3D. Secondary state highway No. 3D; beginning at a junction with primary state highway No. 3 in the vicinity of Burbank, thence in a northeasterly direction by the most feasible route to a point in the vicinity of Eureka, thence in an easterly direction by the most feasible route to a junction with secondary state highway No. 3E in the vicinity of Prescott.

Enacted  
without  
amendment.

SEC. 22. (RCW 47.20.190) Secondary state highways as branches of primary state highway No. 3 are established as follows:

No. 3E. Secondary state highway No. 3E; beginning at Walla Walla on primary state highway No. 3, thence in a northerly direction to Prescott on secondary state highway No. 3D, thence in an easterly direction to a junction on primary state highway No. 3 in the vicinity northeast of Waitsburg.

No. 3F. Secondary state highway No. 3F; beginning at Colfax on primary state highway No. 3, thence in an easterly direction to Palouse on primary state highway No. 3.

Enacted  
without  
amendment.

SEC. 23. (RCW 47.20.200) Secondary state highways as branches of primary state highway No. 3 are established as follows:

No. 3H. Secondary state highway No. 3H; beginning at a junction with primary state highway No. 2 in the vicinity of Opportunity, thence in a southerly direction by way of Rockford, Fairfield, Latah, and Tekoa

to Oakesdale on primary state highway No. 3; also beginning at Tekoa on secondary state highway No. 3H, thence in an easterly direction to the Washington-Idaho boundary line.

SEC. 24. (RCW 47.20.210) Secondary state highways as branches of primary state highway No. 3 are established as follows: Enacted  
without  
amendment.

Secondary state highway No. 3J; beginning at a junction with primary state highway No. 3 in the vicinity of Springdale, thence in a southwesterly direction across the Spokane river to Long lake; No. 3J.

Secondary state highway No. 3K; beginning at Pomeroy on primary state highway No. 3, thence in a southeasterly direction to Peola, thence in a northeasterly direction to a junction with primary state highway No. 3 in the vicinity west of Clarkston. No. 3K.

SEC. 25. (RCW 47.20.220) Secondary state highways as branches of primary state highway No. 3 are established as follows:

Secondary state highway No. 3L; beginning at a junction with primary state highway No. 3 in the vicinity north of Dayton, thence in a northeasterly direction to a junction with primary state highway No. 3 in the vicinity west of Pomeroy. No. 3L.

Secondary state highway No. 3P; beginning at a junction with primary state highway No. 3 at the west end of the Kettle Falls bridge, thence in a westerly direction to a junction with secondary state highway No. 4A east of Republic: *Provided*, That secondary state highway No. 3P, as herein described, shall not become a part of the state highway system until after the construction of the Republic-Kettle Falls Forest Highway by the United States Bureau of Public Roads shall have been completed. No. 3P.

Secondary state highway No. 3R; beginning at the Richland wye junction with primary state highway No. 3; thence in a northerly direction to the south boundary of the government reservation; thence No. 3R.

beginning at the west boundary of the government reservation westerly to a junction of primary state highway No. 3 at Kiona.

Division and amendment.

SEC. 26. Section 2, chapter 212, Laws of 1943, (heretofore codified as RCW 47.20.250 through 47.20.300) is divided and amended as set forth in the six succeeding sections.

Enacted without amendment. Secondary highway; branches of No. 5; established.

SEC. 27. (RCW 47.20.250) Secondary state highways as branches of primary state highway No. 5 are established as follows:

No. 5A.

Secondary state highway No. 5A; beginning at a junction with primary state highway No. 5 south of Maple Valley, thence in a westerly direction to Kent on primary state highway No. 5, thence in a westerly direction to a junction with primary state highway No. 1;

No. 5B.

Secondary state highway No. 5B; beginning at Auburn on primary state highway No. 5, thence in a northeasterly direction to a junction with secondary state highway No. 5A in the vicinity south of Maple Valley.

Enacted without amendment.

SEC. 28. (RCW 47.20.260) Secondary state highways as branches of primary state highway No. 5 are established as follows:

No. 5C.

Secondary state highway No. 5C; beginning at Renton on primary state highway No. 2, thence in a southerly direction to a junction with secondary state highway No. 5A in the vicinity east of Kent;

No. 5D.

Secondary state highway No. 5D; beginning at Puyallup on primary state highway No. 5, thence in a northerly direction to a junction with primary state highway No. 1.

SEC. 29. (RCW 47.20.270) Secondary state highways as branches of primary state highway No. 5 are established as follows:

No. 5E.

Secondary state highway No. 5E; beginning at Puyallup on primary state highway No. 5, thence in

a southerly direction to Orting, thence in a north-easterly direction to a junction with primary state highway No. 5 in the vicinity south of Buckley;

Secondary state highway No. 5G; beginning at Puyallup on primary state highway No. 5, thence in a westerly direction to a junction with primary state highway No. 5 south of Tacoma, thence in a westerly direction to a junction with primary state highway No. 1 south of Tacoma. No. 5G.

SEC. 30. (RCW 47.20.280) Secondary state highways as branches of primary state highway No. 5 are established as follows: Enacted without amendment.

Secondary state highway No. 5H; beginning at a junction with primary state highway No. 5 in the vicinity south of Tacoma, thence in a southwesterly direction by way of McKenna, Yelm, and Rainier, to Tenino on primary state highway No. 1; No. 5H.

Secondary state highway No. 5I; beginning at Yelm on secondary state highway No. 5H, thence in a northwesterly direction to Tumwater on primary state highway No. 1. No. 5I.

SEC. 31. (RCW 47.20.290) Secondary state highways as branches of primary state highway No. 5 are established as follows: Enacted without amendment.

Secondary state highway No. 5J; beginning at McKenna on secondary state highway No. 5H, thence in an easterly direction to a junction with primary state highway No. 5; No. 5J.

Secondary state highway No. 5K; beginning at Morton on primary state highway No. 5, thence in a westerly direction by way of Onalaska to a junction with primary state highway No. 1 south of Chehalis. No. 5K.

SEC. 32. (RCW 47.20.300) Secondary state highways as branches of primary state highway No. 5 are established as follows:

Secondary state highway No. 5L; beginning at Morton on primary state highway No. 5; thence in a No. 5L.

southwesterly direction to Riffe on primary state highway No. 5;

No. 5M.

Secondary state highway No. 5M; beginning at a junction with primary state highway No. 5 in the vicinity west of Auburn, thence in a northerly direction to a junction with primary state highway No. 1 south of Seattle;

No. 5N.

Secondary state highway No. 5N; beginning at a junction with primary state highway No. 5 in Puyallup, thence in a southerly direction to Eatonville.

Amendment.

SEC. 33. Section 9, chapter 280, Laws of 1953, and RCW 47.20.320 are each amended to read as follows:

Secondary highways; branches of No. 7; established.

(RCW 47.20.320) Secondary state highways as branches of primary state highway No. 7 are established as follows:

No. 7C.

Secondary state highway No. 7C; beginning in the vicinity of the east end of the Vantage bridge on primary state highway No. 7, thence in a southerly direction parallel to the east bank of the Columbia river for a distance of approximately two and one-half miles, thence southeasterly in the vicinity of Othello, thence easterly to a junction with primary state highway No. 11, thence easterly to a junction with secondary state highway No. 11B in the vicinity of Washtucna: *Provided*, That until such times as secondary state highway No. 7C is actually constructed on the location adopted by the director of highways, no existing county roads shall be maintained or improved by the state department as a temporary route of said secondary state highway No. 7C.

New section.

SEC. 34. There is added to chapter 47.20 RCW, a new section to read as follows:

No. 7E.

Secondary state highway No. 7E is hereby established as a branch of primary state highway No. 7, according to the following designation and description:

Beginning in the vicinity of Moses Lake, thence northeasterly to a junction with primary state highway No. 7 in the vicinity west of Odessa: *Provided*, That until such times as secondary state highway No. 7E is actually constructed on the location adopted by the director of highways, no existing county roads shall be maintained or improved by the state department as a temporary route of said secondary state highway No. 7E.

SEC. 35. Section 10, chapter 207, Laws of 1937 as last amended by section 1, chapter 232, Laws of 1947 and section 8, chapter 273, Laws of 1951, (heretofore codified as RCW 47.20.360 through 47.20.380) is divided and amended as set forth in the three succeeding sections.

Division and amendment.

SEC. 36. (RCW 47.20.360) Secondary state highways as branches of primary state highway No. 9 are established as follows:

Secondary highways; branches of No. 9; established.

Secondary state highway No. 9A; beginning at Port Angeles on primary state highway No. 9, thence in a westerly direction by way of Pysht and Clallam Bay to Neah Bay.

No. 9A.

SEC. 37. (RCW 47.20.370) Secondary state highways as branches of primary state highway No. 9 are established as follows:

Enacted without amendment.

Secondary state highway No. 9C; beginning at a junction with primary state highway No. 9 in Hoquiam, thence in a northwesterly direction by way of Ocean City, Copalis, Pacific Beach, and Moclips to a junction with primary state highway No. 9 in the vicinity of Queets;

No. 9C.

Secondary state highway No. 9D; beginning at a junction with primary state highway No. 9 in the vicinity west of McCleary, thence in a northeasterly direction to a junction with primary state highway No. 9 south of Shelton.

No. 9D.

Enacted  
without  
amendment.

SEC. 38. (RCW 47.20.380) Secondary state highways as branches of primary state highway No. 9 are established as follows:

No. 9E.

Secondary state highway No. 9E; beginning at a junction with primary state highway No. 9 in the vicinity south of Discovery Bay, thence in a southeasterly direction to the vicinity of South Point on Hood Canal;

No. 9F.

Secondary state highway No. 9F; beginning at Sequim on primary state highway No. 9, thence in a northerly direction to Dungeness.

Division and  
amendment.

SEC. 39. Section 11, chapter 207, Laws of 1937 (heretofore codified as RCW 47.20.390 and 47.20.400) is divided and amended as set forth in the two succeeding sections.

Secondary  
highways;  
branches of  
No. 10;  
established.

SEC. 40. (RCW 47.20.390) Secondary state highways as branches of primary state highway No. 10, are hereby established according to designation and description as follows:

No. 10A.

Secondary state highway No. 10A; beginning at Omak on primary state highway No. 10, thence in a southeasterly direction by the most feasible route by way of Disautel and Nespelem to the boundary of the federal reservation at the Grand Coulee dam;

No. 10B.

Secondary state highway No. 10B; beginning at a junction with primary state highway No. 10 east of Bridgeport, thence in an easterly direction by the most feasible route to the boundary of the federal reservation at the Grand Coulee dam; also, a spur beginning at a junction with secondary state highway No. 10B in the vicinity of the boundary of the federal reservation at the Grand Coulee dam and extending to Crown Point; also beginning at a junction with secondary state highway No. 10B, as herein described, in the vicinity of Leahy, thence in a southwesterly direction by the most feasible route by way of Mansfield to a junction with primary state highway No. 2 in the vicinity of Waterville;



From the effective date of this section, June 7, 1951, and until construction of the extension of secondary state highway No. 10B is completed, the highway department of the state shall assume control and maintenance of the existing county road running from Sims Corner through Mansfield and south to the junction at Farmer.

SEC. 41. (RCW 47.20.400) Secondary state highways as branches of primary state highway No. 10 are established as follows:

Secondary state highway No. 10C; beginning at Chelan on primary state highway No. 10, thence in a northwesterly direction to the north of Lake Chelan to Manson; No. 10C.

Secondary state highway No. 10D; beginning at a wye junction with primary state highway No. 10 in the vicinity east of Chelan, thence in a southerly direction crossing the Columbia river in the vicinity of Chelan Station to a junction with primary state highway No. 2 in the vicinity of Orondo. No. 10D.

SEC. 42. Section 3, chapter 5, Laws of 1939 and RCW 47.20.480 are each amended to read as follows: Amendment.

(RCW 47.20.480) Secondary state highways as branches of primary state highway No. 14 are established as follows: Secondary highways; branches of No. 14; established.

Secondary state highway No. 14A; beginning at a junction with primary state highway No. 14 in the vicinity of Purdy, thence in a westerly direction to a junction with primary state highway No. 21 in the vicinity of Belfair; also beginning at a junction with secondary state highway No. 14A, as herein described, thence southwestwardly to a junction with primary state highway No. 9 at Shelton. No. 14A.

SEC. 43. The joint fact-finding committee on highways, streets and bridges, jointly, with the Washington state highway commission, shall, pursuant to the provisions of section 12, subsections (b) and (c) of Senate Bill 490, consider the following highway Studies of highways, streets and bridges to be made.

additions and deletions by undertaking a comprehensive and definitive study, with necessary reconnaissance surveys, including location, reconstruction cost and roadway design, to accomplish their evaluation with respect to their being a part of the modern integrated state highway system. All studies shall be completed by June 1, 1956.

Extension  
of No. 3J.

(1) An extension of secondary state highway No. 3J from Long Lake along the north bank of the Spokane river to Spokane city limits, and the deletion of secondary state highway No. 2H. (Reference in H. B. 413)

Appropriation.

There is hereby appropriated from the motor vehicle fund to the Washington state highway commission and the joint fact-finding committee on highways, streets and bridges the sum of fifteen thousand dollars (\$15,000.00), or so much thereof as may be necessary to carry out the provisions of this subsection.

Extension  
of No. 3H.

(2) An extension to secondary state highway No. 3H from Oakesdale southerly to a junction with primary state highway No. 3 in the vicinity south of Steptoe. (Reference in H. B. 393)

Appropriation.

There is hereby appropriated from the motor vehicle fund to the Washington state highway commission and the joint fact-finding committee on highways, streets and bridges the sum of two thousand five hundred dollars (\$2,500.00), or so much thereof as may be necessary to carry out the provisions of this subsection.

Extension  
of No. 7C.

(3) An extension of secondary state highway No. 7C from primary state highway No. 11 easterly to the vicinity of Washtucna; thence in a south-easterly direction to a junction with primary state highway No. 3 in the vicinity of Delaney; also, beginning at Washtucna, thence in a southerly direction to a junction with secondary state highway

No. 3E in the vicinity of Prescott. (Reference in H. B. 164 and S. B. 455)

There is hereby appropriated from the motor vehicle fund to the Washington state highway commission and the joint fact-finding committee on highways, streets and bridges the sum of fifteen thousand dollars (\$15,000.00), or so much thereof as may be necessary to carry out the provisions of this subsection. Appropriation.

(4) A highway on the west side of the Cowlitz river from the vicinity of Kelso northerly to a junction with primary state highway No. 1 in the vicinity of Vader. (Reference in H. B. No. 451) Cowlitz river highway.

There is hereby appropriated from the motor vehicle fund to the Washington state highway commission and the joint fact-finding committee on highways, streets and bridges the sum of thirteen thousand dollars (\$13,000.00), or so much thereof as may be necessary to carry out the provisions of this subsection. Appropriation.

(5) An extension of secondary state highway No. 3B from White Swan southwesterly to Old Fort Simcoe state park. (Reference in H. B. 313) Extension of No. 3B.

There is hereby appropriated from the motor vehicle fund to the Washington state highway commission and the joint fact-finding committee on highways, streets and bridges the sum of two thousand five hundred dollars (\$2,500.00), or so much thereof as may be necessary to carry out the provisions of this subsection. Appropriation.

(6) A highway from a junction with primary state highway No. 21 westerly to the westerly boundary of the Belfair state park. (Reference in H. B. No. 346) Highway west from No. 21 junction to Belfair park.

There is hereby appropriated from the motor vehicle fund to the Washington state highway commission and the joint fact-finding committee on highways, streets and bridges the sum of three thousand Appropriation.

dollars (\$3,000.00), or so much thereof as may be necessary to carry out the provisions of this subsection.

Highway northeast from No. 1A junction to Darrington.

(7) A highway beginning at a junction with secondary state highway No. 1A in Arlington northeasterly to Darrington. (Reference in H. B. 367)

Appropriation.

There is hereby appropriated from the motor vehicle fund to the Washington state highway commission and the joint fact-finding committee on highways, streets and bridges the sum of twelve thousand five hundred dollars (\$12,500.00), or so much thereof as may be necessary to carry out the provisions of this subsection.

Highway joining junction of No. 1 north of Seattle.

(8) A highway from the north city limits of Seattle in the vicinity of Holman road northeasterly to junction with primary state highway No. 1 north of Seattle. (Reference in H. B. 234)

Appropriation.

There is hereby appropriated from the motor vehicle fund to the Washington state highway commission and the joint fact-finding committee on highways, streets and bridges the sum of two thousand dollars (\$2,000.00), or so much thereof as may be necessary to carry out the provisions of this subsection.

Highways to proposed toll roads.

(9) A highway from Edmonds northeasterly to Lynnwood to a connection with proposed toll road south of Everett; also, from a junction of primary state highway No. 2 in the vicinity of Bothell northwesterly to a connection with the proposed toll road south of Everett. (Reference in H. B. 242 and H. B. 536)

Appropriations.

There is hereby appropriated from the motor vehicle fund to the Washington state highway commission and the joint fact-finding committee on highways, streets and bridges the sum of seven thousand five hundred dollars (\$7,500.00), or so much thereof as may be necessary to carry out the provisions of this subsection.

(10) A highway from primary state highway No. 12 in the vicinity of Pe Ell southwesterly to junction with primary state highway No. 12 in the vicinity of Grays River. (Reference in S. B. 332)

Highway from No. 12 near PeEll to No. 12 near Grays River.

There is hereby appropriated from the motor vehicle fund to the Washington state highway commission and the joint fact-finding committee on highways, streets and bridges the sum of twenty thousand dollars (\$20,000.00), or so much thereof as may be necessary to carry out the provisions of this subsection.

Appropriation.

SEC. 44. Section 3, chapter 220, Laws of 1949 and RCW 43.27.060 are each amended to read as follows:

Amendment.

(RCW 43.27.060) The state highway commission shall establish and provide for the operation and maintenance within the department of highways a personnel merit system for the employment, classification, salaries, promotion, demotion, suspension, transfer, layoff, and discharge of its appointive officers and employees on the sole basis of merit and fitness and without regard to political influence or affiliation. The state highway commission shall have power to adopt the type or pattern of merit system best suited to its size and conditions. The provisions hereof shall apply only to engineering, supervisory, technical, accounting, property acquiring, traffic inspection, maintenance, shop, and clerical employees.

Personnel merit system.

Employees covered by provisions.

The body created for the purpose of administering such personal system shall have power to make, amend and repeal rules and regulations essential in carrying out the provisions of this section. All such rules and regulations shall become effective if not disapproved by the state highway commission within sixty days after their promulgation. Such rules and regulations shall provide:

Powers of administrative body.

Rules and regulations to provide.

(1) That the person to be discharged or demoted must be presented with the reasons for such discharge or demotion specifically stated; and

(2) That he shall be allowed a reasonable time in which to reply thereto in writing.

The reasons and the reply shall be filed as a public record with the state highway commission.

SEC. 45. Section 15, chapter 247, Laws of 1951 and RCW 43.27.200 are each amended to read as follows:

Budget.

(RCW 43.27.200) The commission shall prepare, furnish and present to the governor and to the legislature at the time of its convening, the budget for the following two years. The commission shall continue its comprehensive plan for highway development based on the principle that the state is furnishing transportation facilities which should be paid for by those most benefited and developed in the order of greatest need therefor.

Commission principle.

Appropriation from highway equipment fund.

SEC. 46. There is hereby appropriated from the highway equipment fund to the Washington state highway commission for the period beginning April 1, 1955, and ending June 30, 1957, the sum of seven million two hundred seventy thousand eight hundred three dollars (\$7,270,803.00), or so much thereof as shall be necessary, to continue the highway equipment fund as established by RCW 47.08.120 and amendments thereof.

Appropriations from motor vehicle fund.

SEC. 47. There is hereby appropriated from the motor vehicle fund to the Washington state highway commission for the period beginning April 1, 1955, and ending June 30, 1957, for salaries, wages and operations of the offices of the commission, director and district offices of the department of highways, including the office of the research and planning engineer, the traffic engineer, including traffic training; and the administration of state aid to cities and counties as provided by RCW 46.68.110-120 and amendments thereof, the sum of three million seven hundred thirty thousand six hundred thirty-five

Salaries, wages and operations; administration of state aid to cities and counties.

dollars (\$3,730,635.00), or so much thereof as shall be necessary.

SEC. 48. There is hereby appropriated from the motor vehicle fund to the Washington state highway commission and the joint fact-finding committee on highways, streets and bridges for the period beginning April 1, 1955, and ending June 30, 1957, the sum of three hundred sixty-three thousand dollars (\$363,000.00), or so much thereof as shall be necessary, to be used by the state highway commission and the joint fact-finding committee on highways, streets and bridges for the costs of special studies, tests and research relative to highway problems and for other necessary expenses authorized.

Appropriation.

Costs of special studies, tests and research.

SEC. 49. There is hereby appropriated from the motor vehicle fund to the Washington state highway commission for the period beginning April 1, 1955, and ending June 30, 1957, and for obligations incurred and not yet paid, the sum of ninety-five million five hundred seventeen thousand two hundred six dollars (\$95,517,206.00), or so much thereof as shall be necessary, for primary and secondary highways and designated routes through cities and towns, including location, engineering, engineering supervision, improvement, rights of way, construction and damages, bridges, reconstruction, interest and bond redemption on state owned bridges, maintenance including road signs, traffic signals and devices, radio, ferries, toll bridges, extraordinary maintenance, non-reimbursable federal aid off the state system, emergencies and for any and all proper highway purposes not specifically set forth in this act, emergencies being defined as damages to highways, structures, ferries, and/or other conditions involving public safety or welfare, which could not with the exercise of reasonable judgment have been foreseen.

Appropriation.

Primary and secondary highways.

SEC. 50. There is hereby appropriated from the motor vehicle fund to the Washington state highway

Appropriation.

commission for the period beginning April 1, 1955, and ending June 30, 1957, and for obligations incurred and not yet paid, the sum of sixty million seven hundred eighty-seven thousand three hundred four dollars (\$60,787,304.00), or so much thereof as shall be necessary, to be expended and reimbursed under specific project agreements executed or to be executed under the federal aid road acts and the state acts assenting thereto; and for any other expenditures of any kind by the department of highways upon public highways, or for services to other public agencies for which reimbursement is anticipated; and inventories and salary suspense.

Specific project agreements.

Appropriation.

SEC. 51. There is hereby appropriated from the motor vehicle fund to the Washington state highway commission for the period beginning April 1, 1955, and ending June 30, 1957, and for obligations incurred and not yet paid, the sum of one million nine hundred thirty-four thousand three hundred dollars (\$1,934,300.00) or so much thereof as shall be necessary for capital outlay, which shall include purchase and improvement of land, erection of buildings and structures, major repairs and equipment, including salaries and wages incident thereto.

Capital outlay.

Reappropriations from motor vehicle fund.

SEC. 52. There is hereby reappropriated from the motor vehicle fund to the Washington state highway commission for the period beginning April 1, 1955, and ending June 30, 1957, and for obligations incurred and not yet paid, the sum of twenty-three million twelve thousand nine hundred eighty-three dollars (\$23,012,983.00), the same being the unexpended balance of the appropriation contained in section 21, chapter 280, Laws of 1953, as shown on the records of the state auditor January 31, 1955: *Provided*, That no expenditure under the authority of this act shall exceed the unexpended balance of the appropriation contained in section 21, chapter 280, Laws of 1953, as of March 31, 1955. Of this sum

Unexpended balance.



bonds in the amount of ten million seven hundred three thousand six hundred twenty-five dollars (\$10,703,625.00) are to be sold and issued after April 1, 1955, which sum represents the residual amount authorized under section 2, chapter 121, Laws of 1953.

Bonds.

SEC. 53. There is hereby reappropriated from the motor vehicle fund to the Washington state highway commission for the period beginning April 1, 1955, and ending June 30, 1957, and for obligations incurred and not yet paid, the sum of sixteen million seventy-eight thousand one hundred thirty-two dollars (\$16,078,132.00), the same being the unexpended balance of the appropriation contained in section 22, chapter 280, Laws of 1953 as shown on the records of the state auditor January 31, 1955: *Provided*, That no expenditure under the authority of this act shall exceed the unexpended balance of the appropriation contained in section 22, chapter 280, Laws of 1953, as of March 31, 1955. Of this sum bonds in the amount of ten million dollars (\$10,000,000.00) are to be sold and issued after April 1, 1955, which sum represents the residual amount authorized under chapter 154, section 2, Laws of 1953.

Reappropriation.

Unexpended balance.

Limitation.

SEC. 54. There is hereby appropriated from the motor vehicle fund to the incorporated cities and towns of the state, for the period beginning April 1, 1955, and ending June 30, 1957, the sum of thirteen million six hundred seventy-eight thousand dollars (\$13,678,000.00), or so much thereof as shall become available under 46.68 RCW and amendments thereto, including supplemental amounts due and sums reserved by resolutions to the state, to be paid out and expended in the manner provided by law.

Appropriations from motor vehicle fund.

To incorporated cities and towns.

SEC. 55. There is hereby appropriated from the motor vehicle fund to the counties of the state, including counties composed of islands, for the period beginning April 1, 1955, and ending June 30, 1957,

Appropriation.

the sum of forty-three million ninety-three thousand dollars (\$43,093,000.00), or so much thereof as shall become available under chapter 46.68 RCW and amendments thereto, including supplemental amounts due and sums reserved by resolutions to the state, to be paid out and expended in the manner provided by law.

Appropriation. SEC. 56. There is hereby appropriated from the motor vehicle fund to the Washington state highway commission for the period beginning April 1, 1955, and ending June 30, 1957, for the advance purchase of rights of way and access rights necessary for the orderly development of the ten-year highway program, the sum of ten million dollars (\$10,000,000.00).  
Rights of way and access rights.

Appropriation. SEC. 57. There is hereby appropriated from the motor vehicle fund the sum of nine million three hundred twenty-four thousand seven hundred fifty dollars (\$9,324,750.00) for transfer to the bond retirement fund as provided in chapter 121, Laws of 1951 and chapter 154, Laws of 1953.  
Bond retirement fund.

Appropriation. SEC. 58. There is hereby appropriated from the motor vehicle fund to the joint fact-finding committee on highways, streets and bridges, created by chapter 111, Laws of 1947, continued by chapter 213, Laws of 1949, chapter 269, Laws of 1951, and chapter 280, Laws of 1953 and senate bill No. 490 of the 1955 legislative session for the period beginning April 1, 1955, and ending June 30, 1957, the sum of thirty-five thousand dollars (\$35,000.00), or so much thereof as shall be necessary.  
To joint fact-finding committee.

Appropriation. SEC. 59. There is hereby appropriated from the motor vehicle fund to the state treasurer the sum of five hundred thousand dollars (\$500,000.00) to be distributed to the counties of the state as provided in section 2 of senate bill No. 421.  
Distribution to counties.

Appropriation. SEC. 60. There is hereby appropriated from the motor vehicle fund to the Washington toll bridge au-

thority the sum of one hundred thousand dollars (\$100,000.00) for the period from April 1, 1955, to and including June 30, 1957, or so much thereof as may be necessary to complete the preliminary studies and preliminary engineering surveys and to furnish funds to do all things necessary for the construction of the proposed Tacoma-Seattle-Everett toll road preliminary to financing the construction and placing in operation of the said facility. The money herein appropriated shall be considered a loan from the motor vehicle fund, to be repaid to said fund from the sale of revenue bonds issued to finance the proposed Tacoma-Seattle-Everett toll road.

Preliminary studies and surveys—Tacoma-Seattle-Everett toll road.

SEC. 61. There is hereby appropriated from the motor vehicle fund to the Washington toll bridge authority, the sum of one hundred twenty-five thousand dollars (\$125,000.00), or so much thereof as may be necessary, for the period beginning April 1, 1955 to, and including June 30, 1957, to complete the final location and design of the proposed second Lake Washington bridge and do all other things necessary prior to the issuance of revenue bonds to finance the acquisition of right of way, construction and other related items incidental to the completion of said bridge. The money herein appropriated shall be considered a loan from the motor vehicle fund to be repaid to said fund from the sale of revenue bonds issued to finance said bridge.

Appropriation.

Complete final design and location, etc., second Lake Washington bridge.

SEC. 62. For the period beginning April 1, 1955, and ending June 30, 1957, there is hereby appropriated from the motor vehicle fund to the Washington toll bridge authority, the sum of seven hundred thousand dollars (\$700,000.00) (of which four hundred fifty thousand dollars (\$450,000.00) is a re-appropriation), or so much thereof as may be necessary, for conducting further engineering surveys and financial studies, and for designing feasible bridges and securing the necessary permits for the

Appropriation.

Surveys and studies for bridge across Puget Sound or Hood Canal.

construction of a bridge or bridges across Puget Sound or Hood Canal: *Provided*, That such studies and surveys shall be directed to the bridging of Puget Sound and Hood Canal, or to the bridging of both, and the funds herein appropriated shall not be applied to the study of either of said projects to the exclusion of the other.

If the total project, or any part thereof, is deemed feasible by the authority as an integral part of the public highway system, and has been approved by the highway commission, the authority shall further utilize the funds herein appropriated to do all things necessary to accomplish the sale of revenue bonds to finance the proposed project, or any part thereof as may be determined feasible, and for the payment of all preliminary expenses incident to the issuance and sale of said bonds.

The appropriation herein authorized shall be considered a loan from the motor vehicle fund, and the motor vehicle fund shall be reimbursed in full for any portion of those funds which may be expended, from the proceeds of the sale of any revenue bonds issued for the purpose of financing said project or any part thereof.

Reimbursement.

Reappropriation from motor vehicle fund.

Unexpended balance.

SEC. 63. There is hereby reappropriated from the motor vehicle fund to the authority revolving fund for the period from April 1, 1955, to June 30, 1957, the sum of forty-nine thousand dollars (\$49,000.00) which is the unexpended balance of the appropriation contained in section 1, chapter 156, Laws of 1953, for the purpose of establishing the permanent authority revolving fund: *Provided*, That no expenditure under the authority of this act shall exceed the unexpended balance of the appropriation contained in section 2, chapter 156, Laws of 1953, as shown on the state auditor's records as of March 31, 1955.

SEC. 64. There is hereby appropriated from the authority revolving fund to the Washington toll bridge authority for the period from April 1, 1955, to June 30, 1957, the sum of one hundred twenty-five thousand dollars (\$125,000.00) to carry out the provisions of sections 14 and 15, chapter 259, Laws of 1951, and RCW 47.60.180 and RCW 47.60.190. Appropriation.

SEC. 65. (1) If any provision of this act or the application thereof to any person, firm, or corporation or circumstance is held invalid, in whole or in part, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provisions or application and to this end the provisions of this act are declared to be severable. Invalidity.

(2) If any provision of this act shall be declared unconstitutional or ineffective in whole or in part by a court of competent jurisdiction, then to the extent that it is unconstitutional or ineffective, such provision shall not be enforced, nor shall such determination be deemed to invalidate the remaining provisions of this act. Invalidity.

SEC. 66. Chapter 225, Laws of 1941, is hereby repealed. Repeal.

SEC. 67. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and sections 3, 4, 5 and 42 shall take effect immediately, sections 32, 40, 41, 43 to 58, inclusive, 60 to 64, inclusive, and 66 shall take effect April 1, 1955. Effective date.

Passed the House March 9, 1955.

Passed the Senate March 8, 1955.

Approved by the Governor March 21, 1955.

## CHAPTER 384.

[ S. B. 490. ]

## HIGHWAYS.

AN ACT relating to public highways and the operation of vehicles thereon; defining the powers and duties of the state highway commission, department of licenses and the joint fact-finding committee on highways, streets and bridges; amending section 1, chapter 153, Laws of 1943 and RCW 46.04.320, section 5, chapter 189, Laws of 1937, as amended by section 1, chapter 200, Laws of 1947 and RCW 46.08.050, section 1, chapter 146, Laws of 1945 and RCW 47.12.060 and 47.12.070, section 1, chapter 125, Laws of 1953 and RCW 46.44.020, sections 18, 23, and 26, chapter 269, Laws of 1951 and RCW 46.44.036, 46.44.040 and 46.16.140, section 17, chapter 150, Laws of 1951 and RCW 46.16.060, section 1, chapter 174, Laws of 1949 and RCW 46.16.160, section 8, chapter 188, Laws of 1937 and RCW 46.16.260, and section 10, chapter 254, Laws of 1953 and RCW 46.44.047; adding a new section to chapter 46.76 RCW; adding a new section to chapter 46.44 RCW and five new sections to chapter 46.16 RCW and declaring an emergency.

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

Amendment.

SECTION 1. Section 1, chapter 125, Laws of 1953 and RCW 46.44.020 are each amended to read as follows:

Unlawful height for vehicles; additional allowance possible.

It shall be unlawful for any vehicle unladen or with load to exceed a height of twelve feet and six inches above the level surface upon which the vehicle stands. An additional twelve inches in height is lawful as to a vehicle over and above such twelve feet six inches when (a) such vehicle is of the covered van type with a permanently attached roof, or (b) when such vehicle is equipped with permanently attached bows or ribs over which a flexible, removable covering is placed or (c) vehicles engaged in the transportation of automobiles and light trucks. Such additional height shall not require the state or any county, city, town or other political subdivision, or any other person or corporation, to maintain vertical clearances above the roadway at a height in excess of twelve feet six inches.

Vertical clearance.

This section shall not apply to authorized emergency vehicles or repair equipment of a public utility engaged in reasonably necessary operation. The provisions of this section shall not relieve the owner or operator of a vehicle or combination of vehicles from the exercise of due care in determining that sufficient vertical clearance is provided upon the public highways where such vehicle or combination of vehicles is being operated; and no liability shall attach to the state or to any county, city, town or other political subdivision by reason of any damage or injury to persons or property by reason of the existence of any structure over or across any public highway where the vertical clearance above the roadway is twelve feet six inches or more; or, where such vertical clearance is less than twelve feet six inches, if impaired clearance signs of a design approved by the Washington state highway commission are erected and maintained on the right side of any such public highway: In cities and towns at a distance of not less than two hundred feet and not more than three hundred feet; and in rural areas at a distance of not less than three hundred fifty feet and not more than five hundred feet, from each side of such structure. If any structure over or across any public highway is not owned by the state or by a county, city, town or other political subdivision, it shall be the duty of the owner thereof when billed therefor to reimburse the Washington state highway commission or the county, city, town or other political subdivision having jurisdiction over such highway for the actual cost of erecting and maintaining such impaired clearance signs, but no liability shall attach to such owner by reason of any damage or injury to persons or property caused by impaired vertical clearance above the roadway.

No application.

Vertical clearance; exemption from liability.

Impaired clearance signs.

Reimburse for cost of erection and maintenance.

SEC. 2. Section 23, chapter 269, Laws of 1951 and RCW 46.44.036 are each amended to read as follows:

Amendment.

Operation of combination of more than two vehicles unlawful; exception.

Except as provided in section 3 of this act, it is unlawful for any person to operate upon the public highways of this state any combination of vehicles consisting of more than two vehicles. For the purposes of this section a truck tractor-semitrailer and/or pole trailer combination will be considered as two vehicles but the addition of another axle to the tractor of a truck tractor-semitrailer and/or pole trailer combination in such a way that it supports a proportional share of the load of the semitrailer and/or pole trailer shall not be deemed a separate vehicle but for all purposes shall be considered a part of the truck tractor. For the purposes of this section a converter gear used in converting a semitrailer to a full trailer shall not be deemed a separate vehicle but for all purposes shall be considered a part of the trailer.

New section.

SEC. 3. There is a new section added to chapter 46.44 RCW to read as follows:

Operation of truck tractor, semitrailer and trailer in combination lawful.

It shall be lawful to operate a truck tractor, semitrailer and a trailer in combination subject to such rules and regulations as the state highway commission may adopt governing the operation of such a combination, and for the purpose of this section a converter gear used to convert a semitrailer into a trailer shall not be deemed a separate vehicle but shall be considered to be a part of the trailer.

Special permit.

Such a combination when fully licensed to the maximum gross weight permitted under RCW 46.44.040, RCW 46.44.042 and RCW 46.44.044, may be entitled to a special permit authorizing the combination to carry not more than four thousand pounds of gross weight in excess of that allowed in RCW 46.44.044 upon the payment of the fees set forth in RCW 46.44.095 and on such highways and subject to such terms and conditions as the state highway commission shall prescribe pursuant to the provisions of RCW 46.44.095: *Provided*, That any state highway patrol officer who shall find any person operating a

Fees.



vehicle in violation of the conditions of a special permit issued under this section may confiscate such permit and forward it to the state highway commission which may return it to the permittee or revoke, cancel, or suspend it.

Confiscation  
of permit.

SEC. 4. Section 26, chapter 269, Laws of 1951 and RCW 46.44.040 are each amended as follows:

Amendment.

(1) It is unlawful to operate any vehicle upon the public highways with a gross weight including load upon any one axle thereof in excess of eighteen thousand pounds.

Operation un-  
lawful; gross  
weight on  
axle or  
axles basis.

It is unlawful to operate any one axle semitrailer upon the public highways with a gross weight including load upon such one axle in excess of eighteen thousand pounds.

It is unlawful to operate any truck or truck tractor upon the public highways of this state supported upon two axles with a gross weight including load in excess of twenty-eight thousand pounds.

It is unlawful to operate any semitrailer or pole trailer upon the public highways supported upon two axles with a gross weight including load in excess of thirty-two thousand pounds. It is unlawful to operate any two axle trailer upon the public highways with a gross weight, including load, in excess of thirty-six thousand pounds.

It is unlawful to operate any vehicle upon the public highways supported upon three axles or more with a gross weight including load in excess of thirty-six thousand pounds.

(2) The maximum axle and gross weights specified in subsection (1) above are subject to the braking requirements set up for the service brakes upon any motor vehicle or combination of vehicles as provided by law.

Braking re-  
quirements.

(3) It is unlawful to operate any vehicle upon the public highways equipped with two axles spaced less than seven feet apart, unless the two axles are so

Operation un-  
lawful; spac-  
ing of axles.

constructed and mounted in such a manner to provide oscillation between the two axles and that either one of the two axles will not at any one time carry more than the maximum gross weight allowed for one axle or two axles specified in subsection (1) above.

Amendment.

SEC. 5. Section 5, chapter 189, Laws of 1937, as amended by section 1, chapter 200, Laws of 1947, and RCW 46.08.050 are each amended to read as follows:

No application.

(RCW 46.08.050) The provisions of this title relating to the operation of vehicles upon the public highways of this state shall not apply:

Authorized emergency vehicle.

(1) To any authorized emergency vehicle properly equipped as required by law and actually responding to an emergency call or in immediate pursuit of an actual or suspected violator of the law, within the purpose for which such emergency vehicle has been authorized, but this shall not relieve the operator of an authorized emergency vehicle of the duty to operate with due regard for the safety of all persons using the public highway, nor shall it protect the operator of any such emergency vehicle from the consequences of a reckless disregard for the safety of others: *Provided*, That the provisions of this section shall in no event extend any special privilege or immunity to operate an authorized emergency vehicle for any purpose other than that for which it has been authorized.

Highway construction or maintenance workers.

(2) To any person, teams, vehicles, or other equipment while actually engaged in authorized work upon the surface of a public highway insofar as suspension of the provisions of this title is reasonably necessary for the carrying on of such work, if reasonable precautions are taken to apprise and protect the users of such public highway, but this exception shall not apply to such persons, teams, vehicles, and other equipment when traveling to and from such work.

(3) To any persons or vehicles, insofar as they may be specifically exempted from any provision or provisions of this title. Specific exemptions.

SEC. 6. There are added to chapter 46.16 RCW, two new sections as set forth in sections 7 and 9 of this act. New section.

SEC. 7. In addition to fees for licensing of vehicles, provided in RCW 46.16.072, there shall be paid and collected annually for each converter gear used to convert semitrailers into trailers, when licensed separately and not in combination with a semitrailer, as provided in section 9 of this act, a fee based on the maximum gross weight thereof as follows: Converter gear licensed; rates.

10,000 pounds or more and less than 12,000	\$180.00
12,000 pounds or more and less than 14,000	\$235.00
14,000 pounds or more and less than 16,000	\$275.00
16,000 pounds or more and less than 18,000	\$320.00

SEC. 8. When in the opinion of the governing authorities representing the state department of highways and any agency, instrumentality, municipal corporation or political subdivision of the state of Washington, any highway, road or street will be benefited or improved by constructing, reconstructing, locating, relocating, laying out, repairing, surveying, altering, improving or maintaining by either the said highway department or any agency, instrumentality, municipal corporation or political subdivision of the state, and it is in the public interest to do so, the authorities may enter into cooperative agreements wherein either agrees to perform the work and furnish the materials necessary and pay the cost thereof, including necessary engineering assistance, which costs and expenses shall be reimbursed by the party whose responsibility it was to do or perform such work or improvement in the first instance. Said work may be done by either day labor or contract, and the cooperative agreement Cooperative agreements.

between the parties shall provide for the method of reimbursement. In the case of some special benefit or improvement to a state highway derived from the construction of any public works project, the department of highways may contribute to the cost thereof by making direct payment to the particular state department, agency, instrumentality, municipal corporation or political subdivision on the basis of benefits received, but such payment shall be made only after a cooperative agreement has been entered into for a specified amount or on an actual cost basis prior to the commencement of said particular public works project.

Converter gear; option in license.

SEC. 9. A converter gear used to convert a semitrailer into a trailer, may, at the option of the owner, be licensed as a separate vehicle or the converter gear and a semitrailer may be licensed as a combination, in which event the combination of the two will be considered as a trailer for the purposes of this act.

Amendment.

SEC. 10. Section 1, chapter 153, Laws of 1943 and RCW 46.04.320 are each amended to read as follows:

"Motor vehicle" defined.

"Motor vehicle" shall mean every vehicle, except a motorcycle, which is in itself a self-propelled unit, and which is primarily designed and intended for the transportation of persons or property upon the public highways.

Amendment.

SEC. 11. Section 17, chapter 150, Laws of 1951 and RCW 46.16.060 are each amended to read as follows:

Vehicle license fee.

Except as otherwise specifically provided by law for the licensing of vehicles, there shall be paid and collected annually for each calendar year or fractional part thereof and upon each vehicle a license fee in the sum of five dollars: *Provided, however,* That the fee for licensing each house moving dollie which is used exclusively for moving buildings or homes on the highway under special permit as provided for in chapter 46.44, shall be twenty-five dollars.

House moving dollie license fee.

SEC. 12. Section 1, chapter 146, Laws of 1945 (heretofore codified as RCW 47.12.060 and 47.12.070) is divided and amended as set forth in sections 13 and 14 of this act.

Division and amendment.

SEC. 13. (RCW 47.12.060) When a state highway is relocated and the old route is abandoned, and the new route crosses land owned by a person who owns land abutting on the old route, the Washington state highway commission may agree with the owner to convey to him title to the old route or a part thereof as all or part consideration for his land to be taken for the new route.

Authority to convey property—Washington state highway commission.

Whenever the state has abandoned any highway rights of way, pit sites, stock pile sites or owns land not needed for highway purposes, the Washington state highway commission may sell same to abutting owners for the fair market value or exchange with any person as a consideration or part consideration for lands or property rights needed by the state, or may sell same by public auction whenever it is deemed in the public interest to do so.

The Washington state highway commission shall certify the agreement to the governor with a description of the property to be conveyed, and the governor may execute and the secretary of state shall attest the deed and deliver it to the grantee.

Conveyance procedure.

SEC. 14. (RCW 47.12.070) If the Washington state highway commission deems that any land is no longer required for state highway purposes and that it is in the public interest, said highway commission may negotiate for the sale of the land to a city or county of the state. The state highway commission shall certify the agreement for the sale to the governor, with a description of the land and the terms of the sale, and the governor may execute and the secretary of state shall attest the deed and deliver it to the grantee.

Sale of land to city or county.

Conveyance procedure.

Permit, lease or license to city or county.

If the state highway commission deems it in the public interest, said commission may on application therefor issue a permit, lease or license to any city or county of the state, for the use of any state highway land, upon such terms and conditions as the state highway commission may prescribe, but not longer than four years.

Time limitation.

Deposit of moneys.

Any moneys received pursuant to the provisions of this section shall be deposited in the motor vehicle fund.

New section.

SEC. 15. There is added to chapter 46.76 RCW a new section to read as follows:

Motor vehicle transporter to purchase gross weight fees.

Notwithstanding any other provision in this chapter, the holder of a valid license as a motor vehicle transporter shall purchase gross weight fees in accordance with section 46.16.070 RCW and/or section 46.16.072 RCW.

Amendment.

SEC. 16. Section 18, chapter 269, Laws of 1951 and RCW 46.16.140 are each amended to read as follows:

License violation—misdemeanor.

(RCW 46.16.140) Any person who operates, or causes, permits, or suffers to be operated upon a public highway of this state any auto stage, motor truck, trailer, pole trailer, or semitrailer, with passengers, or with a maximum gross weight, in excess of that for which the vehicle is licensed shall be guilty of a misdemeanor.

New maximum gross weight set—new license requirement.

Any person who operates or causes to be operated upon a public highway of this state any motor truck, trailer, pole trailer, or semitrailer with a maximum gross weight in excess of the maximum gross weight for which the vehicle is licensed shall be deemed to have set a new maximum gross weight and shall, in addition to any penalties otherwise provided, be required to purchase a new license covering the new maximum gross weight and any such person who fails to secure such new license shall be guilty of a misdemeanor: *Provided*, That this section shall not apply

to for hire vehicles or auto stages operating principally within cities and towns: *Provided further*, That upon surrender of the license originally purchased the director shall allow proper credit for the gross weight fee originally paid: *Provided further*, That no such person may be permitted or required to purchase the new license upon a gross weight which would exceed the maximum gross weight allowed by law.

No application.

Credit.

SEC. 17. Section 1, chapter 174, Laws of 1949 and RCW 46.16.160 are each amended to read as follows:

Amendment.

(RCW 46.16.160) Any commercial vehicle bearing valid license plates and registration certificate of another state or territory and not registered in this state and which under reciprocal relations with that state would be required to obtain a motor vehicle license in this state may, in lieu of a certificate of ownership and license registration, be issued a permit. Such permit shall be issued in such form and under such conditions as the director shall prescribe. Application for the permit shall be made to the director on forms provided by him. On receiving such application, together with fees as provided herein, the director shall issue a permit authorizing one continuous trip to and from a point without the state to a point within the state, for a fee equal to one-twelfth of the annual capacity fee ordinarily charged under the laws of this state for a vehicle of the type and weight of the vehicle to be licensed, or in the event that the vehicle will be used in intrastate operations, for any continuous period, there shall be charged and collected a fee equal to the full annual capacity fee ordinarily charged under the laws of this state for a vehicle of the weight and type of the vehicle to be licensed. Such capacity fees shall be in addition to the basic registration fee as provided for in RCW 46.16.060: *Provided*, That these fees shall not be subject to quarterly reduction as provided in

Reciprocal relations with another state; nonresident issued permit.

Procedure to obtain permit.

Fees.

Capacity fee additional to basic regulation fee.

RCW 46.16.130. Such vehicles will be subject to all of the laws, rules and regulations affecting the operation of like motor vehicles in this state. The permit shall be displayed at all times in a prominent place on the vehicle, or if vehicle is a trailer, then the permit shall be at all times in vehicle operator's possession. All fees collected under the provisions of this chapter shall be forwarded by the director with a proper identifying detailed report to the state treasurer who shall deposit such fees to the credit of the motor vehicle fund: *Provided*, The imposition of the capacity fees set forth in this section shall be considered reciprocal and shall apply only to vehicles licensed in other states, which states charge their full fees or approximately full fees, or charge upon a basis similar to the one set up in this section, for vehicles licensed in this state and operating in such other states, and in the event reciprocity is accorded by other states, the capacity fee charged for vehicles licensed in such other state or states, shall be on the same basis as charged by such other respective state.

Permit displayed or in possession.

Depositing of fees.

Basis of capacity fees.

Amendment.

SEC. 18. Section 8, chapter 188, Laws of 1937 and RCW 46.16.260 are each amended to read as follows:

Certificate of license registration; endorsement and display.

(RCW 46.16.260) A certificate of license registration to be valid must have endorsed thereon the signature of the registered owner (if a firm or corporation, the signature of one of its officers or other duly authorized agent), and must be enclosed in a suitable container and attached to the vehicle for which it is issued, at all times in the manner prescribed by the director. When the nature of the vehicle will not permit display in the place prescribed by the director, then such container with certificate therein shall be securely affixed at some conspicuous position upon the vehicle where it can be easily found, read, and inspected at all times by a person on the outside of the vehicle. The container shall have a cover of transparent material through which the certificate



may be inspected as to the information shown thereon, including the signature of the registered owner, and it shall be unlawful for any person to operate or have in his possession a vehicle without carrying thereon such certificate of license registration as herein provided. Any person in charge of such vehicle shall, upon demand of any of the local authorities or of any peace officer or of any representative of the department, permit an inspection of such certificate of license registration.

Inspection.

SEC. 19. Section 10, chapter 254, Laws of 1953 and RCW 46.44.047 are each amended to read as follows:

Amendment.

(RCW 46.44.047) In addition to the limitations of RCW 46.44.040, 46.44.042 and 46.44.044, a three-axle truck tractor and a two-axle pole trailer combination engaged in the operation of hauling logs, shall have an allowable variation in wheelbase length of six feet for the distance between the first and last axle of the vehicle in combination which has a wheelbase overall length of thirty-seven feet or more and upon special permit the gross weight of two axles spaced less than seven feet apart may exceed by not more than sixteen hundred pounds the maximum gross axle weight specified for two axles spaced less than seven feet apart, being thirty-two thousand pounds as provided in RCW 46.44.040, and the maximum gross weight of the combination of vehicles may exceed by not more than six thousand eight hundred pounds the maximum legal gross weight of the combination of vehicles, when fully licensed as permitted by law, being sixty-eight thousand pounds.

Allowable variation in wheelbase length—special permits.

Such additional allowances shall be permitted by a special permit to be issued by the director of highways under such rules, regulations, terms and conditions prescribed by the state highway commission. The fee for such special permit shall be fifty dollars for a twelve-month period beginning and ending on April 1st of each calendar year. Permits

Fee for special permit.

may be issued at any time but if issued after July 1st of any year the fee shall be thirty-seven dollars and fifty cents. If issued on or after September 1st the fee shall be twenty-five dollars and if issued on or after December 1st the fee shall be twelve dollars and fifty cents. A copy of such special permit covering the vehicle involved shall be carried in the cab of the vehicle at all times. Upon the third conviction for violation of the terms and conditions of the special permit, the special permit shall be canceled. The vehicle covered by such canceled special permit shall not be eligible for a new special permit until thirty days after the cancellation of the special permit issued to said vehicle. The fee for such renewal shall be at the same rate as set forth in this section which covers the original issuance of such special permit. Each special permit shall be assigned to a specific vehicle and shall not be transferable. For the purpose of determining gross weight the actual scale weight taken by the officer shall be prima facie evidence of such total gross weight. In the event the gross weight is in excess of the weight permitted by law the officer may, within his discretion, permit the operator to proceed with his vehicles in combination.

Special permit carried.

Special permit cancelled.

Renewal of cancelled permit.

Special permit not transferable.

Regulations by state patrol chief.

The chief of the state patrol, with the advice of the state highway commission, may make reasonable rules and regulations to aid in the enforcement of the provisions of this section.

Depositing of fees.

All fees collected under this section shall be deposited with the state treasurer and credited to the motor vehicle fund.

Committee continued.

SEC. 21. The joint fact-finding committee on highways, streets and bridges created by chapter 111, Laws of 1947, and continued in chapter 213, Laws of 1949, and by section 44, chapter 269, Laws of 1951, and by section 4, chapter 254, Laws of 1953, is hereby continued for another biennium. It shall consist of

six senators to be appointed by the president of the senate and six members of the house of representatives to be appointed by the speaker thereof. Three of the senate members and three of the house members shall be appointed from state highway districts west of the Cascade mountains, and three of the senate members and three of the house members shall be appointed from state highway districts east of the Cascade mountains. The list of appointees shall be submitted before the close of the 1955 session for confirmation of the senate members, by the senate, and the house members, by the house. Vacancies occurring shall be filled by the appointing authority.

Joint fact-finding committee; membership; appointment.

SEC. 22. The members of the committee shall be entitled to reimbursement of their expenses as set forth in section 5, chapter 111, Laws of 1947, except that any travel expenses shall be reimbursed at the rate of eight cents per mile.

Reimbursement to committee members.

SEC. 23. The committee is authorized and directed to continue its studies and for that purpose shall have all the powers and duties set forth in chapter 111, Laws of 1947, and in addition thereto is authorized and directed to ascertain, study, analyze, report on and make recommendations as to:

Committee powers and duties.

(a) Complete the highway research council's study of motor vehicle taxation including the assignment of the total highway costs among property owners, general taxpayers and highway users by June 1, 1956;

(b) Complete the study of a comprehensive renumbering plan for the state highway system.

(c) Report on an orderly development of state highways by classification and necessity with recommendations of additions and deletions to accomplish a modern integrated state highway system.

(d) The procedures of licensing of all motor vehicles.

(e) Recodifying the highway laws.

(f) A re-analysis of the financing of the Washington state patrol and the license department and providing a proper financing method.

(g) The highway commission and the joint fact-finding committee on highways, streets and bridges shall relog or cause to be relogged the total road mileages upon which the prorated estimated annual costs per trunk mile are based and shall recalculate such costs on the basis of such relogging and shall report their findings and recommendations to the legislature at its next regular session.

(h) The highway commission and the joint fact-finding committee on highways, streets and bridges shall study and report their findings to the legislature concerning the following problems as they affect the allocation of "motor vehicle fund" funds to counties:

(1) Comparative costs per trunk mile based on federal aid contracts versus those herein advocated.

(2) Average costs per trunk mile.

(3) The advisability of using either "trunk mileage" or "county road" mileage exclusively as the criterion instead of both as provided in RCW 46.68-.120 as amended.

(4) Reassessment of bridge costs based on current information and relogging of bridges.

(5) The items in the list of resources used in determining the "need factor."

(6) The development of a uniform accounting system for counties with regard to road and bridge construction and maintenance costs.

(7) A redefinition of rural and urban vehicles which better reflects the use of said vehicles on county roads.

SEC. 24. In addition to the powers and duties heretofore conferred upon it, the committee is further authorized and directed to continue its participations in the activities of the "Western Interstate Committee on Highway Policy Problems" of the eleven

Participation  
in "Western  
Interstate  
Committee on  
Highway Policy  
Problems."

western states, of which the members for the state of Washington shall be two, one from the senate and one from the house of representatives, to be appointed by majority vote of the joint fact-finding committee on highways, streets and bridges and one member at large to be appointed by the state highway commission, in its study of highway problems upon a state and regional basis, and cooperate with and contribute to any study made by such committee of highway-user cost allocations in order to bring about equity and uniformity in this state and in the eleven western states in highway-user taxes and fees; participate in or make joint studies with relation to the design and construction of highways and the use and cost thereof; and participate in any interstate reciprocity or pro-ration meetings designated by the Washington reciprocity commission.

Membership from this state.

SEC. 25. The committee is also authorized to avail themselves of the services of the Washington state council for highway research and to cooperate with said body.

Washington state council for highway research.

SEC. 26. Section 9, chapter 254, Laws of 1953 (uncodified), is amended to read as follows:

Amendment.

In addition to all other fees prescribed by law, there shall be paid for each motor vehicle the following amounts at the time of the payment of the registration fee as provided by law:

Payment accompanying registration fee—schedule.

- For each truck under 12,000 lbs. . . . . .25
- For each truck over 12,000 lbs. and under 20,000 lbs. . . . . .50
- For each truck over 20,000 lbs. . . . . .1.00
- For each trailer 4,000 lbs. to 12,000 lbs. . . . . .25
- For each trailer 12,000 lbs. to 20,000 lbs. . . . . .50
- For each trailer, semitrailer or pole trailer over 20,000 lbs. . . . . .1.00
- For each diesel truck . . . . . .2.00
- For each auto stage . . . . . .1.00
- For each for hire vehicle over 4,000 lbs. . . . . .50

For each motor vehicle not otherwise  
taxed herein . . . . .10

Use of fee. Such fees shall be collected for the calendar years 1955, 1956 and 1957 only, and shall be deposited in the motor vehicle fund, and shall be used by the joint fact-finding committee on highways, streets and bridges and the state highway commission to help defray the costs of special highway use and weight studies and tests upon highways as provided for in this act and for other necessary expenses of such committee.

Invalidity. SEC. 27. If any part or parts of this act be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity or constitutionality of any other part or parts hereof.

Effective date. SEC. 28. This act is necessary for the preservation of the public peace, health, safety and welfare and for the immediate support of the state government and its existing public institutions, and shall take effect April 1, 1955.

Passed the Senate March 10, 1955.

Passed the House March 10, 1955.

Approved by the Governor March 21, 1955.

## CHAPTER 385.

[ S. B. 311. ]

## UNCLAIMED PERSONAL PROPERTY.

AN ACT relating to unclaimed personal property held by banking organizations, business associations, financial organizations, life insurance corporations, utilities, and certain others; providing that its custody be transferred to the state; providing for its return to the true owner; creating a trust fund for payment of claims and expenses; providing penalties and repealing sections 30.20.040 and 30.20.050, chapter 33, Laws of 1955 and RCW 30.20.040 and 30.20.050, and section 1, chapter 90, Laws of 1947, section 2, chapter 70, Laws of 1891 and RCW 63.28.010 and 63.28.020, and section 2, chapter 98, Laws of 1947 and RCW 63.28.030 through 63.28.060.

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

SECTION 1. As used in this act, unless the context otherwise requires: Defined.

(1) "Banking organization" means any bank, trust company, savings bank or land bank engaged in business in this state. "Banking organization."

(2) "Business association" means any corporation (other than a public corporation), joint stock company, business trust, partnership, or any association for business purposes of two or more individuals. "Business association."

(3) "Financial organization" means any savings and loan association, building and loan association, industrial loan company, small loan company, credit union or investment company engaged in business in this state. "Financial organization."

(4) "Holder" means any person in possession of property subject to this act belonging to another, or who is trustee in case of a trust, or is indebted to another on an obligation subject to this act. "Holder."

(5) "Life insurance corporation" means any association or corporation transacting within this state the business of insurance on the lives of persons or insurance appertaining thereto, including, but not by way of limitation, endowments and annuities. "Life insurance corporation."

“Owner.” (6) “Owner” means a depositor in case of a deposit, a beneficiary in case of a trust, or creditor, claimant, or payee in case of other choses in action, or any person having a legal or equitable interest in property subject to this act, or his legal representative.

“Person.” (7) “Person” means any individual, business association, government or political subdivision, public corporation, public authority, estate, trust, two or more persons having a joint or common interest, or any other legal or commercial entity.

“Utility.” (8) “Utility” means any person who owns or operates within this state, for public use, any plant, equipment, property, franchise, or license for the transmission of communications or the production, storage, transmission, sale, delivery, or furnishing of electricity, water, steam, or gas.

Property presumed abandoned. SEC. 2. The following property held or owing by a banking or financial organization is presumed abandoned:

Deposits held twelve years. (1) Any demand, savings, or matured time deposit made in this state with a banking organization, together with any interest or dividend which has accrued thereon, excluding any charges that may lawfully be withheld, unless the owner has, within twelve years:

Conditions excluding abandonment. (a) Increased or decreased the amount of the deposit, or presented the passbook or other similar evidence of the deposit for the crediting of interest; or

(b) Corresponded in writing with the banking organization concerning the deposit; or

(c) Otherwise indicated an interest in the deposit as evidenced by a memorandum on file with the banking organization.

Funds paid toward purchase of interest in financial organization. (2) Any funds paid in this state toward the purchase of shares or other interest in a financial organization or any deposit made therewith in this state,



and any interest or dividend which has accrued thereon, excluding any charges that may lawfully be withheld, unless the owner has within twelve years:

(a) Increased or decreased the amount of the funds or deposit, or presented an appropriate record for the crediting of interest or dividends; or

Conditions  
excluding  
abandonment.

(b) Corresponded in writing with the financial organization concerning the funds or deposit; or

(c) Otherwise indicated an interest in the funds or deposit as evidenced by a memorandum on file with the financial organization.

(3) Any sum payable on checks certified in this state or on written instruments issued in this state on which a banking or financial organization is directly liable, including, by way of illustration but not of limitation, certificates of deposit, drafts, and traveler's checks, that has been outstanding for more than twelve years from the date it was payable, or from the date of its issuance if payable on demand, unless the owner has within twelve years corresponded in writing with the banking or financial organization concerning it, or otherwise indicated an interest as evidenced by a memorandum on file with the banking or financial organization.

Issued written  
instruments  
on which a  
banking or  
financial or-  
ganization is  
directly liable  
outstanding  
for more than  
twelve years.

Conditions  
excluding  
abandonment.

SEC. 3. (1) Unclaimed funds, as defined in this section, held and owing by a life insurance corporation shall be presumed abandoned if the last known address, according to the records of the corporation, of the person entitled to the funds is within this state. If a person other than the insured or annuitant is entitled to the funds and no address of such person is known to the corporation or if it is not definite and certain from the records of the corporation what person is entitled to the funds, it is presumed that the last known address of the person entitled to the funds is the same as the last known address of the

Unclaimed  
funds held and  
owing by life  
insurance  
company  
presumed  
abandoned.

insured or annuitant according to the records of the corporation.

"Unclaimed funds" defined.

(2) "Unclaimed funds," as used in this section, means all moneys held and owing by any life insurance corporation unclaimed and unpaid for more than seven years after the moneys became due and payable as established from the records of the corporation under any life or endowment insurance policy or annuity contract which has matured or terminated. A life insurance policy not matured by actual proof of the death of the insured is deemed to be matured and the proceeds thereof are deemed to be due and payable if such policy was in force when the insured attained the limiting age under the mortality table on which the reserve is based, unless the person appearing entitled thereto has within the preceding seven years, (a) assigned, readjusted, or paid premiums on the policy, or subjected the policy to loan, or (b) corresponded in writing with the life insurance corporation concerning the policy. Moneys otherwise payable according to the records of the corporation are deemed due and payable although the policy or contract has not been surrendered as required.

Life insurance policy deemed matured.

Funds held and owing by utility presumed abandoned.

SEC. 4. The following funds held or owing by any utility are presumed abandoned:

(1) Any deposit made by a subscriber with a utility to secure payment for, or any sum paid in advance for, utility services to be furnished in this state, less any lawful deductions, that has remained unclaimed by the person appearing on the records of the utility entitled thereto for more than seven years after the termination of the services for which the deposit or advance payment was made.

(2) Any sum which a utility has been ordered to refund and which was received for utility services rendered in this state, together with any interest thereon, less any lawful deductions, that has re-

mained unclaimed by the person appearing on the records of the utility entitled thereto for more than seven years after the date it became payable in accordance with the final determination or order providing for the refund.

SEC. 5. Any stock or other certificate of ownership, or any dividend, profit, distribution, interest, payment on principal, or other sum held or owing by a business association for or to a shareholder, certificate holder, member, bondholder, or other security holder, or a participating patron of a cooperative, who has not claimed it, or corresponded in writing with the business association concerning it, within seven years after the date prescribed for payment or delivery, is presumed abandoned if:

Stock, dividend, profit, etc., held and owing by a business association for a shareholder, etc., presumed abandoned.

(1) It is held or owing by a business association organized under the laws of or created in this state; or

(2) It is held or owing by a business association doing business in this state, but not organized under the laws of or created in this state, and the records of the business association indicate that the last known address of the person entitled thereto is in this state.

SEC. 6. Except as otherwise provided by the laws of this state, all intangible personal property distributable in the course of a voluntary dissolution of a business association, banking organization, or financial organization organized under the laws of or created in this state, that is unclaimed by the owner within two years after the date for final distribution, is presumed abandoned.

Intangible personal property distributable through voluntary dissolution presumed abandoned.

SEC. 7. All intangible personal property and any income or increment which has accrued thereon, held in a fiduciary capacity for the benefit of another person is presumed abandoned unless the owner has, within seven years after it becomes pay-

Intangible personal property held in a fiduciary capacity presumed abandoned.

able or distributable, increased or decreased the principal, accepted payment of principal or income, corresponded in writing concerning the property, or otherwise indicated an interest as evidenced by a memorandum on file with the fiduciary:

(1) If the property is held by a business association, banking organization, or financial organization organized under the laws of or created in this state; or

(2) If it is held by a business association, banking organization, or financial organization doing business in this state, but not organized under the laws of or created in this state, and the records of the business association, banking organization, or financial organization indicate that the last known address of the person entitled thereto is in this state; or

(3) If it is held in this state by any other person.

Intangible personal property held by court, public corporation, etc., presumed abandoned.

SEC. 8. All intangible personal property held for the owner by any court, public corporation, public authority, or public officer of this state, or a political subdivision thereof, that has remained unclaimed by the owner for more than seven years is presumed abandoned.

Intangible personal property held in excess of amount entitled to presumed abandoned.

SEC. 9. All intangible personal property, money, unclaimed funds or any money or funds which are held or retained by any person in excess of the amount he is clearly entitled to hold or retain as provided by law, not otherwise covered by this act, including any income or increment thereon and deducting any lawful charges, that is held or owing in this state in the ordinary course of the holder's business and has remained unclaimed by the owner for more than seven years after it became payable or distributable is presumed abandoned: *Provided, however,* That this section shall not apply to safe deposit companies.

No application.

SEC. 10. If specific property which is subject to the provisions of sections 2, 5, 6, 7, and 9 is held for or owed or distributable to an owner whose last known address is in another state by a holder who is subject to the jurisdiction of that state, the specific property is not presumed abandoned in this state and subject to this act if:

Limitation on presumption of abandonment—owner's last known address in another state.

(1) It may be claimed as abandoned or escheated under the laws of such other state; and

(2) The laws of such other state make reciprocal provision that similar specific property is not presumed abandoned or escheatable by such other state when held for or owed or distributable to an owner whose last known address is within this state by a holder who is subject to the jurisdiction of this state.

SEC. 11. (1) Every person holding funds or other property, tangible or intangible, presumed abandoned under this act shall report to the tax commission with respect to the property as hereinafter provided.

Holder of property presumed abandoned reports to tax commission.

(2) The report shall be in such form as the tax commission may prescribe, and shall include:

Report form and contents.

(a) The name, if known, and last known address, if any, of each person appearing from the records of the holder to be the owner of any property of value of ten dollars or more presumed abandoned under this act;

(b) In case of unclaimed funds of life insurance corporations, the full name of the insured or annuitant and his last known address according to the life insurance corporation's records;

(c) The nature and identifying number, if any, or description of the property and the amount appearing from the records to be due, except that items of value under ten dollars each may be reported in aggregate;

(d) The date when the property became payable, demandable, or returnable, and the date of the last

transaction with the owner with respect to the property; and

(e) Any other information which the tax commission may prescribe as necessary for the administration of this act.

(3) If the person holding property presumed abandoned is a successor to other persons who previously held the property for the owner, or if the holder has changed his name while holding the property, he shall file with his report all prior known names and addresses of each holder of the property.

Filing date for report.

(4) The report shall be filed before November 1st of each year as of June 30th next preceding, but the report of life insurance corporations shall be filed before May 1st of each year as of December 31st next preceding. The tax commission may postpone the reporting date upon written request by any person required to file a report.

Duty with respect to holder as to owner.

(5) If the holder of property presumed abandoned under this act knows the whereabouts of the owner and if the owner's claim has not been barred by the statute of limitations, the holder shall, before filing the annual report, endeavor to communicate with the owner and take reasonable steps to prevent abandonment from being presumed. The mailing of notice to the last known address of the owner by the holder shall constitute compliance with this paragraph and no further act on the part of the holder shall be necessary.

Mailed notice constitutes compliance.

Verification.

(6) Verification, if made by a partnership, shall be executed by a partner; if made by an unincorporated association or private corporation, by an officer; and if made by a public corporation, by its chief fiscal officer.

Publication of notice by tax commission.

SEC. 12. (1) Within one hundred twenty days from the filing of the report required by section 11, the tax commission shall cause notice to be published at least once each week for two successive weeks in

an English language newspaper of general circulation in the county in this state in which is located the last known address of any person to be named in the notice. If no address is listed or if the address is outside this state, the notice shall be published in the county in which the holder of the abandoned property has his principal place of business within this state.

(2) The published notice shall be entitled "Notice of Names of Persons Appearing to be owners of Abandoned Property" and shall contain:

Notice title and contents.

(a) The names in alphabetical order and last known addresses, if any, of persons listed in the report and entitled to notice within the county as hereinbefore specified.

(b) A statement that information concerning the amount or description of the property and the name and address of the holder may be obtained by any persons possessing an interest in the property by addressing an inquiry to the tax commission.

(c) A statement that if proof of claim is not presented by the owner to the holder and if the owner's right to receive the property is not established to the holder's satisfaction within sixty-five days from the date of the second published notice, the abandoned property will be placed not later than eighty-five days after such publication date in the custody of the tax commission.

(3) The tax commission is not required to publish in such notice any item of less than twenty-five dollars unless it deems such publication to be in the public interest.

Necessity of publication.

(4) Within one hundred twenty days from the receipt of the report required by section 11, the tax commission shall mail a notice to each person having an address listed therein who appears to be entitled to property of the value of twenty-five dollars or more presumed abandoned under this act.

Mailed notice to possible recipients.

Notice contents.

(5) The mailed notice shall contain:

(a) A statement that, according to a report filed with the tax commission, property is being held to which the addressee appears entitled.

(b) The name and address of the person holding the property and any necessary information regarding changes of name and address of the holder.

(c) A statement that, if satisfactory proof of claim is not presented by the owner to the holder by the date specified in the published notice the property will be placed in the custody of the tax commission.

Delivery of abandoned property; verified written explanation on failure to deliver.

SEC. 13. (1) Every person who has filed a report as provided by section 11 shall within twenty days after the time specified in section 12 for claiming the property from the holder pay or deliver to the tax commission all abandoned property specified in the report, except that, if the owner establishes his right to receive the abandoned property to the satisfaction of the holder within the time specified in section 12, or if it appears that for some other reason the presumption of abandonment is erroneous, the holder need not pay or deliver the property, which will no longer be presumed abandoned, to the tax commission, but in lieu thereof shall file a verified written explanation of the proof of claim or of the error in the presumption of abandonment.

Prior delivery of goods allowed.

(2) Any person holding property as specified in sections 2 to 9, inclusive, of this act and who has reason to believe that the same is abandoned and that the true owner thereof cannot be located with reasonable diligence and effort, may make his report and deliver such property to the tax commission prior to the expiration of the time provided: *Provided*, That any person holding or retaining unclaimed funds or money or funds in excess of any amount he is clearly entitled to hold or retain as provided by law, and the true owner thereof cannot be



located with reasonable diligence and effort, shall make his report and deliver such property as abandoned property to the tax commission within one year from the date of the receipt or retention thereof. The tax commission shall include information relating to such property in the next publication of like property as provided by section 12 of this act.

Excess funds  
—time re-  
quirement  
on report.

SEC. 14. Upon the payment or delivery of abandoned property to the tax commission, the state shall assume custody and shall be responsible for the safekeeping thereof. Any person who pays or delivers abandoned property to the tax commission under this act is relieved of all liability to the extent of the value of the property so paid or delivered for any claim which then exists or which thereafter may arise or be made in respect to the property, excepting as to any property which is returned to the owner pursuant to subsection (2) of section 19 of this act.

Assumption of  
custody by  
state; relief of  
liability  
of holder.

SEC. 15. (1) Every person who has made a report of property and has delivered such property to the tax commission shall retain for a period of not less than ten years from the date of such delivery all records which would in any way assist in determining the validity of any claim made against the property pursuant to sections 19 and 20 of this act, or may deliver such records to the tax commission (in original form or as reproduced through microfilm or other suitable process, all as designated by the tax commission) at the time of such delivery of property or at any time within such ten year period. After the lapse of ten years such records may be disposed of, but only by forwarding them to the tax commission. Such records may be so retained or forwarded either in original form or as reproduced through microfilm, or as reproduced through other suitable process acceptable to the tax commission. The tax commission may destroy any of such records as in its opinion are not necessary for the proper

Records; re-  
tention or  
delivery.

Method of  
disposal of  
records.

determination of any claim filed against the property, and shall retain all other records for a period of not less than seventy-five years, excepting that they may be disposed of at any time prior to seventy-five years if the likeness thereof is preserved by any process, such as microfilming, which would reduce the bulk thereof.

Disposal of records in event of termination of business.

(2) Any person who is required to retain any records relating to abandoned property as provided in this section and who terminates his business prior to the ten-year period provided, shall deliver such records to his successor, or if there be no successor, he may forward the records to the tax commission.

Forwarding of records upon request.

(3) Any person, or his successor or successors, who is holding any records relating to abandoned property as provided in this section, shall forward such records to the tax commission upon written request.

Rights of owner terminated.

SEC. 16. When property is paid or delivered to the tax commission under this act, the owner is not entitled to receive income or other increments accruing thereafter.

Abandoned property; sale of.

SEC. 17. (1) All abandoned property other than money delivered to the tax commission under this act shall be sold by the tax commission at such time and such place and in such manner as in its judgment will bring the highest return. Neither the tax commission nor any employee thereof shall in any way be held liable to any person for any claimed loss on the sale of such property. The tax commission may decline the highest bid and reoffer the property for sale if it considers the price bid insufficient. It need not offer any property for sale if, in its opinion, the probable cost of sale exceeds the value of the property.

Limitation on liability.

Right to decline bids.

Publication of notice of sale.

(2) Any sale held under this section shall be preceded by a single publication of notice thereof, at least three weeks in advance of sale, in an English

language newspaper of general circulation in the county where the property is to be sold.

(3) The purchaser at any sale conducted by the tax commission pursuant to this act shall receive title to the property purchased, free from all claims of the owner or prior holder thereof and of all persons claiming through or under them. The tax commission shall execute all documents necessary to complete the transfer of title.

Purchaser's title.

SEC. 18. (1) All funds received under this act, including the proceeds from the sale of abandoned property under section 17, shall forthwith be remitted by the tax commission to the state treasurer for deposit in the general fund of the state, except that the tax commission shall retain in a separate trust fund the sum of one hundred thousand dollars from which it shall make prompt payment of claims allowed as hereinafter provided. All funds received under this act after the initial establishment of the said trust fund shall first be used by the tax commission for replenishing the trust fund. The tax commission shall record the name and last known address of each person appearing from the holders' reports to be entitled to the abandoned property and of the name and last known address of each insured person or annuitant, and with respect to each policy or contract listed in the report of a life insurance corporation, its number, and the name of the corporation. This record shall be available for public inspection at all reasonable business hours.

Disposition of funds received under act.

Record of purported owners from holders' report.

Available for public inspection.

(2) The tax commission may pay from the trust fund provided in subsection (1) of this section, any costs of administering this act.

SEC. 19. (1) Any person claiming an interest in any property paid or delivered to the tax commission under this act that was not subsequently adjudged under section 22 of this act to be actually abandoned or escheated may make his claim to such

Right of claim after delivery.

property at any time after it is paid to the tax commission.

Claim to original holder.

(2) Such claim may be made to the person originally holding the property, or to his successor or successors. If such person is satisfied that the claim is valid and that the claimant is the actual and true owner of the property, he shall so certify to the tax commission by written statement attested by him under oath, or in case of a corporation, by two principal officers, or one principal officer and an authorized employee thereof. The determination of the holder that the claimant is the actual and true owner shall, in the absence of fraud, be binding upon the tax commission, and upon receipt of the certificate of the holder to this effect, the tax commission shall forthwith authorize and make payment of the claim or return of the property, or if the property has been sold by the tax commission as provided in section 17 of this act, the amount received from such sale to the owner, or to the holder in the event the owner has assigned the claim to the holder and the certificate of the holder is accompanied by such assignment. In the event the person originally holding the property rejects the claim made against him, the claimant may appeal to the tax commission.

Certified written statement.

Determination binding on tax commission.

Rejected claim; right of appeal.

Claim filed with tax commission; forms.

Rejected claim; right to hearing; written decision.

(3) Any claim to property as provided in this section may be filed directly with the tax commission. Such claim, or any appeal as provided in this section, shall be made on forms prescribed by the tax commission. The tax commission shall consider each claim or appeal filed as soon as practicable and approve or reject it in writing. If the claim or appeal is rejected the claimant may demand a hearing thereon, at which the tax commission shall hear evidence and thereafter issue a written decision. Such decision shall state the substance of the evidence heard, if a transcript is not kept, and shall be a matter of public record.

(4) Upon approval of any claim or appeal by the tax commission it shall authorize payment of the amount thereof or return of the property to the claimant, or if the property has been sold by the tax commission, the amount received from such sale.

Procedure on claim approval.

SEC. 20. Any person aggrieved by a decision of the tax commission or as to whose claim the tax commission has failed to act within ninety days after the filing of the claim, may commence an action in the superior court of Thurston county to establish his claim. The proceeding shall be brought within ninety days after the decision of the tax commission or within one hundred eighty days from the filing of the claim if the tax commission fails to act. The action shall be tried de novo.

Aggrieved claimant may commence action; tried de novo.

SEC. 21. The tax commission, after receiving reports of property deemed abandoned pursuant to this act, may decline to receive any property reported which it deems to have a value less than the cost of giving notice and holding sale, or it may if deemed desirable because of the small sum involved, postpone taking possession until a sufficient sum accumulates.

Right of tax commission to decline receipt of property.

SEC. 22. With regard to any property paid or delivered to the tax commission under this act, the tax commission shall institute escheat proceedings whenever it appears that the owner of such property has died and that no other person is entitled to it: *Provided, however,* That this requirement shall not apply where the amount involved is less than two hundred and fifty dollars, except where in the judgment of the commission such action would be to the advantage of the state.

Escheat proceedings instituted.

Limitation.

SEC. 23. The tax commission may at reasonable times and upon reasonable notice examine the records of any person if it has reason to believe that

Examination of records permitted.

such person has failed to report property that should have been reported pursuant to this act.

Tax commis-  
sion's right  
of action.

SEC. 24. If any person refuses to deliver property to the tax commission as required under this act, it may bring an action in the superior court of the county in which such person resides or has his principal place of business to force payment or delivery of such property.

Penalty on  
failure to  
make reports.

SEC. 25. (1) Any person who wilfully fails or refuses to make any report required under this act may be fined the sum of ten dollars for each day such report is withheld, unless the tax commission has extended the time for making any such report as provided in section 11, subsection (4) of this act.

Penalty on  
failure to  
deliver  
abandoned  
property.

(2) Any person who wilfully refuses to pay or deliver abandoned property to the tax commission as required under this act shall be fined not less than one hundred dollars nor more than one thousand dollars, or imprisoned for not less than five days nor more than six months, or both.

Rules and  
regulations.

SEC. 26. The tax commission is hereby authorized to make necessary rules and regulations to carry out the provisions of this act.

Compensation  
limitation.

SEC. 27. It shall be unlawful for any person to seek or receive from any person or contract with any person for any fee or compensation for locating or purporting to locate any property which he knows has been reported or paid or delivered to the tax commission pursuant to this act, in excess of five percent of the value thereof returned to such owner. Any person violating this section shall be guilty of a misdemeanor and shall be fined not less than the amount of the fee or charge he has sought or received or contracted for, and not more than ten times such amount, or imprisoned for not more than thirty days, or both.

Violation,  
misdemeanor;  
penalty.

SEC. 28. Any information or records required to be furnished to the tax commission as provided in this act shall be confidential and shall not be disclosed to any person excepting the person who furnished the same to the tax commission, and excepting as provided in sections 12 and 18 of this act, or as may be necessary in the proper administration of this act.

Information  
and records  
confidential.

SEC. 29. This act shall not apply to any property that has been presumed abandoned or escheated under the laws of another state prior to the effective date of this act.

No application.

SEC. 30. If any provision of this act or if the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

Invalidity.

SEC. 31. This act shall be so construed as to effectuate its general purpose to make uniform the law of those states which enact it.

Uniform law.

SEC. 32. This act may be cited as the Uniform Disposition of Unclaimed Property Act.

Title of act.

SEC. 33. The following acts and parts of acts are hereby repealed:

Repeal.

(1) Sections 30.20.040 and 30.20.050, chapter 33, Laws of 1955 and RCW 30.20.040 and 30.20.050.

(2) Section 1, chapter 90, Laws of 1947, section 2, chapter 70, Laws of 1891 and RCW 63.28.010 and 63.28.020.

(3) Section 2, chapter 98, Laws of 1947 and RCW 63.28.030 through 63.28.060.

Passed the Senate March 6, 1955.

Passed the House March 5, 1955.

Approved by the Governor March 22, 1955.

CHAPTER 386.

[ S. B. 361. ]

NAVIGABLE WATERS—STATE TIDELANDS AND SHORELANDS—SALE OF ROCK, GRAVEL, ETC.

AN ACT relating to the sale of rock, gravel, sand and silt from the beds of navigable waters and tidelands and shorelands owned by the state on a royalty basis and adding new sections to Chapter 79.16 RCW.

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

Authority to contract for removal and sale of rock, sand, etc.

SECTION 1. The commissioner of public lands, upon application by any person, firm, or corporation, may enter into a contract or lease providing for the removal and sale of rock, gravel, sand and silt located upon beds of navigable waters and any tidelands and shorelands owned by the state and providing for payment to be made therefor by such royalty as the commissioner may fix.

Application; contents of.

SEC. 2. Each application made pursuant to section 1 hereof shall set forth the estimated quantity and kind of materials desired to be removed and shall be accompanied by a map or plat showing the area from which the applicant wishes to remove such materials. The commissioner of public lands may in his discretion include in any lease or contract entered into pursuant to this act, such terms and conditions protecting the interests of the state as he may require. In each such lease or contract the commissioner of public lands shall provide for a right of forfeiture by the state, upon a failure to operate under the lease or contract or pay royalties for periods therein stipulated, and he shall require a bond with a surety company authorized to transact a surety business in this state, as surety, to secure the performance of the terms and conditions of such contract or lease, including the payment of royalties. The right of forfeiture shall be exercised by entry

Right of forfeiture included.

Bond requirement.



of a declaration of forfeiture in the records of the commissioner of public lands. The amount of rock, gravel, sand, or silt taken under the contract or lease shall be reported monthly by the purchaser to the commissioner of public lands and payment therefor made on the basis of the royalty provided in the lease or contract.

Declaration of forfeiture.

Monthly report.

SEC. 3. The commissioner of public lands may inspect and audit books, contracts and accounts of each person removing rock, gravel, sand, or silt pursuant to any such lease or contract and make such other investigation and secure or receive any other evidence necessary to determine whether or not the state is being paid the full amount payable to it for the removal of such materials.

Inspection and auditing of records authorized.

Passed the Senate February 24, 1955.

Passed the House March 7, 1955.

Approved by the Governor March 22, 1955.

CHAPTER 387.

[ Sub. S. B. 432. ]

PUBLIC LANDS—RESERVATION OF TIDELANDS FOR RECREATIONAL USE.

AN ACT relating to public lands; withdrawing certain tidelands of the state from sale or lease; and authorizing the director of fisheries to provide rights of way and docks.

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

SECTION 1. The following described tidelands, being public lands of the state, are withdrawn from sale or lease and reserved as public areas for recreational use and for the taking of fish and shell fish for personal use as defined in RCW 75.04.070:

Tidelands withdrawn from sale or lease—reserved as public areas for recreational use.

Parcel No. 1. (Point Whitney) The tidelands of the second class, owned by the state of Washington, situate in front of, adjacent to or abutting upon lots

Description. Parcel No. 1. Point Whitney.

3, 4, and 5, section 7, township 26 north, range 1 west, W. M., with a frontage of 72.45 lineal chains, more or less.

Excepted from Parcel No. 1.

Excepting, however, those portions of the above described tidelands of the second class conveyed to the state of Washington, department of fisheries and game through deed issued May 14, 1925 under application No. 8136, records of department of public lands.

Parcel No. 2, Point Whitney.

Parcel No. 2. (Point Whitney) The tidelands of the second class lying below the line of mean low tide, owned by the state of Washington, situate in front of lot 1, section 6, township 26 north, range 1 west, W. M., with a frontage of 21.00 lineal chains, more or less; also

The tidelands of the second class, owned by the state of Washington, situate in front of, adjacent to or abutting upon lots 6 and 7, and that portion of lot 5, section 1, township 26 north, range 1 west, W. M., lying south of a line running due west from a point on the government meander line which is S 22° E 1.69 chains from an angle point in said meander line which is S 15° W 1.20 chains, more or less, from the point of intersection of the north line of said lot 5 and said meander line, with a frontage of 40.31 lineal chains, more or less.

Parcel No. 3, Toandos Peninsula.

Parcel No. 3. (Toandos Peninsula) The tidelands of the second class, owned by the state of Washington, situate in front of, adjacent to, or abutting upon lots 1, 2, and 3, section 5, lots 1, 2, and 3, section 4, and lot 1, section 3, all in township 25 north, range 1 west, W. M., with a frontage of 158.41 lineal chains, more or less.

Parcel No. 4, Shine.

Parcel No. 4. (Shine) The tidelands of the second class, owned by the state of Washington, situate in front of, adjacent to, or abutting upon lots 1, 2, 3 and that portion of lot 4 lying north of the south 8.35 chains thereof as measured along the government

meander line, all in section 35, township 28 north, range 1 east, W. M., with a frontage of 76.70 lineal chains, more or less.

Subject to an easement for right of way for county road granted to Jefferson county December 8, 1941 under application No. 1731, records of department of public lands.

Parcel No. 4  
subject to  
easement.

Parcel No. 5. (Lilliwaup) The tidelands of the second class, owned by the state of Washington, lying easterly of the east line of vacated state oyster reserve plat No. 133 produced southerly and situate in front of, adjacent to or abutting upon lot 9, section 30, lot 8, section 19 and lot 5 and the south 20 acres of lot 4, section 20, all in township 23 north, range 3 west, W. M., with a frontage of 62.46 lineal chains, more or less.

Parcel No. 5,  
Lilliwaup.

Subject to easements for rights of way for state road granted through the filing of state road plats No. 374 December 15, 1930, No. 661 March 29, 1949 and No. 666 August 25, 1949, records of department of public lands.

Parcel No. 5  
subject to  
easements.

Parcel No. 6. (Nemah) Those portions of the tidelands of the second class, owned by the state of Washington, situate in front of, adjacent to, or abutting upon lots 5, 6, and 7, section 3 and lots 1, 2, and 3, section 4, township 12 north, range 10 west, W. M., lots 1, 2, 3, and 4, section 34, section 27 and lots 1, 2, 3 and 4, section 28, township 13 north, range 10 west, W. M., lying easterly of the easterly line of the Nemah Oyster reserve and easterly of the easterly line of a tract of tidelands of the second class conveyed through deed issued July 28, 1938 pursuant to the provisions of chapter 24, Laws of 1895 under application No. 9731, with a frontage of 326.22 lineal chains, more or less.

Parcel No. 6,  
Nemah.

Parcels No. 7 and 8. (Penn Cove) The unplatted tidelands of the first class, and tidelands of the second class, owned by the state of Washington, sit-

Parcels No. 7  
and 8,  
Pen Cove.

uate in front of, adjacent to, or abutting upon lots 1 and 2, section 33, lots 1, 2, 3, and 4, section 32, lots 2 and 3 and the B. P. Barstow D.L.C. No. 49, sections 30 and 31 and that portion of the R. H. Lansdale D.L.C. No. 54 in section 30, lying west of the east 3.00 chains thereof as measured along the government meander line, all in township 32 north, range 1 east, W. M., with a frontage of 260.34 lineal chains, more or less.

Excepting from Parcels No. 7 and 8; subject to easement.

Excepting, however, the tidelands above the line of mean low tide in front of said lot 1, section 32 which were conveyed as tidelands of the second class through deed issued December 29, 1908 application No. 4957, records of department of public lands.

Subject to an easement for right of way for transmission cable line granted to the United States of America Army Engineers June 7, 1943 under application No. 17511, records of department of public lands.

Parcel No. 9, south of Penn Cove.

Parcel No. 9. (South of Penn Cove) The tidelands of the second class, owned by the state of Washington, situate in front of, adjacent to, or abutting upon lots 2, 3 and 4, section 17 and lots 1, 2 and 3, section 20, township 31 north, range 2 east, W. M., with a frontage of 129.97 lineal chains, more or less.

Parcel No. 10, Mud Bay—Lopez Island.

Parcel No. 10. (Mud Bay—Lopez Island) The tidelands of the second class, owned by the state of Washington situate in front of, adjacent to, or abutting upon lots 5, 6 and 7, section 18, lot 5, section 7 and lots 3, 4, and 5, section 8, all in township 34 north, range 1 west, W. M., with a frontage of 172.11 lineal chains, more or less.

Excepting from Parcel No. 10.

Excepting, however, any tideland of the second class in front of said lot 3, section 8 conveyed through deeds issued April 14, 1909 pursuant to the provisions of chapter 24, Laws of 1895 under application No. 4985, records of department of public lands.

Parcel No. 11. (Cattle Point) The tidelands of the second class, owned by the state of Washington, situate in front of, adjacent to, or abutting upon lot 1, section 6, lots 1, 3, 4, 5, 6, 7, 8, 9, and 10, section 7, lots 1, 2, 3, 4, 5, 6 and 7, section 8 and lot 1, section 5, all in township 34 north, range 2 west, W. M., with a frontage of 463.88 lineal chains, more or less.

Parcel No. 11,  
Cattle Point.

Excepting, however, any tidelands of the second class in front of said lot 10, section 7 conveyed through deed issued June 1, 1912 under application No. 6906, records of department of public lands.

Excepting  
from  
Parcel No. 11.

Parcel No. 12. (Spencer Spit) The tidelands of the second class, owned by the state of Washington, situate in front of, adjacent to, or abutting upon lots 1, 3, and 4, section 7, and lot 5, section 18 all in township 35 north, range 1 west, W. M., with a frontage of 118.80 lineal chains, more or less.

Parcel No. 12,  
Spencer Spit.

SEC. 2. The director of fisheries may take appropriate action to provide public and private access, including roads and docks, to and from the tidelands herein described.

Public and  
private access  
to be  
provided.

Passed the Senate February 28, 1955.

Passed the House March 6, 1955.

Approved by the Governor March 22, 1955.

CHAPTER 388.

[ S. B. 69. ]

WAREHOUSEMEN—LICENSE—BOND.

AN ACT relating to the licensing of warehousemen and amending section 1, chapter 186, Laws of 1933 and RCW 22.08.160 and 22.08.170.

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

Division and amendment.

SECTION 1. Section 1, chapter 186, Laws of 1933, (heretofore codified as RCW 22.08.160 and 22.08.170) is divided and amended as set forth in sections 2 and 3 of this act.

Grain or terminal warehouse operators to procure license.

SEC. 2. (RCW 22.08.160) Every person operating any grain or terminal warehouse subject to the provisions of this chapter shall, on or before the first day of July of each year, procure from the director a license for each warehouse so owned or operated for the ensuing year before transacting business therein, except that the operator of two or more warehouses located within the corporate limits of any city or town, or at any railroad siding or at one location in the open country off rail may, at his option, license all such warehouses under one state license. If the warehouseman elects to license all warehouses located in one city or town under one license he shall pay a license fee equal to the number of separate warehouses he operates in that town multiplied by the amount of the license fee as provided below. No license shall be issued before the bond hereinafter required shall have been given and approved, or proof of the filing and approval of the bond as required by the United States warehouse act shall be filed with the director.

Warehouses licensed under one license; computation of fee.

Bond prerequisite to issuance of license.

License fee.

The fee for the license shall be twelve and one-half dollars per warehouse per year for all warehouses except terminal warehouses, and for each terminal warehouse the license fee shall be fifty

dollars per year. Any person operating any grain or terminal warehouse in this state without a license shall forfeit to the state for each day's operation fifty dollars to be recovered in an action brought by the prosecuting attorney of the county in which the warehouse is situated, upon complaint of the director. The operation of the warehouse may also be enjoined by the director.

Penalty on operation of warehouse without license.

Operation enjoined.

The license shall be posted in a conspicuous place in the office of each warehouse, and may be revoked by the director for cause, upon notice and hearing.

Posting of license.

SEC. 3. (22.08.170) Each person operating any such warehouse shall, on or before the first day of July of each year, give a bond running to the state in a sum equal to five cents per bushel of the grain capacity of the warehouse, as may be determined by the director, but in no case less than the sum of five thousand dollars, and with a surety company authorized to do business within the state. The bond shall be approved by the director and the attorney general, and shall be conditioned for the faithful performance of the duty to keep in the warehouse for the holder of any warehouse receipt the commodity described in such receipt, and to deliver the commodity to, or ship it for, the holder only upon the surrender of the receipt.

Bond; computation of; minimum; approval and contents.

In case a person has applied for licenses to conduct two or more warehouses in the state, the assets applicable to all warehouses shall be subject to the liabilities of each.

If such person shall desire to give a single bond, such warehouses shall be deemed to be one warehouse for the purpose of the bond and the amount of the bond shall be fixed at the rate of five cents per bushel of the maximum number of bushels that all of the warehouses will accommodate when stored in the manner customary to each of the warehouses for which the bond is required, as determined by

Single bond; computation; minimum and maximum.

Surety's liability limited.

the director, but not less than five thousand dollars, nor more than fifty thousand dollars: *Provided*, That the aggregate liability of the surety upon such bond for all claims which may arise thereunder shall not exceed the face amount of the bond.

In the event that a bond has been filed with and approved by the Department of Agriculture of the United States, and satisfactory proof of the filing and approval of the bond has been filed with the director, then the bond so filed shall be considered as in lieu of the bond required by this section.

Passed the Senate March 9, 1955.

Passed the House March 7, 1955.

Approved by the Governor March 22, 1955.

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## CHAPTER 389.

[ Sub. S. B. 173. ]

### TAXATION—BUSINESS AND OCCUPATION, USE, PUBLIC UTILITIES, MECHANICAL DEVICES.

AN ACT relating to revenue and taxation amending section 2, chapter 228, Laws of 1949, as amended by section 3, chapter 28, Laws of 1951 second extraordinary session, and section 3, chapter 91, Laws of 1953; and amending section 1, chapter 91, Laws of 1953 and RCW 82.04.296; and amending section 5, chapter 28, Laws of 1951 second extraordinary session, as amended by section 5, chapter 91, Laws of 1953, and RCW 82.08.150; and amending section 3, chapter 9, Laws of 1951 first extraordinary session and RCW 82.12.010; and amending section 7, chapter 228, Laws of 1949 and RCW 82.12.020; and amending section 4, chapter 9, Laws of 1951 first extraordinary session and RCW 82.12.030; and amending section 7, chapter 249, Laws of 1945 and RCW 82.12.040; and amending section 10, chapter 228, Laws of 1949 and RCW 82.16.010; and amending section 2, chapter 91, Laws of 1953 and RCW 82.16.026; and amending section 1, chapter 118, Laws of 1941, as amended by sections 18 and 19, chapter 228, Laws of 1949, and RCW 82.28.010, 82.28.020, 82.28.030, 82.28.040, 82.28.050 and 82.28.060; and amending section 25, chapter 228, Laws of 1949, as amended by sections 13 and 14, chapter 9, Laws of 1951 first extraordinary session; and amending section 30, chapter 225, Laws of 1939 and RCW 82.32.340 amending section 1, chapter 5, Laws of



1950 extraordinary session as last amended by section 4, chapter 91, Laws of 1953 and section 2, chapter 195, Laws of 1953 and RCW 82.04.220, 82.04.230 and 82.04.240 through 82.04.290; and declaring an emergency.

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

SECTION 1. Section 2, chapter 228, Laws of 1949 as amended by section 3, chapter 28, Laws of 1951, second extraordinary session, and section 3, chapter 91, Laws of 1953, (heretofore codified as RCW 82.04.010 through 82.04.210) is divided and amended as set forth in sections 2 through 22 of this act.

Division and amendment.

SEC. 2. (RCW 82.04.010) For the purposes of this chapter, unless otherwise required by the context, the terms used herein shall have the meaning given to them in sections 3 through 22 of this act.

Term meanings.

SEC. 3. (RCW 82.04.020) "Tax year" or "taxable year" means either the calendar year, or the taxpayer's fiscal year when permission is obtained from the tax commission to use a fiscal year in lieu of the calendar year.

Enacted without amendment.

"Tax year."

SEC. 4. (RCW 82.04.030) "Person" or "company," herein used interchangeably, means any individual, receiver, assignee, trustee in bankruptcy, trust, estate, firm, copartnership, joint venture, club, company, joint-stock company, business trust, municipal corporation, corporation, association, society, or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit, or otherwise and the United States or any instrumentality thereof.

Enacted without amendment.

"Person" or "company."

SEC. 5. (RCW 82.04.040) "Sale" means any transfer of the ownership of, title to, or possession of property for a valuable consideration and includes any activity classified as a "sale at retail" or "retail sale" under RCW 82.04.050. It includes conditional sale contracts, leases with option to purchase, and any

Enacted without amendment.

"Sale."

other contract under which possession of the property is given to the purchaser but title is retained by the vendor as security for the payment of the purchase price. It also includes the furnishing of food, drink, or meals for compensation whether consumed upon the premises or not.

“Casual or isolated sale.”

“Casual or isolated sale” means a sale made by a person who is not engaged in the business of selling the type of property involved.

“Sale at retail” or “retail sale.”

SEC. 6. (RCW 82.04.050) “Sale at retail” or “retail sale” means every sale of tangible personal property (including articles produced, fabricated, or imprinted) other than a sale to one who purchases for the purpose of resale as tangible personal property in the regular course of business or for the purpose of consuming the property purchased in producing for sale a new article of tangible personal property or substance, of which such property becomes an ingredient or component or is a chemical used in processing, when the primary purpose of such chemical is to create a chemical reaction directly through contact with an ingredient of a new article being produced for sale. The term also means every sale of tangible personal property to persons engaged in any business which is taxable under RCW 82.04.280, subsection (2), and 82.04.290.

The term “sale at retail” or “retail sale” shall include the sale of or charge made for tangible personal property consumed and/or for labor and services rendered in respect to the following: (1) The installing, repairing, cleaning, altering, imprinting, or improving of tangible personal property of or for consumers, excluding, however, services rendered in respect to live animals, birds and insects; (2) the constructing, repairing, decorating, or improving of new or existing buildings or other structures under, upon, or above real property of or for consumers, including the installing or attaching of any article of

tangible personal property therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation, and shall also include the sale of services or charges made for the clearing of land and the moving of earth to the extent necessary for such constructing or improving, unless the charge therefor is stated separately from other charges made in connection with the work performed, under such rules as the tax commission may prescribe; (3) as a temporary tax until July 1, 1957 for the furnishing of lodging and related services to transients in or by a hotel, rooming house, tourist court, motel, trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property, and it shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or enjoy the same.

The term shall not include the sale of or charge made for labor and services rendered in respect to the mere cleaning, fumigating, razing, or moving of existing buildings or structures, or the building, repairing, or improving of any publicly owned street, place, road, highway, bridge, or trestle which is used or to be used primarily for foot or vehicular traffic, nor shall it include sales of feed, seed, fertilizer, and spray materials to persons for the purpose of producing for sale any agricultural product whatsoever, including milk, eggs, wool, fur, meat, honey, or other substances obtained from animals, birds, or insects.

Sale at retail shall not include.

SEC. 7. (RCW 82.04.060) "Sale at wholesale" or "wholesale sale" means any sale of tangible personal property and any sale of or charge made for labor and services rendered in respect to real or personal property, which is not a sale at retail.

Enacted without amendment.

"Sale at wholesale."

This section amended by sec. 4, chap. 10, Laws Ex. Session, 1955.

Enacted without amendment.  
"Gross proceeds of sales."

SEC. 8. (RCW 82.04.070) "Gross proceeds of sales" means the value proceeding or accruing from the sale of tangible personal property and/or for services rendered, without any deduction on account of the cost of property sold, the cost of materials used, labor costs, interest, discount paid, delivery costs, taxes, or any other expense whatsoever paid or accrued and without any deduction on account of losses.

Enacted without amendment.  
"Gross income of the business."

SEC. 9. (RCW 82.04.080) "Gross income of the business" means the value proceeding or accruing by reason of the transaction of the business engaged in and includes gross proceeds of sales, compensation for the rendition of services, gains realized from trading in stocks, bonds, or other evidences of indebtedness, interest, discount, rents, royalties, fees, commissions, dividends, and other emoluments however designated, all without any deduction on account of the cost of tangible property sold, the cost of materials used, labor costs, interest, discount, delivery costs, taxes, or any other expense whatsoever paid or accrued and without any deduction on account of losses.

Enacted without amendment.  
"Value proceeding or accruing."

SEC. 10. (RCW 82.04.090) "Value proceeding or accruing" means the consideration, whether money, credits, rights, or other property expressed in terms of money, actually received or accrued. The term shall be applied, in each case, on a cash receipts or accrual basis according to which method of accounting is regularly employed in keeping the books of the taxpayer. The tax commission 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.

Enacted without amendment.

SEC. 11. (RCW 82.04.100) "Extractor" means every person who from his own land or from the land of another under a right or license granted

by lease or contract, either directly or by contracting with others for the necessary labor or mechanical services, for sale or for commercial or industrial use mines, quarries, takes or produces coal, oil, natural gas, ore, stone, sand, gravel, clay, mineral or other natural resource product, or fells, cuts or takes timber or other natural products, or takes, cultivates, or raises fish, shell fish, or other sea or inland water foods or products. It does not include persons performing under contract the necessary labor or mechanical services for others.

"Extractor."

SEC. 12. (RCW 82.04.110) "Manufacturer" means every person who, either directly or by contracting with others for the necessary labor or mechanical services, manufactures for sale or for commercial or industrial use from his own materials or ingredients any articles, substances or commodities. When the owner of equipment or facilities furnishes, or sells to the customer prior to manufacture, all or a portion of the materials that become a part or whole of the manufactured article, the tax commission shall prescribe equitable rules for determining tax liability.

Enacted without amendment.

"Manufacturer."

SEC. 13. (RCW 82.04.120) "To manufacture" embraces all activities of a commercial or industrial nature wherein labor or skill is applied, by hand or machinery, to materials so that as a result thereof a new, different or useful article of tangible personal property or substance of trade or commerce is produced and shall include the production or fabrication of special made or custom made articles.

Enacted without amendment.

"To manufacture."

SEC. 14. (RCW 82.04.130) "Commercial or industrial use" means the following uses of products, including byproducts, by the extractor or manufacturer thereof:

Enacted without amendment.

"Commercial or industrial use."

- (1) Any use as a consumer; and
- (2) The manufacturing of articles, substances or commodities from extracted products, including byproducts.

Enacted  
without  
amendment.

"Business."

SEC. 15. (RCW 82.04.140) "Business" includes all activities engaged in with the object of gain, benefit, or advantage to the taxpayer or to another person or class, directly or indirectly.

Enacted  
without  
amendment.

"Engaging in  
"business."

SEC. 16. (RCW 82.04.150) "Engaging in business" means commencing, conducting, or continuing in business and also the exercise of corporate or franchise powers as well as liquidating a business when the liquidators thereof hold themselves out to the public as conducting such business.

Enacted  
without  
amendment.

"Cash dis-  
count."

SEC. 17. (RCW 82.04.160) "Cash discount" means a deduction from the invoice price of goods or charge for services which is allowed if the bill is paid on or before a specified date.

Enacted  
without  
amendment.

"Tuition fee."

"Educational  
institution."

SEC. 18. (RCW 82.04.170) "Tuition fee" includes library, laboratory, health service and other special fees, and amounts charged for room and board by an educational institution when the property or service for which such charges are made is furnished exclusively to the students or faculty of such institution. "Educational institution," as used in this section, means only those institutions created or generally accredited as such by the state and offering to students an educational program of a general academic nature or those institutions which are not operated for profit and which are privately endowed under a deed of trust to offer instruction in trade, industry, and agriculture, but not including specialty schools, business colleges, other trade schools, or similar institutions.

Enacted  
without  
amendment.

"Successor."

SEC. 19. (RCW 82.04.180) "Successor" means any person who, through direct or mesne conveyance, purchases or succeeds to the business, or portion thereof, or the whole or any part of the stock of goods, wares, merchandise, or fixtures or any interest therein of a taxpayer quitting, selling out, exchanging, or otherwise disposing of his business. Any

person obligated to fulfill the terms of a contract shall be deemed a successor to any contractor defaulting in the performance of any contract as to which such person is a surety or guarantor.

SEC. 20. (RCW 82.04.190) "Consumer" means the following: Enacted  
without  
amendment.

(1) Any person who purchases, acquires, owns, holds, or uses any article of tangible personal property other than for the purpose of resale as tangible personal property in the regular course of business or for the purpose of consuming such property in producing for sale a new article of tangible personal property or a new substance, of which such property becomes an ingredient or component or is a chemical used in processing, when the primary purpose of such chemical is to create a chemical reaction directly through contact with an ingredient of a new article being produced for sale; "Consumer."

(2) Any person engaged in the business of rendering professional or personal services to persons (as distinguished from services rendered to property of persons) and who are taxable under RCW 82.04-.290;

(3) Any person engaged in the business of contracting for the building, repairing or improving of any publicly owned street, place, road, highway, bridge or trestle which is used or to be used primarily for foot or vehicular traffic, in respect, however, only to tangible personal property used or consumed in such business;

(4) Any person who is an owner, lessee or has the right of possession to or an easement in real or personal property which is being constructed, repaired, improved, cleaned, imprinted, or otherwise altered by a person engaged in business, excluding only the United States, the state, and its political subdivisions in respect to labor and services rendered

to their real property which is used or held for public road purposes.

Enacted without amendment.  
"In this state."

SEC. 21. (RCW 82.04.200) "In this state" or "within this state" includes all federal areas lying within the exterior boundaries of the state.

Enacted without amendment.  
"Byproduct."

SEC. 22. (RCW 82.04.210) "Byproduct" means any additional product, other than the principal or intended product, which results from extracting or manufacturing activities and which has a market value, without regard to whether or not such additional product was an expected or intended result of the extracting or manufacturing activities.

Amendment.

SEC. 23. Section 1, chapter 91, Laws of 1953 and RCW 82.04.296 are each amended to read as follows:

Additional tax levied on privilege of engaging in business activities.

From and after the first day of May, 1955, until the thirtieth day of June, 1957 there is levied and shall be collected from every person for the act or privilege of engaging in business activities, as a part of the tax imposed by this chapter and as a temporary increase thereof, an additional tax in the amount of twenty percent of the tax payable under this chapter. To facilitate collection of this additional tax, the tax commission is authorized to adjust the basic rates of persons to which this section applies in such manner as to reflect the exact amount of the additional tax hereby imposed.

This section also amended by sec. 1, chap. 10, Laws Ex. Session, 1955.

Amendment.

SEC. 24. Section 3, chapter 9, Laws of 1951 first extraordinary session and RCW 82.12.010 are each amended to read as follows:

Defined.  
"Value of the article used."

For the purposes of this chapter:  
(1) "Value of the article used" shall mean the consideration, whether money, credit, rights, or other property, expressed in terms of money, paid or given or contracted to be paid or given by the purchaser to the seller for the article of tangible personal property, the use of which is taxable under this chapter. The



term includes, in addition to the consideration paid or given or contracted to be paid or given, the amount of any tariff or duty paid with respect to the importation of the article used. In case the article used is acquired by lease or by gift or is extracted, produced, or manufactured by the person using the same or is sold under conditions wherein the purchase price does not represent the true value thereof, the value of the article used shall be determined as nearly as possible according to the retail selling price at place of use of similar products of like quality and character under such rules and regulations as the tax commission may prescribe;

(2) "Use," "used," "using," or "put to use" shall have their ordinary meaning, and shall mean the first act within this state by which the taxpayer takes or assumes dominion or control over the article of tangible personal property (as a consumer), and include installation, storage, withdrawal from storage, or any other act preparatory to subsequent actual use or consumption within this state;

"Use."  
"Used."  
"Using."  
"Put to use."

(3) "Taxpayer" and "purchaser" include all persons included within the meaning of the word "buyer" and the word "consumer" as defined in chapters 82.04 and 82.08;

"Taxpayer."  
"Purchaser."

(4) "Retailer" means every person engaged in the business of selling tangible personal property at retail and every person required to collect from purchasers the tax imposed under this chapter;

"Retailer."

(5) The meaning ascribed to words and phrases in chapters 82.04 and 82.08, insofar as applicable, shall have full force and effect with respect to taxes imposed under the provisions of this chapter. "Consumer," in addition to the meaning ascribed to it in chapters 82.04 and 82.08 insofar as applicable, shall also mean any person who distributes or displays, or causes to be distributed or displayed, any article of tangible personal property, except newspapers,

"Consumer."

the primary purpose of which is to promote the sale of products or services.

Amendment.

SEC. 25. Section 7, chapter 228, Laws of 1949 and RCW 82.12.020 are each amended to read as follows:

Excise tax levied on use of tangible personal property.

There is hereby levied and there shall be collected from every person in this state a tax or excise for the privilege of using within this state as a consumer any article of tangible personal property purchased at retail, or acquired by lease, gift or bailment, or extracted or produced or manufactured by the person so using the same: *Provided*, That the tax liability imposed by this chapter upon the use of tangible personal property by a lessee or bailee thereof shall not be construed as affecting the primary liability under this chapter of the lessor or bailor of said property. This tax will not apply with respect to the use of any article of tangible personal property purchased, extracted, produced or manufactured outside this state until the transportation of such article has finally ended or until such article has become commingled with the general mass of property in this state. This tax shall apply to the use of every article of tangible personal property, including property acquired at a casual or isolated sale, and including byproducts used by the manufacturer thereof, except as hereinafter provided, irrespective of whether the article or similar articles are manufactured or are available for purchase within this state. Except as provided in subdivision (2) of RCW 82.12.030, payment by one purchaser or user of tangible personal property of the tax imposed by chapter 82.08 or 82.12 shall not have the effect of exempting any other purchaser or user of the same property from the taxes imposed by such chapters. The tax shall be levied and collected in an amount equal to the value of the article used by the taxpayer multiplied by the rate of three percent.

Primary liability not affected.

No application.

Application of tax.

Computation of tax.

This section also amended by sec. 3, chap. 10, Laws Ex. Session, 1955.

SEC. 26. Section 4, chapter 9, Laws of 1951 first extraordinary session and RCW 82.12.030 are each amended to read as follows:

Amendment.

The provisions of this chapter shall not apply:

Chapter provisions no application on following.

(1) In respect to the use of any article of tangible personal property brought into the state by a nonresident thereof for his use or enjoyment while temporarily within the state unless such property is used in conducting a nontransitory business activity within the state; or in respect to the use by a nonresident of this state of a motor vehicle which is registered or licensed under the laws of the state of his residence and is not used in this state more than three months, and which is not required to be registered or licensed under the laws of this state; or in respect to the use of household goods, personal effects and private automobiles by a bona fide resident of this state, if such articles were acquired by such person in another state while a bona fide resident thereof and primarily for use outside this state and if such use was actual and substantial, but if an article was acquired less than three months prior to the time he entered this state, it will be presumed that the article was acquired for use in this state and that its use outside this state was not actual and substantial;

Use of property brought in by non-resident.

(2) In respect to the use of any article of tangible personal property purchased at retail or acquired by lease, gift or bailment if the sale thereof to, or the use thereof by, the present user or his lessor, bailor or donor has already been subjected to tax under chapter 82.08 or 82.12 and such tax has been paid by the present user or by his lessor, bailor or donor;

Prior taxation.

(3) In respect to the use of any article of tangible personal property the sale of which is specifically taxable under chapter 82.16;

Use of vehicles  
in interstate  
or foreign  
commerce.

(4) In respect to the use of any airplane, locomotive, railroad car, or water craft used primarily in conducting interstate or foreign commerce by transporting therein or therewith property and persons for hire or used primarily in commercial deep sea fishing operations outside the territorial waters of the state, and in respect to use of tangible personal property which becomes a component part of any such airplane, locomotive, railroad car, or water craft, and in respect to the use by the holder of a carrier permit issued by the Interstate Commerce Commission of any motor vehicle or trailer used primarily for transporting therein persons or property for hire across the boundaries of this state if the first use of which within this state is actual use in conducting interstate or foreign commerce; and in respect to the use of any motor vehicle or trailer while being operated under the authority of a one-transit permit issued by the director of licenses pursuant to RCW 46.16.100 and moving upon the highways from the point of delivery in this state to a point outside this state; and in respect to the use of tangible personal property which becomes a component part of any motor vehicle or trailer used by the holder of a carrier permit issued by the Interstate Commerce Commission authorizing transportation by motor vehicle across the boundaries of this state;

Use of personal property.  
State prohibited from  
taxing.

(5) In respect to the use of any article of tangible personal property which the state is prohibited from taxing under the Constitution of the state or under the Constitution or laws of the United States;

Motor vehicle  
fuel used in  
aircraft.

(6) In respect to the use of motor vehicle fuel used in aircraft by the manufacturer thereof for research, development, and testing purposes and motor vehicle fuel taxable under chapter 82.36: *Provided*, That the use of such fuel upon which a refund of the motor vehicle fuel tax is obtained and shall not be exempt, and the director of licenses shall de-

duct from the amount of such tax to be refunded the amount of tax due under this chapter and remit the same each month to the tax commission;

(7) In respect to the use of any article of tangible personal property included within the transfer of the title to the entire operating property of a publicly or privately owned public utility, or of a complete operating integral section thereof, by the state or a political subdivision thereof in conducting any business defined in subdivisions (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), or (11) of RCW 82.16-.010;

Use of public utility facilities included in transfer.

(8) In respect to the use of tangible personal property (including household goods) which have been used in conducting a farm activity, if such property was purchased from a farmer at an auction sale held or conducted by an auctioneer upon a farm and not otherwise;

Use of property purchased at farmer's auction.

(9) In respect to the use of tangible personal property by corporations which have been incorporated under any act of the congress of the United States and whose principal purposes are to furnish volunteer aid to members of the armed forces of the United States and also to carry on a system of national and international relief and to apply the same in mitigating the sufferings caused by pestilence, famine, fire, flood, and other national calamities and to devise and carry on measures for preventing the same;

Use by volunteer aid and relief corporations.

(10) In respect to the use of purebred livestock for breeding purposes where said animals are registered in a nationally recognized breed association; sales of cattle and milk cows used on the farm;

Use of purebred livestock for breeding purposes.

(11) In respect to the use of fuel by the extractor or manufacturer thereof when used directly in the operation of the particular extractive operation or manufacturing plant which produced or manufactured the same;

Use of fuel by extractor or manufacturer.

Use of dual controlled motor vehicles.

(12) In respect to the use of motor vehicles, equipped with dual controls, which are loaned to school districts and used by such districts exclusively in connection with their high school driver training program.

Amendment.

SEC. 27. Section 7, chapter 249, Laws of 1945 and RCW 82.12.040 are each amended to read as follows:

Certificate of registration obtained.

Every person who maintains in this state a place of business or a resident agent or a stock of goods shall obtain from the tax commission a certificate of registration, and shall, at the time of making sales, or making transfers of either possession or title or both, of tangible personal property for use in this state, collect from the purchasers or transferees the tax imposed under this chapter.

Tax collected.

Every person who engages in this state in the business of acting as an independent selling agent for persons who do not hold a valid certificate of registration, and who receives compensation by reason of sales of tangible personal property of his principals made for use in this state, shall, at the time such sales are made, collect from the purchasers the tax imposed under this chapter, and for that purpose shall be deemed a retailer as defined in this chapter.

Independent selling agent deemed retailer.

Trust relationship.

The tax required to be collected by this chapter shall be deemed to be held in trust by the retailer until paid to the tax commission and any retailer who appropriates or converts the tax collected to his own use or to any use other than the payment of the tax provided herein to the extent that the money required to be collected is not available for payment on the due date as prescribed shall be guilty of a misdemeanor. In case any seller fails to collect the tax herein imposed or having collected the tax, fails to pay the same to the tax commission in the manner prescribed, whether such failure is the result of his own acts or the result of acts or conditions beyond

Appropriation of tax to own use—misdemeanor.

Failure to collect—personal liability.

his control, he shall nevertheless, be personally liable to the state for the amount of such tax.

Any retailer who refunds, remits, or rebates to a purchaser, or transferee, either directly or indirectly, and by whatever means, all or any part of the tax levied by this chapter, or makes in any form of advertising, verbal or otherwise, any statements which might infer that he is absorbing the tax or paying the tax for the purchaser or transferee by an adjustment of prices, or at a price including the tax, or in any other manner whatsoever shall be guilty of a misdemeanor.

SEC. 28. Section 10, chapter 228, Laws of 1949 and RCW 82.16.010 are each amended to read as follows:

For the purposes of this chapter, unless otherwise Defined.  
required by the context:

(1) "Railroad business" means the business of "Railroad  
business."  
operating any railroad, by whatever power operated, for public use in the conveyance of persons or property for hire. It shall not, however, include any business herein defined as an urban transportation business;

(2) "Express business" means the business of "Express  
business."  
carrying property for public hire on the line of any common carrier operated in this state, when such common carrier is not owned or leased by the person engaging in such business;

(3) "Railroad car business" means the business of "Railroad car  
business."  
operating stock cars, furniture cars, refrigerator cars, fruit cars, poultry cars, tank cars, sleeping cars, parlor cars, buffet cars, tourist cars, or any other kinds of cars used for transportation of property or persons upon the line of any railroad operated in this state when such railroad is not owned or leased by the person engaging in such business;

(4) "Water distribution business" means the "Water distri-  
bution  
business."  
business of operating a plant or system for the distribution of water for hire or sale;

"Light and power business."

(5) "Light and power business" means the business of operating a plant or system for the generation, production or distribution of electrical energy for hire or sale;

"Telephone business."

(6) "Telephone business" means the business of operating or managing any telephone line or part of a telephone line and exchange or exchanges used in the conduct of the business of affording telephonic communication for hire. It includes cooperative or farmer line telephone companies or associations operating an exchange;

"Telegraph business."

(7) "Telegraph business" means the business of affording telegraphic communication for hire;

"Gas distribution business."

(8) "Gas distribution business" means the business of operating a plant or system for the production or distribution for hire or sale of gas, whether manufactured or natural;

"Highway transportation business."

(9) "Highway transportation business" means the business (except urban transportation business) of operating any motor propelled vehicle by which persons or property of others are conveyed for hire, and includes, but is not limited to, the operation of any motor propelled vehicle as an auto transportation company (except urban transportation business), common carrier or contract carrier as defined by RCW 81.68.010 and 81.80.010;

"Urban transportation business."

(10) "Urban transportation business" means the business of operating any vehicle for public use in the conveyance of persons or property for hire, insofar as (a) operating entirely within the corporate limits of any city or town, or within five miles of the corporate limits thereof, or (b) operating entirely within and between cities and towns whose corporate limits are not more than five miles apart or within five miles of the corporate limits of either thereof. Included herein, but without limiting the scope hereof, is the business of operating passenger vehicles of every type and also the business of operating cart-



age, pickup, or delivery services, including in such services the collection and distribution of property arriving from or destined to a point within or without the state, whether or not such collection or distribution be made by the person performing a local or interstate line-haul of such property;

(11) "Public service business" means any business subject to control by the state, or having the powers of eminent domain and the duties incident thereto, or any business hereafter declared by the legislature to be of a public service nature. It includes, among others, without limiting the scope hereof: Airplane transportation, boom, dock, ferry, pipe line, public warehouse, toll bridge, toll logging road, water transportation and wharf businesses;

"Public service business."

(12) "Gross operating revenue" means the value proceeding or accruing from the performance of the particular public service or transportation business involved, including operations incidental thereto, but without any deduction on account of the cost of the commodity furnished or sold, the cost of materials used, labor costs, interest, discount, delivery costs, taxes, or any other expense whatsoever paid or accrued and without any deduction on account of losses;

"Gross operating revenue."

(13) The meaning attributed, in chapter 82.04, to the terms "tax year," "person," "value proceeding or accruing," "business," "engaging in business," "in this state," "within this state," "cash discount" and "successor" shall apply equally in the provisions of this chapter.

Miscellaneous terms.

SEC. 29. Section 2, chapter 91, Laws of 1953 and RCW 82.16.026 are each amended to read as follows:

Amendment.

From and after the first day of May, 1953, until the thirtieth day of June, 1957 there is levied and shall be collected from every person for the act or privilege of engaging within this state in one or more of the businesses named in RCW 82.16.020,

Additional tax on engaging in business.

as a part of the tax imposed by this chapter and as a temporary increase thereof, an additional tax in the amount of ten percent of the tax payable under this chapter. To facilitate collection of this additional tax, the tax commission is authorized to adjust the basic rates of persons to which this section applies in such manner as to reflect the exact amount of the additional tax hereby imposed.

Division and amendment.

SEC. 30. Section 1, chapter 118, Laws of 1941 as last amended by sections 18 and 19, chapter 228, Laws of 1949 (heretofore codified as RCW 82.28.010 through RCW 82.28.060) is divided and amended as set forth in sections 32 through 37 of this act.

Defined.

SEC. 31. (RCW 82.28.010) For the purposes of this chapter:

"Operator."

(1) "Operator" means the person to whom gross operating income accrues as a result of the operation of the mechanical devices described herein;

"Gross operating income."

(2) "Gross operating income" means the aggregate amount paid in to each mechanical device by all players of that mechanical device during each calendar month, less the amount of pay-outs made from the same mechanical device to such players, but without any deduction for amounts paid out to persons on whose premises the mechanical device is located or amounts paid out for any other purposes;

"Pay-out."

(3) "Pay-out" means any cash payment automatically returned to a player by the mechanical device, or any cash, merchandise, or thing of value won by or given to the player by or on behalf of the operator;

"Player."

(4) "Player" means the person to whom a pay-out accrues;

Miscellaneous terms used.

(5) The meaning ascribed to words and phrases under chapters 82.04 and 82.08, where applicable, shall apply equally in respect to this chapter.

Enacted without amendment.

SEC. 32. (RCW 82.28.020) There is levied and there shall be collected from every person a tax for

the act or privilege of engaging in business as an operator of certain mechanical devices irrespective of whether such activity shall be legal or illegal under the laws of this state or any subdivision thereof: *Provided*, Nothing in this title shall be construed to legalize any activity declared to be in violation of the laws of this state or any subdivision thereof, and the illegality of any such activity shall not be a defense or bar to the collection of any tax imposed thereon by this title.

Tax on operation of certain mechanical devices.

Such tax shall be measured by the application of rates against the gross operating income of the business as follows:

Computation of tax.

(1) Upon every person engaging within this state in business as an operator of any pinball machine, iron claw machine, traveling crane or other similar mechanical device wherein the element of skill or a combination of the elements of chance and skill is involved in determining a pay-out to the player, as to such persons the amount of tax on such business shall be equal to twenty percent of the gross operating income of the business: *Provided*, That this paragraph shall not be applicable to devices which require more than one operation by the player and where the result of any such operation by the player is determined by chance alone;

(2) Upon every person engaging within this state in business as an operator of (a) any mechanical device wherein only the element of chance determines a pay-out to the player, or (b) any mechanical device which requires more than one operation by the player and where the result of any such operation by the player is determined by chance alone, without regard to whether or not an element of skill is involved in any other operation of the device by the player; as to such persons the amount of tax on such business shall be equal to forty

percent of the gross operating income of the business.

Enacted without amendment.

Records to be kept by owner of premises.

SEC. 33. (RCW 82.28.030) Every person who, for a percentage of any portion of the gross operating income, permits the operation upon his premises of the mechanical devices described herein, shall keep and preserve, for a period of one year, suitable records to note the name of the operator and a description of the devices, the gross operating income therefrom and such other information as the tax commission may by general regulation require, which records shall be open to examination at any time by the commission. If any person fails to keep such records, he shall thereupon become liable for all tax due hereunder as an operator of such mechanical device.

Taxes computed on calendar month basis; due date; tax return forms.

SEC. 34. (RCW 82.28.040) The taxes imposed hereunder shall be computed for each mechanical device on a calendar month basis and shall be due and payable in bimonthly installments and remittance therefor shall be made on or before the fifteenth day of each odd-numbered month of each calendar year next succeeding the end of the bimonthly period in which the tax accrued. The tax payer, on or before said fifteenth day of such month, shall make out and sign a return, upon such forms and setting forth such information as the tax commission may require, showing the amount of the tax for which he is liable for the preceding bimonthly period and transmit it to the commission, together with a remittance for such amount in the form required. The tax commission may require sworn returns from any taxpayer, setting forth such additional information as it may deem necessary to correctly determine tax liability.

Return filed for each device registered.

A return shall be filed for each mechanical device registered with the commission, whether or not the machine was in actual operation during the bi-

monthly period for which the return is made, and whether or not any tax liability was incurred with respect to the operation of the machine during such bimonthly period, and for failure to file a return for any such machine the commission may assess a penalty in the amount of not to exceed twenty-five dollars for each machine not reported, which penalty shall be collected in the same manner as the taxes imposed by this chapter. A taxpayer may report any number of machines on a single return if appropriate information is attached to such single return stating the registration number of each machine reported, the location at which it was operated, and the gross operating income therefrom.

Failure to file return; penalty.

Single return permitted.

SEC. 35. (RCW 82.28.050) Gross operating income taxable under the provisions of this chapter shall not be taxable under the provisions of chapter 82.04, but the tax imposed by this chapter shall be in addition to any other tax to which the taxpayer may be subject under the laws of this state or any subdivision thereof.

Enacted without amendment.

The state does not preempt the field of imposing taxes or license fees with respect to mechanical devices hereby taxed, and this chapter shall not be construed to bar counties and cities or towns from regulating or prohibiting the operation of any such mechanical devices.

SEC. 36. (RCW 82.28.060) All of the provisions contained in chapter 82.32 shall have full force and application with respect to taxes imposed under the provisions of this chapter.

Enacted without amendment.

SEC. 37. Section 25, chapter 228, Laws of 1949, as amended by sections 13 and 14, chapter 9, Laws of 1951 first extraordinary session (heretofore codified as RCW 82.32.210 and 82.32.220) is divided and amended as set forth in sections 39 and 40 of this act.

Division and amendment.

Enacted  
without  
amendment.

Procedure  
when tax, in-  
crease or pen-  
alty not paid;  
warrant  
issued; levy  
and sale.

Declaration  
tax immedi-  
ately due  
and payable.

Revocation of  
certificate of  
registration.

Posting copy  
of order.

SEC. 38. (RCW 82.32.210) If any tax, increase, or penalty or any portion thereof is not paid within fifteen days after it becomes due, the tax commission may issue a warrant under its official seal directed to the sheriff of any county of the state, commanding him to levy upon and sell the real and/or personal property of the taxpayer found within his county, or so much thereof as may be necessary, for the payment of the amount of such warrant, together with interest thereon at the rate of one percent of the amount of such warrant for each thirty days or portion thereof after the date of such warrant, plus the cost of executing the warrant, and return the warrant to the commission and pay to it the money collected by virtue thereof within sixty days after the receipt of the warrant. If, however, the commission believes that a taxpayer is about to cease business, leave the state, or remove or dissipate the assets out of which taxes or penalties might be satisfied and that any tax or penalty will not be paid when due, it may declare the tax or penalty to be immediately due and payable and may issue a warrant immediately.

If any warrant issued under this chapter is not paid within thirty days after it has been filed with the clerk of the superior court, the tax commission may by order issued under its official seal, revoke the certificate of registration of the taxpayer against whom the warrant was issued, and, if such order is entered, a copy thereof shall be posted in a conspicuous place at the main entrance to the taxpayer's place of business and shall remain posted until such time as the warrant has been paid. Any certificate so revoked shall not be reinstated, nor shall a new certificate of registration be issued to the taxpayer, until the amount due on the warrant has been paid, or provisions for payment satisfactory to the commission have been entered, and until the taxpayer

has deposited with the commission such security for payment of any taxes, increases, and penalties, due or which may become due in an amount and under such terms and conditions as the commission may require, but the amount of the security shall not be greater than one-half the estimated average annual liability of the taxpayer.

SEC. 39. (RCW 82.32.220) The sheriff shall file with the clerk of the superior court of his county a copy of the warrant, and thereupon the clerk shall enter in the judgment docket, the name of the taxpayer mentioned in the warrant and in appropriate columns the amount of the tax or portion thereof and any increases and penalties for which the warrant is issued and the date when such copy is filed, and thereupon the amount of such warrant so docketed shall become a specific lien upon all goods, wares, merchandise, fixtures, equipment, or other personal property used in the conduct of the business of the taxpayer against whom such warrant is issued, including property owned by third persons who have a beneficial interest, direct or indirect, in the operation of the business, and no sale or transfer of such personal property shall in any way affect such lien. The lien shall not be superior, however, to bona fide interests of third persons which had vested prior to the filing of the warrant when such third persons do not have a beneficial interest, direct or indirect, in the operation of the business, other than the securing of the payment of a debt or the receiving of a regular rental on equipment: *Provided, however,* That the phrase "bona fide interests of third persons" shall not include any mortgage of real or personal property or any other credit transaction that results in the mortgagee or the holder of the security acting as trustee for unsecured creditors of the taxpayer mentioned in the warrant who executed such chattel or real property mortgage or the docu-

Procedure.

Warrants docketed.

Lien.

Priority of lien.

"Bona fide interests of third persons" shall not include.

ment evidencing such credit transaction. The amount of such warrant so docketed shall thereupon also become a lien upon the title to and interest in all other real and personal property of the taxpayer against whom it is issued the same as a judgment in a civil case duly docketed in the office of such clerk, and the sheriff shall thereupon proceed upon the same in all respects and with like effect as prescribed by law with respect to execution or other process issued against rights or property upon judgments of the superior court. Such warrants so docketed shall be sufficient to support the issuance of writs of garnishment in favor of the state in the manner provided by law in the case of judgments wholly or partially unsatisfied.

Writs of garnishment.

Sheriff's fees.

The sheriff shall be entitled to fees as provided by law for his services in levying execution on a superior court judgment and the clerk shall be entitled to a filing fee of one dollar, which shall be added to the amount of the warrant.

Filing fee.

Proceeds from sale.

The proceeds received from any sale shall be credited upon the amount due under the warrant and when the final amount due is received, together with interest, penalties, and costs, the judgment docket shall show the claim for taxes to be satisfied and the clerk of the court shall so note upon the docket. Any surplus received from any sale of property shall be paid to the taxpayer or to any lien holder entitled thereto. If the return on the warrant shows that the same has not been satisfied in full, the amount of the deficiency shall remain the same as a judgment against the taxpayer which may be collected in the same manner as the original amount of the warrant.

Amendment.

SEC. 40. Section 30, chapter 225, Laws of 1939 and RCW 82.32.340 are each amended to read as follows:

Tax or penalty deemed uncollectible.

Any tax or penalty which the tax commission deems to be uncollectible, may be transferred from



accounts receivable, subject to approval by the director of budget, to a suspense account and cease to be accounted an asset: *Provided*, That any item transferred shall continue to be a debt due the state from the taxpayer and may at any time within twelve years from the filing of a warrant covering such amount with the clerk of the superior court be transferred back to accounts receivable for the purpose of collection: *Provided further*, The commission may charge off as finally uncollectible any tax or penalty which it deems uncollectible at any time after twelve years from the date of the filing of a warrant covering such tax and penalty with the clerk of the superior court after the commission and the attorney general are satisfied that there are no available and lawful means by which such tax or penalty may thereafter be collected.

Charging off as uncollectible.

The commission, subject to the approval of the director of budget, may at the expiration of five years after the close of any taxable year, destroy any or all files and records pertaining to the tax liability of any taxpayer for such taxable year, who has fully paid all taxes, penalties and interest for such taxable year, or any preceding taxable year for which such taxes, penalties and interest have been fully paid.

Authorization to destroy files and records.

SEC. 41. Section 1, chapter 5, Laws of 1950 extraordinary session as last amended by section 4, chapter 91, Laws of 1953 and section 2, chapter 195, Laws of 1953 (heretofore codified as RCW 82.04.220, 82.04.230 and 82.04.240 through 82.04.290) is divided and amended as set forth in sections 2 through 9 of this act.

Division and amendment.

SEC. 42. (RCW 82.04.220) There is levied and shall be collected from every person a tax for the act or privilege of engaging in business activities. Such tax shall be measured by the application of rates against value of products, gross proceeds of

Enacted without amendment.

Tax levied on engaging in business activities.

sales, or gross income of the business, as the case may be.

Enacted without amendment.

SEC. 43. (RCW 82.04.230) Upon every person engaging within this state in business as an extractor; as to such persons the amount of the tax with respect to such business shall be equal to the value of the products, including byproducts, extracted for sale or for commercial or industrial use, multiplied by the rate of one-quarter of one percent;

Tax levied on engaging in business as an extractor.

Measure of tax.

The measure of the tax is the value of the products, including byproducts, so extracted, regardless of the place of sale or the fact that deliveries may be made to points outside the state.

Enacted without amendment.

SEC. 44. (RCW 82.04.240) Upon every person except persons taxable under subsection (2) of RCW 82.04.260 engaging within this state in business as a manufacturer; as to such persons the amount of the tax with respect to such business shall be equal to the value of the products, including byproducts, manufactured, multiplied by the rate of one-quarter of one percent.

Tax levied on engaging in business as a manufacturer.

Measure of tax.

The measure of the tax is the value of the products, including byproducts, so manufactured regardless of the place of sale or the fact that deliveries may be made to points outside the state.

Enacted without amendment.

SEC. 45. (RCW 82.04.250) Upon every person engaging within this state in the business of making sales at retail; as to such persons, the amount of tax with respect to such business shall be equal to the gross proceeds of sales of the business, multiplied by the rate of one-quarter of one percent.

Enacted without amendment.

SEC. 46. (RCW 82.04.260) (1) Upon every person engaging within this state in the business of buying wheat, oats, corn and barley, but not including any manufactured or processed products thereof, and selling the same at wholesale; the tax imposed shall be equal to the gross proceeds derived from

such sales multiplied by the rate of one one-hundredth of one percent.

(2) Upon every person engaging within this state in the business of manufacturing wheat into flour; as to such persons the amount of tax with respect to such business shall be equal to the value of the flour manufactured, multiplied by the rate of one-eighth of one percent.

SEC. 47. (RCW 82.04.270) Upon every person except persons taxable under subsection (1) of RCW 82.04.260 engaging within this state in the business of making sales at wholesale; as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds of sales of such business multiplied by the rate of one-quarter of one percent. The tax imposed by this section is levied and shall be collected from every person engaged in the business of distributing in this state articles of tangible personal property, owned by them from their own warehouse or other central location in this state to two or more of their own retail stores or outlets, where no change of title or ownership occurs, the intent hereof being to impose a tax equal to the wholesaler's tax upon persons performing functions essentially comparable to those of a wholesaler, but not actually making sales: *Provided*, That the tax designated in this section may not be assessed twice to the same person for the same article. The amount of the tax as to such persons shall be computed by multiplying one-quarter of one percent the value of the article so distributed as of the time of such distribution. The tax commission shall prescribe uniform and equitable rules for the purpose of ascertaining such value, which value shall correspond as nearly as possible to the gross proceeds from sales at wholesale in this state of similar articles of like quality and character, and in similar quantities by other taxpayers: *Provided further*, That delivery

Tax levied on persons making sales at wholesale.

Measure of tax.

Limitation.

Computation.

trucks or vans will not under the purposes of this section be considered to be retail stores or outlets.

Enacted  
without  
amendment.

SEC. 48. (RCW 82.04.280) Upon every person engaging within this state in the business of: (1) Printing, and of publishing newspapers, periodicals or magazines; (2) building, repairing or improving any publicly owned street, place, road, highway, bridge or trestle which is used, or to be used, primarily for foot or vehicular traffic; as to such persons, the amount of tax on such business shall be equal to the gross income of the business multiplied by the rate of one-quarter of one percent.

Enacted  
without  
amendment.

SEC. 49. (RCW 82.04.290) Upon every person engaging within this state in any business activity other than or in addition to those enumerated in RCW 82.04.230, 82.04.235, 82.04.240, 82.04.250, 82.04.260, 82.04.270, and 82.04.280; as to such persons the amount of tax on account of such activities shall be equal to the gross income of the business multiplied by the rate of one-half of one percent. This section includes, among others, and without limiting the scope hereof (whether or not title to materials used in the performance of such business passes to another by accession, confusion or other than by outright sale), persons engaged in the business of rendering any type of service which does not constitute a "sale at retail" or a "sale at wholesale."

Effective date.

SEC. 50. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect on the first day of May, 1955.

Passed the Senate March 9, 1955.

Passed the House March 7, 1955.

Approved by the Governor March 22, 1955.

## CHAPTER 390.

[ S. B. 367. ]

## PUBLIC UTILITY DISTRICTS.

AN ACT relating to powers of public utility districts and amending section 1, chapter 143, Laws of 1945, as last amended by sections 1 and 2, chapter 209, Laws of 1951 and RCW 54.16.010 through 54.16.190.

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

SECTION 1. Section 1, chapter 143, Laws of 1945, as last amended by sections 1 and 2, chapter 209, Laws of 1951 (heretofore codified as RCW 54.16.010 through 54.16.190) is divided and amended as set forth in sections 2 through 20 of this act.

Division and amendment.

SEC. 2. (RCW 54.16.010) A district may make a survey of hydroelectric power, irrigation, and domestic water supply resources within or without the district, and compile comprehensive maps and plans showing the territory that can be most economically served by the various resources and utilities, the natural order in which they should be developed, and how they may be joined and coordinated to make a complete and systematic whole.

Enacted without amendment.

Survey authorized.

SEC. 3. (RCW 54.16.020) A district may construct, condemn and purchase, purchase, acquire, lease, add to, maintain, operate, develop, and regulate all lands, property, property rights, water, water rights, dams, ditches, flumes, aqueducts, pipes and pipe lines, water power, leases, easements, rights of way, franchises, plants, plant facilities, and systems for generating electric energy by water power, steam, or other methods; plants, plant facilities, and systems for developing, conserving, and distributing water for domestic use and irrigation; buildings, structures, poles and pole lines, and cables and conduits and any and all other facilities; and may exercise the right of eminent domain to effectuate the foregoing purposes or for the acquisition and

Enacted without amendment.

Powers of district.

Right of eminent domain exercised.

damaging of such property and rights, or property of any kind appurtenant thereto, and for the purpose of acquiring the right to make physical connection with plants and plant facilities of all persons and municipalities. The right of eminent domain shall be exercised pursuant to resolution of the commission and conducted in the same manner and by the same procedure as is provided for the exercise of that power by cities and towns of the state in the acquisition of like property and property rights. It shall be no defense to a condemnation proceeding that a portion of the electric current generated or sold by the district will be applied to private purposes, if the principal uses intended are public: *Provided*, That no public utility owned by a city or town shall be condemned, and none shall be purchased without submission of the question to the voters of the utility district. In a condemnation proceeding, the court shall submit to the jury the values placed upon the property by the taxing authority for taxation purposes, and in respect to property, plants, and facilities of persons using public highways for furnishing public service without franchises, shall consider in determining the value thereof the fact that the property, plants, and facilities are subject to be removed from the highways by reason of being so operated without a franchise.

Considerations for jury in condemnation proceedings.

Enacted without amendment.

SEC. 4. (RCW 54.16.030) A district may construct, purchase, condemn and purchase, acquire, add to, maintain, conduct, and operate water works and irrigation plants and systems, within or without its limits, for the purpose of furnishing the district, and the inhabitants thereof, and any other persons including public and private corporations within or without its limits, with an ample supply of water for all purposes, public and private, including water power, domestic use, and irrigation, with full and

Authority to supply water.

exclusive authority to sell and regulate and control the use, distribution, and price thereof.

SEC. 5. (RCW 54.16.040) A district may purchase, within or without its limits, electric current for sale and distribution within or without its limits, and construct, condemn and purchase, purchase, acquire, add to, maintain, conduct, and operate works, plants, transmission and distribution lines and facilities for generating electric current, operated either by water power, steam, or other methods, within or without its limits, for the purpose of furnishing the district, and the inhabitants thereof and any other persons, including public and private corporations, within or without its limits, with electric current for all uses, with full and exclusive authority to sell and regulate and control the use, distribution, rates, service, charges, and price thereof, free from the jurisdiction and control of the public service commission, in all things, together with the right to purchase, handle, sell, or lease motors, lamps, transformers and all other kinds of equipment and accessories necessary and convenient for the use, distribution, and sale thereof: *Provided*, That the commission shall not supply water to a privately owned utility for the production of electric energy, but may supply, directly or indirectly, to an instrumentality of the United States Government or any publicly or privately owned public utilities which sell electric energy or water to the public, any amount of electric energy or water under its control, and contracts therefor shall extend over such period of years and contain such terms and conditions for the sale thereof as the commission of the district shall elect; such contract shall only be made pursuant to a resolution of the commission authorizing such contract, which resolution shall be introduced at a meeting of the commission at least ten days prior to the date of the adoption of the resolu-

Authority to purchase electric current; to furnish electric current.

Proviso.

Contracts; committee resolution.

tion: *Provided further*, That it shall first make adequate provision for the needs of the district, both actual and prospective.

Enacted without amendment.

Rights and powers of district.

Use of water authorized.

Dams.

Proviso.

SEC. 6. (RCW 54.16.050) A district may take, condemn and purchase, purchase and acquire any public and private property, franchises and property rights, including state, county, and school lands, and property and littoral and water rights, for any of the purposes aforesaid, and for railroads, tunnels, pipe lines, aqueducts, transmission lines, and all other facilities necessary or convenient, and, in connection with the construction, maintenance, or operation of any such utilities, may acquire by purchase or condemnation and purchase the right to divert, take, retain, and impound and use water from or in any lake or watercourse, public or private, navigable or nonnavigable, or held, owned, or used by the state, or any subdivision thereof, or by any person for any public or private use, or any underflowing water within the state; and the district may erect, within or without its limits, dams or other works across any river or watercourse, or across or at the outlet of any lake, up to and above high water mark; and, for the purpose of constructing or laying aqueducts or pipe lines, dams, or waterworks or other necessary structures in storing, retaining, and distributing water, or for any other purpose authorized hereunder, the district may occupy and use the beds and shores up to the high water mark of any such lake, river, or watercourse, and acquire by purchase or by condemnation and purchase, or otherwise, any water, water rights, easements, or privileges named herein or necessary for any of such purposes, and a district may acquire by purchase, or condemnation and purchase, or otherwise, any lands, property, or privileges necessary to protect the water supply of the district from pollution: *Provided*, That should private property be necessary for any



of its purposes, or for storing water above high water mark, the district may condemn and purchase, or purchase and acquire such private property.

SEC. 7. (RCW 54.16.060) A district may build and maintain intertie lines connecting its power plant and distribution system with the power plant and distribution system owned by any other public utility district, or municipal corporation, or connect with the power plants and distribution systems owned by any municipal corporation in the district, and from any such intertie line, sell electric energy to any person, public utility district, city, town or other corporation, public or private, and, by means of transmission or pole lines, conduct electric energy from the place of production to the point of distribution, and construct and lay aqueducts, pipe or pole lines, and transmission lines along and upon public highways, roads, and streets, and condemn and purchase, purchase or acquire, lands, franchises, and rights of way necessary therefor.

Enacted  
without  
amendment.

Intertie lines.

SEC. 8. (RCW 54.16.070) A district may contract indebtedness or borrow money for corporate purposes on its credit or on the revenues of its public utilities, and issue general obligation or utility bonds therefor, bearing interest at a rate not exceeding six percent per annum, payable semiannually, the bonds not to be sold for less than par and accrued interest; may purchase with surplus funds, local utility district bonds of districts created by the commission and sell them, giving preference to residents of the district, and may create a revolving fund to insure the prompt payment of all local utility district bonds.

Enacted  
without  
amendment.

Contracting  
indebtedness  
permitted;  
obligation or  
utility bonds  
issued.

SEC. 9. (RCW 54.16.080) A district may raise revenue by the levy of an annual tax on all taxable property within the district, not exceeding two mills in any one year, exclusive of interest and re-

Enacted  
without  
amendment.

Revenue by  
taxation.

Proposed budget filed.

Notice by publication.

Public hearing.

demption for general obligation bonds. The commission shall prepare a proposed budget of the contemplated financial transactions for the ensuing year and file it in its records, on or before the first Monday in September. Notice of the filing of the proposed budget and the date and place of hearing thereon shall be published for at least two consecutive weeks in a newspaper printed and of general circulation in the county. On the first Monday in October, the commission shall hold a public hearing on the proposed budget at which any taxpayer may appear and be heard against the whole or any part thereof. Upon the conclusion of the hearing, the commission shall, by resolution, adopt the budget as finally determined, and fix the final amount of expenditures for the ensuing year. Taxes levied by the commission shall be certified to and collected by the proper officer of the county in which the district is located in the same manner as provided for the certification and collection of port district taxes. The commission may, prior to the receipt of taxes raised by levy, borrow money or issue warrants of the district in anticipation of the revenue to be derived from the levy of taxes for district purposes, and the warrants shall be redeemed from the first money available from such taxes. The warrants shall not exceed the anticipated revenue of one year, and shall bear interest at a rate of not to exceed six percent per annum.

Enacted without amendment.

SEC. 10. (RCW 54.16.090) A district may enter into any contract with the United States, or any state, municipality, or other utility district, or any department of those entities, for carrying out any of the powers authorized by this title.

It may acquire by gift, devise, bequest, lease, or purchase, real and personal property necessary or convenient for its purposes, or for any local district therein.

It may make contracts, employ engineers, attorneys, and other technical or professional assistance; print and publish information or literature and do all other things necessary to carry out the provisions of this title.

SEC. 11. (RCW 54.16.100) The commission, by resolution introduced at a regular meeting and adopted at a subsequent regular meeting, shall appoint and may remove at will a district manager, and shall, by resolution, fix his salary.

Enacted  
without  
amendment.

District  
manager.

The manager shall be the chief administrative officer of the district, in control of all administrative functions and shall be responsible to the commission for the efficient administration of the affairs of the district placed in his charge. He shall be an experienced executive with administrative ability. In the absence or temporary disability of the manager, he shall, with the approval of the president of the commission, designate some competent person as acting manager.

Manager;  
qualification  
and duties.

The manager may attend all meetings of the commission and its committees, and take part in the discussion of any matters pertaining to the duties of his department, but shall have no vote.

The manager shall carry out the orders of the commission, and see that the laws pertaining to matters within the functions of his department are enforced; keep the commission fully advised as to the financial condition and needs of the districts; prepare an annual estimate for the ensuing fiscal year of the probable expenses of his department, and recommend to the commission what development work should be undertaken, and what extensions and additions, if any, should be made during the ensuing fiscal year, with an estimate of the costs of the development work, extensions, and additions; certify to the commission all bills, allowances, and payrolls, including claims due contractors of public

Specific duties  
of manager  
enumerated.

works; recommend to the commission salaries of the employees of his office, and a scale of salaries or wages to be paid for the different classes of service required by the district; hire and discharge employees under his direction; and perform such other duties as may be imposed upon him by resolution of the commission. It is unlawful for him to make any contribution of money in aid of or in opposition to the election of any candidate for public utility commissioner or to advocate or oppose any such election.

Unlawful acts  
—manager.

SEC. 12. (RCW 54.16.110) A district may sue in any court of competent jurisdiction, and may be sued in the county in which it is located. No suit for damages shall be maintained against a district except on a claim filed with the commission complying in all respects with the terms and requirements for claims for damages filed against cities of the second class.

Enacted  
without  
amendment.

Suit.

SEC. 13. (RCW 54.16.120) A district may, by resolution, establish and define the boundaries of local assessment districts to be known as local utility district No. ...., for distribution, under the general supervision and control of the commission, of water for domestic use, irrigation, and electric energy, and for providing street lighting, or any of them, and in like manner provide for the purchasing, or otherwise acquiring, or constructing and equipping of distribution systems for such purposes, and for extensions and betterments thereof, and may levy and collect in accordance with the special benefits conferred thereon, special assessments and reassessments on property specially benefited thereby, for paying the cost and expense thereof, or any portions thereof, as herein provided, and issue local improvement bonds or warrants or both to be repaid wholly or in part by collection of local improvement assessments.

Enacted  
without  
amendment.

Boundaries of  
local assess-  
ment districts  
established.

SEC. 14. (RCW 54.16.130) The commission shall by resolution establish the method of procedure in all matters relating to local utility districts. A public utility district may determine by resolution what work shall be done or improvements made at the expense, in whole or in part, of the property specially benefited thereby; and adopt and provide the manner, machinery and proceedings in any way relating to the making and collecting of assessments therefor in pursuance thereof. Except as herein otherwise provided or as may hereafter be set forth by resolution, all matters and proceedings relating to the local utility district, the levying and collection of assessments, the issuance and redemption of local improvement warrants and bonds, and the enforcement of local assessment liens hereunder, shall be governed, as nearly as may be, by the laws relating to local improvements for cities of the first class: *Provided*, That no protest against a local utility district improvement shall be received after twelve o'clock noon of the day set for hearing.

Enacted  
without  
amendment.

Method of  
procedure  
established by  
resolution.

Time limita-  
tion on receipt  
of protest.

The commission may determine to finance the project by bonds or warrants secured by assessments against the property within the local utility district: Or it may finance the project by revenue bonds, in which case no bonds or warrants shall be issued by the local utility district, but assessments shall be levied upon the taxable property therein on the basis of special benefits up to, but not exceeding the total cost of the improvement and in such cases the entire principal and interest of such assessments shall be paid into a revenue bond fund of the district, to be used for the sole purpose of the payment of revenue bonds.

Authority to  
determine  
financing.

SEC. 15. (RCW 54.16.140) Any such improvement shall be ordered by resolution of the commission either upon petition or resolution therefor. When a petition, signed by ten percent of the owners

Enacted  
without  
amendment.

Improvements.

Petition for improvement.

of land in the district to be therein described, is filed with the commission, asking that the plan or improvement therein set forth be adopted and ordered, and defining the boundaries of a local improvement district to be assessed in whole or in part to pay the cost thereof, the commission shall fix the date of hearing thereon, and give not less than two weeks notice thereof by publication. The commission may deny the petition or order the improvement, unless a majority of the owners of lands in the district file prior to twelve o'clock noon of the day of the hearing, with the secretary a petition protesting against the improvement. If the commission orders the improvement, it may alter the boundaries of the proposed local district and prepare and adopt detail plans of the local improvement, declare the estimated cost thereof, what proportion thereof shall be borne by the local improvement district, and what proportion, if any shall be borne by the entire public utility district.

Hearing. Publication.

Protest petition; time limitation on.

Enacted without amendment.

SEC. 16. (RCW 54.16.150) When a petition signed by a majority of the landowners in a proposed local improvement district is filed with the commission, asking that the improvement therein described be ordered, the commission shall forthwith fix a date for hearing thereon after which it shall, by resolution, order the improvement, and may alter the boundaries of the proposed district; prepare and adopt the improvement; prepare and adopt detail plans thereof; declare the estimated cost thereof, what proportion of the cost shall be borne by the local district, and what proportion, if any, shall be borne by the entire public utility district, and provide the general funds thereof to be applied thereto, if any; acquire all lands and other properties therefor; pay all damages caused thereby; and commence in the name of the public utility district such eminent domain proceedings and supple-

Commission duties when resolution orders improvement made.

mental assessment or reassessment proceedings to pay all eminent domain awards necessary to entitle the district to proceed with the work, and shall thereafter proceed with the work, and shall file with the county treasurer its roll levying special assessments in the amount to be paid by special assessment against the property in the local improvement district in proportion to the special benefits to be derived by the property in the local district from the improvement.

SEC. 17. (RCW 54.16.160) Before approval of the roll, a notice shall be published ten days stating that the roll is on file and open to inspection in the office of the secretary, and fixing a time not less than fifteen nor more than thirty days from the date of the first publication of the notice, within which protests must be filed with the secretary against any assessments shown thereon, and fixing a time when a hearing shall be held by the commission on the protests. After the hearing the commission may alter any and all assessments shown on the roll and may, by resolution, approve it, but if an assessment is raised, a new notice, similar to the first, shall be given, and a hearing had thereon, after which final approval of the roll may be made. Any person aggrieved by the assessments shall perfect an appeal to the superior court of the county within ten days after the approval, in the manner now provided for appeals from assessments levied by cities of the first class. In the event such an appeal shall be taken, the judgment of the court shall confirm the assessment insofar as it affects the property of the appellant unless the court shall find from the evidence that such assessment is founded upon a fundamentally wrong basis and/or the decision of the commission thereon was arbitrary or capricious; in which event the judgment of the court shall correct, change, modify, or annul the assessment insofar as it affects

Enacted without amendment. Publication of notice; assessment roll open to inspection.

Hearing.

Altering assessments.

Right of appeal.

the property of the appellant. In the same manner as provided with reference to cities of the first class an appeal shall lie to the supreme court from the judgment of the superior court, as in other cases, if taken within fifteen days after the date of the entry of the judgment in the superior court. Engineering, office, and other expenses necessary or incident to the improvement shall be borne by the public utility district: *Provided*, That when a municipal corporation included in the public utility district already owns or operates a utility of a character like that for which the assessments are levied hereunder, all such engineering and other expenses shall be borne by the local assessment district.

Right of appeal to supreme court.

Expenses.

Enacted without amendment.

Limitation on cost burden.

SEC. 18. (RCW 54.16.170) When an improvement is ordered hereunder, payment for which shall be made in part from assessments against property specially benefited, not more than fifty percent of the cost thereof shall ever be borne by the entire public utility district, nor shall any sum be contributed by it to any improvement acquired or constructed with or by any other body, exceed such amount, unless a majority of the electors of the district consent to or ratify the making of such expenditure.

Enacted without amendment.

Sale, lease, conveyance of property authorized; vote on proposed sale.

SEC. 19. (RCW 54.16.180) A district may sell and convey, lease, or otherwise dispose of all or any part of its works, plants, systems, utilities and properties, after proceedings and approval by the voters of the district, as provided for the lease or disposition of like properties and facilities owned by cities and towns: *Provided*, That the affirmative vote of three-fifths of the voters voting at an election on the question of approval of a proposed sale, shall be necessary to authorize such sale: *Provided further*, That a district may sell, convey, lease, or otherwise dispose of all or any part of the property owned by it, located outside its boundaries, to an-



other public utility district, city, town, or other municipal corporation without the approval of the voters; or may sell, convey, lease, or otherwise dispose of to any person or public body, any part, either within or without its boundaries, which has become unserviceable, inadequate, obsolete, worn out or unfit to be used in the operations of the system and which is no longer necessary, material to, and useful in such operations, without the approval of the voters. Public utility districts are municipal corporations for the purpose of this section and the commission shall be held to be the legislative body and the president and secretary shall have the same powers and perform the same duties as the mayor and city clerk and the resolutions of the districts shall be held to be ordinances within the meaning of the statutes governing the sale, lease, or other disposal of public utilities owned by cities and towns.

Public utility districts—municipal corporations.

SEC. 20. (RCW 54.16.190) The commission of a district may adopt general resolutions to carry out the purposes, objects, and provisions of this title.

Enacted without amendment. General resolutions.

Passed the Senate March 9, 1955.

Passed the House March 8, 1955.

Approved by the Governor March 22, 1955.

CHAPTER 391.

[ H. B. 252. ]

PARKS AND RECREATION COMMISSION.

AN ACT relating to parks and recreation; and amending section 1, chapter 148, Laws of 1929 and RCW 43.51.040, section 4, chapter 271, Laws of 1947 and RCW 43.51.050, and section 5, chapter 271, Laws of 1947 and RCW 43.51.060.

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

Amendment.

SECTION 1. Section 1, chapter 148, Laws of 1929 and RCW 43.51.040 are each amended to read as follows:

Powers and duties of commission.

The commission shall: (1) Have the care, charge, control, and supervision of all parks and parkways acquired or set aside by the state for park or parkway purposes.

Rules and regulations; copies posted.

(2) Adopt, promulgate, issue, and enforce rules and regulations pertaining to the use, care, and administration of state parks and parkways, which shall become effective ten days after adoption. The commission shall cause a copy of the rules and regulations to be kept posted in a conspicuous place in every state park to which they are applicable, but failure to post or keep any rule or regulation posted shall be no defense to any prosecution for the violation thereof.

Permit use of parks.

(3) Permit the use of state parks and parkways by the public under such rules and regulations as shall be prescribed.

Beautification and improvement of parks.

(4) Clear, drain, grade, seed, and otherwise improve or beautify parks and parkways, and erect structures, buildings, fireplaces, and comfort stations and build and maintain paths, trails, and roadways through or on parks and parkways.

Park concessions.

(5) Grant concessions in state parks and parkways, upon such rentals, fees, or percentage of income or profits and for such terms, in no event longer than twenty years, and upon such conditions as shall

be approved by the commission: *Provided*, That the commission may, by unanimous consent of its members grant such concessions for terms not to exceed forty years in state parks and parkways lying within the Columbia basin area in Douglas, Grant, Franklin, and Walla Walla counties and within Mount Spokane state park. No concession shall be granted which will prevent the public from having free access to the scenic attractions of any park or parkway.

(6) Employ such assistance as it deems necessary. Employ assistance.

(7) Select and purchase, lease, or otherwise acquire for and in the name of the state such tracts of land, including shore and tide lands, for park and parkway purposes as it deems proper. If the commission cannot acquire any tract at a price it deems reasonable, it may obtain title thereto, or any part thereof, by condemnation proceedings conducted by the attorney general as provided for the condemnation of rights of way for state highways. Acquisition of land.

(8) Cooperate with the United States, or any county or city of this state, in any matter pertaining to the acquisition for park and parkway purposes of any area not within the limits of any city, and in the care, control, or supervision of any park or parkway, and enter into contracts in writing to that end. All parks or parkways, to the acquisition or improvement of which the state shall have contributed or in whose care, control, or supervision the state shall participate pursuant to the provisions of this section, shall be governed by the provisions hereof. Cooperation with other groups.

(9) Investigate and report to the governor on or before the first day of January next preceding the regular session of the legislature regarding any proposed park or parkway, and make recommendations respecting other regions in the state desirable for state park or parkway purposes. Report to governor.

Amendment.

SEC. 2. Section 4, chapter 271, Laws of 1947 and RCW 43.51.050 are each amended to read as follows:

Authority given commission.

The commission may: (1) Study and appraise parks and recreational needs of the state and assemble and disseminate information relative to parks and recreation;

Dissemination of information and literature.

(2) Make provisions for the publication and sale in state parks of recreational and historical literature; and

Promotion of recreational opportunities.

(3) Coordinate the parks and recreational functions of the various state departments, and cooperate with state and federal agencies in the promotion of parks and recreational opportunities.

Amendment.

SEC. 3. Section 5, chapter 271, Laws of 1947 and RCW 43.51.060 are each amended to read as follows:

Authority given commission.

The commission may: (1) Make rules and regulations for the proper administration of its duties;

Accept grants.

(2) Accept any grants of funds made with or without a matching requirement by the United States, or any agency thereof, for purposes in keeping with the purposes of this chapter; accept gifts, bequests, devises and endowments for purposes in keeping with such purposes;

Certification of workers.

(3) Require certification by the commission of all parks and recreation workers employed in state aided or state controlled programs;

Act jointly with other agencies.

(4) Act jointly, when advisable, with the United States, any other state agencies, institutions, departments, boards, or commissions in order to carry out the objectives and responsibilities of this chapter;

Grant franchises and easements.

(5) Grant franchises and easements for any legitimate purpose on parks or parkways, for such terms and subject to such conditions and consideration as the commission shall specify;

Charge for services and use of facilities.

(6) Charge such fees for services, utilities, and use of facilities as the commission shall deem proper. All fees received by the commission shall be de-

posited with the state treasurer in the state parks and parkway fund;

(7) Enter into agreements whereby individuals or companies may rent undeveloped parks or parkway land for grazing, agricultural, or mineral development purposes upon such terms and conditions as the commission shall deem proper, for a term not to exceed ten years; and

Rent undeveloped parks.

(8) Determine the qualifications and salary of and employ a director of parks and recreation, and upon his recommendation, a supervisor of recreation, and such other persons as may be needed to carry out the provisions hereof;

Determination of qualifications and salary.

(9) Without being limited to the powers hereinbefore enumerated, the commission shall have such other powers as in the judgment of a majority of its members are deemed necessary to effectuate the purposes of this chapter: *Provided*, That the commission shall not have power to supervise directly any local park or recreation district, and no funds shall be made available for such purpose.

Additional powers.

Passed the House February 21, 1955.

Passed the Senate March 6, 1955.

Approved by the Governor March 22, 1955.

## CHAPTER 392.

[ H. B. 268. ]

## FARM LABOR CONTRACTORS.

AN ACT relating to licensing, and regulating farm labor contractors; designating the director of the department of labor and industries as administrator; defining crimes and prescribing penalties; defining the powers of the director; creating a revolving fund and making an appropriation.

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

Defined.

SECTION 1. As used in this act:

"Person."

(1) "Person" includes any individual, firm, partnership, association or corporation.

"Farm labor contractor."

(2) "Farm labor contractor" means any person, or his agent, who, for a fee, employs workers to render personal services in connection with the production of any farm products, to, for, or under the direction of an employer engaged in the growing, producing or harvesting of farm products, or who recruits, solicits, supplies, or hires workers on behalf of an employer engaged in the growing, producing or harvesting of farm products or who provides in connection with recruiting, soliciting, supplying or hiring workers engaged in the growing, producing or harvesting of farm products, one or more of the following services: Furnishes board, lodging or transportation for such workers; supervises, times, checks, counts, sizes, or otherwise directs or measures their work; or disburses wage payments to such persons.

No application.

This act shall not apply to employees of the employment security department acting in their official capacity or their agents, nor to any person who performs any of the above services only within the scope of his regular employment for the employer engaged in the growing, producing or harvesting of farm products on whose behalf he is so acting, unless he is receiving a commission or fee, which

commission or fee is determined by the number of workers recruited, or to a nonprofit corporation or organization which performs the same functions for its members: *Provided, however,* That said nonprofit corporation or organization shall be one in which:

(a) None of its directors, officers, or employees are deriving any profit beyond a reasonable salary for services performed in its behalf.

(b) Membership dues and fees are used solely for the maintenance of the association or corporation.

(3) "Fee" means:

"Fee."

(a) Any money or other valuable consideration paid or promised to be paid for services rendered or to be rendered by a farm labor contractor.

(b) Any valuable consideration received or to be received by a farm labor contractor for or in connection with any of the services described above, and shall include the difference between any amount received or to be received by him, and the amount paid out by him for or in connection with the rendering of such services.

(4) "Director" as used in this act means the director of the department of labor and industries of the state of Washington.

"Director."

SEC. 2. No person shall act as a farm labor contractor until a license to do so has been issued to him by the director, and unless such license is in full force and effect and is in his possession. The director shall, by regulation, provide a means of issuing duplicate licenses in case of loss of the original license or any other appropriate instances.

License requirement for farm labor contractor.

SEC. 3. The director shall not issue to any person a license to act as a farm labor contractor until:

Prerequisites before issuance of license.

(1) Such person has executed a written application therefor on a form prescribed by the director, subscribed and sworn to by the applicant, and con-

Application for license.

taining (a) a statement by the applicant of all facts required by the director concerning the applicant's character, competency, responsibility, and the manner and method by which he proposes to conduct his operations as a farm labor contractor if such license is issued, and (b) the names and addresses of all persons financially interested, either as partners, stockholders, associates or profit sharers, in the proposed operation as a labor contractor, together with the amount of their respective interests;

(2) The director, after investigation, is satisfied as to the character, competency, and responsibility of the applicant;

License fee.

(3) The applicant has paid to the director a license fee of ten dollars, which shall accompany the license application and which shall be refunded to the applicant in the event a license is denied;

Proof of insurance.

(4) The applicant has filed proof satisfactory to the director of the existence of a policy of insurance with any insurance carrier authorized to do business in the state of Washington in an amount satisfactory to the director, which insures said licensee against liability for damage to persons or property arising out of the licensee's operation of, or ownership of, any vehicle or vehicles for the transportation of individuals in connection with his business, activities, or operations as a farm labor contractor.

Bond may be required; contents of.

SEC. 4. The director may require the deposit of a surety bond by any person seeking a license under this act to insure compliance with the provisions of this act. Such bond shall be in an amount specified by the director and shall be payable to the state of Washington and shall be conditioned that the applicant will comply with this act and will pay all sums legally owing to any person when the farm labor contractor or his agents have received such sums and will pay all damages occasioned to any person by failure so to do, or by any violation of the



provisions of this act, or false statements or misrepresentations made in the procurement of his license. The aggregate liability of the surety upon such bond for all claims which may arise thereunder shall not exceed the face amount of the bond.

SEC. 5. A license to operate as a farm labor contractor shall be denied:

License denied to following.

(1) To any person who sells or proposes to sell intoxicating liquors in a building or on premises where he operates or proposes to operate as a farm labor contractor, or

(2) To a person whose license has been revoked within three years from the date of application.

SEC. 6. The director may revoke, suspend, or refuse to renew any license when it is shown that:

Conditions warranting revocation, suspension or refusal to renew license.

(1) The licensee or any agent of the licensee has violated or failed to comply with any of the provisions of this act;

(2) The licensee has made any misrepresentations or false statements in his application for a license;

(3) The conditions under which the license was issued have changed or no longer exist;

(4) The licensee, or any agent of the licensee, has violated or wilfully aided or abetted any person in the violation of, or failed to comply with, any law of the state of Washington regulating employment in agriculture, the payment of wages to farm employees, or the conditions, terms, or places of employment affecting the health and safety of farm employees, which is applicable to the business activities, or operations of the licensee in his capacity as a farm labor contractor; or

(5) The licensee or any agent of licensee has in recruiting farm labor solicited or induced the violation of any then existing contract of employment of such laborers.

License shall contain following on face thereof.

SEC. 7. Each license shall contain, on the face thereof:

(1) The name and address of the licensee and the fact that he is licensed to act as a farm labor contractor for the period upon the face of the license only;

(2) The number, date of issuance, and date of expiration of the license;

(3) The amount of the surety bond deposited by the licensee; and

(4) The fact that the license may not be transferred or assigned.

License termination; renewal of license.

SEC. 8. Each license shall run to and include the thirty-first day of December next following the date thereof unless sooner revoked by the director. A license may be renewed each year upon the filing of an application for a renewed bond and the payment of the annual license fee, but the director may demand that a new application and a new bond be submitted. Where the surety intends to cancel a bond, notice of such cancellation shall be furnished by the surety to the director thirty days prior to the effective date of such cancellation.

Cancellation of bond; procedure.

Applications for renewal.

SEC. 9. All applications for renewal shall state the names and addresses of all persons financially interested either as partners, associates or profit sharers in the operation as a farm labor contractor.

Service of process.

SEC. 10. (1) When a licensee has departed from the state with intent to defraud creditors or to avoid service of summons in any action brought under this act, service shall be made upon the licensee as prescribed in RCW 4.28.100 and 4.28.110.

(2) When a licensee has deposited a bond with the director and has failed to comply with the conditions of said bond as provided by section 4 of this act, and when said licensee has departed from this state, service may be made upon the surety as prescribed by RCW 4.28.090.

## SEC. 11. Every licensee must:

Requirements  
of licensee.

(1) Carry his license with him at all times and exhibit the same to all persons with whom he intends to deal in his capacity as a farm labor contractor prior to so dealing.

Carry license.

(2) File at the United States post office serving the address of the licensee, as noted on the face of his license, a correct change of address immediately upon each occasion said licensee permanently moves his address.

Change of ad-  
dress filed.

(3) Promptly when due, pay or distribute to the individuals entitled thereto all moneys or other things of value entrusted to the licensee by any third person for such purpose.

Pay moneys  
held for third  
person.

(4) Comply on his part with the terms and provisions of all legal and valid agreements and contracts entered into between licensee in his capacity as a farm labor contractor and third persons.

Carry out  
terms of  
contracts.

(5) File information regarding his work offer with the nearest employment service office, such information to include wages and work to be performed and any other information prescribed by the director.

File infor-  
mation.

## SEC. 12. No licensee shall:

Licensee for-  
bidden to do  
following.

(1) Make any misrepresentation or false statement in his application for a license.

(2) Make or cause to be made, to any person, any false, fraudulent, or misleading representation, or publish or circulate or cause to be published or circulated any false, fraudulent, or misleading information concerning the terms or conditions or existence of employment at any place or places, or by any person or persons, or of any individual or individuals.

(3) Send or transport any worker to any place where the farm labor contractor knows a strike or lockout exists.

(4) Do any act in his capacity as a farm labor contractor, or cause any act to be done, which constitutes a crime involving moral turpitude under any law of the state of Washington.

Violation—  
misdemeanor.

SEC. 13. Any person who violates any provisions of this chapter, or who causes or induces another to violate any provisions of this chapter, shall be guilty of a misdemeanor punishable by a fine of not more than five thousand dollars, or imprisonment in the county jail for not more than six months, or both.

Penalty.

Regulations to  
enforce act.

SEC. 14. The director may promulgate rules and regulations not inconsistent with this chapter for the purpose of enforcing and administering this act.

Permanent  
revolving fund  
established.

SEC. 15. A permanent revolving fund, in which shall be deposited all moneys collected for licenses and all fines collected for violations of the provisions of this act, shall be established. Expenses incurred under this act, not to exceed receipts, shall be paid from this fund.

Appropriation.

SEC. 16. There is hereby appropriated from the general fund a sum of one thousand dollars to the department of labor and industries to be expended for the purposes of this act.

Invalidity.

SEC. 17. If any section, sentence, clause or word of this act shall be held unconstitutional, the invalidity of such section, sentence, clause or word shall not affect the validity of any other portion of this act, it being the intent of this legislative assembly to enact the remainder of this act notwithstanding such part so declared unconstitutional should or may be so declared.

Passed the House March 4, 1955.

Passed the Senate March 8, 1955.

Approved by the Governor March 22, 1955.

## CHAPTER 393.

[ S. B. 119. ]

## MOTOR VEHICLES—INTOXICATING LIQUOR, DRUGS.

AN ACT relating to motor vehicles; altering procedure and penalties where defendant is charged with driving under the influence of liquor or drugs; requiring the director of licenses to furnish abstracts of driving records; enlarging jurisdiction of justices of the peace and police court judges; prescribing penalties; and amending section 65, chapter 188, Laws of 1937 and RCW 46.20.250, section 15, chapter 196, Laws of 1949 and RCW 46.52.100, and section 4, chapter 196, Laws of 1949 and RCW 46.56.010 and adding new sections.

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

SECTION 1. Section 65, chapter 188, Laws of 1937 and RCW 46.20.250 are each amended to read as follows: Amendment.

Every court in fixing the penalty shall forthwith revoke the vehicle operator's license of a person upon his conviction of any of the following crimes:

**Operators license revoked upon conviction of following crimes.**

- (1) Manslaughter resulting from the operation of a motor vehicle;
- (2) Perjury or the making of a false affidavit to the director under any licensing law pertaining to motor vehicles or any other law of this state requiring the registration of motor vehicles or regulating their operation on public highways;
- (3) Any crime punishable as a felony under the motor vehicle laws of this state or any other felony in the commission of which a motor vehicle is used;
- (4) Conviction or forfeiture of bail upon three charges of reckless driving all within the preceding two years;
- (5) A conviction of an operator of a motor vehicle, involved in an accident resulting in the death or injury of another person, upon a charge of failing to stop and disclose his identity at the scene of the accident;

(6) Conviction or forfeiture of bail upon three charges of operating a vehicle while under the influence of or affected by the use of intoxicating liquor or of any narcotic drug, all within the preceding five years.

Additional to other grounds for revocation.

The foregoing offenses shall be in addition to any other offenses for which revocation of a vehicle operator's license is by law provided.

Amendment.

SEC. 2. Section 15, chapter 196, Laws of 1949 and RCW 46.52.100 are each amended to read as follows:

Records of traffic charges; official action referring thereto.

Every justice of the peace, police judge and clerk of superior courts shall keep or cause to be kept a record of every traffic complaint, traffic citation or other legal form of traffic charge deposited with or presented to said justice of the peace, police judge, superior court or a traffic violations bureau, and shall keep a record of every official action by said court or its traffic violations bureau in reference thereto, including but not limited to a record of every conviction, forfeiture of bail, judgment of acquittal and the amount of fine or forfeiture resulting from every said traffic complaint or citation deposited with or presented to the justice of the peace, police judge, superior court or traffic violations bureau.

Abstract of record; to director of licenses.

The Monday following the conviction or forfeiture of bail of a person upon a charge of violating any provisions of this chapter or other law regulating the operating of vehicles on highways, every said magistrate of the court or clerk of the court of record in which such conviction was had or bail was forfeited shall prepare and immediately forward to the director of licenses at Olympia an abstract of the record of said court covering the case in which said person was so convicted or forfeited bail, which abstract must be certified by the person so required to prepare the same to be true and correct. Report need not be made of any conviction involving the illegal parking or standing of a vehicle.

Said abstract must be made upon a form furnished by the director of licenses and shall include the name and address of the party charged, the number, if any, of his operator's or chauffeur's license, the registration number of the vehicle involved, the nature of the offense, the date of hearing, the plea, the judgment, or whether bail forfeited and the amount of the fine or forfeiture as the case may be.

Abstract form  
and contents.

Every court of record shall also forward a like report to the director upon the conviction of any person of manslaughter or other felony in the commission of which a vehicle was used.

The failure of any such judicial officer to comply with any of the requirements of this section shall constitute misconduct in office and shall be grounds for removal therefrom.

Constitute  
misconduct  
in office.

The director shall keep all abstracts received hereunder at his office in Olympia and the same shall be open to public inspection during reasonable business hours.

Public  
inspection.

Venue in all justice courts shall be before one of the two nearest justices of the peace in incorporated cities and towns nearest to the point the violation allegedly occurred: *Provided*, That in counties of class A and of the first class such cases may be tried in the county seat at the request of the defendant.

Venue.

It shall be the duty of the officer, prosecuting attorney or city attorney signing the charge or information in any case involving a charge of driving under the influence of intoxicating liquor or any narcotic drug immediately to make request to the director of licenses for an abstract of convictions and forfeitures which the director shall furnish.

Request for  
abstract.

If an operator has a record of two or more convictions or forfeitures of the offense of operating a vehicle under the influence of or affected by the use of intoxicating liquor or any narcotic drug within a

Penalty.

five year period, he shall, upon conviction, be fined not less than one hundred dollars and not more than one thousand dollars, and shall be sentenced to not less than thirty days and not more than one year in the county jail and neither fine nor sentence shall be suspended; and the court shall revoke the operator's license.

Minimum mandatory sentence and fine.

If the operator at the time of the offense charged was without an operator's license because of a previous suspension or revocation, the minimum mandatory jail sentence and fine shall be ninety days in the county jail and a two hundred dollar fine. The penalty so imposed shall not be suspended.

Amendment.

SEC. 3. Section 4, chapter 196, Laws of 1949 and RCW 46.56.010 are each amended to read as follows:

Unlawful act.

It is unlawful for any person who is under the influence of or affected by the use of intoxicating liquor or of any narcotic drug to drive or be in actual physical control of any vehicle upon the public highways.

Chemical analysis of blood gives rise to presumptions.

In any criminal prosecution for a violation of the provisions of this section relating to driving a vehicle while under the influence of intoxicating liquor, the amount of alcohol in the defendant's blood at the time alleged as shown by chemical analysis of the defendant's blood, urine, breath, or other bodily substance shall give rise to the following presumptions:

If there was at that time 0.05 percent or less by weight of alcohol in the defendant's blood, it shall be presumed that the defendant was not under the influence of intoxicating liquor;

If there was at that time in excess of 0.05 percent but less than 0.15 percent by weight of alcohol in the defendant's blood, such fact shall not give rise to any presumption that the defendant was or was not under the influence of intoxicating liquor, but such fact may be considered with other competent evidence in determining the guilt or innocence of the defendant;



If there was at that time 0.15 percent or more by weight of alcohol in the defendant's blood, it shall be presumed that the defendant was under the influence of intoxicating liquor.

The foregoing provisions of this section shall not be construed as limiting the introduction of any other competent evidence bearing upon the question whether or not the defendant was under the influence of intoxicating liquor. Nothing herein contained shall be construed as requiring any person to submit to a chemical analysis of his blood, and the refusal to submit to such an analysis shall not be admissible in evidence in any criminal prosecution for a violation of the provisions of this section or in any civil action.

No limitation on introduction of other evidence.

Chemical analysis not requirement.

It is unlawful for any person who is an habitual user of or under the influence of any narcotic drug or who is under the influence of any other drug to a degree which renders him incapable of safely driving a vehicle to drive a vehicle upon the public highways. The fact that any person charged with a violation of this section is or has been entitled to use such drug under the laws of this state shall not constitute a defense against any charge of violating this section.

Unlawful act.

No defense.

Upon the first conviction for the violation of the provisions of this section the court shall impose a fine of not less than fifty dollars or more than five hundred dollars and not less than five days or more than one year in jail, and shall, in addition thereto, suspend the operator's license of such person for not less than thirty days. Upon second conviction for a violation of the provisions of this section within a period of five years, the court shall impose a fine of not less than one hundred dollars or more than one thousand dollars and not less than thirty days or more than one year in the county jail, and neither the fine nor the jail sentence so imposed shall be suspended, and shall, in addition thereto, suspend

First conviction—penalty.

Second conviction—penalty.

Subsequent conviction—penalty.

Revocation or suspension stayed.

Concurrent jurisdiction.

the operator's license of such person for not less than sixty days after the termination of such jail sentence. Upon any subsequent conviction for a violation of the provisions of this section within a period of five years, the court shall impose a fine of not less than one hundred dollars or more than one thousand dollars and not less than thirty days or more than one year in the county jail, and neither the fine nor the jail sentence so imposed shall be suspended, and shall, in addition thereto, revoke the operator's license. In any case provided for in this act where a driver's license is to be revoked or suspended, such revocation or suspension shall be stayed and shall not take effect until after the determination of any appeal from the conviction which may lawfully be taken, but in case such conviction is sustained on appeal such revocation or suspension shall take effect as of the date that the conviction becomes effective for other purposes; it being the intent and purpose of this section that licenses shall remain in full force and effect during the period that any appeal is pending.

SEC. 4. Every justice of the peace and police court judge shall have concurrent jurisdiction with superior court judges of the state for all violations of the provisions of this title and may impose any punishment provided therefor.

Passed the Senate March 10, 1955.

Passed the House March 9, 1955.

NOTE: The Governor allowed this measure to become law without his approval. Excerpt of message reads as follows:

"Several agencies of the state government have advised me that this bill may result in poorer enforcement procedures as far as drunken drivers are concerned. However, there is evidence that some prosecutors and judges feel that this measure will make possible a more just administration of the law and will not adversely affect the safety of our citizenry on the highways. In view of the conflict of opinion, and the inability to come to any definite conclusions in this matter, I have decided that the law can be given a two year trial, and then perhaps constructive amendments may be enacted if enforcement weaknesses develop."

## CHAPTER 394.

[ H. B. 384. ]

## PUBLIC LANDS—SALES, LEASES.

AN ACT relating to the sale and leasing of lands and areas belonging to or held in trust by the state and amending sections 24 and 59, chapter 255, Laws of 1927 and RCW 79.12.030 and RCW 79.12.260.

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

SECTION 1. Section 24, chapter 255, Laws of 1927 and RCW 79.12.030 are each amended to read as follows: Amendment.

Not more than one hundred and sixty acres of any land granted to the state by the United States shall be offered for sale in one parcel and no university lands shall be offered for sale except with the consent of the board of regents of the University of Washington. Limitation on sale of lands; amount.

Any land granted to the state by the United States, except capitol building lands, may be sold or leased for any lawful purpose in such minimum areas as may be fixed by the commissioner of public lands, except that upon the application of a cemetery association for the purchase of school land for a cemetery site or sites, not less than one nor more than ten acres may be offered, and upon the application of a school district for the purchase of a schoolhouse site or sites on any school land, not less than three nor more than ten acres may be offered for sale, and in all cases where a schoolhouse is or may be erected upon any school land the school district to which the schoolhouse belongs shall have the preference right for six months after the filing of the final appraisal of such school land to purchase the schoolhouse sites, to include the land occupied by the schoolhouse and grounds, at the appraised value thereof. Minimum acreage.  
Special limitations on amount sold or leased.  
Preference right.

Limitation on lease of land granted state for educational purposes.

Land granted to the state for educational purposes shall not be leased for a longer period than five years except that such lands may be leased for the purpose of prospecting for, developing and producing oil, gas and other hydrocarbon substances or for the mining of coal or for commercial or business purposes for any period not exceeding twenty years with a preferential right to a new lease covering such lands for an additional period not exceeding twenty years.

Amendment.

SEC. 2. Section 59, chapter 255, Laws of 1927 and RCW 79.12.260 are each amended to read as follows:

Division of contracts and leases permitted, limitations on.

Whenever the holder of a contract of purchase of any state lands, except capitol building lands, or of any tide or shore lands, or the holder of any lease of any such lands, except for mining of valuable minerals, or coal, or extraction of petroleum or gas, shall surrender the same to the commissioner with the request to have it divided into two or more contracts, or leases, the commissioner may divide the same and issue new contracts, or leases, but no new contract, or lease, shall issue while there is due and unpaid any interest, rental, or taxes or assessments on the land held under such contract or lease, nor in any case where the commissioner is of the opinion that the state's security would be impaired or endangered by the proposed division. For all such new contracts, or leases, a fee of two dollars for each new contract, or lease, issued, shall be paid by the applicant and such fee shall be paid into the state treasury with other fees of the office.

Fee.

Passed the House March 7, 1955.

Passed the Senate March 6, 1955.

Approved by the Governor March 22, 1955.

CHAPTER 395.

[ Sub. H. B. 298. ]

EDUCATION—ORGANIZATION OF SCHOOL DISTRICTS.

AN ACT relating to education; providing for changes in the organization of school districts; amending section 2, chapter 266, Laws of 1947 and RCW 28.57.020; section 13, chapter 266, Laws of 1947 and RCW 28.57.050; section 14, chapter 266, Laws of 1947 and RCW 28.57.060; section 1, chapter 87, Laws of 1951 and RCW 28.57.070; and section 21, chapter 266, Laws of 1947 and RCW 28.57.090; and declaring an emergency.

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

SECTION 1. Section 2, chapter 266, Laws of 1947 and RCW 28.57.020 are each amended to read as follows:

Amendment.

As used in this chapter:

(1) "Change in the organization and extent of school districts" means the formation and establishment of new school districts, the dissolution of existing school districts, the alteration of the boundaries of existing school districts, or all of them.

Defined.  
"Change in the organization and extent of school districts."

(2) "County committee" and "state board" mean, respectively, the county committee on school district organization created by this chapter, and the state board of education.

"County committee."  
"State board."

(3) "School district" means the territory under the jurisdiction of a single governing board designated and referred to as the board of directors.

"School district."

(4) "Heretofore" and "hereafter" mean, respectively, prior and subsequent to the effective date of this act.

"Heretofore."

SEC. 2. Section 13, chapter 266, Laws of 1947 and RCW 28.57.050 are each amended to read as follows:

Amendment.

The powers and duties of the county committee shall be:

County committee powers and duties.

(1) To initiate, on its own motion and whenever it deems such action advisable, proposals for changes in the organization and extent of school districts in

Proposals for organizational changes.

Proposals for change in extent of districts.

Procedure.

Plan of changes to be submitted.

the county; to receive, consider, and revise, whenever in its judgment revision is advisable, proposals initiated by petition or presented to the committee by the county superintendent as provided for in this chapter; and to prepare and submit to the state board any of the aforesaid proposals that are found by the county committee to provide for satisfactory improvement in the school district system of the county and state: *Provided*, That the committee shall prepare and submit to the state board within one and one-half years after the effective date of this amendatory act a comprehensive plan for changes in the organization and extent of the school districts of the county, which plan may be submitted as a single unit or as separate units submitted from time to time and involving one or more school districts: *Provided further*, That if the county committee finds, after considering the factors listed in subsection (4) of this section, that no changes in the school district organization of the county are needed a report to this effect shall be submitted to the state board.

Make equitable adjustments between counties.

(2) (a) To make among the old school districts and the new district or districts, if any, involved in or affected by a proposed change in the organization and extent of school districts an equitable adjustment of the property and other assets and of the liabilities, including bonded indebtedness, of all districts involved or affected; and (b) to make among all of the school districts involved in or affected by any change heretofore or hereafter effected, an equitable adjustment of the bonded indebtedness outstanding against any of the aforesaid districts whenever in its judgment such adjustment is advisable; and (c) to submit to the state board the proposed terms of adjustment and a statement of the reasons therefor in each case. In making the adjustments herein provided for, the county committee shall consider the

Submit to board proposed terms.

Considerations.

number of children of school age resident in and the assessed valuation of the property located in each district and in each part of a district involved or affected; the purpose for which the bonded indebtedness of any district was incurred; the value, location, and disposition of all improvements located in the districts involved or affected; and any other matters which in the judgment of the committee are of importance or essential to the making of an equitable adjustment.

(3) To hold and keep a record of a public hearing or public hearings (a) on every proposal for the formation of a new district or for the transfer from one existing district to another of any territory in which children of school age reside or for annexation of territory when the conditions set forth in RCW 28.57.190 prevail; and (b) on every proposal for adjustment of the assets and of the liabilities of school districts provided for in this chapter. Three members of the county committee or two members of the committee and the county superintendent may be designated by the committee to hold any public hearing that the committee is required to hold. The county committee shall cause to be posted, at least ten days prior to the date appointed for any such hearing, a written or printed notice thereof (a) in at least three of the most public places in the territory of each proposed new district or of each established district when such district is involved in a question of adjustment of bonded indebtedness, (b) in at least one public place in territory proposed to be transferred or annexed to an existing school district, (c) on the school house door of each district involved in or affected by any proposed change or adjustment upon which a public hearing is required; and (d) at the place or places of holding the hearing.

Hold and keep records of public hearings on following.

Notices posted.

(4) To give due consideration in the preparation of plans and terms of adjustment as aforesaid (a)

Considerations.

to equalization of the educational opportunities of pupils and to economies in the administration and operation of schools through the formation of larger units of administration and areas of attendance; (b) to equalization among school districts of the tax burden for general fund and capital purposes through a reduction in disparities in per-pupil valuation; (c) to geographical and other features, including, but not limited to such physical characteristics as mountains, lakes and rivers, waste land, climatic conditions, highways, and means of transportation; (d) to the convenience and welfare of pupils, including but not limited to remoteness or isolation of their places of residence and time required to travel to and from school; (e) to improvement of the educational opportunities of pupils through improvement and extension of school programs and through better instruction, facilities, equipment, materials, libraries, and health and other services; (f) to equalization of the burden of financing the cost of high school facilities through extension of the boundaries of high school districts to include within each such district all of the territory served by the high school located therein: *Provided*, That a non-high school district may be excluded from a plan if such district is found by the county committee and the state board to be so situated with respect to location, present and clearly foreseeable future population, and other pertinent factors as to warrant the establishment and operation of a high school therein or the inclusion of its territory in a new district formed for the purpose of establishing and operating a high school; (g) to the future effective utilization of existing satisfactory school buildings, sites, and playfields; the adequacy of such facilities located in the proposed new district; and additional facilities required if such proposed district is formed; and (h) to any other matters which in the judgment of the committee are related to or may operate to further equalization

Exclusion of  
nonhigh school  
district  
possible.



and improvement of school facilities and services, economies in operating and capital fund expenditures, and equalization among school districts of tax rates for school purposes.

(5) To prepare and submit, along with the submission of the proposals designated in subsection (1) of this section, a map showing the boundaries of existing districts affected by any proposed change and the boundaries, including a description thereof, of each proposed new district or of each existing district as enlarged or diminished by any proposed change, or both; a summary of the reasons for the proposed change; and such other reports, records, and materials as the state board may request.

Information prepared and submitted with proposals.

(6) To divide into five school directors' districts (a) all new school districts established pursuant to the provisions of this chapter, and (b) all existing districts the boundaries of which are hereafter extended by the annexation thereto of the whole of another district, and (c) all existing districts not heretofore so divided in conformity with the requirements of law in effect prior to the date this act takes effect: *Provided*, That no school district shall be so divided if it contains a city having a population in excess of seven thousand or is a school district of the third class. The boundaries of each directors' district shall be so established that each such district shall comprise as nearly as practicable an equal portion of the population of the school district.

Divide into five school directors' districts following.

No division.

(7) To rearrange at any time the committee deem such action advisable in order to correct inequalities caused by changes in population, the boundaries of any of the directors' districts of any school district heretofore so divided except a district of the third class, and of any district hereafter so divided: *Provided*, That a petition therefore, signed by at least five heads of families residing in the aforesaid school district, is presented to the county super-

Rearrange boundaries of directors' districts.

Petition.

Public hearing.

intendent and a public hearing thereon is held by the county committee, which hearing shall be called and conducted in the manner prescribed in subsection (3) of this section, except that notice thereof shall be posted in some public place in each directors' district of the school district and on the school house door of the district and at the place of holding the hearing.

Notice.

Report to superintendent of public instruction.

(8) To prepare and submit to the superintendent of public instruction, upon his request, a report and recommendations respecting the urgency of need for school plant facilities, the kind and extent of the facilities required, and the development of improved local school administrative units and attendance areas in the case of school districts that seek state assistance in providing school plant facilities.

Amendment.

SEC. 3. Section 14, chapter 266, Laws of 1947 and RCW 28.57.060 are each amended to read as follows:

Powers and duties of state board.

The powers and duties of the state board with respect to this chapter shall be:

(1) To aid county committees in the performance of their duties by furnishing them with plans of procedure, standards, data, maps, forms, and other necessary materials and with services essential to a study and understanding of the problems of school district organization in the county.

(2) To receive, file and examine the proposals and the maps, reports, records, and other materials relating thereto submitted by county committees and to approve such proposals and so notify the county committees when said proposals are found to provide for satisfactory improvement in the school district system of the counties and the state and for an equitable adjustment of the assets and liabilities of the districts involved or affected: *Provided*, That whenever such proposals are found by the state board to be unsatisfactory or inequitable, the board shall so notify the county committee and shall, on request, assist the committee in making revisions

which revisions shall be resubmitted within sixty days after such notification.

SEC. 4. Section 1, chapter 87, Laws of 1951 and RCW 28.57.070 are each amended to read as follows: Amendment.

Upon receipt by the county committee of such notice from the state board as is required in RCW 28.57.060 (2), the county superintendent shall make an order establishing all approved changes involving the alteration of the boundaries of an established school district or districts and all approved terms of adjustment involving an established district or districts the boundaries of which have been or are hereafter altered in the manner provided by law, and shall certify his action to the county auditor for the board of county commissioners, and to the county treasurer, the county assessor and the clerks of all school districts affected by such action. Upon receipt of such certification the clerk of each school district which is annexed to another district by the action shall deliver to the proper school district officer of the district all books, papers, documents, records, and other materials pertaining to his office. Procedure upon receipt of notice from state board as is required in RCW 28.57.060.

In case the aforesaid approval by the state board concerns a proposal to form a new school district or a proposal for adjustment of bonded indebtedness involving an established school district and one or more former school districts now included therein pursuant to a vote of the people concerned, a special election of the voters residing within the territory of the proposed new district or of the established district involved in a proposal for adjustment of bonded indebtedness as the case may be shall be held for the purpose of affording said voters an opportunity to approve or reject such proposals as concern or affect them. Special election.

In a case involving both the question of the formation of a new district and the question of adjustment of bonded indebtedness, the questions may be

submitted to the voters either in the form of a single proposition or as separate propositions, whichever to the county superintendent seems expedient. The county superintendent shall perform in connection with the calling and conducting of the special elections provided for in this chapter all duties that are required by law to be performed by a board of directors and the clerk or secretary of a school district in connection with the calling and conducting of school district elections.

Amendment.

SEC. 5. Section 21, chapter 266, Laws of 1947 and RCW 28.57.090 are each amended to read as follows:

Special election; requirement for proposition approval.

Whenever a special election is held to vote on a proposal to form a new school district or on a proposal for adjustment of bonded indebtedness or on both such proposals the entire vote cast by the electors of the proposed new district or of the established district as the case may be shall be tabulated and any proposition shall be considered approved if a majority of sixty percent of all votes cast thereon is in the affirmative.

Procedure upon approval.

In the event of approval of a proposition or propositions voted on at a special election, the county superintendent shall: (1) Make an order establishing such new district or such terms of adjustment of bonded indebtedness or both, as were approved by the voters and shall also order effected such other terms of adjustment, if there be any, of property and other assets and of liabilities other than bonded indebtedness as have been approved by the state board; (2) certify his action to the county and school district officers specified in RCW 28.57.070; and (3) designate the new district by name and by a number different from that of any component thereof or of any other district in existence in the county.

Suggested date for county superintendent's orders.

The county superintendent may, if he deems such action advisable, fix, as the effective date of any order or orders he is required by this chapter to make, the

first day of July next succeeding the date of final approval of any change in the organization and extent of school districts or of any terms of adjustment of the assets and liabilities of school districts.

Upon receipt of the aforesaid certification, the clerk of each school district which is included in the new district shall deliver to the proper school district officer of the new district all books, papers, documents, records, and other materials pertaining to his office.

SEC. 6. If any part or parts of this act shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of any other part or parts of this act. Invalidity.

SEC. 7. This act is necessary for the immediate preservation of public peace, health and safety, support of the state government and its existing public institutions, and shall take effect on April 1, 1955. Effective date.

Passed the House March 1, 1955.

Passed the Senate March 9, 1955.

Approved by the Governor March 22, 1955.

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## CHAPTER 396.

[ S. B. 104. ]

### TAXATION—TEMPORARY, LIQUOR.

AN ACT relating to revenue and taxation; amending section 5, chapter 91, Laws of 1953 and RCW 82.08.150; adding two new sections to chapter 82.08 RCW; and declaring an emergency.

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

SECTION 1. Section 5, chapter 91, Laws of 1953 and RCW 82.08.150 are each amended to read as follows: Amendment.

There is levied and shall be collected from and after the first day of November, 1951, until the Tax levied and collected.

thirtieth day of June, 1957, a tax upon each retail sale of spirits, wine, or strong beer in the original package at the rate of ten percent of the selling price, and the term "retail sale" as used herein shall include, in addition to the meaning ascribed thereto in chapter 82.04 RCW, any sale not for resale in such original package. The tax imposed in this section shall apply to the sale of spirits, wine, or strong beer by the Washington state liquor stores and agencies, including sales to Class H licensees. The tax imposed in RCW 82.08.020 shall not apply to sales subject to the tax imposed by this section.

Retail sale in original package; tax rate.

"Retail sale" includes.

Application.

Meaning of terms.

As used in this section, the terms "spirits," "wine," "strong beer," and "package" shall have the meaning ascribed to them in chapter 66.04 RCW.

New section.

SEC. 2. There is added to chapter 82.08 RCW a new section to read as follows:

Remittance by Washington state liquor control board.

On or before the fifteenth day of each month beginning with the month of June, 1955, the Washington state liquor control board shall remit to the state tax commission, to be deposited with the state treasurer, all moneys collected by it under this chapter during the preceding month on sales made in state liquor stores and agencies. Upon receipt of such moneys the state treasurer shall credit sixty-five percent of the sums remitted to the state general fund and thirty-five percent of the sums remitted to a fund which is hereby created to be known as the "liquor excise tax fund".

New section.

SEC. 3. There is added to chapter 82.08 RCW a new section to read as follows:

Apportionment and distribution of moneys.

On the first day of the months of January, April, July and October of each year, the state treasurer shall make the apportionment and distribution of all moneys in the liquor excise tax fund to the counties, cities and towns in the following proportions: twenty percent of the moneys in said liquor excise tax fund shall be divided among and distributed to the coun-

ties of the state in accordance with the provisions of RCW 43.66.100 as now existing or as hereafter amended; eighty percent of the moneys in said liquor excise tax fund shall be divided among and distributed to the cities and towns of the state in accordance with the provisions of the RCW 43.66.110 as now existing or as hereafter amended.

SEC. 4. 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 existing public institutions, and shall take effect May 1, 1955.

Effective date.

Passed the Senate March 9, 1955.

Passed the House March 7, 1955.

Approved by the Governor March 22, 1955.

## AUTHENTICATION

I, Earl Coe, 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 Thirty-fourth Legislative Session of the State of Washington, held from January 10, 1955, until March 10, 1955, inclusive, with the original enrolled laws, now in file in this office, and find the same to be a full, true and correct copy of said originals with the exception of such corrections in spelling and use of words bracketed, thus [ ], as provided by law.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed hereto the seal of the State of Washington.

Dated at Olympia, Washington, this 1st day of October, 1955.



EARL COE,  
*Secretary of State*



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## PREFACE

The Extraordinary Session of the 1955 Legislature convened at Olympia on March 11, 1955 (the day following the adjournment of the Regular Session) at the hour of 10:00 A. M., at the call of Governor Arthur B. Langlie. The special session adjourned two weeks later *sine die* on March 24, 1955.

All acts passed by the Extraordinary Session, approved by the Governor, took effect ninety days after adjournment, or 12 o'clock **midnight**, June 22, 1955, except relief bills, appropriations and other acts declaring an emergency.



EARL COE,  
*Secretary of State*



# LAWS OF WASHINGTON

PASSED AT THE

Extraordinary Session, 1955 Legislature

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## CHAPTER 1.

[ S. B. 1. ]

### APPROPRIATIONS—LEGISLATIVE EXPENSES.

AN ACT relating to legislative expenses, making an appropriation, and declaring an emergency.

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

SECTION 1. There is hereby appropriated out of the general fund of the state of Washington the sum of sixty-five thousand dollars, or so much thereof as may be necessary, to be used for the purpose of paying the expenses, including legislative printing, of the first extraordinary session of the thirty-fourth legislature. From the amount appropriated, the senate shall not expend more than twenty-four thousand dollars; the house of representatives shall not expend more than twenty-six thousand dollars; and the expenses for legislative printing shall not exceed fifteen thousand dollars.

Appropriation from general fund to pay expenses of extraordinary session.

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

Emergency.

Passed the Senate March 11, 1955.

Passed the House March 11, 1955.

Approved by the Governor March 14, 1955.

CHAPTER 2.

[ S. B. 2. ]

APPROPRIATIONS—LEGISLATORS' EXPENSES.

AN ACT relating to legislators' expenses, providing for payments to legislators for lodging and expenses, making an appropriation and declaring an emergency.

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

Appropriation for expenses of members of extraordinary session.

SECTION 1. There is hereby appropriated out of the general fund of the state of Washington the sum of twenty-one thousand seven hundred fifty dollars for the actual and necessary expenses of the members of the first extraordinary session of the thirty-fourth legislature of the state of Washington. From the amount appropriated each member shall be paid a sum not to exceed fifteen dollars per day in lieu of subsistence and lodging while in attendance at the legislature.

Limitation.

Emergency.

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

Passed the Senate March 19, 1955.

Passed the House March 17, 1955.

Approved by the Governor March 21, 1955.

## CHAPTER 3.

[ H. B. 8. ]

EMERGENCY SCHOOL CONSTRUCTION FUNDS—  
APPROPRIATION.

AN ACT providing funds for the construction of public school plant facilities; authorizing the issuance and sale of limited obligation bonds of the state and providing ways and means to pay said bonds; imposing taxes; prescribing the powers and duties of certain officers; amending section 1, chapter 108, Laws of 1949 and RCW 28.47.070; making an appropriation; and declaring an emergency.

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

SECTION 1. For the purpose of furnishing funds for state assistance in providing public school plant facilities under the provisions of RCW 28.47.050 through 28.47.120 there shall be issued and sold, at any time prior to April 1, 1959, limited obligation bonds of the state of Washington in the sum of thirty million dollars to be paid and discharged not more than thirty years after the date of issuance. The issuance, sale, and retirement of said bonds shall be under the general supervision and control of the state finance committee.

Limited obligation bonds to be issued and sold.

Supervision of state finance committee.

The state finance committee is authorized to prescribe the form of such bonds; the provisions of sale of all or any portion or portions of such bonds; the terms, provisions, and covenants of said bonds; and the sale, issuance, and redemption thereof. None of the bonds herein authorized shall be sold for less than the par value thereof, nor shall they bear interest at a rate in excess of four percent per annum. Such bonds shall state distinctly that they shall not be a general obligation of the state of Washington, but shall be payable in the manner prescribed in this act and from the proceeds of taxes provided for in section 5 of this act. As a part of the contract of sale of the aforesaid bonds, the state undertakes to continue to levy the taxes referred to herein and to fix

Bonds; requirements and limitations on.

and maintain said taxes in such amounts as will provide sufficient funds to pay said bonds and interest thereon until all such obligations have been paid in full.

The committee may provide that the bonds, or any of them, may be called prior to the maturity date thereof under such terms, conditions, and provisions as it may determine and may authorize the use of facsimile signatures in the issuance of such bonds and upon any coupons attached to such bonds. Such bonds shall be payable at such places as the state finance committee may provide.

Proceeds deposited.

SEC. 2. The proceeds from the sale of the bonds authorized herein shall be deposited in the public school building construction fund.

Appropriation from public school building construction fund.

SEC. 3. The sum of thirty million dollars, or so much thereof as may be necessary, is appropriated from the public school building construction fund to the state finance committee to be expended by the committee for the payment of expenses incident to the sale and issuance of the bonds authorized herein and through allotments made to the state board of education at the direction of the school emergency construction commission for the purpose of carrying out the provisions of this act: *Provided*, That no part of the aforesaid thirty million dollars shall be allotted to a school district for the purpose aforesaid until such district has provided funds for school building construction purposes through the issuance of bonds or through the authorization of excess tax levies or both in an amount equivalent to ten percent of its taxable valuation plus such further amount as may be required by the school emergency construction commission: *Provided, further*, That the school emergency construction commission shall prescribe and make effective such rules and regulations as are necessary to equate insofar as possible the

Limitation on allotment to school district.

School emergency construction commission prescribes rules and regulations.



efforts made by school districts to provide capital funds by the means aforesaid.

SEC. 4. If a school district which has qualified for an allotment of state funds for school building construction in conformity with the requirements of section 3 of this act is found by the school emergency construction commission to have a school housing emergency requiring an allotment of state funds in excess of the amount allocable under RCW 28.47.070, an additional allotment may be made to such district: *Provided*, That the total amount allotted shall not exceed ninety percent of the total cost of the project including the cost of the site and equipment. At any time thereafter when the school emergency construction commission finds that the financial position of such school district has improved through an increase in its taxable valuation or through retirement of bonded indebtedness or through a reduction in school housing requirements or for any of these reasons, the amount of such additional allotment, or any part of such amount as the school emergency construction commission determines, shall be deducted, under terms and conditions prescribed by the commission, from any state school building construction funds which might otherwise be provided to such district.

Additional allotment for school housing emergency.

Limitation on amount.

Deduction of allotment possible.

SEC. 5. In addition to the taxes levied by RCW 73.32.130 and 82.24.020, there is levied and shall be collected by the tax commission from the persons mentioned in and in the manner provided by chapter 82.24 RCW, as now or hereafter amended, an excise tax upon the sale, use, consumption, handling or distribution of cigarettes in an amount equal to one-half cent upon each ten cents or fraction of the intended retail selling price thereof, but the provisions of RCW 82.24.070 allowing dealers' compensation for affixing stamps shall not apply to this additional tax. Instead, wholesalers and retailers subject to the

Excise tax upon sale, use, consumption, handling or distribution of cigarettes.

Compensation for affixing stamps.

provisions of chapter 82.24 RCW shall be allowed as compensation for their services in affixing the stamps for the additional tax required by this section a sum equal to one-half of one percent of the value of the stamps for such additional tax purchased or affixed by them. Wholesalers and retailers subject to the payment of this tax may, if they wish, absorb such additional tax and not pass it on to purchasers without being in violation of this or any other act relating to the sale or taxation of cigarettes.

Tax may be absorbed.

Revenues transmitted.

Revenues derived from the tax imposed by this section shall be transmitted by the tax commission to the state treasurer in accordance with the provisions of RCW 82.32.320, to the credit of the public schools building bond redemption fund. The amount so deposited in the aforesaid fund shall be devoted exclusively to payment of interest on and to retirement of the bonds authorized by this act.

Additional security for the payment of bonds herein authorized.

As additional security for the payment of the bonds herein authorized, all revenues derived from the tax imposed by RCW 82.24.020 over and above the amount required by RCW 73.32.130 to be paid into and retained in the war veterans' compensation bond retirement fund shall be paid into the public schools building bond redemption fund and shall be devoted exclusively to the payment of interest on and to retirement of the bonds authorized by this act: *Provided*, That whenever the receipts into the public schools building bond redemption fund from all sources during any one year exceed two million two hundred and fifty thousand dollars, all sums received above that amount shall be transferred by the state treasurer to the state general fund.

Additional means of raising funds may be provided.

SEC. 6. The legislature may provide additional means for raising funds for the payment of the interest and principal of the bonds authorized by this act and this act shall not be deemed to provide an exclusive method for such payment. The power

given to the legislature by this section is permissive and shall not be construed to constitute a pledge of the general credit of the state of Washington.

No pledge of general credit.

SEC. 7. The bonds herein authorized shall be fully negotiable instruments and shall be a legal investment for all state funds or for funds under state control and all funds of municipal corporations, and shall be legal security for all state, county, and municipal deposits.

Bonds—negotiable instruments.

SEC. 8. Section 1, chapter 108, Laws of 1949 and RCW 28.47.070 are each amended to read as follows:

Amendment.

The amount of state assistance to a school district in financing a school plant project shall be determined in the following manner:

Amount of state assistance determined.

(1) The board of directors of the district shall determine the total cost of the proposed project, which cost may include the cost of acquiring and preparing the site, the cost of constructing the building or of acquiring a building and preparing the same for school use, the cost of necessary equipment, taxes chargeable to the project, necessary architect's fees, and a reasonable amount for contingencies and for other necessary incidental expenses: *Provided*, That the total cost of the project shall be subject to review and approval by the state board of education.

Board of directors of school district determines total cost.

Cost subject to review.

(2) The superintendent of public instruction shall (a) ascertain the assessed valuation of the district adjusted to fifty percent of the true and fair value in money of the taxable property in the district in accordance with the ratio of assessed valuation to actual valuation fixed by the state board of equalization for the county to which the district belongs; and (b) compute the ratio of the aforesaid assessed valuation of the district to the number of educational units approved for allotment to the district of current state school funds: *Provided*, That this number of units may be increased by the aforesaid officer for the use thereof specified in this chapter, upon the finding

Superintendent of public instruction ascertains assessed valuation; computes ratio to number of educational units.

by said officer that completion of the proposed project will provide facilities for additional units and that such additional units will be needed to serve the school population of the district: *Provided further*, That in the case of union high school districts the number of units shall include those of the member grade school districts in addition to the actual number of units in the union high school.

(3) The ratio of the assessed valuation of the district to the number of educational units thereof, computed in the manner hereinabove provided for, shall then be used in determining the percentage of state assistance for the district in accordance with the following table:

Percentage of state assistance determined in accordance with table.

Ratio of assessed valuation to number of educational units	Percentage of state assistance
\$28,570 or less to 1 . . . . .	75.0%
30,000 to 1 . . . . .	73.9
35,000 to 1 . . . . .	70.2
40,000 to 1 . . . . .	66.7
45,000 to 1 . . . . .	63.3
50,000 to 1 . . . . .	60.0
55,000 to 1 . . . . .	56.9
60,000 to 1 . . . . .	53.8
65,000 to 1 . . . . .	50.9
70,000 to 1 . . . . .	48.1
75,000 to 1 . . . . .	45.5
80,000 to 1 . . . . .	42.9
85,000 to 1 . . . . .	40.4
90,000 to 1 . . . . .	37.9
95,000 to 1 . . . . .	35.6
100,000 to 1 . . . . .	33.3
105,000 to 1 . . . . .	31.1
110,000 to 1 . . . . .	29.0
115,000 to 1 . . . . .	27.0
120,000 to 1 . . . . .	25.0
130,000 to 1 . . . . .	21.2
140,000 to 1 . . . . .	17.6

150,000 to 1.....	14.3
160,000 to 1.....	11.1
170,000 to 1.....	8.1
180,000 to 1.....	5.3
190,000 to 1.....	2.6
200,000 to 1.....	...

(4) The approved cost of the project determined in the manner herein prescribed times the percentage of state assistance derived as provided for herein shall be the amount of state assistance to the district for the financing of the project: *Provided*, That need therefor has been established to the satisfaction of the superintendent of public instruction: *Provided further*, That additional state assistance may be allowed if it is found by the superintendent of public instruction that such assistance is necessary in order to meet (a) a school housing emergency resulting from the destruction of a school building by fire, the condemnation of a school building by properly constituted authorities, a sudden and excessive past or clearly foreseeable future increase in school population, and other conditions similarly emergent in nature; or (b) a special school housing burden imposed by virtue of the admission of nonresident students into parental schools or into educational programs established, maintained and operated in conformity with the requirements of law; or (c) a deficiency in the capital funds of the district resulting from financing, subsequent to April 1, 1955, and without benefit of the state assistance provided for in RCW 28.47.050 to 28.47.120, inclusive, the construction of a needed school building project or projects approved in conformity with the requirements of chapter 28.47, after having first applied for and been denied state assistance because of the inadequacy of state funds available for the purpose; or (d) conditions similar to those defined under (a), (b), and (c) hereinabove, creating a like emergency.

Final computation of amount of state assistance.

Need established.

Allowance of additional state assistance; conditions warranting.

Invalidity.

SEC. 9. If any section, paragraph, sentence, clause, phrase or word of this act should be held to be invalid or unconstitutional, such shall not affect or impair the validity or constitutionality of any other section, paragraph, sentence, clause, phrase or word of this act. It is hereby declared that had any section, paragraph, sentence, clause, phrase or word as to which this act is declared invalid been eliminated from the act at the time the same was considered, the act would have nevertheless been enacted with such portions eliminated.

Effective date

SEC. 10. This act is necessary for the immediate preservation of the public peace, health and safety, and for the support of state government and its existing public institutions, and shall take effect April 1, 1955.

(Note: Chapter 14, Laws Extraordinary Session, 1955 amends above Sec. 10 and establishes effective date of this act as of May 1, 1955.)

Passed the House March 23, 1955.

Passed the Senate March 23, 1955.

Approved by the Governor April 4, 1955.

## CHAPTER 4.

[ H. B. 4. ]

## FEDERAL SOCIAL SECURITY FOR PUBLIC EMPLOYEES.

AN ACT relating to the covering of certain officers and employees of the state and local governments under the old-age and survivors insurance provisions of Title II of the federal social security act, as amended; fixing the powers and duties of certain state officials, and amending section 1, chapter 184, Laws of 1951 and RCW 41.48.010, and section 1, chapter 62, Laws of 1953 and RCW 41.48.020, and section 3, chapter 184, Laws of 1951 and RCW 41.48.030, and section 4, chapter 184, Laws of 1951 and RCW 41.48.040, and section 5, chapter 184, Laws of 1951 and RCW 41.48.050.

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

SECTION 1. Section 1, chapter 184, Laws of 1951 and RCW 41.48.010 are each amended to read as follows: Amendment.

In order to extend to employees of the state and its political subdivisions and to the dependents and survivors of such employees, the basic protection accorded to others by the old-age and survivors insurance system embodied in the social security act, it is hereby declared to be the policy of the legislature, subject to the limitations of this chapter, that such steps be taken as to provide such protection to employees of the state and its political subdivisions on as broad a basis as is permitted under the social security act. Persons now members of or protected by any state or local pension or retirement plan or system may be covered under the federal social security act only as provided by the federal social security act amendments of 1954. (Public Law No. 761.) It is hereby declared to be the policy of the legislature in enacting the succeeding sections of this title that the protection afforded the employees in positions covered by a retirement system on the date an agreement under this title is made applicable to service performed in such positions, or re- Legislative  
policy  
declaration.

ceiving periodic benefits under such retirement system at such time, will not be impaired as the result of making the agreement so applicable whether the agreement provides for supplementation, integration or coordination.

Amendment.

SEC. 2. Section 1, chapter 62, Laws of 1953 and RCW 41.48.020 are each amended to read as follows:

For the purposes of this chapter:

Defined.  
"Wages."

(1) "Wages" means all remuneration for employment as defined herein, including the cash value of all remuneration paid in any medium other than cash, except that such term shall not include that part of such remuneration which, even if it were for "employment" within the meaning of the federal insurance contributions act, would not constitute "wages" within the meaning of that act;

"Employment."

(2) "Employment" means any service performed by an employee in the employ of the state, or any political subdivision thereof, for such employer, except (a) service which in the absence of an agreement entered into under this chapter would constitute "employment" as defined in the social security act; or (b) service which under the social security act may not be included in an agreement between the state and the secretary of health, education, and welfare entered into under this chapter;

"Employee."

(3) "Employee" includes all officers and employees of the state or its political subdivisions except officials compensated on a fee basis;

"Secretary of health, education and welfare."

(4) "Secretary of health, education, and welfare" includes any individual to whom the secretary of health, education, and welfare has delegated any of his functions under the social security act with respect to coverage under such act of employees of states and their political subdivisions, and with respect to any action taken prior to April 11, 1953, includes the federal security administrator and any



individual to whom such administrator has delegated any such function;

(5) "Political subdivision" includes an instrumentality of the state, of one or more of its political subdivisions, or of the state and one or more of its political subdivisions. Such term also includes a proprietary enterprise acquired, purchased or originated by the state or any of its political subdivisions subsequent to December, 1950. Such a subdivision may elect to accept federal OASI coverage under this chapter.

"Political subdivision."

(6) "Federal insurance contributions act" means subchapter A of chapter 9 of the federal internal revenue code of 1939 and subchapters A and B of chapter 21 of the federal internal revenue code of 1954, as such codes have been and may from time to time be amended; and the term "employee tax" means the tax imposed by section 1400 of such code of 1939 and section 3101 of such code of 1954.

"Federal insurance contributions act."

SEC. 3. Section 3, chapter 184, Laws of 1951 and RCW 41.48.030 are each amended to read as follows:

Amendment.

(1) The governor is hereby authorized to enter on behalf of the state into an agreement with the secretary of health, education, and welfare consistent with the terms and provisions of this chapter, for the purpose of extending the benefits of the federal old-age and survivors insurance system to employees of the state or any political subdivision not members of an existing retirement system, or to members of a retirement system established by the state or by a political subdivision thereof or by an institution of higher learning with respect to services specified in such agreement which constitute "employment" as defined in RCW 41.48.020. Such agreement may contain such provisions relating to coverage, benefits, contributions, effective date, modification and termination of the agreement, administration, and other appropriate provisions as the governor and secre-

Authorization to governor to enter into agreement on behalf of state.

Contents of agreement.

Such agreement shall provide the following.

tary of health, education, and welfare shall agree upon, but, except as may be otherwise required by or under the social security act as to the services to be covered, such agreement shall provide in effect that—

(a) Benefits will be provided for employees whose services are covered by the agreement (and their dependents and survivors) on the same basis as though such services constituted employment within the meaning of title II of the social security act;

(b) The state will pay to the secretary of the treasury, at such time or times as may be prescribed under the social security act, contributions with respect to wages (as defined in RCW 41.48.020), equal to the sum of the taxes which would be imposed by the federal insurance contributions act if the services covered by the agreement constituted employment within the meaning of that act;

(c) Such agreement shall be effective with respect to services in employment covered by the agreement performed after a date specified therein but in no event may it be effective with respect to any such services performed prior to the first day of the calendar year in which such agreement is entered into or in which the modification of the agreement making it applicable to such services, is entered into except that if a modification is entered into after December 31, 1954, and prior to January 1, 1958, which applies to individuals covered by an existing retirement system, such modification may be effective with respect to services performed after December 31, 1954, or after a later date specified in such modification.

(d) All services which constitute employment as defined in RCW 41.48.020 and are performed in the employ of the state by employees of the state, shall be covered by the agreement;

(e) All services which (i) constitute employment as defined in RCW 41.48.020, (ii) are performed in the employ of a political subdivision of the state, and (iii) are covered by a plan which is in conformity with the terms of the agreement and has been approved by the governor under RCW 41.48.050, shall be covered by the agreement; and

(f) As modified, the agreement shall include all services described in either paragraph (d) or paragraph (e) of this subsection and performed by individuals to whom section 218 (c) (3) (C) of the social security act is applicable, and shall provide that the service of any such individual shall continue to be covered by the agreement in case he thereafter becomes eligible to be a member of a retirement system; and

(g) As modified, the agreement shall include all services described in either paragraph (d) or paragraph (e) of this subsection and performed by individuals in positions covered by a retirement system with respect to which the governor has issued a certificate to the secretary of health, education, and welfare pursuant to subsection (5) of section 3 of this act.

(2) Any instrumentality jointly created by this state and any other state or states is hereby authorized, upon the granting of like authority by such other state or states, (a) to enter into an agreement with the secretary of health, education, and welfare whereby the benefits of the federal old-age and survivors insurance system shall be extended to employees of such instrumentality, (b) to require its employees to pay (and for that purpose to deduct from their wages) contributions equal to the amounts which they would be required to pay under RCW 41.48.040 (1) if they were covered by an agreement made pursuant to subsection (1) of this section, and (c) to make payments to the secretary of the trea-

Authorization given jointly created instrumentality of this and another state.

sury in accordance with such agreement, including payments from its own funds, and otherwise to comply with such agreements. Such agreement shall, to the extent practicable, be consistent with the terms and provisions of subsection (1) and other provisions of this chapter.

Governor empowered to authorize referendum; question of exclusion of portions covered by present retirement system from agreement made under this chapter.

(3) The governor is empowered to authorize a referendum, and to designate an agency or individual to supervise its conduct, in accordance with the requirements of section 218 (d) (3) of the social security act, and subsection 4 of section 3 of this act on the question of whether service in all positions covered by a retirement system established by the state or by a political subdivision thereof should be excluded from or included under an agreement under this chapter. If a retirement system covers positions of employees of the state of Washington, the university of Washington, the state college of Washington and the several colleges of education, and positions of employees of one or more of the political subdivisions of the state, then for the purpose of the referendum as provided herein, there may be deemed to be a separate retirement system with respect to any one or more of the political subdivisions, or institutions of higher learning (excluding members of the state employees retirement system), named herein and the governor shall authorize a referendum upon request of the subdivisions' or institutions' of higher learning governing body: *Provided*, That any city or town affiliated with the statewide city employees retirement system organized under RCW 41.44 may at its option agree to a plan submitted by the board of trustees of said statewide city employees retirement system for inclusion under an agreement under this chapter if the referendum to be held as provided herein indicates a favorable result: *Provided further*, That the Teachers' Retirement System be considered one system for the pur-

pose of the referendum except as applied to the several colleges of education. The notice of referendum required by section 218 (d) (3) (C) of the social security act to be given to employees shall contain or shall be accompanied by a statement, in such form and such detail as the agency or individual designated to supervise the referendum shall deem necessary and sufficient, to inform the employees of the rights which will accrue to them and their dependents and survivors, and the liabilities to which they will be subject, if their services are included under an agreement under this chapter.

(4) The governor, before authorizing a referendum, shall require the following conditions to be met:

Conditions prerequisite to referendum.

(a) The referendum shall be by secret written ballot on the question of whether service in positions covered by such retirement system shall be excluded from or included under the agreement between the governor and the secretary of health, education, and welfare provided for in RCW 41.48.030 (1);

Secret written ballot.

(b) An opportunity to vote in such referendum shall be given and shall be limited to eligible employees;

Eligible voters.

(c) Not less than ninety days' notice of such referendum shall be given to all such employees;

Notice.

(d) Such referendum shall be conducted under the supervision (of the governor or) of an agency or individual designated by the governor;

Supervision of referendum.

(e) The proposal for coverage shall be approved only if a majority of the eligible employees vote in favor of including services in such positions under the agreement;

Majority approval.

(f) The state legislature, in the case of a referendum affecting the rights and liabilities of state employees covered under the state employees' retirement system and employees under the teachers'

Legislative approval.

retirement system, and in all other cases the local legislative authority or governing body, shall have specifically approved the proposed plan and approved any necessary structural adjustment to the existing system to conform with the proposed plan.

Certification.

(5) Upon receiving satisfactory evidence that with respect to any such referendum the conditions specified in subsection 4 of section 3 of this act and section 218 (d) (3) of the social security act have been met, the governor shall so certify to the secretary of health, education, and welfare.

Amendment.

SEC. 4. Section 4, chapter 184, Laws of 1951 and RCW 41.48.040 are each amended to read as follows:

Employee's contribution.

(1) Every employee of the state whose services are covered by an agreement entered into under RCW 41.48.030 shall be required to pay for the period of such coverage, into the contribution fund established by RCW 41.48.060, contributions, with respect to wages (as defined in RCW 41.48.020), equal to the amount of employee tax which would be imposed by the federal insurance contributions act if such services constituted employment within the meaning of that act. Such liability shall arise in consideration of the employees' retention in the service of the state, or his entry upon such service, after the enactment of this chapter.

Procedure to collect contribution.

(2) The contribution imposed by this section shall be collected by deducting the amount of the contribution from wages as and when paid, but failure to make such deduction shall not relieve the employee from liability for such contribution.

Proper adjustments authorized.

(3) If more or less than the correct amount of the contribution imposed by this section is paid or deducted with respect to any remuneration, proper adjustments, or refund if adjustment is impracticable, shall be made, without interest, in such manner and at such times as the state agency shall prescribe.

SEC. 5. Section 5, chapter 184, Laws of 1951 and RCW 41.48.050 are each amended to read as follows:

(1) Each political subdivision of the state is hereby authorized to submit for approval by the governor a plan for extending the benefits of title II of the social security act, in conformity with the applicable provisions of such act, to those employees of such political subdivisions who are not covered by an existing pension or retirement system. Each pension or retirement system established by the state or a political subdivision thereof is hereby authorized to submit for approval by the governor a plan for extending the benefits of title II of the social security act, in conformity with applicable provisions of such act, to members of such pension or retirement system. Each such plan and any amendment thereof shall be approved by the governor if he finds that such plan, or such plan as amended, is in conformity with such requirements as are provided in regulations of the governor, except that no such plan shall be approved unless—

(a) It is in conformity with the requirements of the social security act and with the agreement entered into under RCW 41.48.030;

(b) It provides that all services which constitute employment as defined in RCW 41.48.020 and are performed in the employ of the political subdivision by employees thereof, shall be covered by the plan;

(c) It specifies the source or sources from which the funds necessary to make the payments required by paragraph (a) of subsection (3) and by subsection (4) of this section are expected to be derived and contains reasonable assurance that such sources will be adequate for such purposes;

(d) It provides that in the plan of coverage for members of the state teachers' retirement system or for state employee members of the state employees' retirement system, there shall be no additional cost

Amendment.

Political subdivisions authorized to submit plans for extending benefits of title II of social security act.

Approval of plan by governor.

Conditions prerequisite to plan approval.

to or involvement of the state until such plan has received prior approval by the legislature;

(e) It provides for such methods of administration of the plan by the political subdivision as are found by the governor to be necessary for the proper and efficient administration of the plan;

(f) It provides that the political subdivision will make such reports, in such form and containing such information, as the governor may from time to time require and comply with such provisions as the governor or the secretary of health, education, and welfare may from time to time find necessary to assure the correctness and verification of such reports; and

(g) It authorizes the governor to terminate the plan in its entirety, in his discretion, if he finds that there has been a failure to comply substantially with any provision contained in such plan, such termination to take effect at the expiration of such notice and on such conditions as may be provided by regulations of the governor and may be consistent with the provisions of the social security act.

Notice and hearing prerequisite to disapproval or termination of plan.

(2) The governor shall not finally refuse to approve a plan submitted by a political subdivision under subsection (1), and shall not terminate an approved plan, without reasonable notice and opportunity for hearing to the political subdivision affected thereby.

Contributions by political subdivision.

(3) (a) Each political subdivision as to which a plan has been approved under this section shall pay into the contribution fund, with respect to wages (as defined in RCW 41.48.020), at such time or times as the governor may by regulation prescribe, contributions in the amounts and at the rates specified in the applicable agreement entered into by the governor under RCW 41.48.030.

(b) Each political subdivision required to make payments under paragraph (a) of this subsection is authorized, in consideration of the employee's reten-



tion in, or entry upon, employment after enactment of this chapter, to impose upon each of its employees, as to services which are covered by an approved plan, a contribution with respect to his wages (as defined in RCW 41.48.020), not exceeding the amount of employee tax which is imposed by the federal insurance contributions act, and to deduct the amount of such contribution from his wages as and when paid. Contributions so collected shall be paid into the OASI contribution fund in partial discharge of the liability of such political subdivision or instrumentality under paragraph (a) of this subsection. Failure to deduct such contribution shall not relieve the employee or employer of liability therefor.

Limitation on amount of employee's deductible contribution.

(4) Delinquent payments due under paragraph (a) of subsection (3) may, with interest at the rate of six percent per annum, be recovered by action in a court of competent jurisdiction against the political subdivision liable therefor or may, at the request of the governor, be deducted from any other moneys payable to such subdivision by any department or agency of the state.

Delinquent payments.

Passed the House March 20, 1955.

Passed the Senate March 19, 1955.

Approved by the Governor April 4, 1955.

CHAPTER 5.

[ H. B. 9. ]

SALES OF REALTY TO GOVERNMENTAL UNIT—  
ENFORCEMENT OF PRIOR LIENS.

AN ACT relating to revenue and taxation; and providing for the collection of taxes and assessments on real property sold to the state of Washington or to any of its political subdivisions.

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

SECTION 1. Any sale of real property to the state of Washington, or to any of its political subdivisions or agencies, shall not be valid as against the lien of any tax or assessment levied by any county, municipal corporation, or other tax or assessment levying public body, when the lien of such tax or assessment has attached to the property prior to the sale, and any such tax or assessment lien may be enforced against the property sold in the same manner as if the property were owned by a private person.

Priority of lien of tax or assessment; enforcement.

Passed the House March 20, 1955.

Passed the Senate March 22, 1955.

Approved by the Governor April 4, 1955.

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CHAPTER 6.

[ H. B. 12. ]

WASHINGTON-OREGON BOUNDARY COMMISSION.

AN ACT relating to the Washington-Oregon Boundary Commission amending sections 1 and 2 of chapter 27, Laws of 1937, and making an appropriation.

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

SECTION 1. Section 1, chapter 27, Laws of 1937 is hereby amended to read as follows:

Amendment.

The true location of the boundary line between the states of Oregon and Washington in the Colum-

Boundary line in doubt.

bia River and particularly at points on said river where dams and bridges have been and are being constructed, has been and is in doubt. Said boundary line being fixed by Article XXIV of the State Constitution with reference to the middle channel and widest channel of the Columbia River, the location of which frequently changes by reason of the action of the winds, tides and currents, is extremely difficult to fix and determine at any given time. The definite and final establishment of the location of such boundary line with relation to fixed monuments located on the adjacent upland is therefore of great economic and political importance to both interested states and their citizens.

There is therefore hereby created and established a state commission to be known and designated as the "Washington-Oregon Boundary Commission," and in this act referred to as the "commission." Said commission shall be composed of five members, one of which shall be appointed by the governor, two by the house of representatives, and two by the senate. The commission shall select from its membership a chairman and a secretary.

"Washington-Oregon Boundary Commission" created.

Commission membership and appointment.

SEC. 2. Section 2, chapter 27, Laws of 1937 is hereby amended to read as follows:

Amendment.

Said commission when so directed by the governor shall have the power and it shall be its duty forthwith to make a complete and thorough study of all available data bearing upon the present locations of those portions of the boundary line between the states of Oregon and Washington which bisect the site of each dam or bridge heretofore or hereafter constructed in or over the Columbia River, and for such purpose shall have access to all the files and records of the state and its governmental agencies, and shall have the power and authority to employ such surveyors, engineers and other assistants, and

Commission powers and duties.

to incur such incidental expenses as it shall deem necessary.

Appropriation.

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

Passed the House March 19, 1955.

Passed the Senate March 22, 1955.

Approved by the Governor April 4, 1955.

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CHAPTER 7.

[ H. B. 15. ]

PROBATE.

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

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

Amendment.

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

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

Court to appoint agent.

Limitation on appointment.

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

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

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

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

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

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

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

Liability of agent.

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

Amendment.

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

Limitation on claimants; procedure on claim.

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

New section.

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

Heirs of absentee person may institute probate proceedings.

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

Prima facie proof of death of absentee person.

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

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

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

Passed the House March 19, 1955.

Passed the Senate March 22, 1955.

Approved by the Governor April 4, 1955.

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## CHAPTER 8.

[ H. B. 23. ]

### EMPLOYEE WELFARE TRUST FUNDS.

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

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

SECTION 1. As used in this act:

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

Defined. "Commissioner."

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

"Employee welfare trust fund."

ployers for providing employees, their families or dependents medical or hospital care, disability benefits, death benefits, retirement benefits, annuity benefits, health care services or any insurance benefits whether such benefits or services are to be paid directly from such fund or interest therefrom, or paid under contracts entered into by the trustees of the fund with an insurer or health care service contractor.

"Health care service contractor."

(3) "Health care service contractor" means health care service contractor as defined in RCW 48.44.010.

"Insurer."

(4) "Insurer" means insurer as defined in RCW 48.01.050.

"Person."

(5) "Person" means any individual, company, insurer, association, organization, reciprocal or interinsurance exchange, partnership, business trust, or corporation.

Examination of employee welfare trust fund.

SEC. 2. The commissioner may examine each employee welfare trust fund as often as he deems necessary, and the commissioner shall examine each employee welfare trust fund at least once every five years. The commissioner, for the purpose of this section, shall have the same powers and duties of examination as provided in chapter 48.03 RCW: *Provided*, That the costs and expenses of the commissioner and examiners shall be paid by the state.

Costs.

Trustees responsible for maintenance of records and accounts.

SEC. 3. (1) The trustees of every employee welfare trust fund existing within this state shall be responsible for the maintenance of full and accurate records and accounts of the transactions and affairs of such employee welfare trust fund in conformance with generally accepted accounting practices and principles.

Filing of trust instrument.

(2) Such trustees shall promptly file with the commissioner a copy of the trust instrument or other instrument by which the employee welfare trust fund is established, together with all amendments thereto.



Upon request of the commissioner the trustees shall file with the commissioner such regular and/or special reports concerning the transactions and affairs of such employee welfare trust fund as the commissioner may from time to time deem to be necessary or advisable for carrying out the purposes of this act. All such reports shall be open to inspection by the public in the commissioner's office, and when obsolete shall be subject to destruction by the commissioner as provided in RCW 48.02.120.

Filing of special reports.

Reports; inspection and destruction.

SEC. 4. (1) Each insurer and each health care service contractor that issues an insurance contract or health care services contract in consideration of money from any employee welfare trust fund shall promptly file with the commissioner a complete copy of every such contract together with all amendments or riders thereto.

Contractor to file copy of each contract.

(2) Each such insurer or health care service contractor shall promptly file with the commissioner a statement, on a form as prescribed and furnished by the commissioner, of the rate of all commissions and/or service fees or other similar fees or compensation paid or to be paid by such insurer or contractor in connection with every such insurance contract or health care services contract, and the name of each person receiving any such payment.

Contractor to file statement of commission rates and service fees.

(3) Such contracts and statements shall be open to public inspection in the commissioner's office, and when obsolete shall be subject to destruction by the commissioner as provided in RCW 48.02.120.

Contracts and statements; inspection and destruction.

SEC. 5. The commissioner shall enforce the provisions of this act as provided in RCW 48.02.080.

Enforcement.

SEC. 6. Any person aggrieved by any act, threatened act, or failure of the commissioner to act shall have the right to a hearing and review thereof as provided in chapter 48.04 RCW.

Right of hearing and review

Sections 2 and 3 inapplicable.

SEC. 7. Sections 2 and 3 of this act shall not apply to such an employee welfare trust fund where the trustee, or all of the trustees are subject to examination by the supervisor of banking of the state of Washington or the comptroller of the currency of the United States or the board of governors of the federal reserve system.

Penalty upon violation.

SEC. 8. Any person who fails to comply with the provisions of this act, or lawful order of the commissioner made pursuant to this act, shall, upon conviction, be punished by a fine of not less than ten dollars nor more than one thousand dollars, or by imprisonment for not more than one year, or both fine and imprisonment.

Appropriation.

SEC. 9. For the biennium ending June 30, 1957, there is appropriated from the general fund to the insurance commissioner the sum of forty-six thousand two hundred and fifty dollars or so much thereof as may be necessary to carry out the provisions of this act.

Passed the House March 20, 1955.

Passed the Senate March 22, 1955.

Approved by the Governor April 4, 1955.

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CHAPTER 9.

[ H. B. 24. ]

OFFICE HOURS FOR PUBLIC OFFICES.

AN ACT relating to office hours for public offices, and amending section 1, chapter 113, Laws of 1941 and sections 1, 3 and 4, chapter 100, Laws of 1951 and RCW 36.16.100 and 42.04.060, and section 2, chapter 100, Laws of 1951 and RCW 35.21.175.

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

Division and amendment.

SECTION 1. Section 1, chapter 113, Laws of 1941, as amended by sections 1, 3 and 4, chapter 100, Laws of 1951 (heretofore divided and codified as RCW

36.16.100 and 42.04.060) are divided and amended to read as set forth in sections 2 and 3 of this act.

SEC. 2. (RCW 36.16.100) All county and precinct offices shall be kept open for the transaction of business during such days and hours as the board of county commissioners shall by resolution prescribe.

County and  
precinct  
office hours.

SEC. 3. (RCW 42.04.060) All state elective and appointive officers shall keep their offices open for the transaction of business from eight o'clock a.m., to five o'clock p.m. of each business day from Monday through Friday, holidays excepted. On Saturday, such offices may be closed.

Enacted  
without  
amendment.  
  
State office  
hours.

This section shall not apply to the courts of record of this state or to their officers nor to the office of the attorney general and the lieutenant governor.

No applica-  
tion.

SEC. 4. Section 2, chapter 100, Laws of 1951 and RCW 35.21.175 are each amended to read as follows:

All city and town offices shall be kept open for the transaction of business during such days and hours as the municipal legislative authority shall by ordinance prescribe.

City and town  
office hours.

Passed the House March 22, 1955.

Passed the Senate March 22, 1955.

Approved by the Governor April 4, 1955.

CHAPTER 10.

[ H. B. 2. ]

TAXATION—BUSINESS AND OCCUPATION,  
RETAIL SALES, USE.

AN ACT relating to revenue and taxation; and amending section 1, chapter 91, Laws of 1953 and RCW 82.04.296, and section 4, chapter 228, Laws of 1949 and RCW 82.08.020, and section 7, chapter 228, Laws of 1949 and RCW 82.12.020, and amending section 7, chapter [389], Laws of 1955. (Substitute Senate Bill No. 173) and RCW 82.04.060; declaring an emergency, and setting forth the effective date of this act.

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

Amendment.

SECTION 1. Section 1, chapter 91, Laws of 1953 and RCW 82.04.296 are each amended to read as follows:

Additional tax levied for the privilege of engaging in business activities.

From and after the first day of May, 1955, until the thirtieth day of June, 1957 there is levied and shall be collected from every person for the act or privilege of engaging in business activities, as a part of the tax imposed by this chapter, other than those activities taxed pursuant to RCW 82.04.260, and as a temporary increase thereof, an additional tax in the amount of sixty percent of the tax payable under this chapter. To facilitate collection of this additional tax, the tax commission is authorized to adjust the basic rates of persons to which this section applies in such manner as to reflect the exact amount of the additional tax hereby imposed.

This section also amended by sec. 23, chap. 389, Laws of 1955.

Amendment.

SEC. 2. Section 4, chapter 228, Laws of 1949 and RCW 82.08.020 are each amended to read as follows:

Tax levied on each retail sale; application; rate.

There is levied and there shall be collected a tax on each retail sale in this state equal to three and one-third percent of the selling price. The tax imposed under this chapter shall apply to successive retail sales of the same property and to the retail sale of intoxicating liquor by the Washington state liquor stores.

SEC. 3. Section 7, chapter 228, Laws of 1949 and RCW 82.12.020 are each amended to read as follows: Amendment.

There is hereby levied and there shall be collected from every person in this state a tax or excise for the privilege of using within this state as a consumer any article of tangible personal property purchased at retail, or acquired by lease or by gift, or extracted or produced or manufactured by the person so using the same: *Provided*, That the tax liability imposed by this chapter upon the use of tangible personal property by a lessee thereof shall not be construed as affecting the primary liability under this chapter of the lessor of said property. This tax will not apply with respect to the use of any article of tangible personal property purchased, extracted, produced or manufactured outside this state until the transportation of such article has finally ended or until such article has become commingled with the general mass of property in this state. This tax shall apply to the use of every article of tangible personal property, including property acquired at a casual or isolated sale, and including byproducts used by the manufacturer thereof, except as hereinafter provided, irrespective of whether the article or similar articles are manufactured or are available for purchase within this state. Except as provided in subdivision (2) of RCW 82.12.030, payment by one purchaser or user of tangible personal property of the tax imposed by chapter 82.08 or 82.12 shall not have the effect of exempting any other purchaser or user of the same property from the taxes imposed by such chapters. The tax shall be levied and collected in an amount equal to the value of the article used by the taxpayer multiplied by the rate of three and one-third percent. Tax levied on use as a consumer of tangible personal property.

Application on out-of-state purchased or produced goods.

Tax application.

Rate.

This section also amended by sec. 25, chap. 389, Laws of 1955.

SEC. 4. Section 7, chapter [389], Laws of 1955 (Substitute Senate Bill No. 173) and RCW 82.04.060 are each amended to read as follows: Amendment.

“Sale at wholesale” defined.

“Sale at wholesale” or “wholesale sale” means any sale of tangible personal property which is not a sale at retail and means any charge made for labor and services rendered for persons who are not consumers, in respect to real or personal property, if such charge is expressly defined as a retail sale by RCW 82.04.050 when rendered to or for consumers: *Provided*, That the term “real or personal property” as used in this section shall not include any natural products named in RCW 82.04.100.

Effective date.

SEC. 5. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect on the first day of May, 1955.

Passed the House March 23, 1955.

Passed the Senate March 24, 1955.

Approved by the Governor April 4, 1955.

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CHAPTER 11.

[S. B. 6 ]

UNCLAIMED PERSONAL PROPERTY ACT.

AN ACT relating to unclaimed personal property; amending section 9, chapter [385], Laws of 1955 (Senate Bill No. 311), and section 13, chapter 385, Laws of 1955; and declaring an emergency.

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

Amendment.

SECTION 1. Section 9, chapter [385], Laws of 1955 (Senate Bill No. 311) is amended to read as follows:

Intangible personal property presumed abandoned, when.

All intangible personal property, not otherwise covered by this act, including any income or increment thereon and deducting any lawful charges, that is held or owing in this state in the ordinary course of the holder’s business and has remained unclaimed by the owner for more than seven years after

it became payable or distributable is presumed abandoned: *Provided, however,* That this section shall not apply to safe deposit companies. No application.

SEC. 2. Section 13, chapter [385], Laws of 1955 (Senate Bill No. 311) is amended to read as follows: Amendment.

(1) Every person who has filed a report as provided by section 11 shall within twenty days after the time specified in section 12 for claiming the property from the holder pay or deliver to the tax commission all abandoned property specified in the report, except that, if the owner establishes his right to receive the abandoned property to the satisfaction of the holder within the time specified in section 12, or if it appears that for some other reason the presumption of abandonment is erroneous, the holder need not pay or deliver the property, which will no longer be presumed abandoned, to the tax commission, but in lieu thereof shall file a verified written explanation of the proof of claim or of the error in the presumption of abandonment. Delivery of abandoned property by person filing report; time limitation for.

(2) Any person holding property as specified in sections 2 to 9, inclusive, of this act and who has reason to believe that the same is abandoned and that the true owner thereof cannot be located with reasonable diligence and effort, may make his report and deliver such property to the tax commission prior to the expiration of the time provided. The tax commission shall include information relating to such property in the next publication of like property as provided by section 12 of this act. Report and delivery prior to expiration of provided time.

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. Information published.

Passed the Senate March 16, 1955.

Passed the House March 19, 1955.

Approved by the Governor April 4, 1955. Emergency.

CHAPTER 12.

[ S. B. 5. ]

STATE BUILDING FINANCING AUTHORITY ACT.

AN ACT relating to financing the construction and rehabilitation of certain public buildings; creating a state building financing authority and prescribing its powers and duties; authorizing the issuance of revenue bonds and making such bonds legal investments for all funds, public and private; authorizing institutions of higher learning and departments and agencies of the state to enter into contracts of lease and sublease with the state building financing authority; authorizing the legislature to provide additional means of paying the authority's obligations; providing an appropriation and declaring an emergency.

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

Title of act.

SECTION 1. This act shall be known and may be cited as the "state building financing authority act."

Defined as herein used.

SEC. 2. The following terms whenever used or referred to in this chapter shall have the following meanings, except in those instances where the context clearly indicates otherwise:

"Authority."

(1) "Authority" shall mean the body politic and corporate created by this act;

"Project."

(2) "Project" shall mean any structure or facility of which the authority is authorized to finance the construction, improvement or maintenance under the provisions of this act;

"Bonds."

(3) "Bonds" shall mean the revenue bonds which the authority is authorized to issue pursuant to this act;

"Construction."

(4) "Construction" shall mean and include acquisition and construction, and the term "construct" shall mean and include to acquire and to construct;

"Improvement."

(5) "Improvement" shall mean and include extension, enlargement, and repair of a project as defined herein as well as the improvement thereof;

"Cost of a project."

(6) "Cost of a project" shall include, but shall not be limited to, the cost of all real estate, proper-



ties, property rights, easements, the cost of construction of buildings and the furnishing and equipment thereof, all financing charges, interest prior to and during construction, engineering, architects' and legal expenses, including the cost of plans, specifications and surveys, estimates of costs and revenues, and such other expenses as are necessary or incident to the financing herein authorized.

SEC. 3. There is hereby created a body corporate and politic to be known as the state building financing authority consisting of three members as follows: The governor or his representative, the state treasurer, and director of general administration. Said members of the authority holding public office and compensated by the state of Washington shall be entitled to no compensation for their services as members but shall be entitled to reimbursement for all necessary expenses incurred in connection with the performance of their duties as such members. A member of the authority not otherwise receiving compensation from the state of Washington shall receive in addition to reimbursement for his actual necessary expenses a per diem of twenty-five dollars per day for each day in which he performs duties for the authority, such per diem not to exceed four thousand dollars in any one calendar year.

State building financing authority created; membership.

Reimbursement.

Per diem.

Limitation.

SEC. 4. The authority is created for the purpose of financing the construction, reconstruction, rehabilitation, enlargement, improvement, maintenance, furnishing, equipping and holding for lease or sublease the following:

Purpose of authority.

(1) Buildings and facilities necessary or useful for institutions of higher learning of the state of Washington;

(2) Buildings and facilities necessary or useful for the various agencies and departments of the state of Washington: *Provided*, That the authority shall finance and enter into contracts of lease for projects

for institutions of higher learning and agencies and departments of the state of Washington only when such projects are specifically authorized by the legislature and only insofar as it may do so within the limits of its financial ceiling under the terms of this act.

SEC. 5. The authority is hereby granted and may exercise all the powers necessary or convenient for the carrying out of the purposes of this act, including but without limiting the generality of the foregoing, the following rights and powers:

Rights and powers of authority.

Suit.

(1) To sue and be sued, implead and be impleaded, complain and defend, in all courts;

Seal.

(2) To adopt, use and alter at will a seal;

Real and personal property.

(3) To acquire, purchase, hold, lease as lessee, and use any property real, personal or mixed, tangible or intangible, or any interest therein, necessary or desirable, for carrying out the purposes of this act, and to sell, lease as lessor, transfer and dispose of any property or any interest therein at any time acquired by it: *Provided, however,* That in any biennium initial contracts of lease shall be entered with institutions of higher learning and agencies and departments of government of the state for only such new buildings as have been specifically authorized by the legislature for that biennium;

Acquire projects herein defined.

(4) To acquire by purchase, lease or otherwise, projects as defined herein;

Rules and regulations.

(5) To make such rules and regulations, not inconsistent with this act, as it deems necessary for its proper management and functioning and the carrying on of its affairs;

Personnel and compensation.

(6) To appoint officers, agents, and employees, to prescribe their duties, and to fix their compensation;

Rentals and charges.

(7) To fix, alter, charge and collect rentals and other charges for its services and for the use of the projects, buildings, or facilities of the authority;

(8) To borrow money for the purpose of paying the cost of any project, or of paying warrants, bonds, and other evidences of indebtedness or obligations of the authority, and secure the payment of such bonds, or any part thereof, by pledge of any or all of its revenues, rentals and receipts;

Borrow money.

(9) To make such agreements, not inconsistent with the laws of the state of Washington, with the purchasers or holders of such bonds, or with others in connection with any such bonds, whether issued or to be issued, as the authority shall deem advisable, and to provide for the security of said bonds and the rights of the holders thereof: *Provided, however,* That at no time shall the authority issue and have outstanding more than fifty million dollars in bonds except that there may be temporarily more than fifty million dollars in its bonds outstanding if the amount in excess of fifty million dollars is to be used for the refunding of some or all of the bonds of the authority;

Agreements with bondholders.

Limitation on amount of bonds.

(10) To make contracts of every kind and nature and to execute all instruments necessary or convenient for the carrying on of its business and the performance of its duties;

Contracts.

(11) Without limitation of the foregoing, to borrow money and accept grants from, and to enter into contracts, leases or other transactions with the United States government or any federal or state agency or instrumentality, and to accept grants from any other public or private corporation, association or person;

Grants; negotiations with federal government.

(12) To do all things proper or necessary to entitle and qualify the authority and the state to accept, borrow or otherwise obtain the use of funds of the federal government and any agency or instrumentality thereof which may be available for furthering the purposes of this act;

Negotiate for use of funds of federal government.

Pledge  
revenues.

(13) To pledge or otherwise encumber all or any of the revenues or receipts of the authority as security for all, or any, of the obligations of the authority;

General power.

(14) To do all acts and things necessary or convenient to carry out the powers granted by this act or any other act.

Limitation on  
authority's  
power.

SEC. 6. The authority shall have no power, at any time or in any manner, to pledge the credit or taxing power of the state of Washington, or any of its institutions of higher learning, agencies, departments or instrumentalities, nor shall any of its obligations or debts be deemed to be general obligations of the state of Washington or any of its institutions of higher learning, agencies, departments or instrumentalities, nor shall the state of Washington or any of its institutions of higher learning, agencies, departments or instrumentalities, be liable for the payment of principal or interest on the bonds or other indebtedness of the authority.

Purpose of  
charges levied  
by commis-  
sion.

SEC. 7. Charges levied by the authority shall be for the purpose of providing for the payment of the expenses of the authority, the financing of construction, improvement, equipping, furnishing and maintenance of projects, as above set forth, the payment of the principal of, and interest on, its bonds and to fulfill the terms and provisions of any agreements made with the purchasers or holders of any such bonds.

Authorization  
to state agen-  
cies to enter  
into contracts  
with authority.

SEC. 8. Any institution of higher learning of the state of Washington by and through its board of regents, and any agency or department of government of the state of Washington, by and through the appropriate division of the department of institutions, shall have power and authority to enter into contracts with the authority to sell or lease as lessor to the authority any land or building and lease as lessee

from the authority any land or building, and the furnishings and equipment thereof, leased, owned or otherwise possessed by the authority, for a term not exceeding thirty years, at such rental or rentals as may be determined by the authority. Such contract to lease may be entered into prior to any construction on any land leased, owned or otherwise possessed by the authority.

Any institution of higher learning, or agency or department of government of the state of Washington may, at any time that sufficient funds are available, negotiate with and purchase from the authority its interest in any structure, equipment, facility or other property owned or otherwise possessed by the authority.

SEC. 9. The treasurer of the state of Washington shall transfer to the fund of the authority the amount of rental payments or other charges due and owing to it by any of its lessees from any funds held in the treasury of the state of Washington for said lessee and not otherwise restricted in its use by statute or the constitution of the state of Washington: *Provided, however,* That the authority shall furnish such evidence as the state treasurer shall require that the lessee has consented in its lease with lessor that any such funds may be so transferred by the state treasurer.

Transfer to the fund of the authority authorized.

SEC. 10. (1) The bonds of the authority hereinabove referred to and authorized to be issued, shall be authorized by resolution of the authority and shall be of such series, bear such date or dates, mature at such time or times, not exceeding thirty years from their respective dates, bear interest at such rate or rates not exceeding four per centum per annum, be in such denominations, be in such form, either coupon or fully registered without coupons, carry such registration, exchangeability and inter-

Bonds; authorized by resolution; type and form; conditions of.

Limitation on interest rate.

Bond; signa-  
tures and seal.

changeability privileges, be payable at such place or places, be subject to such terms of redemption, and be entitled to such priorities in the revenues, rentals or receipts of the authority as such resolution or resolutions may provide. The bonds shall bear the facsimile signature of the chairman of the authority, together with a facsimile of the seal, and the manual signature of the secretary in attestation thereof, and coupon bonds shall have attached thereto interest coupons bearing the facsimile signature of the chairman and secretary of the authority, all as may be prescribed in such resolution or resolutions. Any such bonds may be issued and delivered notwithstanding that any of the aforesaid persons signing such bonds or whose facsimile signature shall be upon the bonds or coupons shall have ceased to hold their respective offices at the time when such bonds shall actually be delivered.

Provisions of  
resolution  
authorizing  
bonds.

(2) Any resolution or resolutions authorizing any bonds shall contain provisions which shall be part of the contract with the holders thereof as to (a) pledging the full faith and credit of the authority, but not of the state of Washington nor any institution of higher learning, agency, department or instrumentality of the state of Washington, nor any county or other political subdivision thereof, for such bonds or restricting the same to all or any of the revenues, rentals or receipts of the authority from all or any projects or properties;

(b) the financing of the construction, improvement, extension, enlargement, maintenance and repair, of any project or projects and the duties of the authority with reference thereto;

(c) the terms and provisions of the bonds;

(d) limitations on the purposes to which the proceeds of the bonds, then or thereafter to be issued, or of any loan or grant by the United States or the state of Washington may be applied;

(e) the rate of rentals and other charges for use of the projects, buildings or facilities of, or for the services rendered by, the authority including limitations upon the power of the authority to modify any leases or other agreements pursuant to which any rentals or other charges are payable;

(f) the setting aside of reserves or sinking funds and the regulation and disposition thereof;

(g) limitations on the issuance of additional bonds;

(h) the terms and provisions of any deed or trust or indenture securing the bonds, or under which the same may be issued, and

(i) any other additional agreements with the holders of the bonds.

(3) The authority may enter into any deeds of trust, indentures or other agreements with any bank or trust company, or other person or persons in the United States having power to enter into the same, including the state or federal government or any agency thereof, as security for such bonds, and may assign and pledge all or any of the revenues, rentals or receipts of the authority thereunder. Such deed of trust, indenture or other agreement may contain such provisions as may be customary in such instruments, or as the authority may authorize, including but without limitation, provisions as to (a) the financing of the construction, improvement, maintenance and repair of any project or projects, and the duties of the authority with reference thereto, (b) the application of funds and the safeguarding of funds on hand or on deposit, (c) the rights and remedies of said trustee and the holders of the bonds, which may include restrictions upon the individual right of action of such bondholders, and (d) the terms and provisions of the bonds, or the resolutions authorizing the issuance of the same.

Deeds of trust and indenture agreements authorized.

Provisions in deed of trust and indenture agreements.

Bonds negotiable instruments.

(4) All bonds issued by the authority shall be negotiable instruments.

Issuance of re-funding bonds.

SEC. 11. The authority is hereby authorized to provide by resolution for the issuance of refunding bonds for the purpose of refunding any bonds of the authority issued under the provisions of this act and then outstanding, either by voluntary exchange with the holders of such outstanding bonds at par or by providing funds to redeem and retire such outstanding bonds. The issuance of such refunding bonds, the maturities and other details thereof, the rights of the holders thereof, and the duties of the authority in respect to the same, shall be governed by the foregoing provisions of this act insofar as the same may be applicable. Bonds may be issued by the authority to refund bonds originally issued or to refund bonds of the authority previously issued for refunding purposes. Bonds may be sold in a single series both for refunding outstanding bonds and to provide funds for financing further construction by the authority.

State finance committee consulted prior to issuance of bonds.

SEC. 12. Prior to issuing any bonds as provided for herein, the governing board of the authority shall confer with the state finance committee in order that the bonds issued shall be in such denominations, and sold in such manner and in such amounts and on such terms and conditions as the finance committee deems most desirable.

Bonds sold at public sale; advertising.

If bonds are sold to any purchaser other than the state of Washington, they shall be sold at public sale, and it shall be the duty of the state finance committee to cause such sale to be advertised in such manner as it shall deem sufficient and to otherwise be responsible for the details of such sale.

Bondholders' rights and remedies herein, additional.

SEC. 13. (1) The rights and the remedies herein granted to the bondholders, shall be in addition to, and not in limitation of, any rights and remedies lawfully granted to such bondholders by the resolution



or resolutions providing for the issuance of bonds, or by any deed of trust, indenture or other agreement under which the same may be issued. In the event that the authority shall default in the payment of, principal of, or interest on, any of the bonds after said principal or interest shall become due, whether at maturity or upon call for redemption, and such default shall continue for a period of thirty days, or in the event that the authority shall fail or refuse to comply with the provisions of this act, or shall default in any agreement made with the holders of the bonds, the holders of twenty-five per centum in aggregate principal amount of the bonds then outstanding, acting in concert, by instrument or instruments filed in the office of the auditor of Thurston county, Washington, and proved or acknowledged in the same manner as a deed to be recorded, except as such right may be limited under the provisions of any deed of trust, indenture or other agreement as aforesaid, may appoint a trustee to represent the bondholders for the purposes herein provided. Such trustee and any trustee under any deed of trust, indenture or other agreement may, and upon written request of the holders of twenty-five per centum, or such other percentage as may be specified in any deed of trust, indenture or other agreement aforesaid, in principal amount of the bonds then outstanding, shall in his or its own name:

Conditions warranting appointment of trustee for bondholders; procedure for.

Trustee's powers.

(a) By mandamus or other suit enforce all rights of the bondholders, including the right to require the authority to carry out any agreements with or for the benefit of the bondholders, and to perform its and their duties under this act;

(b) Bring suit upon the bonds;

(c) Require the authority to account as if it were the trustee of an express trust for the bondholders;

(d) Enjoin any acts or things which may be unlawful or in violation of the rights of the bondholders;

(e) By notice in writing to the authority declare all bonds due and payable, and if all defaults shall be made good, then with the consent of the holders of twenty-five per centum, or such other percentage as may be specified in any deed of trust, indenture or other agreement aforesaid, of the principal amount of the bonds then outstanding, annul such declaration and its consequences;

Trustee shall be entitled to the appointment of a receiver.

(2) Any trustee, whether appointed as aforesaid or acting under a deed of trust, indenture or other agreement, and 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, to the same extent that the authority itself could do so, enter and take possession of the project, buildings or facilities of the authority or any parts thereof, the revenues, rentals, or receipts from which are, or may be applicable to, the payment of the bonds so in default, and operate and maintain the same and collect and receive all rentals and other revenues thereafter arising therefrom in the same manner as the authority might do, and 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 by the trustees, 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 revenues and receipts derived from the projects, buildings or facilities of the authority the revenues or receipts from which are or may be applicable to the payment of the bonds so in default. Said trustee shall in addition to the foregoing have and possess all of 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.

Costs of suit, action or proceeding by trustees.

General power of trustee.

Bondholder's rights.

(3) In addition to all other rights and all other remedies, any holder of bonds of the authority may

by mandamus or other suit, action or proceeding enforce his rights against the authority, including the right to require the authority to carry out any of its covenants and agreements with the bondholders and to perform its and their duties under this act.

SEC. 14. The powers of the authority shall be exercised by a governing body consisting of the members of the authority acting as a board. Within ninety days after this act shall become effective the board shall meet and organize. The governor of the state of Washington or his representative shall be the chairman, and the treasurer of the state of Washington shall be treasurer of the authority. The director of general administration shall be the secretary of the authority.

Organization  
of authority  
as board.

Two members shall constitute a quorum of the board and all action shall only be taken by vote of a majority of the members of the authority, unless in any case the rules and regulations promulgated by the authority shall require a larger number. The board shall have full authority to manage the properties and business of the authority and to prescribe, amend and repeal rules and regulations governing the manner in which the business of the authority may be conducted and the powers granted to it exercised. The board shall fix and determine the number of officers, agents and employees of the authority and their respective compensation and duties, and may delegate to one or more of their number, or to one or more of said officers, agents or employees, such powers and duties as it may deem proper.

Quorum.

Board's  
authority.

SEC. 15. All moneys of the authority from whatever source derived shall be deposited with and held by the state treasurer as treasurer of the authority, and said moneys shall never be mingled with funds in the state treasury nor be deemed a part of the general fund of the state, but shall at all times be considered a special fund belonging to the authority.

Moneys of the  
authority;  
depositing;  
payment out.

The moneys in said accounts shall be paid out pursuant to warrant or other order of the treasurer of the authority, or of such other person or persons as may be authorized by the authority to execute such warrants or orders. All moneys of the authority exclusive of that received from the sale of bonds from whatever source derived, except such part thereof as may be required to pay the administrative and other costs of operating the authority as may be provided for in the resolutions authorizing the issuance of the various series of bonds or in the various trust indentures, shall be set aside at such regular intervals as may be provided in such resolutions or trust indentures in a sinking fund, which fund shall be pledged to, and charged with, the payment of

- (1) the interest upon such bonds as it becomes due,
- (2) the principal of the bonds as same become due,
- (3) the necessary fiscal agency charges for paying principal and interest, (4) any premium upon bonds retired by call or purchase, as herein provided, and
- (5) any expenditures necessary or proper for issuance of additional series of revenue bonds, or necessary to the enforcement of the remedies of the bondholders as provided herein. The use and disposition of such sinking fund shall be subject to such regulations as may be provided in the resolutions authorizing the issuance of bonds or in the trust indentures, but except as may otherwise be provided in such resolutions or trust indentures, such sinking fund shall be a fund for the benefit of all bonds issued hereunder, without distinction or priority of one over another. Subject to the provisions of the resolutions authorizing the issuance of bonds or of the trust indentures, any moneys in such sinking fund in excess of an amount equal to the average annual requirements for interest and retirement on all bonds outstanding may be applied; (a) to the purchase or redemption of bonds; and/or (b) toward the payment

Sinking fund;  
charged with;  
use and dis-  
position of.

of the cost of one or more projects as defined in section 2, subsection (6) of this act.

SEC. 16. The bonds herein authorized shall be a legal investment for all state funds not otherwise restricted by the constitution of the state of Washington or for funds under state control not otherwise restricted, and for all funds of municipal corporations and shall be legal security for all state, county and municipal deposits and shall constitute legal investments for all banks, savings and loan associations and insurance companies doing business in this state.

Bonds authorized herein constitute legal investment.

SEC. 17. The legislature may by direct appropriation or by allocating other sources of revenue, provide additional means for the payment of the bonds authorized herein, or for the payment of the cost of a project or projects as defined in section 2, subsection (6) of this act, and this act shall not be deemed the exclusive method for such payment, but this section shall be permissive only and not mandatory, and the power granted herein shall not constitute a pledge of the faith and credit of the state nor of any of its institutions of higher learning, agencies, departments or instrumentalities.

Authority to legislature to provide additional means for payment of bonds.

SEC. 18. The use of the projects of the authority and the operation of its business shall be subject to the rules and regulations from time to time adopted by the authority and not inconsistent with the laws of the state of Washington.

Project use and operation subject to regulations of authority.

SEC. 19. The state of Washington does hereby pledge to, and agree with, any person, firm or corporation or federal agency subscribing to, or acquiring, the bonds to be issued by the authority for the financing of the construction, extension, improvement, or enlargement of any project, or part thereof, or for refunding purposes, that the state of Washington will not limit or restrict any provisions for the security and protection of the authority and its

Pledge by state of Washington.

bondholders contained in this act until all bonds at any time issued, together with the interest thereon, are fully paid and discharged. The state of Washington does further pledge to and agree with the United States and any federal agency that, in the event that any federal agency shall construct or contribute any funds for the financing of construction, extension, improvement or enlargement of any project or any portion thereof, the state of Washington will not restrict or limit the rights and powers of the authority in any manner which would be inconsistent with the continued maintenance and operation of the project, or the improvement thereof, or which would be inconsistent with the due performance of any agreements between the authority and any such federal agency, and the authority shall continue to have and may exercise all powers herein granted so long as the same shall be necessary or desirable for the carrying out of the purposes of this act and the purposes of the United States in financing the construction, improvement or enlargement of any project or portion thereof.

Additional  
and alterna-  
tive method.

SEC. 20. This act shall be deemed to provide an additional and alternative method for the doing of the things authorized herein and shall be regarded as supplemental and additional to powers conferred by other laws and shall not be regarded as in derogation of any powers now existing. This act being necessary for the welfare of the state of Washington and its inhabitants shall be liberally construed to effect the purposes thereof. Any section or provision of this act which may be susceptible to more than one construction shall be interpreted in favor of the construction most likely to satisfy federal laws entitling this state to receive federal funds, or otherwise participate in programs of the federal government or any of its agencies or instrumentalities furthering the purposes of this act.

Act liberally  
construed.

Aid to inter-  
pretation.

SEC. 21. The sum of ninety thousand dollars, or so much thereof as may be necessary, is hereby appropriated to the authority for the payment of costs and expenses incurred in commencing the work herein authorized. Any part of this appropriation used by the authority shall be repaid to the general fund of the state at such time as sufficient revenue bonds of the authority have been sold and the funds deposited with the treasurer of the authority.

Appropriation.

SEC. 22. If any part of this act shall be held unconstitutional, such invalidity shall not affect any other part. It is hereby declared that had any section, paragraph, sentence, clause, phrase or word as to which this act is declared invalid been eliminated from the act at the time the same was considered, the act would have nevertheless been enacted with such portions eliminated.

Invalidity.

SEC. 23. The state building authority records and accounts shall be kept in accordance with the uniform system of accounting prescribed by the state auditor and shall be subject to post audit by the state auditor at least once each year.

Records and accounts.

SEC. 24. This act is necessary for the immediate preservation of the public peace, health and safety, and for the support of the state government and the existing public institutions and shall take effect immediately.

Emergency.

Passed the Senate March 24, 1955.

Passed the House March 23, 1955.

Approved by the Governor April 4, 1955.

CHAPTER 13.

[ S. B. 11. ]

PUBLIC BUILDINGS—AUTHORITY TO FINANCE AND CONSTRUCT.

AN ACT authorizing the financing and construction of certain public buildings by the state building financing authority.

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

Authorization for financing and contracting for construction of following projects.

SECTION 1. The state building financing authority is authorized to finance and contract for the construction of the following projects in accordance with the provisions of chapter [12], Laws of 1955, first extraordinary session (Senate Bill No. 5):

At the University of Washington:

Medical Teaching Hospital .....	\$2,500,000.00
Museum .....	400,000.00

At the State College of Washington:

Plant Sciences Building .....	2,914,500.00
Veterinarian Clinic .....	1,145,000.00
Poultry Building .....	297,100.00
Dairy Building .....	275,000.00

At the Central Washington College of Education:

Physical Education Building .....	1,020,000.00
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*Provided, That none of this appropriation shall be expended for permanent spectator seating: Provided further, That the foregoing shall not be construed as prohibiting the acceptance of gifts or donations for such purposes.*

At the Eastern Washington College of Education:

Elementary Laboratory School .....	280,000.00
Alteration of present laboratory school into science classrooms and laboratories.....	200,000.00
Classroom facilities for R. O. T. C.....	80,000.00

At the Western Washington College of Education:

Science Building .....	1,078,000.00
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At the State School for the Deaf:

New Vocational Building .....	300,000.00
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At Eastern State Hospital:

Occupational Therapy and Security Building....	150,000.00
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At the State School for Girls:

Two cottages .....	170,000.00
Security Cottage .....	50,000.00

At the Northern State Hospital:



Supplementary Commissary .....	65,000.00
Gymnasium, Recreation and Women's Occu- pational Therapy .....	190,000.00
At the Washington State Penitentiary:	
Maximum Security and Reception Cell Block...	805,500.00
At the Western State Hospital:	
Children's Unit .....	500,000.00

The cost of each of the aforesaid projects, as defined in subsection (6), section 2, chapter [12], Laws of 1955, first extraordinary session (Senate Bill No. 5) shall not exceed the amounts set forth above.

Limitation on cost.

SEC. 2. The state building financing authority, giving full consideration to existing available or unoccupied public facilities and to possible donations of property, may select two sites, which will best serve the interests of the state for the purposes herein enumerated:

State building financing authority to select two sites.

(1) A site to be used for the eventual construction thereon of a new institution for the care, custody and training of mentally deficient persons;

(2) A site to be used for the eventual construction thereon of a correctional institution of an intermediate type for the custody and rehabilitation of such persons between the ages of sixteen and twenty-three as are committed thereto by court order, or transferred thereto by the executive officer of the department of public institutions by authority of statute.

SEC. 3. The cost of acquisition of each of the sites provided for in section 2 of this act shall not exceed fifty thousand dollars.

Limitation on cost.

Passed the Senate March 24, 1955.

Passed the House March 23, 1955.

Approved by the Governor April 4, 1955.

CHAPTER 14.

[ S. B. 18. ]

EMERGENCY SCHOOL CONSTRUCTION FUNDS—  
EFFECTIVE DATE.

AN ACT relating to the construction of public school plant facilities; and amending section 10, chapter [3], Laws of 1955 extraordinary session (House Bill No. 8); and declaring an emergency.

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

Amendment. SECTION 1. Section 10, chapter [3], Laws of 1955 extraordinary session (House Bill No. 8) is amended to read as follows:

Effective date. This act is necessary for the immediate preservation of the public peace, health and safety, and for the support of state government and its existing public institutions, and shall take effect May 1, 1955.

Passed the Senate March 24, 1955.

Passed the House March 24, 1955.

Approved by the Governor April 4, 1955.

## CHAPTER 15.

[ S. B. 3. ]

## SUPPLEMENTAL APPROPRIATIONS.

AN Act making appropriations and reappropriations for the purchase, condemnation and improvement of land, construction of buildings and improvements at designated state institutions; for the payment of salaries of certain officers and employees of the state and for the operation, maintenance and other expenses of certain state institutions, departments and offices; for the relief of certain individuals, corporations, counties and municipalities; for refunds and for deficiencies and for emergencies, and for appropriation of revolving funds, and for purposes specified in certain acts of Congress, and for miscellaneous purposes designated for the period from April 1, 1955, to June 30, 1957, except as otherwise provided; defining terms, limiting allowances and payments, and declaring that this act shall take effect immediately.

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

SECTION 1. The words "capital outlay," whenever used in this act, shall mean and include the purchase, condemnation and improvement of land and erection of buildings, including necessary salaries and wages incident thereto.

"Capital outlay" defined.

The words "salaries and wages," whenever used in this act, shall mean and include salaries of executive officers and employees of state offices, departments and institutions, and all compensation for direct labor or personal service rendered to the state.

"Salaries and wages" defined.

The word "operations," whenever used in this act, shall mean and include necessary traveling expenses of officers and employees, and all expenses necessary for housing cost, supplies, material, services and maintenance of the various institutions, departments and offices of the state government, other than salaries and wages: *Provided*, That no portion of the appropriations made hereunder shall be expended for coupon or scrip books, or other evidences of advance payment for future delivery.

"Operations" defined.

SEC. 2. The following sums, or so much thereof as shall severally be found necessary, are hereby appropriated out of any of the moneys in the several funds in the state treasury hereinafter named for the payment of salaries of certain officers and employees of the state, and for the operation of certain state institutions, departments and offices, and for the purchase, condemnation and improvement of land and construction of buildings, and improvements for the various state institutions, and for deficiencies, and for emergencies, and for sundry civil expenses of the state government, and for purposes specified in certain acts of Congress and for miscellaneous purposes hereinbelow designated and mentioned and hereinafter expressed, for the period from April 1, 1955, to June 30, 1957, except as otherwise provided.

Following sums appropriated out of moneys in the several funds in the state treasury.

FROM THE PARKS AND PARKWAY FUND.

State Parks and Recreation Commission.

FOR THE STATE PARKS AND RECREATION COMMISSION:

Capital Outlays and Major Repairs .....	\$67,160.41	
Purchase, Condemnation and Improvement of Land, Boat Moorages, Construction of Buildings, and Other Improvements, including necessary Salaries and Wages incident thereto .....	11,812.11	
Total .....	<u>          </u>	\$78,972.52
(Being the reappropriation of the unexpended balance of appropriations made for like purposes by chapter 288, Laws of 1953.)		

FROM THE GENERAL FUND.

Adjutant General—Military Department.

FOR THE ADJUTANT GENERAL—MILITARY DEPARTMENT:

Capital Outlays, Armories, To carry out the provisions of chapter 181, Laws of 1953, relating to National Defense (Being the reappropriation of the unexpended	\$265,302.28
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balance of appropriation  
made for like purposes by  
chapter 288, Laws of 1953.)

FOR THE DEPARTMENT OF FISHERIES:

Department  
of Fisheries.

Capital Outlays, Major Repairs  
and Betterments, including  
completion of Deschutes Fish  
Ladder ..... \$281,109.60

(Being the reappropriation  
of the unexpended balance  
of appropriation made for  
like purposes by chapter  
288, Laws of 1953.)

Research to safeguard migrat-  
ing salmon of the Columbia  
River at Corps of Engineers'  
Dams ..... \$44,996.10

(Being the reappropriation  
of the unexpended balance  
of appropriation made for  
like purposes by chapter  
288, Laws of 1953; expend-  
itures to be limited to ap-  
proved projects upon which  
reimbursement of 100%  
will be made by the Fed-  
eral government.)

Lower Columbia River Devel-  
opment ..... \$1,369,023.32

(Being the reappropriation  
of the unexpended balance  
of appropriation made for  
like purposes by chapter  
288, Laws of 1953; expend-  
itures herefrom to be lim-  
ited to approved projects  
upon which reimburse-  
ment of 100% will be made  
by the Federal govern-  
ment.)

FROM THE GAME FUND.

FOR THE DEPARTMENT OF GAME:

Department  
of Game.

Construction of District Head-  
quarters Office and Storage  
Building in the vicinity of  
Spokane ..... \$6,500.00

(Being the reappropriation  
of the unexpected balance  
of allotments approved by

the Governor for like purposes from the appropriation by chapter 288, Laws of 1953.)

Constructing, equipping and operating Steelhead Hatchery . .	\$380,000.00
(Being the reappropriation of the unexpended balance of appropriation made for like purposes by chapter 288, Laws of 1953; expenditures to be limited to approved projects upon which reimbursement of 100% will be made by the Federal government.)	

FROM THE GENERAL FUND.

Department of Public Institutions.

FOR THE DEPARTMENT OF PUBLIC INSTITUTIONS:

Remodeling Transportation, Temple of Justice and Old Capitol Buildings . . . . .	\$38,275.00	
Replacement of Insurance Building Elevator . . . . .	25,000.00	
Total . . . . .	<u>        </u>	\$63,275.20
(Being the reappropriation of the unexpended balance of appropriations made for like purposes by chapter 288, Laws of 1953.)		
Washington State Penitentiary:		
Equipment for Minimum Security Building . . . . .	\$3,041.22	
Rainier State School:		
Equipment for four Ward Buildings . . . . .	1,021.11	
Washington State Reformatory:		
Equipping and furnishing combination School, Hospital and Cell block . . . . .	12,792.16	
Washington Veterans' Home:		
Renew Power Plant Equipment . . . . .	5,850.97	
Western State Hospital:		
Equip Research Building . . . . .	834.37	
Total . . . . .	<u>        </u>	\$23,539.83
(Being the reappropriation of the unexpended balance		

of appropriations made for like purposes by chapter 289, Laws of 1953.)

State Institutions:

Capital Outlays, Major Repairs and Betterments at various existing State Institutions, to be allotted by the Governor under the provisions of chapter 43.87, RCW, in such amounts and at such times as the Governor shall determine. . . .

\$894,873.97

(Being the reappropriation of the unexpended balance of appropriation made for like purposes by chapter 288, Laws of 1953.)

FROM THE INSTITUTIONAL BUILDING CONSTRUCTION FUND.

FOR THE STATE FINANCE COMMITTEE:

State Finance Committee.

To carry out the provisions of chapter 230, Laws of 1949. . . .

\$5,254,742.64

(Being the reappropriation of the unexpended balance of appropriation made for like purposes by chapter 289, Laws of 1953.)

FROM THE MOTOR VEHICLE FUND.

FOR THE WASHINGTON STATE PATROL:

Washington State Patrol.

Weight Control:

Capital Outlays and Major Repairs . . . . .

\$46,500.00

(Being the reappropriation of the unexpended balance of appropriation made for like purposes by chapter 288, Laws of 1953.)

FROM THE GENERAL FUND.

FOR THE UNIVERSITY OF WASHINGTON:

University of Washington.

Construction of Underground Utilities . . . . .

\$125,000.00

(Being the reappropriation of the unexpended balance of appropriation made for like purposes by chapter 288, Laws of 1953.)

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FROM THE UNIVERSITY OF WASHINGTON BUILDING FUND.

Construction of new buildings,  
equipment and remodeling... \$300,000.00  
(Being the reappropriation  
of the unexpended balance  
of appropriation made for  
like purposes by chapter  
288, Laws of 1953.)

FROM THE STATE COLLEGE OF WASHINGTON BUILDING FUND.

State College  
of Washington.

FOR THE STATE COLLEGE OF WASH-  
INGTON:

Capital Outlays, Major Repairs  
and Betterments ..... \$205,738.33  
(Being the reappropriation  
of the unexpended balance  
of appropriation made for  
like purposes by chapter  
288, Laws of 1953.)

FROM THE WASHINGTON STATE COLLEGE FUND.

Northwestern Washington Ex-  
periment Station, Mount Ver-  
non:

Capital Outlays ..... \$27,411.87  
(Being the reappropriation  
of the unexpended balance  
of appropriation made for  
like purposes by chapter  
289, Laws of 1953; expend-  
itures contingent upon an  
equal amount of matching  
funds from local sources.)

FROM THE GENERAL FUND.

Central Wash-  
ington College  
of Education.

FOR THE CENTRAL WASHINGTON  
COLLEGE OF EDUCATION:

Capital Outlays, Major Repairs  
and Betterments ..... \$17,273.39  
(Being the reappropriation  
of the unexpended balance  
of appropriation made for  
like purposes by chapter  
288, Laws of 1953.)

Eastern Wash-  
ington College  
of Education.

FOR THE EASTERN WASHINGTON  
COLLEGE OF EDUCATION:

Capital Outlays, Major Repairs  
and Betterments ..... \$16,188.12  
(Being the reappropriation  
of the unexpended balance



of appropriation made for like purposes by chapter 288, Laws of 1953.)

FROM THE PUBLIC SCHOOL BUILDING CONSTRUCTION FUND.

FOR THE STATE FINANCE COMMITTEE:

State Finance Committee.

To carry out the provisions of chapter 229, Laws of 1949 . . . \$3,365,100.67  
 (Being the reappropriation of the unexpended balance of appropriation made for like purposes by chapter 289, Laws of 1953.)

FROM THE ACCIDENT FUND.

FOR TRANSFERS:

Transfers. From Accident Fund to General Fund.

To reimburse the General Fund for allotments made to the Board of Industrial Insurance Appeals from the \$2,000,000.00 appropriation by chapter 288, Laws of 1953 (Allotments for Salaries, Wages and Operations approved by the Governor December 27, 1954) . . . . . \$25,130.00

FROM THE MEDICAL AID FUND.

To reimburse the General Fund for allotments made to the Board of Industrial Insurance Appeals from the \$2,000,000.00 appropriation by chapter 288, Laws of 1953 (Allotments for Salaries, Wages and Operations approved by the Governor December 27, 1954) . . . . . \$25,130.00

FROM THE CAPITOL BUILDING CONSTRUCTION FUND.

To reimburse the General Fund for allotment made to the State Capitol Committee from the \$2,000,000.00 appropriation by chapter 288, Laws of 1953 (Allotment to complete the Deschutes Parkway Dam and Spillway approved by the Governor May 20, 1954) . \$8,707.06

FROM THE HIGHWAY SAFETY FUND.

From Highway  
Safety Fund to  
General Fund.

To reimburse the General Fund for allotment made to the Department of Licenses from the \$2,000,000.00 appropriation by chapter 288, Laws of 1953 (Allotment for Salaries and Wages approved by the Governor November 15, 1954) . . .	\$45,000.00	
To reimburse the General Fund for allotment made to the Washington State Patrol from the \$1,000,000.00 appropriation by chapter 286, Laws of 1947 (Allotment for Salaries and Wages approved by the Governor August 8, 1947) . . .	748.57	
Total .....	_____	\$45,748.57

FROM THE PARKS AND PARKWAY FUND.

From Parks  
and Parkway  
Fund to  
General Fund.

To reimburse the General Fund for allotment made to the State Parks and Recreation Commission from the \$2,000,000.00 appropriation by chapter 242, Laws of 1949 (Allotment for operations approved by the Governor April 30, 1951) .....	\$4,327.40	
To reimburse the General Fund for allotment made to the State Parks and Recreation Commission from the \$2,000,000.00 appropriation by chapter 288, Laws of 1953 (Allotment for repairs to roadway approved by the Governor July 20, 1954) .....	4,000.00	
Total .....	_____	\$8,327.40

FROM THE MOTOR VEHICLE FUND.

From Motor  
Vehicle Fund  
to General  
Fund.

To reimburse the General Fund for allotments made to the State Auditor from the \$2,000,000.00 appropriation by chapter 288, Laws of 1953 (Allotments for Salaries, Wages and Operations approved by the Governor November 15, 1954) .....	\$5,500.00
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To reimburse the General Fund for allotments made to the Department of Licenses from the \$1,000,000.00 appropriation by chapter 286, Laws of 1947 (Allotments for operations approved by the Governor January 3, 1949, and February 25, 1949).....	29.65	
Total .....	<u>          </u>	\$5,529.65

FROM THE VOLUNTEER FIREMEN'S RELIEF AND PENSION FUND.

To reimburse the General Fund for allotment made to the State Auditor from the \$2,000,000.00 appropriation by chapter 288, Laws of 1953 (Allotment for Salaries and Wages approved by the Governor November 15, 1954)....		\$555.00	From Volunteer Firemen's Relief and Pension Fund to General Fund.
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FROM THE WAR VETERANS' COMPENSATION FUND.

To reimburse the General Fund for allotments made to the State Auditor from the \$2,000,000.00 appropriation by chapter 288, Laws of 1953 (Allotments for Salaries, Wages and Operations approved by the Governor July 8, 1954) .....		\$16,650.00	From War Veterans' Compensation Fund to General Fund.
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FROM THE GENERAL FUND.

LOCAL IMPROVEMENT ASSESSMENTS:

FOR THE TREASURER OF THE CITY OF OLYMPIA:			City of Olympia.
Local Improvement District No. 569 .....	\$23,376.22		
Local Improvement District No. 569 .....	2,903.93		
Total .....	<u>          </u>	\$26,280.15	
FOR THE TREASURER OF THE CITY OF SPOKANE:			City of Spokane.
Local Improvement District No. 29 (including interest)	\$222.36		
Local Improvement District No. 3544 (including interest) .....	407.28		
Total .....	<u>          </u>	\$629.64	

Adams County.	FOR THE TREASURER OF ADAMS COUNTY: East Columbia Basin Irriga- tion District .....		\$241.29
Benton County.	FOR THE TREASURER OF BENTON COUNTY: Sunnyside Irrigation District		\$2,855.80
Clark County.	FOR THE TREASURER OF CLARK COUNTY: Drainage District No. 5.....		\$60.00
Franklin County.	FOR THE TREASURER OF FRANKLIN COUNTY: South Columbia Basin Irriga- tion District .....		\$851.44
Jefferson County.	FOR THE TREASURER OF JEFFER- SON COUNTY: Drainage District No. 1.....		\$22.28
Kittitas County.	FOR THE TREASURER OF KITTI- TAS COUNTY: Kittitas Reclamation District (including interest) .....		\$2,233.14
Okanogan County.	FOR THE TREASURER OF OKA- NOGAN COUNTY: Whitestone Reclamation Dis- trict .....	\$2,614.50	
	Wolf Creek Reclamation Dis- trict .....	609.50	
	Total .....	<hr/>	\$3,224.00
Thurston County.	FOR THE TREASURER OF THURS- TON COUNTY: Drainage District No. 3.....		\$1 93
Wahkiakum County.	FOR THE TREASURER OF WAH- KIAKUM COUNTY: Diking District No. 1.....	\$2,646.93	
	Diking District No. 4.....	457.92	
	Total .....	<hr/>	\$3,104.85
Yakima County.	FOR THE TREASURER OF YAKIMA COUNTY: Roza Irrigation District (in- cluding interest) .....	\$513.18	
	Yakima - Tieton Irrigation District .....	2,477.57	
	Weed Control District No. 1..	14.00	
	Drainage Improvement Dis- trict No. 32.....	92.10	

Dike Improvement District No. 5 .....	2.20		
Total .....	<u>          </u>		\$3,099.05
FROM THE GAME FUND.			
FOR THE TREASURER OF YAKIMA COUNTY:			Yakima County.
Roza Weed District (includ- ing interest) .....			\$2.43
FROM THE MOTOR VEHICLE FUND.			
FOR THE TREASURER OF BENTON COUNTY:			Benton County.
Drainage District No. 2 .....			\$5.48
FOR THE TREASURER OF COWLITZ COUNTY:			Cowlitz County.
Consolidated Diking Im- provement District No. 1..	\$815.82		
Consolidated Diking Im- provement District No. 2...	64.52		
Drainage Improvement Dis- trict No. 1 .....	5.01		
Diking Improvement District No. 2 .....	56.50		
Total .....	<u>          </u>		\$941.85
FOR THE TREASURER OF SKAGIT COUNTY:			Skagit County.
Drainage District No. 14.....	\$197.13		
Drainage District No. 16....	317.88		
Drainage District No. 17 .....	82.96		
Diking District No. 1.....	9.15		
Diking District No. 3 .....	203.82		
Diking District No. 12.....	13.74		
Total .....	<u>          </u>		\$824.68
FOR THE TREASURER OF YAKIMA COUNTY:			Yakima County.
Drainage Improvement Dis- trict No. 3 .....	\$738.30		
Sunnyside Valley Irrigation District .....	118.00		
Total .....	<u>          </u>		\$856.30
FROM THE PARKS AND PARKWAY FUND.			
FOR THE TREASURER OF GRAYS HARBOR COUNTY:			Grays Harbor County.
Drainage District No. 1 .....			\$4.36
FOR THE TREASURER OF THURSTON COUNTY:			Thurston County.
Hopkins Drainage Ditch.....			\$28.00

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Yakima  
County.

FOR THE TREASURER OF YAKIMA  
COUNTY:  
Dike Improvement District  
No. 1 ..... \$35.60

FROM THE CURRENT SCHOOL FUND.

To the General Fund, for ex-  
penditures for belated claims \$36.98

FROM THE UNITED STATES VOCATIONAL EDUCATION FUND.

To the General Fund, for ex-  
penditures for belated claims \$1,196.56

FROM THE COMMISSION MERCHANTS' FUND.

To the General Fund, for ex-  
penditures for belated claims \$1.08

FROM THE FEED AND FERTILIZER FUND.

To the General Fund, for ex-  
penditures for belated claims \$252.12

FROM THE GRAIN AND HAY INSPECTION FUND.

To the General Fund, for ex-  
penditures for belated claims \$25.75

FROM THE NURSERY INSPECTION FUND.

To the General Fund, for ex-  
penditures for belated claims \$1.40

FROM THE GAME FUND.

To the General Fund, for ex-  
penditures for belated claims. \$788.19

FROM THE MEDICAL AID FUND.

To the General Fund, for ex-  
penditures for belated claims. \$85.37

FROM THE HIGHWAY SAFETY FUND.

To the General Fund, for ex-  
penditures for belated claims \$498.81

FROM THE MOTOR VEHICLE FUND.

To the General Fund, for ex-  
penditures for belated claims. \$367.98

FROM THE WASHINGTON STATE PATROL RETIREMENT FUND.

To the General Fund, for ex-  
penditures for belated claims. \$343.28

FROM THE HIGHWAY EQUIPMENT FUND.

To the General Fund, for ex-  
penditures for belated claims \$87.26

Appropriations to General Fund for expenditures for belated claims.

FROM THE PENITENTIARY REVOLVING FUND.

To the General Fund, for expenditures for belated claims. \$164.23

FROM THE REFORMATORY REVOLVING FUND.

To the General Fund, for expenditures for belated claims. \$1,411.15

FROM THE STATE COLLEGE OF WASHINGTON BUILDING FUND.

To the General Fund, for expenditures for belated claims. \$12,340.12

FROM THE O. A. S. I. CONTRIBUTION FUND.

To validate over-expenditure of appropriation to carry out the provisions of chapter 184, Laws of 1951, for payment to the Secretary of the United States Treasury and refunds as allowed by law. . . . . \$197,698.09

Secretary of the United States Treasury; carry out provisions of chapter 184, Laws of 1951.

FROM THE SCHOOL EMERGENCY CONSTRUCTION BOND REDEMPTION FUND.

To validate expenditure for interest paid on bonds in the 1953-1955 biennial period. . . \$940,031.25

Expenditure for interest paid on bonds.

FROM THE COMMISSION MERCHANTS' FUND.

To validate the expenditure from the Commission Merchants' Fund on warrant No. 6895, dated May 12, 1953, in the amount of . . . . . \$21.60

Validate expenditure from Commission Merchants' Fund on Warrant No. 6895.

FROM THE MOTOR VEHICLE FUND.

To validate the expenditure from the Motor Vehicle Fund on warrant No. 885914, dated July 19, 1954, in the amount of . . . . . \$769.89

Validate expenditure from Motor Vehicle Fund on Warrant No. 885914.

FROM THE GENERAL FUND.

LOCAL IMPROVEMENT ASSESSMENTS:

FOR THE TREASURER OF GRANT COUNTY: Grant County.

Quincy-Columbia Basin Irrigation District . . . . .	\$609.52	
South Columbia Basin Irrigation District . . . . .	105.51	
East Columbia Basin Irrigation District . . . . .	271.54	
Total . . . . .		\$986.57

Kittitas County.	FOR THE TREASURER OF KITTI- TAS COUNTY:		
	Kittitas Reclamation District.		\$2,185.86
Pend Oreille County.	FOR THE TREASURER OF PEND ORIELLE COUNTY:		
	Diking District No. 2. ....		\$33.71
Skagit County.	FOR THE TREASURER OF SKAGIT COUNTY:		
	Diking District No. 1 .....	\$6.75	
	Diking Improvement District No. 15 .....	952.80	
	Diking District No. 5 .....	25.90	
	Drainage District No. 14....	934.00	
	Drainage District No. 15 ....	16.92	
	Drainage District No. 21 ....	2.67	
	Diking District No. 19.....	18.60	
	Total .....	_____	\$1,957.64
Whatcom County.	FOR THE TREASURER OF WHAT- COM COUNTY:		
	Drainage Improvement Dis- trict No. 1 .....	\$13.35	
	Drainage District No. 7.....	107.25	
	Drainage Improvement Dis- trict No. 5 .....	4.29	
	Macauley Creek Flood Con- trol District (including in- terest) .....	47.21	
	Macauley Creek Flood Con- trol District (including in- terest) .....	13.71	
	Total .....	_____	\$185.81

FROM THE GENERAL FUND.

Clark County.	FOR THE TREASURER OF CLARK COUNTY:		
	Assessments Road District No. 7 .....		\$128.00

FROM THE GENERAL FUND.

Department of Public Assistance.	FOR DEPARTMENT OF PUBLIC AS- SISTANCE:		
	Deficiencies, Medical and Hos- pital Services rendered re- cipients of public assistance in previous biennium.....		\$2,783.15



FOR THE STATE COLLEGE OF WASHINGTON:		} Vetocd.
Main Experiment Station, Pullman and Walla Walla; Reconstruction of building destroyed by fire.....		
	\$17,150.00	
FROM THE MOTOR VEHICLE FUND.		
FOR THE RELIEF OF THE FOLLOWING INDIVIDUALS, FIRMS AND CORPORATIONS:		
THE EGYPT COMMUNITY CLUB, a corporation. For damages on account of fire alleged to have occurred through negligence of Department of Highways. ....	\$7,000.00	The Egypt Community Club.
FROM THE GENERAL FUND.		
MACDONALD BUILDING COMPANY, for balance of contract work on Research Center at Western State Hospital.....	\$951.50	
ARTHUR EMERY, for financial relief on account of wrongful imprisonment in the State Reformatory. ....	\$6,000.00	Arthur Emery.
REDA E. ALBRIGHT, for medical, hospital and other expenses incurred and compensation for personal injuries received in accident while employed by Department of Public Assistance on May 7, 1953.....	\$591.38	Reda E. Albright.
CARL LYSHALL, for medical and burial expense incident to the death of Walter Thomas Lyshall who was killed at the State Reformatory on August 20, 1953.....	\$734.10	Carl Lyshall.
GEORGE T. WALLACE, M. D., for medical services rendered to clients of Department of Health in 1951.....	\$24.00	George T. Wallace, M.D.
JOHN B. SEMPILL, for drugs furnished recipients of public assistance in 1946-1947 biennium.	\$551.93	John B. Sempill.
GEORGE D. ARNOT.....	\$174.00	George D. Arnot.
DONALD L. SIMPSON.....	3.00	Donald L. Simpson.

Warren E. Vadman.	WARREN E. VADMAN..... Compensation received for injuries received in Civil Defense Training. Total .....	19.00  <hr style="width: 10%; margin-left: auto; margin-right: 0;"/> \$196.00
Walter Rupp.	WALTER RUPP, for refund of rental paid on state-owned land which he could not use by reason of condemnation action by the U. S. Government .....	\$38.40
E. M. Llewellyn.	E. M. LLEWELLYN, active service pay for the period July 1, 1949 to July 7, 1949, as Adjutant General. ....	\$124.19
Wayne D. Muller.	WAYNE D. MULLER, active service pay as a member of the Washington National Guard during the months of July, August and September, 1951.....	\$34.20
Wesley L. Viers.	WESLEY L. VIERS, retained pay as member of the Washington National Guard for the period of August 7 to August 25, 1940...	\$12.00
State Employees Retirement System.	STATE EMPLOYEES RETIREMENT SYSTEM, arrears billing for Richard E. Nance and insufficient appropriation for 1953. ....	\$6,317.95
State Employees Retirement System.	STATE EMPLOYEES RETIREMENT SYSTEM, for recovery of service credits for John Paulson, an employee of the Board of Prison Terms and Paroles.....	\$520.68
Judges Retirement Fund.	JUDGES RETIREMENT FUND, for state's portion of contribution to Judges Retirement Fund.....	\$2,354.79
A. C. Backus.	A. C. BACKUS, damages to Neon sign in an accident in which a vehicle of the National Guard was involved. ....	\$136.20
Harold A. Clark.	HAROLD A. CLARK, damages to property caused by the crash of an aircraft of the Washington National Guard .....	\$100.00
Lillian G. Kjeldgaard.	LILLIAN G. KJELDGAARD, damages to automobile caused by a col-	

lision with a vehicle of the Washington National Guard...		\$117.68	
COY D. PRINCE, damages to automobile caused by a collision with a vehicle of the Washington National Guard.....		\$100.00	Coy D. Prince.
PAYLESS DRUG COMPANY, Reimbursement on account of acceptance without endorsement of payee of General D. A. 40662, dated October 4, 1951.....		\$59.98	Payless Drug Company.
FROM THE WESTERN WASHINGTON EXPERIMENT STATION REVOLVING FUND.			
SUE GIBSON, reimbursement for personal funds deposited in the Western Washington Experiment Station Revolving Fund..		\$1,115.00	Sue Gibson.
FROM THE GENERAL FUND.			
CLARA CROW, services as stenographer for Department of Conservation and Development in Seattle, August 11, 12, 13 and 14, 1953.....		\$48.00	Clara Crow.
WHITE SALMON ENTERPRISE, official publication in previous biennium. ....		\$52.56	White Salmon Enterprise.
DEPARTMENT OF LABOR AND INDUSTRIES, for medical aid premiums of employees of Board of Prison Terms and Paroles applicable to 1951-1953 biennium		\$95.96	Department of Labor and Industries.
T. H. LITTLE, for travel as Assistant Attorney General incurred in 1951-1953 biennium.....		\$177.14	T. H. Little.
MRS. GEORGE N. CAMPBELL.....	\$12.04		Mrs. George N. Campbell.
MRS. P. G. MACKINTOSH.....	33.69		Mrs. P. G. Mackintosh.
For travel expenses of members of the State Library Commission in 1951-1953 biennium.			
Total .....	—————	\$45.73	
FOR THE DEPARTMENT OF FISHERIES, refunds of sundry fisheries fees and licenses.....		\$1,065.60	Department of Fisheries.

Mariano Cabais.	MARIANO CABAIS, refund of bank dividends escheated to permanent school fund.....	\$9.90
Connell Telephone, Inc.	CONNELL TELEPHONE, INC., refund of corporation license fee.....	\$15.00
John L. Nelson.	JOHN L. NELSON, refund of moneys paid to the State of Washington for certain real estate which was non-existent, having been absorbed by the Stillaguamish River prior to the date of sale.....	\$559.64
C. C. Hagen.	C. C. HAGEN, refund of rental on state-owned land which could not be used by reason of it being surveyed and sold in farm units .....	\$650.00
John J. O'Brien.	JOHN J. O'BRIEN, administrator of the estate of Anton Nowicki, deceased, for refund of moneys escheated to the Permanent School Fund .....	\$1,705.16
George Weber.	GEORGE WEBER, refund of rental paid on state land, the lease on which was subsequently cancelled .....	\$211.20
Huletz Electric Company.	HULETZ ELECTRIC COMPANY, for mechanical service to state automobile assigned to Lieutenant Governor in 1951-1953 biennium .....	\$8.28
LaHer Spring and Tire Corporation.	LAHER SPRING AND TIRE CORPORATION, for battery furnished the State Land Commissioner in previous biennium .....	\$15.14
B. F. Goodrich Company.	B. F. GOODRICH COMPANY, for tire furnished the Commissioner of Public Lands in previous biennium .....	\$13.17
Dick Lewis Pontiac, Inc.	DICK LEWIS PONTIAC, INC., for repairs to state-owned automobile assigned to State Land Commissioner in previous biennium..	\$8.57
Alvin Dow.	ALVIN DOW, reimbursement for loss of 680 pounds of milk which	

was dumped on the ground by an inmate of Lakeland Village	\$35.90	
FARMAN BROS. PICKLE COMPANY, for spoilage of pickles caused by cut-off of electric current by employees of Division of Forestry .....	\$104.25	Farman Bros. Pickle Company.
CRITERION FILMS, INC., for production of films on development of oil in the State of Washington .....	\$272.33	Criterion Films, Inc.
FRETA OLDS, judgment for costs and interest in re: State of Washington vs. Freta Olds and Charles W. Tharp, Supreme Court No. 31713...	\$501.25	Freta Olds.
STATE VS. LOUIS GELLERMAN, King County No. 26492, Supreme Court No. 32014, judgment of J. Edmund Quigley for costs in above case.....	\$1,228.10	State vs. Louis Gellerman, costs.
STATE ex rel. CARROLL VS. CARL E. GATTER AND IRENE GATTER, King County No. 437118, judgment plus interest .....	\$252.15	State vs. Gatter, judgment plus interest.
SEATTLE HOTEL, King County No. 32193, judgment plus interest..	\$297.47	Seattle Hotel, judgment plus interest.
GENERAL ELECTRIC COMPANY, Cause No. 24232, action initiated in the Superior Court of Thurston County, Washington.	\$1,047,527.97	General Electric Company, refund.
FOR THE TAX COMMISSION, refund of contractors' claims for taxes certified through Atomic Energy Commission in accordance with judgment of the Supreme Court of the United States, plus interest .....	\$701,000.00	Tax Commission, refund of contractors' claims.
FOR THE WESTERN WASHINGTON COLLEGE OF EDUCATION, capital outlays, major repairs and betterments .....	\$13,030.16	Western Washington College of Education.
FROM THE GAME FUND.		
JOE DEVITA, damages to crops and orchard by deer.....	\$315.00	Joe Devita.

Elvis R. Eaton.	ELVIS R. EATON, damages to property by beaver .....		\$1,500.00
L. H. Huber.	L. H. HUBER, damages to 1953 wheat crop and stacked hay by deer .....		\$286.00
Glacier Orchards.	GLACIER ORCHARDS, damages to orchards by deer .....		\$3,500.00
Mount Adams Orchards Company.	MOUNT ADAMS ORCHARDS COMPANY, damages to orchards by deer .....		\$11,000.00
W. B. Underhill.	W. B. UNDERHILL, damages to crop by Chukar partridges....		\$150.00
N. B. Adley.	N. B. ADLEY, game damages.....		\$428.24
Claude Osgood.	CLAUDE OSGOOD, damages to property by beavers.....		\$350.00
Claude Osgood.	CLAUDE OSGOOD, damages to property by beavers.....	\$400.00	
	Damages suffered by flooding of land and destroying same for pasture purposes .....	250.00	
	Total .....	<hr/>	\$650.00
Mrs. Paul Jordan.	MRS. PAUL JORDAN, damages to strawberry crop by deer.....		\$500.00

FROM THE MOTOR VEHICLE FUND.

Anders Lofgren.	ANDERS LOFGREN, for rental of Lakeview Scalehouse property from January 27, 1950, to March 31, 1953 .....		\$3.17
George W. Bromley.	GEORGE W. BROMLEY, refund of overpayment of motor vehicle gross weight fee.....		\$10.00
Clyde L. Duvall.	CLYDE L. DUVAL, damage to automobile caused by defective planking on a bridge on Highway No. 1A.....		\$121.54
Pacific Telephone & Telegraph Company.	PACIFIC TELEPHONE & TELEGRAPH COMPANY, cost of repairing buried telephone cables damaged by State Highway Department crews on October 6, 1954.		\$1,040.35
Jack Wortendyke.	JACK WORTENDYKE, damages to rose hedge caused by negligence of maintenance crew of Department of Highways.....		\$74.50

DON V. KNOECHEL, refund on tax on 451 gallons of gasoline claimed to have been lost by leakage from storage tank....		Don V. Knoechel.	
			\$29.32
KURTZER FLYING SERVICE, refund of tax on 761 gallons of aviation gasoline .....		Kurtzer Flying Service.	
			\$38.05
RAY L. LANGDELL, refund of tax on 1830 gallons of gasoline claimed to have been lost through leakage of storage tank		Ray L. Langdell.	
			\$118.95
MORRISON-KNUDSEN COMPANY, Inc., refund of tax on gasoline which was denied by the Department of Licenses on account of an out-dated invoice..		Morrison-Knudsen Company, Inc.	
			\$1,109.29
FOR REFUND OF MOTOR FUEL AND COMPENSATING TAX:		Recipients of Refund of Motor Fuel and Compensating Tax.	
Alaska Tankers, Inc.....	\$3.00		
Alaska Tankers, Inc.....	1,390.54		
Leonard Geroux .....	119.97		
F. C. Hoffman.....	35.44		
State Tax Commission.....	3.50		
State Tax Commission.....	11.20		
Treasurer of United States....	354.20		
Total .....	<hr/>		\$1,917.85
FOR REFUND OF LICENSE AND GROSS WEIGHT FEES:		Recipients of License and Gross Weight Fees.	
Clarence Anrys .....	\$52.50		
O. G. Banner.....	12.50		
Denny Park Auto Brokers....	5.00		
Laura A. Dobson.....	15.00		
Fruehauf Trailer Company...	63.00		
Industrial Air Products Company .....	80.00		
E. C. Halverson.....	9.50		
William C. McKay Company..	10.00		
Fred Pelagalli .....	40.00		
Ernest J. Peterson.....	9.25		
Redmond Trucking Company..	42.50		
John L. Slavenburg.....	5.00		
Dick C. or Nina L. Walker....	5.00		
H. C. Hilliard.....	10.00		
Total .....	<hr/>		\$359.25
STELLA DAUBER, for medical expense, pain and suffering caused by an accident claimed to have		Stella Dauber.	

	been due to negligence of employees of the Department of Highways .....	\$388.73
Edwall Grain Growers, Inc.	EDWALL GRAIN GROWERS, INC., for refund of overpayment of motor vehicle gross weight fees.....	\$25.00
Corbin Water District.	CORBIN WATER DISTRICT (Green Acres) Spokane County; claim for disrupting water pipe lines on Barker road by state freeway (Primary State Highway No. 2). Payment to be made when work completed and actual cost determined by Highway Department .....	\$12,000.00
State Finance Committee.	FOR THE STATE FINANCE COMMITTEE, to pay expenses incident to the issuance of Motor Vehicle Fuel Tax Revenue Bonds authorized by chapter 121, Laws of 1951, and chapter 154, Laws of 1953 .....	\$14,000.00

FROM THE MOTOR VEHICLE EXCISE FUND.

Public Service Revolving Fund.	TO THE PUBLIC SERVICE REVOLVING FUND: For costs incurred in collecting Motor Vehicle Excise Tax for the period January 1, 1953, to December 31, 1954, under the provisions of chapter 152, Laws of 1945 .....	\$2,362.37
Recipients of Refund of Motor Vehicle Excise Tax.	FOR REFUND OF MOTOR VEHICLE EXCISE TAX: Vernard H. Axlund..... Wm. E. Behler..... Donald Bershing .....	\$9.90 5.25 12.00
	John A. Bokovoy..... Floyd Burnham .....	9.50 3.50
	Dad's Root Beer Bottling Company .....	13.00
	Denny Park Auto Brokers....	12.25
	E. H. DuBois.....	8.25
	Fruehauf Trailer Company...	144.00
	E. C. Halverson.....	2.10
	H. B. Kemoe.....	4.50
	Max W. Krakenberg.....	54.40
	William O. McKay Company..	52.25



C. F. Meagher.....	8.25	
Lloyd L. Roberson.....	8.50	
Ray Shull .....	12.25	
John L. Slavenburg.....	30.50	
Dick C. or Nina L. Walker....	10.05	
Galen M. Wrosch.....	7.25	
Rockford Grain Growers, Inc..	26.00	
Total .....		\$433.70
FOR REFUND OF OVERPAYMENT OF MOTOR VEHICLE EXCISE:		
Elmer L. Burrill.....	\$5.25	Recipients of Refund for Overpayment of Motor Ve- hicle Excise.
Richard L. Larsen.....	5.50	
J. R. Nicholls.....	8.55	
W. D. Van Cleave.....	7.70	
Total .....		\$27.00
FROM THE WESTERN WASHINGTON COLLEGE FUND:		
G. A. PRATT COMPANY, for sup- plies furnished Western Wash- ington College in 1951-1953 bi- ennium .....		G. A. Pratt Company.  \$722.60
FROM THE CAPITOL BUILDING CONSTRUCTION FUND.		
JAMES W. CAREY AND ASSOCIATES, for unpaid balance due on the Deschutes Basin Project.....		James W. Carey and Associates.  \$1,470.96
BRANTH P. JOHANSON, for right of way for parkway in the Des- chutes Basin Project.....		Branth P. Johanson.  \$3,150.00
FROM THE HIGHWAY SAFETY FUND.		
SUNDRY STATE PATROLMEN, for travel expense incurred in 1951-1953 biennium .....		Sundry State Patrolmen.  \$96.21
FOR SUPPLIES AND SERVICES FUR- NISHED THE STATE PATROL IN PREVIOUS BIENNIUM:		
McCollum Motors .....	\$98.39	McCollum Motors.
Washington Water Power Com- pany .....	23.42	Washington Water Power Company.
Total .....		\$121.81
FROM THE WASHINGTON STATE COLLEGE FUND.		
FOR THE TREASURER OF THE CITY OF PULLMAN:		
Local Improvement District No. 93 (including interest).....	\$4,616.92	City of Pullman.
Local Improvement District No. 94 (including interest).....	19,594.10	
Total .....		\$24,211.02

FROM THE GENERAL FUND.

Robert McColley.	ROBERT MCCOLLEY, in full settle- ment for claim for expenses incurred in prior bienniums when serving as collector and investigator for the Commis- sioner of Public Lands.....	\$432.28
Lyle Lavelle.	LYLE LAVELLE, in full settlement for personal injuries received at Washington State Peniten- tiary, Walla Walla.....	\$1,000.00
Department of Agriculture— Reference to Senate Bill 316.	FOR THE DEPARTMENT OF AGRI- CULTURE: To carry out the provisions of Senate Bill No. 316 relating to the Agricultural Market- ing Act .....	\$50,000.00

FROM THE GENERAL FUND, EGG ACCOUNT.

Reference to Senate Bill 180.	To carry out the provisions of Senate Bill No. 180, the Egg Law .....	\$200,000.00
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FROM THE UNITED STATES VOCATIONAL EDUCATION FUND.

State Board for Vocational Education.	FOR THE STATE BOARD FOR VOCA- TIONAL EDUCATION: To be expended for special veterans' training in cooper- ation with the United States Veterans Administration, ex- penditures not to exceed re- ceipts .....	\$30,000.00
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FROM THE GENERAL FUND.

Legislative Expense.	FOR LEGISLATIVE EXPENSE: Printing, indexing, binding and editing Session Laws, Senate and House Journals, other legislative printing, and binding public documents of the Thirty-Fourth Session...	\$53,500.00
Vetoed.	Bill Drafting Services for the Session of the Thirty-Fifth Legislature: Salaries, Wages and Opera- tions .....	\$26,320.00
	FOR LEGISLATIVE SUBSISTENCE: For the actual and necessary expenses of the members of	

the first extraordinary session of the 34th legislature: <i>Provided</i> , That from the amount appropriated each member shall be paid a sum not to exceed fifteen dollars per day in lieu of subsistence and lodging while in attendance at the legislature.....	\$10,875.00	
<b>FOR THE STATE LIBRARY COMMISSION:</b>		State Library Commission.
Library service to the blind, to carry out provisions of Senate Bill No. 32.....	\$12,000.00	
<b>FOR THE SECRETARY OF STATE:</b>		Secretary of State—Reference to Chapter 211, Laws of 1955.
To carry out the provisions of chapter 211, Laws of 1955, relating to registration of trade marks .....	\$6,000.00	
<b>FOR THE STATE BOARD OF EDUCATION:</b>		} Vetoed.
To carry out the provisions of Substitute House Bill No. 298, relating to school district reorganization .....	\$43,000.00	
<b>FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION:</b>		Superintendent of Public Instruction—Reference to Senate Bill 409, House Bill 296.
To carry out the provisions of Senate Bill No. 409 and House Bill No. 296 .....	\$21,950.00	
<b>FOR THE TAX COMMISSION OF THE STATE OF WASHINGTON:</b>		Tax Commission of the State of Washington. Reference to Sub. Senate Bill 158.
To carry out the provisions of Substitute Senate Bill No. 158	\$13,000.00	
To carry out the provisions of Substitute Senate Bill No. 173	\$38,112.00	Reference to Sub. Senate Bill 173.
<b>For Tax Research and Studies:</b>		
Salaries, Wages and Operations .....	\$25,000.00	
To carry out the provisions of Senate Bill No. 311: <i>Provided</i> , That the General Fund shall be reimbursed from the Trust Fund created by section 18 of Senate Bill No. 311 for any expenditure made hereunder .....	\$15,000.00	Reference to Senate Bill 311.

James L. Olson.	JAMES L. OLSON, judgment for costs and interest in re State of Washington vs. James L. Olson, Lincoln County Cause No. 1553 .....	\$277.00
Mrs. W. H. Rowley.	MRS. W. H. ROWLEY, for refund of savings and loan dividends escheated to the Permanent School Fund .....	\$174.53
Samuelson Motor Company.	SAMUELSON MOTOR COMPANY, refund of sales tax on automobile sold to the U. S. Veterans Administration for amputee veteran .....	\$45.68
Adams County.	LOCAL IMPROVEMENT ASSESSMENTS: FOR THE TREASURER OF ADAMS COUNTY: East Columbia Basin Irrigation District .....	\$18.09
Snohomish County.	FOR THE TREASURER OF SNOHOMISH COUNTY: Diking District No. 5.....	\$449.43
Yakima County.	FOR THE TREASURER OF YAKIMA COUNTY: Drainage Improvement District No. 33.....	\$1.30
	FROM THE GENERAL FUND, PUBLIC SCHOOL BUILDING CONSTRUCTION ACCOUNT.	
State Finance Committee.	FOR THE STATE FINANCE COMMITTEE: To carry out the provisions of chapter 7, Laws of 1953, first extraordinary session.....	\$18,014,494.06
Reference to chapter 7, Laws of 1953.	(Being the reappropriation of the unexpended balance of appropriation made for like purposes by chapter 7, Laws of 1953, first extraordinary session.)	
	FROM THE GENERAL FUND, OPTOMETRY ACCOUNT.	
Department of Licenses—Reference to Senate Bill 349.	FOR THE DEPARTMENT OF LICENSES: To carry out the provisions of Senate Bill No. 349.....	\$15,000.00
	FROM THE PENITENTIARY REVOLVING FUND.	
Eric Miller.	ERIC MILLER, in full settlement of claim for injuries received in plate mill .....	\$2,066.25

FRANK A. MOWAT, in full settlement of claim for injuries received in plate mill.....	\$969.00	Frank A. Mowat.
ALBERT WIDNER, in full settlement of claim for injuries received in plate mill .....	\$965.00	Albert Widner.

FROM THE MOTOR VEHICLE FUND.

COLUMBIA OIL COMPANY, refund of tax on 2,894 gallons of gasoline lost through leakage.....	\$188.11	Columbia Oil Company.
CHRIS DEMOPOLIS, for repainting automobile which was accidentally sprayed by crew of Department of Highways while painting drawbridge over Swinomish Channel .....	\$69.58	Chris Demopolis.
ALEX JAASKA, MARY JAASKA AND DARLENE SMITH, in full settlement for injuries and medical care resulting from an accident on Primary State Highway No. 9, March 31, 1954.....	\$1,154.99	Alex Jaaska, Mary Jaaska, and Darlene Smith.
FOR WHITMAN FARMERS COOPERATIVE: Refund of duplicate payment of Motor Vehicle Fuel Tax..	\$1,113.64	Whitman Farmers Cooperative.

FROM THE LIQUOR EXCISE TAX FUND.

TO CARRY OUT THE PROVISIONS OF SENATE BILL NO. 104.....	\$4,100,000.00	Reference to Senate Bill 104.
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FROM THE GENERAL FUND.

FOR THE STATE BOARD FOR VOCATIONAL EDUCATION: To carry out the provisions of House Bill No. 575, 1955 regular session .....	\$50,000.00	State Board for Vocational Education—Reference to House Bill 575.
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SEC. 3. This act is necessary for the immediate preservation of public peace, health and safety, for the support of the state government and its existing public institutions, and shall take effect immediately. Emergency.

Passed the Senate March 14, 1955.

Passed the House March 22, 1955.

Approved by the Governor April 4, 1955, with the exception of certain items which are vetoed.

Note: Excerpt of Governor's veto message reads as follows:

"I disapprove and veto the item 'FOR THE STATE COLLEGE OF WASHINGTON: Main Experiment Station, Pullman and Walla Walla; Reconstruction of building destroyed by fire \$17,150.00' for the reason that I am advised by the authorities of the State College that this appropriation is unnecessary, as other provisions have been made for the replacement of this building.

"I disapprove and veto the item 'Bill Drafting Services for the Session of the Thirty-Fifth Legislature: Salaries, Wages and Operations \$26,320.00' for the reason that increased appropriations for legislative expense, previously approved, amply provide for any bill drafting service that will be needed in advance of the next session of the Legislature.

"I disapprove and veto the item 'FOR THE STATE BOARD OF EDUCATION: To carry out the provisions of Substitute House Bill No. 298, relating to school district reorganization \$43,000.00' for the reason that increased appropriations to the State Board of Education are ample to cover the duties imposed by Substitute House Bill No. 298.

"With the exception of the foregoing items, which are vetoed, the remainder of Senate Bill No. 3 is approved."

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## CHAPTER 16.

[ H. B. 1. ]

### GENERAL APPROPRIATIONS.

AN ACT making appropriations for the payment of salaries of certain officers and employees of the state and for the operation, maintenance and other expenses of certain state institutions, departments and offices, for the purchase, condemnation and improvement of land, the construction of buildings and improvements for the various state institutions designated and mentioned, and for emergencies, and for refunds, and for transfers, and for deficiencies, and for sundry civil expenses of the state government, and for public assistance, and for purposes specified in certain acts of Congress, and for miscellaneous purposes, for the fiscal biennium beginning July 1, 1955, and ending June 30, 1957, except as otherwise provided, defining terms, limiting allowances and payments, and declaring that this act shall take effect immediately.

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

SECTION 1. The words "capital outlay" whenever used in this act, shall mean and include the purchase,

"Capital outlay" defined.

condemnation and improvement of land and erection of buildings, including necessary salaries and wages incident thereto.

The words "salaries and wages" whenever used in this act, shall mean and include salaries of executive officers and employees of state offices, departments and institutions, and all compensation for direct labor or personal service rendered to the state.

"Salaries and wages" defined.

The word "operations" whenever used in this act, shall mean and include necessary traveling expenses of officers and employees, and all expenses necessary for housing cost, supplies, material, services and maintenance of the various institutions, departments and offices of the state government, other than salaries and wages: *Provided*, That no portion of the appropriations made hereunder shall be expended for coupon or scrip books, or other evidences of advance payment for future delivery: *Provided further*, That allowances made for subsistence and lodging for the elective or appointive officers and employees while away from their domicile on state business shall equal actual expenses incurred therefor or per diem rates as provided by law, but in no event shall actual expenses claimed exceed per diem rates provided by law.

"Operations" defined.

SEC. 2. The following sums, or so much thereof as shall severally be found necessary, are hereby appropriated out of any of the moneys in the several funds in the state treasury hereinafter named for the payment of salaries of certain officers and employees of the state, and for the operation of certain state institutions, departments and offices, and for the purchase, condemnation and improvement of land and construction of buildings, and improvements for the various state institutions, and for deficiencies, and for emergencies, and for refunds, and for sundry civil expenses of the state government, and for public assistance, and for purposes

Following sums appropriated out of moneys in the several funds in the state treasury.

specified in certain acts of Congress, and for miscellaneous purposes hereinbelow designated and mentioned and hereinafter expressed, for the fiscal bien-nium beginning July 1, 1955, and ending June 30, 1957, except as otherwise provided.

Any official who incurs any deficiency shall be considered to have violated the expressed intent of the legislature in making these appropriations.

FROM THE GENERAL FUND.

Governor.	<b>FOR THE GOVERNOR:</b>		
	Salaries, Wages and Operations .....	\$148,160.00	
	Investigation and Emergency Purposes, to be distributed on vouchers approved by the Governor .....	16,000.00	
	Extradition Expenses (including deficiencies) .....	24,000.00	
	Auditing Records of the State Auditor .....	2,500.00	
	<b>Total</b> .....	<hr/>	\$190,660.00
Governor's Mansion.	<b>FOR THE GOVERNOR'S MANSION:</b>		
	Maintenance, to be distributed on vouchers approved by the Governor .....		\$24,000.00
Lieutenant Governor.	<b>FOR THE LIEUTENANT GOVERNOR:</b>		
	Salary of the Lieutenant Governor .....	\$12,000.00	
	Other Salaries, Wages and Operations, and Compensation when serving as Governor .....	18,627.00	
	<b>Total</b> .....	<hr/>	\$30,627.00
Secretary of State.	<b>FOR THE SECRETARY OF STATE:</b>		
	Salaries, Wages and Operations .....	\$254,720.00	
	Checking, Printing, Advertising and Mailing Initiative and Referendum Measures and Constitutional Amendments: <i>Provided</i> , That no portion of this appropriation shall be expended for salaries of regular employees or office expense of the Secretary of State .....	75,000.00	



Corporation Field Examiner:			
Salaries, Wages and Operations .....	16,982.00		
To carry out provisions of chapter 14, Laws of 1950, special method of voting for Service Voters .....			
	10,000.00		
Total .....	<u>          </u>	\$356,702.00	
FOR THE STATE TREASURER:			State Treasurer.
Salaries, Wages and Operations .....		\$270,916.00	
FOR THE STATE AUDITOR:			State Auditor.
Salaries, Wages and Operations .....	\$674,902.00		
Special Printing .....	10,000.00		
Legal Services .....	5,400.00		
Total .....	<u>          </u>	\$690,302.00	
FROM THE MOTOR VEHICLE FUND.			
Salaries, Wages and Operations .....		\$75,000.00	Salaries, Wages and Operations, Motor Vehicle Fund.
FROM THE VOLUNTEER FIREMEN'S RELIEF AND PENSION FUND.			
Salaries and Wages.....		\$6,500.00	Volunteer Firemen's Relief and Pension Fund.
FROM THE WAR VETERANS' COMPENSATION FUND.			
Salaries, Wages and Operations .....		\$26,410.00	War Veterans' Compensation Fund.
FROM THE GENERAL FUND.			
FOR THE ATTORNEY GENERAL:			Attorney General.
Salaries, Wages, Operations, Printing Briefs, Court Costs and Expenses of Special Litigation in State and Federal Courts .....		\$553,000.00	
FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION:			Superintendent of Public Instruction.
Salaries, Wages and Operations .....		\$750,000.00	
FOR THE COMMISSIONER OF PUBLIC LANDS:			Commissioner of Public Lands.
Salaries, Wages and Operations .....	\$647,000.00		
Inventory and survey of state land within the South Central Okanogan Soil Conservation District .....	3,000.00		
Total .....	<u>          </u>	\$650,000.00	

Insurance Commissioner.	FOR THE INSURANCE COMMISSIONER: Salaries, Wages and Operations .....	\$502,000.00
Legislative Expense—Salaries of Members.	FOR LEGISLATIVE EXPENSE: Salaries of Members of Legislature .....	\$348,000.00
Supreme Court.	FOR THE SUPREME COURT: Salaries, Wages and Operations .....	\$537,630.00
State Law Library.	FOR THE STATE LAW LIBRARY: Salary of the Law Librarian..     \$14,400.00 Salaries and Wages.....     37,044.00 Operations .....	\$89,924.00
Permanent Statute Law Committee— Reference to chapter 157, Laws of 1951.	FOR THE PERMANENT STATUTE LAW COMMITTEE: To carry out provisions of chapter 157, Laws of 1951: Salaries and Wages.....     \$95,000.00 Operations .....	\$269,514.00
Judicial Council.	FOR THE JUDICIAL COUNCIL: Salaries, Wages and Operations .....	\$4,375.00
Uniform Law Commission.	FOR THE UNIFORM LAW COMMISSION: Operations .....	\$2,800.00
Superior Court Judges.	FOR THE SUPERIOR COURT JUDGES: Salaries and Wages.....     \$664,250.00 Expenses, Judges in Joint Districts .....	\$674,250.00
Judges' Retirement Fund— Reference to chapter 229, Laws of 1937.	FOR THE JUDGES' RETIREMENT FUND: To be expended in accordance with the provisions of chapter 229, Laws of 1937.....	\$78,150.00

LAWS, EXTRAORDINARY SESSION, 1955.

[CH. 16.]

Additional Retirement Fund Contributions in event of deficit .....	178,150.00		Additional Re- tirement Fund Contributions.
Total .....	<u>                    </u>	\$256,300.00	
FOR THE STATE BOARD OF AC- CUNTANCY:			State Board of Accountancy.
Salaries and Wages.....	\$33,000.00		
Operations .....	39,195.00		
(Expenditures not to exceed revenues accruing under the Accountancy Act.)			
Total .....	<u>                    </u>	\$72,195.00	
FOR THE STATE AERONAUTICS COM- MISSION:			State Aero- nautics Commission.
Salaries and Wages.....	\$45,510.00		
Operations .....	28,050.00		
Total .....	<u>                    </u>	\$73,560.00	
FOR THE STATE ATHLETIC COMMIS- SION:			State Athletic Commission.
Salaries, Wages and Operations		\$13,037.00	
FOR THE STATE CAPITOL COMMIT- TEE:			State Capitol Committee.
Salaries and Wages.....	\$21,000.00		
Operations .....	11,160.00		
Total .....	<u>                    </u>	\$32,160.00	
FROM THE CEMETERY FUND.			
FOR THE CEMETERY BOARD:			Cemetery Board.
Salaries, Wages and Operations.		\$9,180.00	
FROM THE MOTOR VEHICLE EXCISE FUND.			
FOR THE STATE CENSUS BOARD:			State Census Board.
Salaries, Wages and Operations.		\$25,000.00	
FROM THE GENERAL FUND.			
FOR THE STATE COUNCIL FOR CHIL- DREN AND YOUTH:			State Council for Children and Youth.
Expenses of Members.....		\$8,250.00	
FOR THE STATE BOARD OF EDUCA- TION:			State Board of Education.
General Office, including Junior College Supervision and School Building Facilities:			
Salaries, Wages and Opera- tions .....		\$325,971.00	

LAWS, EXTRAORDINARY SESSION, 1955.

FROM THE STATE EMPLOYEES' RETIREMENT SYSTEM  
EXPENSE FUND.

State Em-  
ployees' Re-  
tirement  
Board.

FOR THE STATE EMPLOYEES' RE-  
TIREMENT BOARD:

Salaries and Wages .....	\$253,000.00	
Operations .....	102,500.00	
Actuarial Survey .....	4,500.00	
Total .....		\$360,000.00

FROM THE STATE EMPLOYEES' RETIREMENT FUND.

Pensions,  
Awards, etc.

Pensions, Awards, Disability Payments, Adjustments and Refunds .....		\$10,000,000.00
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FROM THE GENERAL FUND.

State Finance  
Committee.

FOR THE STATE FINANCE COMMIT-  
TEE:

Salaries and Wages .....	\$24,000.00	
Operations .....	2,985.00	
Total .....		\$26,985.00

FROM THE FOREST DEVELOPMENT FUND.

State Forest  
Board.

FOR THE STATE FOREST BOARD:

Under Supervision of Depart- ment of Public Lands:		
Salaries and Wages .....	\$28,000.00	
Operations .....	13,800.00	
Bond Retirement and Interest	14,965.11	
Under Supervision of Division of Forestry:		
Salaries and Wages .....	85,731.00	
Operations .....	55,440.00	
Division of Forestry for For- est Fire Protection .....	86,179.00	
Total .....		\$284,115.11

FROM THE GENERAL FUND.

State Sus-  
tained Yield  
Forest No. 1—  
Reference to  
chapter 175,  
Laws of 1933.

FOR THE STATE SUSTAINED YIELD  
FOREST NO. 1:

To carry out provisions of chap- ter 175, Laws of 1933:		
Salaries, Wages and Opera- tions .....		\$134,120.00
(This appropriation shall be disbursed as directed by a committee composed of the Governor, the Commis- sioner of Public Lands, the State Auditor, and the Di- rector of the Department of		

Conservation and Development. The Governor shall be chairman of said committee.)

## FROM THE ACCIDENT FUND.

FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS:		Board of Industrial Insurance Appeals.
Salaries and Wages .....	\$188,455.00	
Operations .....	73,190.00	
Total .....	<u>                    </u>	\$261,645.00

## FROM THE MEDICAL AID FUND.

Salaries and Wages .....	\$188,455.00	Salaries and Wages—Medical Aid Fund.
Operations .....	73,190.00	
Total .....	<u>                    </u>	\$261,645.00

## FROM THE GENERAL FUND.

FOR THE INTERSTATE COMPACT COMMISSION:		Interstate Compact Commission.
To carry out provisions of chapter 113, Laws of 1951, relating to the division, apportionment, and use of waters of the Columbia River and its tributaries .....		\$20,080.00
FOR THE BOARD OF STATE LAND COMMISSIONERS:		Board of State Land Commissioners.
Salaries, Wages and Operations.		\$116,000.00
FOR THE STATE LIBRARY COMMISSION:		State Library Commission.
Salaries and Wages .....	\$179,647.00	
Operations .....	87,486.00	
County Library Development..	50,000.00	
Total .....	<u>                    </u>	\$317,133.00

## FROM THE PARKS AND PARKWAY FUND.

FOR THE STATE PARKS AND RECREATION COMMISSION:		State Parks and Recreation Commission.
Salaries and Wages .....	\$950,000.00	
Operations .....	490,000.00	
Capital Outlays and Major Repairs .....	855,600.00	
Purchase, Condemnation and Improvement of Land, Boat Moorages, Construction of Buildings, and other improvements, including necessary Salaries and Wages incident thereto .....	400,000.00	
Total .....	<u>                    </u>	\$2,695,600.00

Millersylvania Park.

FROM THE MILLERSYLVANIA PARK CURRENT FUND.

Improvement, Maintenance and Upkeep of Millersylvania Park .....	\$400.00
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FROM THE GENERAL FUND.

State Board of Pharmacy.

FOR THE STATE BOARD OF PHARMACY:

Salaries, Wages and Operations .....	\$101,763.00
(Expenditures not to exceed fees heretofore or hereafter collected.)	

FROM THE PUGET SOUND PILOTAGE FUND.

State Board of Pilotage Commissioners.

FOR THE STATE BOARD OF PILOTAGE COMMISSIONERS:

Salaries and Wages.....	\$4,360.00	
Operations .....	1,027.00	
Total .....	<u>5,387.00</u>	\$5,387.00

FROM THE GENERAL FUND.

Pollution Control Commission.

FOR THE POLLUTION CONTROL COMMISSION:

Salaries, Wages and Operations .....	\$190,000.00	
Investigation, Research and Surveys of the effects on Vegetation, Fish and Shellfish of Air and Water Pollution caused by Industrial Waste .....	44,091.00	
Enforcement of Regulations..	20,000.00	
Total .....	<u>254,091.00</u>	\$254,091.00

Board of Prison Terms and Paroles.

FOR THE BOARD OF PRISON TERMS AND PAROLES:

Salaries, Wages and Operations .....	\$770,000.00
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FROM THE TEACHERS' RETIREMENT FUND.

Board of Trustees of State Teachers' Retirement System.

FOR THE BOARD OF TRUSTEES OF THE STATE TEACHERS' RETIREMENT SYSTEM:

Salaries, Wages and Operations .....	\$235,000.00	
For the payment of Annuities, Awards and Refunds as provided by law.....	13,132,562.00	
Total .....	<u>13,367,562.00</u>	\$13,367,562.00

FROM THE GENERAL FUND.

FOR THE VETERANS' REHABILITATION COUNCIL:

Veterans' Rehabilitation Council.

To carry out provisions of chapter 110, Laws of 1947... \$500,000.00

FROM THE UNITED STATES VOCATIONAL EDUCATION FUND.

FOR THE STATE BOARD FOR VOCATIONAL EDUCATION:

State Board for Vocational Education—Reference to Acts of Congress approved February 23, 1917, August 1, 1946, June 2, 1920 and July 6, 1943; House Bill 575.

To be expended in accordance with the provisions of Acts of Congress approved February 23, 1917, and August 1, 1946, and acts amendatory or supplementary thereto, providing for the promotion and development of Vocational Education ..... \$1,286,671.00

To be expended in accordance with the provisions of Acts of Congress approved June 2, 1920, and July 6, 1943, and acts amendatory or supplementary thereto, providing for Civilian Vocational Rehabilitation (including carrying out provisions of House Bill No. 575)..... 1,924,229.00

Total ..... \$3,210,900.00

FROM THE WASHINGTON STATE PATROL RETIREMENT FUND.

FOR THE WASHINGTON STATE PATROL RETIREMENT BOARD:

Washington State Patrol Retirement Board.

Pensions, Benefits, Awards and Refunds ..... \$40,000.00

FROM THE GENERAL FUND.

FOR THE WASHINGTON STATE BOARD AGAINST DISCRIMINATION IN EMPLOYMENT:

Washington State Board Against Discrimination in Employment.

To carry out provisions of chapter 183, Laws of 1949: Salaries, Wages and Operations ..... \$45,000.00

FOR THE WASHINGTON STATE SAFETY COUNCIL:

Washington State Safety Council.

Salaries, Wages and Operations ..... \$20,000.00

Adjutant General—Military Department.	<b>FOR THE ADJUTANT GENERAL—</b>	
	<b>MILITARY DEPARTMENT:</b>	
	Salaries and Wages.....	\$425,000.00
	Operations .....	300,000.00
	Uniform Allowance .....	100,000.00
	Medical Aid and Compensation .....	5,500.00
	Retirement Contributions for Federally-paid Civilian Employees .....	248,250.81
	Capital Outlays, Major Repairs and Betterments .....	212,722.50
	Capital Outlays, Armories, to carry out provisions of chapter 181, Laws of 1953, relating to National Defense....	339,545.00
	Total .....	<u>1,631,018.31</u>
Department of Agriculture.	<b>FOR THE DEPARTMENT OF AGRICULTURE:</b>	
	Salaries and Wages.....	\$775,927.00
	Operations .....	287,307.00
	Indemnities and control of Bang's Disease and Bovine Tuberculosis, control of Mastitis, Plant Diseases, Insect Pests, Apiculture; Marketing Research; Marketing and Farm Production Reports....	1,250,573.00
	Construction of one frame dwelling at Moxee City Quarantine Station .....	15,750.00
	Remodeling interior of building at Moxee City Quarantine Station .....	3,600.00
	Total .....	<u>\$2,333,157.00</u>
	Salaries and Operations. Fertilizer, Agricultural Mineral and Lime Fund.	<b>FROM THE FERTILIZER, AGRICULTURAL MINERAL AND LIME FUND.</b>
Salaries and Wages.....		\$12,540.00
Operations .....		7,734.00
(Expenditures not to exceed fees heretofore or hereafter collected.)		
Total .....	<u>\$20,274.00</u>	
Feed and Fertilizer Fund.	<b>FROM THE FEED AND FERTILIZER FUND.</b>	
	Salaries and Wages.....	\$7,248.00
	Operations .....	7,215.00
	(Expenditures not to exceed	



fees heretofore or hereafter  
collected.)

Total ..... \$14,463.00

FROM THE GRAIN AND HAY INSPECTION FUND.

Grain and Hay  
Inspection  
Fund.

Salaries and Wages..... \$927,956.00

Operations ..... 213,640.00

(Expenditures not to exceed  
fees heretofore or hereafter  
collected.)

Total ..... \$1,141,596.00

FROM THE COMMERCIAL FEED FUND.

Commercial  
Feed Fund.

Salaries and Wages..... \$41,922.00

Operations ..... 37,008.00

(Expenditures not to exceed  
fees heretofore or hereafter  
collected.)

Total ..... \$78,930.00

FROM THE COMMISSION MERCHANTS' FUND.

Commission  
Merchants'  
Fund.

Salaries and Wages ..... \$76,010.00

Operations ..... 33,260.00

(Expenditures not to exceed  
fees heretofore or hereafter  
collected.)

Total ..... \$109,270.00

FROM THE NURSERY INSPECTION FUND.

Nursery In-  
spection Fund.

Salaries and Wages ..... \$68,444.00

Operations ..... 34,050.00

(Expenditures not to exceed  
fees heretofore or hereafter  
collected.)

Total ..... \$102,494.00

FROM THE SEED FUND.

Seed Fund.

Salaries and Wages ..... \$91,286.00

Operations ..... 65,707.00

(Expenditures not to exceed  
fees heretofore or hereafter  
collected.)

Total ..... \$156,993.00

FROM THE GENERAL FUND.

FOR THE OFFICE OF DIRECTOR OF  
BUDGET:

Office of Direc-  
tor of Budget.

Salaries and Wages ..... \$262,621.00

Operations ..... 88,920.00

Personnel Office:		
Salaries and Wages .....	39,157.00	
Operations .....	6,760.00	
Total .....	<u>          </u>	\$397,458.00

Department of Civil Defense—Reference to chapter 223, Laws of 1953; chapter 178, Laws of 1951.

FOR THE DEPARTMENT OF CIVIL DEFENSE:		
Salaries, Wages and Operations	\$238,874.00	
Matching Fund Program (Expenditures to be limited to programs upon which reimbursement of 50% will be made by the Federal or local governments) .....	125,000.00	
To carry out provisions of chapter 223, Laws of 1953, relating to compensation for injured Civil Defense Workers and their dependents .....	1,000.00	
To carry out provisions of chapter 178, Laws of 1951, relating to reimbursement of Mobile Support Operations Expense	2,000.00	
Total .....	<u>          </u>	\$366,874.00

Department of Conservation and Development—Reference to chapter 240, Laws of 1951.

FOR THE DEPARTMENT OF CONSERVATION AND DEVELOPMENT:		
General Office, including Divisions of Hydraulics, Mines and Geology; and Flood Control Administration:		
Salaries and Wages .....	\$228,186.00	
Operations .....	64,986.00	
Division of Progress and Industry Development:		
Salaries and Wages .....	65,000.00	
Operations .....	415,000.00	
Construct Information Center at Spokane .....	15,000.00	
Columbia Basin Commission:		
Salaries, Wages and Operations .....	50,000.00	
Division of Forestry:		
Salaries and Wages .....	1,371,165.00	
Operations .....	432,489.00	
Reforestation:		
Salaries and Wages .....	192,024.00	
Operations .....	42,456.00	
Capital Outlays and Major Repairs .....	73,480.00	

Forest Rehabilitation:

Salaries, Wages and Operations, including necessary buildings, structures, equipment and rights of way ..... 750,000.00

Soil Conservation Committee:

Salaries, Wages and Operations ..... 30,413.00

Institute of Forest Products:

Salaries, Wages and Operations ..... 40,000.00

Stream Gaging and Ground Water Surveys:

Operations ..... 70,000.00

Flood Control Maintenance:

To be expended in accordance with the provisions of chapter 240, Laws of 1951: *Provided*, That no more than 25% of this appropriation may be allocated to any one county ..... 600,000.00

Total ..... \$4,440,199.00

FROM THE EAGLE GORGE DAM FLOOD CONTROL PROJECT FUND.

To carry out provisions of chapter 27, Laws of 1949.... \$1,500,000.00

Eagle Gorge Dam Flood Control Project Fund—Reference to chapter 27, Laws of 1949.

FROM THE RECLAMATION REVOLVING FUND.

Reclamation Division:

Salaries and Wages ..... \$44,102.00

Operations ..... 18,811.00

Natural Resources Surveys:

Salaries, Wages and Operations ..... 73,000.00

Financing of Reclamation Districts as provided by law ..... 750,000.00

(Expenditures from Reclamation Revolving Fund not to exceed cash on hand and available for expenditure.)

Total ..... \$885,913.00

Salaries, Operations, etc.—Reclamation Revolving Fund.

FROM THE GENERAL FUND.

FOR THE EMPLOYMENT SECURITY DEPARTMENT:

To carry out provisions of chap-

Employment Security Department.

ter 184, Laws of 1951, relating to coverage of employees of political subdivisions of the state under the Federal OASI System . . . . .	\$27,000.00	
To increase the State Personnel Board Revolving Fund ..	11,000.00	
Total .....	\$38,000.00	

FROM THE OASI CONTRIBUTION FUND.

Contributions —OASI Contribution Fund —Reference to Federal Contributions Act.	Contributions as required by sections 1400 and 1410 of the Federal Contributions Act ..	\$1,750,000.00
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FROM THE GENERAL FUND.

Department of Fisheries.	<b>FOR THE DEPARTMENT OF FISHERIES:</b>	
	Salaries, Wages and Operations Pacific Marine Fisheries Commission:	\$2,666,910.00
	Expenses of Participation . . .	10,800.00
	Capital Outlays, Major Repairs and Betterments . . . . .	929,570.00
	Research to safeguard migrating salmon of the Columbia River at Corps of Engineers' Dams .....	460,000.00
	(Expenditures to be limited to approved projects upon which reimbursement of 100% will be made by the Federal government.)	
	Lower Columbia River Development (Expenditures for Lower Columbia River Development to be limited to approved projects upon which reimbursement of 100% will be made by the Federal government) .....	1,831,200.00
	Total .....	\$5,898,480.00

FROM THE LEWIS RIVER HATCHERY FUND.

Salaries and Operations—Lewis River Hatchery Fund.	Salaries, Wages and Operations	\$27,097.00
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FROM THE GAME FUND.

Department of Game.	<b>FOR THE DEPARTMENT OF GAME:</b>	
	Salaries, Wages and Operations	\$5,509,023.00
	Payment of Game Animal Damages and Expense .....	40,000.00
	Wild Life Restoration and Re-	

search, including the Purchase, Condemnation or Leasing of Lands .....	800,000.00	
(Expenditures to be limited to approved projects upon which reimbursement of 75% will be made by the Federal government.)		
Fish Restoration and Management Projects .....	400,000.00	
(Expenditures to be limited to approved projects upon which reimbursement of 75% will be made by the Federal government.)		
Special Research Investigations of Game and Game Fish Programs .....	50,000.00	
(Expenditures to be limited to approved projects upon which reimbursement of 100% will be made by the Federal government.)		
Lower Columbia River Development:		
Constructing, equipping and operating Steelhead Hatchery .....	110,000.00	
Construction of Lower Columbia River Hatchery . . .	400,000.00	
(Expenditures for Lower Columbia River Development to be limited to approved projects upon which reimbursement of 100% will be made by the Federal government.)		
Capital Outlays, Major Repairs and Betterments .....	150,000.00	
Acquisition of lands for public Hunting and Fishing Areas, Game Habitat Area, Access Areas to Lakes and Streams and other like purposes . . .	500,000.00	
Total .....	<hr/>	\$7,959,023.00



**FOR THE DEPARTMENT OF LABOR  
AND INDUSTRIES:**

Department of  
Labor and In-  
dustries—  
Reference to  
chapter 233,  
Laws of 1947.

Salaries and Wages .....	\$1,160,000.00	
Industrial Relations Division:		
Salaries and Wages .....	174,583.00	
Operations .....	54,404.00	
To carry out provisions of chap- ter 233, Laws of 1947, for the payment of additional pen- sions .....	3,800,000.00	
Industrial Welfare Commission:		
Salaries and Wages .....	19,859.00	
Operations .....	8,026.00	
For ascertaining the qualifica- tions of Industrial Establish- ments for furnishing other training on-the-job to Vet- erans (Expenditures not to exceed receipts from the Fed- eral government) .....	33,570.00	
Total .....	<hr/>	\$5,250,442.00

**FROM THE MEDICAL AID FUND.**

Salaries,  
Wages, etc.—  
Medical Aid  
Fund.

Salaries and Wages .....	\$823,163.00	
Operations .....	753,135.00	
Safety Division:		
Operations .....	214,066.00	
Appeal Costs:		
Salaries and Wages .....	130,611.00	
Operations .....	149,758.00	
Rehabilitation Center:		
Salaries and Wages .....	261,732.00	
Operations .....	136,496.00	
Medical Services and Refunds (including deficiencies) ...	15,000,000.00	
Total .....	<hr/>	\$17,468,961.00

**FROM THE ACCIDENT FUND.**

Salaries,  
Wages, etc.—  
Accident  
Fund.

Safety Division:		
Salaries and Wages .....	\$678,472.00	
Operations .....	84,555.00	
Appeal Costs:		
Salaries and Wages .....	130,611.00	
Operations .....	149,758.00	
Catastrophe Injury Claims ...	500,000.00	
Second Injury Claims.....	2,000,000.00	
Claims, Awards and Refunds (including deficiencies) ...	24,000,000.00	
Total .....	<hr/>	\$27,543,396.00

LAWS, EXTRAORDINARY SESSION, 1955.

	FROM THE RESERVE FUND.	
Pensions and Lump Sum Payments—Reserve Fund.	Pensions and Lump Sum Payments .....	\$10,500,000.00
	FROM THE ELECTRICAL LICENSE FUND.	
Salaries and Operations—Electrical License Fund.	Salaries and Wages .....	\$115,377.00
	Operations .....	40,115.00
	Total .....	\$155,492.00
	FROM THE GENERAL FUND.	
Department of Licenses.	FOR THE DEPARTMENT OF LICENSES:	
	Salaries, Wages and Operations	\$529,052.00
	FROM THE REAL ESTATE COMMISSION FUND.	
Salaries, Wages, etc.—Real Estate Commission Fund—Reference to chapter 235, Laws of 1953.	To carry out provisions of chapter 235, Laws of 1953, relating to Real Estate Brokers and Salesmen:	
	Salaries, Wages and Operations .....	\$343,713.00
	FROM THE MOTOR VEHICLE FUND.	
Salaries, Operations, etc.—Motor Vehicle Fund.	Salaries, Wages and Operations	\$2,412,555.00
	Liquid Fuel Tax Refunds ....	6,400,000.00
	Total .....	\$8,812,555.00
	FROM THE HIGHWAY SAFETY FUND.	
Salaries and Operations—Highway Safety Fund.	Salaries, Wages and Operations	\$287,686.00
	FROM THE GENERAL FUND.	
State Printing Plant.	FOR THE STATE PRINTING PLANT:	
	Moving Expense and Furniture and Equipment for New Building .....	\$93,000.00
	FOR THE DEPARTMENT OF PUBLIC ASSISTANCE:	
Department of Public Assistance.	General Administration:	
	Salaries, Wages and Operations .....	\$11,126,293.00
Division of Old Age Assistance.	Division of Old Age Assistance:	
	Senior Citizen Grants .....	79,450,400.00
Division of Public Assistance.	Division of Public Assistance:	
	Aid to the Permanently Disabled .....	9,353,780.00
	General Home Assistance ..	14,493,040.00
	Burials .....	1,250,868.00
	Division for Children:	
	Child Welfare Services:	



Salaries, Wages and Operations .....	2,337,535.00	
Assistance as provided by law .....	4,057,830.00	
Aid to Dependent Children: Assistance as provided by law .....	22,250,000.00	Aid to Dependent Children.
Division for the Blind:		Division for the Blind—Reference to chapter 166, Laws of 1949.
Assistance as provided by law	1,463,616.00	
Self-supporting Aid to Blind: To carry out provisions of chapter 166, Laws of 1949 .....	7,920.00	
Vocational Rehabilitation for the Blind:		
Administration:		
Salaries, Wages and Operations .....	227,240.00	
Assistance .....	40,000.00	
Other Case Services to the Blind .....	261,250.00	
Medical Care Program:		Medical Care Program.
Salaries, Wages and Operations .....	1,600,000.00	
Medical Services:		Medical Services—Reference to chapter 1, Laws of 1951; House Bill 565, Laws of 1955.
To carry out provisions of chapter 1, Laws of 1951, as amended by House Bill No. 565, Laws of 1955 .....	38,296,799.00	
<i>(Provided, That expenditures for support of county hospitals and infirmaries shall not exceed the following:</i>		
King County Hospital System ....	\$6,500,000.00	King County Hospital.
Pierce County Hospital ...	2,100,000.00	Pierce County Hospital.
Clark County Hospital ...	850,000.00	Clark County Hospital.
Whatcom County Hospital ...	600,000.00	Whatcom County Hospital.
All other hospitals and infirmaries	850,000.00)	
Total .....	—————	\$186,216,571.00

Department of General Ad- ministration.	<b>FOR THE DEPARTMENT OF GENERAL ADMINISTRATION:</b>		
	General Office, including Divi- sion of Purchasing:		
	Salaries and Wages.....	\$485,943.00	
	Operations .....	129,239.00	
	Division of Banking:		
	Salaries and Wages .....	158,420.00	
	Operations .....	61,000.00	
	Division of Savings and Loan Associations:		
	Salaries and Wages .....	128,168.00	
	Operations .....	50,080.00	
	Capitol Buildings and Grounds:		
	Salaries, Wages and Opera- tions .....	1,255,833.00	
	Painting, Repairs and Altera- tions to Buildings .....	50,000.00	
	Total .....	\$2,318,683.00	

Capitol Group Buildings Re- modeled— Capitol Build- ing Construc- tion Fund.	<b>FROM THE CAPITOL BUILDING CONSTRUCTION FUND.</b>		
	Remodeling Capitol Group Buildings, other than Legis- lative Building .....	\$340,000.00	
	Remodeling Legislative Build- ing .....	245,000.00	
	Total .....	\$585,000.00	

Washington Public Service Commission.	<b>FROM THE PUBLIC SERVICE REVOLVING FUND.</b>		
	<b>FOR THE WASHINGTON PUBLIC SER- VICE COMMISSION:</b>		
	Salaries and Wages .....	\$1,360,367.00	
	Operations .....	625,988.00	
	Studies of vehicle operations to be conducted jointly by the University of Washington and the Joint Fact Finding Committee on Highways....	25,000.00	
	To carry out provisions of Sen- ate Bill No. 275:		
	Salaries, Wages and Opera- tions .....	36,209.00	
	Special Investigations:		
	Salaries, Wages and Opera- tions .....	125,000.00	
	(Expenditures not to ex- ceed fees heretofore or hereafter collected, but in no event shall any warrant be drawn on the Public		

Service Revolving Fund in excess of actual cash on deposit in the State Treasury.)

Total ..... \$2,172,564.00

FROM THE GENERAL FUND.

FOR THE WASHINGTON STATE

PATROL:

Washington State Patrol.

Salaries and Wages ..... \$522,000.00

FROM THE HIGHWAY SAFETY FUND.

Salaries and Operations—Highway Safety Fund.

Salaries and Wages ..... \$1,550,000.00

Operations ..... 650,000.00

Total ..... \$2,200,000.00

FROM THE MOTOR VEHICLE FUND.

Salaries, Operations, etc.—Motor Vehicle Fund.

Salaries, Wages and Operations \$3,661,500.00

Weight Control:

Salaries, Wages and Operations ..... 275,000.00

Capital Outlays and Major Repairs ..... 174,000.00

Purchase of land for installation of Radio Equipment .... 2,500.00

Total ..... \$4,113,000.00

FROM THE GENERAL FUND.

FOR THE TAX COMMISSION OF THE STATE OF WASHINGTON:

Tax Commission of the State of Washington.

Salaries and Wages ..... \$2,829,939.00

Operations ..... 746,434.00

Purchase of Cigarette Stamps. 23,250.00

Refunds of Taxes, Costs, Penalties and Interest as provided by chapter 180, Laws of 1935, and all laws amendatory thereto, and chapter 119, Laws of 1941, and all laws amendatory thereto ..... 400,000.00

Total ..... \$3,999,623.00

FROM THE MOTOR VEHICLE EXCISE FUND.

Refunds—Reference to chapter 152, Laws of 1945—Motor Vehicle Excise Fund.

Refunds as provided by chapter 152, Laws of 1945 (including deficiencies) ..... \$375,000.00

FROM THE GENERAL FUND.

Department of Public Institutions.	FOR THE DEPARTMENT OF PUBLIC INSTITUTIONS:		
	Division of Public Institutions:		
	Salaries and Wages .....	\$1,067,266.00	
	Operations .....	706,508.00	
	Parole, Transportation and De- portation:		
	Salaries and Wages .....	20,000.00	
	Operations .....	40,000.00	
	Bureau of Criminal Identifica- tion:		
	Salaries, Wages and Opera- tions .....	150,000.00	
	Total .....	<u>                    </u>	\$1,983,774.00
State School for the Blind.	State School for the Blind:		
	Salaries and Wages .....	\$396,378.00	
	Operations .....	166,875.00	
	Major Repairs to Buildings and Structures .....	9,500.00	
	Equipment for three cottages for Blind Students .....	20,000.00	
	Equipment for one Deaf- Blind Cottage .....	6,000.00	
	Equipment for Infirmary....	6,000.00	
	Repairs to buildings as rec- ommended by fire marshal	20,000.00	
	Total .....	<u>                    </u>	\$624,753.00
Cedar Creek Youth For- estry Camp.	Cedar Creek Youth Forestry Camp:		
	Salaries and Wages.....	\$69,842.00	
	Operations .....	62,135.00	
	Repairs and Alterations to Building .....	795.00	
	Purchase of Power Plant ...	600.00	
	Construction of Addition to Building .....	6,125.00	
	Total .....	<u>                    </u>	\$139,497.00
State School for the Deaf.	State School for the Deaf:		
	Salaries and Wages .....	\$720,434.00	
	Operations .....	266,497.00	
	Addition of two fire escapes to Administration Building	7,000.00	
	Improvement of land for Athletic Field .....	35,000.00	
	Equipping and furnishing new Vocational Building..	25,000.00	
	Total .....	<u>                    </u>	\$1,053,931.00

Eastern State Hospital:		Eastern State Hospital.
Salaries and Wages .....	\$3,535,162.00	
Operations .....	1,782,714.00	
Replace dining room tables and chairs .....	6,000.00	
Replace exhaust ducts in main kitchen .....	25,000.00	
Replace two obsolete boilers with one 500 HP boiler...	125,000.00	
Purchase and install addition elevators .....	38,000.00	
Construction of Outbuildings	55,000.00	
Construction of sewage disposal plant .....	135,000.00	
Paving of Causeway and Farm Road .....	15,000.00	
Construction and equipment of three housing units....	50,000.00	
Total .....	<hr/>	\$5,766,876.00
State School for Girls:		State School for Girls.
Salaries and Wages .....	\$561,883.00	
Operations .....	256,854.00	
Construction of Carpenter and Maintenance Shop ...	8,000.00	
Painting of interior of buildings .....	25,000.00	
Total .....	<hr/>	\$851,737.00
Lakeland Village:		Lakeland Village.
Salaries and Wages.....	\$1,879,776.00	
Operations .....	1,300,088.00	
Repair, Remodel and Modernize existing Buildings..	77,600.00	
Install street and campus lighting .....	5,000.00	
Surface barnyard area .....	5,000.00	
Replacement of two old boilers .....	110,000.00	
Purchase and installation of coal conveyor system..	8,000.00	
Purchase of equipment for new Laundry .....	75,000.00	
Remodel Kitchen and Bakery	25,000.00	
Construction of building for forty-five ambulatory Infants .....	202,500.00	
Construction of concrete Silo	2,150.00	
Total .....	<hr/>	\$3,690,114.00
Northern State Hospital:		Northern State Hospital.
Salaries and Wages .....	\$3,302,686.00	
Operations .....	1,697,880.00	

	Renovation of Male Ward Building .....	40,000.00	
	Repair and reinforcement of Ward Foundations .....	20,000.00	
	Renovation and Additions to Sewage Disposal System..	120,000.00	
	Construction of tube-type fire escapes in Medical Wards .....	2,500.00	
	Construction of Vegetable and Fruit Storage Building	10,000.00	
	Replacement and equipment of Farm Buildings .....	53,000.00	
	Furniture and equipment for Employees' Housing Units	25,000.00	
	Total .....		\$5,271,066.00
	State Penal Forestry Camps:		
State Penal Forestry Camps.	Salaries and Wages .....	\$188,221.00	
	Operations .....	239,610.00	
	Total .....		\$427,831.00
	Washington State Penitentiary:		
Washington State Penitentiary.	Salaries and Wages .....	\$1,937,848.00	
	Operations .....	1,857,473.00	
	Prisoners' Aid Fund .....	38,500.00	
	Purchase and Installation of Boiler .....	125,000.00	
	Construction of Industry Buildings .....	350,000.00	
	Remodel Dining Room and Shops for Vocational Purposes .....	100,000.00	
	Construction of Root House..	10,000.00	
	Construction of Brooder House .....	5,000.00	
	Addition and equipment for Hospital Wing .....	175,000.00	
	Purchase and Installation of Emergency Generator ....	40,000.00	
	Construction and equipment of Dairy Buildings .....	173,000.00	
	Purchase of Dairy Land and drilling of Irrigation Wells	175,000.00	
	Purchase of equipment for Kitchen and Dining Hall..	75,000.00	
	Remodeling Visitors' Room..	1,500.00	
	Repainting Buildings .....	10,000.00	
	Repairs and Replacements of Steam, Vacuum and Hot Water Lines .....	10,000.00	
	Total .....		\$5,083,321.00

FROM THE PENITENTIARY REVOLVING FUND.

Industrial Operations:

Salaries, Wages and Operations .....	\$1,500,000.00
(Expenditures from the Penitentiary Revolving Fund not to exceed cash on hand and available for expenditure.)	

Salaries, Operations, etc.—  
Penitentiary Revolving Fund.

FROM THE GENERAL FUND.

Rainier State School:

Salaries and Wages .....	\$2,839,672.00
Operations .....	1,707,197.00
Furnishings and equipment for Hospital Addition ....	95,000.00
Construction of addition to Kitchen .....	20,000.00
Construction of addition to Shops .....	7,500.00
Construction of Outbuildings and Pavement .....	78,500.00
Purchase and Installation of new Boiler .....	150,000.00
Furnishings and equipment of new Custodial Unit ....	40,000.00
Total .....	<u>4,937,869.00</u>

Rainier State School.

Washington State Reformatory:

Salaries and Wages .....	\$1,469,612.00
Operations .....	983,196.00
Prisoners' Aid Fund .....	25,000.00
Purchase and Installation of new Locking Control System in Cell Block No. 1	80,000.00
Construction of Addition to Dormitory at Farm No. 2..	19,500.00
Construction of new Creamery Building .....	50,000.00
Construction of Milking Parlor at new Creamery ....	14,000.00
Construction of new well at Farm No. 2 .....	25,000.00
Repair of Floor and Walls in Inmates' Kitchen .....	20,162.00
Replacement of Cell Beds..	7,000.00
Replacement of Dining Room Tables .....	16,500.00

Washington State Reformatory.

LAWS, EXTRAORDINARY SESSION, 1955.

Construction of additional Vocational Buildings . . . .	50,000.00	
Purchase of additional security fencing . . . . .	3,300.00	
Total . . . . .	<u>53,300.00</u>	\$2,763,270.00

FROM THE REFORMATORY REVOLVING FUND.

Salaries, Operations, etc.—  
Reformatory Revolving Fund.

Industrial Operations:		
Salaries, Wages and Operations . . . . .		\$500,000.00
(Expenditures from the Reformatory Revolving Fund not to exceed cash on hand and available for expenditure.)		

FROM THE GENERAL FUND.

State Soldiers' Home and Colony.

State Soldiers' Home and Colony:		
Salaries and Wages . . . . .	\$345,845.00	
Operations . . . . .	251,983.00	
Replace waterline from the Reservoir to the Institution	16,000.00	
Replace Wiring in Garfield Barracks . . . . .	5,000.00	
Replace Plumbing in Hospital	10,000.00	
Purchase of X-Ray and Laboratory Equipment . . . . .	6,000.00	
Construction of Sewage Disposal System . . . . .	75,000.00	
Clear and fence Cemetery Land . . . . .	3,500.00	
Total . . . . .	<u>776,336.00</u>	\$713,328.00

State Training School.

State Training School:		
Salaries and Wages . . . . .	\$845,216.00	
Operations . . . . .	509,323.00	
Remodel and repair existing Buildings and Structures..	55,655.00	
Purchase of equipment for Reception, Administration and Hospital Building . . . .	30,000.00	
Replace Boiler and change steam return line pumps..	70,000.00	
Equipment for Pre-parole Cottage . . . . .	10,000.00	
Construction of Outbuildings	11,810.00	
Surfacing of roadways . . . . .	2,000.00	
Total . . . . .	<u>1,534,004.00</u>	\$1,534,004.00

Washington Veterans' Home.

Washington Veterans' Home:		
Salaries and Wages . . . . .	\$986,905.00	



Operations .....	609,788.00	
Repiping the Hospital Building .....	22,000.00	
Construction of Sewage Disposal Plant .....	90,000.00	
Piping Water from source to Reservoir .....	5,000.00	
Purchase of land to protect Watershed .....	20,000.00	
Replacement of Control Panel and Synchronizer of Generator .....	5,000.00	
Painting frame and stucco buildings .....	18,000.00	
Total .....	<u>          </u>	\$1,756,693.00
Western State Hospital:		
Salaries and Wages .....	\$4,742,628.00	Western State Hospital.
Operations .....	2,057,836.00	
Research Building:		
Salaries and Wages .....	195,200.00	
Operations .....	162,444.00	
Purchase and Installation of new Boiler .....	125,000.00	
Construction of Outbuildings .....	99,500.00	
Major Repairs to North Hall Roof .....	18,000.00	
Pave Institutional roads ....	15,000.00	
Purchase of additional Laundry Equipment .....	12,000.00	
Construction of Addition to Commissary .....	40,000.00	
Additional Irrigation Sprinkler System .....	5,000.00	
Revamp locks in older buildings .....	10,000.00	
Total .....	<u>          </u>	\$7,482,608.00
State Institutions:		
Salaries, Wages and Operations of the Department of Institutions, including the various existing State Institutions, to be allotted by the Governor under the provisions of RCW 43.87 in such amounts and at such times as the Governor shall determine .....		State Institutions—Reference to RCW 43.87.
		\$1,000,000.00

FROM THE UNIVERSITY OF WASHINGTON FUND.

University of Washington.	FOR THE UNIVERSITY OF WASHINGTON:		
	Salaries and Wages .....	\$17,962,757.00	
	Operations, including repairs..	4,692,363.00	
Proviso vetoed.	(Provided, That no part of the above appropriations shall be used for television transmission purposes.)		
	Total .....		\$22,655,120.00

FROM THE GENERAL FUND.

School of Medicine and Dentistry.	School of Medicine and Dentistry:		
	Salaries and Wages .....	\$3,746,685.00	
	Operations and Maintenance	1,578,991.00	
	Total .....		\$5,325,676.00

New buildings, equipment and remodeling—University Building Fund.	FROM THE UNIVERSITY OF WASHINGTON BUILDING FUND.		
	Construction of new buildings, equipment and remodeling..		\$1,250,000.00

Construction and equipment—University Medical and Dental Building and Equipment Fund.	FROM THE UNIVERSITY OF WASHINGTON MEDICAL AND DENTAL BUILDING AND EQUIPMENT FUND.		
	Construction and Equipping Medical and Dental Buildings		\$325,000.00

FROM THE MOTOR VEHICLE EXCISE FUND.

Bureau of Governmental Research.	Bureau of Governmental Research:		
	Municipal Research and Service .....		\$120,000.00

FROM THE WASHINGTON STATE COLLEGE FUND.

State College of Washington.	FOR THE STATE COLLEGE OF WASHINGTON:		
	College Teaching:		
	Salaries and Wages .....	\$8,902,336.00	
	Operations .....	2,751,751.00	
State Services.	State Services — Agricultural and Industrial:		
	Salaries, Wages and Operations .....		854,925.00
Division of Industrial Research.	Division of Industrial Research:		
	Salaries, Wages and Operations .....		697,923.00
Agricultural Extension Work.	Agricultural Extension Work:		
	Salaries, Wages and Operations .....		1,333,318.00

Agricultural Experiment Stations:		Agricultural Experiment Stations.
Main Experiment Station, Pullman and Walla Walla:		Pullman and Walla Walla Station.
Salaries, Wages and Operations .....	1,501,238.00	
Western Washington Experiment Station, Puyallup:		Puyallup Station.
Salaries, Wages and Operations .....	922,482.00	
Irrigation Branch Station, Prosser:		Prosser Station.
Salaries, Wages and Operations .....	606,777.00	
Tree Fruit Branch Station, Wenatchee:		Wenatchee Station.
Salaries, Wages and Operations .....	329,400.00	
Dry Land Branch Station, Lind:		Lind Station.
Salaries, Wages and Operations .....	47,990.00	
Cranberry, Blueberry Branch Station, Ilwaco:		Ilwaco Station.
Salaries, Wages and Operations .....	40,099.00	
Northwestern Washington Experiment Station, Mount Vernon:		Mount Vernon Station.
Salaries, Wages and Operations .....	131,839.00	
Southwestern Experiment Station, Vancouver:		Vancouver Station.
Salaries, Wages and Operations .....	73,643.00	
Total .....	—————	\$18,193,721.00

FROM THE GENERAL FUND.

Agronomy Seed House .....	\$100,000.00	Seed House.
Equipment for Science Building	363,000.00	Science Building.
Equipment for Veterinary Clinic Building .....	100,000.00	Veterinary Clinic Building.
Expansion of Utilities to accommodate new Buildings .....	1,624,500.00	Expansion of Utilities.
Total .....	—————	\$2,187,500.00

Capital Outlays—State College of Washington Building Fund.	FROM THE STATE COLLEGE OF WASHINGTON BUILDING FUND.		
	For Capital Outlays, Major Repairs and Betterments .....		\$775,000.00
Central Washington College of Education.	FOR THE CENTRAL WASHINGTON COLLEGE OF EDUCATION:		
	From the Normal School		
	Current Fund ..	\$60,000.00	
	From the Central College Fund ...	\$2,119,246.00	
	Salaries and Wages .....	\$1,858,481.00	
	Operations .....	320,765.00	
	Total .....		\$2,179,246.00
	FROM THE GENERAL FUND.		
	Survey and Master Plan of Campus .....	\$25,000.00	
	Replace Plumbing and repair Old Central Building .....	79,674.00	
	Total .....		\$104,674.00
Eastern Washington College of Education.	FOR THE EASTERN WASHINGTON COLLEGE OF EDUCATION:		
	From the Normal School		
	Current Fund ..	\$60,000.00	
	From the Eastern College Fund ...	\$1,973,616.00	
	Salaries and Wages .....	\$1,789,566.00	
	Operations .....	244,050.00	
	Total .....		\$2,033,616.00
	FROM THE GENERAL FUND.		
	Install Ventilating Equipment in Memorial Field House ..	\$2,050.00	
	Addition to R. O. T. C. Field House .....	80,000.00	
	Alteration of Heating Plant...	181,600.00	
	Total .....		\$263,650.00
Western Washington College of Education.	FOR THE WESTERN WASHINGTON COLLEGE OF EDUCATION:		
	From the Normal School		
	Current Fund ..	\$60,000.00	
	From the Western College Fund ...	\$2,230,812.00	
	Salaries and Wages .....	\$1,941,042.00	
	Operations .....	349,770.00	
	Total .....		\$2,290,812.00
	FROM THE GENERAL FUND.		
	Repairs to Electrical Equipment	\$14,800.00	
	Repairs to Existing Buildings..	19,350.00	

Educational, Library, and Recreational Equipment.....	28,080.00	
Household Furniture and Equipment .....	17,300.00	
Purchase of Land for the Annex to Eden's Hall .....	28,450.00	
Purchase of Land and Equipment for Science Building ..	172,000.00	
Conversion of Old Auditorium into office and classroom space .....	87,000.00	
Total .....	<u>366,980.00</u>	\$366,980.00
FROM THE CAPITOL BUILDING BOND REDEMPTION FUND.		
FOR BOND RETIREMENT AND INTEREST .....		\$552,500.00
FROM THE HIGHWAY BOND RETIREMENT FUND.		
FOR BOND RETIREMENT AND INTEREST .....		\$10,715,000.00
FROM THE INSTITUTIONAL BUILDING BOND REDEMPTION FUND.		
FOR BOND RETIREMENT AND INTEREST .....		\$2,550,955.00
FROM THE PUBLIC SCHOOL BUILDING BOND REDEMPTION FUND.		
FOR BOND RETIREMENT AND INTEREST .....		\$5,102,927.50
FROM THE SCHOOL EMERGENCY CONSTRUCTION BOND REDEMPTION FUND.		
FOR BOND RETIREMENT AND INTEREST .....		\$5,157,375.00
FROM THE WAR VETERANS' COMPENSATION BOND RETIREMENT FUND.		
FOR BOND RETIREMENT AND INTEREST .....		\$8,446,145.00
FROM THE GENERAL FUND.		
FOR THE STATE CAPITOL HISTORICAL ASSOCIATION:		State Capitol Historical Association.
Salaries and Wages .....	\$20,000.00	
Operations .....	10,000.00	
Total .....	<u>30,000.00</u>	\$30,000.00
FOR THE COUNCIL OF STATE GOVERNMENTS:		Council of State Governments.
To be distributed on vouchers approved by the Governor ..		\$7,000.00
FOR CRIMINAL COST BILLS (including deficiencies) .....		\$25,000.00

Eastern Wash-  
ington State  
Historical  
Society.

FOR THE EASTERN WASHINGTON  
STATE HISTORICAL SOCIETY:

Salaries and Wages .....	\$25,000.00	
Operations .....	10,000.00	
Capital Outlays and Major Repairs .....	11,230.00	
Total .....		\$46,230.00

FROM THE CONTINGENT RECEIPTS FUND.

Expenditure—  
Reference to  
chapter 243,  
Laws of 1945.

TO BE EXPENDED IN ACCORDANCE  
WITH THE PROVISIONS OF CHAP-  
TER 243, LAWS OF 1945, AND  
LAWS AMENDATORY OR SUPPLE-  
MENTARY THERETO .....

\$20,000,000.00

FROM THE GENERAL FUND.

Warrants—  
Reference to  
section 10,  
chapter 9,  
Laws of 1925.

FOR THE PAYMENT OF WARRANTS  
DRAWN FOR EMERGENCY PUR-  
POSES APPROVED DURING THE  
BIENNIUM JULY 1, 1955, TO JUNE  
30, 1957, PURSUANT TO SECTION  
10, CHAPTER 9, LAWS OF 1925,  
AND LAWS AMENDATORY AND  
SUPPLEMENTARY THERETO .....

\$250,000.00

Governor.

FOR THE GOVERNOR:

To be allocated to various state  
departments, offices and in-  
stitutions for salaries, wages,  
operations, for the carrying  
on of the necessary work re-  
quired by law of any depart-  
ment, office, or institution for  
which insufficient or no ap-  
propriation has been made,  
and emergency construction  
or repairs of public buildings:  
*Provided*, That this appropri-  
ation shall become available  
only upon filing with the  
Secretary of State, from time  
to time, allotments to said  
departments, offices and insti-  
tutions, setting forth the pur-  
pose and amount allotted  
therefor, approved by the  
Governor .....

\$1,000,000.00

FROM THE CURRENT SCHOOL FUND.

FOR APPORTIONMENT TO COUNTIES  
FOR SCHOOL DISTRICTS IN AC-

CORDANCE WITH THE PROVISIONS OF CHAPTER 141, LAWS OF 1945, AND ACTS AMENDATORY THERE- TO: *Provided*, That no portion of this appropriation shall be expended for the cost of estab- lishing or maintaining kinder- gartens under chapter 28.35 RCW .....

School districts —Reference to chapter 141, Laws of 1945.

\$153,325,000.00

CONTINGENCY: It is hereby de- clared to be the intent of the Legislature to provide sufficient funds for additional children enrolled computed in the man- ner herein provided. To be al- located by the Governor annu- ally on the basis of \$300.00 for each pupil in grades one through twelve in excess of 480,800 on October 1, 1955, and and for each pupil in excess of 499,600 on October 1, 1956, as shown by the certificate of the State Superintendent of Public Instruction; to be then appor- tioned to Counties for School Districts in accordance with the provisions of chapter 141, Laws of 1945, and acts amenda- tory thereto: *Provided*, That no portion of this appropriation shall be expended for the cost of establishing or maintaining kindergartens under chapter 28.35 RCW .....

\$7,500,000.00

FOR THE SUPPORT OF KINDERGAR- TENS: *Provided*, That no por- tion of this appropriation shall be expended for kindergarten support unless the money to be so expended has been matched by the school district with an equal amount of money derived by the district from local funds, or excess tax levies raised for that purpose, or from both .....

Vetoed.

\$2,200,000.00

CONTINGENCY: For apportionment to Counties for School Districts

School districts  
—Reference to  
chapter 141,  
Laws of 1945.

in accordance with the provisions of chapter 141, Laws of 1945, and acts amendatory thereto: *Provided*, That no portion of this appropriation shall be expended for the cost of establishing or maintaining kindergartens under chapter 28.35 RCW: *And provided further*, That, in the event Senate Bill No. 158, 1955 Regular Session, fails to produce \$15,000,000.00 (same to be determined by the State Tax Commission), this appropriation shall become available only to the extent as may be necessary to produce \$15,000,000.00 for Common School Support .....

\$15,000,000.00

FROM THE GENERAL FUND.

Handicapped  
Children—  
Reference to  
chapter 120,  
Laws of 1943;  
chapter 240,  
Laws of 1947;  
chapter 186,  
Laws of 1949;  
chapter 92,  
Laws of 1951;  
chapter 135,  
Laws of 1953.

TO BE EXPENDED IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 120, LAWS OF 1943, CHAPTER 240, LAWS OF 1947, CHAPTER 186, LAWS OF 1949, CHAPTER 92, LAWS OF 1951, AND CHAPTER 135, LAWS OF 1953, RELATING TO THE EDUCATION OF HANDICAPPED CHILDREN .....

\$2,600,000.00

FROM THE STATE SCHOOL EQUALIZATION FUND.

Counties—  
Reference to  
chapter 31,  
Laws of 1949.

FOR DISTRIBUTION TO COUNTIES AS PROVIDED BY CHAPTER 31, LAWS OF 1949, AND ACTS AMENDATORY OR SUPPLEMENTARY THERETO ..

\$21,100,000.00

FROM THE GENERAL FUND.

Blind students  
—Reference to  
chapter 154,  
Laws of 1935.

TO BE EXPENDED IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 154, LAWS OF 1935, AS AMENDED, PROVIDING ASSISTANCE FOR BLIND STUDENTS ...

\$25,000.00

Indian Children—  
Reference to  
Johnson  
O'Malley Act,  
April 16, 1934.

FOR EDUCATION OF INDIAN CHILDREN:

To carry out provisions of The Johnson O'Malley Act, April 16, 1934 (Expenditures not to



exceed amounts received from the Federal government) .....	\$321,600.00	
<b>FOR SCHOOL LUNCH PROGRAM:</b>		
To carry out provisions of The National School-Lunch Act, Public Law 396, 79th Congress (Expenditures not to exceed amounts received from the Federal government) .....	\$1,600,000.00	School Lunch Program—Reference to Public Law 396, 79th Congress.
<b>FOR SPECIAL SCHOOL MILK PROGRAM:</b>		
To carry out provisions of The National Special School Milk Program, Public Law 690, 83rd Congress (Expenditures not to exceed amounts received from the Federal government) .....	\$1,135,000.00	Special School Milk Program—Reference to Public Law 690, 83rd Congress.
<b>FOR DISTRIBUTION TO "FIREMEN'S RELIEF AND PENSION FUNDS" AS PROVIDED BY CHAPTER 91, LAWS OF 1947, AS AMENDED (including deficiencies) .....</b>	<b>\$725,000.00</b>	<b>Firemen's Relief and Pension Funds—Reference to chapter 91, Laws of 1947.</b>
<b>FROM THE FOREST RESERVE FUND.</b>		
<b>FOR DISTRIBUTION OF MONEYS RECEIVED FROM THE FEDERAL GOVERNMENT FROM FOREST RESERVES AS PROVIDED BY CHAPTER 185, LAWS OF 1907 (including deficiencies) .....</b>	<b>\$8,000,000.00</b>	<b>Distribution—Reference to chapter 185, Laws of 1907.</b>
<b>FROM THE HARBOR IMPROVEMENT FUND.</b>		
<b>FOR DISTRIBUTION IN ACCORDANCE WITH CHAPTERS 168, 169 AND 170, LAWS OF 1913, BASED ON RECEIPTS (including deficiencies).</b>	<b>\$200,000.00</b>	<b>Distribution—Reference to chapters 168, 169, 170, Laws of 1913.</b>
<b>FROM THE GENERAL FUND.</b>		
<b>FOR THE STATE AUDITOR:</b>		<b>State Auditor</b>
For the payment of Local Improvement District Assessments as provided by chapter 205, Laws of 1947 .....	\$50,000.00	—Reference to chapter 205, Laws of 1947.

FROM THE MOTOR VEHICLE EXCISE FUND.

Cities and Towns—Reference to chapter 144, Laws of 1943; chapter 7, Laws of 1953.	FOR TRANSFERS; AND DISTRIBUTION TO CITIES AND TOWNS, AS PROVIDED BY CHAPTER 144, LAWS OF 1943, AND CHAPTER 7, LAWS OF 1953, EXTRAORDINARY SESSION (including deficiencies) . . . . .	\$28,500,000.00
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FROM THE GENERAL FUND.

State Auditor.	FOR THE STATE AUDITOR: Payment of claims for supplies furnished various departments in previous bienniums (Payments to be made in accordance with the provisions and limitations of chapter 186, Laws of 1953.)	\$100,000.00
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Presidential Electors.	FOR PRESIDENTIAL ELECTORS . . . . .	\$550.00
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Tuberculosis Hospitalization.	FOR TUBERCULOSIS HOSPITALIZATION: State Aid to Counties (including deficiencies) . . . . .	\$7,568,090.00
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To Counties—Reference to Federal Act of June 28, 1934, 48 Stat. 1273, Section 10.	FOR DISTRIBUTION OF FUNDS RECEIVED UNDER THE FEDERAL ACT OF JUNE 28, 1934, 48 STAT. 1273, SECTION 10 (including deficiencies). These funds to be distributed to Counties from which receipts were derived . .	\$14,000.00
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FROM THE VOLUNTEER FIREMEN'S RELIEF AND PENSION FUND.

Claims and Awards—Volunteer Firemen's Relief and Pension Fund.	FOR CLAIMS, AWARDS AND OTHER EXPENSES ALLOWED BY LAW (including deficiencies) . . . . .	\$160,000.00
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FROM THE WAR VETERANS' COMPENSATION FUND.

State Auditor—Reference to Senate Bill 348.	FOR THE STATE AUDITOR: To carry out the provisions of Senate Bill No. 348 . . . . . (Expenditures hereunder not to exceed the unexpended balance of appropriation made by chapter 180, Laws of 1949.)	\$12,155,428.55
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FROM THE GENERAL FUND.

Washington State Historical Society.	FOR THE WASHINGTON STATE HISTORICAL SOCIETY: Salaries and Wages . . . . .	\$55,000.00
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Operations .....	18,000.00	
Capital Outlays, Major Repairs and Betterments .....	3,500.00	
Total .....	<hr/>	\$76,500.00

FOR TRANSFERS:

To State Teachers' Retirement Fund .....	\$8,786,722.00	Transfers, State Teachers' Retirement Fund. State Teachers' Retirement Pension Reserve Fund.
To State Teachers' Retirement Pension Reserve Fund .....	6,700,000.00	
To United States Vocational Education Fund:		United States Vocational Education Fund—Reference to chapter 183, Laws of 1939; chapter 176, Laws of 1933.
To carry out provisions of chapter 183, Laws of 1939, and acts amendatory or supplementary thereto, relating to Vocational Education .....	413,300.00	
To carry out provisions of chapter 176, Laws of 1933, and acts amendatory or supplementary thereto, relating to Vocational Rehabilitation .....	741,836.00	
To Eagle Gorge Dam Flood Control Project Fund .....	1,500,000.00	Eagle Gorge Dam Flood Control Project Fund.
(Transfers to be made from time to time and in such amounts as the Governor shall determine.)		
Total .....	<hr/>	\$18,141,858.00

FROM THE MOTOR VEHICLE FUND.

To Highway Bond Retirement Fund .....	\$10,715,000.00	} Vetoed.
(Transfers to be made as provided by chapter 121, Laws of 1951, and chapter 154, Laws of 1953.)		

FROM THE HIGHWAY SAFETY FUND.

To Washington State Patrol Retirement Fund:		Washington State Patrol Retirement Fund.
For Contributions for prior service credits .....	\$50,000.00	
For Contributions for current service credits .....	273,130.00	
(Transfers to be made from time to time and in such		

amounts as the Governor shall determine.)

Total ..... \$323,130.00

FROM THE MOTOR VEHICLE EXCISE FUND.

State Tax Commission.

FOR THE STATE TAX COMMISSION:

Deficiency, Refund of Motor Vehicle Excise Tax (To reimburse the General Fund account of emergency approved May 21, 1954) ..... \$20,000.00

FROM THE VOLUNTEER FIREMEN'S RELIEF AND PENSION FUND.

State Auditor.

FOR THE STATE AUDITOR:

Deficiency, Claims, Awards and other expenses allowed by law (To reimburse the General Fund account of emergency approved July 8, 1954.) ..... \$45,000.00

Emergency.

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

Passed the House March 23, 1955.

Passed the Senate March 23, 1955.

Approved by the Governor April 4, 1955, with the exception of certain items which are vetoed.

Note: Excerpt of Governor's veto message reads as follows:

"I disapprove and veto that portion of Sec. 2, which reads: '(PROVIDED, That no part of the above appropriations shall be used for television transmission purposes.)' for the reason that this restriction would unduly curtail the continuance of established educational and research work at the University.

"I disapprove and veto the item 'FOR THE SUPPORT OF KINDERGARTENS: PROVIDED, That no portion of this appropriation shall be expended for kindergarten support unless the money to be so expended has been matched by the school district with an equal amount of money derived by the district from local funds, or excess tax levies raised for that purpose, or from both \$2,200,000.00' for the following reasons; the amount of \$2,200,000 is grossly inadequate to pay to school districts the attendance credit to which they are entitled under the provisions of Section 4, Chapter 187, Laws of 1955. It is also insufficient to pay for the estimated cost of kindergartens in the 1955-57 biennium even with the required local matching.

"The Legislature in 1953 withdrew state aid to kindergartens; it had the right to restore it now if it felt that this should be done. In that case it should have made adequate appropriations to take care of constructing and operating facilities for the expected enrollment increase. This however was not done. The

approval of a mere token appropriation for kindergartens may create harmful conditions in the schools by leading to the diversion to kindergartens of statutory local funds (14 mills) which were intended to support the basic grades, to the housing of children in undesirable make-shift facilities and to the crowding of other grades.

"The operation of kindergartens has been optional in our state, at the discretion of local school boards since 1897. In the school year 1952-53, 143 school districts ran kindergartens, 408 did not. In that year more than 40,000 pupils were enrolled in kindergartens. Following the partial withdrawal of state support for kindergartens in 1953, many school boards submitted the question of local support to their residents. The majority of the communities voted against kindergartens, and enrollment dropped by almost 20,000. The restoration of state support for kindergartens would be the signal for the districts that discontinued them two years ago, to re-open kindergarten classes. Few of these school boards, regardless of their own wishes, their financial situation or overcrowding in other grades would be able to resist the demand for kindergartens. Kindergarten enrollment would quickly regain its former size of 40,000 and quite likely rise to over 50,000 at a biennial operating cost of more than \$10 million.

"\$2,200,000 'matched with an equal amount of money derived by the district from local funds or excess levies for that purpose' would yield a total amount of \$4,400,000 which is less than half the expected cost of kindergartens. Where would the balance come from?

"In the current biennium the cost of kindergartens (\$5.0 million) is financed from special levies (\$4.2 million) and from the state school equalization fund and real estate transaction tax (\$0.7 million). The restoration of state support may make it more difficult to obtain voter approval for special kindergarten levies. School boards may then use part of the statutory 14 mills which are now supporting grades 1 to 14. They might thus unduly enlarge class sizes.

"In many cases, wealthier communities have been operating kindergartens and poorer areas have not. State aid may mean that some poorer districts would be contributing through state taxes to wealthier communities for services which the poorer districts do not maintain. Numerous communities which in the last two years voted against kindergartens for their own children would be forced to contribute through state taxes to kindergarten support in other communities.

"The existing classroom shortage would be seriously aggravated by the addition of another 20,000 to 30,000 children on top of the 45,000 pupil increase expected in the next two years. School districts which discontinued kindergartens in the last two years have been using the vacated classrooms for other grades. To build classrooms for 20,000 to 30,000 kindergarten children would cost between \$15 and \$20 million. If part of the \$30 million state aid to school building construction were used to build facilities for additional kindergarten classes, other grades would have to be crowded.

"It seems far better to continue the financing of kindergartens from local support.

"I disapprove and veto the item 'FROM THE MOTOR VEHICLE FUND. To Highway Bond Retirement Fund \$10,715,000.00 (Transfers to be made as provided by chapter 121, Laws of 1951, and chapter 154, Laws of 1953.)' for the reason that House Bill No. 639 previously approved, makes provisions for this transfer.

"With the exception of the foregoing items, which are vetoed, the remainder of House Bill No. 1 is approved."

### AUTHENTICATION

I, Earl Coe, Secretary of State of the State of Washington, do hereby certify that I have caused to be carefully compared the foregoing published laws passed by the Extraordinary Session of the Thirty-fourth Legislature of the State of Washington, held from March 11, 1955, until March 24, 1955, inclusive, with the original enrolled laws, now on file in this office, and find the same to be a full, true and correct copy of said originals with the exception of such corrections in spelling and use of words bracketed, thus [ ], as provided by law.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed hereto the seal of the State of Washington.

Dated at Olympia, Washington, this 1st day of October, 1955.



EARL COE,  
*Secretary of State*

# INITIATIVES, REFERENDUMS AND CONSTITUTIONAL AMENDMENTS

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# HISTORY OF STATE MEASURES FILED WITH THE SECRETARY OF STATE

## INITIATIVES TO THE PEOPLE

(Each of these measures required 50,000 signatures of registered voters  
in order to appear upon ballot)

- INITIATIVE MEASURE NO. 1 (**State Wide Prohibition**)—Filed January 2, 1914. Refiled as Initiative Measure No. 3.
- INITIATIVE MEASURE NO. 2 (**Eight Hour Law**)—Filed January 3, 1914. Refiled as Initiative Measure No. 5.
- INITIATIVE MEASURE NO. 3 (**State Wide Prohibition**)—Filed January 8, 1914. Submitted to the people November 3, 1914; **passed**.
- INITIATIVE MEASURE NO. 4 (**Drugless Healers**)—Filed January 13, 1914. No petition filed.
- INITIATIVE MEASURE NO. 5 (**Eight Hour Law**)—Filed January 15, 1914. No petition filed. See Initiative Measure No. 13, covering same subject.
- INITIATIVE MEASURE NO. 6 (**Blue Sky Law**)—Filed January 30, 1914. Submitted to the people November 3, 1914; failed to pass.
- INITIATIVE MEASURE NO. 7 (**Abolishing Bureau of Inspection**)—Filed January 30, 1914. Submitted to the people November 3, 1914; failed to pass.
- INITIATIVE MEASURE NO. 8 (**Abolishing Employment Offices**)—Filed January 30, 1914. Submitted to the people November 3, 1914; **passed**.
- INITIATIVE MEASURE NO. 9 (**First Aid to Injured**)—Filed January 29, 1914. Submitted to the people November 3, 1914; failed to pass.
- INITIATIVE MEASURE NO. 10 (**Convict Labor Road Measure**)—Filed January 29, 1914. Submitted to the people November 3, 1914; failed to pass.
- INITIATIVE MEASURE NO. 11 (**Fish Code**)—Filed January 29, 1914. Petition failed.
- INITIATIVE MEASURE NO. 12 (**Abolishing Tax Commission**)—Filed January 29, 1914. Petition failed.
- INITIATIVE MEASURE NO. 13 (**Eight Hour Law**)—Filed February 10, 1914. Submitted to the people November 3, 1914; failed to pass.
- INITIATIVE MEASURE NO. 14 (**Legislative Reapportionment**)—Filed May 13, 1914. No petition filed.
- INITIATIVE MEASURE NO. 15 (**Fundamental Reform Act**)—Filed May 15, 1914. No petition filed.
- INITIATIVE MEASURE NO. 16 (**Legislative Reapportionment**)—Filed May 20, 1914. No petition filed.
- INITIATIVE MEASURE NO. 17 (**State Road Measure**)—Filed June 13, 1914. No petition filed.
- INITIATIVE MEASURE NO. 18 (**Brewers' Hotel Bill**)—Filed December 14, 1914. Submitted to the people November 7, 1914; failed to pass.
- INITIATIVE MEASURE NO. 19 (**Non-Partisan Election and Presidential Primary**)—Filed February 11, 1916. No petition filed.

- INITIATIVE MEASURE NO. 20 (**First Aid**)—Filed February 11, 1916. No petition filed.
- INITIATIVE MEASURE NO. 21 (**Home Rule**)—Filed February 11, 1916. No petition filed.
- INITIATIVE MEASURE NO. 22 (**Fisheries Code**)—Filed February 11, 1916. No petition filed.
- INITIATIVE MEASURE NO. 23 (**Politicians' Code**)—Filed March 29, 1916. No petition filed.
- INITIATIVE MEASURE NO. 24 (**Brewers' Bill**)—Filed April 20, 1916. Submitted to the people November 7, 1916; failed to pass.
- INITIATIVE MEASURE NO. 25 (**Repealing State Wide Prohibition**)—Filed May 11, 1916. No petition filed.
- INITIATIVE MEASURE NO. 26 (**Making the State a Prohibition District**)—Filed October 13, 1916. No petition filed.
- INITIATIVE MEASURE NO. 27 (**Repealing Chapter 57, Laws of 1915, Relating to Regulation of Common Carriers**)—Filed October 13, 1916. No petition filed.
- INITIATIVE MEASURE NO. 28 (**Non-Partisan Elections**)—Filed October 26, 1916. No petition filed.
- INITIATIVE MEASURE NO. 29 (**Capitol Removal Bill**)—Filed November 27, 1916. No petition filed.
- INITIATIVE MEASURE NO. 30 (**Eight Hour Law**)—Filed January 9, 1918. No petition filed.
- INITIATIVE MEASURE NO. 31 (**Municipal Marketing Measure**)—Filed February 5, 1918. No petition filed.
- INITIATIVE MEASURE NO. 32 (**Picketing Measure**)—Filed February 5, 1918. No petition filed.
- INITIATIVE MEASURE NO. 33 (**Non-Partisan Elections and Presidential Primary**)—Filed February 5, 1918. No petition filed.
- INITIATIVE MEASURE NO. 34 (**Relating to Salmon Fishing**)—Filed February 8, 1918. No petition filed.
- INITIATIVE MEASURE NO. 35 (**Repealing Chapter 174, Laws of 1919, Relating to Prevention of Criminal Syndicalism**)—Filed October 7, 1920. Insufficient number of signatures on petition; failed.
- INITIATIVE MEASURE NO. 36 (**Municipal Marketing Measure**)—Filed November 16, 1920. No petition filed.
- INITIATIVE MEASURE NO. 37 (**Relating to Ownership of Land by Aliens**)—Filed November 19, 1920. No petition filed.
- INITIATIVE MEASURE NO. 38 (**Repealing Chapter 209, Laws of 1907, Relating to the Nomination of Candidates for Public Office**)—Filed January 11, 1922. No petition filed.
- INITIATIVE MEASURE NO. 39 (**Repealing Chapter 138, Laws of 1913, Relating to the Initiative Procedure**)—Filed January 11, 1922. No petition filed.
- INITIATIVE MEASURE NO. 40 (**Repealing Chapter 174, Laws of 1921, Relating to the Poll Tax**)—Filed January 18, 1922. Submitted to the people November 7, 1922; passed.

- INITIATIVE MEASURE NO. 41 (**Non-Partisan Elections**)—Filed January 18, 1922. No petition filed.
- INITIATIVE MEASURE NO. 42 (**Workmen's Compensation Measure**)—Filed January 24, 1922. Same as Initiative Measure No. 47; no petition filed.
- INITIATIVE MEASURE NO. 43 (**Relating to Injunctions in Labor Disputes**)—Filed January 24, 1922. No petition filed.
- INITIATIVE MEASURE NO. 44 (**Relating to Municipal Ownership**)—Filed January 28, 1922. No petition filed.
- INITIATIVE MEASURE NO. 45 (**Legislative Reapportionment**)—Filed February 14, 1922. No petition filed.
- INITIATIVE MEASURE NO. 46 ("**30-10**" **School Plan**)—Filed February 21, 1922. Submitted to the people November 7, 1922; failed to pass.
- INITIATIVE MEASURE NO. 47 (**Workmen's Compensation Measure**)—Filed March 27, 1922. No petition filed.
- INITIATIVE MEASURE NO. 48 (**Compulsory School Attendance**)—Filed January 7, 1924. No petition filed.
- INITIATIVE MEASURE NO. 49 (**Compulsory School Attendance**)—Filed January 15, 1924. Submitted to the people November 4, 1924; failed to pass.
- INITIATIVE MEASURE NO. 50 (**Limitation of Taxation**)—Filed February 21, 1924. Submitted to the people November 4, 1924; failed to pass.
- INITIATIVE MEASURE NO. 51 (**Pertaining to Salmon Fishing**)—Filed April 2, 1924. No petition filed.
- INITIATIVE MEASURE NO. 52 (**Electric Power Measure**)—Filed April 8, 1924. Submitted to the people November 4, 1924; failed to pass.
- INITIATIVE MEASURE NO. 53 (**Relating to Sanipractic**)—Filed February 4, 1926. No petition filed.
- INITIATIVE MEASURE NO. 54 (**State Commission to License and Regulate Horse-racing, Pool-selling, etc.—Pari-mutuel Measure**)—Filed February 5, 1926. No petition filed.
- INITIATIVE MEASURE NO. 55 (**Prohibiting use of Purse Seins, Fish Traps, Fish Wheels, etc.**)—Filed February 16, 1928. No petition filed.
- INITIATIVE MEASURE NO. 56 (**Re-districting State for Legislative Purposes**)—Filed April 24, 1930. Refiled as Initiative Measure No. 57.
- INITIATIVE MEASURE NO. 57 (**Re-districting State for Legislative Purposes**)—Filed April 25, 1930. 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 MEASURE NO. 71 (**Liquor Control**)—Filed January 8, 1934. No petition filed.
- INITIATIVE MEASURE NO. 72 (**Distribution of Highway Funds**)—Filed January 8, 1934. No petition filed.
- INITIATIVE MEASURE NO. 73 (**Catching of Fish**)—Filed January 8, 1934. No petition filed.
- INITIATIVE MEASURE NO. 74 (**Tax Free Homes**)—Filed January 8, 1934. No petition filed.
- INITIATIVE MEASURE NO. 75 (**Unemployment Insurance**)—Filed January 19, 1934. No petition filed.
- INITIATIVE MEASURE NO. 76 (**Tax Free Homes**)—Filed January 22, 1934. No petition filed.
- INITIATIVE MEASURE NO. 77 (**Fish Traps and Fishing Regulations**)—Filed February 1, 1934. Submitted to the people November 6, 1934; **passed**.
- INITIATIVE MEASURE NO. 78 (**Distribution of Highway Funds**)—Filed February 9, 1934. No petition filed.
- INITIATIVE MEASURE NO. 79 (**Liquor Control**)—Filed February 20, 1934. No petition filed.
- INITIATIVE MEASURE NO. 80 (**Liquor Control**)—Filed February 24, 1934. No petition filed.
- INITIATIVE MEASURE NO. 81 (**Liquor Control**)—Filed February 28, 1934. No petition filed.
- INITIATIVE MEASURE NO. 82 (**Fishing Regulations**)—Filed March 10, 1934. No petition filed.
- INITIATIVE MEASURE NO. 83 (**State Sale of Gasoline**)—Filed March 16, 1934. No petition filed.
- INITIATIVE MEASURE NO. 84 (**Blanket Primary**)—Filed March 17, 1934. No petition filed.
- INITIATIVE MEASURE NO. 85 (**State Fire Insurance**)—Filed March 17, 1934. No petition filed.

- INITIATIVE MEASURE NO. 86 (**State Fire Insurance**)—Filed March 21, 1934. No petition filed.
- INITIATIVE MEASURE NO. 87 (**Workmen's Compensation**)—Filed March 22, 1934. No petition filed.
- INITIATIVE MEASURE NO. 88 (**Liquor Control**)—Filed March 24, 1934. No petition filed.
- INITIATIVE MEASURE NO. 89 (**One Man Grand Jury**)—Filed March 30, 1934. No petition filed.
- INITIATIVE MEASURE NO. 90 (**Criminal Appeals**)—Filed March 30, 1934. No petition filed.
- INITIATIVE MEASURE NO. 91 (**Regulating Motor Carriers**)—Filed March 31, 1934. No petition filed.
- INITIATIVE MEASURE NO. 92 (**Regulating Motor Carriers**)—Filed April 9, 1934. No petition filed.
- INITIATIVE MEASURE NO. 93 (**Distribution of Highway Funds**)— Filed May 10, 1934. Insufficient number of signatures on petition; failed.
- INITIATIVE MEASURE NO. 94 (**40-Mill Tax Limit**)—Filed May 18, 1934. Submitted to the people November 6, 1934; **passed**.
- INITIATIVE MEASURE NO. 95 (**Liquor Control**)—Filed May 26, 1934. No petition filed.
- INITIATIVE MEASURE NO. 96 (**Repeal of Business Occupation Tax**)—Filed June 4, 1934. No petition filed.
- INITIATIVE MEASURE NO. 97 (**Dog Racing**)—Filed June 7, 1934. Insufficient number of signatures on petition; failed.
- INITIATIVE MEASURE NO. 98 (**Business and Occupation Tax**)—Filed January 4, 1936. No petition filed.
- INITIATIVE MEASURE NO. 99 (**Distribution of Highway Funds**)—Filed January 4, 1936. No petition filed.
- INITIATIVE MEASURE NO. 100 (**40-Mill Tax Limit**)—Filed January 4, 1936. No petition filed.
- INITIATIVE MEASURE NO. 101 (**Civil Service**)—Filed January 14, 1936. Submitted to the people November 3, 1936; failed to pass.
- INITIATIVE MEASURE NO. 102 (**Creating "State Government Bank" Department**)—Filed January 21, 1936. No petition filed.
- INITIATIVE MEASURE NO. 103 (**Old Age Pension**)—Filed January 17, 1936. No petition filed.
- INITIATIVE MEASURE NO. 104 (**Tax on Gasoline**)—Filed February 27, 1936. No petition filed.
- INITIATIVE MEASURE NO. 105 (**Relating to Gill Nets**)—Filed March 3, 1936. No petition filed.
- INITIATIVE MEASURE NO. 106 (**Voter's Identification Certificate**)—Filed March 3, 1936. No petition filed.
- INITIATIVE MEASURE NO. 107 (**Tax on Gasoline**)—Filed March 7, 1936. No petition filed.
- INITIATIVE MEASURE NO. 108 (**40-Mill Tax Limit**)—Filed March 12, 1936. No petition filed.

- INITIATIVE MEASURE NO. 109 (**Admission of Sick to Hospitals**)—Filed March 14, 1936. No petition filed.
- INITIATIVE MEASURE NO. 110 (**Annuity for Crippled and Blind**)—Filed March 27, 1936. No petition filed.
- INITIATIVE MEASURE NO. 111 (**Admission of Sick to Hospitals**)—Filed April 8, 1936. No petition filed.
- INITIATIVE MEASURE NO. 112 (**Abolishing Compulsory Military Training**)—Filed April 9, 1936. No petition filed.
- INITIATIVE MEASURE NO. 113 (**Tax on Gasoline**)—Filed April 15, 1936. No petition filed.
- INITIATIVE MEASURE NO. 114 (**40-Mill Tax Limit**)—Filed April 21, 1936. Submitted to the people November 3, 1936; **passed**.
- INITIATIVE MEASURE NO. 115 (**Old Age Pension**)—Filed April 21, 1936. Submitted to the people November 3, 1936; failed to pass.
- INITIATIVE MEASURE NO. 116 (**Tax on Gasoline**)—Filed April 24, 1936. No petition filed.
- INITIATIVE MEASURE NO. 117 (**Production for Use**)—Filed May 1, 1936. No petition filed.
- INITIATIVE MEASURE NO. 118 (**Liens for Labor**)—Filed May 5, 1936. No petition filed.
- INITIATIVE MEASURE NO. 119 (**Production for Use**)—Filed May 9, 1936. Submitted to the people November 3, 1936; failed to pass.
- INITIATIVE MEASURE NO. 120 (**Tax on Gasoline**)—Filed May 11, 1936. No petition filed.
- INITIATIVE MEASURE NO. 121 (**Beer on Sunday**)—Filed May 14, 1936. No petition filed.
- INITIATIVE MEASURE NO. 122 (**Pertaining to Bribery and Grafting**)—Filed May 21, 1936. No petition filed.
- INITIATIVE MEASURE NO. 123 (**Business and Occupation Tax**)—Filed January 27, 1938. No petition filed.
- INITIATIVE MEASURE NO. 124 (**Distribution of Highway Funds**)—Filed February 9, 1938. No petition filed.
- INITIATIVE MEASURE NO. 125 (**Tax on Intoxicating Liquors**)—Filed February 15, 1938. No petition filed.
- INITIATIVE MEASURE NO. 126 (**Non-Partisan School Election**)—Filed February 24, 1938. Submitted to the people November 8, 1938; **passed**.
- INITIATIVE MEASURE NO. 127 (**Distribution of Highway Funds**)—Filed March 14, 1938. No petition filed.
- INITIATIVE MEASURE NO. 128 (**Civil Service**)—Filed March 14, 1938. No petition filed.
- INITIATIVE MEASURE NO. 129 (**40-Mill Tax Limit**)—Filed March 18, 1938. Submitted to the people November 8, 1938; **passed**.
- INITIATIVE MEASURE NO. 130 (**Regulation of Labor Disputes**)—Filed April 6, 1938. Submitted to the people November 8, 1938; failed to pass.
- INITIATIVE MEASURE NO. 131 (**Civil Service**)—Filed April 7, 1938. No petition filed.

- INITIATIVE MEASURE NO. 132 (**Old Age Assistance**)—Filed April 12, 1938. No petition filed.
- INITIATIVE MEASURE NO 133 (**Relating to Licensing Gambling**)—Filed April 15, 1938. No petition filed.
- INITIATIVE MEASURE NO. 134 (**Old Age Assistance**)—Filed April 19, 1938. No petition filed.
- INITIATIVE MEASURE NO. 135 (**40-Mill Tax Limit**)—Filed May 14, 1938. Insufficient number of signatures on petition; failed.
- INITIATIVE MEASURE NO. 136 (**Relating to Retail Beer and Wine Licenses**) — Filed June 3, 1938. No petition filed.
- INITIATIVE MEASURE NO. 137 (**Relating to Gambling**)—Filed June 9, 1938. No petition filed.
- INITIATIVE MEASURE NO. 138 (**Relating to Gambling**)—Filed June 13, 1938. No petition filed.
- INITIATIVE MEASURE NO. 139 (**P. U. D. Bonds**)—Filed January 5, 1940. Submitted to the people November 5, 1940; failed to pass.
- INITIATIVE MEASURE NO. 140 (**Liquor Control**)—Filed January 9, 1940. No petition filed.
- INITIATIVE MEASURE NO. 141 (**Old Age Pension**)—Filed January 11, 1940. Submitted to the people November 5, 1940; **passed**.
- INITIATIVE MEASURE NO. 142 (**Chain Store Tax**)—Filed January 16, 1940. No petition filed.
- INITIATIVE MEASURE NO. 143 (**Relating to State Sale of Gas and Oil**)— Filed February 2, 1940. No petition filed.
- INITIATIVE MEASURE NO. 144 (**Unicameral Legislature**)—Filed February 23, 1940. Withdrawn. Refiled as Initiative Measure No. 147.
- INITIATIVE MEASURE NO. 145 (**Government Re-organization**)—Filed March 18, 1940. No petition filed.
- INITIATIVE MEASURE NO. 146 (**Relating to Sabbath Breaking**)—Filed March 22, 1940. No petition filed.
- INITIATIVE MEASURE NO. 147 (**Unicameral Legislature**)—Filed April 9, 1940. No petition filed.
- INITIATIVE MEASURE NO. 148 (**Liquor Control**)—Filed May 18, 1940. No petition filed.
- INITIATIVE MEASURE NO. 149 (**Anti-Subversive Activities**)—Filed May 23, 1940. No petition filed.
- INITIATIVE MEASURE NO. 150 (**Intoxicating Liquor Sold by the Drink**)— Filed January 3, 1942. No petition filed.
- INITIATIVE MEASURE NO. 151 (**Old Age Assistance**)—Filed January 3, 1942. Submitted to the people November 3, 1942; failed to pass.
- INITIATIVE MEASURE NO. 152 (**Creating State Elective Offices of Director of Labor and Industries, Director of Social Security and Director of Agriculture**)—Filed January 27, 1942. No petition filed.
- INITIATIVE MEASURE NO. 153 (**Re-constitution of Board of State Land Commissioners**)—Filed February 24, 1942. No petition filed.
- INITIATIVE MEASURE NO. 154 (**After Discharge Benefits to Persons in the Armed Forces**)—Filed April 28, 1942. No petition filed.

- INITIATIVE MEASURE NO. 155 (**Washington Employment Peace Act**)—  
Filed January 10, 1944. No petition filed.
- INITIATIVE MEASURE NO. 156 (**Liberalization of Old Age Assistance Laws**)  
—Filed February 19, 1944. Refiled as Initiative Measure No. 157.
- INITIATIVE MEASURE NO. 157 (**Liberalization of Old Age Assistance Laws**)  
—Filed March 3, 1944. Submitted to the people November 7, 1944; failed  
to pass.
- INITIATIVE MEASURE NO. 158 (**Liberalization of Old Age Assistance Laws  
by the Townsend Clubs of Washington**)—Filed March 28, 1944. Sub-  
mitted to the people November 7, 1944; failed to pass.
- INITIATIVE MEASURE NO. 159 (**Increase of Injured Workmen's Compensa-  
tion**)—Filed January 5, 1946. Insufficient signatures presented July 10,  
1946, and measure not certified to general election ballot.
- INITIATIVE MEASURE NO. 160 (**Increase of Injured Workmen's Compensa-  
tion**)—Filed January 5, 1946. No petition filed.
- INITIATIVE MEASURE NO. 161 (**Changing Form of General Election Ballot  
to Comform with Primary Election Ballot**)—Filed January 5, 1946. No  
petition filed.
- INITIATIVE MEASURE NO. 162 (**Prohibiting the Governor from employing  
members of the Legislature during the term for which he shall have been  
elected**)—Filed January 5, 1946. No petition filed.
- INITIATIVE MEASURE NO. 163 (**Prohibiting the Sale of Beer or Wine by  
any Person other than the State of Washington**)—Filed January 9, 1946.  
Insufficient signatures presented July 6, 1946, and measure not certified  
to general election ballot.
- INITIATIVE MEASURE NO. 164 (**Prohibiting the Sale of Fortified Wines**)—  
Filed February 25, 1946. No petition filed.
- INITIATIVE MEASURE NO. 165 (**Providing for the Sale of Liquor by the  
Drink**)—Filed March 1, 1946. Insufficient signatures presented July 8,  
1946, and measure not certified to the general election ballot.
- INITIATIVE MEASURE NO. 166 (**Relating to Public Utility Districts; re-  
quiring approval of voters as prerequisite to acquisition of any operating  
electrical utility properties, etc.**)—Filed April 24, 1946. Signature peti-  
tions filed June 29, 1946, and found sufficient. Measure rejected by voters  
at November 5, 1946, State General Election.
- INITIATIVE MEASURE NO. 167 (**Providing Liquor by the Drink at Li-  
censed Establishments**)—Filed January 2, 1948. Insufficient valid signa-  
tures presented July 6, 1948, and measure not certified to state general  
election ballot.
- INITIATIVE MEASURE NO. 168 (**Providing Liquor by the Drink for Con-  
sumption on Premises Where Sold**)—Filed January 2, 1948. No signature  
petitions filed for canvassing.
- INITIATIVE MEASURE NO. 169 (**Providing Bonus to Veterans of World  
War II**)—Filed January 2, 1948. Signature petitions filed July 9, 1948,  
and found sufficient. Measure approved into law at November 2, 1948,  
State General Election and became identified as Chapter 4, Laws of 1949.  
However, State Supreme Court ruled measure unconstitutional February  
4, 1949. As consequence similar measure passed into law by 1949 Legis-  
lature (Chapter 180, Laws of 1949).



- INITIATIVE MEASURE NO. 170 (**Relating to Liberalization of Social Security Laws**)—Filed January 13, 1948. Because sponsor desired changes in text of proposed law, measure refiled as Initiative Measure No. 172.
- INITIATIVE MEASURE NO. 171 (**Providing Liquor by the Drink with Certain Restrictions**)—Filed January 19, 1948. Signature petitions filed July 7, 1948, and found sufficient. **Measure certified to November 2, 1948, State General Election Ballot and approved into law.** Act now identified as Chapter 5, Laws of 1949.
- INITIATIVE MEASURE NO. 172 (**Relating to Liberalization of Social Security Laws**)—Filed February 26, 1948. Signature petitions filed July 9, 1948, and found sufficient. **Measure certified to November 2, 1948, State General Election Ballot and approved into law.** Act now identified as Chapter 6, Laws of 1949.
- INITIATIVE MEASURE NO. 173 (**Providing for the Observance of Daylight Saving Time in the State of Washington**)—Filed May 20, 1948. No signature petitions presented for canvassing.
- INITIATIVE MEASURE NO. 174 (**Making application to Congress to call a Convention for the sole purpose of proposing an amendment to the Constitution of the United States to expedite and insure participation of the United States in a world federal government**)—Filed January 16, 1950. No signature petitions presented for canvassing.
- INITIATIVE MEASURE NO. 175 (**Establishing a Department of Youth Protection to operate the Washington State Training School and the State School for Girls under non-partisan control**)—Filed March 31, 1950. No signature petitions presented for canvassing. Essential provisions of this measure enacted by the 1951 Legislature (Chapter 234, Laws of 1951).
- INITIATIVE MEASURE NO. 176 (**Increasing to sixty-five dollars monthly the minimum grant for certain categories of public assistance, otherwise extending the social security program, and making an appropriation**)—Filed April 20, 1950. Submitted to the people November 7, 1950; failed to pass.
- INITIATIVE MEASURE NO. 177—Filed May 1, 1950. Refiled May 5, 1950, as Initiative Measure No. 178.
- INITIATIVE MEASURE NO. 178 (**Modifying the Citizens' Security Act of 1948 (Initiative Measure No. 172) and transferring the public assistance medical program to the State Department of Health**)—Filed May 5, 1950. Submitted to the people November 7, 1950; passed. Measure now identified as Chapter 1, Laws of 1951.
- INITIATIVE MEASURE NO. 179 (**Liberalizing unemployment compensation benefits and repealing that portion of the Unemployment Compensation Act providing for employer experience rating**)—Filed May 5, 1950. No signature petitions presented for canvassing.
- INITIATIVE MEASURE NO. 180 (**Authorizing the Manufacture, Sale and Use of Colored Oleomargarine**)—Filed February 4, 1952. Submitted to the voters November 4, 1952; passed. Measure now identified as Chapter 1, Laws of 1953.
- INITIATIVE MEASURE NO. 181 (**Prescribing the Observance of Standard Time**)—Filed February 27, 1952. Submitted to the Voters November 4, 1952; passed. Measure now identified as Chapter 2, Laws of 1953.

- INITIATIVE MEASURE NO. 182 (**Repealing Sunday Blue Laws**)—Filed March 24, 1952. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 183 (**Petitioning Congress to declare a policy of the United States to live in peaceful coexistence with other nations and to call a conference of the heads of leading nations to negotiate a settlement of existing differences**)—Filed March 26, 1952. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 184 (**Liberalizing Old Age Pension Laws**)—Filed April 3, 1952. Submitted to the voters November 4, 1952; failed to pass.
- INITIATIVE MEASURE NO. 185 (**Liberalizing Old Age Pension Laws**)—Filed April 11, 1952. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 186 (**Providing a Civil Service System for Employees of County Sheriffs**)—Filed April 14, 1952. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 187 (**Permitting a Modified Coloring of Oleomargarine**)—Filed May 15, 1952. No signature petitions presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 188 (**Raising Standards for Chiropractic Examinations**)—Filed January 4, 1954. Submitted to the voters November 2, 1954; failed to pass.
- INITIATIVE TO THE LEGISLATURE NO. 189 (**Legislative Reapportionment**)—Filed January 4, 1954. No signature petitions presented for checking.
- INITIATIVE TO THE LEGISLAURE NO. 190 (**Presidential Preference Primary**)—Filed January 6, 1954. No signature petitions presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 191 (**Attorneys' Fees in Probate**)—Filed January 21, 1954. No signature petitions presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 192 (**Regulation of Commercial Salmon Fishing**)—Filed February 16, 1954. Submitted to the voters November 2, 1954; failed to pass.
- INITIATIVE TO THE LEGISLATURE NO. 193 (**Statewide Daylight Saving Time**)—Filed February 23, 1954. Submitted to the voters November 2, 1954; failed to pass.
- INITIATIVE TO THE LEGISLATURE NO. 194 (**Restricting Television Alcoholic Beverage Advertising**)—Filed March 26, 1954. Submitted to the voters November 2, 1954; failed to pass.
- INITIATIVE TO THE LEGISLATURE NO. 195 (**State Toll Commission**)—Filed March 30, 1954. No signature petitions presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 196 (**Amending the Unemployment Compensation Act**)—Filed April 23, 1954. No signature petitions presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 197 (**Restricting Dams Columbia River Tributaries**)—Filed May 12, 1954. No signature petitions presented for checking.

## INITIATIVES TO THE LEGISLATURE

(Each of these measures required 50,000 signatures of registered voters in order to be certified to the Legislature)

- INITIATIVE TO THE LEGISLATURE NO. 1 (**District Power Measure**)—  
Filed October 25, 1928. Submitted to the people November 4, 1930; **passed**.
- INITIATIVE TO THE LEGISLATURE NO. 2 (**Blanket Primary Ballot**)—  
Filed August 21, 1934. **Passed by the Legislature February 21, 1935**.
- INITIATIVE TO THE LEGISLATURE NO. 3 (**Tax Free Homes**)—Filed August 25, 1934. No petition filed.
- INITIATIVE TO THE LEGISLATURE NO. 4 (**Unemployment Insurance**)—  
Filed September 5, 1934. No petition filed.
- INITIATIVE TO THE LEGISLATURE NO. 5 (**Prohibiting Fishing with Purse Seines**)—Filed November 20, 1934. Insufficient number of signatures on petition; failed.
- INITIATIVE TO THE LEGISLATURE NO. 6 (**Legal Holiday on Saturday**)—  
Filed August 17, 1938. No petition filed.
- INITIATIVE TO THE LEGISLATURE NO. 7 (**Pension for Blind**)—Filed October 7, 1938. Re filed as Initiative to the Legislature No. 8.
- INITIATIVE TO THE LEGISLATURE NO. 8 (**Pension for Blind**)—Filed October 10, 1938. No petition filed.
- INITIATIVE TO THE LEGISLATURE NO. 9 (**Relating to Intoxicating Liquors**)—Filed December 8, 1938. No petition filed.
- INITIATIVE TO THE LEGISLATURE NO. 10 (**Unicameral Legislature**)—  
Filed May 23, 1940. No petition filed.
- INITIATIVE TO THE LEGISLATURE NO. 11 (**Re-apportionment of State Legislative Districts**)—Filed July 8, 1942. No petition filed.
- INITIATIVE TO THE LEGISLATURE NO. 12 (**Public Power Resources**)—  
Filed August 29, 1942. **Passed by the Legislature February 17, 1943**. Act invalidated through Referendum Measure No. 25.
- INITIATIVE TO THE LEGISLATURE NO. 13 (**Restricting Sales of Beer and Wine to State Liquor Stores**)—This measure the same as Initiative Measure No. 163 and was filed August 23, 1946. Signature petitions filed January 3, 1947, and found sufficient. Certified to 1947 Legislature which took no final action. Measure submitted to the people November 2, 1948, State General Election. Voted down.
- INITIATIVE TO THE LEGISLATURE NO. 14 (**Re-apportionment of State Legislative Districts**)—Filed September 19, 1946. No petition filed.
- INITIATIVE TO THE LEGISLATURE NO. 15 (**Establishing a Civil Service System for the Employees of the State of Washington**)—Filed October 16, 1946. No petition filed.
- INITIATIVE TO THE LEGISLATURE NO. 16 (**Providing for the Election of State Game Commissioners**)—Filed September 8, 1948. No signature petitions presented.
- INITIATIVE TO THE LEGISLATURE NO. 17 (**Regulating Legislative Committee Hearings**)—Filed October 16, 1948. No signature petitions filed.
- INITIATIVE TO THE LEGISLATURE NO. 18 (**Petitioning Congress to declare that it is the policy of the United States to live in peaceful coexis-**

tence with other nations, etc.)—This measure the same as Initiative Measure No. 183 and was filed September 3, 1952. No signature petitions presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 19 (**Repealing the Subversive Activities Act**)—Filed September 19, 1952. No signature petitions presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 20 (**Legislative and Congressional Districting**)—Filed April 16, 1954. Sponsors dissatisfied with ballot title and, as a consequence, measure (with some minor changes, all occurring in section 5) was refiled as of May 17, 1954 and measure refiled as Initiative No. 22 to the Legislature.

INITIATIVE TO THE LEGISLATURE NO. 21 (**Professional Practice Boards**)—Filed April 20, 1954. No signature petitions presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 22 (**Legislative and Congressional Districting**)—Filed May 17, 1954. No signature petitions presented for checking.

## REFERENDUM MEASURES

(Each of these measures required 30,000 signatures of registered voters in order to appear upon ballot)

- REFERENDUM MEASURE NO. 1 (**Teachers' Retirement Fund**)—Filed March 11, 1913. Submitted to the people November 3, 1914; \*failed to pass.
- REFERENDUM MEASURE NO. 2 (**Quincy Valley Irrigation Measure**)—Filed March 25, 1913. Submitted to the people November 3, 1914; \* failed to pass.
- REFERENDUM MEASURE NO. 3 (**Chapter 54, Laws of 1915, Relating to Initiative and Referendum**)—Filed March 18, 1915. Submitted to the people November 7, 1916; \* failed to pass.
- REFERENDUM MEASURE NO. 4 (**Chapter 55, Laws of 1915, Recall of Elective Public Officers**)—Filed March 18, 1915. Submitted to the people November 7, 1916; \* failed to pass.
- REFERENDUM MEASURE NO. 5 (**Chapter 52, Laws 1915, Party Conventions Act**)—Filed March 25, 1915. Submitted to the people November 7, 1916; \* failed to pass.
- REFERENDUM MEASURE NO. 6 (**Chapter 181, Laws 1915, Anti-Picketing**)—Filed March 25, 1915. Submitted to the people November 7, 1916; \* failed to pass.
- REFERENDUM MEASURE NO. 7 (**Chapter 178, Laws 1915, Certificate of Necessity Act**)—Filed March 25, 1915. Submitted to the people November 7, 1916; \* failed to pass.
- REFERENDUM MEASURE NO. 8 (**Chapter 46, Laws 1915, Port Commission**)—Filed March 25, 1915. Submitted to the people November 7, 1916; \* failed to pass.
- REFERENDUM MEASURE NO. 9 (**Chapter 49, Laws 1915, Budget System**)—Filed March 25, 1915. Submitted to the people November 7, 1916; \* failed to pass.
- REFERENDUM MEASURE NO. 10 (**Chapter 19, Laws 1917, Bone Dry Law**)—Filed February 20, 1917. Submitted to the people November 5, 1918; passed.
- REFERENDUM MEASURE NO. 11 (**Chapter 167, Laws 1917, Capitol Building Fund Bonds**)—Filed April 23, 1917. No petition filed.
- REFERENDUM MEASURE NO. 12A (**Chapter 77, Laws 1919, Salary of Judges**)—Filed April 14, 1919. No petition filed.
- REFERENDUM MEASURE NO. 12B (**Chapter 59, Laws 1921, Certificate of Necessity**)—Filed March 26, 1921. Submitted to the people November 7, 1922; \*failed to pass.
- REFERENDUM MEASURE NO. 13A (**Chapter 112, Laws 1919, Death Penalty**)—Filed April 14, 1919. No petition filed.
- REFERENDUM MEASURE NO. 13B (**Chapter 175, Laws 1921, Physical Examination of School Children**)—Filed April 4, 1921. Submitted to the people November 7, 1922; \* failed to pass.
- REFERENDUM MEASURE NO. 14A (**Senate Joint Resolution No. 1, Laws 1919, Intoxicating Liquor**)—Filed March 20, 1919. Insufficient number of signatures on petition.

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\* Term "failed to pass" indicates sponsor of Referendum was successful in attempt to prevent measure from becoming effective law.

- REFERENDUM MEASURE NO. 14B (**Chapter 177, Laws 1921, Primary Nominations and Registration**)—Filed April 9, 1921. Submitted to the people November 7, 1922; \* failed to pass.
- REFERENDUM MEASURE NO. 15 (**Chapter 176, Laws 1921, Party Conventions**)—Filed April 9, 1921. Submitted to the people November 7, 1922; \* failed to pass.
- REFERENDUM MEASURE NO. 16 (**Chapter 22, Laws 1923, Butter Substitutes**)—Filed March 22, 1923. Submitted to the people November 4, 1924; \* failed to pass.
- REFERENDUM MEASURE NO. 17 (**Chapter 115, Laws 1929, Creating Department of Highways**)—Filed April 27, 1929. No petition filed.
- REFERENDUM MEASURE NO. 18 (**Chapter 51, Laws 1933, Cities and Towns; Electric Energy**)—Filed April 7, 1933. Submitted to the people November 6, 1934; passed.
- REFERENDUM MEASURE NO. 19 (**Chapter 55, Laws 1933, Horse Racing**)—Filed April 3, 1933. No petition filed.
- REFERENDUM MEASURE NO. 20 (**Chapter 118, Laws 1935, Regulating Pilots**)—Filed February 8, 1935. No petition filed.
- REFERENDUM MEASURE NO. 21 (**Chapter 26, Laws 1935, Blanket Primary Ballot**)—Filed April 8, 1935. No petition filed.
- REFERENDUM MEASURE NO. 22 (**Chapter 209, Laws 1941, Industrial Insurance**)—Filed April 3, 1941. Submitted to the people November 3, 1942; passed.
- REFERENDUM MEASURE NO. 23 (**Chapter 158, Laws 1941, Providing for Legal Advisor for Grand Juries**)—Filed April 16, 1941. Submitted to the people November 3, 1942; \* failed to pass.
- REFERENDUM MEASURE NO. 24 (**Chapter 191, Laws 1941, Prosecuting Attorneys; Providing that they shall no longer give advice to Grand Juries**)—Filed April 16, 1941. Submitted to the people November 3, 1942; \* failed to pass.
- REFERENDUM MEASURE NO. 25 (**Chapter 15, Laws 1943, Relating to Public Utility Districts**)—Filed March 18, 1943. Submitted to the people November 7, 1944; \* failed to pass.
- REFERENDUM MEASURE NO. 26 (**Chapter 37, Laws 1945, Relating to appointment of State Game Commissioners by the Governor**)—Filed April 3, 1945. Signature petitions filed June 6, 1945, and found sufficient. Submitted to the people November 5, 1946; \* failed to pass.
- REFERENDUM MEASURE NO. 27 (**Chapter 202, Laws 1945, Relating to the creation of a State Timber Resources Board**)—Filed April 3, 1945. Signature petitions filed June 6, 1945, and found sufficient. Submitted to the people November 5, 1946; \* failed to pass.
- REFERENDUM MEASURE NO. 28 (**Portion of Chapter 235, Laws of 1949, Relating to accident and health insurance covering employees eligible for unemployment compensation**)—Filed March 30, 1949. Signature petitions filed June 8, 1949, and found sufficient. Submitted to the people November 7, 1950; \* failed to pass.
- REFERENDUM MEASURE NO. 29 (**Portion of Chapter 190, Laws of 1949 amending State Insurance Code**)—Filed April 2, 1949. No signature petitions presented for canvassing.

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\* Term "failed to pass" indicates sponsor of Referendum was successful in attempt to prevent measure from becoming effective law.

## REFERENDUM BILLS

(Measures passed by the Legislature and referred to the voters)

- REFERENDUM BILL NO. 1 (**Chapter 99, Laws 1919, State System Trunk Line Highways**)—Filed March 13, 1919. Submitted to the people November 2, 1920; failed to pass.
- REFERENDUM BILL NO. 2 (**Chapter 1, Laws Extraordinary Session, 1920, Soldiers' Equalized Compensation**)—Filed March 25, 1920. Submitted to the people November 2, 1920; **passed.**
- REFERENDUM BILL NO. 3 (**Chapter 87, Laws 1923, Electric Power Bill**)—Filed March 22, 1923. Submitted to the people November 4, 1924; failed to pass.
- REFERENDUM BILL NO. 4 (**Chapter 164, Laws 1935, Flood Control; Creating Sinking Fund**)—Filed March 22, 1935. Submitted to the people November 3, 1936; failed to pass.
- REFERENDUM BILL NO. 5 (**Chapter 83, Laws 1939, 40-Mill Tax Limit**)—Filed March 10, 1939. Submitted to the people November 5, 1940; **passed.**
- REFERENDUM BILL NO. 6 (**Chapter 176, Laws of 1941, Taxation of Real and Personal Property**)—Filed March 22, 1941. Submitted to the people November 3, 1942; **passed.**
- REFERENDUM BILL NO. 7 (**Chapter 229, Laws of 1949—\$40,000,000.00 Bond Issue to Give State Assistance in Construction of Public School Plant Facilities**)—Filed March 22, 1949. Submitted to the people November 7, 1950; **passed.**
- REFERENDUM BILL NO. 8 (**Chapter 230, Laws of 1949—\$20,000,000.00 Bond Issue to Provide Funds for Buildings at State Operated Institutions**)—Filed March 22, 1949. Submitted to the people November 7, 1950; **passed.**
- REFERENDUM BILL NO. 9 (**Chapter 231, Laws of 1949—\$20,000,000.00 Bond Issue to Provide Funds for Buildings at State Institutions of Higher Learning**)—Filed March 22, 1949. Submitted to the people November 7, 1950; failed to pass.

**HISTORY OF ADOPTED CONSTITUTIONAL AMENDMENTS  
SINCE STATEHOOD**

- 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: **Appropriation**. 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.
- No. 16. To Section 11, Article XII. Re: **Double Liability of Stockholders**. Adopted November, 1940.
- No. 17. To Section 2, Article VII. Re: **40-Mill Tax Limit**. Adopted November, 1944.
- No. 18. To Article II, creating a Section 40. Re: **Restriction of motor vehicle license fees and excise taxes on motor fuels to highway purposes only**. Adopted November, 1944.
- No. 19. To Article VII, creating a Section 3. Re: **State to tax the United States and its instrumentalities to the extent that the laws of the United States will allow**. Adopted November, 1946.
- No. 20. To Section 1 of Article XXVII. Re: **Legislature to fix the salaries of state elective officials**. Adopted November, 1948.
- No. 21. To Section 4 of Article XI. Re: **Permit counties to adopt "Home Rule" charters**. Adopted November, 1948.



- No. 22. Repealing Section 7 of Article XI. Re: **County elective officials.** (These officials can now hold same office more than two terms in succession.) Adopted November, 1948.
- No. 23. To Article XI, creating a Section 16. Re: **Permit the formation, under a charter, of combined city and county municipal corporations having a population of 300,000 or more.** Adopted November, 1948.
- No. 24. To Article II, Section 33. **Permits ownership of land by Canadians who are citizens of provinces wherein citizens of the State of Washington may own land.** (All provinces of Canada authorize such ownership.) Adopted November, 1950.
- No. 25. To Article IV, creating a Section 3(a). Re: **Establishing Retirement Age for Judges of Supreme and Superior Courts.** Adopted November, 1952.
- No. 26. To Article II, creating a Section 41. Re: **Permitting the Legislature to Amend Initiative Measures.** Adopted November, 1952.
- No. 27. To Section 6 of Article VIII. Re: **Extending Bonding Powers of School Districts.** Adopted November, 1952.
- No. 28. To Section 6 and 10 of Article IV. Re: **Increasing Monetary Jurisdiction of Justice Courts.** Adopted November, 1952.
- No. 29. To Article II, Section 33. **Redefines "Alien," thereby permitting the Legislature to determine the policy of the state respecting the ownership of land by corporations having alien shareholders.** Adopted November, 1954.

**TEXT OF CONSTITUTIONAL AMENDMENT APPROVED BY  
THE VOTERS AT STATE GENERAL ELECTION  
HELD NOVEMBER 2, 1954**

Amendment 29: (H.J.R. No. 16 of 1953 Legislature) **Alien Land Ownership: Corporation Amendment.**

**Art. 2. Sec. 33.** The ownership of lands by aliens, other than those who in good faith have declared their intention to become citizens of the United States, is prohibited in this state, except where acquired by inheritance, under mortgage or in good faith in the ordinary course of justice in the collection of debts; and all conveyances of lands hereafter made to any alien directly, or in trust for such alien, shall be void: *Provided*, That the provisions of this section shall not apply to lands containing valuable deposits of minerals, metals, iron, coal, or fire-clay, and the necessary land for mills and machinery to be used in the development thereof and the manufacture of the products therefrom: *And provided further*, That the provisions of this section shall not apply to the citizens of such of the Provinces of the Dominion of Canada as do not expressly or by implication prohibit ownership of provincial lands by citizens of this state. (Effective December 2, 1954.)

SENATE JOINT RESOLUTION NO. 3

**\*BALLOT TITLE**

**AUTHORIZING LEGISLATURE TO REGULATE PENSIONS**

Shall Article II, Section 25, of the Constitution be amended to provide that pensions paid by the state or any political subdivision to a public official may be increased during his term in office?

*Be It Resolved*, By the Senate and House of Representatives of the State of Washington in legislative session assembled:

THAT, At the next general election there shall be submitted to the qualified voters of the state for their approval and ratification, or rejection, an amendment to section 25 of Article II of the Constitution of the State of Washington to read as follows:

Section 25. The legislature shall never grant any extra compensation to any public officer, agent, servant, or contractor after the services shall have been rendered or the contract entered into, nor shall the compensation of any public officer, other than pensions paid by the state or any political subdivision thereof, be increased or diminished during his term of office.

*Be It Further Resolved*, That the secretary of state shall cause the foregoing constitutional amendment to be published at least three months next preceding the election in a weekly newspaper in every county where a newspaper is published throughout the state.

Adopted by the Senate February 17, 1955.

Adopted by the House March 8, 1955.

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\* As prepared by Don Eastvold, Attorney General.

SENATE JOINT RESOLUTION NO. 4

**\*BALLOT TITLE**

**INCREASING SIGNATURES INITIATIVE AND REFERENDUM**

Shall a new section be added to Article II of the Constitution which will supersede requirements specified in Section 1 thereof by providing that the valid signatures of eight per centum of the number of registered voters voting for Governor in the last election shall be necessary to certify an initiative and that four per centum shall be necessary to certify a referendum of an act of the Legislature?

*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, 1956, there shall be submitted to the qualified voters of this state for their approval and ratification, or rejection, an amendment to the Constitution of the State of Washington, by adding to Article II thereof a new section, reading as follows:

Hereafter, the number of valid signatures of legal voters required upon a petition for an initiative measure shall be equal to eight percentum of the number of voters registered and voting for the office of governor at the last preceding regular gubernatorial election. Hereafter, the number of valid signatures of legal voters required upon a petition for a referendum of an act of the legislature or any part thereof, shall be equal to four percentum of the number of voters registered and voting for the office of governor at the last preceding regular gubernatorial election. These provisions supersede the requirements specified in section 1 of this article as amended by the seventh amendment to the Constitution of this state.

*And Be It Further Resolved*, That the secretary of state shall cause the foregoing amendment to be published for at least three months next preceding the election in a weekly newspaper in every county wherein a newspaper is published throughout the state.

Adopted by the Senate January 27, 1955.

Adopted by the House February 24, 1955.

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\* As prepared by Don Eastvold, Attorney General.

SENATE JOINT RESOLUTION NO. 6

**\*BALLOT TITLE**

**SUCCESSIVE TERMS FOR STATE TREASURER**

**Shall Article III, Section 25, of the Constitution be amended to remove the present restriction prohibiting the state treasurer from being elected for more than one successive term?**

*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, 1956, there shall be submitted to the qualified voters of this state for their approval and ratification, or rejection, an amendment to Article III, section 25, of the Constitution of the State of Washington, to read as follows:

Article III, section 25. No person, except a citizen of the United States and a qualified elector of this state, shall be eligible to hold any state office. The compensation for state officers shall not be increased or diminished during the term for which they shall have been elected. The legislature may in its discretion abolish the offices of the lieutenant governor, auditor and commissioner of public lands.

*And Be It Further Resolved*, That the secretary of state shall cause the foregoing amendment to be published for at least three months next preceding the election in a weekly newspaper in every county wherein a newspaper is published throughout the state.

Adopted by the Senate January 26, 1955.

Adopted by the House February 23, 1955.

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\* As prepared by Don Eastvold, Attorney General.

SENATE JOINT RESOLUTION NO. 14

**\*BALLOT TITLE**

**FILLING VACANCIES IN STATE LEGISLATURE**

Shall the 13th Amendment of the Constitution be amended to provide that vacancies in the Legislature shall be filled by the county commissioners from an approved list submitted by the county central committee of the political party of the preceding legislator; and in the event it be a joint district, from lists submitted by the state central committee for joint action by county commissioners involved; providing for failure to appoint within sixty days, the Governor shall fill vacancy from said list?

*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, 1956, there shall be submitted to the qualified voters of the state for their approval and ratification, or rejection, an amendment to the thirteenth amendment of the Constitution of the State of Washington, to read as follows:

Such vacancies as may occur in either house of the legislature or in any partisan county elective office shall be filled by appointment by the board of county commissioners of the county in which the vacancy occurs: *Provided*, That the person appointed to fill the vacancy must be from the same legislative district and the same political party as the legislator whose office has been vacated, and shall be one of three persons who shall be nominated by the county central committee of that party, and the person so appointed shall hold office until his successor is elected at the next general election, and shall have qualified: *Provided*, That in case of a vacancy occurring in the office of joint senator, or joint representative, the vacancy shall be filled from a list of three nominees selected by the state central committee, by appointment by the joint action of the boards of county commissioners of the counties composing the joint senatorial or joint representative district, the person appointed to fill the vacancy must be from the same legislative district and of the same political party as the legislator whose office has been vacated, and in case a majority of said county commissioners do

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\* As prepared by Don Eastvold, Attorney General.

not agree upon the appointment within sixty days after the vacancy occurs, the governor shall within thirty days thereafter, and from the list of nominees provided for herein, appoint a person who shall be from the same legislative district and of the same political party as the legislator whose office has been vacated.

*Be It Further Resolved*, That the secretary of state shall cause the foregoing constitutional amendment to be published for at least three months next preceding the election in a weekly newspaper in every county in the state in which such a newspaper is published.

Adopted by the Senate March 4, 1955.

Adopted by the House March 2, 1955.

HOUSE JOINT RESOLUTION NO. 22

**\*BALLOT TITLE**

**CONDEMNATION POSSESSION UPON COURT DEPOSIT**

Shall Article I, Section 16, of the Constitution as amended by Amendment 9, be further amended to permit the state, in an eminent domain proceeding, upon filing the action to take immediate possession of the property after payment into court before trial of such amount as provided by law?

*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, 1956, there shall be submitted to the qualified electors of this state for their approval and ratification, or rejection, an amendment to section 16, Article I of the Constitution of the State of Washington, as amended by Amendment 9, so that when said section is amended it shall read as follows:

Article I, section 16. Private property shall not be taken for private use, except for private ways of necessity, and for drains, flumes, or ditches on or across the lands of others for agricultural, domestic, or sanitary purposes. No private property shall be taken or damaged for public or private use without just compensation having been first made, or paid into court for the owner, and no right-of-way shall be appropriated to the use of any corporation other than municipal until full compensation therefor be first made in money, or ascertained and paid into court for the owner, irrespective of any benefit from any improvement proposed by such corporation, which compensation shall be ascertained by a jury, unless a jury be waived, as in other civil cases in courts of record, in the manner prescribed by law, except that after the filing of an action in eminent domain the state shall be entitled to immediate possession of property upon payment into court, before trial, of such amount as shall be provided by law. Whenever an attempt is made to take private property for a use alleged to be public, the question whether the contemplated use be really public shall be a judicial question, and determined

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\* As prepared by Don Eastvold, Attorney General.



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as such, without regard to any legislative assertion that the use is public: *Provided*, That the taking of private property by the state for land reclamation and settlement purposes is hereby declared to be for public use.

*Be It Further Resolved*, That the secretary of state shall cause the foregoing amendment to be published for at least three months next preceding the election in a weekly newspaper in every county in the state wherein a newspaper is published.

Passed the House March 4, 1955.

Passed the Senate March 7, 1955.



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Ch. 157, sec. 1.....	amended 230	2	936
 LAWS 1915:			
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Ch. 65, sec. 1.....	repealed 202	47	840
Ch. 107, sec. 1.....	repealed 195	3	814
Ch. 110, sec. 2.....	repealed 11	20	21
Ch. 114, sec. 1.....	amended 323	5	1426
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