

SESSION LAWS
OF THE
STATE OF WASHINGTON

TWENTY-FIFTH SESSION

Convened January 11, Adjourned March 11

1937

Compiled in Chapters

Under the Direction of ERNEST N. HUTCHINSON, Secretary
of State, and including An Act Passed by the People
at the General Election, Held on November 3,
1936, Under the Initiative Provision
of the State Constitution.

Marginal Notes and Index

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PUBLISHED BY AUTHORITY

EXPLANATORY

The Twenty-fifth Legislature of the State of Washington convened at 12 o'clock noon, January 11, 1937 (being the second Monday in January), and adjourned *sine die* March 11, 1937.

All acts passed by the session, approved by the Governor, take effect ninety days after adjournment, or 12 o'clock midnight, June 9, 1937, except relief bills, appropriations and other acts declaring an emergency.

ERNEST N. HUTCHINSON,
Secretary of State.

LAWS OF WASHINGTON

PASSED AT THE

Twenty-Fifth Regular Session

1937

CHAPTER 1.

[INITIATIVE MEASURE NO. 114.]

TAXATION: LIMITATION OF LEVIES.

(BALLOT TITLE)

(AN ACT relating to taxation; limiting the aggregate annual rate of levy on real and personal property for state, county, city or town, school district and road district purposes to forty mills; limiting the levy by the state to two mills to be used exclusively for the support of the University of Washington, Washington State College and the Normal Schools; limiting the levy by counties, cities and towns, school districts and road districts to certain designated maximums; excepting port districts from the operation of the act; and providing that additional levies may be made as therein provided.)

AN ACT relating to the taxation of real and personal property and limiting the aggregate annual rate of levy thereon for state, county, municipal, school district and road district purposes to forty mills.

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

SECTION 1. Except as hereinafter provided, the aggregate of all tax levies upon real and personal property by the state, county, school district, road district, and city or town shall not in any year exceed forty mills on the dollar of assessed valuation, which assessed valuation shall be fifty per cent of the true and fair value of any such property in money; and the levy by the state shall not exceed Forty mill
limit.

Levy.

two mills to be exclusively for the support of the University of Washington, Washington State College and the Normal Schools of the state; the levy by any county shall not exceed ten mills including the levy for the county school fund, the levy by or for any school district shall not exceed ten mills, the levy for any road district shall not exceed three mills, and the levy by any city or town shall not exceed fifteen mills: *Provided*, That nothing herein shall limit port district levies otherwise than as provided by existing law, nor limit the power of any county to levy taxes at the rate provided by law for any taxing district other than a school district or road district, where such taxing district includes less than the whole county: *Provided, further*, That the limitations imposed by this section shall not prevent the levy of additional taxes, not in excess of five mills per annum 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 at the time of the taking effect of this act, issued by or through the agency of the state, or any county, city, town, or school district, nor the levy of additional taxes to pay interest on or towards the reduction, at the rate provided by statute, of the principal of county, city, town, or school district warrants outstanding on December 8, 1932; but the millage limitation of this proviso 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: *Provided, further*, That any county, school district, road district, city or town shall have the power to levy taxes at a rate in excess of the rate specified in this act, when authorized so to do by the electors of such county, school district, road district, city or town by a three-fifths

Port
Districts.

Taxing
districts
less than
whole
county.

Additional
taxes.

Electors may
authorize
excess levy.

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 once 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 or other governing body of any city or town or road district, by giving notice thereof for two successive weeks by publication and posting 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 vote "YES," and those opposed thereto to vote "NO": *Provided*, That the total number of persons voting at such special election shall constitute forty per cent of the voters in said taxing district who voted for the office of governor at the next preceding gubernatorial election.

Special
election.

Form.

Filed in the office of the Secretary of State April 21, 1936.

Passed by vote of the people at the general election November 3, 1936.

Proclamation signed by the Governor December 3, 1936.

CHAPTER 2.

LEGISLATIVE EXPENSES.

[S. B. 1.]

AN ACT appropriating the sum of one hundred and twenty-five thousand dollars (\$125,000.00), or so much thereof as may be necessary for the expenses of the twenty-fifth legislature and declaring an emergency.

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

Appropriation.

SECTION 1. That there be and there is hereby appropriated out of the general fund, the sum of one hundred and twenty-five thousand dollars (\$125,000.00), or so much thereof as may be necessary to be used for the purpose of paying the expenses of the twenty-fifth Legislature of the State of Washington, convening January 11, 1937.

Effective immediately.

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

Passed the Senate January 12, 1937.

Passed the House January 12, 1937.

Approved by the Governor January 12, 1937.

CHAPTER 3.

LEGISLATIVE PRINTING.

[S. B. 2.]

AN ACT appropriating the sum of fifteen thousand dollars (\$15,000.00) or so much thereof as may be necessary for the printing of the twenty-fifth Legislature and declaring an emergency.

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

Appropriation.

SECTION 1. That there be and there is hereby appropriated out of the general fund the sum of fifteen thousand dollars (\$15,000.00) or so much thereof as may be necessary to pay for such printing

as may be ordered by the twenty-fifth session of the Legislature, convened January 11, 1937, or either branch thereof: *Provided*, That Senators on their request, may have the union label on their personal stationery.

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

Passed the Senate January 12, 1937.

Passed the House January 12, 1937.

Approved by the Governor January 12, 1937.

CHAPTER 4.

[S. B. 3.]

ISSUANCE COUNTY TAX FORECLOSURE DEEDS POSTPONED.

AN ACT postponing issuance of deeds pursuant to sales of realty pursuant to county tax foreclosure judgments, and declaring an emergency.

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

SECTION 1. No deeds shall be issued on sales now pending pursuant to judgments in an action by a county foreclosing a certificate of delinquency for taxes on real property until July 1, 1937. Until such date all rights of redemption under existing laws may be exercised by the persons entitled thereto. Sales pending.

SEC. 2. That those counties that have already held the sale and have not issued the deeds shall come under the provisions of this act.

SEC. 3. This act is necessary for the immediate support of the state government and its existing Effective immediately.

public institutions and shall take effect immediately.

Passed the Senate January 12, 1937.

Passed the House January 14, 1937.

Approved by the Governor January 15, 1937.

CHAPTER 5.

[H. B. 69.]

APPEARANCE OF DEPARTMENT OF PUBLIC SERVICE BEFORE INTERSTATE COMMERCE COMMISSION.

AN ACT providing for an appropriation to cover the expenses of the department of public service and its witnesses before the Interstate Commerce Commission, and declaring an emergency.

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

Appropriation.

SECTION 1. There is hereby appropriated from the public service revolving fund the sum of three thousand dollars (\$3,000), or so much thereof as may be necessary, to cover the reasonable and actual expenses of the department of public service and its witnesses in representing the interests of the growers and shippers of the State of Washington in the Southeastern Grain Rate Suspension Cases before the Interstate Commerce Commission, being the Commission's Docket Nos. 17000, Part 7-A, I. C. C. 27418, I & S 4208.

Effective immediately.

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

Passed the House January 19, 1937.

Passed the Senate January 20, 1937.

Approved by the Governor January 28, 1937.

CHAPTER 6.

[H. B. 14.]

NOTARIES PUBLIC.

AN ACT providing for the appointment and qualification of Notaries Public, amending section 9899, Remington's Revised Statutes.

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

SECTION 1. That section 9899, Remington's Revised Statutes be amended to read as follows:

Amends
§ 9899
Rem. Rev.
Stat.
(\$ 4269 P. C.).

Section 9899. The governor may appoint and commission, as notaries public, as many persons having the qualifications of electors as he shall deem necessary: *Provided*, That no person shall be appointed a notary public except upon the petition of at least ten freeholders of the county in which such person resides: *Provided, further*, That upon the expiration of his commission any notary public may obtain a new commission on application, without petition signed by freeholders, within one year from date of expiration of his preceding commission.

Passed the House February 10, 1937.

Passed the Senate February 10, 1937.

Approved by the Governor February 13, 1937.

CHAPTER 7.

[H. B. 16.]

SALE OF STATE OWNED LANDS IN SNOHOMISH COUNTY.

AN ACT authorizing the commissioner of public lands to sell at public auction a portion of the southeast quarter (SE $\frac{1}{4}$) of the southwest quarter (SW $\frac{1}{4}$) and the southwest quarter (SW $\frac{1}{4}$) of the southwest quarter (SW $\frac{1}{4}$) of section sixteen (16) of township twenty-seven (27) north of range four (4), east of the Willamette Meridian, and declaring an emergency.

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

Public lands.

SECTION 1. The commissioner of public lands is hereby authorized to sell at public auction as provided by law, certain isolated parcels of state owned lands in Snohomish county described as follows, to-wit:

That portion of the southeast quarter (SE $\frac{1}{4}$) of the southwest quarter (SW $\frac{1}{4}$) and the southwest quarter (SW $\frac{1}{4}$) of the southwest quarter (SW $\frac{1}{4}$) of section sixteen (16) of township twenty-seven (27) north of range four (4), east of the Willamette Meridian lying south of the right of way of the public highway as now established thereon.

Effective immediately.

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

Passed the House January 28, 1937.

Passed the Senate February 10, 1937.

Approved by the Governor February 13, 1937.

CHAPTER 8.

[H. B. 154.]

TEMPORARY PUBLICATION OF SESSION LAWS.

AN ACT appropriating the sum of thirty-five hundred dollars (\$3500), or so much thereof as may be necessary for the temporary publication of Session Laws of the 25th session of the Washington State Legislature and declaring an emergency.

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

SECTION 1. That there be and there is hereby appropriated out of the general fund the sum of thirty-five hundred dollars (\$3500), or so much thereof as may be necessary, for the printing and mailing of the temporary publication of the Session Laws of the 25th session of the Washington State Legislature.

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 institutions and shall take effect immediately.

Passed the House January 26, 1937.

Passed the Senate February 3, 1937.

Approved by the Governor February 13, 1937.

CHAPTER 9.

[H. B. 70.]

VETERANS' HOSPITAL AT SOAP LAKE.

AN ACT relating to certain state lands, and repealing chapter 27 of the Laws of 1901, and declaring an emergency.

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

Repeals
ch. 27,
Laws of 1901.

SECTION 1. That chapter 27 of the Laws of 1901 is hereby repealed.

Hospital for
treatment of
Buerger's
disease.

SEC. 2. The Commissioner of Public Lands is directed to withhold from sale or lease the south half of southeast quarter ($S\frac{1}{2}$ of $SE\frac{1}{4}$) of section twenty-four (24) township twenty-two (22) north, range twenty-six (26) east, W. M. in Grant County: *Provided*, That for the purpose of establishing a hospital and domiciliary care, thereon for the treatment of Buerger's disease and for experimental and scientific purposes relative to the waters of Soap Lake, the Commissioner of Public Lands may lease the land to any department of the Federal, state or county government in the manner provided by law: *And provided further*, That the Commissioner of Public Lands may accept an application to purchase said land, for the uses and purposes set forth herein, filed by any department of the Federal, state or county government, and may offer the land for sale under said application in the manner provided by law. Under such an application the Board of State Land Commissioners is hereby authorized to appraise the land at the minimum price of ten dollars (\$10) per acre.

Effective
immediately.

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

Passed the House January 28, 1937.

Passed the Senate February 10, 1937.

Approved by the Governor February 16, 1937.

CHAPTER 10.

[S. B. 34.]

ESTABLISHMENT OF WESTERN STATE
CUSTODIAL SCHOOL.

AN ACT relating to state government and state institutions; providing for the establishment of a public institution for the care, confinement, training and employment of defective and feeble-minded persons to be known as the Western State Custodial School; providing for the selection and purchase of a site therefor; creating a state fund to be known as the Western State Custodial School Revolving Fund, making appropriations and declaring an emergency.

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

SECTION 1. For the purposes of this act: (a) The term "department" means the Department of Finance, Budget and Business of the State of Washington; (b) the term "institution" means the Western State Custodial School; (c) the term "director" means the Director of the Department of Finance, Budget and Business; (d) the term "superintendent" means the Superintendent of the Western State Custodial School.

"Department."

"Institution."

"Director."

"Superintendent."

SEC. 2. A public institution is hereby established to be known as the Western State Custodial School for the care, confinement, training and employment of defective and feeble-minded persons of the State of Washington.

Institution established.

SEC. 3. The object aimed at in the said institution shall be such care, training and employment of those committed thereto as to render them more useful and happy and tend to make them as nearly self-supporting as their level of intelligence may permit.

Object.

SEC. 4. The said institution may manufacture building materials, clothing, equipment, utensils, and other articles needed and required in said institution or by any other public or semi-public insti-

Manufacture of products.

Farm
produce.

tution in the State of Washington. It may also produce agricultural, dairy, poultry and other farm products for use of such institutions and may sell or exchange under such regulations as may be prescribed by the department any surplus manufactured articles or products produced.

Moneys
received.

SEC. 5. All monies received from the sale of articles, supplies or produce as provided in section four of this act shall be paid into the state treasury and placed in the Western State Custodial School Revolving Fund hereinafter created.

Location of
institution.

SEC. 6. The location of said institution shall be in western Washington, the exact site to be determined and selected by a commission as in this act provided.

Management.

SEC. 7. The said institution shall be under the management and direction of the Department of Finance, Budget and Business, the same as other state institutions and, in all respects, subject to the law creating said department and rules and regulations adopted pursuant thereto.

Who
admitted.

SEC. 8. The said institution shall be free to residents of the State of Washington who are between the ages of six and twenty-one years who, by reason of defective intellect, are rendered unable to acquire an education and/or training in the common schools: *Provided*, That they are free from loathsome or contagious diseases: *Provided, also*, That children who are idiotic, epileptic, or afflicted in any particular that renders them unfitted for companionship with other children, may be segregated and admitted at the State Custodial School located at Medical Lake, Washington, under such general rules and regulations as may be prescribed by said department.

Application
for admit-
tance.

SEC. 9. Admission may be applied for as follows: First, by the father or mother, if father and mother are living together. Second, if the father

and mother are not living together, then by the one having custody of the child. Third, by the guardian duly appointed. Fourth, by the superintendent or other officer having charge of any institution or asylum where the children are cared for. Fifth, by county superintendents of schools and boards of county commissioners. Sixth, by juvenile courts under an order of commitment.

SEC. 10. The form of application for admission to said Western State Custodial School shall be in accordance with form prescribed and in compliance with rules and regulations adopted by the department. Form.

SEC. 11. All applications for admission of defectives under twenty-one years of age, except those committed by the juvenile court, shall be made through a county superintendent of schools in accordance with section ten of this act. Said officer shall keep a record of all such applications and certify to the board of county commissioners all applications that have been approved by the superintendent. County school superintendent.

SEC. 12. Upon notification by the superintendent of acceptance for admission, it shall be the duty of the parents or the guardian of such defective child to send him to said institution. Acceptance.

SEC. 13. If it appears to the satisfaction of the county commissioners of any county that the parents of any such defective child that has been accepted for admission are unable to pay the expenses of sending him to said institution, it shall be the duty of the commissioners to send him at the expense of the county. Expenses.

SEC. 14. Inmates arriving at the age of twenty-one years while in the institution and who, in the judgment of the superintendent, are unfit to be discharged shall be reported to the prosecuting attorney. Inmates 21 years of age.

ney of the county in which the institution is located. Such officer shall, after due investigation, initiate proceeding to bring such cases before the superior court of said county which court, upon satisfactory showing, and finding the cases proper subjects for institutional care, may issue order of commitment to said institution for an indefinite term. Inmates so committed shall be confined in the institution until paroled or released as in this act provided.

Adults.

SEC. 15. Adults under fifty years of age who may be determined to be feeble-minded and who are of such inoffensive habits as to make them proper subjects for classification, education and discipline in an institution for defectives may be admitted free upon pursuing the same course of legal commitment as governs admission to the hospitals for insane, but no insane person or those who are proper subjects for county infirmaries, hospitals or asylums, or cases of senile dementia shall be admitted to the Western State Custodial School.

Resident
of another
state.

SEC. 16. Any state, territory or legal subdivision thereof, and any parent or guardian residing in another state or territory who may wish to enter a child in said institution and pay all expenses of care, maintenance and instruction may do so under terms, rules and regulations prescribed by the department, and the said department shall have the power to enter into appropriate contracts on behalf of the State of Washington.

Clothing
provided
for inmates.

SEC. 17. When not otherwise provided, the department shall provide the inmates with suitable clothing, the actual cost of which shall be charged against parents, guardians, or estates of such inmates, and in the event that such parents, guardians, or estates are unable or insufficient to provide for such clothing, the same shall be provided by the state. It shall be the duty of committing officers or

others recommending an applicant for admission to said institution to furnish information to the superintendent of said institution as to the estate of applicant and the financial ability of responsible relatives to defray the expenses in whole or in part for such clothing.

SEC. 18. The department shall establish and maintain a school department in the institution which shall embrace such academic and vocational subjects as will most effectively achieve the results aimed at in said institution.

School
department.

SEC. 19. The director shall appoint a superintendent who shall reside at the institution and shall have charge, management and control of the institution and inmates committed thereto subject to the direction of the department. He shall give a bond to the state in the amount of \$5,000.00 for the faithful performance of his duties. The superintendent shall, with the approval of the director, employ such other officers and employees as he may consider proper and necessary for the efficient carrying into effect the aims and purpose of the institution. The director shall fix the salary of the superintendent and all subordinate officers and employees.

Superinten-
dent.

Bond.

SEC. 20. The superintendent shall have authority to grant paroles or furloughs under such safeguards and in conformity with general regulations adopted by the department.

Paroles.

SEC. 21. For the purpose of carrying out the provisions of this act, a commission of three members is hereby created to select a suitable tract of land of not less than four hundred (400) acres, situated in western Washington, as a site for the said Western State Custodial School. The commission shall consist of three members, to-wit: One member of the senate to be appointed by the president, one member of the house of representatives to be appointed by

Selection
of site.

Commission.

the speaker, and the director of the Department of Finance, Budget and Business. When a site has been selected and approved by said commission the director shall forthwith take title to such tract or parcel of land in the name of the State of Washington and take such further steps as shall be necessary to complete the establishment of the institution.

Appropriation.

SEC. 22. The following sums, or as much thereof as shall be necessary, are hereby appropriated from funds in the state treasury hereinafter designated and for purposes stated:

For the Department of Finance, Budget and Business,

Subdivision Western State Custodial School;

FROM THE GENERAL FUND.

For the purchase of land, erection of buildings, telephone and power lines, construction of roads, furnishings, equipment and water system.....	\$350,000.00
For salaries, wages and operations.....	\$100,000.00
For Western State Custodial School Revolving Fund which fund is hereby created in the state treasury	\$10,000.00

FROM THE WESTERN STATE CUSTODIAL SCHOOL REVOLVING FUND.

For industrial and agricultural operations.....	\$50,000.00
Disbursements not to exceed receipts from sale of industrial and agricultural products.	

Effective immediately.

SEC. 23. This act is necessary for the immediate preservation of peace, health and safety, and shall take effect immediately.

Passed the Senate January 28, 1937.

Passed the House February 10, 1937.

Approved by the Governor February 16, 1937.

CHAPTER 11.

[S. B. 21.]

RECOVERY OF TAXES PAID UNDER PROTEST.

AN ACT relating to action for the recovery of taxes deemed unlawful or excessive by the taxpayer, providing how judgments in such actions shall be paid, amending sections 2, 4 and 5 of chapter 62, Laws of 1931 and declaring an emergency.

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

SECTION 1. That section 2, chapter 62, Laws of 1931 be amended to read as follows:

Amends
§ 2, ch. 62,
Laws of 1931.

Section 2. In all cases of the levy of taxes for public revenue which are deemed unlawful or excessive by the person, firm or corporation whose property is taxed, or from whom such tax is demanded or enforced, such person, firm or corporation may pay such tax or any part thereof deemed unlawful, under written protest setting forth all of the grounds upon which such tax is claimed to be unlawful or excessive; and thereupon the person, firm or corporation so paying, or his or its legal representatives or assigns, may bring an action in the superior court or in any federal court of competent jurisdiction against the state, county or municipality by whose officers the same was collected, to recover such tax, or any portion thereof, so paid under protest: *Provided*, That this act shall not be deemed to enlarge the grounds upon which taxes may now be recovered: *And provided further*, That no claim need be presented to the state or county or municipality, or any of their respective officers, for the return of such protested tax as a condition precedent to the institution of such action.

Taxes paid
under protest.

SEC. 2. That section 4, chapter 62, Laws of 1931 be amended to read as follows:

Amends
§ 4, ch. 62,
Laws of 1931.

Section 4. Annually, at the time required by law for the levying of taxes for county purposes, the

Levy for tax
refund fund.

proper county officers required by law to make and enter such tax levies shall make and enter a tax levy or levies for said county tax refund fund, which said levy or levies shall be given precedence over all other tax levies for county and/or taxing district purposes, as follows:

(1) A levy upon all of the taxable property within the county for the amount of all taxes collected by the county for county and/or state purposes held illegal and recoverable by such judgments rendered against the county within the preceding twelve months, including legal interest and a proper share of the costs, where allowed, together with the additional amounts hereinafter provided for;

(2) A levy upon all of the taxable property of each taxing district within the county for the amount of all taxes collected by the county for the purposes of such taxing district, and which have been held illegal and recoverable by such judgments rendered against the county within the preceding twelve months, including legal interest and a proper share of the costs, where allowed.

The aforesaid levy or levies shall also include a proper share of the interest paid out of the county tax refund fund during said twelve months upon warrants issued against said fund in payment of such judgments, legal interests and costs, plus such an additional amount as such levying officers shall deem necessary to meet the obligations of said fund, taking into consideration the probable portions of such taxes that will not be collected or collectible during the year in which they are due and payable, and also any unobligated cash on hand in said fund.

SEC. 3. That section 5, chapter 62, Laws of 1931 be amended to read as follows:

Section 5. The action for the recovery of taxes so paid under protest shall be brought in the superior

Amends
§ 5, ch. 62,
Laws of 1931.

Actions to
recover
taxes.

court of the county wherein the tax was collected or in any Federal court of competent jurisdiction: *Provided*, That where the property against which the tax is levied consists of the operating property of a railroad company, telegraph company or other public service company whose operating property is located in more than one county and is assessed as a unit by any state board or state officer or officers, the complaining taxpayer may institute such action in the superior court of any one of the counties in which such tax is payable, or in any Federal court of competent jurisdiction, and may join as parties defendant in said action all of the counties to which the tax or taxes levies [levied] upon such operating property were paid or are payable, and may recover in one action from each of the county defendants the amount of the tax, or any portion thereof, so paid under protest, and adjudged to have been unlawfully collected, together with legal interest thereon from date of payment, and costs of suit.

Venue.

Railroads,
telegraph
and public
service com-
panies.

Parties.

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

Effective
immediately.

Passed the Senate January 27, 1937.

Passed the House February 10, 1937.

Approved by the Governor February 19, 1937.

CHAPTER 12.

[S. B. 41.]

LIMITATION ON CRIMINAL PROSECUTIONS.

AN ACT prescribing the limitations on criminal prosecutions and amending section 2005, Remington's Revised Statutes.

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

SECTION 1. That section 2005 of Remington's Revised Statutes be amended to read as follows:

Section 2005. Prosecutions for the offenses of murder and arson, where death ensues, may be commenced at any period after the commission of the offense; for offenses the punishment of which may be imprisonment in the penitentiary, committed by any public officer in connection with the duties of his office or constituting a breach of his public duty or a violation of his oath of office, within ten years after their commission; for all other offenses the punishment of which may be imprisonment in the penitentiary, within three years after their commission; and for all other offenses, within one year after their commission: *Provided*, That any length of time during which the party charged was not usually and publicly resident within this state shall not be reckoned within the one, three and ten years respectively: *And further provided*, That where an indictment has been found, or an information filed, within the time limited for the commencement of a criminal action, if the indictment or information be set aside, the time of limitation shall be computed from the setting aside of such indictment or information.

Passed the Senate January 28, 1937.

Passed the House February 10, 1937.

Approved by the Governor February 19, 1937.

Amends
§ 2005, Rem.
Rev. Stat.
(§ 9340 P. C.).

Limitation
on criminal
actions other
than murder.

CHAPTER 13.

[S. B. 78.]

CIVIL SERVICE IN POLICE DEPARTMENTS.

AN ACT relating to civil service in cities and towns and creating a board of civil service commissioners in cities having fully paid police officers and providing a civil service system based upon examination, investigation as to merit, efficiency and fitness for appointment, employment and promotion of all officers and men appointed in said police departments; and regulating the transfer, reinstatement, suspension and discharge of said officers and policemen and making the act inapplicable to certain cities and towns.

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

SECTION 1. The provisions of this act shall have Exceptions.
no application to cities and towns which at the present time have provided for civil service in the police department or which shall subsequently provide for civil service in the police department by local charter or other regulations which said local charter or regulations substantially accomplish the purpose of this act, nor to cities having a police force of not more than two persons including the chief of police.

SEC. 2. If any of the cities or towns referred to in section 1 shall at any time repeal the charter provisions or other local acts of said cities or towns providing for civil service for policemen as referred to in section 1 of this act, in that event this act shall apply to all of such cities and towns which have at any time abolished civil service for members of the police department. Repeal of charter providing for civil service.

SEC. 3. There is hereby created in every city, town or municipality except those referred to in section 1, having fully paid policemen a civil service commission which shall be composed of three persons. Civil service commission.

Appoint-
ment.

The members of such commission shall be appointed by the person or group of persons who, acting singly or in conjunction, as a mayor, city manager, council, common council, commission, or otherwise, is or are vested by law with the power and authority to select, appoint, or employ the chief of a police department in any such city, prior to the enactment of this act. The members of such commission shall serve without compensation. No person shall be appointed a member of such commission who is not a citizen of the United States, a resident of such city for at least three (3) years immediately preceding such appointment, and an elector of the county wherein he resides. The term of office of such commissioners shall be for six (6) years, except that the first three members of such commission shall be appointed for different terms, as follows: One to serve for a period of two (2) years, one to serve for a period of four (4) years, and one to serve for a period of six (6) years.

To serve
without com-
pensation.

Qualifica-
tions.

Term of
office.

Removal.

Any member of such commission may be removed from office for incompetency, incompatibility or dereliction of duty, or malfeasance in office, or other good cause: *Provided, however,* That no member of the commission shall be removed until charges have been preferred, in writing, due notice and a full hearing had. The members of such commission shall devote due time and attention to the performance of the duties hereinafter specified and imposed upon them by this act. Two (2) members of such commission shall constitute a quorum and the votes of any two (2) members of such commission concurring shall be sufficient for the decision of all matters and the transaction of all business to be decided or transacted by the commission under or by virtue of the provisions of this act. Confirmation of said appointment or appointments of commissioners by any legislative body shall not be required.

Quorum.

At the time of any appointment not more than two (2) commissioners shall be adherents of the same political party.

SEC. 4. The classified civil service and provisions of this act shall include all full paid employees of the police department of each city, town or municipality coming within its purview, including the chief of that department. All appointments to and promotions in said department shall be made solely on merit, efficiency and fitness, which shall be ascertained by open competitive examination and impartial investigation. No person shall be reinstated in or transferred, suspended or discharged from any such place, position or employment contrary to the provisions of this act.

Purview
of act.

SEC. 5. Immediately after appointment the commission shall organize by electing one of its members chairman and hold regular meetings at least once a month, and such additional meetings as may be required for the proper discharge of their duties.

Organization
of commis-
sion.

They shall appoint a secretary and chief examiner, who shall keep the records for the commission, preserve all reports made to it, superintend and keep a record of all examinations held under its direction, and perform such other duties as the commission may prescribe.

The secretary and chief examiner shall be appointed as a result of competitive examination which examination may be either original and open to all properly qualified citizens of the city, town or municipality, or promotional and limited to persons already in the service of the police department or of the police department and other departments of said city, town or municipality, as the commission may decide. The secretary and chief examiner may be subject to suspension, reduction or discharge in the same manner and subject to the same limita-

tions as are provided in the case of members of the police department. It shall be the duty of the civil service commission:

Rules and regulations.

(a) To make suitable rules and regulations not inconsistent with the provisions of this act. Such rules and regulations shall provide in detail the manner in which examinations may be held, and appointments, promotions, transfers, reinstatements, demotions, suspensions and discharges shall be made, and may also provide for any other matters connected with the general subject of personnel administration, and which may be considered desirable to further carry out the general purposes of this act, or which may be found to be in the interest of good personnel administration. Such rules and regulations may be changed from time to time. The rules and regulations and any amendments thereof shall be printed, mimeographed or multigraphed for free public distribution. Such rules and regulations may be changed from time to time;

Free distribution.

Tests practical.

(b) All tests shall be practical, and shall consist only of subjects which will fairly determine the capacity of persons examined to perform duties of the position to which appointment is to be made, and may include tests of physical fitness and/or of manual skill;

10% credit for war veterans.

(c) The rules and regulations adopted by the commission shall provide for a credit of ten per cent (10%) in favor of all applicants for appointment under civil service, who, in time of war, or in any expedition of the armed forces of the United States, have served in and been honorably discharged from the armed forces of the United States, including the Army, Navy and Marine Corps and the American Red Cross. These credits apply to entrance examinations only;

Investigations.

(d) The commission shall make investigations concerning and report upon all matters touching the

enforcement and effect of the provisions of this act, and the rules and regulations prescribed hereunder; inspect all institutions, departments, offices, places, positions and employments affected by this act, and ascertain whether this act and all such rules and regulations are being obeyed. Such investigations may be made by the commission or by any commissioner designated by the commission for that purpose. Not only must these investigations be made by the commission as aforesaid, but the commission must make like investigation on petition of a citizen, duly verified, stating that irregularities or abuses exist, or setting forth in concise language, in writing, the necessity for such investigation. In the course of such investigation the commission or designated commissioner, or chief examiner, shall have the power to administer oaths, subpoena and require the attendance of witnesses and the production by them of books, papers, documents and accounts appertaining to the investigation and also to cause the deposition of witnesses residing within or without the state to be taken in the manner prescribed by law for like depositions in civil actions in the superior court; and the oaths administered hereunder and the subpoenas issued hereunder shall have the same force and effect as the oaths administered by a superior court judge in his judicial capacity; and the failure upon the part of any person so subpoenaed to comply with the provisions of this section shall be deemed a violation of this act, and punishable as such;

(e) Hearings and Investigations: How conducted. All hearings and investigations before the commission, or designated commissioner, or chief examiner, shall be governed by this act and by rules of practice and procedure to be adopted by the commission, and in the conduct thereof neither the commission, nor designated commissioner shall be

Hearings
conducted.

bound by the technical rules of evidence. No informality in any proceedings or hearing, or in the manner of taking testimony before the commission or designated commissioner, shall invalidate any order, decision, rule or regulation made, approved or confirmed by the commission: *Provided, however,* That no order, decision, rule or regulation made by any designated commissioner conducting any hearing or investigation alone shall be of any force or effect whatsoever unless and until concurred in by at least one (1) of the other two (2) members;

Appeals or
complaints.

(f) To hear and determine appeals or complaints respecting the administrative work of the personnel department; appeals upon the allocation of positions; the rejection of an examination, and such other matters as may be referred to the commission;

Roster.

(g) Establish and maintain in card or other suitable form a roster of officers and employees;

Competitive
tests.

(h) Provide for, formulate and hold competitive tests to determine the relative qualifications of persons who seek employment in any class or position and as a result thereof establish eligible lists for the various classes of positions, and to provide that men laid off because of curtailment of expenditures, reduction in force, and for like causes, head the list in the order of their seniority, to the end that they shall be the first to be reemployed;

Seniority.

Vacancies.

(i) When a vacant position is to be filled, to certify to the appointing authority, on written request, the name of the person highest on the eligible list for the class. If there are no such lists, to authorize provisional or temporary appointment list of such class. Such temporary of [or] provisional appointment shall not continue for a period longer than four (4) months; nor shall any person receive more than one (1) provisional appointment or serve more than

four (4) months as provisional appointee in any one fiscal year;

(j) Keep such records as may be necessary for the proper administration of this act. Records kept.

SEC. 6. For the benefit of the public service and to prevent delay, injury, or interruption therein by reason of the enactment of this act, all persons holding a position in the police department of any such city, including the chief thereof, when this act takes effect, who shall have served in such position for a period of at least six (6) months last past continuously, are hereby declared eligible for permanent appointment under civil service to the offices, places, positions or employments which they shall then hold, respectively, without examination or other act on their part, and not on probation; and every such person is hereby automatically adopted and inducted permanently into civil service, into such office, place, position or employment which such person then holds as completely and effectually to all intents and purposes as if such person had been permanently appointed thereto under civil service after examination and investigation. Incumbents eligible for permanent positions.

SEC. 7. An applicant for a position of any kind under civil service, must be a citizen of the United States of America and an elector of the county in which he resides, who can read and write the English language, and must have been a resident of said city for at least one (1) year. Applicants.

An applicant for a position of any kind under civil service must be of an age suitable for the position applied for, in ordinary good health, of good moral character and of temperate and industrious habits; these facts to be ascertained in such manner as the commission may deem advisable. Qualifications.

SEC. 8. The tenure of everyone holding an office, place, position or employment under the provisions Duration of employment.

of this act shall be only during good behavior, and any such person may be removed or discharged, suspended without pay, demoted, or reduced in rank, or deprived of vacation privileges or other special privileges for any of the following reasons:

Causes for removal.

(a) Incompetency, inefficiency or inattention to or dereliction of duty;

(b) Dishonesty, intemperance, immoral conduct, insubordination, discourteous treatment of the public, or a fellow employee, or any other act of omission or commission tending to injure the public service; or any other wilful failure on the part of the employee to properly conduct himself; or any wilful violation of the provisions of this act or the rules and regulation to be adopted hereunder;

(c) Mental or physical unfitness for the position which the employee holds;

(d) Dishonest, disgraceful, immoral or prejudicial conduct;

(e) Drunkenness or use of intoxicating liquors, narcotics, or any other habit-forming drug, liquid or preparation to such extent that the use thereof interferes with the efficiency or mental or physical fitness of the employee, or which precludes the employee from properly performing the function and duties of any position under civil service;

(f) Conviction of a felony, or a misdemeanor, involving moral turpitude;

(g) Any other act or failure to act which in the judgment of the civil service commissioners is sufficient to show the offender to be an unsuitable and unfit person to be employed in the public service.

Written accusation.

SEC. 9. No person in the classified civil service who shall have been permanently appointed or inducted into civil service under provisions of this act, shall be removed, suspended, demoted or discharged except for cause, and only upon written accusation of the appointing power, or any citizen or taxpayer;

a written statement of which accusation, in general terms, shall be served upon the accused, and a duplicate filed with the commission. Any person so removed, suspended, demoted or discharged may within ten (10) days from the time of his removal, suspension, demotion or discharge, file with the commission a written demand for an investigation, whereupon the commission shall conduct such investigation. The investigation shall be confined to the determination of the question of whether such removal, suspension, demotion or discharge was or was not made for political or religious reasons and was or was not made in good faith or [for] cause. After such investigation the commission may affirm the removal, or if it shall find that the removal, suspension, or demotion was made for political or religious reasons, or was not made in good faith for cause, shall order the immediate reinstatement of [or] reemployment of such person in the office, place, position or employment from which such person was removed, suspended, demoted or discharged, which reinstatement shall, if the commission so provides in its discretion, be retroactive, and entitle such person to pay or compensation from the time of such removal, suspension, demotion or discharge. The commission upon such investigation, [in] lieu of affirming the removal, suspension, demotion or discharge may modify the order of removal, suspension, demotion or discharge by directing a suspension, without pay, for a given period, and subsequent restoration to duty, or demotion in classification, grade, or pay; the findings of the commission shall be certified, in writing to the appointing power, and shall be forthwith enforced by such officer.

Right to investigation.

All investigations made by the commission pursuant to the provisions of this section shall be had by public hearing, after reasonable notice to the

Public hearing.

Appeal to
courts.

accused of the time and place of such hearing, at which hearing the accused shall be afforded an opportunity of appearing in person and by counsel, and presenting his defense. If such judgment or order be concurred in by the commission or a majority thereof, the accused may appeal therefrom to the court of original and unlimited jurisdiction in civil suits of the county wherein he resides. Such appeal shall be taken by serving the commission, within thirty (30) days after the entry of such judgment or order, a written notice of appeal, stating the grounds thereof, and demanding that a certified transcript of the record and of all papers on file in the office of the commission affecting or relating to such judgment or order, be filed by the commission with such court. The commission shall, within ten (10) days after the filing of such notice, make, certify and file such transcript with such court. The court of original and unlimited jurisdiction in civil suits shall thereupon proceed to hear and determine such appeal in a summary manner: *Provided, however,* That such hearing shall be confined to the determination of whether the judgment or order of removal, discharge, demotion or suspension made by the commission, was or was not made in good faith for cause, and no appeal to such court shall be taken except upon such ground or grounds.

Enforce-
ment of
act.

SEC. 10. It shall be the duty of all officers and employees of any such city to aid in all proper ways of carrying out the provisions of this act, and such rules and regulations as may, from time to time, be prescribed by the commission thereunder and to afford the commission, its members and employees, all reasonable facilities and assistance to inspect all books, papers, documents and accounts applying or in any way appertaining to any and all offices, places, positions and employments, subject to civil service, and also to produce said books, papers,

documents and accounts, and attend and testify, whenever required so to do by the commission or any commissioner.

SEC. 11. Whenever a position in the classified service becomes vacant, the appointing power, if it desires to fill the vacancy, shall make requisition upon the commission for the name and address of a person eligible for appointment thereto. The commission shall certify the name of the person highest on the eligible list for the class to which the vacant position has been allocated, who is willing to accept employment. If there is no appropriate eligible list for the class, the commission shall certify the name of the person standing highest on said list held appropriate for such class. If more than one vacancy is to be filled an additional name shall be certified for each additional vacancy. The appointing power shall forthwith appoint such person to such vacant position.

Vacancy in
classified
service.

Whenever requisition is to be made, or whenever a position is held by a temporary appointee and an eligible list for the class of such position exists, the commission shall forthwith certify the name of the person eligible for appointment to the appointing power, and said appointing power shall forthwith appoint the person so certified to said position. No person so certified shall be laid off, suspended, or given leave of absence from duty, transferred or reduced in pay or grade, except for reasons which will promote the good of the service, specified in writing, and after an opportunity to be heard by the commission and then only with its consent and approval.

Eligible
list.

To enable the appointing power to exercise a choice in the filling of positions, no appointment, employment or promotion in any position in the classified service shall be deemed complete until after the expiration of a period of three (3) to six

Probation-
ary service.

(6) months' probationary service, as may be provided in the rules of the Civil Service Commission during which the appointing power may terminate the employment of the person certified to him, or it, if during the performance test thus afforded, upon observation or consideration of the performance of duty, the appointing power deems him unfit or unsatisfactory for service in the department, whereupon the appointing power shall designate the person certified as standing next highest on any such list and such person shall likewise enter upon said duties until some person is found who is deemed fit for appointment, employment or promotion for the probationary period provided therefor, whereupon the appointment, employment or promotion shall be deemed to be complete.

Appointing
power.

SEC. 12. All offices, places, positions and employments coming within the purview of this act, shall be created by the person or group of persons who, acting singly or in conjunction, as a mayor, city manager, chief, common council, commission or otherwise, it is vested by law with power and authority to select, appoint, or employ any person coming within the purview of this act, and nothing herein contained shall infringe upon the power and authority of any such person or group of persons, or appointing power, to fix the salaries and compensation of all employees employed hereunder.

Payroll.

SEC. 13. No treasurer, auditor, comptroller or other officer, or employee of any city, town or municipality in which this act is effective, shall approve the payment of or be in any manner concerned in paying, auditing or approving any salary, wage, or other compensation for services, to any person subject to the jurisdiction and scope of this act, unless a payroll, estimate or account for such salary, wage or other compensation, containing the names of the persons to be paid, the amount to be paid to each

such person, the services on account of which same is paid, and any other information which, in the judgment of the civil service commission, should be furnished on said payroll, bears the certificate of the civil service commission or of its secretary or other duly authorized agent, that the persons named in such payroll, estimate or account have been appointed or employed in compliance with the terms of this act and with the rules of the commission, and that the said payroll, estimate or account is, so far as known to the said commission, a true and accurate statement. The commission shall refuse to certify the pay of any public officer or employee whom it finds to be illegally or improperly appointed, and may further refuse to certify the pay of any public officer or employee who shall wilfully or through culpable negligence violate or fail to comply with this act or with the rules of the commission.

SEC. 14. Leave of absence, without pay, may be granted by any appointing power to any person under civil service: *Provided*, That such appointing power shall give notice of such leave to the commission. All temporary employment caused by leaves of absence shall be made from the eligible list of the classified civil service.

Leave of absence.

SEC. 15. It shall be the duty of the commission to begin and conduct all civil suits which may be necessary for the proper enforcement of this act and of the rules of the commission. The commission shall be represented in such suits by the chief legal officer of the city, but said commission may in any case be represented by special counsel appointed by it.

Civil suits.

SEC. 16. No commissioner or any other person, shall, by himself or in cooperation with one or more persons, defeat, deceive, or obstruct any person in respect of his right of examination or registration

Unlawful practices.

according to the rules and regulations of this act, or falsely mark, grade, estimate or report upon the examination or proper standing of any person examined, registered or certified pursuant to the provisions of this act, or aid in so doing, or make any false representation concerning the same, or concerning the person examined, or furnish any person any special or secret information for the purpose of improving or injuring the prospects or chances of any person so examined, registered or certified, or to be examined, registered or certified or persuade any other person, or permit or aid in any manner any other person to personate him, in connection with any examination or registration of application or request to be examined or registered.

Contri-
butions.

SEC. 17. No person holding any office, place, position or employment subject to civil service, is under any obligation to contribute to any political fund or to render any political service to any person or party whatsoever, and no person shall be removed, reduced in grade or salary, or otherwise prejudiced for refusing so to do. No public officer, whether elected or appointed, shall discharge, promote, demote, or in any manner change the official rank, employment or compensation of any person under civil service, or promise or threaten so to do, for giving or withholding, or neglecting to make any contribution of money, or services, or any other valuable thing, for any political purpose.

Enact
legislation.

SEC. 18. The various cities affected by the provisions of this act, shall immediately upon the taking effect thereof, enact appropriate legislation for carrying this act into effect, and the failure upon the part of the duly constituted authorities of any such city so to do shall be considered a violation of this act and be punishable as such.

Offices and
clerical
assistants.

SEC. 19. The duly constituted authorities of each and every city coming within the purview of this

act, shall provide the commission with suitable and convenient rooms and accommodations and cause the same to be furnished, heated and lighted and supplied with all office supplies and equipment necessary to carry on the business of the commission and with such clerical assistance as may be necessary, all of which is to be commensurate with the number of persons in each such city coming within the purview of this act; and the failure upon the part of the duly constituted authorities to do so, shall be considered a violation of this act and shall be punishable as such.

SEC. 20. In ninety (90) days after the taking effect of this act, it shall be the duty of the duly constituted authorities in each such city, subject to the provisions of this act, to appoint and create a civil service commission as provided for in section 1 hereof, and the failure upon the part of said duly constituted authorities, or any of them, so to do, shall be deemed a violation of this act, and shall be punishable as such.

Commission to be appointed within 90 days.

SEC. 21. It shall be the duty of each commission appointed subject to the provisions of this act, to immediately organize and see to it that the provisions thereof are carried into effect, and to this end to make suitable rules and regulations not inconsistent with the purpose of this act, for the purpose of carrying the provisions thereof into effect; and the failure upon the part of said commission, or any individual member thereof to do so, shall be deemed a violation of this act, and shall be punishable as such.

Immediate organization.

SEC. 22. For the purpose of carrying out the provisions of this act, such city, town or municipality is hereby authorized to appropriate from the general fund not to exceed four-tenths of one per cent (.4 of 1%) of the total payroll of those included under the jurisdiction and scope of the act: *Provided,*

Municipal appropriation.

however, That if the city council or other proper legislative body shall make an appropriation for the support of said commission equal to or more than the said continuing appropriation in any year, this section shall not be operative for said year but otherwise shall be in full force and effect.

Misdemeanor.

SEC. 23. Any person who shall wilfully violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than one hundred dollars (\$100) and by imprisonment in the county jail for not longer than thirty (30) days, or by both such fine and imprisonment. The court of original and unlimited jurisdiction in civil suits shall have jurisdiction of all such offenses defined by this act.

Penalty.

SEC. 24. As used in this act, the following mentioned terms shall have the following described meanings:

"Commission."

The term "commission" means the civil service commission herein created, and the term "commissioner" means any one of the three commissioners of that commission.

"Appointing power."

The term "appointing power" includes every person or group of persons who, acting singly or in conjunction, as a mayor, city manager, council, common council, commission, or otherwise, is or are, invested by law with power and authority to select, appoint, or employ any person to hold any office, place, position or employment subject to civil service.

"Appointment."

The term "appointment" includes all means of selection, appointing or employing any person to hold any office, place, position or employment subject to civil service.

"City."

The term "city" includes all cities, towns and municipalities having a full paid police department.

"Full paid police department."

The term "full paid police department" means that the officers and policemen employed in such

are paid regularly by the city and devote their whole time to police duty: *Provided*, "Full paid police department" whenever used in this act shall also mean "full paid policemen."

SEC. 25. If any section, subsection, subdivision, sentence, clause or phrase of this act, shall for any reason be held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. Partial
invalidity.

SEC. 26. All acts and parts of acts in conflict with the provisions of this act are hereby repealed in so far as they conflict with the provisions of this act. Conflicting
acts.

Passed the Senate January 29, 1937.

Passed the House February 10, 1937.

Approved by the Governor February 19, 1937.

CHAPTER 14.

[S. B. 87.]

DECLARATORY JUDGMENTS.

AN ACT relating to declaratory judgments, amending section 1, chapter 113, Laws of 1935, adding a new section and declaring an emergency.

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

SECTION 1. That section 1, chapter 113, Laws of 1935, be amended to read as follows: Amends
§ 1, ch. 113,
Laws of 1935.

Section 1. Courts of record within their respective jurisdictions shall have power to declare rights, status and other legal relations whether or not further relief is or could be claimed. An action or proceeding shall not be open to objection on the ground that a declaratory judgment or decree is prayed for. The declaration may be either affirma-

tive or negative in form and effect; and such declarations shall have the force and effect of a final judgment or decree.

Adds § 17
to ch. 113,
Laws of 1935.

SEC. 2. A new section known as section 17 is hereby added to chapter 113, Laws of 1935, which shall read as follows:

Actions
pending.

Section 17. This act shall apply to all actions and proceedings now pending in the courts of record of the State of Washington seeking relief under the terms of the uniform declaratory judgments act; and all judgments heretofore rendered; and all such actions and proceedings heretofore instituted and now pending in said courts of record of the State of Washington, seeking such relief, are hereby validated, and the respective courts of record in said actions shall have jurisdiction and power to proceed in said actions and to declare the rights, status and other legal relations sought to have been declared in said pending actions and proceedings in accordance with the provisions of said act.

Effective
immediately.

SEC. 3. 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 January 28, 1937.

Passed the House February 10, 1937.

Approved by the Governor February 19, 1937.

CHAPTER 15.

[S. B. 115.]

SUPREME AND SUPERIOR COURT JUDGES.

AN ACT relating to the filling of vacancies on the supreme and superior courts of this state, and amending sections 11044 and 11049 of Remington's Revised Statutes of Washington.

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

SECTION 1. That section 11044 of Remington's Revised Statutes of Washington be amended to read as follows:

Amends
§ 11044, Rem.
Rev. Stat.
(§ 8662 P. C.)

Section 11044. If a vacancy occurs 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 may qualify on or after, but not before, the second Monday in January next succeeding such general election, and shall hold office for the remainder of the unexpired term: *Provided*, That such vacancy shall only be filled if nominations have first been made therefor in the manner provided in the direct primary law relating to the nonpartisan judiciary.

Supreme
Court
vacancy.

SEC. 2. That section 11049 of Remington's Revised Statutes of Washington be amended to read as follows:

Amends
§ 11049, Rem.
Rev. Stat.
(§ 8627 P. C.)

Section 11049. If a vacancy occurs in the office of a 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 take place at the next succeeding general election, and the judge so elected may qualify on or after, but not before, the second Monday in January next succeeding such general election, and shall hold office for the remainder of the unexpired

Superior
Court
vacancy.

term: *Provided*, That such vacancy shall only be filled if nominations have first been made therefor in the manner provided in the direct primary law relating to the nonpartisan judiciary.

Conflicting
acts.

SEC. 3. That all laws or parts of laws inconsistent or in conflict herewith, be, and the same are, hereby repealed.

Passed the Senate January 28, 1937.

Passed the House February 10, 1937.

Approved by the Governor February 19, 1937.

CHAPTER 16.

[H. B. 344.]

WAGES AND WORKING HOURS OF CITY OWNED PUBLIC UTILITIES EMPLOYEES.

AN ACT relating to cities of the first-class owning and operating public utilities, authorizing such cities to make adjustment or change of daily wages and working hours of employees of such public utilities, validating any ordinance heretofore passed for such purpose, and declaring an emergency.

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

SECTION 1. That, irrespective of the provisions of any annual budget or act relating thereto, any city of the first-class owning and operating any public utility in this state, or public utility department thereof, is hereby authorized to make adjustment or change of the rate of daily wages of employees of such public utility where such adjustment or change is accompanied by or approximately coincidental with a shortening of the work week of such employees, and such adjustment or change will not result in any increase of pay per week, or excess of expenditures over revenues of such public utility.

Any ordinance heretofore passed by any such city for such purpose is hereby validated.

SEC. 2. This act is necessary for the immediate preservation of the public peace, health and safety in such cities, and shall take effect immediately. Effective immediately.

Passed the House February 11, 1937.

Passed the Senate February 17, 1937.

Approved by the Governor February 23, 1937.

CHAPTER 17.

[H. B. 80.]

COUNTY TAX FORECLOSURE.

AN ACT relating to the assessment and collection of taxes and amending section 11278 of Remington's Revised Statutes of Washington.

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

SECTION 1. That section 11278 of Remington's Revised Statutes of Washington be and the same is hereby amended to read as follows: Amends § 11278, Rem. Rev. Stat. (§ 6882-117 P.C.)

Section 11278. After the expiration of five years from the date of delinquency, when any property remains on the tax rolls for which no certificate of delinquency has been issued, the county treasurer shall proceed to issue certificates of delinquency on said property to the county, and shall file said certificates when completed with the clerk of the court, and the treasurer shall thereupon, with such legal assistance as the county commissioners shall provide in counties having a population of thirty thousand or more, and with the assistance of the county prosecuting attorney in counties having a population of less than thirty thousand, proceed to foreclose in the name of the county, the tax liens em- Delinquency certificates to county.

Foreclosure by county.

braced in such certificates, and the same proceedings shall be had as when held by an individual: *Provided*, That notice and summons may be served or notice given exclusively by publication in one general notice, describing the property as the same is described on the tax rolls. It shall be the duty of the county treasurer to mail a copy of the published summons, within fifteen (15) days after the first publication thereof, to the treasurer of each city or town within which any property involved in a tax foreclosure is situated, but the treasurer's failure to do so shall not affect the jurisdiction of the court nor the priority of any tax sought to be foreclosed. Said certificates of delinquency issued to the county may be issued in one general certificate in book form including all property, and the proceedings to foreclose the liens against said property may be brought in one action and all persons interested in any of the property involved in said proceedings may be made codefendants in said action, and if unknown may be therein named as unknown owners, and the publication of such notice shall be sufficient service thereof on all persons interested in the property described therein. The person or persons whose name or names appear on the treasurer's rolls as the owner or owners of said property shall be considered and treated as the owner or owners of said property for the purpose of this section, and if upon said treasurer's rolls it appears that the owner or owners of said property are unknown, then said property shall be proceeded against, as belonging to an unknown owner or owners, as the case may be, and all persons owning or claiming to own, or having or claiming to have an interest therein, are hereby required to take notice of said proceedings and of any and all steps thereunder. The publication of the notice and summons required by this section shall be made by the

Notice.

Proceedings.

Parties.

Publication
of notice.

county treasurer in the official newspaper of the county and shall be paid for by the board of county commissioners out of a special appropriation made for that purpose: *Provided*, The price charged by any such newspaper for such publication, for the whole number of issues, shall not exceed in any case the price stated in the contract of the county with such newspaper for county printing, and that, if such publication cannot be made in said newspaper at said price, the county treasurer may cause such publication to be made in any other newspaper printed, published and of general circulation in the county, at a cost for the whole number of issues not to exceed in any case the maximum rate for county printing fixed by contract for such year.

Publication charges.

Passed the House February 9, 1937.

Passed the Senate February 17, 1937.

Approved by the Governor February 24, 1937.

CHAPTER 18.

[H. B. 183.]

DEFICIENCY APPROPRIATION FOR PUBLIC PRINTER.

AN Act making a deficiency appropriation to the public printer for printing, indexing, binding and editing Session Laws, Senate and House Journals and other legislative printing and binding public documents of the twenty-fourth session and declaring an emergency.

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

SECTION 1. By reason of a deficiency existing in the appropriation made by the twenty-fourth regular session of the legislature, there is hereby appropriated from the general fund of the state treasury the sum of three thousand, five hundred and eighty-three dollars and 43/100 (\$3,583.43) or so much thereof as may be necessary for the use of

Appropriation.

the public printer for the payment of expenses incurred in the printing, indexing, binding and editing session laws, senate and house journals and other legislative printing and binding public documents of the twenty-fourth session.

Effective
immediately.

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

Passed the House February 3, 1937.

Passed the Senate February 17, 1937.

Approved by the Governor February 24, 1937.

CHAPTER 19.

[H. B. 96.]

GRAND COULEE CITY STREET IMPROVEMENTS.

AN ACT making an appropriation for the maintenance, repair, improvements of the streets of the city of Grand Coulee, and declaring this act shall take effect immediately.

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

Appropriation.

SECTION 1. For the maintenance, repairs, improvements of the streets of the city of Grand Coulee there is hereby appropriated from the motor vehicle fund, ten thousand dollars (\$10,000), which sum shall be expended under the supervision of the state highway department.

Effective
immediately.

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

Passed the House February 18, 1937.

Passed the Senate February 17, 1937.

Approved by the Governor February 24, 1937.

CHAPTER 20.

[H. B. 79.]

DISTRAINT AND COLLECTION OF PERSONAL
PROPERTY TAXES IN ADVANCE OF LEVY.

AN ACT relating to the collection of taxes upon personal property by immediate distraint, prescribing the duties of county treasurers in relation thereto and amending section 89, chapter 130, Laws Extraordinary Session 1925, as amended by section 6, chapter 30, Laws of 1935, being section 11250, Remington's Revised Statutes.

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

SECTION 1. That section 89, chapter 130, Laws Extraordinary Session 1925, as amended by section 6, chapter 30, Laws of 1935, being section 11250, Remington's Revised Statutes, be amended to read as follows:

Amends
§ 11250, Rem.
Rev. Stat.
(§ 6882-89
P. C.)

Section 89. Whenever in the judgment of the assessor or the county treasurer personal property is being removed or is about to be removed without the limits of the state, or is being dissipated or about to be dissipated, the treasurer shall immediately prepare papers in distraint, which shall contain a description of the personal property being or about to be removed or dissipated, the amount of the tax, the amount of accrued interest at the rate of ten per cent (10%) per annum from the date of delinquency, and the name of the owner or reputed owner, and he shall without demand or notice distraint sufficient goods and chattels belonging to the person charged with such taxes to pay the same with interest at the rate of ten per cent (10%) per annum from the date of delinquency, together with all accruing costs, and shall advertise and sell said property as provided in section 86 of this act.

Removal of
property
without the
state antici-
pated.

Distraint
and sale
for taxes
without
notice.

If said personal property is being removed or is about to be removed from the limits of the state,

Computation
of taxes
prior to
levy.

is being dissipated or about to be dissipated at any time subsequent to the first day of March in any year, and prior to the levy of taxes thereon, the taxes upon such property so distrained shall be computed upon the rate of levy for state, county and local purposes for the preceding year; and all taxes collected in advance of levy under this section and section 88 of this act, together with the name of the owner and a brief description of the property assessed, shall be entered forthwith by the county treasurer upon the personal property tax rolls of such preceding year, and all collections thereon shall be considered and treated in all respects, and without recourse by either the owner or any taxing unit, as collections for such preceding year. Property on which taxes are thus collected shall thereupon become discharged from the lien of any taxes that may thereafter be levied for the year in which payment or collection is made.

Entered on
tax rolls as
collections
for preced-
ing year.

Property
removed
from county.

Whenever property has been removed from the county wherein it has been assessed, on which the taxes have not been paid, then the county treasurer, or his deputy, shall have the same power to distrain and sell said property for the satisfaction of said taxes as he would have if said property were situated in the county in which the property was taxed, and in addition thereto said treasurer, or his deputy, in the distraint and sale of property for the payment of taxes, shall have the same powers as are now by law given to the sheriff in making levy and sale of property on execution.

Passed the House February 9, 1937.

Passed the Senate February 17, 1937.

Approved by the Governor February 24, 1937.

CHAPTER 21.

[H. B. 634.]

ADDITIONAL APPROPRIATION FOR LEGISLATIVE
EXPENSES.

AN ACT appropriating the sum of forty-five thousand dollars (\$45,000.00), or so much thereof as may be necessary for the expenses of the twenty-fifth legislature and declaring an emergency.

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

SECTION 1. That there be and there is hereby appropriated out of the general fund, the sum of forty-five thousand dollars (\$45,000.00), or so much thereof as may be necessary to be used for the purpose of paying the expenses of the twenty-fifth legislature of the State of Washington. Appropriation.

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

Passed the House February 22, 1937.

Passed the Senate February 23, 1937.

Approved by the Governor February 24, 1937.

CHAPTER 22.

[S. B. 63.]

RAILROAD AND HIGHWAY CROSSINGS.

AN ACT relating to railroad and highway crossings and to the changing and elimination of grade crossings and separations; amending sections 3, 4, 5, 6, 7, 13 and 14 of chapter 30 of the Session Laws of 1913, as amended (sections 10513, 10514, 10515, 10516, 10517, 10523 and 10524, Remington's Revised Statutes), and repealing sections 8 and 9 of chapter 30 of the Session Laws of 1913, as amended (sections 10518 and 10519, Remington's Revised Statutes), and declaring an emergency.

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

Amends
§ 10513, Rem.
Rev. Stat.
(§ 5640 P. C.)

SECTION 1. That section 3 of chapter 30 of the Session Laws of 1913 (section 10513 Remington's Revised Statutes), be amended to read as follows:

Petition for
grade
crossing.

Section 3. 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 town, or the state officers authorized to lay out and construct state roads, or state parks committee, desire to lay out or 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 either above or below grade. Upon receiving such petition the commission shall immediately investigate the same, giving at least ten days' notice to the railroad company or companies and the county or municipality affected thereby, of the time and place of such investigation, to the end that all parties interested may be present and be heard. If the highway involved is a state road or parkway, the director of highways or state

Investiga-
tion.

Hearing.

parks committee shall be notified of the time and place of hearing. The evidence introduced shall be reduced to writing and be filed by the commission. If the commission finds that it is not practicable to cross the railroad or highway either above or below grade, it shall make and file a written order in the cause, granting the right and privilege to construct a grade crossing or denying the application and right to construct a grade crossing *in toto*. The commission, in its discretion, may provide in the order authorizing the construction of a grade crossing, or at any subsequent time, that the railroad company shall install and maintain proper signals, warnings, flagmen, interlocking devices, or other devices or means to secure the safety of the public and its employees. If upon investigation the commission shall find 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 on the petition and hold a supplemental hearing thereon. At least ten days' notice of the time and place of such supplemental hearing shall be given to all land owners that may be affected by the proposed change in location of the highway. At such supplemental hearing the commission shall inquire into the propriety, advisability, and necessity of changing and deflecting the highway as proposed for the purpose of securing an over-crossing, under-crossing, or safer grade crossing. 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 and abandoned shall, in like manner, be notified of the time and place of the

Commission
may author-
ize grade
crossing.

Supple-
mental
hearing.

Adjoining
owner to be
notified.

supplemental hearing. At the conclusion of the hearing on the petition, the commission shall make and file its findings of fact in writing concerning the matters inquired into, and shall determine the location of the crossing which may be constructed, and whether the same shall be an under-crossing, over-crossing, or grade crossing, and shall determine 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. If the commission shall find and determine that a change in route of an existing highway, or abandonment and vacation of a portion thereof is necessary or advisable, it shall further find and determine what private lands, property, or property rights, if any, it is necessary to take, damage, or injuriously affect, for the purpose of laying out and constructing the highway along a new route, and what private lands, property, or property rights, if any, will be affected by the proposed abandonment and vacation of a portion of an existing highway. The lands, property, and property rights found necessary to be taken, damaged, or affected shall be described in said findings with reasonable accuracy, and the right to take, damage or injuriously affect the same shall be acquired as hereinafter provided. In any action brought to acquire the right to take, damage, or injuriously affect any such lands, property, or property rights, the findings of the commission shall be conclusive as to the necessity for taking, damaging, or injuriously affecting the same. A copy of said findings shall be served upon all parties to the cause.

Property
damaged.

Necessity
established.

Findings
conclusive.

Amends
§ 10514, Rem.
Rev. Stat.
(§ 5641 P. C.)

SEC. 2. That section 4 of chapter 30 of the Session Laws of 1913, as amended (section 10514 Rem-

ington's Revised Statutes), be amended to read as follows:

Section 4. The mayor and city council, or other governing body of any city or town, or the county commissioners of any county within which there exists any under-crossing, over-crossing or grade crossing, or where any street or highway is proposed to be located or established across any railroad, or any railroad company whose road is crossed by any highway, may file with the commission their or its petition in writing, alleging that the public safety required the establishment of an under-crossing or over-crossing, or an alteration in the method and manner of an existing crossing, and its approaches, or in the style and nature of construction of any existing over-crossing, under-crossing or grade crossing, or a change in the location of an existing highway or crossing, the closing or discontinuance of an existing highway crossing, and the diversion of travel thereon to another highway or crossing, or if not practicable, to change such crossing from grade or to close and discontinue the same, the opening of an additional crossing for the partial diversion of travel and praying that the same may be ordered. If the existing or proposed crossing is on a state road, highway or parkway, the petition may be filed by the director of highways or state parks committee. Upon such petition being filed, the commission shall fix a time and place for hearing the petition and shall give not less than ten days' notice thereof to the petitioner, the railroad company and the municipality or county in which the crossing is situate. If the highway involved is a state highway or parkway, like notice shall be given to the director of highways or state parks committee. If the change petitioned for requires that private lands, property, or property rights be taken, damaged, or injuriously affected to open up

Petition to
change
crossings.

Notice of
hearing.

Publication
of notice.

Findings.

Order.

a new route for the highway, or requires that any portion of any existing highway be vacated and abandoned, ten days' notice of the hearing shall be given to the owner or owners of the private lands, property, and property rights which it is necessary to take, damage or injuriously affect, and to the owner or owners of the private lands, property, or property rights that will be affected by the proposed vacation and abandonment of the existing highway. The commission shall also cause said notice of hearing to be published once in some newspaper of general circulation in the community where such crossing is situate, which publication shall appear at least two days prior to the date of hearing. At the time and place fixed in the notice, all persons and parties interested shall be entitled to be heard and introduce evidence. At the conclusion of the hearing the commission shall make and file its written findings of fact concerning the matters inquired into in like manner as provided in the preceding section for findings of fact upon petition for new crossings. The commission shall also enter its order based upon said findings of fact, which shall specify whether the highway shall continue at grade or whether it shall be changed to cross over or under the railroad in its existing location or at some other point, and whether an over-crossing or under-crossing shall be established at the proposed location of any street or highway or at some other point, or whether the style and nature of construction of an existing crossing shall be changed, or whether said highway shall be closed and travel thereon diverted to another channel, or any other change that the commission may find advisable or necessary: *Provided*, That in an emergency where a highway is relocated to avoid a grade crossing, or a new crossing is constructed in the vicinity of an existing crossing in the interest of

public safety, the commission may order such existing crossing closed without notice or hearing as specified herein. In case the order made requires that private lands, property, or property rights be taken, damaged or injuriously affected, the right to take, damage or injuriously affect the same shall be acquired as hereinafter provided.

Necessity.

Any petition herein authorized may be filed by the commission on its own motion, and proceedings thereon shall be the same as herein provided for the hearing and determination of a petition filed by a railroad company.

Commission may originate action.

Hereafter, no building, loading platform, or other structure which will tend to obstruct the vision of travelers on a highway or parkway, of approaching railway traffic, shall be erected or placed on railroad or public highway rights of way within a distance of 100 feet of any grade crossing located outside the corporate limits of any city or town unless authorized by the commission, and hereafter no railway cars or equipment shall be spotted less than 100 feet from such crossing except to serve existing facilities of industries.

Obstruction of view prohibited.

The commission shall have the power to specify the minimum vertical and horizontal clearance of under-crossings hereafter constructed, repaired or reconstructed, except as to primary state highways.

Minimum clearance.

SEC. 3. That section 5 of chapter 30 of the Session Laws of 1913 (section 10515 Remington's Revised Statutes) be amended to read as follows:

Amends § 10515, Rem. Rev. Stat. (§ 5642 P. C.)

Section 5. When a highway crosses a railroad by an over-crossing or under-crossing, the framework and abutments of the over-crossing or under-crossing, as the case may be, shall be maintained and kept in repair by the railroad company, and the roadway thereover or thereunder and approaches thereto shall be maintained and kept in

Maintenance of crossing.

repair by the county or municipality in which the same are situated, or if the highway is a state road or parkway, the roadway over or under the railroad shall be maintained and kept in repair as provided by law for the maintenance and repair of state roads and parkways.

The railings of over-crossings shall be considered a part of the roadway. Whenever a highway intersects a railroad at common grade, the roadway approaches within one foot of the outside of either rail shall be maintained and kept in repair by highway authority, and the planking or other materials between the rails and for one foot on the outside thereof shall be installed and maintained by the railroad company. At crossings involving more than one track, maintenance by the railroad company shall include that portion of the crossing between and for one foot on the outside of each outside rail. The minimum length of such planking or other materials shall be 20 feet on future installation or repairs.

Amends
§ 10516, Rem.
Rev. Stat.
(§ 5643 P. C.)

SEC. 4. That section 6 of chapter 30 of the Session Laws of 1913, as amended (section 10516, Remington's Revised Statutes), be amended to read as follows:

Section 6. Apportionment of Cost of Crossings.

SUBDIVISION A.

Railroads to
pay cost of
construction.

Whenever, under the provisions of this act, new railroads are constructed across existing highways, or highway changes are made either for the purpose of avoiding grade crossings on such new railroads, or for the purpose of crossing at a safer and more accessible point than otherwise available, the entire expense of crossing above or below the grade of the existing highway, or changing the route thereof, for the purpose mentioned in this subdivision, shall be paid by the railroad company.

SUBDIVISION B.

Whenever, under the provisions of this act, a new highway is constructed across a railroad, or an existing grade crossing is eliminated or changed (or the style or nature of construction of an existing crossing is changed), the entire expense of constructing a new grade crossing, an over-crossing, under-crossing, or safer grade crossing, or changing the nature and style of construction of an existing crossing, including the expense of constructing approaches to such crossing and the expense of securing rights of way for such approaches, as the case may be, shall be apportioned by the commission between the railroad, municipality or county affected, or if the highway is a state road or parkway, between the railroad and the state, in such manner as justice may require, regard being had for all facts relating to the establishment, reason for, and construction of said improvement. If the highway involved is a state road or parkway, the amount not apportioned to the railroad company shall be paid as provided by law for constructing such state road or parkway.

Commission
to apportion
costs.

SUBDIVISION C.

Whenever two or more lines of railroad owned or operated by different companies cross a highway, or each other, by an over-crossing, under-crossing, or grade crossing required or permitted by this act or by an order of the commission, the portion of the expense of making such crossing not chargeable to any municipality, county or to the state, and the expense of constructing and maintaining such signals, warnings, flagmen, interlocking devices, or other devices or means to secure the safety of the public and the employees of the railroad company, as the commission may require to be constructed and maintained, shall be apportioned

Apportion-
ment of costs
between
roads.

between said railroad companies by the commission in such manner as justice may require, regard being had for all facts relating to the establishment, reason for, and construction of said improvement, unless said companies shall mutually agree upon an apportionment. If it becomes necessary for the commission to make an apportionment between the railroad companies, a hearing for that purpose shall be held, at least ten days' notice of which shall be given.

Amends
§ 10517, Rem.
Rev. Stat.
(§ 5644 P. C.)

SEC. 5. That section 7 of chapter 30 of the Session Laws of 1913 (section 10517, Remington's Revised Statutes) be amended to read as follows:

Section 7. Payment of Costs and Apportionment of Construction Work.

New rail-
roads to bear
whole cost,
when.

In the construction of new railroads across existing highways, the railroads shall do or cause to be done all the work of constructing the crossings and road changes that may be required, and shall acquire and furnish whatever property or easements may be necessary, and shall pay, as provided in the preceding section, the entire expense of such work including all compensation or damages for property or property rights taken, damaged or injuriously affected. In all other cases the construction work may be apportioned by the commission between the parties who may be required to contribute to the cost thereof as the parties may agree, or as the commission may consider advisable. All work within the limits of railroad rights of way shall in every case be done by the railroad company owning or operating the same. The cost of acquiring additional lands, rights or easements to provide for the change of existing crossings shall, unless the parties otherwise agree, in the first instance be paid by the municipality or county within which the crossing is located; or in the case of a state road or parkway, shall be paid in the manner provided by

Stipulations.

Work on
right-of-
way.

law for paying the cost of acquiring lands, rights or easements for the construction of state roads or parkways. The expense accruing on account of property taken or damaged shall be divided and paid in the manner provided for dividing and paying other costs of construction. Upon the completion of the work and its approval by the commission, an accounting shall be had, and if it shall appear that any party has expended more than its proportion of the total cost, a settlement shall be forthwith made. If the parties shall be unable to agree upon a settlement, the commission shall arbitrate, adjust and settle the account after notice to the parties. In the event of failure and refusal of any party to pay its proportion of the expense, the sum with interest from the date of the settlement may be recovered in a civil action by the party entitled thereto. In cases where the commission has settled the account, the finding of the commission as to the amount due shall be conclusive in any civil action brought to recover the same if such finding has not been reviewed or appealed from as herein provided, and the time for review or appeal has expired. If any party shall review or appeal from any finding or order of the commission apportioning the cost between the parties liable therefor, the superior court or the supreme court, as the case may be, shall cause judgment to be entered in such review proceedings for such sum or sums as may be found lawfully or justly due by one party to another.

Commission to arbitrate.

Finding of commission conclusive.

SEC. 6. That section 13 of chapter 30 of the Session Laws of 1913 (section 10523 Remington's Revised Statutes) be amended to read as follows:

Amends
§ 10523, Rem.
Rev. Stat.
(§ 5650 P. C.)

Section 13. Review and Appeal.

Upon the petition of any party to a proceeding before the commission, any finding or findings, or order or orders of the commission, made under color of authority of this act, except as otherwise

Appeals.

provided, may be reviewed in the superior court of the county wherein the crossing is situated, and the reasonableness and lawfulness of such finding or findings, order or orders inquired into and determined, as provided in the Public Service Commission Law for the review of findings and orders made under that act. An appeal may be taken to the supreme court from the judgment of the superior court in like manner as provided in said public service commission law for appeals to the supreme court.

Amends
§ 10524, Rem.
Rev. Stat.
(§ 5651 P. C.)

SEC. 7. That section 14 of chapter 30 of the Laws of 1913 (section 10524, Remington's Revised Statutes) be amended to read as follows:

Section 14. Employment of Engineers and Other Employees.

Employment
of engineers.

The commission may employ temporarily such experts, engineers, and inspectors as may be necessary to supervise changes in existing crossings undertaken under this act; the expense thereof shall be paid by the railroad upon the request and certificate of the commission, said expense to be included in the cost of the particular change of grade on account of which it is incurred, and apportioned as provided in this act.

The commission may also employ such engineers and other persons as permanent employees as may be necessary to properly administer this act.

Repeals
§§ 10518 and
10519, Rem.
Rev. Stat.
(§§ 5645-5646
P. C.)

SEC. 8. That sections 8 and 9 of chapter 30 of the Session Laws of 1913, as amended (sections 10518 and 10519, Remington's Revised Statutes) are hereby repealed.

Effective
immediately.

SEC. 9. This act is necessary for the immediate preservation of the public peace, health, and safety, and shall take effect immediately.

Passed the Senate February 9, 1937.

Passed the House February 17, 1937.

Approved by the Governor February 24, 1937.

CHAPTER 23.

[S. B. 64.]

NAMES OF NORMAL SCHOOLS CHANGED.

AN ACT to change the name of the State Normal School at Bellingham to the Western Washington College of Education, to change the name of the State Normal School at Ellensburg to the Central Washington College of Education, and to change the name of the State Normal School at Cheney to the Eastern Washington College of Education.

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

SECTION 1. That the name of the State Normal School at Bellingham be and the same is hereby changed to the Western Washington College of Education, that the name of the State Normal School at Ellensburg be and the same is hereby changed to the Central Washington College of Education, and that the name of the State Normal School at Cheney be and the same is hereby changed to the Eastern Washington College of Education.

SEC. 2. That such changes of name of said institutions shall not be construed to indicate any change in the purposes, functions or work of said institutions or any of them, but that the same shall be and remain as provided by law.

SEC. 3. That all rights, privileges, immunities and obligations of each of said institutions shall continue to be vested in and be binding upon such institutions under its herein changed name.

Passed the Senate January 27, 1937.

Passed the House February 17, 1937.

Approved by the Governor February 24, 1937.

CHAPTER 24.

[S. B. 132.]

POLICE RELIEF AND PENSION FUNDS.

AN ACT relating to police relief and pension funds in cities of the first-class, providing for the distribution of such funds and designating the beneficiaries; defining the powers and duties of certain officials and amending sections 9582, 9583, 9585, 9586, 9588 of Remington's Revised Statutes of Washington.

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

SECTION 1. That section 9582 of Remington's Revised Statutes be amended to read as follows:

Section 9582. Whenever any person at the taking effect of this act, or thereafter, shall have been duly appointed, and shall have served honorably for a period of twenty-five (25) years or more, as a member, in any capacity of the regularly constituted police department of any such city which may be subject to the provisions of this act, the board shall be empowered to order and direct that such person be retired from such police department, and the board shall retire any member so entitled as hereinbefore provided for, upon his written request for same, and such member so retired shall be paid from such fund during his lifetime a yearly pension which shall be equal to fifty (50) per cent of the amount of salary attached to the rank held by such retired member for the year preceding said date of such retirement: *Provided*, That no monthly pension allowed any member of the police department of any city which may be subject to the provisions of this act, shall exceed the amount of one hundred twenty-five (\$125.00) dollars per month: *Provided, further*, That the auditor, city comptroller or officer whose duty it is to draw warrants, in making out warrants for the monthly salaries shall not deduct or withhold any part or percentage from any members' salary in

Amends
§ 9582, Rem.
Rev. Stat.
(\$ 1203 P.C.)
Retirement.

Pension.

excess of the amount deducted or withheld from the maximum salary rate on which the amount not exceeding one hundred twenty-five (\$125.00) dollars the monthly pension is based.

SEC. 2. That section 9583 of Remington's Revised Statutes be amended to read as follows:

Section 9583. Whenever any person, while serving as a policeman in any such city shall become physically disabled by reason of any bodily injury received in the immediate or direct performance or discharge of his duties as such policeman, or become incapacitated for service, said incapacity not having been caused or brought on by dissipation or abuse, of which the board shall be judge, said board may, upon his written request filed with the secretary of said board, or without such written request, if it deems it to be for the benefit of the public, retire such person from said department, and order and direct that he shall be paid from said fund during his lifetime, a yearly pension equal to one-half of the amount of salary attached to the rank which he may have held in said police department at the date of such retirement, but not to exceed one hundred twenty-five (\$125.00) dollars per month: *Provided*, That whenever such disability shall cease, such pension shall cease, and such person shall be restored to active service at the same salary he received at the time of his retirement.

SEC. 3. That section 9585 of Remington's Revised Statutes be amended to read as follows:

Section 9585. Whenever any member of the police department of any such city shall lose his life through violence while actually engaged in the performance of his duty as such police officer, leaving a widow or child or children under the age of sixteen years, then upon satisfactory proof of such facts made to it, such board shall order and direct that a yearly pension, equal to one-half of the amount of

Amends
§ 9583, Rem.
Rev. Stat.
(§ 1204 P. C.)

Disabled by
injuries.

Amends
§ 9585, Rem.
Rev. Stat.
(§ 1206 P. C.)

Loss of life
in service.

Pension to widow or children.

the salary attached to the rank which such member held in said police department at the time of his death, shall be paid to such widow during her life, or if no widow, then to the child or children, until they shall be sixteen years of age: *Provided*, That if such widow or child or children, shall marry, then such person so marrying shall thereafter receive no further pension from such fund: *Provided, further*, That if any member, so losing his life, leaves no wife, or child or children, under the age of sixteen years, then the said board shall pay the sum of not more than one hundred and fifty (\$150.00) dollars toward the funeral expenses of such member.

Funeral expenses.

Amends § 9586, Rem. Rev. Stat. (§ 1207 P. C.)

SEC. 4. That section 9586 of Remington's Revised Statutes be amended to read as follows:

Death after retirement from actual service.

Section 9586. Whenever any member of the police department of such city shall, after five years of service in said department, die, then his widow, or child, or children under the age of sixteen years, or if there be no widow or children, then his parents or unmarried sister, minor brother or brothers, dependent upon him for support, shall be entitled to the sum of one thousand (\$1,000.00) dollars from such fund. This section to apply to members who shall have been retired, for any reason, from active service under the provisions of this act.

Payment to widow or next of kin.

Amends § 9588, Rem. Rev. Stat. (§ 1209 P. C.)

SEC. 5. That section 9588 of Remington's Revised Statutes be amended to read as follows:

Pension terminated for cause.

Section 9588. Whenever any person who shall have received any benefit from said fund shall be convicted of any felony, or shall become an habitual drunkard, or shall fail to report himself for examination for duty as required herein, unless excused by the board, or shall disobey the requirements of said board then such board shall order and direct that such pension or allowance that may have been granted to such person shall immediately cease, and such person shall receive no further pension or al-

lowance or benefit under this act, but in lieu thereof the said pension or allowance or benefit may, at the discretion of the board, be paid to those immediately dependent upon him, or to his legally appointed guardian.

SEC. 6. Nothing contained in this act shall affect or be construed as affecting the validity of any act done, obligation entered into, or rights accrued, or any proceedings had or pending under the act of which this act is amendatory. Existing rights not affected.

SEC. 7. If any section or part of this act shall be held to be unconstitutional and void, such holding shall not effect the remaining portions of the act. Partial invalidity.

Passed the Senate February 3, 1937.

Passed the House February 17, 1937.

Approved by the Governor February 24, 1937.

CHAPTER 25.

[H. B. 334.]

AGRICULTURAL EXPERIMENT STATION ESTABLISHED AT WENATCHEE.

AN ACT establishing a branch of the Washington agricultural experiment station for the tree fruit industry at Wenatchee and making an appropriation therefor.

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

SECTION 1. The board of regents of the state college of Washington is hereby authorized to establish and maintain at Wenatchee, a substation of the Washington agricultural experiment station, for the purpose of conducting investigational work upon the principles and practices of orchard culture, spray residue removal, developing of insecticides non-toxic to humans, fertilization, pollenization, testing of new fruit varieties, improving the method of combating fruit diseases and insect pests, research for the pur- Establishment of sub-station.

pose of developing by-products, proper handling, marketing and utilization of such by-products, orchard management, and such other subjects relative to horticultural problems as may seem advisable.

Location.

SEC. 2. The substation may be located at such place in or near Wenatchee as shall be determined by the board of regents of the state college of Washington, with the view of rendering the greatest aid to the horticultural industry in the state.

Appropriation.

SEC. 3. There is hereby appropriated from the general fund the sum of sixty-two thousand five hundred dollars (\$62,500.00) or so much thereof as may be necessary for carrying out the provisions of this act.

Passed the House February 11, 1937.

Passed the Senate February 17, 1937.

Approved by the Governor February 25, 1937.

CHAPTER 26.

[H. B. 132.]

TRANSPORTATION OF "SEEING EYE" DOGS WITHOUT CHARGE.

AN ACT relating to the transportation on common carriers and public conveyances of "seeing eye" dogs without extra charge while being used by sightless passengers.

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

SECTION 1. Any sightless person who is a passenger for hire on any common carrier, motor vehicle, railroad train, motor bus, street car, boat or other public conveyance or mode of transportation, operating within the state, shall be entitled to have with him as his "seeing eye" a dog specially trained for that purpose, without being required to pay any additional charge therefor and the transportation

thereof shall be included in such passenger's regular standard fare.

Passed the House February 1, 1937.

Passed the Senate February 17, 1937.

Approved by the Governor February 25, 1937.

CHAPTER 27.

[S. B. 122.]

WASHINGTON-OREGON BOUNDARY COMMISSION.

AN ACT providing for a commission to negotiate a compact and treaty with the State of Oregon fixing the boundaries between the states of Oregon and Washington in certain areas of the Columbia River, providing for the making of the necessary surveys therefor, making an appropriation, and providing when said act shall take effect.

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

SECTION 1. The true location of the boundary line between the states of Oregon and Washington in the neighborhood of Sand Island in the Columbia River, and south of Pacific County, Washington, has, for many years, been the subject of costly litigation between both the interested states and private parties. 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,"

Commission
created.

Members.

and in this act referred to as the "commission." Said commission shall be composed of three members, to-wit: The governor, attorney general and commissioner of public lands of the State of Washington, of which the governor shall be the chairman, and the commissioner of public lands, the secretary.

Power and authority.

SEC. 2. Said commission 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 location of that portion of the boundary line between the states of Oregon and Washington lying between the extension south of the line between sections 4 and 5, township nine north, of range eleven west, and the extension south of the line between sections sixteen and seventeen, township nine north, of range ten west, Willamette Meridian, 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 to incur such incidental expenses as it shall deem necessary.

Compact and treaty.

SEC. 3. Upon completing such investigation it shall be the duty of said commission acting for and on behalf of the State of Washington, to make and enter into a compact and treaty with the State of Oregon, acting by and through such officer or commission as shall have power and authority so to act, fixing and establishing for the distance set forth in section 2 hereof the boundary line between the states of Oregon and Washington by metes and bounds made with reference to permanent monuments fixed and established on the upland banks of the Columbia River.

Ratification.

SEC. 4. Upon the compact and treaty referred to in section 3 hereof being approved and ratified by the legislatures of the states of Oregon and Wash-

ington, and by the Congress of the United States, the boundary line as so fixed and established by said compact and treaty shall thereupon be and constitute the permanent and fixed boundary line between the said states of Oregon and Washington.

SEC. 5. For the purpose of carrying out the provisions of this act there is hereby appropriated out of any monies in the state treasury, not otherwise appropriated, the sum of fifteen 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 thereof.

Vetoed.

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

Effective immediately.

Passed the Senate February 4, 1937.

Passed the House February 17, 1937.

Approved by the Governor February 24, 1937, with the exception of section 5 which is vetoed.

CHAPTER 28.

[S. B. 114.]

PROBATE LAW.

AN ACT relating to probate law and procedure, and adding certain sections to the code of probate law and procedure established by chapter 156 of the Laws of 1917, as amended (being Remington's Revised Statutes, sections 1371-1592, inclusive), and amending certain sections of said code.

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

SECTION 1. That a new section be added to Remington's Revised Statutes which shall be known as section 1590-1, which shall read as follows:

Adds § 1590-1, Rem. Rev. Stat. (§ 9795-11 P. C.)

Section 1590-1. If, at any hearing upon the final account or report of any executor, administrator or

Disapproval of final report.

guardian, it shall appear to the court before which said proceeding is pending that said executor, administrator or guardian has not fully accounted to the beneficiaries of his or her trust and that said final report or account should not be approved as rendered, the court may continue said hearing to a day certain and may cite the surety or sureties upon the bond of said executor, administrator or guardian to appear upon the date fixed in said citation and show cause why the account should not be disapproved and judgment entered for any deficiency against said executor, administrator or guardian and the surety or sureties upon his or her bond. Said citation shall be personally served upon said surety or sureties in the manner provided by law for the service of summons in civil actions and shall be served not less than twenty days previous to said hearing. At said hearing any interested party, including the surety so cited, shall have the right to introduce any evidence which shall be material to the matter before the court. If, at said hearing, the final account of said executor, administrator or guardian shall not be approved and the court shall find that said executor, administrator or guardian is indebted to the beneficiary or beneficiaries of his or her trust in any amount, said court may thereupon enter final judgment against said executor, administrator or guardian and the surety or sureties upon his or her bond, which judgment shall be enforceable in the same manner and to the same extent as judgments in ordinary civil actions.

The words "executor" and "administrator," as used herein, shall be deemed and construed to also mean executrix and administratrix.

SEC. 2. That a new section be added to Remington's Revised Statutes which shall be known as section 1590-2, which shall read as follows:

Section 1590-2. If, in any probate or guardianship proceeding, any executor, administrator or

Adds
§ 1590-2, Rem.
Rev. Stat.
(§ 9795-12
P. C.)

Proceedings
to compel an
accounting.

guardian shall fail or neglect to account to the court for his or her trust and any beneficiary or other interested party shall be reasonably required to employ legal counsel to institute legal proceedings to compel an accounting, or if an erroneous account or report shall be rendered by any executor, administrator or guardian and any beneficiary of said trust or other interested party shall be reasonably required to employ legal counsel to resist said account or report as rendered, and upon a hearing an accounting shall be ordered, or the account as rendered shall not be approved, and the said executor, administrator or guardian shall be charged with further liability, the court before which said proceeding is pending may, in its discretion, in addition to statutory costs, enter judgment for a reasonable attorney's fees in favor of the person or persons instituting said proceedings and against said executor, administrator or guardian, and in the event that the surety or sureties upon the bond of said executor, administrator or guardian be made a party to said proceeding, then jointly against said surety and said executor, administrator or guardian, which judgment shall be enforced in the same manner and to the same extent as judgments in ordinary civil actions.

SEC. 3. That section 1494 of Remington's Revised Statutes be amended to read as follows:

Section 1494. Whenever it shall appear to the satisfaction of the court that any portion or all of the real property should be sold or mortgaged for the purpose of raising money to pay the debts and obligations of the estate, and the expenses of administration, inheritance tax or for the support of the family, or for such other purposes as the court may deem right and proper, the court may order the sale or mortgage of such portion of the property as appears to the court necessary for the purpose afore-

Amends
§ 1494, Rem.
Rev. Stat.
(§ 9976 P. C.)

Real prop-
erty, sale or
mortgage.

Petition.

said. It shall be the duty of the executor or administrator to present a petition to the court giving a description of all the property of the estate and its character, the amount of the debts, expenses and obligations of the estate and such other things as will tend to assist the court in determining the necessity for the sale or mortgage and the amount thereof. Unless the court shall by order expressly so provide, no notice of the hearing of such petition for sale or mortgage need be given, except as provided in section 1434 hereof; if, however, the court should order notice of such hearing, it shall determine upon the kind, character and time thereof. At the hearing of such petition the court may have brought before it such testimony or information as it may see fit to receive, for the purpose of determining whether it should order any of the property of the estate sold or mortgaged. The absence of any allegation in the petition shall not deprive the court of jurisdiction to order said sale or mortgage, and the court may, if it see fit, order such sale or mortgage or both without any petition having been previously presented.

Passed the Senate January 28, 1937.

Passed the House February 17, 1937.

Approved by the Governor February 26, 1937.

CHAPTER 29.

[S. S. B. 65.]

REFUNDS OF OVERCHARGES BY PUBLIC SERVICE COMPANIES.

AN ACT relating to refunds of overcharges by public service companies and prescribing procedure in matters relating thereto, and repealing section 1 of chapter 148, Laws of 1933 (section 10433, Remington's Revised Statutes).

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

SECTION 1. When complaint has been made to the Department of Public Service concerning the reasonableness of any rate, fare, toll, rental or charge for any service performed by any public service company, and the same has been investigated by the department, and the department has determined that the public service company has charged an excessive or exorbitant amount for such service, the department may order that the public service company pay to the complainant the excess amount found to have been charged, with interest from the date of the filing of complaint.

Excessive charges.

SEC. 2. When complaint has been made to the department that any public service company has charged an amount for any service rendered in excess of the lawful rate in force at the time such charge was made, and the same has been investigated and the department has determined that the overcharge allegation is true, the department may order that the public service company pay to the complainant the amount of the overcharge so found, whether such overcharge was made before or after the filing of said complaint, with interest from the date of collection of such overcharge.

Refund of overcharge.

SEC. 3. If the public service company does not comply with the order of the department for the payment of the overcharge within the time limited

Suit instituted.

in such order, suit may be instituted in any superior court where service may be had upon the said company to recover the amount of the overcharge with interest. It shall be the duty of the department to certify its record in the case, including all exhibits, to the court. Such record shall be filed with the clerk of said court within thirty days after such suit shall have been started and said suit shall be heard on the evidence and exhibits introduced before the department and certified to by it. If the complainant shall prevail in such action, the superior court shall enter judgment for the amount of the overcharge with interest and shall allow complainant a reasonable attorney's fee, and the cost of preparing and certifying said record for the benefit of and to be paid to the department by complainant, and deposited by the department in the public service revolving fund, said sums to be fixed and collected as a part of the costs of the suit. If the order of the department shall be found to be contrary to law or erroneous by reason of the rejection of testimony properly offered, the court shall remand the cause to the department with instructions to receive the testimony so proffered and rejected and enter a new order based upon the evidence theretofore taken and such as it is directed to receive. The court may in its discretion remand any cause which is reversed by it to the department for further action. Appeals to the supreme court shall lie as in other civil cases.

All complaints concerning overcharges shall be filed with the department within two years from the time the cause of action accrues, and the suit to recover the overcharge shall be filed in the superior court within one year from the date of the order of the department.

Judgment.

Cause re-
manded to
department.

Appeals.

Limitation of
actions.

Exclusive
remedy.

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.

SEC. 4. That section 1 of chapter 148, Laws of 1933 (section 10433, Remington's Revised Statutes) is hereby repealed.

Repeals
§ 10433, Rem.
Rev. Stat.
(§ 5618 P. C.)

Passed the Senate February 4, 1937.

Passed the House February 24, 1937.

Approved by the Governor March 1, 1937.

CHAPTER 30.

[S. B. 66.]

ISSUANCE OF SECURITIES BY PUBLIC SERVICE COMPANIES.

AN ACT relating to public service companies, providing for the supervision, regulation, restriction and control of the issuance of securities thereby, providing for the payment of fees, and providing penalties for the violation thereof, and amending sections 3 and 6 of chapter 151 of the Laws of 1933.

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

SECTION 1. That section 3 of chapter 151 of the Laws of 1933 be amended to read as follows:

Amends § 3,
ch. 151, Laws
of 1933.

Section 3. A public service company may issue stocks and stock certificates or other evidence of interest or ownership, and bonds, notes and other evidences of indebtedness payable on demand or at periods of more than twelve months after the date thereof, for the following purposes and no others: Namely, for the acquisition of property, or for the construction, completion, extension or improvement of its facilities or for the improvement or maintenance of its service, or for the discharge or lawful refunding of its obligations, or for the reimbursement of monies actually expended from income or from any other monies in the treasury of the public service company not secured by or obtained from the issue of stocks or stock certificates or other evi-

Issuance of
securities.

dence of interest or ownership or bonds, notes or other evidences of indebtedness of such public service company for any of the aforesaid purposes except maintenance of service, in cases where the applicant shall have kept its accounts and vouchers for such expenditures in such manner as to enable the department to ascertain the amount of monies so expended and the purpose for which such expenditure was made.

Amends § 6,
ch. 151, Laws
of 1933.

SEC. 2. That section 6 of chapter 151 of the Laws of 1933 be amended to read as follows:

Notes.

Section 6. A public service company may issue notes, except demand notes, for proper purposes and not in violation of any provision of this act, or any other act, payable at periods of not more than twelve months after the date of issuance of the same, without the consent of the department, but no such note shall, in whole or in part, be refunded by any issue of stocks or stock certificates or other evidence of interest or ownership, or bonds, notes, or other evidence of indebtedness, without the consent of the department.

Fees.

Each public service company making application to the department for authority to issue stocks and stock certificates or other evidence of interest or ownership and bonds, notes and other evidence of indebtedness, shall pay to the department the following fees: For each order authorizing an issue of bonds, notes or other evidences of indebtedness, one dollar (\$1.00) for each one thousand dollars (\$1,000.00) of the face value or principal amount of the authorized issue or fraction thereof up to one million dollars (\$1,000,000.00), and fifty cents (\$0.50) for each one thousand dollars (\$1,000.00) over one million dollars (\$1,000,000.00) and up to ten million dollars (\$10,000,000.00), and ten cents (\$0.10) for each one thousand dollars (\$1,000.00) over ten million dollars (\$10,000,000.00), with a mini-

imum fee in any case of ten dollars (\$10.00); for each order authorizing an issue of stock, stock certificates, or other evidence of interest or ownership, one dollar (\$1.00) for each one thousand dollars (\$1,000.00) of the par or stated value of the authorized issue or fraction thereof up to one million dollars (\$1,000,000.00), and fifty cents (\$0.50) for each one thousand dollars (\$1,000.00) over one million dollars and up to ten million dollars (\$10,000,000.00), and ten cents (\$0.10) for each one thousand dollars (\$1,000.00) over ten million dollars (\$10,000,000.00), with a minimum fee in any case of ten dollars (\$10.00): *Provided*, That only twenty-five per cent (25%) of the fees hereinabove stated need be paid on any issue or on such portion of any such issue as may be used to guarantee, take over, refund or discharge any stock issue or stock certificates, bonds, notes, or other evidence of interest, ownership, or indebtedness on which a fee has theretofore been paid or on authorizations of notes issued to banks, loaning institutions or affiliated interests: *And provided further*, That if the department modifies the amount of the issue requested in any case and the applicant thereupon elects not to avail itself of the department's authorization, no fee need be paid. All fees charged and collected under this section shall be paid at least once each month to the state treasurer and by him deposited in the public service revolving fund.

Passed the Senate February 4, 1937.

Passed the House February 24, 1937.

Approved by the Governor March 1, 1937.

CHAPTER 31.

[S. B. 130.]

BANKS AND TRUST COMPANIES.

AN ACT relating to banking and trust business; amending section 3285 of Remington's Revised Statutes of Washington, being section 78, chapter 80, of the Laws of 1917; and declaring that this act shall take effect immediately.

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

SECTION 1. That section 3285 of Remington's Revised Statutes of Washington, being section 78, chapter 80 of the Laws of 1917, be amended to read as follows:

Amends
§ 3285, Rem.
Rev. Stat.
(§ 328 P. C.)

Continuance
under former
laws.

Section 3285. Every corporation, which at the time this law becomes operative, is 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 the time when this law becomes operative, may, if it otherwise complies with the provisions of this act, 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 act:
Provided:

Capitol stock
must be
fully paid.

1. That any such bank, which was by the state bank examiner 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 said examiner may require;

Articles
amended.

2. That, except with written permission of the supervisor of banking, any bank or trust company which shall amend its articles of incorporation must in such event comply with all the requirements of this act;

3. That the directors of trust companies at the time this act becomes operative may continue to hold such office for the terms for which elected, but the terms of all directors hereafter elected shall be governed by this act.

Directors of
trust
companies.

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

Effective
immediately.

Passed the Senate February 4, 1937.

Passed the House February 24, 1937.

Approved by the Governor March 1, 1937.

CHAPTER 32.

[S. B. 163.]

COUNTY LAW LIBRARIES.

AN ACT relating to county law libraries in certain counties, and to provide for their government and maintenance, and amending section 8254, Remington's Revised Statutes.

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

SECTION 1. That section 8254 of Remington's Revised Statutes (section 8, chapter 84, Laws of 1919) be and the same is hereby amended to read as follows:

Amends
§ 8254, Rem.
Rev. Stat.
(§ 5512-8
P. C.)

Section 8254. In every civil action hereafter commenced in the superior courts of counties to which this act is applicable, there shall be paid to the clerk of the court, in addition to other fees required by law, by the plaintiff or person instituting the action, when the case is entered in the court or when the first paper on his part is filed therein, a fee of one dollar and fifty cents (\$1.50), and by the defendant or other adverse party and by an inter-

Additional
fees in civil
actions.

vener, or by groups of two or more defendants or other adverse parties or interveners appearing separately from the others, when his or their appearance is entered in the case, or when his or their first paper is filed therein, a fee of one dollar and fifty cents (\$1.50). Such fees shall be costs in the case and taxable as such. The clerk shall pay the same into the county treasury, where they shall go into the law library fund and be expended only for the county law library.

Credited to
library fund.

Passed the Senate February 9, 1937.

Passed the House February 24, 1937.

Approved by the Governor March 1, 1937.

CHAPTER 33.

[S. B. 195.]

DEFICIENCY APPROPRIATION FOR THE SECRETARY OF STATE.

AN ACT making a deficiency appropriation to the Secretary of State for printing initiative and referendum measures and constitutional amendments and pamphlets containing abstract of votes cast at the Primary Election held September 8, 1936 and at the General Election held November 3rd, 1936 and declaring an emergency.

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

SECTION 1. By reason of a deficiency existing in the appropriation made by the Twenty-fourth Regular Session of the Legislature, there is hereby appropriated from the general fund of the state treasury the sum of eleven thousand, four hundred and twenty-eight dollars and 84/100 (\$11,428.84) or so much thereof as may be necessary for the use of the secretary of state in the payment of expenses incurred in the printing of pamphlets containing initiative and referendum measures and constitutional

Appropriation.

amendments and pamphlets containing abstract of the votes cast at the Primary Election held September 8, 1936, and at the General Election held November 3rd, 1936.

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

Passed the Senate February 8, 1937.

Passed the House February 24, 1937.

Approved by the Governor March 1, 1937.

CHAPTER 34.

[H. B. 41.]

ACQUISITION OF CAMP SITES AND PARKS BY COUNTIES.

AN ACT relating to the acquisition and use of camp sites, parks, scenic-view sites and recreational sites by counties of this state, and providing for the making of rules and regulations for the use thereof and penalties for violation thereof.

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

SECTION 1. That the counties of this state be and they are hereby empowered and authorized to acquire by purchase or by gift, dedication or donation camping sites, parks, scenic-view sites and recreational sites for public use and enjoyment. Acquisition by county.

SEC. 2. That each county in the state shall make rules and regulations for the use and occupation of such sites and/or parks, and may provide for the upkeep, maintenance and care thereof. Rules and regulations.

SEC. 3. Upon the petition of one hundred (100) qualified voters within any county, the county commissioners of said county may transfer designated Transfer to state.

parcels of county-owned land to the State of Washington for park purposes.

Penalty.

SEC. 4. Any person violating any of the rules or regulations made by the said board of county commissioners of any county of the State of Washington relating to the use or occupation of any sites or parks owned or occupied by said county, shall be guilty of a misdemeanor.

Passed the House February 5, 1937.

Passed the Senate February 25, 1937.

Approved by the Governor March 1, 1937.

CHAPTER 35.

[H. B. 100.]

TIDELANDS OF SAN JUAN COUNTY CLOSED TO COMMERCIAL CLAM DIGGING.

AN ACT closing the tide lands of San Juan county to commercial clam digging until July 1, 1943.

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

Clams.

SECTION 1. It shall be unlawful for any person to take or dig clams from any of the tide lands in San Juan county for commercial purposes, between the effective date of this act and July 1, 1943. Nothing in this act shall prevent the taking of not to exceed twenty (20) pounds in weight, including shells, in clams in any day by one person for the personal use of such person.

Passed the House February 2, 1937.

Passed the Senate February 25, 1937.

Approved by the Governor March 1, 1937.

CHAPTER 36.

[H. B. 119.]

VETERANS' CEMETERY AT OLYMPIA.

AN ACT relating to cemetery plots for veterans and making appropriations therefor.

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

SECTION 1. The director of the Department of Finance, Budget and Business is hereby authorized and directed to contract with Olympia Lodge No. 1, F. & A. M., a corporation, for the improvement and perpetual care of the State Veterans' plot in the Masonic Cemetery at Olympia; such care to include the providing of proper curbs and walks, cultivating, reseeding and fertilizing grounds, repairing and re-setting the bases and monuments in place on the ground, levelling grounds, and transporting and setting headstones for graves of persons hereafter buried on the plot.

Contract for care of State Veterans' plot.

SEC. 2. The said plot shall be available without charge or cost for the burial of persons who have served in the army, navy, or marine corps in the United States, in the Spanish American War, Philippine Insurrection, or the Chinese Relief Expedition, or who has served in any said branches of said service at any time between April 21, 1898 and July 4, 1902.

Plot available without charge.

SEC. 3. There is hereby appropriated from the general fund of the State of Washington, not otherwise appropriated, the sum of four thousand dollars (\$4,000), or so much thereof as may be necessary for carrying out the purposes of this act.

Appropriation.

Passed the House February 26, 1937.

Passed the Senate February 25, 1937.

Approved by the Governor March 1, 1937.

CHAPTER 37.

[H. B. 240.]

FEEDSTUFFS, COMMERCIAL FERTILIZERS AND
LIVESTOCK REMEDIES.

AN ACT relating to manufacturing, sale and distribution of concentrated commercial feeding stuffs, commercial fertilizers and livestock remedies and defining the powers and duties of the director of agriculture in relation thereto; providing for chemists of the department of agriculture and defining their duties; providing for the registration, inspection and sampling of concentrated commercial feeding stuffs, commercial fertilizers and livestock remedies; providing for brands of concentrated commercial feeding stuffs, commercial fertilizers and livestock remedies; defining "manufacturer," "importer," "mixer," "distributor," "agent" and "vendor"; providing penalty for violation; providing for cancellation of brand registration; defining the duties of prosecuting attorneys under this act; providing penalties for obstructing the enforcement of this act; defining domestic birds, domestic fowl and domestic animals; defining "standard sack"; requiring labels and other information; regulating advertising of other than standard sacks; providing for sale and regulation of use of leather as fertilizer; providing for hay and alfalfa mixes; providing for use of secondhand sacks; making unlawful the inclusion of certain by-products in concentrated commercial feeding stuffs; defining "concentrated commercial feeding stuffs"; limiting crude fiber to ten per cent, with certain exceptions, and crude ash to twelve per cent in concentrated commercial feeding stuffs; adopting certain definitions promulgated by the Association of American Feed Control Officials, Inc., and the American Association of Official Agricultural Chemists; defining "commercial fertilizers" and providing for the labelling of packages thereof; defining "livestock remedies" and providing for registration thereof; creating a feed and fertilizer fund and making an appropriation therefrom; saving the constitutionality of separate sections of this chapter; providing for repeal of acts or parts of acts in conflict herewith; and declaring an emergency.

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

Director of
Agriculture.

SECTION 1. The director of agriculture is hereby empowered to prescribe and enforce such rules and regulations and make such definitions relating to

concentrated commercial feeding stuffs, commercial fertilizers or livestock remedies as he may deem necessary to carry into effect the full intent and meaning of this chapter and may register or refuse the registration of any concentrated commercial feeding stuffs, commercial fertilizers or livestock remedies which may be sold or offered or exposed for sale or distribution within the State of Washington, and which do not comply with all of the provisions of this chapter, or with regulations which may be hereafter made by the director of agriculture concerning concentrated commercial feeding stuffs, commercial fertilizers or livestock remedies, or which contain noxious weed seeds or other materials which may contaminate the soil as they may be defined or determined by the director of agriculture.

SEC. 2. The chemist of the agricultural experiment station of the State College of Washington and the dean of the college of pharmacy of the University of Washington shall be the chemists of the department of agriculture, and it shall be the duty of such chemists or either of them, without compensation other than their expenses necessarily incurred in the performance of such work, to analyze any and all substances that the director of agriculture of the State of Washington, his deputies or inspectors may send to them, and report to the director, without unnecessary delay, the results of any analyses so made, and when called upon by said director any such chemist, or any of the additional chemists as hereafter provided, shall assist, as an expert or otherwise, in any prosecutions for the violation of any law pertaining to the department.

Chemists.

Duties.

SEC. 3. (a) The director of agriculture may appoint one or more competent graduate chemists to serve as additional chemists of the department of agriculture and such chemists may be required to

Additional chemists.

and are empowered to perform any or all of the duties required of the chemists of the department of agriculture authorized in section 2 of this act. Such additional chemists shall be entitled to such compensation for their services as may be determined by the director of agriculture. Any of such additional chemists may be assigned to duties under the supervision of either of the chemists authorized in section 2 of this act;

State college.

(b) In order to promote better laboratory facilities, materials and equipment, and when consistent with prompt and efficient service, the director of agriculture may submit feeds, fertilizers, livestock remedies, insecticides and similar substances, preferably to the authorized chemist at the State College of Washington and he may submit foods, drugs, dairy products and similar substances, preferably to the authorized chemist at the University of Washington.

University.

Samples for analysis.

SEC. 4. The director of agriculture, or any person deputized by him is hereby empowered to procure from any lot, parcel or package of concentrated commercial feeding stuffs or commercial fertilizers offered for sale, or found in the State of Washington, a sample, quantity thereof not to exceed two pounds, but the said sample shall be taken in the presence of the party or parties in interest, or their representatives, and taken from a parcel or number of packages which shall be not less than ten per cent (10%) of the whole lot inspected, and shall be thoroughly mixed, the same to be divided into two approximately equal parts, each to be sealed, and one part promptly delivered to the manufacturer, importer, mixer, distributor, agent or vendor, the other to be delivered to a chemist of the department of agriculture. A label shall be placed on each sample stating the name or brand of the material sampled, the name of the party from whose stock the sample was taken, and the time and place of taking the same, and said

Label.

label shall be signed by the director or his deputy, and by the party or parties in interest, or their representatives present at the taking and sealing of said samples. Said chemist who makes the analysis shall return to the department of agriculture two certified copies of his findings, one copy of which shall be forwarded promptly to the manufacturer, importer, mixer, distributor, agent or vendor thereof. Such certified findings shall be admissible in the trial of any case, civil or criminal, involving any provision of this chapter as *prima facie* evidence of the facts therein set forth.

Certified findings.

SEC. 5. It shall be unlawful for any manufacturer, importer, mixer, distributor, agent or vendor to sell, offer to sell, or distribute any brand of concentrated commercial feeding stuff, commercial fertilizer or livestock remedy in the State of Washington, unless each such brand shall have been registered with the director of agriculture on a form prescribed by the director and showing the ingredients and the guaranteed analysis, and a registration fee of six dollars (\$6.00) for each brand shall have been paid to the said director. Each such manufacturer, importer, mixer, distributor, agent or vendor shall on or before the first day of April of each calendar year, after the registration of any brand in the manner provided above, pay to the director of agriculture an annual registration fee of six dollars (\$6.00) for each such brand manufactured or mixed by him, which fee shall be paid by the director of agriculture into the state treasury to be used exclusively for the maintenance and enforcement of the provisions of this chapter: *Provided*, That a sum not to exceed fifteen per cent (15%) of the registration fees above specified, collected in any one year, may be used with the approval of the director of agriculture for the purchase of equipment and materials necessary to facilitate the testing and analysis of concentrated com-

Brand must be registered.

Fee.

mercial feeding stuffs, commercial fertilizers or livestock remedies.

Definitions.

SEC. 6. The words "manufacturer," "importer," "mixer," "distributor," "agent" or "vendor" as used in this chapter shall be deemed to include any individual, firm, corporation or association engaged in the manufacture, sale, distribution or mixing of any concentrated commercial feeding stuff, commercial fertilizer or livestock remedy, which is exposed, offered for sale or distributed in the State of Washington.

Domestic animals.

SEC. 7. For all the purposes of this chapter, domestic animals shall include horses, cattle, sheep, pigs, mules, dogs, cats, rabbits, canaries, parrots, pigeons, chickens, turkeys, ducks, geese and all other species of animals, birds or fowl which have been brought under control by man and adapted to his uses or pleasures.

Penalty.

SEC. 8. Whoever violates any of the provisions of this chapter shall be guilty of a misdemeanor and upon conviction thereof, shall for the first offense be fined not more than one hundred dollars (\$100.00) and for the second and each subsequent offense not more than five hundred dollars (\$500.00).

Registration cancelled or refused.

SEC. 9. (a) The director, after a hearing as herein provided, may cancel the registration of, or refuse to register, the brand or brands of any person who sells or proposes to sell any concentrated commercial feeding stuffs, commercial fertilizers or livestock remedies detrimental or injurious in effect when applied or used as directed, or which are known to be of little or no value for the purpose for which they are intended, or as to which false or misleading claims are made or implied. He may, after a hearing as herein provided, cancel the registration of the brand or brands of any person who violates any of the provisions of this chapter;

(b) In the event the director has reason to suspect that any such person is violating the provisions of this chapter he may cause a notice to be served personally or by mail upon such person, in writing, setting forth the provisions of this chapter which such person is charged with violating, and setting a date and place in said notice whereat a hearing will be had to determine whether or not such person has violated such provisions, which date shall be not less than ten (10) days from the date such notice is served;

Notice of hearing on violation.

(c) Any hearing held under this chapter shall be held in the county in which the applicant or holder of the brand registration has his principal place of business within the state, or in the county where the violation or violations may have occurred, and at a place designated by the director in his notice of hearing. The director shall, in any such hearing, have the power to administer oaths and to issue subpoenas. Any order of the director cancelling or refusing to register a brand shall be subject to review by any court of competent jurisdiction.

Hearing held.

SEC. 10. It shall be the duty of the prosecuting attorneys of the several counties of this state to cause proceedings to be commenced against any person or persons whom the director of agriculture, or any person deputized by him shall report to have violated any section of this chapter and to prosecute the same in the manner required by the law.

Prosecuting attorneys.

SEC. 11. Any person who shall prevent or strive to prevent the director of agriculture, or any person deputized by him, from inspecting and obtaining samples of any concentrated commercial feeding stuff, commercial fertilizer or livestock remedy as provided for in section 4 of this chapter shall be deemed guilty of a misdemeanor and on conviction thereof shall be fined as defined in section 8 of this chapter.

Unlawful to prevent inspection.

Standard.

SEC. 12. A standard sack of concentrated commercial feeding stuff shall contain one hundred (100) pounds net weight. It shall be unlawful to distribute, sell, offer for sale, or advertise for sale, concentrated commercial feeding stuff in sacks containing more or less than the standard one hundred (100) pounds, unless there is attached to each sack a label specifying the true net weight of the contents of the said sack in plain English words and figures at least one half inch in height, and any advertisement covering other than standard sack of concentrated commercial feeding stuff shall state in a conspicuous manner the true net weight of the contents of each such sack.

"Concentrated commercial feeding stuff."

SEC. 13. "Concentrated commercial feeding stuff" as used in this chapter shall be defined to be a substance, used, sold, offered or exposed for sale, as food for domestic animals, and claimed to have a nutritive value: *Provided, however,* That the expression "concentrated commercial feeding stuffs" shall not include hay, either whole, chopped or ground where no other materials are added and no part of the whole removed; wheat flours or other flours; whole feeds or unmixed meals made from whole grains of wheat, rye, barley, oats, corn or other cereal and no part of the whole removed: *Provided, further,* That the director may permit the sale, under such conditions and safeguards as he may prescribe, of beet pulp, fruit by-products, brewers' or distillers' spent grains, pea by-products, oat by-products, alfalfa stem meal, alfalfa leaves and blossoms, and hemp seed meal, when sold singly or when mixed with molasses.

Shipments.

SEC. 14. Any manufacturer, importer, mixer, distributor, agent or vendor who shall sell, offer or expose for sale in this state any concentrated commercial feeding stuff, shall include in the invoice of every bulk shipment, or shall affix or cause to be affixed to

every package or sample of such concentrated commercial feeding stuff, in a conspicuous place on the outside thereof, a tag or label, which shall have plainly printed thereon in the English language the number of net pounds of concentrated commercial feeding stuff, contained in the package or bulk shipment, except as provided for in section 12 of this chapter, the name, brand or trade-mark under which the concentrated commercial feeding stuff is sold, the name and address of the manufacturer, importer, mixer, distributor, agent or vendor, the guaranteed analysis stating the minimum percentages of crude fat and crude protein; the maximum percentage of moisture; the maximum percentage of crude ash which shall not exceed twelve per cent (12%) except in the case of minerals and mineral mixtures; the maximum percentage of crude fiber, which shall not exceed ten per cent (10%), except as provided in section 13 of this act; and a list of the ingredients from which the concentrated commercial feeding stuff referred to in such list by inclusion of the registered brand name thereof, is compounded. Such tag or label shall be construed as a guarantee by the manufacturer, importer, mixer, distributor, agent or vendor of the facts therein stated.

SEC. 15. It shall be unlawful to include in any concentrated commercial feeding stuff any dirt, damaged or decayed feed, mill, elevator or other sweepings or dust, or any injurious, deleterious or worthless or damaged ingredients.

Injurious ingredients.

SEC. 16. Exclusive of the definitions provided in this chapter, the definitions of feedstuffs regulated by this act shall be as defined by the Association of American Feed Control Officials, Inc., as of the effective date of this act; and the definitions of fertilizer materials regulated by this act shall be as defined by the American Association of Official Agricultural Chemists as of the effective date of this act.

Feedstuffs and fertilizers defined.

Second
hand
sacks or
containers.

SEC. 17. The use of secondhand branded sacks as containers of stock feed while being offered for sale is prohibited: *Provided*, That clean, branded sacks which have been used as such containers may be used again if thoroughly cleaned so that all feed and foreign matter is removed, and if turned inside out or the labels obliterated so that the outer surface is free from all matter deceptive as to the contents of the sack.

"Commercial
fertilizer."

SEC. 18. The term "commercial fertilizer" as used in this chapter, shall include any material used in preserving or rebuilding soil fertility. Every lot, parcel or package of commercial fertilizer sold or offered for sale within this state, the retail price of which is ten dollars (\$10.00) or more per ton, shall have firmly attached thereto a printed label stating clearly and truly the number of pounds of fertilizer in each package; the guaranteed analysis and ingredients of the same; the name, brand or trade-mark under which the fertilizer is sold; the name and address of the manufacturer or importer; the place of manufacture; the chemical analysis stating the percentage of nitrogen, of potash soluble in water and of soluble reverted and insoluble phosphoric acid. Whenever any commercial fertilizer is shipped or sold in bulk, for use by the farmers of this state, a statement must be sent to the director of agriculture giving the information required on the label above referred to in this section.

Leather as
fertilizer.

SEC. 19. No person shall sell, offer or expose for sale in this state, any leather, pulverized, raw, steamed, roasted, or in any form as fertilizer, unless a label is attached to each package or container, or invoice covering bulk shipments thereof, on which there is clearly stated the process under which the said leather has been prepared as fertilizer, and the name and address of the manufacturer or distributor.

SEC. 20. For all the purposes of this chapter concentrated commercial feeding stuffs and commercial fertilizers shall be considered as distinct brands when differing either in guaranteed analysis, ingredients, trade-mark, name, or any other characteristic method of marking of any nature whatsoever.

Distinct
brands.

SEC. 21. The term "livestock remedies" as used in this chapter shall include all medicinal lotions, insecticides, body builders or preservers, worm capsules or other worm eradicators, pills, salves, or any other substance sold, exposed or offered for sale, in the State of Washington, as preventative or curative medicine for domestic animals. For all the purposes of this chapter, "livestock remedies" shall be considered as distinct brands when differing in trade-mark, name, or in any other characteristic method of marking of any nature whatsoever.

"Livestock
remedies."

SEC. 22. Applications for registrations of livestock remedies shall have attached thereto a true copy of the label used upon the package or container, and a list of the ingredients which are contained in, or make up the livestock remedy.

Applications
for
registration.

SEC. 23. There is hereby created in the state treasury a special fund to be known as the feed and fertilizer fund in which shall be deposited all monies hereafter or heretofore collected as fees for the registration of concentrated commercial feeding stuffs, commercial fertilizers and livestock remedies. There is hereby appropriated from said fund the sum of twenty thousand dollars (\$20,000.00) to be available to the director of agriculture for the purpose of carrying out the provisions of this act, but in no case shall such expenses exceed the receipts from registration fees, and all fees heretofore or hereafter collected on account of such registrations shall remain in said fund until expended.

Feed and
fertilizer
fund.

Appropriation.

SEC. 24. If any section or part of a section, sentence or part of a sentence of this chapter shall, for

Partial
invalidity.

any cause, be held unconstitutional, such holdings shall not affect the validity of any other section or part of a section, sentence or part of a sentence of this chapter.

Statutes
repealed.

SEC. 25. All acts or parts of acts in conflict herewith are hereby repealed; and specifically section 11 of chapter 60 of the Laws of 1913, chapter 101 of the Laws of 1919, chapter 49 of the Laws of the Extraordinary Session of 1925, chapter 151 of the Laws of 1927, and chapter 84 of the Laws of 1933, are hereby repealed: *Provided, That*

(a) If this chapter or any portion hereof shall be declared unconstitutional, portions of this chapter, if any, shall not be deemed to repeal any existing laws upon the same subject matter;

(b) The enacting of this chapter shall not have the effect of terminating, or in any manner modifying the liability, civil or criminal, which shall already be in existence at the date this chapter becomes effective.

Effective
immediately.

SEC. 26. This chapter is necessary for the immediate preservation of public peace, health and safety, for the preservation of the financial structure of the state, for the preservation of agriculture and to prevent a financial crisis, and for the support of the state government and its existing institutions, and shall take effect immediately.

Passed the House February 25, 1937.

Passed the Senate February 24, 1937.

Approved by the Governor March 1, 1937.

CHAPTER 38.

[H. B. 261.]

BY-LAWS OF MUTUAL INSURANCE COMPANIES.

AN ACT relating to insurance; providing for mutual company by-laws, amending section 87 of Insurance Code, being section 87 of chapter 49 of the Laws of 1911 as amended, of section 1 of chapter 207 of the Laws of 1919, known as paragraph 7132 of Remington's Revised Statutes of Washington.

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

SECTION 1. That section 7132, Remington's Revised Statutes, be and the same is hereby amended to read as follows:

Amends
§ 7132, Rem.
Rev. Stat.
(§ 2994 P. C.)

Section 7132. The directors of a mutual insurance company shall adopt such by-laws, not in conflict with the laws of this state, as they may deem proper for the government of its officers and the conduct of its business. Said by-laws shall provide for the liability of its members or policyholders for the payment of its losses and expenses, which liability, including the amount of the premium, shall not be less than two times the amount of the premium nor more than six times the amount of the premium charged by solvent stock companies for like risks and terms. The by-laws shall limit the expenses to not more than forty per centum of the net premiums charged and collected for insurance, which expense must include all sums paid by the insured for his insurance including any membership, policy, survey, or inspection fee, or other fee or charge, if any: *Provided, however,* That "expense" in the case of mutual accident and health companies shall not be construed to cover cost of adjusting or defending claims: *Provided further, however,* That the limit of expense as herein provided shall not apply to a mutual insurance company which is qualified to issue and is issuing a cash premium, nonassessable policy as au-

By-laws.

Liability of members.

Expenses.

Exceptions.

thorized under the laws of this state and maintains securities deposited with the state in an amount of not less than the minimum capital required of domestic stock insurance companies transacting business in a like classification of insurance.

Passed the House February 18, 1937.

Passed the Senate February 24, 1937.

Approved by the Governor March 1, 1937.

CHAPTER 39.

[H. B. 262.]

QUALIFICATIONS OF MUTUAL INSURANCE COMPANIES.

AN ACT relating to insurance and amending section 86, chapter 49, Laws of 1911, as amended by section 86, chapter 108, Laws of 1915 (section 7131 Remington's Revised Statutes).

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

Amends
§ 7131, Rem.
Rev. Stat.
(§ 2993 P. C.)

SECTION 1. Section 86, chapter 49, Laws of 1911, as amended by section 86, chapter 108, Laws of 1915 (sec. 7131 Rem. Rev. Stat.) is hereby amended to read as follows:

Qualifica-
tions.

Section 7131. No domestic mutual insurance company hereafter formed under the laws of this state shall be authorized to transact business as an insurer until it shall have first qualified itself as follows:

Fire insur-
ance on cash
premium
plan.

First. If it is formed to transact as insurer, a general fire insurance business on the cash premium plan, it must have *bona fide* written applications severally signed by applicants for fire insurance for one year, and, on risks usually written for a term, not more than five years, from residents of this state, on property owned by the applicant, situate within this state, in separate risks of not to exceed two thousand dollars each, amounting in the aggregate to not less

than five hundred thousand dollars, and must have, own, and possess in its own name and exclusive right premiums actually received in cash, to an amount of at least eight thousand dollars and six thousand dollars must be on hand above all liabilities except reinsurance reserve, estimated on the *pro rata* basis, and premium liability due in installments as demanded, severally and unconditionally executed and delivered by a solvent applicant for the insurance he applies for, all in the aggregate amount, unimpaired, of not less than twenty-five thousand dollars: *Provided*, That when a mutual fire insurance company accumulates from its underwriting and earnings cash assets of not less than two hundred thousand dollars, of which amount not less than one hundred thousand dollars shall be surplus assets which it must maintain in securities deposited as required of domestic stock insurance companies, and while it maintains such surplus assets on deposit it may issue its policies without liability on the part of its policyholders, other than to pay the amount of the premium stated in the policy, and which premium shall be not less than the premium charged by solvent stock companies for insuring similar risks. The company may classify its risks according to the various hazards covered, and any saving experienced by the company in loss ratio, expense of management, or from any other source, may be returned to the policyholders in the various classifications, according to the experience of the company in said classes and as determined by the board of directors of the company: *Provided*, That such savings must be apportioned equitably among the policyholders in the classifications in which it is actually earned;

Surplus
assets.

Savings to
policy-
holders.

Second. If it is formed to transact, as insurer, a fire insurance business under the cash premium plan on one stated specific kind or class of manufacturing, mercantile, or other business or property, it must

Companies
limited to
insuring
specific kind
of property
or business.

have *bona fide* written applications severally signed by applicants for fire insurance for one year on property owned by the applicant and situate within this state in separate risks of not to exceed two thousand dollars each, amounting in the aggregate to not less than three hundred thousand dollars; and must have, own, and possess in its own name and exclusive right, premium[s] received in cash to an amount of at least eight thousand dollars and six thousand dollars must be on hand, above all liabilities, except reinsurance, reserve, and premium liability, settled by premium notes due in installments as demanded, severally and unconditionally executed and delivered by a solvent applicant for the insurance he applies for [in] the aggregate amount of not less than twenty-five thousand dollars: *Provided*, That when any ten or more persons, partnerships, corporations, or associations engaged in a like class of manufacturing, mercantile or other business shall have organized a company hereunder, it may begin to issue policies under such conditions as may be provided by the board of trustees or managing board thereof, and shall be approved by the commissioners;

Fire insurance on assessment plan.

Third. If it is formed to transact, as insurer, a general fire insurance business on the assessment plan, it must have *bona fide* written applications severally signed by applicants for fire insurance for one year, and, on risks usually written for a term, not more than five years, from residents of this state on property owned by the applicant situate within this state in separate risks of not to exceed twelve hundred and fifty dollars each, and amounting in the aggregate to not less than five hundred thousand dollars; and must have, own, and possess in its own name and exclusive right premiums on the insurance applied for, of which not less than fifty per centum thereof must be paid in cash to the aggregate

Single risks.

Working capital.

amount of not less than four thousand dollars, which sum shall be on hand, above liabilities except reinsurance reserve, and the remainder and additional premium liability of the applicant must be paid as provided in the by-laws of the company: *Provided*, That any domestic fire insurance company doing business on the assessment plan and composed exclusively of members of a specified fraternal society, which conducts its business and secures its membership on the lodge system, having ritualistic form of work and ceremonies in such society shall be exempt from the provisions of this act governing the amount of insurance a company may carry on a single risk, financial qualifications, annual meeting, taxes, fees, and licenses, except that it shall pay for its annual license and filing its annual statement the sum of ten dollars;

Exceptions
as to
fraternal
societies.

Fourth. If it is formed to transact as insurer a fire insurance business on the assessment plan outside of incorporated towns in this state, it must have *bona fide* written applications severally signed by applicants for fire insurance for one year, and, on risks usually written for a term, not more than five years, from residents of this state on property owned by the applicant situate within this state in separate risks of not to exceed fifteen hundred dollars each, amounting in the aggregate to not less than two hundred thousand dollars; and must have, own, and possess in its own name and exclusive right premiums on the insurance applied for of which not less than fifty per centum thereof must be paid in cash and to be on hand above liabilities except reinsurance reserve, and the remainder and the additional premium liability of the applicant must be paid as provided in the by-laws of the company;

Business
outside
incorporated
towns.

Fifth. If it is formed to transact business as inter-insurer only, by means of reciprocal or inter-insurance contracts between the several parties who are

Inter-insur-
ers only.

or shall become subscribers and who shall comprise and be recognized as the company, such company shall not transact any business as insurer until at least twenty-five subscribers shall have first subscribed to and adopted the terms and conditions under which they shall operate and be governed and shall have executed contracts or *bona fide* applications therefor to become concurrently and simultaneously effective for the exchange of indemnities by not less than twenty-five separate subscribers and shall have and maintain at all times assets in a sum sufficient to discharge all liabilities and to provide a surplus over all accrued liabilities of one hundred thousand dollars, which surplus shall consist of cash or securities approved by the commissioner.

Reciprocal contracts.

Any parties may exchange reciprocal contracts of insurance with each other providing insurance other than life or accident and health, among and between themselves, against any loss which may be insured against under the provisions of law. Such parties are termed subscribers. Such contracts may be executed by an attorney in fact, agent or other representative duly authorized and acting for such subscribers separately and not jointly under such power of attorney, and may be a corporation.

Subscribers.

Liability of subscribers.

The maximum liability of any subscriber for all losses and expenses shall be fixed and determined by the terms of the power of attorney, which shall provide that the contingent assessment liability of the subscriber shall be a sum equal to not less than one nor more than five times the premium deposit, which contingent assessment liability shall apply only to actual losses and expenses incurred during the time that the policy of insurance shall have been in force: *Provided, however,* When the company shall have accumulated a surplus at least equal to the minimum capital required of a stock company transacting a like class or classes of insurance business which it

Surplus assets.

must maintain in cash or securities approved by the insurance commissioner, deposited with the state treasurer through the office of the insurance commissioner, and while it maintains such surplus on deposit it may issue policies of insurance without assessment liability other than the payment of the premium specified in the policy.

Such company may sue or be sued in its own name and any judgment against the company shall be binding upon each subscriber to the full extent only of his agreement. Any and every subscriber shall be held and bound individually and severally and not jointly. Actions.

The body exercising the subscribers' rights shall be selected under such rules and regulations as the subscribers may, from time to time, adopt.

The principal office of the attorney-in-fact, agent or representative shall be maintained at a place designated by the subscribers in the power of attorney.

Wherever in this act the word "parties" is used it shall include any person, association, corporation or legal entity having the right by law to contract. Parties.

Any company organized to transact business as inter-insurer may be authorized to transact insurance in this state in like manner and upon the same terms and conditions as are required of domestic inter-insurance companies: *Provided, further,* That the deposit hereinbefore required shall be deemed complied with if it shall appear to the satisfaction of the commissioner that such deposit has been made in a state of the United States in a depository satisfactory to and approved by the insurance commissioner of this state; Foreign companies.

Sixth. If it is formed to transact business as insurer in this state upon the plan known as "Lloyds," no such company shall be formed with less than twenty persons or copartnerships, citizens of the United States and two thirds of them residents of "Lloyds" plan.

this state, each of whom must be worth not less than twenty thousand dollars above all liabilities in real property and securities such as an insurance company is authorized to invest its capital and funds in as provided in this act, such fact to be determined by the commissioner and in determining the same he may take the verified statement of such parties and the signed reports of a reputable commercial agency having upwards of one hundred thousand subscribers, which persons or parties shall first prescribe and adopt the terms and conditions upon which they will be governed and become insurers. If such company be formed to transact business as insurer as specified in class 1 of section 7128 it must have not less than one hundred fifty thousand dollars, in *bona fide* unimpaired assets in excess of all liabilities, of which assets not less than seventy-five thousand dollars must be in cash and securities such as the funds of an insurance company may be invested in as provided in this act, and the remainder of said assets must consist of cash or such authorized securities, or the legal promissory notes severally made, signed, and delivered by solvent parties payable to the company whenever required for the payment and discharge of losses or legal obligations accruing against such company; and where notes are used to make up the amount of said assets the commissioner shall determine the sufficiency of each note, and he shall have the right to require that the payment of any shall be secured by good and sufficient collateral, and it shall be his duty to require ample security to be furnished for the payment of such note when the makers thereof are not personally known by him to be solvent and good for the payment of the same. Such company shall deposit not less than two thirds of its assets and keep the same on deposit through the insurance commissioner's office with the state treasurer in the same man-

Assets
required.

Deposit with
State
Treasurer.

ner as deposits required to be made and kept by stock insurance companies as provided in this act;

Seventh. If it is formed to transact insurance against injury, disablement, or death resulting from traveling or general accident or against disablement resulting from sickness, and every insurance appertaining thereto, it must have *bona fide* written applications severally signed by not less than five hundred applicants for health and accident, or health, or accident insurance for one year in amounts of not less than one thousand dollars each, from residents of this state, and who shall each have paid in one full annual premium in cash upon the insurance subscribed for; and must have, own and possess in its own name and exclusive right premiums actually received in cash, to an amount of at least eight thousand dollars and six thousand dollars must be on hand above all liabilities except reinsurance reserve: *Provided*, That when any such company shall accumulate from its underwriting and earnings cash assets of not less than one hundred thousand dollars of which amount not less than fifty thousand dollars shall be surplus assets, which it must maintain in securities, of a character designated by the insurance code, deposited with the state treasurer through the office of the insurance commissioner, and while it maintains such surplus assets on deposit, it may issue its policies without liability on the part of its policyholders other than to pay the amount of the premium stated in the policy and which premium shall be not less than the premium charged by solvent companies for insuring similar risks. The company may classify its risks according to the various hazards covered and any saving experienced by the company in its loss ratio, expense of management, or any other source may be returned to the policyholders in the various classifications at the end of any policy year for which premiums have been paid, according to the

Accident and health insurance companies.

Assets required.

Deposit with State Treasurer.

Savings to policyholders.

Insurance
permitted in
other classes.

experience of the company in said classes and as determined by its board of directors: *Provided*, That such saving must be apportioned equitably among the policyholders in the classifications in which it is actually earned. Such company may make insurance in any other class specified in said section 7128 when permitted by the commissioner upon furnishing additional assets of the kind herein specified in the amounts required of a stock insurance company to make insurance in like classes as provided by this act.

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

Passed the House February 25, 1937.

Passed the Senate February 24, 1937.

Approved by the Governor March 1, 1937.

CHAPTER 40.

[H. B. 302.]

LIVE STOCK RUNNING AT LARGE.

AN ACT relating to stock running at large and amending sections 3068, 3069, 3070, 3070-1, and 3083 of Remington's Revised Statutes, and declaring an emergency.

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

SECTION 1. Section 3068, Remington's Revised Statutes, is hereby amended to read as follows:

Section 3068. The Board of County Commissioners of any county of this state shall have the power to designate by an order made and published, as provided in section 3070, certain territory as stock

Amends
§ 3068, Rem.
Rev. Stat.
(§ 1948 P. C.)
Livestock
area.

restricted area within such county in which it shall be unlawful to permit livestock of any kind to run at large: *Provided*, That no territory so designated shall be less than two square miles in area: *And provided further*, That this act shall not affect counties having adopted township organization. All territory not so designated shall be range area, in which it shall be lawful to permit livestock to run at large.

SEC. 2. Section 3069, Remington's Revised Statutes, is hereby amended to read as follows:

Amends
§ 3069, Rem.
Rev. Stat.
(§ 1949 P. C.)

Section 3069. Within sixty (60) days after the taking effect of this act, the county commissioners of each of the several counties of the state may make an order fixing a time and place when a hearing will be had, notice of which shall be published at least once each week for two successive weeks in some newspaper having a general circulation within the county. It shall be the duty of the board of county commissioners at the time fixed for such hearing, or at the time to which such hearing may be adjourned, to hear all persons interested in the establishment of range areas or stock restricted areas as defined in this act.

Time for
hearing
fixed.

SEC. 3. Section 3070, Remington's Revised Statutes, is hereby amended to read as follows:

Amends
§ 3070, Rem.
Rev. Stat.
(§ 1950 P. C.)

Section 3070. Within thirty (30) days after the conclusion of any such hearing the county commissioners shall make an order describing the stock restricted areas within the county where livestock may not run at large, which order shall be entered upon the records of the county and published in a newspaper having general circulation in such county at least once each week for four successive weeks.

Commis-
sioners to
make order.

SEC. 4. Section 3070-1, Remington's Revised Statutes, is hereby amended to read as follows:

Amends
§ 3070-1, Rem.
Rev. Stat.
(§ 1950-1
P. C.)

Section 3070-1. When the county commissioners of any county deem it advisable to change the boun-

Boundaries
changed.

Hearing.

dary or boundaries of any stock restricted area, a hearing shall be held in the same manner as provided in section 3069 of Remington's Revised Statutes. If the county commissioners decide to change the boundary or boundaries of any stock restricted area or areas, they shall within thirty (30) days after the conclusion of such hearing make an order describing said change or changes. Such order shall be entered upon the records of the county and published in a newspaper having general circulation in such county once each week for four successive weeks.

Road signs.

SEC. 5. At the point where a public road enters a range area, and at such other points thereon within such area as the county commissioners shall designate, there shall be erected a road sign bearing the words: "RANGE AREA. WATCH OUT FOR LIVESTOCK."

Stock running at large.

SEC. 6. No person owning or in control of any livestock shall willfully or negligently allow such livestock to run at large in any stock restricted area, nor shall any person owning or in control of any livestock allow such livestock to wander or stray upon the right of way of any public highway lying within a stock restricted area when not in the charge of some person.

Effective immediately.

SEC. 7. This act is necessary for the immediate preservation of the public peace, health and safety and shall take effect immediately.

Passed the House February 25, 1937.

Passed the Senate February 24, 1937.

Approved by the Governor March 1, 1937.

CHAPTER 41.

[H. B. 114.]

CERTIFIED PUBLIC ACCOUNTANTS.

AN ACT relating to certified public accountants and amending section 8268, Remington's Revised Statutes, by adding three new sections to be known as sections 8268-1, 8268-2 and 8268-3.

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

SECTION 1. That a new section to be known as section 8268-1, Remington's Revised Statutes, be added to section 8268, which shall read as follows:

Adds
§ 8268-1, Rem.
Rev. Stat.
(§ 3-21 P. C.)

Section 8268-1. Subsequent to July first, nineteen hundred and thirty-seven, every candidate for examination for a certificate or license as a certified public accountant shall present evidence that (a) he is a graduate of a high school with a four years' course or has had an equivalent education, or that he has had sufficient commercial experience in accounting so that in the judgment of the director of licenses the requirement of a four year high school course or equivalent education may be waived: *Provided*, That any applicant who has not had the practical experience required, but who possesses the educational and other requirements and whose application has been approved by the director of licenses may sit for the examination, but if he shall successfully pass same the issuance of a certificate or license to him and the right to practice as a certified public accountant or to hold himself out to the public as a certified public accountant shall be deferred until he shall have obtained, within a period of five consecutive years, at least three years of practical experience in accounting or experience requiring an accounting background satisfactory to the director of licenses, any part of which may be prior to the date of application: *Provided, further,*

Eligibility
for
examination.

Practical
experience.

Educational
require-
ments.

That this act shall not apply to any candidate who, prior to the effective date of this act, shall have requested permission to sit for examination, or is now enrolled in any college or correspondence course in accounting.

Adds
§ 8268-2, Rem.
Rev. Stat.
(§ 3-22 P. C.)

SEC. 2. That a new section to be known as section 8268-2 of Remington's Revised Statutes, be added to section 8268, which shall read as follows:

Misrepresentation.

Section 8268-2. The display or uttering within this state of a card, sign, advertisement or other printed, engraved or written instrument or device, bearing a person's name in conjunction with the words "certified public accountant" or any abbreviation thereof, or the letters "C. P. A." shall be *prima facie* evidence in any prosecution, proceeding or hearing that the person whose name is so displayed, caused or procured the display or uttering of such card, sign, advertisement or other printed, engraved or written instrument or device and that such person is holding himself out to be a certified public accountant. In any prosecution or proceeding under this section, evidence of the commission of a single act prohibited by this section shall be sufficient to justify a conviction and recovery of any civil penalty without evidence of a general course of conduct.

Prosecution.

Adds
§ 8268-3, Rem.
Rev. Stat.
(§ 3-23 P. C.)

SEC. 3. That a new section to be known as section 8268-3 of Remington's Revised Statutes, be added to section 8268, which shall read as follows:

Copartnership.

Section 8268-3. Nothing contained in this act shall be deemed to prohibit the use of the words "certified public accountants" in connection with the firm or copartnership name of any copartnership engaged in this state in the practice of public accountancy: *Provided*, That each partner and manager of such copartnership directly engaged in the conduct of such practice within this state is a certified public accountant of this state, and every gen-

eral partner of such copartnership is a certified public accountant of this state or any other state or political subdivision of the United States: *And provided further*, That such copartnership shall file with the director of licenses a certificate verified by a general partner setting forth the firm or copartnership name and the post office address thereof within this state, the address of the principal office thereof, wherever located, together with the name and address of the manager or managers thereof within this state, the name and address of each general partner, the date and number of the certificate or license held by such manager or managers and by each general partner with the name of the state or other political subdivision of the United States issuing same. The fee for filing such certificate shall be twenty-five dollars, (\$25.00). A new certificate in like form shall be filed whenever there is any change in the names of the general partners of such copartnership, the fee for filing such certificate shall be five dollars, (\$5.00). Certificates issued under the provisions of this section shall be subject to an annual renewal fee of one dollar, (\$1.00).

Filing fee.

Renewal fee.

Passed the House February 25, 1937.

Passed the Senate February 24, 1937.

Approved by the Governor March 5, 1937.

CHAPTER 42.

[H. B. 226.]

DOMESTIC MUTUAL LIFE INSURANCE COMPANIES.

AN ACT relating to insurance; prescribing the conditions under which domestic mutual life insurance companies may be organized, licensed and conducted; providing certain regulations governing mutual insurance companies in general; repealing section 7094, section 7131-1 and section 7131-2 of Remington's Revised Statutes, and all laws in conflict herewith; and declaring that this act shall take effect immediately.

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

Qualifica-
tions.

SECTION 1. A domestic mutual insurance company formed to transact as insurers a general life insurance business, including endowments and annuities, and including supplemental accidental death benefits and benefits such as operate to safeguard such insurance against lapse or to give a special surrender value or annuity providing payments during the lifetime of the insured, with or without reduction of the sum insured, in the event that the insured shall be totally and permanently disabled from any cause, must, before receiving certificate to do business, have *bona fide* written applications severally signed by not less than five hundred applicants resident in this state, for not less than one thousand dollars each. Such initial applications for insurance shall not include any applications for term insurance for a period of less than ten years. Such initial applicants shall each have shown evidence of insurability and shall each have paid in one full annual premium in cash upon the insurance applied for.

Indemnity
bond.

Solicitation of such applications shall not be undertaken unless and until such company shall have filed with the state insurance commissioner, hereinafter called the commissioner, an indemnity

bond in the sum of twenty-five thousand dollars (\$25,000.00) in favor of all who may become applicants, in form and with sureties approved by the commissioner, conditioned upon the return in full to each applicant of the advance premium payment made by him under this act, if the organization is not completed within one year from date of filing said bond or within such further period, not exceeding six months, as the commissioner shall allow.

SEC. 2. Solicitation of applications for insurance under the foregoing section may be made only by agents holding certificate of authority issued by the commissioner, to agents deemed by him properly qualified therefor.

Solicitations
of
applications.

SEC. 3. All applications for insurance to be obtained in the process of organizing such company shall contain a statement:

Application
provisions.

(a) That the issuance of the policy is contingent upon the completion of the organization of the company and issuance to it of a certificate of authority to do business; and

(b) That the prepaid premium will be refunded in full to the applicant if such organization is not completed and certificate issued within one year from date of filing bond above prescribed, or within such further period, not to exceed six months, as may be fixed by the commissioner; and

(c) That the agreement for such insurance shall not be deemed completely effective until the company is fully organized, certificate of authority issued to it and the policy issued.

SEC. 4. Or, in lieu of such applications for insurance, the company may, and in the alternative shall, provide and deposit with the state treasurer through the office of the commissioner, a special guaranty fund of at least fifty thousand dollars (\$50,000.00), in cash or invested in the same kind

Guaranty
fund in lieu
of
applications.

of security as the capital stock of domestic insurance companies is required to be invested by section 7054-1 of Remington's Revised Statutes and as approved by the commissioner, to be released by him only upon the creation of a surplus fund as hereinafter provided, except for the payment of losses, until the company shall have accumulated from its underwriting and earnings a surplus fund of at least fifty thousand dollars (\$50,000.00), over and above all liabilities and the guaranty fund. Interest may be paid on such guaranty fund at a rate not to exceed five per centum (5%) per annum.

Access to
books and
records.

SEC. 5. The commissioner and his examiners shall, during the period of organization, have free access to all books and records pertaining to the condition and progress of such organization.

Certificate
of authority.

SEC. 6. Upon completing its organization in accordance with this act and other provisions of law pertaining thereto, the commissioner shall issue to such company a certificate of authority to do business.

Trustees
and
directors.

SEC. 7. No person shall be a trustee or director of a domestic mutual life insurance company 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) is a trustee, officer, clerk or other employee of any other life insurance company; (d) nor shall a person be a trustee of a domestic mutual life insurance company by reason of his holding public office.

Surplus
fund.

SEC. 8. When a mutual life insurance company shall have accumulated from its underwriting and earnings a surplus fund of at least fifty thousand dollars (\$50,000.00), over and above all liabilities and the guaranty fund, it may make insurance in

class four as set forth in section 7128 of Remington's Revised Statutes.

SEC. 9. When a company shall have accumulated from its underwriting and earnings a surplus fund at least equal to the minimum capital required of a stock insurance company transacting a similar class or classes of insurance business, which it must maintain in securities, approved by the insurance commissioner, deposited with the state treasurer through the office of the commissioner, it may, while it maintains such surplus assets in such securities so deposited, issue policies without assessment liability other than the payment of the premium specified in the policy.

Policies issued without assessment liability.

SEC. 10. No domestic mutual life insurance company, organized under the provisions of this act, shall make insurance in any other of the classes of insurance defined in section 7128 Remington's Revised Statutes, except class 4, nor shall any domestic mutual insurance company, authorized to make insurance under class 4, section 7128 Remington's Revised Statutes, be authorized to make insurance in class 3 of section 7128 Remington's Revised Statutes, concurrently with any other classes of insurance other than class 3.

Limitation of classes.

SEC. 11. The company may classify its insurance according to the various hazards covered, and any saving experienced by the company in its loss ratio, expense of management, or from any other source, may be returned to the policyholders in the corresponding classification at the end of any policy year for which premiums have been paid, according to the experience of the company in said classes respectively, and as determined by the board of directors.

Savings to policyholders.

SEC. 12. No domestic mutual insurance company making insurance in class three as set forth in sub-

Conversion
from mutual
to stock
company.

division (3) of section 7128 of Remington's Revised Statutes, shall be converted, changed or reorganized as a stock company: *Provided, however,* That any company now doing business whose by-laws provide for such reorganization may be converted from a mutual company to a stock company if such conversion is completed within two (2) years from the enactment hereof.

Plan
adopted.

SEC. 13. The plan or plans, terms and conditions prescribed, adopted or employed by the company shall be such as the experience of similar companies has [have] found to be efficient and adequate to promptly and equitably pay and discharge its obligations and successfully conduct its business, of which the commissioner shall be the judge.

Fraternal
benefit
society.

SEC. 14. Any mutual life insurance company licensed or admitted to do business in this state whose membership is limited to that of a specified fraternal society, may, by provision in its articles of incorporation, or amendment thereof, elect to be governed by the provisions of section 7259 to section 7298, both inclusive, of Remington's Revised Statutes, as far as applicable, and shall thereafter be classified as a fraternal benefit society under section 7290 of Remington's Revised Statutes, and subject to the provisions and exemptions of said section 7259 to section 7298, both inclusive, of Remington's Revised Statutes, to the exclusion of all other laws while it maintains such status.

Investments
allowed as
assets.

SEC. 15. In ascertaining the condition of a mutual insurance company organized under section 7092 to section 7298, both inclusive, of Remington's Revised Statutes, or in any examination made by the commissioner, his deputy or examiner, he shall allow as assets only such investments, cash and accounts as are required of a stock insurance company transacting a similar class or classes of insurance busi-

ness: *Provided*, That actual recoverable contingent liability of policyholders may, in the discretion of the commissioner, be allowed to the extent of the excess of liabilities over other assets.

SEC. 16. No domestic mutual insurance company, formed and operated under the provisions of this act or of the insurance laws of the State of Washington, shall enter into a management contract with any person, firm or corporation, the effect of which would be to surrender the control and management of the insurance company to such person, firm or corporation: *Provided, however*, That exclusive general or local agency contracts may be entered into with the approval of the insurance commissioner: *Provided, further*, That any domestic mutual insurance companies, authorized to do business prior to the taking effect of this act, and which now have a management contract prohibited by this section, may be granted such reasonable time within which to comply with the provisions of this section as the commissioner may determine, not to exceed, however, five years from the taking effect of this act.

Management contracts prohibited.

SEC. 17. Every domestic mutual insurance company hereafter formed shall include in its name the word "mutual".

"Mutual."

SEC. 18. Sections 7094, 7131-1 and 7131-2 of Remington's Revised Statutes and all laws and parts of laws in conflict herewith are hereby repealed.

Statutes repealed.

SEC. 19. In case any part of this act shall be declared invalid by a court of competent jurisdiction, the remainder thereof shall be and remain in full force [force] and effect.

Partial invalidity.

SEC. 20. This act is necessary to the immediate preservation of the public peace, health and safety and the support of the state government and its

Effective immediately.

existing public institutions and shall take effect immediately.

Passed the House February 11, 1937.

Passed the Senate February 25, 1937.

Approved by the Governor March 5, 1937.

CHAPTER 43.

[H. B. 263.]

TAXATION OF INSURANCE COMPANIES.

AN ACT relating to insurance and amending section 7071 of Remington's Revised Statutes of Washington.

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

SECTION 1. That section 7071 of Remington's Revised Statutes of Washington be amended to read as follows:

Section 7071. All insurance companies, now doing business in this state, or that may hereafter do business in this state, unless otherwise provided in this act, must make and file with the commissioner annually, on or before the fifteenth day of February in each year, a statement under oath, upon a form to be prescribed and furnished by the commissioner, stating the amount of all premiums collected, or contracted for by the company making such statement, in this state, during the year ending December thirty-first, next preceding; the amounts actually paid policy holders on losses; the amounts paid policy holders as return premiums; the amounts paid policy holders as dividends; the amount of insurance reinsured in other companies authorized to do business in this state, naming them, and the amount of premiums paid therefor; and the amount of insurance reinsured in companies, naming them, not authorized to do business in this state, and the amount of premiums paid therefor; and

Amends
§ 7071, Rem.
Rev. Stat.
(§ 2933 P. C.)

Annual
statement.

the amount of reinsurance accepted from admitted companies and the premiums received for such reinsurance on risks located in this state, with the names of the companies so reinsured.

The commissioner shall file a copy of such verified statement or schedule with the state treasurer, and said company shall pay to the state treasurer, through the insurance commissioner's office, a tax of two and one quarter per centum on all premiums collected, or contracted for: *Provided*, That in the case of companies engaged in fire insurance, or any other line of insurance, except life insurance, and marine insurance as hereinafter provided, the tax shall be collected on such premiums, after deducting from the gross amount thereof the amounts paid to policy holders as returned premiums and the amounts paid as premiums to admitted companies for reinsurance; and in the case of life insurance the tax shall be collected on the gross amount of premiums, after deducting therefrom the amounts paid as premiums to admitted companies for reinsurance: *And provided further*, That if any such company, corporation or association shall have fifty per centum or more of its assets invested in any bonds or warrants of this state, or bonds or warrants of any county, city, or district within this state, or in taxable property within this state, or in first mortgages upon improved real estate within this state, then the tax shall be but one per centum on the amount so collected: *And provided further*, That in the case of domestic insurance companies the tax shall be but one per centum on the amount so collected: *And provided further*, That with the exception of license fees, real estate and personal property taxes, and taxes under the reciprocal provisions of section 7092, every insurer organized, admitted or licensed to transact the business of marine insurance, as hereinafter defined, within

Payment of
tax to state
treasurer.

Assets
invested
within state.

Domestic
companies.

Marine
insurance.

this state, shall with respect to all marine insurance written within this state upon hulls, freights, or disbursements, or upon goods, wares, merchandise and all other personal property and interests therein, in course of exportation from, importation into any country, or transportation coastwise and intercoastal, including transportation by land or water from point of origin to final destination in respect to, appertaining to, or in connection with, any and all risks or perils of navigation, transit or transportation, and while being prepared for, and while awaiting shipment, and during any delays, storage, transshipment, or reshipment incident thereto, including war risks and marine builder's risks, be taxed only on that proportion of the total underwriting profit of such insurer from such insurance written within the United States, which the gross premiums of the insurer from such insurance written within this state bear to the gross premiums of such insurer from such insurance written within the United States. The term "underwriting profit" as used herein, shall be arrived at by deducting from the net earned premiums on such marine insurance contracts written within the United States during the calendar year (1) the losses incurred, and (2) expenses incurred, including all taxes, state and federal, in connection with such net earned premiums.

Taxed.

Net earned premiums.

Net earned premiums on such marine insurance contracts written during the calendar year shall be arrived at as follows:

Gross premiums.

Gross premiums on such marine insurance contracts, written during the calendar year, less any and all return premiums, any and all premiums on policies not taken and any and all premiums paid for such reinsurance;

Unearned premiums.

Add unearned premiums on such outstanding marine business at the end of the preceding calendar year;

Deduct unearned premiums on such outstanding marine business at the end of the current calendar year;

Losses incurred, as used herein, shall mean gross losses incurred during the calendar year under such marine contracts written within the United States, less reinsurance claims collected or collectible and salvages or recoveries collectible from any source applicable to the aforesaid losses.

Expenses incurred shall include:

(a) Specific expenses incurred on such earned marine premiums, consisting of all commissions, agency expenses, taxes, licenses, fees, loss-adjustment expenses, and all other expenses incurred directly and specifically in connection with such premiums, less recoveries or reimbursements on account of or in connection with such commissions or other expenses collected or collectible because of reinsurance or from any other source;

(b) General expenses incurred on such earned premiums, consisting of that proportion of general or overhead expenses, such as salaries of officers and employees, printing and stationery, all taxes of this state and of the United States, except as otherwise provided herein, and all other expenses not chargeable specifically to a particular class of insurance which the net premiums of such marine insurance written bear to the total net premiums written by such insurer from all classes of insurance written by it during the current calendar year:

Provided, however, That in arriving at the aforesaid "underwriting profit," for purposes of taxation under this section there shall not be deducted in respect to expenses incurred, as hereinbefore defined and specified in paragraphs (a) and (b) amounts which, in the aggregate, exceed forty per centum of the aforesaid gross premiums on such marine insurance contracts.

Report.

Every insurer transacting marine insurance in this state shall file on or before the fifteenth day of February in each year with the insurance commissioner, and in the form prescribed by him, a report of all the items pertaining to its insurance business as enumerated and prescribed in the preceding subdivision. To determine the basis of the tax on underwriting profit, every insurer which has been writing such marine insurance in this state for three years shall furnish to the insurance commissioner a statement of all of the aforementioned items, in the form prescribed by him for each of the preceding three calendar years. An insurer which has not been writing such marine insurance for three years shall furnish to the insurance commissioner a statement of all the aforementioned items for each of the calendar years during which it has written such marine insurance.

**Computation
of tax.**

If the insurance commissioner finds the report of the insurer reporting correct, he shall, if the insurer has transacted such marine insurance for three years (1) ascertain the average annual underwriting profit, as defined by this section, derived by the insurer from such marine insurance business written within the United States during the last preceding three calendar years; (2) ascertain the proportion which the average annual premiums of the insurer from such marine insurance written by it in this state during the last preceding three calendar years bears to the average total of such marine premiums of the insurer during the same three years; (3) compute an amount of five (5) per centum on this proportion of the aforementioned average annual underwriting profit of the insurer from such marine insurance, and (4) charge the amount of tax thus computed to such insurer as a tax upon such marine insurance written by it in this state during the current calendar year. The insurance commissioner shall each

year compute the tax, according to the method described in this section, upon the average annual underwriting profit of such insurer from such marine insurance during the preceding three years, including the current calendar year, namely, at the expiration of each current calendar year, the profit or loss on such marine insurance business of that year is to be added or deducted, and the profit or loss upon such marine insurance business of the first calendar year of the preceding three year period is to be dropped so that the computation of underwriting profit for purposes of taxation under this section will always be on a three year average: *Provided, however,* That an insurer which has not been writing such marine insurance in this state for three years shall, until it has transacted such business in this state for that number of years, be taxed on the basis of its annual underwriting profit on such marine insurance written within the United States for the current calendar year, subject, however, to an adjustment in the tax as soon as the insurance commissioner, in accordance with the provisions of this section, is enabled to compute the tax on the aforementioned three year basis: *And provided further,* That in the case of mutual companies, the insurance commissioner shall not include in underwriting profit, when computing the tax prescribed by this section, the amounts refunded by such companies on account of premiums previously paid by their policyholders.

When the insurance commissioner has computed the tax on an insurer's underwriting profit, he shall forthwith mail to the last known address of the principal office of such insurer a statement of the amount so charged against it, which amount the insurer shall pay to the state treasurer through the insurance commissioner's office within thirty days after receipt of such notice from the insurance com-

Notice and
payment
of tax.

Reciprocal provisions.

missioner: *Provided, however,* That in assessing taxes upon the reciprocal provisions of section 7092, credit shall be allowed for any taxes paid or payable under this section. The tax, and the basis thereof, provided for in this section, shall apply to the year ending December thirty-first, nineteen hundred and twenty-nine, as well as to subsequent years: *And provided further,* That for the purpose of this section, the terms "marine insurance" and "marine business" and "marine risks" shall mean insurance or reinsurance against any and all kinds of loss of or damage to:

Marine risks.

(a) Vessels, craft, air craft, cars, automobiles and vehicles of every kind (excluding air craft and automobiles operating under their own power or while in storage not incidental to transportation), as well as all goods, freights, cargoes, merchandise, effects, disbursements, profits, monies, bullion, securities, choses in action, evidences of debt, valuable papers, bottomry and respondentia interests and all other kinds of property and interests therein, in respect to, appertaining to or in connection with any and all risks or perils of navigation, transit, or transportation, including war risks, on or under any seas or other waters, on land or in the air, or while being assembled, packed, crated, baled, compressed or similarly prepared for shipment or while awaiting the same or during any delays, storage, transshipment, or reshipment incident thereto, including marine builder's risks, and all personal property floater risks including bailees customers risks and risks commonly known as bundle insurance; and

(b) Person or to property in connection with or appertaining to a marine, transit or transportation insurance, including liability for loss of or damage, arising out of or in connection with the construction, repair, operation, maintenance or use of the subject matter of such insurance (but not including life in-

urance or surety bonds); but, except as herein specified, shall not mean insurances against loss by reason of bodily injury to the person; and

(c) Precious stones, jewels, jewelry, gold, silver and other precious metals, whether used in business or trade or otherwise and whether the same be in course of transportation or otherwise.

The taxes herein provided, except taxes upon marine insurance, shall be due and payable on the first day of March succeeding the filing of the statement provided for herein.

Taxes payable.

Any company, failing or refusing to render such statement and information, and to pay taxes herein specified, for more than thirty days after the time specified, shall be liable for a fine of twenty-five dollars for each additional day of delinquency, and such tax may be collected by distraint, and such fine may be recovered by an action, to be instituted by the commissioner, in the name of the state, the attorney general representing him, in any court of competent jurisdiction. The amount of the fine collected shall be paid to the state treasurer and credited to the general fund; and the commissioner may revoke and annul the certificate of authority of such delinquent company, until such taxes and fine, should any be imposed, are fully paid.

Penalty for delinquency.

The annual statement made to the commissioner pursuant to this section, or other provisions of law, shall at least include the substance of that required by what is known as the "convention blank form," adopted from year to year, by the national convention of insurance commissioners, and shall also include such other information as may be required by the commissioner.

Form of annual statement.

Passed the House February 18, 1937.

Passed the Senate February 24, 1937.

Approved by the Governor March 5, 1937.

CHAPTER 44.

[S. B. 59.]

SALE OF COUNTY PROPERTY TO STATE OR
UNITED STATES.

AN ACT relating to the powers of Boards of County Commissioners to grant an option to purchase, contract to sell, lease or convey, or donate any real property owned by the county to the State of Washington, the United States of America and declaring an emergency.

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

Lands
acquired
through tax
foreclosure.

SECTION 1. The Board of County Commissioners of any county of the State of Washington shall have authority, by and with the approval of the governor, by direct sale, contract or gift without competitive bid to grant an option to purchase, contract to sell, lease and convey, or donate, to the State of Washington, or to the United States of America, any real property owned by the county including that acquired pursuant to tax foreclosure proceedings, at such price and/or on such terms as the said Board of County Commissioners may deem to be for the best interests of the county.

Resolution.

SEC. 2. The resolution of the Board of County Commissioners to grant an option to purchase, contract to sell, lease, sell and convey, or donate, as provided, shall be entered by said Board upon its journal, and any option to purchase, contract to sell, lease, sale and conveyance, or donation executed pursuant thereto, shall be signed on behalf of the county by the Board of County Commissioners, or a majority thereof, and shall be acknowledged in the manner prescribed by law.

SEC. 3. Notice of the foregoing shall not be required to be given.

Termination.

SEC. 4. No powers granted by this act shall be exercised after April 1, 1938.

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

Passed the Senate February 3, 1937.

Passed the House February 26, 1937.

Approved by the Governor March 8, 1937.

CHAPTER 45.

[S. B. 348.]

DENTISTS.

AN ACT relating to unprofessional conduct in the practice of dentistry; providing a penalty for the violation thereof; amending section 18, chapter 112, Laws of 1935 (section 10031-18 of Remington's Revised Statutes) and declaring an emergency.

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

SECTION 1. That section 18 of chapter 112, Laws of 1935, (section 10031-18 of Remington's Revised Statutes) be hereby amended to read as follows: Amends § 10031-18, Rem. Rev. Stat. (§ 1931-48 P. C.)

Section 18. It shall be unlawful for any person or persons to practice dentistry under any name, except his or her own proper name, which shall be the name used in his or her license as issued by the director: *Provided, however,* This shall not apply to any person now practicing dentistry in this state under the name of an association or trade name. Name of operator.

It shall be unlawful for any person to conduct a dental office in his or her name, or advertise his or her name in connection with any dental office or offices, unless such person is personally present in said office operating as a dentist or personally overseeing such operations as are performed in said office Association or trade name.

Personal supervision.

or each of said offices during a majority of the time said office or each of said offices is being operated: *Provided, however,* That this section shall not prohibit any person from continuing to conduct any office or offices legally conducted in this state at the time this act takes effect.

Penalty for violation.

Any violation of the provisions of this section shall constitute improper, unprofessional and dishonorable conduct within the meaning of section 8 of this act; it shall also constitute grounds for injunction proceedings to be prosecuted under sections 22 and 23 of this act, and in addition shall constitute a gross misdemeanor and shall subject the offender to criminal prosecution therefor.

Any manager, proprietor, partnership, or association owning, running, operating or controlling any room or rooms, office or dental parlors, where dental work is done, provided or contracted for, who shall employ, keep or retain any unlicensed person or dentist as an operator; or

Information furnished.

Who shall fail, within ten days after demand made by the director or board in writing sent by registered mail, addressed to any such manager, proprietor, partnership, or association at said room, office or dental parlor, to furnish to the said director or said board with the names and addresses of all persons practicing or assisting in the practice of dentistry in his place of business or under his control, together with a sworn statement showing by what license or authority said persons are practicing dentistry, shall be guilty of a misdemeanor and subject to the penalties provided for in this act: *Provided, however,* That such sworn statement shall not be used as evidence in any subsequent court proceedings, except in a prosecution for perjury in, or connected with its execution.

SEC. 2. This act is necessary for the immediate

preservation of the public peace, health and safety and shall take effect immediately. Effective immediately.

Passed the Senate March 2, 1937.

Passed the House March 4, 1937.

Approved by the Governor March 9, 1937.

CHAPTER 46.

[S. H. B. 6.]

FLOOD CONTROL, NAVIGATION AND POWER DEVELOPMENT.

AN ACT relating to flood control, navigation and power development.

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

SECTION 1. Whenever the board of county commissioners of any county shall adjudge that it is desirable and for the general welfare and benefit of the people of the county and for the interest of the county to convey property, real or personal, belonging to the county, to the United States government for the purpose of flood control, navigation and power development, such board of county commissioners, by majority vote, are hereby authorized to convey such property to the United States government for flood control, navigation and power development purposes. This property may be so conveyed by deed or other instrument of conveyance without notice and upon such consideration as shall be determined by the board of county commissioners.

Conveyance of lands by county to United States.

SEC. 2. Pursuant to the constitution and laws of the United States and the constitution of the State of Washington, consent of the legislature is hereby given to such conveyance by a county to the United States government for such purposes.

Legislative consent to conveyance.

Exclusive
jurisdiction.

SEC. 3. Pursuant to the constitution and laws of the United States and the constitution of the State of Washington, consent of the legislature is hereby given to the exercise by the Congress of the United States of exclusive legislation in all cases whatsoever on such tract or parcels of land so conveyed to it: *Provided*, That all civil process issued from the court of the state and such criminal process as may issue under the authority of the state against any person charged with crime in cases arising outside of said tract may be served and executed thereon in the same manner as if such property were retained by the county.

Civil or
criminal
process.

Effective
immediately.

SEC. 4. This act is necessary for the immediate preservation of the public peace, health, safety and support of the state and shall take effect immediately.

Passed the House February 19, 1937.

Passed the Senate March 3, 1937.

Approved by the Governor March 10, 1937.

CHAPTER 47.

[H. B. 106.]

APPOINTMENT OF RECEIVERS BY THE COURTS.

AN ACT prescribing the grounds for the appointment of receivers by the court, amending section 741 of Remington's Revised Statutes, and declaring that this act shall take effect immediately.

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

Amends
§ 741, Rem.
Rev. Stat.
(§ 8414 P. C.)

SECTION 1. That section 741 of Remington's Revised Statutes, the same being section 171, chapter XIII of the Laws of the State of Washington of 1854, be and it is hereby amended to read as follows:

Appointment
of receiver.

Section 741. A receiver may be appointed by the court in the following cases:

1. In an action by a vendor to vacate a fraudulent purchase of property, or by a creditor to subject any property or fund to his claim; **Grounds.**

2. In an action between partners, or other persons jointly interested in any property or fund;

3. In all actions where it is shown that the property, fund, or rents and profits in controversy are in danger of being lost, removed or materially injured;

4. In an action by a mortgagee for the foreclosure of a mortgage and the sale of the mortgaged property, when it appears that such property is in danger of being lost, removed, or materially injured; (or when such property is insufficient to discharge the debt, to secure the application of the rents and profits accruing, before a sale can be had);

5. When a corporation has been dissolved, or is in the process of dissolution or is insolvent, or is in imminent danger of insolvency, or has forfeited its corporate rights, and when the court in its sound discretion deems that the appointment of a receiver is necessary to secure ample justice to the parties;

6. And in such other cases as may be provided by law, or when, in the discretion of the court, it may be necessary to secure ample justice to the parties: *Provided*, That no party or attorney or other person interested in an action shall be appointed receiver therein.

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

**Effective
immediately.**

Passed the House February 3, 1937.

Passed the Senate March 3, 1937.

Approved by the Governor March 10, 1937.

CHAPTER 48.

[H. B. 170.]

EXAMINATION OF BANKS AND TRUST COMPANIES.

AN ACT relating to the office of supervisor of banking and amending section 5 of chapter 209 of the Laws of 1919.

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

Amends
ch. 209, § 5,
Laws of 1919.

SECTION 1. That section 7 of chapter 80 of the Laws of 1917, as amended by section 5 of chapter 209 of the Laws of 1919 be amended to read as follows:

Investiga-
tion.

Section 7. It shall be the duty of the supervisor of banking, the deputy supervisor of banking or a bank examiner without previous notice to 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 of banking may make such other full or partial examinations as he deems necessary. The supervisor of banking 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.

Passed the House February 12, 1937.

Passed the Senate March 3, 1937.

Approved by the Governor March 10, 1937.

CHAPTER 49.

[H. B. 185.]

AGRICULTURAL AND VEGETABLE SEEDS.

AN ACT relating to seed and amending section 2 of chapter 55 of the Laws of 1923.

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

SECTION 1. That section 2 of chapter 55 of the Session Laws of 1923 (section 6977-b of Remington's Amends § 6977-b, Rem. Comp. Stat. (§ 113-4 P. C.) Compiled Statutes) be amended to read as follows:

Section 2. It shall be unlawful for any person, firm or corporation to represent by certificate, advertisement, placard, label or brand, or by any means of description, real or implied, any agricultural or vegetable seed, to be "certified" or "certified seed" unless and until such seed shall have been duly inspected, graded and certified by the director of agriculture, or his authorized representatives, in accordance with the rules and regulations adopted and promulgated by the director of agriculture under the provisions of this act; and it shall be unlawful to offer or expose for sale agricultural or vegetable seed with a tag or tags blue in color and similar in size to the official state certification tag which could in any way be mistaken for an official tag: *Provided, however,* That agricultural or vegetable seed imported into this state which has been inspected and certified by the proper authorities of the state from which such seed is exported under a law of that state providing for the inspection and certification of seed, may be designated by the official certification tag of the state of origin when sold or offered for sale in this state as certified seed, provided such seed complies with the rules and regula-

False representations.

Imported seed.

tions adopted and promulgated by the director of agriculture of this state.

Passed the House February 16, 1937.

Passed the Senate March 3, 1937.

Approved by the Governor March 10, 1937.

CHAPTER 50.

[H. B. 203.]

RIGHT OF EMINENT DOMAIN EXTENDED TO MINING CORPORATIONS.

AN ACT relating to the extension of the right of eminent domain to mining, milling or reduction works corporations and amending Remington's Revised Statutes sections 8608 and 8609.

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

SECTION 1. That Remington's Revised Statutes section 8608 be amended to read as follows:

Section 8608. The right of eminent domain is hereby extended to all corporations incorporated or that may hereafter be incorporated under the laws of this state or any state or territory of the United States, engaged in the business of acquiring, owning or operating, mines, mills, or reduction works, or mining or milling gold, silver, or other minerals which may desire to establish, own, or operate, in the conducting of such business, any road, railroad, surface tramway, or elevated cable tramway, to property owned by said corporation, or ditch, tunnel, flume, or canal to convey water thereto, or ditch, flume, cut, or tunnel to convey the water or tailings therefrom, or tunnel or shaft necessary for the better working of their property, for the purpose of acquiring the property necessary to carry out such desire.

Amends
§ 8608, Rem.
Rev. Stat.
 (§ 7623 P. C.)
Eminent
domain.

SEC. 2. That Remington's Revised Statutes section 8609 be amended to read as follows:

Amends
§ 8609, Rem.
Rev. Stat.
(§ 7624 P. C.)
Right to
enter lands
to survey.

Section 8609. Every corporation incorporated or that may hereafter be incorporated under the laws of this state or any state or territory of the United States, engaged in the business of acquiring, owning or operating, mines, mills, or reduction works, or mining or milling gold, silver, or other minerals, which may desire to establish, own, or operate, in the conducting of such business, any road, railroad, surface tramway, or elevated cable tramway to property owned by said corporation, or ditch, tunnel, flume or canal to convey water thereto, or ditch, flume, cut, or tunnel to convey the waters or tailings therefrom, or tunnel or shaft necessary for the better working of their property, shall have the right to enter upon any land between the termini of the proposed improvement for the purpose of examining, locating and surveying such property, doing no unnecessary damage thereby.

Passed the House February 23, 1937.

Passed the Senate March 3, 1937.

Approved by the Governor March 10, 1937.

CHAPTER 51.

[S. H. B. 332.]

WASHINGTON NATIONAL GUARD.

AN ACT relating to the State Militia, providing for organization, regulation, maintenance and discipline of the National Guard of Washington, and amending section 62 of chapter 134 of the Laws of 1909, the same being section 8508 of Remington's Revised Statutes, and declaring that this act shall take effect immediately.

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

Amends
§ 8508, Rem.
Rev. Stat.
(§ 3765-54
P. C.)

SECTION 1. That section 62 of chapter 134 of the Laws of 1909, the same being section 8508 of Remington's Revised Statutes, be amended to read as follows:

Authority of
commanding
officer.

Section 62. The commanding officer at any drill, parade, encampment or other duty may cause those under his command to perform any military duty he shall require, and may place in arrest for the time of such drill, parade, encampment or other duty any officer or enlisted man who shall disobey the orders of his superior officer, or in any way interrupt the exercises, and any other person or persons who shall trespass on the camp grounds, parade grounds, rifle range or armory, or in any way or manner interrupt or molest the orderly discharge of duty of those on duty, or who shall disturb or prevent the passage of troops going to or returning from any regularly ordered tour of duty; and he shall prohibit and prevent the sale or use of all spirituous liquors, wines, ale or beer, or holding of huckster or auction sales, and all gambling within the limits of such parade or encampment, and remove disorderly persons found within the limits of such parade or encampment. During the period of any encampment, or field training exercise the commanding officer of such encampment or field training exercise may abate, as common nuisances, any disorderly places and pro-

hibit the sale of intoxicating or spirituous liquors or beverages, within one mile of such encampment or field training exercise. Any person violating any of the provisions of this section, or any order issued in pursuance thereof, shall be guilty of a misdemeanor, and may be delivered at or before the termination of such duty to any peace officer, and shall be brought before the nearest court of competent jurisdiction for trial, and upon conviction shall be fined not more than one hundred dollars, or imprisoned not more than thirty days, or shall suffer both such fine and imprisonment.

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

Effective immediately.

Passed the House February 19, 1937.

Passed the Senate March 3, 1937.

Approved by the Governor March 10, 1937.

CHAPTER 52.

[H. B. 353.]

RELIGIOUS AFFILIATIONS.

AN ACT relating to inquiry concerning religion or religious affiliations of persons seeking employment or official positions in schools or in any state, county or municipal corporation of the State of Washington and providing penalty for the violation thereof.

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

SECTION 1. No person, agency, bureau, corporation, or association employed or maintained to obtain or aid in obtaining positions for teachers, principals, superintendents, clerks or other employees in the public schools, or in any state, county or municipal corporation of the State of Washington and no individual or individuals conducting or em-

Inquiry concerning religious affiliations prohibited.

ploying or interested directly or indirectly in such an agency, bureau, corporation or association, and no board of education, trustee of a school district, superintendent, principal or teacher of a public school or other official or other employee of a board of education or any state, county or municipal corporation, shall directly or indirectly ask, indicate or transmit orally or in writing the religion or religious affiliation of any person seeking employment or official position in the public schools or any state, county, or municipal corporation.

Penalty for violation.

SEC. 2. Any person who, or any agency, bureau, corporation or association which shall violate any of the provisions of section 1 of this act, shall be guilty of a misdemeanor.

Passed the House February 25, 1937.

Passed the Senate March 3, 1937.

Approved by the Governor March 10, 1937.

CHAPTER 53.

[S. B. 112.]

WASHINGTON STATE HIGHWAY ACT.

AN ACT prescribing certain powers and duties of the director of highways; classifying highways of the state and designating the routes of primary state highways; providing for the acquisition of right of way for primary state highways; prescribing procedure for the contracting of highway construction and work by day labor; assenting to and providing for financial cooperation with the Federal Aid Road Act and other Federal donation acts; providing for the improvement, preservation, protection and maintenance of primary state highways; providing for highway signs and markings; providing for closing and restricting highways, granting of franchises, removal of obstructions, planting of vegetation and regulation of lights and signs on public highways; saving certain acts performed and rights vested; repealing certain acts and parts of acts and all acts and parts of acts in conflict; and declaring an emergency.

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

CHAPTER I. DEFINITIONS.

SECTION 1. That the following words and phrases, wherever used in this act, shall have the meaning as in this section ascribed to them, unless where used the context thereof shall clearly indicate to the contrary:

(a) "Alley." A public highway within the ordinary meaning of alley not designed for general travel and primarily used as a means of access to the rear of residences and business establishments; "Alley."

(b) "Arterial Highway." Every public highway, as herein defined, or portion thereof designated as such by proper authority; "Arterial Highway."

(c) "Business District." The territory contiguous to and including the public highway, as herein defined, when fifty per cent (50%) or more of the frontage thereon on either side thereof for a con- "Business District."

tinuous distance of three hundred (300) feet or more is occupied by buildings in use for business;

"Center Line."

(d) "Center Line." The line, marked or unmarked, parallel to and equidistant from the sides of the roadway of a public highway;

"Center of Intersection."

(e) "Center of Intersection." The point of intersection of the center lines of the roadways of intersecting public highways;

"City Street."

(f) "City Street." Every public highway as herein defined, or part thereof located within the limits of incorporated cities and towns, except alleys;

"Combina-
tion of
Vehicles."

(g) "Combination of Vehicles." Every combination of motor vehicle and trailer or motor vehicle and semi-trailer the principal use of which is the transportation of commodities, merchandise, produce, freight or animals;

"Commercial Vehicle."

(h) "Commercial Vehicle." Any vehicle (of) the principal use of which is the transportation of commodities, merchandise, produce, freight, animals or passengers for hire;

"County Road."

(i) "County Road." Every public highway as herein defined, or part thereof, outside the limits of incorporated cities and towns and which has not been designated as a primary state highway;

"Crosswalk."

(j) "Crosswalk." The portion of the roadway between the intersection area and a prolongation or connection of the farthest sidewalk line or in the event there are no sidewalks then between the intersection area and a line ten (10) feet therefrom, except as modified by a marked crosswalk;

"Intersection Area."

(k) "Intersection Area." The area embraced within the prolongation of the lateral curb lines, or, if there be no curbs, then the lateral roadway boundary lines, of two or more public highways which join one another at an angle, whether or not such highways cross one another;

"Intersection Center Marker."

(l) "Intersection Center Marker." Any standard, button, flag, painted or raised marker, or other

device located at and intended to designate the approximate center of intersection;

(m) "Intersection Control Area." The intersection area as herein defined, together with such modification of the adjacent roadway area as results from the arc or curb corners and together with any marked or unmarked crosswalks adjacent to the intersection;

"Intersection Control Area."

(n) "Intersection Entrance Marker." Any standard, button, flag, caution sign, stop sign, or other device located at approximately the point of intersection of the center line of an intersecting public highway with the nearest line of the intersection control area on the approach thereto;

"Intersection Entrance Marker."

(o) "Laned Highway." A highway the roadway of which is divided into clearly marked lanes for vehicular traffic;

"Laned Highway."

(p) "Local Authorities." Every county, municipal, or other local public board or body having authority to adopt local police regulations under the constitution and laws of this state;

"Local Authorities."

(q) "Marked Crosswalk." Any portion of a roadway distinctly indicated for pedestrian crossing by lines or other markings on the surface thereof;

"Marked Crosswalk."

(r) "Metal Tire." Every tire, the bearing surface of which in contact with the highway is wholly or partly of metal or other hard, nonresilient material;

"Metal Tire."

(s) "Motor Truck." Any motor vehicle as herein defined, designed or used for the transportation of commodities, merchandise, produce, freight or animals;

"Motor Truck."

(t) "Motor Vehicle." Every vehicle, as herein defined, which is in itself a self-propelled unit;

"Motor Vehicle."

(u) "Multiple Lane Highway." Any public highway the roadway of which is of sufficient width to reasonably accommodate four (4) separate lanes of vehicular traffic, two (2) lanes in each direction,

"Multiple Lane Highway."

each lane of which shall be not less than eight (8) feet in width, and whether or not such lanes are marked and whether or not the lanes of opposite bound traffic are separated by a neutral zone or other center line marking;

"Operator." (v) "Operator." Every person who is in actual physical control of a motor vehicle as herein defined, upon a public highway, as herein defined;

"Peace Officer." (w) "Peace Officer." Any officer authorized by law to execute criminal process or to make arrests for the violation of the statutes generally or of any particular statute or statutes relative to the public highways of this state;

"Pedestrian." (x) "Pedestrian." Any person afoot;

"Person." (y) "Person." Every natural person, firm, co-partnership, corporation, association or organization;

"Pneumatic Tires." (z) "Pneumatic Tires." Every tire of rubber or other resilient material designed to be inflated with compressed air to support the load thereon;

"Primary State Highway." (aa) "Primary State Highway." Every public highway as herein defined, or part thereof, which has been designated as a primary state highway by legislative enactment;

"Private Road or Driveway." (bb) "Private Road or Driveway." Every way or place in private ownership and used for travel of vehicles by the owner or those having express or implied permission from the owner, but not by other persons;

"Public Highway." (cc) "Public Highway." Every way, lane, road, street, boulevard, and every way or place in the State of Washington open as a matter of right to public vehicular travel both inside and outside the limits of incorporated cities and towns;

"Railroad." (dd) "Railroad." A carrier of persons or property upon vehicles, other than street cars, operated upon stationary rails, the route of which is principally outside incorporated cities and towns;

(ee) "Railroad Sign or Signal." Any sign, signal, or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train; "Railroad Sign or Signal."

(ff) "Residence District." The territory contiguous to and including the public highway, as herein defined, not comprising a business district, as herein defined, when the property on such public highway for a continuous distance of three hundred (300) feet or more on either side thereof is in the main improved with residences or residences and buildings in use for business; "Residence District."

(gg) "Roadway." The paved, improved or proper driving portion of a public highway designed, or ordinarily used for vehicular travel; "Roadway."

(hh) "Safety Zone." The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is marked or indicated by painted marks, signs, buttons, standards or otherwise so as to be plainly discernible; "Safety Zone."

(ii) "Sidewalk." That property between the curb lines or the lateral lines of a roadway, as herein defined, and the adjacent property, set aside and intended for the use of pedestrians or such portion of private property parallel and in proximity to a public highway and dedicated to use by pedestrians; "Sidewalk."

(jj) "Solid Tire." Every tire of rubber or other resilient material which does not depend upon inflation with compressed air for the support of the load thereon; "Solid Tire."

(kk) "Street Car." A vehicle other than a train, as herein defined, for the transporting of persons or property and operated upon stationary rails principally within incorporated cities and towns; "Street Car."

(ll) "Traffic." Pedestrians, ridden or herded animals, vehicles, street cars, and other conveyances "Traffic."

either singly or together while using any public highways for purposes of travel;

"Traffic Control Signal."

(mm) "Traffic Control Signal." Any traffic device, as herein defined, whether manually, electrically or mechanically operated, by which traffic alternately is directed to stop or proceed or otherwise controlled;

"Traffic Devices."

(nn) "Traffic Devices." All signs, signals, markings and devices not inconsistent with this act placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic;

"Train."

(oo) "Train." A vehicle propelled by steam, electricity or other motive power with or without cars coupled thereto, operated upon stationary rails, except street cars;

"Vehicle."

(pp) "Vehicle." Every device capable of being moved upon a public highway and in, upon or by which any person or property is or may be transported or drawn upon a public highway, excepting devices moved by human or animal power or used exclusively upon stationary rails or tracks.

Words and phrases used herein in (as) the past, present or future tense shall include the past, present and future tenses; words and phrases used herein in the masculine, feminine or neuter gender shall include the masculine, feminine and neuter genders; and words and phrases used herein in the singular or plural shall include the singular and plural; unless the context thereof shall indicate to the contrary.

CHAPTER II. GENERAL ADMINISTRATION.

Director of Highways.

SEC. 2. The director of highways of the State of Washington shall be a registered professional engineer under the law of this state and shall be a graduate in engineering of an accredited university or college or have in lieu thereof experience as a

Qualifications.

civil engineer in responsible charge of work equivalent to such education, and in addition experience in highway or road construction for a period of not less than five (5) years.

SEC. 3. The director of highways shall have the power and it shall be his duty:

(a) To conduct, control and supervise the state department of highways, and to designate and establish such department of highway district or branch offices as may be necessary and convenient, and to appoint and employ and to determine the powers and duties together with the salaries and other expenses of such engineering, clerical, mechanical, and any and all other assistants as may be necessary or convenient in the exercise of the powers and in the discharge of his duties as the director of highways;

(b) To keep at the office of the director of highways in the highway building at the state capitol a record of all proceedings and orders pertaining to the matters under his direction and copies of all maps, plans and specifications prepared by him, and to prepare and submit to the governor thirty (30) days before each regular session of the legislature of the State of Washington a report of work constructed or under construction and to make recommendations as to needed primary state highways and improvements of the primary state highway system, together with estimated cost thereof;

(c) To acquire property as authorized by law and to construct and maintain thereon any buildings or structures necessary and convenient for the exercise of the powers and the discharge of the duties of the director of highways and to construct and maintain any buildings or structures and appurtenances and facilities necessary or convenient to the health and safety and for the accommodation of persons traveling upon the primary state highways of this state;

Powers and duties:

Supervision of Department of Highways.

Records kept.

Acquisition of property.

Employment
of engineers.

(d) To employ such qualified engineers who shall be registered professional engineers under the laws of the State of Washington, assistants and such other services and to provide such superintendents of construction, repair or maintenance work on any primary state highways as may be necessary to accomplish the completion thereof, and the expense so incurred together with the cost of any right of way necessary therefor, or land incidental thereto, shall be charged against the funds appropriated for the construction, repair or maintenance of primary state highways;

Primary
state
highways.

(e) To exercise all the powers and perform all the duties necessary, convenient, or incidental to the laying out, locating, relocating, surveying, constructing, altering, repairing, improving, and maintaining of any primary state highway, and of any bridges, culverts and embankments necessary or important therefor or for the protection or preservation thereof, and channel changes therefor and to examine and allow or disallow bills for any work done or materials furnished and to certify all claims allowed to the state auditor;

Biennial
report.

(f) To publish biennially and before the end of each even numbered year a report of the department of highways with such cumulative information as may be deemed important and such recommendations as may be deemed desirable for the future operation of the department of highways;

Merit
system.

(g) To devise and place in operation in the department of highways of the State of Washington a practical and workable merit system for the rating of employees of the department of highways and the same shall by him be followed as closely as possible in the classification of employees, setting of wages and the determination of eligibility for promotion, to effect the most efficient and economical conduct of the department of highways;

(h) To collect and compile and to publish, if it is deemed advisable, statistics relative to public highways throughout the state; to collect such information in regard thereto as is deemed expedient; to investigate and determine upon various methods of highway construction adaptable to different sections of the state; to investigate and determine the best methods of construction and maintenance of highways, roads and bridges; to gather and compile such other information relating thereto as shall be deemed appropriate, and to employ highway funds for the purpose of constructing test roads within the State of Washington and conducting investigations and research thereof in the State of Washington or elsewhere; to conduct on any highways, roads, or streets of this state, physical, traffic or other nature of inventory or survey considered of value in determining highway, road or street uses and needs;

Compilation of statistics.

Test roads.

(i) To appoint, with the approval of the governor, a qualified assistant to act temporarily in the capacity of director of highways in his absence which assistant shall exercise all the powers and discharge all the duties of the director of highways during such absence;

Appointment of assistant.

(j) To exercise all powers and to perform all duties by any law granted to or imposed upon the state highway board, the state highway commission, the state highway committee, the director of public works by and through the division of highways, the supervisor of highways, and the state highway engineer;

Duties of state highway board, commission and committee, performed by director.

(k) To exercise all other powers and perform all other duties now or hereafter provided by law.

SEC. 4. The state auditor shall have the power and it shall be his duty to inspect, examine and audit the books, accounts and records of the department of highways periodically and as often as he shall deem necessary and proper.

State auditor to audit books.

CHAPTER III. PRIMARY STATE HIGHWAYS.

Primary
state high-
ways and
county
roads.

SEC. 5. All public highways in the State of Washington, or portions thereof, outside incorporated cities and towns shall be divided and classified as primary state highways and county roads. All primary state highways shall be established by the legislature of the State of Washington and shall be described, and designated by convenient number and descriptive name. All public highways in the State of Washington, or portions thereof, outside incorporated cities and towns, not established as primary state highways, are hereby declared to be county roads.

CHAPTER IV. RIGHT OF WAY.

Acquisition
of right of
way, etc.

SEC. 25. Whenever it is necessary to secure any lands for a right of way for any primary state highway, or for the drainage thereof or construction of a protection therefor or so as to afford unobstructed vision therefor toward any railroad crossing or another public highway crossing or any point of danger to public travel or for the purpose of acquiring sand pits, gravel pits, borrow pits, stone quarries or any other land for the extraction of materials for construction or maintenance or both, or for any site for the erection upon and use as a maintenance camp, of any primary state highway, or any site for other necessary structures or for structures for the health and accommodation of persons traveling or stopping upon the primary state highways of this state, or for any other highway purpose, together with right of way to reach such property and gain access thereto, the director of highways is authorized to acquire such lands in behalf of the state by gift, purchase or condemnation. In case of condemnation to secure such lands the action shall be brought in the name of the State of Washington in the manner provided for the acquiring of property for the public

Gift or
purchase.
Condemna-
tion.

uses of the state, and in such action the selection of the lands by the director of highways shall, in the absence of bad faith, arbitrary, capricious or fraudulent action, be conclusive upon the court and judge before which the action is brought that said lands are necessary for public use for the purposes sought. The cost and expense of such lands may be paid as a part of the cost of the primary state highway for which such right of way, drainage, unobstructed vision, sand pits, gravel pits, borrow pits, stone quarries, maintenance camp sites and structure sites or other lands are acquired. Whenever it is necessary to locate and construct a primary state highway over and across any of the public lands of the State of Washington, including tide or shore lands or any oyster reserve which has been or may hereafter be established, or in the construction or maintenance of any primary state highway to have additional land, for drainage thereof or construction of a protection therefor or to afford unobstructed vision therefor toward any railroad crossing or another public highway crossing or any point of danger to public travel or to open up and use materials from any sand pit, gravel pit, borrow pit, stone quarry or other land for the extraction of materials for the construction or maintenance or both, or any site for other necessary structures, or for structures for the health and accommodation of persons traveling or stopping upon such primary state highway, or for any other public highway purpose, together with any necessary right of way to reach such property and gain access thereto, the director of highways shall file in the office of the commissioner of public lands a map showing the location of such primary state highway over and across such land, or the additional land needed, for drainage thereof or construction of a protection therefor or for unobstructed vision as above provided therefor,

Cost and
expense.

Primary
state high-
ways over
state lands.

Map filed
with com-
missioner of
public lands.

or the location of such sand pit, gravel pit, stone quarry, maintenance camp site, structure site or other lands, together with right of way to reach such property and gain access thereto within such lands, with reference to a United States government survey, and upon the filing of such map, the easement of such right of way, or for such additional land, for drainage thereof or construction of a protection thereof or for such unobstructed vision therefor or for locating, opening up and using materials from any such sand pit, gravel pit, borrow pit, stone quarry or lands for the extraction of material or for the erection or occupancy of any such maintenance camp or erection of other structure together with any such required right of way thereto, shall be reserved to the state and such land when sold, leased or otherwise disposed of, shall be sold, leased or disposed of subject to such right of way and subject to any such use of additional land for drainage or protection or for unobstructed vision and subject to any such established sand pit, gravel pit, borrow pit, stone quarry or location for the extraction of material or erection of other structure together with any such required right of way thereto and to the right of the state to use and remove materials therefrom for the construction upon and maintenance of any primary state highway, and subject to the occupancy and use of any such maintenance camp site or other structure site together with such right of way thereto: *Provided*, That as soon as the state shall no longer require any such sand pit, gravel pit, borrow pit, stone quarry, location for the extraction of material, maintenance camp site or other structure site, it shall be the duty of the director of highways forthwith to so certify to the commissioner of public lands, and from and after the receipt and filing of such certificate in the office of said commissioner of public lands the lands

Certificate
releasing
public lands.

described therein shall thereafter be freed from any such use and occupancy for such purposes: *Provided, further,* That if there be timber on any such public lands of the State of Washington or portion thereof required under the provisions of this section for the right of way of any primary state highway, or for the drainage thereof or construction of a protection therefor or so as to afford unobstructed vision therefor toward any railroad crossing or another public highway crossing or a point of danger to public travel or any sand pits, gravel pits, borrow pits, stone quarry or other land for the extraction of materials or for any site for the erection upon or use as a maintenance camp or other necessary structure or structures or any other proper highway purposes or necessary for right of way to reach any such property and gain access thereto, the director of highways shall pay to the commissioner of public lands the reasonable appraised value of any such timber thereon and no such land shall be used by the director of highways for any of the purposes set forth in this section until payment for such timber shall have been made: *Provided, further,* That the director of highways shall pay to the commissioner of public lands for any materials extracted for construction or maintenance, or both, from any sand pit, gravel pit, borrow pit, stone quarry, or other location for the extraction of materials located upon public lands of the State of Washington a sum of one and one-half cents ($1\frac{1}{2}c$) per cubic yard for all such materials so extracted, and before the extraction of such materials shall obtain from the commissioner of public lands a permit for such extraction setting forth the terms and conditions under which such materials may be extracted from such public lands.

State re-imbursed for timber.

Sand, gravel, etc., located upon state lands.

SEC. 26. Whenever it is necessary to secure any lands for primary state highway right of way or

County lands acquired.

other primary state highway purposes, the title to which is in any county of the state, which land is not at the time being used as a public highway, the board of county commissioners are empowered to execute a deed of such land passing title to the State of Washington. Whenever any primary state highway is established by legislative enactment and such primary state highway is upon the former route of any county road, the board of county commissioners shall cause the title to the existing right of way or so much thereof as the director of highways shall require to be transferred to the State of Washington by proper instrument.

Work performed as a portion of right of way cost.

SEC. 27. Whenever it is considered in the securing of any lands for primary state highway purpose, whether by condemnation or otherwise, that it is for the best interest of the state, for specific structural items of damage claimed the court or judge may order or the person whose lands are sought may agree that a portion or all work or labor necessary to the land or remaining land by reason of the taking by way of damage, be performed by the state through the director of highways as all or a part of the consideration or satisfaction of the judgment therefor, in which event the director of highways may perform such work as a portion of the right of way cost of such primary state highway.

Conveyance of abandoned right of way.

SEC. 28. Whenever any primary state highway is relocated across any lands and by reason thereof the existing primary state highway across said lands will be useless to the state and will be abandoned, the director of highways may, if the owner of any lands embraced within the relocated primary state highway is also the owner of the abutting lands on one or both sides of the useless primary state highway right of way, agree with such owner, as the consideration or as a part of the consideration for

the conveyance to the state of the lands required for the relocated primary state highway right of way, to cause to be made to such owner a deed of conveyance of the useless primary state highway right of way or part thereof. Whenever the director of highways shall make such an agreement with any property owner and shall certify to the governor that he has made such an agreement and give a description of the useless right of way agreed to be conveyed to such owner, the governor may execute and the secretary of state shall attest and deliver to such owner a deed of conveyance on behalf of the state to such useless primary state highway right of way or part thereof.

Deed
executed.

SEC. 29. Upon the taking effect of this act all rights of way of any primary state highways, together with all appurtenances thereto, the right or interest in or to which was, or is, in any county, road district, township, local improvement district, independent highway district, or other highway or road district or political subdivision of the State of Washington shall be and the same is hereby transferred to and vested in the State of Washington for use in conjunction with such primary state highways under the director of highways.

Title to
highways
and appur-
tenances
vested in
state.

All public highways in the State of Washington which have been designated to be primary state highways or secondary state highways or classified as primary roads and which have been constructed and improved and maintained for a period of seven (7) years prior to the effective date of this act at the expense of the state shall operate to vest in the State of Washington all right, title, and interest to the right of ways thereof, including the roadway and ditches and existing drainage facilities, together with all appurtenances thereto and no informalities in the records of title to such public highways shall be construed to invalidate or vacate such public

highways or to divest the State of Washington of any right, title and interest in the right of way thereof.

Right of way width.

SEC. 30. That from and after the taking effect of this act, the width of one hundred feet is the necessary and proper right of way width for primary state highways unless the director of highways, for good cause, may adopt and designate a different width. This section shall not be construed to require the director of highways to acquire increased right of way for any primary state highway in existence at the time of the taking effect of this act.

CHAPTER V. CONSTRUCTION.

Designation and construction of primary state highways.

SEC. 31. Whenever the general route of any primary state highway shall be designated and laid out as running to or by way of certain designated points, without specifying the particular route to be followed to or by way of such points, the director of highways shall determine the particular route to be followed by said primary state highway to or by way of said designated points, and shall be at liberty to select and adopt as a part of such primary state highway, the whole or any part of any existing public highway previously designated as a county road, primary road or secondary road or now or hereafter classified as a county road. The director of highways need not select and adopt the entire routes for such primary state highways at one time, but may select and adopt parts of such routes from time to time as he deems advisable. Where a primary state highway is designated as passing by way of a certain point, this shall not require the director or highways to cause such primary state highway to pass through or touch such point but such designation is directional only and may be complied with by location in the general vicinity. The director of highways is empowered to construct as a part of any

primary state highway as designated and in addition to any portion meeting the limits of any incorporated city or town a by-pass section either through or around any such incorporated city or town.

SEC. 32. Whenever there is provided an allocation for the construction or improvement of primary state highways the same shall be under the sole charge and direct control of the director of highways. Before entering into any contract for the construction, alteration, repair or improvement of any primary state highway the director of highways shall cause the same to be surveyed throughout the entire length of such proposed construction, alteration, repair or improvement and cause to be prepared maps, plans and specifications, together with an estimate of the cost of such proposed work, and such information and directions as will enable a contractor to carry them out. The maps, plans, specifications and directions shall be approved by the director of highways and a copy thereof filed permanently in the office of the department of highways.

Allocation
for con-
struction.

Survey.

SEC. 33. The director of highways shall, after the approval of the copy of the maps, plans, specifications and directions for the construction or improvement of any primary state highway, publish a call for bid proposals for the construction thereof according to such maps, plans and specifications. Such call for bid proposals shall be published once a week for at least two consecutive weeks, or once a week for more than two consecutive weeks, if such longer period of publication is deemed necessary by the director of highways, next preceding the day set for the receiving and opening of bid proposals, in not less than one trades paper and one other paper, both of general circulation in the state. Such call for bid proposals shall state the time, place

Publication
of call for
bids.

and date for the receiving and opening of bid proposals, a brief description of the location and extent of such work, and such special provisions or specifications as the director of highways shall deem necessary.

Copies of specifications furnished contractors.

SEC. 34. Any person, firm or corporation shall be entitled to receive copies of the maps, plans, specifications and directions for any work upon which call for bids has been published, upon written request therefor and payment to the director of highways by cash, certified check, cashier's check or money order, the sum of two dollars (\$2.00) for each copy of such maps, plans and specifications. Any money so received shall be in payment of rental for such maps, plans and specifications, and the same shall be certified by the director of highways to the state treasurer and deposited to the credit of the motor vehicle fund: *Provided*, The director of highways may deliver without charge informational copies of maps, plans, specifications and directions at such places as he may from time to time designate.

Contract proposal form.

SEC. 35. Bid proposals upon any construction or improvement of any primary state highway, a call for bid proposals for which has been published by the director of highways, shall be made upon contract proposal form supplied by the department of highways, and in no other manner. The director of highways shall, before furnishing any person, firm or corporation desiring to bid upon any work for which a call for bid proposals has been published, with a contract proposal form, require from such person, firm or corporation, answers to questions contained in a standard form of questionnaire and financial statement, including a complete statement of the financial ability and experience of such person, firm, or corporation in performing state highway, road or other public work. Such questionnaire shall be sworn to before a notary public or other

Questionnaire.

person authorized to take acknowledgment of deeds. Whenever the director of highways is not satisfied with the sufficiency of the answers contained in such questionnaire and financial statement he may refuse to furnish such person, firm or corporation with a contract proposal form and any bid proposal of such person, firm or corporation must be disregarded. Such refusal shall be conclusive unless appeal therefrom to the superior court of Thurston county be taken within five (5) days, which appeal shall be heard summarily within ten (10) days after the same is taken and on five (5) days' notice thereof to the director of highways.

SEC. 36. Any person, firm, or corporation proposing a bid for the construction or improvement of any primary state highway in response to a call for bids published therefor may withdraw such bid proposal without forfeiture and without prejudice to the right of such bidder to file a new bid proposal before the time fixed for the opening of such bid proposals: *Provided*, The request for such withdrawal shall have been made in writing, signed by the person proposing such bid or his duly authorized agent, and filed with the director of highways before the time fixed for the opening of such bid proposals. No bid proposal shall be considered which has not been filed with the director of highways before the time fixed for the opening of bid proposals. In any provisions regarding the filing or withdrawing of bid proposals the time fixed for the opening of bid proposals in the call for bid proposals as published shall control without regard for the time when such bid proposals are actually opened.

Withdrawal
of bid.

SEC. 37. At the time and place named in the publication of the call for bid proposals the director of highways shall proceed to publicly open and read according to bid items, all bid proposals properly filed and shall award such contract to the lowest

Opening of
bid
proposals.

responsible bidder unless the director of highways shall have, for good cause, continued the date of opening bid proposals to a day certain. All bid proposals shall have been presented under sealed cover and shall be accompanied by bid proposal deposit in cash, certified check or cashier's check in an amount equal to five per cent (5%) of the amount of such bid proposal and no bid proposal shall be considered unless such bid proposal deposit is enclosed therewith.

Bid proposal deposit.

Failure of successful bidder to enter into contract or furnish bond.

Forfeiture of bid proposal deposit.

Second lowest bidder.

Extension of time for execution of contract.

SEC. 38. Should the successful bidder to whom the contract is awarded fail to enter into such contract and furnish satisfactory bond as by law provided within a period of ten (10) days from and after such award, exclusive of the day of such award, the bid proposal deposit of such bidder shall be forfeited to the State of Washington and shall be deposited by the state treasurer to the credit of the motor vehicle fund, and the director of highways may award such contract to the second lowest responsible bidder. If the second lowest bidder fails to enter into such contract and furnish bond within ten (10) days after award to him, then forfeiture of the bid proposal deposit shall also be made as to such second lowest responsible bidder and the contract may be awarded to the third lowest responsible bidder, and in like manner until the contract and bond are executed by some responsible bidder to whom award is made, or further bid proposals are rejected, or the number of bid proposals exhausted: *Provided*, That in the event that such contract should not be executed or no such contractor's bond provided by any bidder to whom award has been made within the time required, and there appear circumstances which are deemed to warrant an extension of such time, the director of highways may extend the time for execution of the contract or furnishing of satisfactory contractor's bond for a period not to

exceed ten (10) additional days. After the opening of bid proposals and awarding of the contract to the lowest responsible bidder, the bid proposal deposit of unsuccessful bidders shall be returned: *Provided*, The director of highways may retain the bid proposal deposit of such next lowest responsible bidder or bidders as he may desire until such time as the contract is entered into and satisfactory contractor's bond provided by the bidder to whom award has ultimately been made. If in the opinion of the director of highways the acceptance of the bid proposal of the lowest responsible bidder or bidders or, on prior failure of the lowest responsible bidder, or bidders, the acceptance of the bid proposal of the remaining lowest responsible bidder or bidders shall not be for the best interest of the state, he may reject all bid proposals or all remaining bid proposals and republish call for bids in the same manner as an original publication thereof.

Return of
bid proposal
deposits.

Rejection of
all bid
proposals.

SEC. 39. At any time and as often as it may be deemed necessary, the director of highways may require any or all sureties or any surety company to appear and qualify themselves upon any contractor's bond. Whenever such surety or sureties upon any contractor's bond become insufficient or may be deemed by the director of highways to have become insufficient, the director of highways may demand in writing that the contracting person, firm or corporation furnish such further contractor's bond or bonds or additional surety in an amount not exceeding that originally required as may be deemed necessary considering the extent of the work remaining to be done upon such contract. No further payments shall be made on such contract until such additional surety as required is furnished.

Sureties.

Additional
surety.

SEC. 40. Any contracting person, firm or corporation performing any labor or furnishing any materials upon their contract or otherwise for public

Actions to be
instituted in
Thurston
County.

work or improvement under the direction of the director of highways or any person claiming any right of action upon any such contract with the State of Washington or who claims a cause of action against the State of Washington arising out of any such contract must bring such suit in the proper court in Thurston county before the expiration of one hundred and eighty days from and after the final acceptance and the approval of the final estimate of such work by the director of highways; otherwise such action shall be forever barred.

Day labor.

SEC. 41. The director of highways may, in his discretion, cause any primary state highway to be constructed, altered, repaired or improved by contract in the manner provided by law or by day labor. Any construction may be done by day labor in all cases where the estimated cost of such work is in a sum less than ten thousand dollars (\$10,000). The director of highways shall by resolution entered upon his records determine when construction in any case shall be done by day labor, which resolution shall state the reason for such determination. In all other cases construction shall be let by contract and awarded to the lowest responsible bidder in the manner provided by law. In the event that the director of highways considers bid proposals when received as too high, or for other reasons deems it inadvisable that said contract be awarded to any bidders, he may readvertise a new call for bids, or do the work by day labor, which decision shall be ordered by resolution to that effect entered upon the records of said director 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 director of highways has found that in his judgment the said work may be more satisfactorily done by day labor. In any such case where work is performed by day labor, the director

of highways shall, upon the completion thereof, cause to be published in one issue of a newspaper of general circulation in the state, the original estimate of such work and the actual cost of the completion thereof by day labor: *Provided*, No publication shall be required for any work, the cost of which is less than twenty-five hundred dollars (\$2,500).

SEC. 42. It shall be the duty of the director of highways to fix permanent monuments at the original positions of all United States government monuments at township corners, section corners, quarter section corners, meander corners, and witness markers, as originally established by the United States government survey whenever any such original monuments or markers fall within the right of way of any primary state highway and to aid in the re-establishment of any such corners, monuments, or markers destroyed or obliterated by the construction of any primary state highway by permitting inspection of the records in the office of the department of highways.

Permanent monuments.

CHAPTER VI. FEDERAL AID.

SEC. 43. The State of Washington hereby assents to the purposes, provisions, terms and conditions of the grant of money provided in an act of Congress entitled: "An act to provide that the United States shall aid the states in the construction of rural post roads, and for other purposes," approved July 11, 1916, and all acts, grants and appropriations amendatory and supplementary thereto and affecting the State of Washington.

Federal aid.

SEC. 44. In all matters relating to the cooperative construction or improvement of any primary state highway, county road or city or town street for which Federal funds or aid is secured under any act

Federal funds.

of Congress, the director of highways shall act in the manner provided by state law relating to primary state highway construction from the motor vehicle fund, so far as the same may be consistent with the provisions of such act of Congress and the rules and regulations made by the secretary of agriculture or other authorized agent of the United States government pursuant to such act, to which the procedure shall be adapted by the director of highways as may be necessary.

State treasurer to have custody of federal funds.

SEC. 45. That the state treasurer is hereby authorized and directed to receive and have custody of such funds and warrants drawn by the secretary of agriculture or other authorized agent of the United States as are made available for payment by the secretary of the treasury of the United States under the provisions of the Federal Aid Road Act approved July 11, 1916, and all acts amendatory or supplementary thereto, disbursing the same under such terms and conditions as may be prescribed by the secretary of agriculture or by the secretary of the treasury or other authorized agent of the United States. The state treasurer is further authorized and directed to pay from the motor vehicle fund for the use of the director of highways such funds as may be necessary upon any project in anticipation of reimbursement by the government of the United States.

Anticipation of reimbursement.

Pledge of state to equal federal appropriation.

SEC. 46. For the construction, alteration, repair and improvement of primary state highways, county roads, or city and town streets in the State of Washington which are part of the public highway system, the good faith of the State of Washington is hereby pledged to make available funds sufficient to equal the sums appropriated to the state by or under the United States government during succeeding fiscal years and to use and expend the same within one year after the fiscal year for which appropriated,

and in the manner and under the rules and regulations imposed by the secretary of agriculture and to maintain, or cause to be maintained, the highways or roads constructed or improved with the aid of funds so appropriated, and to make adequate provisions for carrying out such maintenance.

SEC. 47. The director of highways is hereby authorized and directed to act for and on behalf of the State of Washington, and any civil subdivision of the state, in all things pertaining to the selection, construction and maintenance of highways and roads under the provisions of the act of Congress approved July 11, 1916, and any and all acts amendatory thereto; and to enter into such agreement with the secretary of agriculture or other duly authorized agent of the United States as may from time to time be desirable or necessary to secure the money or aid for any section of primary state highway, county road or city or town street selected by law for construction or improvement through an appropriation for the period in which said construction or improvement is to be made. Said money to be added to and expended in connection with the appropriation aforesaid; and to apply thereto, as may be required, cooperative expenditures from the motor vehicle fund, which may have been appropriated by the state legislature, and from any highway, road or street fund of any civil subdivision, and which are available for the construction and maintenance of any section of primary state highway, county road or city or town street selected as aforesaid for such aid and improvement.

Director to act on behalf of state.

SEC. 47 $\frac{1}{2}$. The director of highways is empowered to join financially or otherwise with any other state or any county, city, or town of any other state, or with any foreign country, or any province or district of any foreign country, or with the Federal government or any agency thereof, or with any or

Construction of interstate and boundary line bridges.

all thereof, for the erecting and constructing of any bridge, trestle, or any other structure, for the continuation or connection of any primary state highway across any stream, body of water, gulch, navigable water, swamp, or other topographical formation requiring any such structure and forming a boundary between the State of Washington and any other state or foreign country, and for the purchase or condemnation of right of way therefor.

CHAPTER VII. TRAFFIC CONTROL.

Standard
traffic devices
and signs for
highways.

SEC. 48. The director of highways shall have the power and it shall be his duty to adopt and designate a uniform state standard for the manufacture, display, erection and location of all signs, signals, signboards, guide posts and other traffic devices erected or to be erected upon the primary state highways of the State of Washington for the purpose of furnishing information to persons traveling upon such primary state highways regarding traffic regulations, directions, distances, points of danger and conditions requiring caution, and for the purpose of imposing restrictions upon persons operating vehicles thereon. Such signs shall conform as nearly as practicable to the manual of specifications for the manufacture, display, and erection of uniform traffic control devices for streets and highways and all amendments, corrections and additions thereto. The director of highways shall prepare plans and specifications of the uniform state standard of traffic devices so adopted and designated, showing the materials, colors and designs thereof, and shall upon the issuance of any such plans and specifications or revisions thereof and upon request, furnish to the boards of county commissioners and the governing body of any incorporated city or town, a copy thereof. Signs, signals, signboards, guide posts and other traffic devices erected on county roads shall conform in all

respects to the specifications of color, design and location devised by the director of highways. Traffic devices hereafter erected within incorporated cities and towns shall conform to such uniform state standard of traffic devices so far as is practicable.

SEC. 49. It shall be the duty of the director of highways to erect and maintain upon every primary state highway in the State of Washington suitable and proper signs, signals, signboards, guide posts and other traffic devices according to the adopted and designated state standard of design, erection and location, and in the manner required by law; it shall be the duty of the director of highways to erect and maintain upon all primary state highways appropriate stop signs, warning signs and school signs. Any person, firm, corporation or municipal corporation, building, owning, controlling or operating a railroad that crosses any primary state highway at grade shall construct, erect and maintain at or near each point of crossing, or at such point or points as will meet the approval of the director of highways, a sign of the type known as the saw buck crossing sign with the lettering "Railroad Crossing" inscribed thereon, also a suitable inscription indicating the number of tracks; said sign must be of standard design that will comply with the plans and specifications furnished by the director of highways. Additional safety devices and signs may be installed at any time when required by the department of public service as provided by laws regulating railroad-highway grade crossings.

Director to erect and maintain signs, signals, etc.

Railroad crossing signs.

SEC. 50. The director of highways shall adopt specifications for a uniform system of traffic control signals consistent with the provisions of this act for use upon public highways within this state. Such uniform system shall correlate with and so far as possible conform to the system current as approved by the American Association of State Highway Of-

Uniform traffic control signals.

officials and as set out in the manual of uniform traffic control devices for streets and highways.

Traffic devices.

SEC. 51. The director of highways shall place and maintain such traffic devices conforming to the manual and specifications adopted upon all primary state highways as he shall deem necessary to carry out the provisions of this act or to regulate, warn, or guide traffic.

Local authorities to maintain traffic devices.

SEC. 52. Local authorities in their respective jurisdictions shall place and maintain such traffic devices upon public highways under their jurisdiction as they may deem necessary to carry out the provisions of the law or local traffic ordinances or to regulate, warn, or guide traffic. The governing authorities of incorporated cities and towns shall adequately equip with traffic devices those city streets which are designated as forming a part of the route of a primary state highway through any such incorporated cities and towns.

Defacement of signals or signs unlawful.

SEC. 53. No person shall without lawful authority attempt to or in fact alter, deface, injure, knock down, or remove any official traffic control signal, traffic device or railroad sign or signal, or any inscription, shield, or insignia thereon, or any other part thereof.

Failure to erect railroad crossing signs.

SEC. 54. Whenever any person, firm, corporation, municipal corporation or local authorities responsible for the erection and maintenance, or either, of signs at any railroad crossing or point of danger upon any primary state highway fails, neglects or refuses to erect and maintain, or either, such sign or signs as required by law at highway-railroad grade crossings, it shall be the duty of the department of public service upon complaint of the director of highways or upon complaint of any party interested, or upon its own motion, to enter upon a hearing in the manner now provided by law for hearings with

respect to railroad-highway grade crossings and to make and enforce proper orders for the erection or maintenance of such signs, or both.

SEC. 55. Standard Federal road markers shall be placed on primary state highways in the manner requested by the Department of Agriculture of the United States. The director of highways of the State of Washington is authorized and empowered to cooperate with the several states and with the Federal government in promoting, formulating and adopting a standard and uniform system of numbering or designating primary state highways of an interstate character and in promoting, formulating and adopting uniform and standard specifications for the manufacture, display, erection and location of road markers and signs, for the information, direction and control of persons traveling upon public highways.

Uniform system of designating interstate highways.

SEC. 56. Directional signs showing distance and direction to points of importance may be placed at all crossings and intersections of primary state highways. The director of highways may place such directional signs as he deems necessary upon any city streets designated by him as forming a part of the route of any primary state highway through any incorporated city or town. Caution and warning signs or signals shall be placed wherever practicable on all primary state highways in a manner provided by law. Stop signs shall be placed as follows: Upon all county roads at the point of intersection with any primary state highway which signs shall be erected and maintained by the county having jurisdiction; upon at least one primary highway at the intersection of primary state highways.

Directional signs.

Caution or warning signals.

County roads intersecting highways.

SEC. 57. Wherever it is considered necessary or convenient the director of highways may erect approach warning signs upon the approach of any primary state highway to a highway-railroad grade

Approach signs on highway, railroad and grade crossings.

crossing situated at a sufficient distance therefrom to make the warning effective. The director of highways may further provide such additional or other highway-railroad grade crossing markings as may be considered to serve the interests of highway safety.

City limits designated.

SEC. 58. The director of highways shall erect wherever he deems necessary upon primary state highways at or near their point of entrance into cities and towns, signs of the standard design designating the city or town limits of such cities or towns.

Stop signs.

SEC. 59. Whenever the condition of any primary state highway shall require or whenever for the safety of persons working or traveling upon any primary state highway the director of highways shall deem it proper, he may require persons traveling upon any portion of any such primary state highway to stop before entering such portion thereof. For this purpose there may be erected on the center line of such primary state highway at each end of such portion of such primary state highway a sign of standard design with the word "STOP" plainly displayed. All persons traveling upon any such primary state highway shall come to a complete stop at any such sign and the appearance of any sign so located shall be sufficient warning to any person that he may be required to stop at such sign. Every person stopping at such sign shall proceed through such portion of primary state highway in a careful manner and at a reasonable rate of speed which shall in no event exceed twenty (20) miles per hour. It shall be unlawful for any person to fail, neglect or refuse to comply with the directions of any such stop sign.

Traffic devices as public gifts.

SEC. 60. Any person, firm, corporation, association or organization desiring to manufacture, display, erect or locate any signs, signals, signboards, guide posts or other traffic devices upon the primary

state highways of this state as a public gift shall be permitted to erect such traffic devices under the supervision, direction and control of the director of highways providing the same is done in strict conformity with the uniform state standard adopted and designated for the construction, erection and location thereof, and upon obtaining a permit therefor from the director of highways. The director of highways is further authorized to join with any such person, firm, corporation, association or organization financially or otherwise if he deems it to be for the best benefit of the State of Washington to do so for the erection of any traffic devices.

SEC. 61. It shall be unlawful for any person to erect or maintain an imitation or counterfeit of any sign, signal, signboard, guide post, or any other traffic devices for the direction, information, warning, control or restriction of traffic either for use upon any private roads or upon any primary state highway, or for the purpose of advertising or for any other purpose whatsoever. It shall be unlawful for any person to erect or maintain any sign which simulates in shape, color or design any uniform state standard signal, signboard, guide post or any other traffic device adopted, designated and used by the director of highways, which might by reason of its shape, color, design or location be mistaken for one such uniform state standard sign, signboard, guide post or other traffic device. It shall be unlawful for any person to erect any sign for the purpose of the information or the direction of traffic, giving the distance or direction to or from any point or place, unless such person shall have first applied for and obtained from the director of highways a permit to do so, and the same shall have been constructed, erected and located according to the specific requirements therefor contained in such permit. Any sign so erected or maintained shall be unlaw-

Display of
imitation
traffic signs
for advertis-
ing purposes.

ful and constitute a public nuisance and may be removed by the director of highways or his duly authorized agent and such removal, whether of an unlawful sign on private or public property, shall not be a breach of the peace.

Erection of misleading signs unlawful.

SEC. 62. It shall be unlawful for any person to erect or maintain at or near any primary state highway in this state any structure, sign or device: (a) Visible from any primary state highway and simulating or imitating any directional, warning or danger sign or likely to be mistaken for any such sign or bearing any such words as "Danger," "Stop," "Slow," "Turn," or any similar words, figures or directions likely to be construed as giving warning to traffic; (b) visible from any primary state highway and displaying any red, green or yellow light or intermittent or blinking light or any light otherwise likely to be mistaken for any warning, danger, directional or traffic control signal; (c) visible from any primary state highway and displaying any lights tending to blind persons operating vehicles upon any such primary state highway or any glaring light, or any light likely to be mistaken for any vehicle upon the public highway or otherwise to be so mistaken as to constitute a danger; (d) visible from any primary state highway and flooding or intended to flood or directed across the roadway of said primary state highway or any portion thereof with a directed beam or diffused light, whether or not such flood light may be shielded against directing its flood or beam toward approaching traffic on such primary state highway.

Colored lights.

Blinking lights.

Flood lights.

Any structures or devices erected or maintained contrary to the provisions of this section shall constitute a public nuisance, and the director of highways shall have the power and it shall be his duty to notify the owner of any such structure or device that the same constitutes a public nuisance and shall

be removed, and in the event of the failure of such owner to do so the director of highways may proceed as by law provided to accomplish the effective abatement of such structure or device constituting a public nuisance.

SEC. 63. It shall be unlawful for any person to erect any sign, device or structure in such a manner that it obscures or conceals any official sign, signal, signboard, guide post or other traffic device in such a manner as to interfere with the full and effective use thereof.

Obscuring
of signs or
traffic
signals
unlawful.

SEC. 64. Any person or persons who shall willfully deface, mutilate, damage, remove, alter or in any manner whatsoever injure or destroy any sign, signal, signboard, directional or informational sign or other traffic device erected or maintained by the director of highways upon any public highway, or under his supervision or direction, or by any person, firm, corporation, association or organization under permit as provided by law, or by any county, city or town, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than ten dollars (\$10.00) or more than fifty dollars (\$50.00), and by imprisonment in the county jail of not less than ten (10) days or more than thirty (30) days.

Penalty for
defacing
signs.

CHAPTER VIII. HIGHWAY MAINTENANCE.

SEC. 65. Whenever the condition of any primary state highway, county road or city street, either newly or previously constructed, altered, repaired or improved, or any part thereof is such that for any reason its use or continued use by vehicles or by any class of vehicles will greatly damage such primary state highway, county road or city street or will be dangerous to traffic thereon or the same is being constructed, altered, repaired, improved or maintained in such a manner as to require that such primary

Closing
of roads.

state highway, county road or city street or any portion thereof be closed to travel by all vehicles or by any class of vehicles for any period of time, the director of highways if it be a primary state highway, the county commissioners if it be a county road, or the governing body of any city or town if it be a city street, is authorized to close such primary state highway, county road or city street, as the case may be, to travel by all vehicles or by any class of vehicles for such a definite period as they shall determine: *Provided*, Nothing in the law of this state shall prevent the director of highways, county commissioners, or governing body of any city or town from classifying vehicles according to gross weight, axle weight, height, width, length, braking area, performance, or tire equipment for the purposes of this section.

Notice of closing date.

SEC. 66. Before any primary state highway, county road or city street is closed to all vehicles or any class of vehicles, a notice of the date on and after which the primary state highway, county road or city street or any part thereof shall be closed and the definite period of such closing and whether it shall be closed to all vehicles or to vehicles of a particular class or classes shall be published in one issue of a newspaper of general circulation in the county or city or town in which such primary state highway, county road or city street or any portion thereof to be closed is located; and a like notice shall be posted on or prior to the date of publication of such notice in a conspicuous place at each end of the primary state highway, county road or city street or portion thereof to be closed: *Provided*, That no such primary state highway, county road or city street or portion thereof shall be closed sooner than three days after the publication and the posting of the notice herein provided for: *Provided, however*, In cases of emergency the proper officers may, without publication

Publication.

Posting.

or delay, close primary state highways, county roads and city streets temporarily by posting notices at each end of the closed portion thereof and at all intersecting primary state highways if the closing be of a portion of a primary state highway, at all intersecting primary state highways and county roads if the closing be a portion of a county road, and at all intersecting city streets if the closing be of a city street. In all emergency cases, as herein provided, the orders of the proper authorities shall be immediately effective.

SEC. 67. When any primary state highway, county road or city street or portion thereof shall have been closed, as by law provided, any person, firm or corporation disregarding such closing and using such primary state highway, county road or city street or portion thereof with any vehicle or any class of vehicle, as the case may be, to which said primary state highway, county road or city street or portion thereof is closed by any notice or emergency notice, shall be guilty of a misdemeanor, and shall in addition to any penalty for violation of the provisions of this section, be liable in any civil action instituted in the name of the State of Washington or the county or city or town having jurisdiction for any damages occasioned to such primary state highway, county road, or city street, as the case may be, as the result of disregarding such closing and using such primary state highway, county road, or city street, or portion thereof with any vehicle or any class of vehicle to which the same is closed.

Penalty for
disregarding
closing
notice.

SEC. 68. Whenever the director of highways shall determine and order that it is necessary for the convenience and safety of public travel and the use of (or construction, alteration, repair, improvement or maintenance of) any primary state highway to have the full width of right of way of any such primary

Removal of
obstructions
on right of
way.

state highway or of any portion of the right of way of any such primary state highway free from any and all obstructions, encroachments and occupancy, other than pole lines, pipe lines or other structures maintained thereon for public or quasi-public utilities by virtue of a valid franchise, and shall cause due notice of such order to be given as provided by law, such obstructions, encroachments and means of occupancy, and any structure, building, improvement or other means of occupancy of any of the right of way of said primary state highway not removed within the time allowed by law shall become thereby and be an unlawful property and may be confiscated, removed and sold or destroyed by the State of Washington according to procedure as hereinafter provided, without any right in anyone to make any claim therefor, either by reason of the removal thereof or otherwise. It shall be unlawful for any person to keep, maintain or occupy any such unlawful structure.

Posting of
notice to
vacate right
of way.

SEC. 69. Whenever the director of highways shall determine that the right of way of any primary state highway or any portion of the right of way of any primary state highway be made free from any and all obstructions, encroachments and occupancy he shall forthwith cause to be posted, by a competent person over twenty-one years of age upon any and all structures, buildings, improvements and other means of occupancy of such primary state highway or portion thereof, other than property of public or quasi-public utilities, by virtue of a valid franchise, a notice bearing a copy of such order and dated as of the date of posting, to all whom it may concern to vacate such right of way and to remove all property therefrom forthwith and within ten days after the posting of such notice exclusive of the date of posting of the same, and shall require the filing with him of duplicate affidavits in proof of such postings,

showing upon what structures, buildings, improvements or other means of occupancy of such primary state highway or portions thereof, respectively, copies of such notice were posted and the date of each such posting, sworn to by the person making such posting.

SEC. 70. In case the property or any thereof described in such notice is not removed from such right of way within ten days after the date of such posting, exclusive of the date of posting, all such property upon the right of way of said primary state highway or portion thereof shall thereupon become unlawful and the director of highways shall commence proceedings in the name of the State of Washington for the removal thereof by court action. The director of highways shall thereupon prepare two original copies of such order together with two copies each of the notice posted and of the affidavits in proof of posting thereof and duplicate copies of a certificate by said director of highways describing with reasonable certainty and with due reference to the center line stationing of said primary state highway and to proper legal subdivisional points, each structure, building, improvement, encroachment or other means of occupancy, other than pole lines, pipe lines or other structures maintained for public and quasi-public utilities, on the primary state highway or portion thereof specified in such order and remaining upon such right of way as aforesaid. Thereupon action shall be commenced in rem for the purpose of removal of all such unlawful property, in the superior court of the county in which such primary state highway or portion thereof containing such structures is situated, entitled and in the name of the State of Washington as plaintiff and describing each such unlawful structure, building, improvement, encroachment or other means of occupancy, which structures, buildings, improvements, en-

Proceedings
for removal
of
obstruction.

Action
in rem.

croachments or other means of occupancy shall be briefly named as defendants.

Complaint.

SEC. 71. The complaint shall, in such action, describe such property unlawfully remaining upon the right of way of such primary state highway or portion thereof with reasonable certainty by reference to the certificate of the director of highways, which shall be attached to and filed with said complaint, and praying that an order be entered for the removal from the right of way of such primary state highway or portion thereof of all the described property unlawfully thereon and the disposal thereof.

Service of
complaint by
publication.

SEC. 72. Service of such complaint shall be given by publication of notice thereof once a week for two successive weeks in a newspaper of general circulation in the county in which such action is commenced, which notice shall briefly state the objects of the action and contain a brief description of each structure, building, improvement, encroachment or other means of occupancy sought to be removed from the right of way of the primary state highway, describe such primary state highway or portion thereof by number and location and state the time and place when and where the action will come before the court or judge thereof; and a copy of such notice shall also be posted at least ten days before the date of hearing of such action upon each such structure, building, improvement, encroachment or other means of occupancy described therein. Posting may be made by any person qualified to serve legal process. Want of posting upon, or failure to describe any such structure, building, improvement, encroachment or other means of occupancy shall render subsequent proceedings void as to those not posted upon or described but all others described and posted upon shall be bound by the subsequent proceedings.

SEC. 73. At the time and place appointed for hearing upon said complaint, which hearing shall be by summary proceedings, if the court or judge thereof shall find that due notice has been given by posting and publication and that the order of the director of highways was duly made, and shall be further satisfied and find that the primary state highway or portion thereof described is legally a primary state highway having the width of right of way specified in such order and that the structure, buildings, improvements or other means of occupancy of such primary state highway or portion thereof as stated in the certificate of the director of highways do in fact encroach, or that any portion thereof encroach, upon such primary state highway right of way, the court or judge thereof shall thereupon make and enter an order establishing that each of the structures, buildings, improvements and other means of occupancy specified in such order is unlawfully maintained within the right of way and is subject to confiscation and sale and that the same be forthwith confiscated, removed from such right of way and sold, and providing that six days after the entry of such order, a writ shall issue out of said court directed to the sheriff of such county, commanding such sheriff to seize and remove from the right of way of said primary state highway each such structure, building, improvement or other means of occupancy specified in such order forthwith on receipt of writ based on said order and to take and hold the same in his custody for a period of ten days unless sooner redelivered as provided for by law and if not then so redelivered to sell the same at public or private sale and to pay the proceeds thereof into the registry of the court within sixty (60) days after the issuance of such writ, and further in such action, including costs of posting original notices of the director of highways, the costs of posting and publish-

Hearing.

Order for removal.

Property confiscated.

Public sale.

ing notices of hearing as part thereof and any cost of removal, be paid by the clerk to the state treasurer and by him credited to the motor vehicle fund. Such order shall be filed with the clerk of such court and recorded in the minutes of said court and be final unless review thereof to the supreme court of the state be taken within five days after the filing thereof.

Court review.

Removal
and sale
by sheriff.

SEC. 74. Six days after filing of the order above provided for, if no review thereof be taken to the supreme court of the state, the clerk of the court shall issue under seal of such court a writ directed to the sheriff of the county in which such court is held commanding him to remove, take into custody and dispose of the property described in such order and make returns thereof as provided for such writ by said order. On receipt of such writ it shall be the duty of such sheriff to obey the command thereof, proceed as therein directed and make return within the time fixed by such writ; and said sheriff shall be liable upon his official bond for the faithful discharge of such duties. Upon filing of such return the clerk of court shall make payments as provided for in the order of court. If by the sheriff's return any of the property seized and removed pursuant to such writ is returned as unsold and as of no sale value, and if the court or judge thereof be satisfied that such is the fact, the court or judge thereof may make further order directing the destruction of such property, otherwise directing the sheriff to give new notice and again offer the same for sale, when, if not sold, the same may on order of court be destroyed.

Owner's
claim of
title.

SEC. 75. At any time within ten days after the removal by virtue of such writ of any such property from the right of way of such primary state highway any person, firm, association or corporation claiming ownership or right of possession of any such property may have the right to demand and to re-

ceive the same from the sheriff upon making an affidavit that such claimant owns such property or is entitled to possession thereof, stating on oath the value thereof satisfactory to said sheriff, or which value shall be raised to a value satisfactory to said sheriff, which value shall be indorsed on said affidavit and signed both by said claimant and said sheriff before such sheriff shall be required to accept the bond hereinafter provided for, and deliver to the sheriff a bond with sureties in double the value of such property, conditioned that such claimant will appear in the superior court of such county within ten days after the bond is accepted by the sheriff and make good such claim of title thereto and pay all accrued costs of service of notice to remove, all costs and disbursements to be assessed to such property and the costs of removal and custody thereof and will hold said sheriff and the State of Washington free from any and all claims on account of such property or will return such property or pay its value to said sheriff, and that such claimant will at all times thereafter keep such property off the right of way of the primary state highway in question.

Affidavit of ownership.

Bond.

SEC. 76. The sureties on such bond shall justify as in other cases if the sheriff requires it and in case they do not so justify when required, the sheriff shall retain and sell or dispose of the property; and if the sheriff does not require the sureties to justify, he shall stand good for their sufficiency. He shall date and indorse his acceptance upon the bond, and shall return the affidavit, bond and justification, if any, to the office of the clerk of such superior court, whereupon such clerk shall set the hearing thereof as a separate case for trial, in which such claimant shall be the plaintiff and the sheriff and the State of Washington defendants: *Provided*, No costs shall, in such case, be assessed against the sheriff or the State of Washington in the event the plaintiff should prevail.

Sureties on bond to justify.

Judgment
restoring
property to
claimant.

SEC. 77. If the claimant makes good such claimant's title to or right to possession of the property, upon payment into the registry of the court, of the costs of service or posting of original notice issued by the director of highways with respect to such property, the cost of posting notice of hearing in such court and such proportion of the cost of publication of such notice as the court may fix and direct to be entered and the clerk's fees of filing such affidavit and bond as a separate action and of entry of judgment therein at the amounts provided for in civil actions, judgment shall be entered restoring such property to such claimant without any confirmation of title as to any other claimant thereto, relieving the sheriff from necessity of selling the same and making return thereon, and continuing the effect of such bond for a period of six years thereafter for the benefit of such adverse claimants to said property, if any, as may thereafter make claim to such property. If such claimant shall not make good such claim of title to or right to possession of such property, judgment shall be rendered against such claimant and the sureties of such claimant for the value of such property as finally shown by the affidavit as above provided for, together with such fees for filing such affidavit and bond as a separate action and for entry of judgment therein and other costs and disbursements as taxed in any civil action including the statutory attorney fee as part thereof, for all of which execution may accordingly issue, and relieving the sheriff from the necessity of selling such property or making return thereon.

Permit re-
quired to
vend produce
on highway.

SEC. 78. It shall be unlawful for any person to build, erect, establish, operate, maintain or conduct along and upon the right of way of any primary state highway any platform, box, stand or any other temporary or permanent device or structure used or to be used for the purpose of receiving, vending or

delivering any milk, milk cans, vegetables, fruits, merchandise, produce or any other thing or commodity of any nature unless a permit therefor shall first have been obtained from the director of highways. The director of highways shall in each instance determine where any platform, box, stand or any other temporary or permanent device or structure shall be permitted and upon the existence of any such device or structure without a permit first obtained, the same shall be considered an obstruction unlawfully upon the right of way of such primary state highway and the director of highways may proceed to effect the removal of the same.

SEC. 79. It shall be unlawful for any person to erect a structure or establishment or maintain a business, the nature of which requires the use by patrons or customers of property adjoining such structure or establishment unless such structure or establishment be so located at a distance from the right of way of any primary state highway that none of the right of way thereof is required for the use of the patrons or customers of any such establishment. Any such structure erected or business maintained which makes use of or tends to invite patrons to make use of the right of way or any portion thereof of any primary state highway by occupying the same while a patron, is a public nuisance and the director of highways may fence the right of way of such primary state highway to prevent such unauthorized use thereof.

Business which requires use of adjoining right of way by patrons unlawful.

SEC. 80. Whenever there shall exist upon the right of way of any primary state highway or off the right of way thereof in sufficiently close proximity thereto, any structure, device or natural or artificial thing which threatens or endangers such primary state highway or portion thereof, or which tends to endanger persons traveling thereon, or obstructs or tends to obstruct or constitutes a hazard to vehicles

Removal of structures endangering travel upon highway.

or persons traveling thereon, such structure, device or natural or artificial thing is hereby declared to be a public nuisance and the director of highways is empowered to take such action as may be necessary to effect the abatement of the same. Any such structure, device or natural or artificial thing considered by the director of highways to be immediately or eminently dangerous to travel upon a primary state highway may be forthwith removed and such removal shall in no event constitute a breach of the peace or trespass.

Unobstructed
view at
railroad
crossings.

SEC. 81. Every railroad company in the State of Washington shall keep its right of way clear of all brush and timber in the vicinity of any railroad grade crossing with any primary state highway for a distance of one hundred (100) feet from such crossing in such manner as to permit any person operating upon such primary state highway to obtain an unobstructed view in both directions of any approaching train. The director of highways shall have the duty to keep brush and timber cleared from the right of way of every primary state highway in the proximity of every railroad grade crossing of such primary state highway for a distance of one hundred (100) feet from such crossing in such a manner as to permit any person operating upon such primary state highway to obtain an unobstructed view in both directions of any approaching train. It shall be unlawful for any person to erect or maintain any sign, signboard or billboard at or near any primary state highway or railroad and within a distance of five hundred (500) feet from the point of intersection at grade of such primary state highway and railroad and in such a way that the same may obstruct the view of persons operating any vehicle or train and approaching such highway-railroad grade crossing.

Whenever any person who has erected or who

maintains any such sign, signboard or billboard or whenever any railroad company permits such brush or timber in the vicinity of any railroad grade crossing with any primary state highway or permits the surface of any grade crossing to become inconvenient or dangerous for passage and who has the duty to repair and maintain the same, shall fail, neglect or refuse to remove or cause to be removed any such brush, timber, sign, signboard or billboard, or repair and maintain the surface of such crossing, as herein provided, it shall be the duty of the department of public service upon complaint of the director of highways or upon complaint of any party interested, or upon its own motion to enter upon a hearing in the manner now provided by law for hearings with respect to railroad-highway grade crossings and to make and enforce proper orders for the removal of such brush, timber, sign, signboard or billboard, or repair and maintenance of such highway-railroad grade crossing: *Provided*, Nothing in this section shall be construed to prevent the posting or maintaining of any legal notice or sign, signal, or traffic device required or permitted by law 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 such highway or road signs are approved by the director of highways. It shall be the duty of the director of highways to cause to be inspected highway grade crossings and to make complaint of any violation of the provisions of this section.

Inspection
of highway
grade
crossings.

CHAPTER IX. FRANCHISES.

SEC. 82. Any person, firm or corporation who shall construct or maintain on, over, across or along any primary state highway any water pipe, flume, gas pipe, telegraph, telephone, electric light or power lines, or tram or railway, or any other such facili-

Constructions
on highways
unlawful
without
franchise.

Penalty. ties, without having first obtained and having at all times in full force and effect a franchise to do so in the manner provided by law shall be guilty of a misdemeanor and each day of violation shall be a separate and distinct offense.

Application
for
franchise.

SEC. 83. The director of highways shall have the power to grant franchises to persons or private or municipal corporations to use any primary state highway for the construction and maintenance of water pipes, flume, gas pipes, telephone, telegraph and electric light and power lines and conduits, trams or railways, and any other such facilities. All applications for such franchise shall be made in writing and subscribed by the applicant, and shall describe the primary state highway or portion thereof over which franchise is desired and the nature of the franchise. Upon the filing of any such application a time and place for hearing the same shall be fixed and a notice thereof shall be given in the county or counties in which any portion of the primary state highway upon which such franchise is applied for is located, at the expense of the applicant, by posting written or printed notices in three public places at the county seat of such county or such counties for at least twenty days before the day fixed for such hearing, and by publishing a like notice in three (3) successive weekly issues of a newspaper having a general circulation in such county or counties, the last publication to be at least five (5) days before the day fixed for the hearing; which notice shall state the name or names of the applicant or applicants, a description of the primary state highway or part thereof over which the franchise is applied for, and the time of such hearing, which shall be held in the Highway Building at the state capitol. It shall be the duty of the county auditor of the respective counties to cause such notices to be posted and published and to file proof of such posting and publication with the director of highways.

SEC. 84. Hearing upon the application for a franchise shall be conducted by the director of highways or his authorized assistant. At such hearing the applicant may be required to produce all facts concerning such franchise and evidence may be taken for and against the granting of same. All such hearings may be adjourned from time to time until completed. If after such hearing it is deemed to be for the public interest to grant such franchise in whole or in part, the director of highways may approve and grant the franchise applied for, or such part thereof as he shall deem to be for the public interest, under such rules, regulations and conditions, and with or without compensation as he may prescribe, provided such compensation shall not be more than the reasonable cost to the director of highways for the investigation, handling and granting of any such franchise, and may require any such utility and its appurtenances to be placed in such location on, over, across or along such primary state highway as he finds will cause the least interference with other uses of the primary state highway. Such franchise shall be made subject to removal when necessary for the construction, alteration, repair or improvement of such primary state highway and at the expense of the person, firm, corporation or municipal corporation holding such franchise. Renewal upon expiration of any franchise heretofore or hereafter granted shall be by application and notice posted, published and conducted in the same manner as an original application. Any person or corporation constructing or operating such utility on, over, across or along such primary state highway shall be liable to any person injured thereby for any damages incident to the work of installation or the continuation of the occupancy of such primary state highway by such utility, and shall be liable to the state for all necessary expenses incurred in restoring such primary

Hearing
upon
application.

Franchise
made subject
to removal.

Liability for
damages.

state highway to a permanent suitable condition for travel: *Provided*, That no franchise shall be granted for a period of longer than fifty years: *Provided, further*, That no exclusive franchise or privilege shall be granted.

Removal of
water pipes,
etc., from
right of way.

SEC. 85. Whenever it shall be determined that it is necessary that any water pipes, flumes, gas pipes, telephone, telegraph, electric light or power lines and conduits, trams or railways, or any other such facilities, upon, over, across or along any primary state highway, be removed to provide safety to persons traveling upon such primary state highway, or for the construction, alteration, repair, improvement or maintenance thereof, notice thereof shall be made as the director of highways shall order and the removal thereof shall be at the expense of the person, firm, corporation or municipal corporation holding franchise subject to such removal or maintaining such encroachment or means of occupancy.

Jointly
operated
bridges.

SEC. 86. Whenever any bridge shall exist on the route of any primary state highway and crosses any stream, body of water, gulch, navigable water, swamp or other topographical formation constituting the boundary of a county, city or town of this state or the boundary of this state and the same is owned or operated by this state jointly with any such county, city or town of this state, or with such other state, or with any county, city or town of such other state, the director of highways is empowered to join with the proper officials of such county, city or town of this state or of such other state or of such county, city or town of such other state in granting franchises to persons or private or municipal corporations for the construction and maintenance thereon of water pipes, flumes, gas pipes, telephone, telegraph and electric light and power lines and conduits, trams and railways, or any other such facilities. All such franchises shall be granted in the

same manner as provided for the granting of like franchises on primary state highways. Any revenue accruing to the State of Washington from such franchises shall be paid to the state treasurer and by him deposited to the credit of the fund from which this state's share of the cost of joint operation of such bridge is paid.

SEC. 87. The director of highways is empowered to grant a permit to construct or maintain on, over, across or along any primary state highway any water, gas, telephone, telegraph, light, power or other such facilities when the same does not extend along such primary state highway for a distance greater than three hundred (300) feet and the nature of such use is local and private. The director of highways may require such information as he deems necessary in the application for any such permit and may grant or withhold the permit within his discretion. Any permit granted may be cancelled at any time and any facilities remaining upon the right of way of such primary state highway after thirty (30) days written notice of such cancellation shall be an unlawful obstruction and may be removed in the manner provided by law.

Permit to construct facilities.

CHAPTER X. ROADSIDE DEVELOPMENT.

SEC. 88. The planting and cultivating of any shrubs, trees, hedges or other domestic or native ornamental growth, the improvement of roadside facilities and view points, and the correction of unsightly conditions, upon the right of way of any primary state highway is hereby declared to be a proper primary state highway purpose.

Roadside development.

SEC. 89. Whenever funds are available for the purpose of planting or cultivating any shrubs, trees, hedges or other domestic or native ornamental growth, the improvement of roadside facilities and view points and the correction of unsightly condi-

Expenditure of funds.

tions upon the right of way of any primary state highway and for the roadside development and beautification thereof, the director of highways is empowered to expend such funds, either independently or in conjunction with the funds of any county, political subdivision or any person, firm, corporation, association or organization.

Permits to
beautify
highway.

SEC. 90. Any person, firm, corporation, association or organization owning lands abutting upon any primary state highway and desiring to plant, cultivate and grow any hedge, shade or ornamental trees or shrubs along the right of way thereof, or to clear and cultivate a portion of such primary state highway right of way for the purpose of growing crops and destroying noxious weeds, or any person, firm, corporation, association or organization interested in public improvement and desiring to improve and beautify any primary state highway right of way or any portion thereof by planting, cultivating or growing any hedge, shade or ornamental trees or cultivate along or upon the right of way thereof, may upon application to the director of highways, be granted a permit therefor as by law provided.

Application.

SEC. 91. Each application for a permit to plant, cultivate and grow any hedge, shade or ornamental trees or shrubbery along or upon the right of way of any primary state highway or improve such right of way shall be in writing, signed by the applicant, and shall describe the primary state highway or portion thereof along or upon the right of way of which permit to plant, cultivate, grow or improve is sought, by name, number, or other reasonable description, and the lands bordering thereon by governmental subdivisions, and shall state the names, places or residence and post office addresses of the applicant or applicants owning the land abutting upon such primary state highway or the name of the person, firm, corporation, association or organization apply-

ing for the permit and the names of its officers and their places of residence and their post office addresses, and shall state definitely the purpose for which the permit is sought, giving a description of the kind of hedge, or variety of shrubbery or trees desired to be planted or the kinds of crops to be grown, or improvement to be made, with a diagram illustrating the location and number of hedges, trees or shrubs or the area of cultivation desired or plans of the improvement proposed to be made.

SEC. 92. Upon the filing of such application, the director of highways shall cause a survey of such primary state highway to be made with reference to such application and a report of the findings and recommendations as to the granting of the permit, and if it shall appear to the satisfaction of the director of highways that the use of a portion of the primary state highway for the purpose set out in the application will not interfere with the use of such primary state highway for public travel and will beautify and improve such primary state highway, permit may be granted and issued to the applicant to plant, cultivate and grow any hedge, shade or ornamental trees, shrubbery or crops, or make such improvement along or upon the right of way of such portion of such primary state highway as shall be definitely described in said permit, and to construct and maintain such temporary and substantial fence on and along the portion of the right of way of the primary state highway described in the permit as shall be specified in such permit, and such permit shall specify the exact location of all hedges, shade or ornamental trees or shrubbery to be planted and grown or area to be cultivated under such permit, or area to be improved to which specified location the person, firm, corporation, association or organization receiving such permit shall specifically conform: *Provided*, That the director of highways may in his

Survey and investigation upon filing application.

Permit refused.

discretion refuse such permit and any such permit granted shall be revocable at the will of the director of highways and nothing in this act shall be construed as in any wise affecting the title of the state to the lands included in such primary state highway, or the right to use the same for primary state highway purposes or to remove or destroy any of such hedges, trees, shrubbery or crops for the purpose of construction, alteration, repair, improvement or maintenance of such primary state highway or for any other purpose and at any time.

Permit granted.

SEC. 93. In the event that any such permit is granted the director of highways shall enter into an agreement with any such person, firm, corporation, association or organization agreeing that such roadside development or beautification shall be maintained and kept up by the state through the department of highways or by such person, firm, corporation, association or organization. In the event that any such person, firm, corporation, association or organization so agreeing shall fail or neglect to maintain such roadside development or beautification the director of highways is empowered so to do and the expense thereof shall be a charge against such person, firm, corporation, association or organization.

Failure to maintain roadside improvement.

Destruction of improvement unlawful.

SEC. 94. It shall be unlawful for any person to injure, destroy or remove any hedge, shade or ornamental trees or shrubbery or crops, plants, cultivated and grown or improvement made upon or along any portion of any primary state highway under permit from the director of highways or otherwise, or to injure, destroy or remove any fence erected under any such permit or otherwise: *Provided*, That nothing in this section shall be construed to prevent any person with the director of highways to do so or the officers of the state charged with the duty of constructing and maintaining any such primary state

highway, from removing any hedges, trees, shrubbery or crops planted or improvements or fences built under permit, where in their judgment they interfere with or are detrimental to, the use of such primary state highway for public travel, or such removal is necessary for the construction, alteration, repair, improvement or maintenance of such primary state highway.

CHAPTER XI. OFFENSES AND PENALTIES.

SEC. 95. It shall be a misdemeanor for any person to violate any of the provisions of this act unless such violation is by this act or other law of this state declared to be a felony or a gross misdemeanor.

Violation
of act.

Unless another penalty is in this act provided, every person convicted of a misdemeanor for violation of any provisions of this act shall be punished accordingly.

Penalty.

SEC. 96. All fines and forfeitures collected for violation of any of the provisions of this act in any court located in a precinct outside incorporated cities and towns shall be distributed and paid into the proper funds for the following purposes: One-half shall be paid into the county road fund of such county; one-fourth into the state fund for the support of state parks and parkways; and one-fourth into the highway safety fund.

Fines and
forfeitures.

All fines and forfeitures collected for the violation of any of the provisions of this act in any court located inside incorporated cities and towns shall be distributed and paid into the proper funds for the following purposes: One-half shall be paid into the city street fund of such incorporated city or town for the construction and maintenance of city streets; one-fourth into the state fund for the support of state parks and parkways; and one-fourth into the highway safety fund.

Distribution
of fines.

CHAPTER XII. SAVING CLAUSE.

Offenses
committed
under re-
pealed acts.

SEC. 97. That any acts declared to be an offense under any provisions of the laws of this state which are repealed by this act, and the commission whereof have been completed before the effective date of this act shall be punishable as provided by the law in effect at the time of the completion of such acts without regard for the fact that such provisions of law have been repealed hereby.

Act not
retroactive.

SEC. 98. This act shall not affect any act done, ratified or confirmed, or any right accrued, vested or established, or any action or proceeding had or commenced in any civil or criminal cause, before this act and its respective provisions take effect, and any such acts done, ratified or confirmed and any rights accrued, vested or established shall be preserved and any such actions or proceedings may be prosecuted and continued with the same effect and under the same provisions of the law in effect at the time such act was done, ratified, or confirmed, or right accrued, vested or established or action or proceeding had or commenced.

CHAPTER XIII. REPEAL.

Vetoed.

SEC. 99. That the following acts and parts of acts relating to the designation and establishment of primary state highways, secondary state highways and state roads be and the same are hereby repealed: Sections 1, 3, 4, of chapter 151, Session Laws of 1907; chapter 25, Session Laws of 1909; sections 1, 2, 3, of chapter 65, Session Laws of 1913; chapter 164, Session Laws of 1915; chapter 110, Session Laws of 1919; chapter 185, Session Laws of 1923; chapter 26, Session Laws of 1925; chapter 116, Session Laws of 1929; chapter 171, Session Laws of 1929; chapter 29, Session Laws of 1931; chapter 30, Session Laws of 1931; chapter 31, Session Laws of 1931; chapter 35, Session Laws of 1931; chapter 36, Session Laws of

1931; chapter 37, Session Laws of 1931; chapter 38, Session Laws of 1931; section 1 of chapter 41, Session Laws of 1933; chapter 56 of Session Laws of 1933; chapter 28 of Session Laws of Extraordinary Session 1933; sections 6790, 6791, 6792, 6793, 6794, 6795, 6796, 6797, 6798, 6799, 6800, 6801, 6802, 6803, 6804, 6805, 6806, 6807, 6808, 6809, 6810, 6811, 6812, 6813, 6814, 6815, and 6816, Remington's Compiled Statutes of Washington. } Vetoed.

SEC. 100. That the following acts and parts of acts relating to the acquisition of property for primary state highway, secondary state highway, state road or primary road purposes by gift, purchase and condemnation be and the same are hereby repealed: Chapter 58, Session Laws of 1909; chapter 32, Session Laws of 1921; chapter 34, Session Laws of 1921; chapter 108, Session Laws of 1923; chapter 139, Session Laws of 1923; chapter 160, Session Laws of Extraordinary Session of 1925; chapter 166, Session Laws of Extraordinary Session of 1925. } Statutes repealed.

SEC. 101. That the following acts and parts of acts relating to the administration and construction of primary state highways, secondary state highways, primary roads and state roads be and the same are hereby repealed: Chapter 174, Session Laws of 1905; chapter 149, Session Laws of 1907; sections 2 and 5 of chapter 151, Session Laws of 1907; chapter 186, Session Laws of 1909; chapter 47, Session Laws of 1911; chapter 26, Session Laws of 1913; sections 4, 7 and 8 of chapter 65, Session Laws of 1913; chapter 132, Session Laws of 1913; chapter 121, Session Laws of 1917; sections 17 and 18 of chapter 155, Session Laws of 1917; sections 24 and 28 of chapter 7, Session Laws of 1921; chapter 19, Session Laws of 1921; section 3 $\frac{1}{2}$ of chapter 21, Session Laws of 1921; chapter 35, Session Laws of 1921; sections 45 and 46 of chapter 96, Session Laws of 1921; section } Statutes repealed.

7 of chapter 7, Session Laws of 1921 as amended by section 4 of chapter 115, Session Laws of 1929; section 2 of chapter 41, Session Laws of 1933; chapter 157, Session Laws of 1933; chapter 164, Session Laws of 1933; section 21 of chapter 41, Session Laws of 1933, as amended by section 8 of chapter 111, Session Laws of 1935.

Statutes
repealed.

SEC. 102. That the following acts and parts of acts relating to the protection, care and maintenance of primary state highways, secondary state highways, primary roads, and state roads, together with markings, franchises and ornamental vegetation be and the same are hereby repealed: Chapter 11, Laws of the Extraordinary Session 1909; chapter 226, Session Laws of 1909; chapter 114, Session Laws of 1911; chapter 164, Session Laws of 1913; chapter 78, Session Laws of 1917; chapter 146, Session Laws of 1919; sections 1, 2, 3 and 4 of chapter 21, Session Laws of 1921; chapter XXVIII, Session Laws of 1901; chapter 80, Session Laws of 1921; chapter 129, Session Laws of 1923; chapter 24, Session Laws of 1925; chapter 131, Session Laws of the Extraordinary Session of 1925; chapter 232, Session Laws of 1927; chapter 242, Session Laws of 1927; chapter 214, Session Laws of 1929; chapter 118, Session Laws of 1931; chapter 101, Session Laws of 1933.

Conflicting
acts
repealed.

SEC. 103. That all acts or parts of acts in conflict with, or derogation of, this act or any part of this act, be and the same are hereby repealed in so far as the same are in conflict with, or in derogation of this act, or any part hereof.

Prior acts not
revived.

SEC. 104. That the repeal of any acts or parts of acts hereby shall not be construed to reenact or revive any acts or parts of acts repealed or superseded by the acts or parts of acts hereby repealed.

CHAPTER XIV. SHORT TITLE.

SEC. 105. This act shall be known and cited as the Title.
 "Washington State Highway Act."

CHAPTER XV. CONSTITUTIONALITY.

SEC. 106. That if any section, sentence, clause or Partial
invalidity.
 phrase of this act should be held to be invalid or un-
 constitutional, the invalidity or unconstitutionality
 thereof shall not affect the validity or constitution-
 ality of any other section, sentence, clause or phrase
 of this act.

CHAPTER XVI. EMERGENCY.

SEC. 107. That an emergency exists and that this Effective
April 1, 1937.
 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 on the first
 day of April, 1937.

Passed the Senate February 15, 1937.

Passed the House February 24, 1937.

Approved by the Governor March 5, 1937, with
 the exception of Section 99, which is vetoed.

CHAPTER 54.

[H. B. 86.]

PURCHASE OR CONSTRUCTION OF BREWSTER BRIDGE.

AN ACT authorizing the purchase of the toll bridge across the Columbia River or the construction of a new bridge at a feasible place, at Brewster, Washington, on state road No. 10 extension from the vicinity of Brewster to the vicinity of Coulee City, Washington, together with the approaches to said bridge which are not now a part of the primary highway system; making an appropriation for said purchase by the director of highways, 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 motor vehicle fund of the State of Washington for the purchase of the toll bridge across the Columbia River, or the construction of a new bridge at a feasible place near said toll bridge, at Brewster, Washington, on state road No. 10 extension from the vicinity of Brewster to the vicinity of Coulee City in the State of Washington, with the necessary right of way and approaches, not now a part of the primary highway system, by the director of highways under the authority contained in chapter 149, Laws of 1935, the sum of three hundred ten thousand dollars (\$310,000.00), or so much thereof as may be necessary.

Effective immediately.

SEC. 2. This act is necessary for the immediate preservation of the public peace, health and safety and shall take effect immediately.

Passed the House March 5, 1937.

Passed the Senate March 8, 1937.

Approved by the Governor March 12, 1937.

CHAPTER 55.

[H. B. 343.]

EQUIPMENT FOR PUBLIC LANDS-SOCIAL SECURITY
BUILDING.

AN ACT to provide for the purchase of steel shelving, counters, and filing equipment for the Public Lands-Social Security Building and making the necessary appropriations therefor.

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

SECTION 1. There is hereby appropriated from the capitol building construction fund the sum of sixteen thousand five hundred dollars (\$16,500), or so much thereof as may be necessary, to be expended by the division of purchasing, department of finance, budget and business, for the purchase of steel shelving, steel counters, and steel filing equipment for the Public Lands-Social Security Building. Appropriation.

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

Passed the House March 4, 1937.

Passed the Senate March 8, 1937.

Approved by the Governor March 12, 1937.

CHAPTER 56.

[H. B. 499.]

EXTENSION OF TIME FOR TAX REBATES.

AN ACT relating to taxation, providing for the extension of the period within which rebates may be had upon full payment of property taxes, prescribing duties of certain state and county officers in connection therewith, and declaring that the act shall take effect immediately.

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

Tax rebates.

SECTION 1. Whenever extraordinary conditions, involving the revaluation of the property of any county for assessment purposes, have caused such delay in the completion of the assessment process as to have made it impossible for any county treasurer to give timely notice to taxpayers of the amount of their taxes due, such county treasurer may apply to the state tax commission for an order extending the period within which rebates may be had upon full payment of taxes. His application shall state fully the facts upon which such request for extension is based. Upon receipt of any such application the tax commission shall make such inquiry and investigation as may be necessary to determine whether or not there is any likelihood that a considerable number of taxpayers will be deprived of the rebate privilege for lack of notice, and through no fault of their own. If the commission upon investigation deems the application meritorious it shall issue its order extending the rebate period for such time after March 15th of the year in which the taxes are due and payable as in its judgment is appropriate under the circumstances. Such extension shall in no event, however, exceed sixty days.

Effective immediately.

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

Passed the House February 23, 1937.

Passed the Senate March 8, 1937.

Approved by the Governor March 12, 1937.

CHAPTER 57.

[S. B. 74.]

DELINQUENT TAXES: REMISSION OF INTEREST AND
INSTALLMENT CONTRACTS.

AN ACT relating to taxation, remitting interest on certain delinquent taxes, authorizing installment contracts for the payment of such taxes, prescribing the powers and duties of county officers in connection therewith and declaring that the act shall take effect immediately.

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

SECTION 1. All accrued interest on delinquent real and personal property taxes for any one year prior to 1933 is hereby remitted: *Provided*, The principal amount thereof, together with the taxes with accrued interest thereon for the year 1933, or any one subsequent year, is paid in full on or before November 30, 1937. The remission of interest herein provided for shall not apply to any tax upon which a judgment has been entered or for which a certificate of delinquency has been issued to any person other than the county.

Remission
of interest.

SEC. 2. At any time on or before the thirtieth day of November, 1937, the county treasurer of any county in the state is authorized and directed to accept from any person or corporation owning one or more parcels of real property in the state or holding a contract for the purchase thereof, or from a mortgagee or other lien holder, or from any person or corporation owning personal property, upon which one or more payments or installments of property taxes for 1933 or prior years are delinquent, a signed agreement, first, to pay before delinquency, the current taxes upon such property payable in the year 1937 and each year thereafter, and, secondly, to pay in twenty semi-annual installments (a), the total delinquent taxes upon such property for 1933

Installment
contracts.

and prior years, plus (b), the total delinquent taxes upon such property for the years 1934 and 1935, if any, together with accrued interest thereon; suspending all other penalties and interest upon said delinquent taxes. The sum of (a) and (b) shall become the principal of an agreement executed under this act, which the holder shall agree to pay in twenty equal installments beginning with the date of the agreement and continuing on the 30th day of each November and the 31st day of each May thereafter, together with interest on unpaid balances thereof at the rate of six per cent per annum from the date of agreement. Payments made on the principal of such agreements shall be applied, first, to the payment of the interest incorporated therein, and when such interest has been fully paid, the balance of payments made shall be applied to the tax longest delinquent. All interest collected under such agreements, including that incorporated in the principal of the agreement, shall be credited to the county current expense fund. Such agreement shall provide that any unpaid balance thereunder, at the election of such person or corporation, may be paid in full at any time, with interest thereon up to and including the day of payment. It shall further provide that in the event two successive installments are not paid on or before the date when due, or in the event that any installment of taxes payable in the year 1937, or any year thereafter, is not paid within twelve months after the same shall become delinquent, the agreement shall become void and of no effect whatsoever. Upon the agreement becoming void, the unpaid portion of the original tax and interest thereon shall be restored upon the tax rolls and the county shall institute tax foreclosure or distraint proceedings as provided by law. The taxes incorporated in agreements under this act shall

Twenty
equal
installments.

Interest
rate.

Unpaid bal-
ance may be
paid in full.

Delinquent
installments.

remain a first lien on the property until the agreement is fully paid and satisfied.

SEC. 3. Separate agreements shall be made for real and personal property and every such agreement shall provide in the case of personal property that such contract shall not be made unless the making thereof shall be approved in writing by a majority of the board of county commissioners of the county wherein the property is situated or taxable, and such agreements shall not be approved by such board of county commissioners in cases wherein the personal property so taxed is held as a part of a stock of the goods for resale or in cases where said personal property is easily lost, destroyed or dissipated, and no agreement shall be made in respect to personal property tax where the amount of the tax involved is less than \$100.00.

Separate agreements for real and personal property.

SEC. 4. Whenever it shall appear to the county treasurer that personal property taxes have been included in a single levy upon personal property, part of which is eligible to installment contract as provided in this act and part of which is not so eligible, the county treasurer may segregate such taxes and the lien thereof and issue contracts as provided for herein upon such portion of such personal property taxes as may be so eligible for contract separate and apart from taxes upon personal property not so eligible.

Segregation of eligible and ineligible property.

SEC. 5. If, during the life of any such agreement relating to taxes on personal property, the county treasurer shall determine in the exercise of his sound discretion that the property covered by said tax is about to be dissipated, destroyed or removed from the county or the security therefor lost or materially impaired, the county treasurer may cancel such agreement and proceed forthwith with distraint proceedings for any installments unpaid, together

Distraint of personal property.

with interest accrued as in such contract provided as if such agreement had never been made.

Distrain
and
foreclosure
withheld.

SEC. 6. The county treasurer shall withhold foreclosure or distraint proceedings upon the property as long as the signer of the agreement complies with the terms thereof.

Agreement
effective.

SEC. 7. The agreement shall become effective upon the signing thereof accompanied by the payment of one installment thereof and the payment of such portion of the current taxes as are then due and payable or delinquent.

Contested
taxes.

SEC. 8. No person shall be entitled to the benefit of this act with respect to tax payments which are being, or which shall hereafter be, contested: *Provided, however,* Should any such contest be dismissed during the life of this act and contestant pays all costs incurred, such dismissing contestant shall be entitled to the benefits of this act.

Effective
immediately.

SEC. 9. 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 Senate January 28, 1937.

Passed the House February 24, 1937.

Approved by the Governor March 12, 1937.

CHAPTER 58.

[S. B. 388.]

NONTAXATION OF PROPERTY IN TRANSIT.

AN ACT relating to taxation, providing that grains, orchard products and fish and fish products stored awaiting transportation to points without the state shall be considered in transit and nontaxable and declaring an emergency.

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

SECTION 1. The term "storage warehouse" shall mean and include a building or structure or any part thereof in which goods, wares or merchandise are received for storage for compensation, except grain warehouses.

"Storage warehouse."

The term "grain warehouse" shall mean and include any elevator, mill, warehouse, public grain warehouse, public warehouse or other structure in which grains and grain products and orchard products are received from the public for storage, shipment, or handling.

"Grain warehouse."

SEC. 2. All grains and orchard products while being transported to or held in storage in a grain warehouse and all fish and fish products while being transported to or held in storage in a storage warehouse, awaiting transportation to points without the state, shall be considered and held to be property in transit and nontaxable: *Provided*, That this provision shall not apply after such grains and fish or fish products have been stored for a period of six months after their entry into such warehouses.

Property in transit.

Storage for six months.

SEC. 3. This act shall apply to the assessment of property for taxation for the year 1937 and subsequent years. It is necessary for the immediate preservation of the public peace, health and safety,

Applies to 1937 and subsequent years.

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

Passed the Senate March 5, 1937.

Passed the House March 9, 1937.

Approved by the Governor March 12, 1937.

CHAPTER 59.

[H. B. 108.]

CIVIL SERVICE IN FIRE DEPARTMENTS.

AN ACT relating to civil service in cities and towns, defining the terms, and amending section 9558-24 of Remington's Revised Statutes.

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

Amends
§ 9558-24 Rem.
Rev. Stat.
(§ 896-54
P. C.)

SECTION 1. That section 9558-24 of Remington's Revised Statutes be, and the same hereby is amended to read as follows:

Section 9558-24. As used in this act, the following mentioned terms shall have the following described meanings:

"Commis-
sion."

The term "commission" means the civil service commission herein created, and the term "commissioner" means any one of the three commissioners of that commission;

"Appointing
power."

The term "appointing power" includes every person or group of persons who, acting singly or in conjunction, as a mayor, city manager, council, common council, commission, or otherwise, is or are, vested by law with power and authority to select, appoint, or employ any person to hold any office, place, position or employment subject to civil service;

"Appoint-
ment."

The term "appointment" includes all means of selection, appointing or employing any person to hold any office, place, position or employment subject to civil service;

The term "city" includes all cities, towns and municipalities having a full paid fire department; "City."

The term "full paid fire department" means that the officers and firemen employed in such are paid regularly by the city and devote their whole time to fire fighting: *Provided*, That the term "full paid fire department," whenever used in this act, shall also mean "full paid firemen." "Full paid
fire depart-
ment."

Passed the House February 2, 1937.

Passed the Senate March 3, 1937.

Approved by the Governor March 13, 1937.

CHAPTER 60.

[H. B. 143.]

SCHOOL PHYSICIANS AND NURSES.

AN ACT authorizing any school district of the second or third class to employ physicians and nurses.

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

SECTION 1. The board of directors of any school district of the second or third class, in addition to other powers and duties, may employ a regularly licensed physician or a licensed public health nurse, for the purpose of protecting the health of the children in said district.

Passed the House February 9, 1937.

Passed the Senate March 3, 1937.

Approved by the Governor March 13, 1937.

CHAPTER 61.

[H. B. 169.]

CHARGING OFF BAD DEBTS DUE BANKS AND
TRUST COMPANIES.

AN ACT relating to the charging off of debts due banks and trust companies, and amending section 3254 of Remington's Revised Statutes of Washington.

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

Amends
§ 3254, Rem.
Rev. Stat.
(§ 297 P. C.)

SECTION 1. That section 3254 of Remington's Revised Statutes of Washington be amended to read as follows:

Section 3254. 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 of banking 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 of banking specifying an additional period: *Provided*, That time consumed by any appeal shall be excluded.

Passed the House March 3, 1937.

Passed the Senate March 3, 1937.

Approved by the Governor March 13, 1937.

CHAPTER 62.

[H. B. 175.]

INTOXICATING LIQUOR—NET ANNUAL REVENUE.

AN ACT relating to intoxicating liquors and amending sections 4 and 78 of chapter 62 of the Laws of the Extraordinary Session, 1933.

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

SECTION 1. That section 4 of chapter 62 of the Laws of the Extraordinary Session, 1933, be amended to read as follows:

Amends
ch. 62, § 4,
Laws of 1933,
Ex. Sess.
(§ 3180-14
P. C.)

Section 4. 1. There shall be established at such places throughout the state as the liquor control board, constituted under this act, shall deem advisable, stores to be known as "state liquor stores," for the sale of liquor in accordance with the provisions of this act and the regulations: *Provided*, That the prices of all liquor shall be fixed by the board from time to time so that the net annual revenue received by the board therefrom shall not exceed twenty-five per cent;

State liquor
stores.

Net annual
revenue.

2. The liquor control board may, from time to time, fix the special price at which pure ethyl alcohol may be sold to physicians and dentists and institutions regularly conducted as hospitals, for use or consumption only in such hospitals; and may also fix the special price at which pure ethyl alcohol may be sold to schools, colleges and universities within the state for use for scientific purposes. Regularly conducted hospitals may have right to purchase pure ethyl alcohol on a Federal permit;

Pure ethyl
alcohol.

3. The liquor control board may also fix the special price at which pure ethyl alcohol may be sold to any department, branch or institution of the State of Washington, Federal government, or to any person engaged in a manufacturing or industrial busi-

ness or in scientific pursuits requiring alcohol for use therein;

4. The liquor control board may also fix a special price at which pure ethyl alcohol may be sold to any private individual, and shall make regulations governing such sale of alcohol to private individuals as shall promote, as nearly as may be, the minimum purchase of such alcohol by such persons.

Amends
ch. 80, Laws
of 1935
(§ 3180-88
P. C.)

SEC. 2. That section 78 of chapter 62 of the Laws of the Extraordinary Session, 1933, as amended by chapter 80 of the Laws of 1935, be amended to read as follows:

Distribution
of moneys.

Section 78. 1. When said funds are distributed as provided in section 77 hereof all monies subject to distribution shall be disbursed as follows:

Funds available for distribution to and including September 30, 1937, seventy per cent (70%) to the general fund of the state and thirty per cent (30%) to the counties and incorporated cities and towns of the state, distributed among them pursuant to the provisions hereafter made in this section;

Funds available for distribution on and after October 1, 1937, fifty per cent (50%) to the general fund of the state and fifty per cent (50%) to the counties and incorporated cities and towns of the state, distributed among them pursuant to the provisions hereafter made in this section;

Computa-
tion.

2. With respect to the share coming to the counties and incorporated cities and towns under the preceding subsection, the distribution shall be among them in accordance with the following computations:

a. First, the share coming to each county as a whole shall be determined by a division among the counties entitled to distribution hereunder according to the population of the areas in such counties allowing the sale of liquor under this act as shown by the last Federal census; that is to say, the share

coming to each county entitled to distribution hereunder shall be in the proportion which the population of the areas allowing the sale of liquor under this act in such county bears to the aggregate population of all the counties entitled to distribution hereunder;

b. Second, the share coming to each county as a whole, is [as] the result of the foregoing computation, shall then be divided between each county government and the incorporated cities and towns located in such county according to the population shown by the last Federal census; that is to say, the share coming to each incorporated city or town shall be as the proportion which the population in such incorporated city or town, as shown by the last Federal census, bears to the total population within the county, as shown by the last Federal census; and the county government's share shall be based upon that proportion of the population within such county as is not included in the incorporated cities and towns located in such county: *Provided*, That no incorporated city or town in which the sale of liquor as authorized under this act is forbidden under sections 82 to 88 inclusive of this act shall be entitled to any share in such distribution: *Provided, further*, That if in any county the area outside of the cities and towns therein shall vote not to allow the sale of liquor under this act in such area, then the population of such area shall not be included in the computation of the population for distribution purposes;

3. The computations under subsection 2 of this section shall be made by the state auditor, who shall, immediately after the effective date of this act and immediately following the official publication of every Federal census and so often as necessary by reason of elections held under sections 82 to 88 of this act, file with the board a list certified by him showing the fractional proportions, in terms of per

State
auditor.

cent or otherwise, coming to each county government and incorporated city and town in the state pursuant to this section; and the board shall make payment to each of said counties and incorporated cities and towns in the proportions shown on the certified list last filed with it by the state auditor under this section.

Passed the House February 23, 1937.

Passed the Senate March 3, 1937.

Approved by the Governor March 13, 1937.

CHAPTER 63.

[H. B. 200.]

BOUNTIES ON PREDATORY ANIMALS.

AN ACT providing for and regulating the payment of certain bounties for the killing of certain predatory animals, and defining the duties of the director of game in connection therewith; providing for certain additional license fees, amending section 2, chapter 59, Laws of 1935, and section 4, chapter 59, Laws of 1935.

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

SECTION 1. That section 2, chapter 59, Laws of 1935, be amended to read as follows:

Section 2. Whenever any such person to whom such permit is issued shall trap, kill or take any cougar, lynx, bobcat, or coyote, in accordance with such permit and within the area fixed by such permit, and shall furnish proof thereof to the said director, he shall be paid a bounty of fifty dollars (\$50) for each cougar, and five dollars (\$5) for each lynx or bobcat, and two dollars and fifty cents (\$2.50) for each adult coyote and one dollar (\$1) for each coyote pup from any monies which may be appropriated by the legislature for the payment of the same. All monies appropriated for such pur-

Amends
ch. 59, § 2,
Laws of 1935.
(§ 7278-22
P. C.)

Bounties.

poses shall be expended under the direction of and upon vouchers approved by the director of game.

SEC. 2. That section 4, chapter 59, Laws of 1935, be amended to read as follows:

Amends
ch. 59, § 4,
Laws of 1935.
(§ 7278-24
P. C.)

Section 4. It shall be unlawful for any person to hunt or kill any deer, elk, mountain goat, mountain sheep, or moose, without first having procured from the director of game a metal tag to be known as a "big game seal" which metal tag shall be procured in addition to any other license to hunt game animals required by law. Such metal tag shall be in the possession of all persons while engaged in hunting deer, elk, mountain goat, mountain sheep, or moose. Such metal tag shall be prepared by and under the supervision of the director of game, 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 mark deemed necessary by the director of game, and shall be void after the year stamped thereon. Such metal tag shall be attached to the carcass of any deer, elk, mountain goat, mountain sheep, or moose killed by any licensee. The fee for issuing and procuring such metal tag shall be fifty cents (50¢) and shall be paid in addition to all other license fees provided by law.

Big game
seal.

Passed the House February 16, 1937.

Passed the Senate March 5, 1937.

Approved by the Governor March 13, 1937.

CHAPTER 64.

[H. B. 213.]

PENSIONS FOR EMPLOYEES OF MUTUAL SAVINGS
BANKS.

AN ACT relating to mutual savings banks and pensions for employees of such banks, and amending section 1 of chapter 87 of the Laws of 1935.

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

Pensions.

SECTION 1. The Congress of the United States and the legislatures of various states have adopted legislation designed to provide for the social security of the aged, infirm or unemployed worker and his family, to the end that the serious social consequences of poor relief assistance be alleviated. It is desirable that this legislation be supplemented to the fullest extent possible by voluntary provision on the part of employers for the security of their superannuated and disabled employees. The legislature, therefore, declares that in its considered judgment the public good and general welfare of the workers of the state require the enactment of this legislation authorizing mutual savings banks to provide pensions for their disabled and superannuated employees.

Amends
§ 3366-1,
Rem. Rev.
Stat. (§ 364-21
P. C.)

SEC. 2. That section 1 of chapter 87 of the Laws of 1935 (section 3366-1, Remington's Revised Statutes) be amended to read as follows:

Plan sub-
mitted to
supervisor
of banking.

Section 1. A mutual savings bank may provide for pensions for its disabled or superannuated employees and may contribute to 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 (10) 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 (30) 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 of banking the mutual savings bank shall be authorized and empowered to put such plan into effect.

Passed the House February 15, 1937.

Passed the Senate March 3, 1937.

Approved by the Governor March 13, 1937.

CHAPTER 65.

[H. B. 221.]

JUVENILE COURTS.

AN ACT relating to Juvenile Courts and Court Commissioners and amending section 1 of chapter 176 of the Laws of 1929 (Remington's Revised Statutes, section 1987-2; Pierce's Code, section 594).

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

SECTION 1. That section 1 of chapter 176 of the Laws of 1929 (Remington's Revised Statutes, section 1987-2; Pierce's Code, section 594), be and the same is hereby amended to read as follows:

Amends
§ 1987-2,
Rem. Rev.
Stat.
(§ 594 P. C.)

Section 1. The superior courts in the several counties of this state, shall have original jurisdiction in all cases coming within the terms of this act. The case shall be tried without a jury. In counties containing thirty thousand or more inhabitants, the judges of the superior court shall, at such times as they may determine, designate one or more of their number whose duty it shall be to hear all cases arising under this act. A special session to be desig-

nated as the "juvenile court session" shall be provided for the hearing of such cases and the findings of the court shall be entered in a book or books kept for the purpose, and known as the "juvenile record," and the court may, for convenience, be called the "juvenile court." In counties in which there is no resident judge of the superior court, the court commissioner shall have the power, authority and jurisdiction, concurrent with the superior court and the judge thereof, to hear all matters relating to dependent and delinquent children, and to enter judgment and make orders with the same power, force and effect as any judge of the superior court, subject to review only by the judge of the superior court, on motion or demand filed by any party in interest within ten (10) days from the entry of the order or judgment by the court commissioner, as provided in section 86 of Remington's Revised Statutes.

Passed the House March 3, 1937.

Passed the Senate March 3, 1937.

Approved by the Governor March 13, 1937.

CHAPTER 66.

[H. B. 227.]

INSURANCE AGENTS, SOLICITORS AND BROKERS.

AN ACT relating to insurance; prescribing the qualifications of insurance agents, solicitors and brokers; providing for examination of applicants for license; fixing the conditions on which such license will be issued, denied, suspended, renewed or revoked; amending section 7089 of Remington's Revised Statutes (Pierce's Code, section 2952), being section 45 of chapter 49 of the Laws of 1911, as amended by section 9 of chapter 177 of the Laws of 1915, as amended by section 3 of chapter 26 of the Laws of 1923, and as referred to and affected by provisions relative to nonresident agents in section 7080 of Remington's Revised Statutes, being section 36 of chapter 49 of the Laws of 1911 as amended by section 1 of chapter 84 of the Laws of 1931; dividing said section 7089, as herein amended into new sections to be numbered 7089, 7089-1, 7089-2, 7089-3, 7089-4 and 7089-5, respectively; and repealing all laws and parts of laws in conflict herewith.

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

SECTION 1. That section 7089 of Remington's Revised Statutes (Pierce's Code, section 2952) be and the same is hereby amended, and subdivided into new code sections to be numbered 7089, 7089-1, 7089-2, 7089-3, 7089-4, 7089-5, respectively, to read as follows:

Amends
§ 7089, Rem.
Rev. Stat.
(§ 2952 P. C.)

Section 7089. No license shall be issued to any applicant for an agent's, solicitor's or broker's license until such applicant shall have first made and filed in the commissioner's office an application therefore upon a form to be prescribed by the commissioner, which must be verified by the applicant and shall set forth the following information, together with such other information as the commissioner may require:

Application
for license,
contents.

(a) The name, age, business and residence address of the applicant, and if the applicant is a firm or corporation, the name and address of each

member or officer thereof designated to act for applicant; the capacity, whether as agent, solicitor, broker, special agent, general agent or manager which applicant proposes to assume;

(b) Present occupation, occupation for last twelve (12) months, portion of time to be devoted to the work, previous insurance experience and the name of employers during five (5) years next preceding;

(c) Whether any insurance company or general agent claims such applicant is indebted under any agency contract or otherwise, and, if so, the name of the claimant, the nature of the claim and the applicant's defense thereto, if any;

(d) Whether he has had an agency contract cancelled for cause, and, if so, when, by what company or general agent and the reason therefor;

(e) Whether the applicant has at any time been found guilty by a court of competent jurisdiction of a violation of the laws of the United States, or of this or any other state of the United States, and whether the applicant has at any time misappropriated or converted monies of others to his own use or has at any time in a fiduciary capacity illegally withheld monies. Full information concerning any such violation shall be submitted with the application;

(f) That the principal use of such license is not to effect insurance on the applicant's own property or risks or on the property or risks of his employer, or to circumvent or violate the anti-rebate law.

Adds § 7089-1
Rem. Rev.
Stat. (§ 2952-
21 P. C.)

Section 7089-1. Each applicant for agent's license shall be required to file but one application, regardless of the number of companies he is to represent: *Provided*, (a) That no applicant, successful in the examination hereinafter prescribed or otherwise qualified under this act, shall act as agent, solicitor or broker unless and until such license or the temporary license herein provided for life insurance

agents shall be issued to him. An agent's license shall issue only at request of an insurance company authorized to do business in this state and which has paid agent's license fee required by law. A solicitor's license shall be issued only at request of the agent to be represented, who is licensed and has paid the solicitor's license fee required by law. A broker's license shall be issued when the applicant has successfully passed the examination hereinafter prescribed, and shall have paid the license fee required by law; (b) that nonresident agent's licenses shall be issued only for the purpose of writing life insurance, as provided in section 7080 of Remington's Revised Statutes, except that nonresident special agents may be licensed as such; (c) that no solicitor shall be licensed to represent more than one agent, neither shall any applicant be licensed as both agent and solicitor for the same class or classes of insurance at the same time; (d) that no solicitor's license shall be issued unless and until the applicant therefor shall have satisfied the commissioner that he will devote the major portion of his time to soliciting insurance; (e) pending examination as herein provided or qualification in accordance with the provisions of subsection (f) hereof, the commissioner may issue a temporary license to an applicant to act as an agent of a life insurance company, effective for a period not exceeding ninety days, if such applicant be otherwise qualified and be certified by an official or licensed representative of such company as having been enrolled in a course of study required by the company of its agents and approved by the commissioner; (f) that in lieu of the examination provided for in section 7089-3 herein, an applicant for a license as agent of a life insurance company may be certified by an official or licensed representative of such company as having completed and been satisfactorily

Agent's
license.

Solicitor's
license.

Broker's
license.

Temporary
license.

examined upon a course of study required by the company of its licensed agents: *Provided*, That license shall not issue to such applicant unless and until a copy of his examination papers, duly certified by such official or licensed representative, has been filed with the commissioner and the character and results of such examination found satisfactory by him. In case he shall disapprove of such examination or the results thereof, he may require such applicant to take the examination prescribed in section 7089-3 of this act.

Adds
§ 7089-2 Rem.
Rev. Stat.
(§ 2952-22
P. C.)

License to
insure own
or relative's
property
prohibited.

Section 7089-2. No agent's license shall be granted to or renewed for any person, firm or corporation unless the commissioner shall have been satisfied that such license is not being requested exclusively for the purpose of insuring the property or risks of such person, firm or corporation, or the property or risks of such person's immediate family or employer. In the case of renewal, this shall be construed to mean that during the year preceding the application for such renewal, the licensee seeking such renewal shall have written or placed insurance totalling a volume of premiums on insurance for others, greater than the total volume of premiums on insurance which the said licensee shall have written or placed upon his own property or risks or upon the property or risks of his employer or immediate family, or both.

Adds
§ 7089-3
Rem. Rev.
Stat. (§ 2952-
23 P. C.)

Applicant to
submit to
written ex-
amination.

Section 7089-3. If the applicant has not, prior to the date of application for license, been licensed as an agent, solicitor or broker, either individually or as a member or officer of a firm or corporation holding a license, the commissioner shall, except as provided in section 7089-1 (e) hereof, require such applicant, if a person, and one or more members or officers designated by it if a firm or corporation, to submit to a written examination covering all the kinds of insurance or contracts which the license,

if granted, will permit the applicant to offer. Each application for license calling for an examination as in this section prescribed, must be accompanied by an examination fee of two dollars (\$2.00). All examinations provided for by this section shall be conducted under the rules and regulations prescribed from time to time by the commissioner. The commissioner may appoint an examiner or examiners for purposes of such examination. Examinations shall be held not less frequently than four (4) times a year, at times and places designated by the commissioner, of which applicants shall be notified in writing. Printed copies of a manual of questions pertaining to the examination, published under the direction of the insurance department, will be available to all companies, general agents or managers for use of their prospective agents, to all agents for use of their prospective solicitors and to all brokers, in preparing for the examination. The questions to be asked shall be based upon the questions contained in the manual. Success in passing the examination shall be determined by the commissioner or by the examiners appointed by him.

Fee.

Manual of questions.

Section 7089-4. A license may, after notice and hearing and subject to appeal to the superior court of Thurston county under the procedure laid down in section 7090 of Remington's Revised Statutes, be denied, revoked, or the renewal thereof refused by the commissioner if he finds that the holder of or the applicant for such license:

Adds § 7089-4
Rem. Rev.
Stat. (§ 2952-
24 P. C.)

License
refused or
revoked.

- (a) Has willfully violated any provisions of the insurance laws; or
- (b) Has intentionally made a material misstatement in the application to qualify for such license; or
- (c) Has obtained or attempted to obtain a license by fraud or misrepresentation; or
- (d) Has been guilty of fraudulent or dishonest practices; or

Grounds:

(e) Has misappropriated or converted to his own use or illegally withheld monies required to be held in a fiduciary capacity; or

(f) Has materially misrepresented the terms and conditions of policies or contracts of the company he represented; or

(g) Has made any misrepresentation or incomplete comparison of life insurance policies, oral, written, or otherwise, to any person insured in any company for the purpose of inducing or intending to induce a policy holder in any company to lapse, forfeit or surrender his insurance therein, and to take out a policy in another company insuring against similar risk; or

(h) Has been guilty of rebating; or

(i) Has conducted his business in such a manner as to cause injury to the public or to those with whom he is dealing; or

(j) Has failed to pass the examination prescribed in conformity with this act.

Civil actions.

Any licensee guilty of such act or practice shall, independently of and in addition to any other penalty, forfeit to the State of Washington the sum of one hundred dollars (\$100.00), to be recovered in a civil action brought in behalf of the state by the attorney general.

Adds § 7089-5 Rem. Rev. Stat. (§ 2952-25 P. C.)

Expiration of license.

Section 7089-5. Every license issued to an agent, broker or solicitor shall expire on the thirty-first day of March next after its issue, but any license issued and in force when this act takes effect or thereafter issued, may, in the discretion of the commissioner, be renewed for a succeeding year or years by a renewal certificate without the commissioner's requiring the detailed information prescribed by this act.

Conflicting laws.

SEC. 2. All laws and parts of laws in conflict herewith are hereby repealed.

Partial invalidity.

SEC. 3. If any part of this act shall be declared invalid by a court of competent jurisdiction, the re-

mainder thereof shall be and remain in full force and effect.

Passed the House February 11, 1937.

Passed the Senate March 4, 1937.

Approved by the Governor March 13, 1937.

CHAPTER 67.

[H. B. 297.]

COMMISSION MERCHANTS.

AN ACT relating to persons engaged in buying and selling agricultural products; providing for licenses; defining "agricultural product," "commission merchant," "dealer," "agent," "consignor," "retail merchant," "broker," and other terms; exempting producers, retail merchants, non-profit cooperative marketing associations, certain processors, certain warehousemen, nurserymen, and certain grain dealers, and certain persons bonded under designated laws of the United States, from certain provisions of this act; requiring commission merchants to have bonds; repealing chapter 194 of the Laws of the Extraordinary Session of 1925 as subsequently amended; making an appropriation; providing penalties; and declaring an emergency.

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

SECTION 1. Definitions. (a) "Agricultural product" whenever used in this act shall include any horticultural, viticultural, berry, poultry, grain, livestock, bee or other farm product; "Agricultural product."

(b) "Commission merchant" whenever used in this act shall include any person, firm, association, exchange or corporation who receives any agricultural product to be sold on commission for the account of, or as agent for another, or who shall buy or accept any agricultural product in trust from anyone for the purpose of sale or resale or processing and who shall fail to pay in full for such produce at the time of receiving it or at the time its value may be determined; "Commission merchant."

"Dealer."

(c) "Dealer" whenever used in this act shall include any person, firm, association, exchange or corporation who shall purchase or offer to purchase any agricultural produce as herein defined for the purpose of processing or resale and who shall pay in full for such produce at the time of receiving it or at the time the price of such produce may be determined if such price or value is subject to determination by inspection, grade, test or pack-out;

"Consignor."

(d) "Consignor" whenever used in this act shall mean any person, firm, association, exchange or corporation forwarding, delivering, consigning, shipping or selling, as the producer thereof, any agricultural product to any commission merchant or dealer for sale on commission or for resale or processing;

"Agent."

(e) "Agent" shall mean any employee of a commission merchant or dealer 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, or to be delivered exclusively to, the employer;

"Retail merchant."

(f) "Retail merchant" means and includes any person, firm or corporation operating from a *bona fide* fixed or permanent location at which place all of the retail business of said merchant 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;

"Broker."

(g) "Broker" means and includes any person, firm or corporation 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, actual or constructive, or under his control, said agri-

cultural product or the proceeds derived from such sale.

SEC. 2. The provisions of this act 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, or under chapter 115 of the Session Laws of 1921; nor to any warehouseman or grain dealer licensed under the state grain warehouse acts; nor to any nurseryman who is required to be licensed under the now existing horticultural laws of the State of Washington with respect to his operations as such licensee; nor to any processor or dealer licensed under the now existing dairy laws of the State of Washington with respect to his operations as such licensee.

Exemptions
from act.

SEC. 3. (a) On and after the effective date of this act, no person, firm, association, exchange or corporation shall receive, sell or offer for sale, promote the sale of, or solicit consignments for sale on commission or for the purpose of resale or processing within this state, any kind of agricultural product without a license as provided in this act;

License
required.

(b) Every person, firm, association, exchange or corporation in this state receiving agricultural products for sale on commission, or for the purpose of resale, shall annually, on or before January 1, file an application with the director of agriculture for a license to do business as a commission merchant, or as a dealer in agricultural products, or both, or as an agent for a licensed commission merchant or licensed dealer. Such application shall state the kind or kinds of farm agricultural products which the applicant proposes to handle, the full name of the person, firm, association, exchange or corporation applying for such a license, and if the applicant be a firm, the full name of each member of the firm, or

Application.

the names of the officers of the exchange, association, or corporation, and the name of the local agent of the exchange or corporation or association, and the city, town, or village, and street numbers at which the business is to be conducted;

License fees.

(c) If such applicant is applying for a license to do a business in agricultural products as a dealer and no part of his business is to be conducted or carried on as a commission merchant, the director of agriculture shall thereupon issue to such applicant, on payment of twenty-five dollars (\$25.00), a dealer'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;

(d) If the business of such applicant shall include the carrying on of a business of commission merchant as herein defined, the director of agriculture shall issue to such applicant, on payment of twenty-five dollars (\$25.00) 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;

(e) If the business of such applicant is to act as a broker, or as an agent in the employ of a commission merchant or dealer, the director of agriculture shall issue to such applicant, upon the payment of two dollars (\$2.00), 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;

Expiration of license.

(f) Each of the licenses provided by this act shall expire on the first day of January of the year next following, and such license shall be kept posted and available for inspection in the principal place of business of such licensee within the state.

SEC. 4. (a) Before any such commission merchant's license shall be issued every applicant therefor shall execute and deliver to the director of agriculture a substantial bond in the sum of five thousand dollars (\$5,000.00), and with surety satisfactory to the said director;

Bond.

(b) All such bonds are to be of a standard form as to terms and conditions, approved by the director, and they shall be conditioned on faithful and correct accounting for, and handling of agricultural products received, provide for the payment to the consignor of all monies or things of value received for goods consigned, and to secure the consignor against all fraudulent acts of the commission merchant licensee in the resale or the handling of the goods of the consignor. The total liability of the surety upon the bonds shall be limited to the face of the bond, and when claims by consignors exceed the face of the bond recovery 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 terminated thereunder by the surety by the service of a notice of its intention so to do upon the principal in said bond and upon the director of agriculture at Olympia, and after thirty (30) days from the service of such notice the surety shall be released from any and all liability accruing thereafter;

Terms and conditions.

(c) Any licensee, whether he has a license to do a business as a dealer or as a commission merchant, shall from time to time, when required by the director of agriculture, 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

Statement as to volume of business.

disposed of or held for resale during a designated period of time, and showing such other pertinent information as the director may require;

Financial statement.

(d) Such licensee shall also from time to time, when required, make and file a verified statement exhibiting his financial condition as of a prescribed date: *Provided*, Such financial statement shall be confidential and not subject to public inspection;

List of agents filed.

(e) Such licensed commission merchant or dealer shall file with the director a list of agents subject to license and shall immediately report to the director any changes in this list;

Operators coming under federal act.

(f) Any livestock marketing agency operating under the act of Congress of the United States of August 15, 1921, known as the "Packers and Stockyard Act" and/or any warehouse agency operating under the act of Congress of the United States of August 11, 1916, known as the "United States Warehouse Act" and any amendments thereof, and rules, regulations and orders made by the Secretary of Agriculture of the United States thereunder, shall not be required to furnish the bond provided for in this act: *Provided*, That the director of agriculture may require such livestock marketing agencies and/or warehousing agencies to furnish him a certified copy of their bond or bonds filed with the Secretary of Agriculture of the United States.

Records.

SEC. 5. (a) Every person, firm, association, exchange or corporation licensed to do business as a commission merchant or dealer under this act shall keep an accurate and complete record of all dealings in agricultural products, showing the name of the consignor, the date of purchase, the amount purchased, the price paid, and to whom sold;

Memorandum of each transfer.

(b) A memorandum of record of each transaction involving a consignment or purchase or receipt of agricultural products and their resale or disposal otherwise, except as to the names and ad-

dresses of persons to whom such products are sold, together with payment in settlement for such products, shall be delivered or mailed to the consignor promptly after the sale thereof;

(c) The premises, yards, warehouses, storage and transportation facilities, and books of such licensee shall be open to inspection or audit during the business hours of any day by the director of agriculture or his agents; such licensee shall furnish reports concerning his business in such form and manner as the director may prescribe;

Audit of books.

(d) *Provided*, That whenever by agreement in writing between the consignor and the commission merchant such agricultural products are pooled or commingled with other agricultural products of like kind for the purpose of marketing and their identity thereby becomes lost, such commission merchant shall not be required to render such report and shall not be required to make payment until ten (10) days after demand by the consignor after said pool has been closed.

Pooled or commingled products.

SEC. 6. (a) Any commission merchant who shall receive any agricultural products to sell on a commission shall immediately send to such consignor a statement in writing showing what agricultural products were received, the date received and the condition thereof, and if any such agricultural products are received in a damaged condition, it shall be the duty of the commission merchant to call a duly authorized agent of the director of agriculture for prompt inspection of such damaged products, and to procure from such agent of the director of agriculture a certificate in duplicate as to the condition and disposition of said agricultural products, and to transmit a duplicate of said certificate to the consignor. A reasonable fee shall be paid to the director for such services, and in case of partial damage

Statement to consignor on receipt of goods.

Damaged products.

Inspection fee.

or total loss this fee may be charged against such consignment and/or the consignor;

Overstocked
market.

Reconsign-
ment.

Merchant's
commission.

(b) If the local market should be overstocked, the commission merchant shall have the authority to relieve the condition by reconsigning all or part of any consignment but shall send consignor copy of the account sales of such reconsigned goods. In all such instances the commission merchant shall be entitled to only two thirds of his regular filed commission.

Schedule of
commissions
filed.

SEC. 7. The commission merchant 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 an agent for other parties, and the licensee shall not deviate from such designated commissions or charges during the license period until ten (10) days have elapsed after the filing of a notice of such proposed deviation, and provided such commission or charges shall not exceed fifteen (15) per cent, except by a written contract and agreement between the commission merchant and the consignor of agricultural products: *Provided*, That when a rate of commission or charges or a deviation therefrom shall be 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.

Investigation
of
complaints.

SEC. 8. (a) The director of agriculture or his assistants shall have the power to investigate, upon the verified complaint of an interested party, or upon his own initiative, the records of any licensee or any person, firm, association, exchange or corporation 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 ac-

counts 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 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 or dealer, and may take testimony relating to such transactions, records or business, under oath. The burden of proof shall be upon the commission merchant or dealer to prove the correctness of his records as to any transaction which may be questioned;

(b) In the event the director has reason to suspect that any licensee is violating the provisions of this act he shall cause a notice to be served personally or by mail upon such licensee, in writing, setting forth the provisions of this act which the licensee is charged with violating, and setting a date in said notice upon which a hearing will be had to determine whether or not such licensee is violating such provision, which date shall be not less than seven (7) days from the date such notice is served. After such hearing the director shall revoke or suspend such license if he is satisfied that the licensee is violating any of the provisions of this act;

Notice to licensee.

(c) If a consignor fails to obtain within a reasonable time proper and complete accounting and payment of any transaction 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 (48) hours after making this demand, he may file with the director a copy of his demand, together with an affidavit setting forth the nature and amount

Complaint of consignor.

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 (7) days, he shall cause a copy of the complaint, together with a notice of a date and place for hearing on such complaint, to be served personally or by mail upon such licensee, provided such date shall be not less than seven (7) days after service of the notice and complaint;

Hearing to
revoke or
suspend
license.

(d) At the time and place appointed for such hearing the director or his deputies shall hear the parties to such complaint and shall enter in the office of the director of agriculture at Olympia a decision either dismissing said complaint or specifying the facts he deems established on such hearing. If the facts established at such hearing are deemed sufficient by the director to justify the revocation or suspension of the license of any commission merchant, the director of agriculture may bring an action on the bond for the recovery of any damages resulting from the failure of the licensee: *Provided, however,* That the director may bring an action on the bond of a licensed commission merchant independent of any complaint by a consignor, if his investigations should indicate damages for which he deems the sureties to be liable;

Action on
bond.

Hearing,
where held.

(e) Any hearing held under this act brought by the director of agriculture to revoke or suspend a license, whether the same be upon the complaint of a consignor or seller or of the director of agriculture, shall be held in the county in which the licensee has his principal place of business, or in such county where the violation occurred at a place designated by the director in the notice. The director shall, in

any such hearing, or other investigation provided in this act, have the power to administer oaths and issue subpoenas;

(f) The director may decline to grant or may revoke or suspend a license after a hearing duly held as herein provided, where he is satisfied that the applicant or licensee is guilty of any violation of the provisions of this act, or of the following practices or any of them:

Grounds for
refusal to
grant
license.

(1) The imposition of false charges for handling or services rendered;

(2) Failure to account promptly and properly or to make proper settlements or attempted payment by check with insufficient funds to cover;

(3) 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;

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

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

(6) 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;

(7) Apparent bankruptcy or insolvency of the applicant or licensee, or evidence or indications that bankruptcy or insolvency may shortly occur;

(8) Evidence of dealing of such a nature as to satisfy the director of the inability of the applicant or licensee to properly conduct the business of commission merchant or of dealer, or indication of an intent to deceive or defraud consignors or sellers;

(9) Fraud or deception by the licensee in obtaining his license;

(10) Neglect by the commission merchant licensee to file a new or additional bond when notified

by the director that the bond previously filed is unsatisfactory;

(11) Failure or refusal by the commission merchant 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 of another within thirty (30) days after issuance of his license;

(g) Any action of the director of agriculture with reference to the granting of, or the refusal to grant, or to renew any license, or with reference to the revocation or suspension of any license granted under the provisions of this act may be reviewed by certiorari in the superior court of the county in which the hearing thereon was held within ten (10) days after notice in writing of the said director's order refusing, revoking, or suspending such license has been served upon the licensee or applicant.

Action to
recover pay-
ment for
goods.

SEC. 9. (a) The director of agriculture or a consignor or seller may bring an action in the superior court in the county in which is situated the place of business of the licensee whose actions are in question, or in the county where the agricultural products were received by the commission merchant, or in the county in which the violation of this chapter occurred, to recover payment for goods sold for resale or on commission, and not paid to said consignor or seller, or not properly accounted for, and damages sustained by said consignor or seller by reason of fraudulent acts or wrongful handling;

(b) Such an action may be brought by the director of agriculture or a consignor on the bond furnished by a commission merchant under the provisions of this act and recovery may be had against such commission merchant and the surety on said bond for the amount due such consignor; and in such action the court shall allow such consignor a

reasonable attorney's fee: *Provided*, That if such commission merchant has failed or neglected to account and pay for any agricultural products received and sold on commission for two or more consignors, and the amount of said bond is not sufficient to pay the amount due all the consignors, they shall be entitled to receive from the proceeds of such bond a *pro rata* share in proportion to the amount due each of said consignors;

(c) If the defendant commission merchant is adjudged not guilty, the complainant shall receive no attorney's fees, but if the complainant be other than the director of agriculture he shall pay a reasonable attorney's fee to defendant; any such sums collected by the director of agriculture as hereinbefore provided shall after collection be promptly paid over to the parties entitled thereto.

SEC. 10. (a) Any person, firm, association, exchange or corporation violating any provisions of this act shall be guilty of a misdemeanor and shall be punished by a fine of not less than fifty dollars (\$50.00). Each day's violation of this act shall constitute a separate offense;

Penalty for violation.

(b) Any prosecution brought under this act may be instituted or brought in any county of this state in which the defendant, or any of the defendants, resides, or in which such unlawful act was committed, or in which the defendant, or any of the defendants, has his principal place of business;

Prosecutions.

(c) All sums received by the director of agriculture for license fees under this act shall be paid by him to the state treasurer and 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 act;

Commission merchants fund.

(d) There is hereby appropriated the sum of forty thousand dollars (\$40,000.00) out of the commission merchants fund in the state treasury, said

Appropriation.

money to be available to the director of agriculture for the purpose of carrying out the provisions of this act, but in no case shall such expenses exceed the receipts from license fees heretofore or hereafter collected under this act, and all fees so collected shall remain in said fund until expended.

Partial
invalidity.

SEC. 11. If any section or part of a section of this act shall, for any cause be held unconstitutional, such holding shall not affect the validity of any other section or part of a section, sentences or part of a sentence of this act. The legislature hereby declares that it would have passed the remaining parts of this act if it had known that such parts or part thereof would be declared unconstitutional.

Statutes
repealed.

SEC. 12. Chapter 194 of the Laws of the Extraordinary Session of 1925, and all amendments thereto, and chapter 67 of the Laws of 1933 are hereby repealed: *Provided*, That nothing herein contained shall be construed as affecting any existing right acquired under the provisions of said act, or amendments thereto, or as affecting any proceeding instituted under said act or amendments thereto: *Provided, further*, That the repeal hereby of said act and amendments thereto, which amended or repealed any former act or part thereof, shall not operate to revive such former act or part thereof so amended or repealed.

Existing
rights
protected.

Effective
immediately.

SEC. 13. This act is necessary for the immediate preservation of the financial structure of the state, for the preservation of agriculture and to prevent a financial crisis, and for the support of the state government and its existing institutions, and shall take effect immediately.

Passed the House March 3, 1937.

Passed the Senate March 3, 1937.

Approved by the Governor March 13, 1937.

CHAPTER 68.

[H. B. 329.]

RESALE OF TAX TITLE PROPERTY BY COUNTIES.

AN ACT relating to the sale by counties of property acquired for taxes, and amending section 11294, Remington's Revised Statutes.

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

SECTION 1. That section 11294 of Remington's Revised Statutes be and the same is hereby amended to read as follows:

Amends
§ 11294, Rem.
Rev. Stat.
(§ 6882-133
P. C.)

Section 11294. Real property hereafter or heretofore acquired by the several counties of the State of Washington for taxes shall be subject to sale by order of the board of county commissioners of the several counties of this state at any time after the counties shall have received a deed therefor, when in the judgment of the board of county commissioners they deem it for the best interests of the county to sell the same. When the board of county commissioners desires to sell any property so acquired, it may, if deemed advantageous to the county, combine any or all of the several lots and tracts of land so to be sold in one or more units, and it shall then enter an order on its records fixing the unit or units in which the property shall be sold and the minimum price for each of such units, and directing the county treasurer to sell such property in the unit or units and at not less than the price or prices so fixed by said board: *Provided*, That the said order shall be subject to the approval of the county treasurer if several lots or tracts of land are combined in one unit. It shall be the duty of the county treasurer upon receipt of such order to publish once a week for three consecutive weeks a notice of the sale of such property in a newspaper printed and

Sale of real
property by
counties.

Procedure.

Notice.

published in the county where the land is situated: *Provided*, That in counties where there is no newspaper published, the treasurer of such county shall cause such notice to be published in some newspaper in the state of general circulation in such county having no resident newspaper, and the property to be sold shall be set forth and described in said notice, and the minimum price fixed in said order, together with the time and place and terms of sale, which said sale shall be made at the front door of the county courthouse in the county in which the land is situated between the hours of 9 o'clock a. m. and 4 o'clock p. m., and all sales so made shall be to the highest and best bidder at such sale, and sales to be made under the provisions of this act may be adjourned from day to day by the county treasurer by public announcement made by the treasurer at the time and place designated in the notice of such sale, or at the time and place to which said sale may be adjourned. The person making the bid shall state whether he will pay cash for the amount of his bid or accept a real estate contract of purchase in accordance with the provisions hereinafter contained. The person making the highest bid shall become the purchaser of said property. If the highest bidder is a contract bidder the purchaser shall be required to pay twenty per cent of the total purchase price at the time of said sale and shall enter into a contract with the county as vendor and the purchaser as vendee which shall obligate and require the purchaser to pay the balance of said purchase price in ten equal annual installments commencing November 1st and each year following the date of said sale, and shall require said purchaser to pay six per cent interest on all deferred payments, interest to be paid at the time the annual installment is due; and may contain a provision authorizing the purchaser to make payment in full at any time of any balance due

Cash or contract sales.

on the total purchase price plus accrued interest on such balance. Said contract shall contain a provision requiring the purchaser to pay before delinquency all subsequent taxes and assessments that may be levied or assessed against said property subsequent to the date of said contract, and shall contain a provision that time is of the essence of the contract and that in event of a failure of the vendee to make payments at the time and in the manner required and to keep and perform the covenants and conditions therein required of him that the said contract may be forfeited and terminated at the election of the vendor, and that in event of said election all sums theretofore paid by the vendee shall be forfeited as liquidated damages for failure to comply with the provisions of said contract; and shall require the vendor to execute and deliver to the vendee a deed of conveyance covering said property upon the payment in full of the purchase price, plus accrued interest.

Subsequent
taxes.

Passed the House March 3, 1937.

Passed the Senate March 3, 1937.

Approved by the Governor March 13, 1937.

CHAPTER 69.

[H. B. 388.]

LIENS BY NURSES, DOCTORS AND HOSPITALS.

AN ACT relating to liens and the enforcement thereof by hospitals, nurses, practitioners, physicians and surgeons against claims and rights of action to recover damages or compensation by persons injured through the fault or negligence of others.

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

Lien.

SECTION 1. Every operator of a hospital and every duly licensed nurse, practitioner, physician and surgeon rendering service for any person who has received a traumatic injury shall have a lien upon any claim, right of action and/or money to which such person is entitled against any *tort feasor* and/or insurer of such *tort feasor* for the value of such service, together with costs and such reasonable attorney's fees as the court may allow, incurred in enforcing such lien: *Provided, however,* That nothing in this act shall apply to any claim, right or action or money accruing under the Workmen's Compensation Act of the State of Washington, and: *Provided, further,* That all the said liens for service rendered to any one person as a result of any one accident shall not exceed twenty-five (25) per centum of the amount of an award, verdict, report, decision, decree, judgment or settlement.

Exception.

Lien filed.

SEC. 2. No person shall be entitled to the lien given by the preceding section unless he shall, within twenty (20) days after the date of such injury, or, if settlement has not been affected with and payment made to such injured person, then at any time before such settlement and payment, file for record with the county auditor of the county in which said service was performed, a notice of claim

stating the name and address of the person claiming the lien and whether he claims as a practitioner, physician, nurse or hospital, the name and address of the patient and his place of domicile, if other than his actual address, the time when and place where the alleged fault or negligence of the *tort feisor* occurred, and the nature of the injury, the name and address of the *tort feisor*, if same or any thereof are known, which claim shall be subscribed by the claimant and verified before a person authorized to administer oaths.

SEC. 3. The county auditor shall record the claims mentioned in this chapter in a book to be kept by him for that purpose, which record must be indexed as deeds and other conveyances are required by law to be indexed. Claims recorded.

SEC. 4. The taking of a promissory note or other evidence of indebtedness for any services performed, as provided in this act, shall not discharge the lien therefor unless expressly received as a payment for such services and so specified therein. Promissory note.

SEC. 5. No settlement made by and between the patient and *tort feisor* and/or insurer shall discharge the lien against any money due or owing by such *tort feisor* or insurer to the patient or relieve the *tort feisor* and/or insurer from liability by reason of such lien unless such settlement also provides for the payment and discharge of such lien or unless a written release or waiver of any such claim of lien, signed by the claimant, be filed in the court where any action has been commenced on such claim, or in case no action has been commenced against the *tort feisor* and/or insurer, then such written release or waiver shall be delivered to the *tort feisor* and/or insurer. Settlement.

SEC. 6. Such lien may be enforced by a suit at law brought by the claimant or his assignee within Actions.

one (1) year after the filing of such lien against the said *tort feasor* and/or insurer. In the event that such *tort feasor* and/or insurer shall have made payment or settlement on account of such injury, the fact of such payment shall only for the purpose of such suit be *prima facie* evidence of the negligence of the *tort feasor* and of the liability of the payer to compensate for such negligence.

Passed the House March 3, 1937.

Passed the Senate March 3, 1937.

Approved by the Governor March 13, 1937.

CHAPTER 70.

[H. B. 531.]

QUALIFICATION AND REGULATION OF CORPORATIONS.

AN ACT requiring and providing for the qualification of foreign corporations to do business in this state; providing and requiring payment of filing and license fees for both domestic and foreign corporations; providing additional fees for late payment; prescribing the duties of certain officials in aid of collection thereof; providing they shall be preferred claims and constitute a lien on corporate assets; providing for the reinstatement of stricken and dissolved corporations; and validating the corporate acts of such corporations occurring before reinstatement; repealing certain acts and all other inconsistent acts and declaring an emergency.

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

SECTION 1. All corporations hereafter organized under the laws of this state, except the corporations for which existing law provides a different fee schedule, shall pay for the filing of its articles of incorporation a fee of twenty-five dollars (\$25.00) for the first fifty thousand dollars (\$50,000.00), or less, of its authorized capital stock, and one-twentieth (1/20) of one per cent (1%) additional on all amounts in excess of fifty thousand dollars (\$50,-

Domestic corporations, fee for filing articles.

000.00) and not exceeding one million dollars (\$1,000,000.00), and one-fiftieth (1/50) of one per cent (1%) additional on all amounts in excess of one million dollars (\$1,000,000.00), and not exceeding four million dollars (\$4,000,000.00), and one one-hundredth (1/100) of one per cent (1%) additional on all amounts in excess of four million dollars (\$4,000,000.00); but in no case shall the amount exceed twenty-five hundred dollars (\$2500.00).

Every corporation heretofore or hereafter organized under the laws of this state, except the corporations for which existing law provides a different fee schedule, desiring to file in the office of the secretary of state, articles amendatory or supplemental articles increasing its capital stock, or certificates of increase of capital stock, shall pay to the secretary of state the fees hereinabove in this section provided, in proportion to such increased capital stock upon the actual amount of such increase, and every such corporation desiring to file other amendatory or supplemental articles shall pay to the secretary of state a fee of ten dollars (\$10.00).

Amendatory
or supple-
mental
articles.

SEC. 2. Each and every foreign corporation doing an intrastate business or hereafter seeking to do an intrastate business in the State of Washington shall qualify so to do in the manner prescribed in this act and shall pay for the privilege of so doing the filing and license fees prescribed in this act. Each and every foreign corporation doing an intrastate business or hereafter seeking to do an intrastate business in the State of Washington shall pay as a fee for the filing of the papers required in sections three and sixteen of this act, the same fees as are prescribed in section 1 hereof for the filing of articles of incorporation of a domestic corporation, such fees to be computed upon the portion of capital stock of such corporation represented or to be represented in the State of Washington, to be ascertained by

Foreign
corporations.

comparing the value in money of its entire property and capital with the value in money of its property and capital in, or to be brought into, and used in this state. Any corporation that shall employ an increased amount of its capital stock within the state shall pay fees at the same rate upon such increase, and whenever such increase is made such corporation shall file with the secretary of state, a statement showing the amount of such increase.

Statement
required,
contents.

SEC. 3. Before any foreign corporation shall be authorized to do intrastate business in the State of Washington it shall file with the secretary of state upon a blank form to be furnished for that purpose under the oath of its president, secretary, treasurer, superintendent or managing agent in this state, a statement showing the following facts:

(a) The number of shares of capital stock of the company and the par value of each share, and if such shares have no par value, then the value of the assets represented by non-par shares;

(b) The portion of the capital stock of the company which is represented and/or to be represented, employed and/or to be employed in its business transacted or to be transacted in the State of Washington;

(c) The value of the property in or to be brought into, and the amount of capital to be used by the company in the State of Washington and the value of the property and capital owned and/or used by the company outside of the State of Washington;

(d) Such other facts as the secretary of state may require.

From the facts thus reported, and such other additional information as the secretary of state may require, the secretary of state shall determine the amount of capital or the proportionate amount of the capital stock of the company represented by its property and business in the State of Washington

and upon which the fees prescribed herein are payable.

SEC. 4. Every corporation organized under the laws of this state, except the corporations for which existing law provides a different fee schedule, shall make and file an affidavit as to the amount of its authorized capital stock, and shall pay, on or before the first day of July of each and every year, to the secretary of state, and it shall be the duty of the secretary of state to collect, for the use of the state, an annual license fee of fifteen dollars (\$15.00) for the first fifty thousand dollars (\$50,000.00) or less of its authorized capital stock; and one-fortieth ($1/40$) of one per cent (1%) additional on all amounts in excess of fifty thousand dollars (\$50,000.00), and not exceeding one million dollars (\$1,000,000.00); and one one-hundredth ($1/100$) of one per cent (1%) additional on all amounts in excess of one million dollars (\$1,000,000.00), and not exceeding four million dollars (\$4,000,000.00); and one two-hundredth ($1/200$) of one per cent (1%) additional on all amounts in excess of four million dollars (\$4,000,000.00); but in no case shall an annual license fee exceed the sum of twelve hundred fifty dollars (\$1,250.00).

Domestic corporations, annual license fee schedule.

SEC. 5. All foreign corporations doing intrastate business, or hereafter seeking to do intrastate business in this state shall pay for the privilege of doing such intrastate business in this state the same fees as are prescribed for domestic corporations for annual license fees in the preceding section, such fees to be computed upon the proportion of the capital stock represented or to be represented by its property and business in this state to be ascertained by comparing the entire volume of business with the volume of intrastate business in this state and any such corporation that shall employ an increased amount of its capital stock within this state shall pay

Foreign corporations, annual license fees.

license fees upon such increase in the same proportion as provided in the preceding section for payment of license fees by domestic corporations and such corporations shall file with the secretary of state a statement showing the amount of such increase and shall forthwith pay to the secretary of state the increased license fee brought about by such increased use of capital represented by its property and business in this state, such fees to be paid on or before the first day of July of each and every year.

Court
appeals.

SEC. 6. That in the event any such foreign corporation shall feel aggrieved at the decision of the secretary of state relative to the fee for the filing of its articles of incorporation, or by the action of the secretary of state in fixing its annual license fee, it may, within thirty days file its notice of appeal from such order in the superior court of Thurston county, Washington, together with a statement of the grounds of its appeal and the reductions or changes in such fees sought, and the court shall proceed summarily to hear and determine the questions raised by such appeal and make and enter such order therein as to the court may seem meet and proper: *And provided further*, That either party may have the right of appeal from such judgment and decision to the supreme court of the State of Washington, the practice and procedure in appeals in civil cases to govern such appeals.

Non-par
capital
stock.

SEC. 7. In the case of any corporation whose stock is wholly or partly without par value, there shall be filed with the articles of incorporation the affidavit of one of the incorporators, or other representative of the corporation, stating that, to the best of his knowledge and belief, the value of the assets received and to be received by such corporation in return for the issuance of its non-par value stock does not exceed a certain sum therein named, and the sum so named in such affidavit shall be assumed

prima facie as the amount of capitalization represented by such non-par value stock for the purpose of fixing the filing fees and annual license fees to be paid by such corporation under the laws of this state: *Provided*, That at any time within two years after the filing of such articles of incorporation, the secretary of state may investigate and make a finding as to the value of such assets, and if the value of the assets received in consideration of the issuance of such non-par value stock is found by him to exceed the amount stated in such affidavit, such corporation shall pay to the secretary of state the additional filing and license fees payable under the laws of this state, based on the excess of the true valuation, as so found, over the value stated in such affidavit, together with interest on such additional sum at the rate of eight (8) per cent per annum from the date when the same became due, such payment to be made within sixty (60) days after notice mailed by the secretary of state addressed to such corporation at its last known address: *And provided further*, That such finding of the secretary of state shall be subject to review on such evidence as the parties may submit to the court, if an action for such review be begun by such corporation in the superior court of Thurston county within said sixty (60) days. If such action be begun, such corporation shall be allowed sixty (60) days, after judgment of the court finally adjudging the matter, in which to pay any additional fees that may be payable.

The sum named in any such affidavit may be increased or reduced by the filing of an amended affidavit and the payment of a filing fee for such increase or reduction as is required for an increase or reduction of authorized capital stock in sections 1 and 4 of this act.

SEC. 8. Building and loan and savings and loan associations paying special fees provided for in the

Building
and loan
associations
exempted.

act under which the same are incorporated shall not be required to pay the filing and license fees provided for herein and shall be exempted from the provisions of this act.

Public
service
companies
allowed
deductions.

SEC. 9. The annual fee required to be paid to the department of public service by any public service company shall be deducted from the annual license fee provided herein and the excess only shall be collected.

It shall be the duty of the director of public service to furnish to the secretary of state on or before June 1 of each year a list of all public service companies with the amount of annual license fees paid the department of public service for the current year.

Additional
fee as
penalty.

SEC. 10. In the event any corporation, foreign or domestic, shall fail to pay its annual license fee on or before the first day of July of any year there shall become due and owing the State of Washington an additional license fee equivalent to one per cent (1%) per month or fraction thereof computed upon each annual license fee from the date when it should have been paid to the date when it is paid: *Provided*, That the minimum additional license fee due under the provisions of this section shall be two dollars and fifty cents (\$2.50): *Provided, further*, That the license fees and penalties now due and owing to the State of Washington may be fixed by and paid under the law in effect immediately prior to the passage of this act if paid on or before July 1, 1937.

License
fees and
penalties
now due.

Fees are
liens upon
assets of
corporations.

SEC. 11. All fees of every nature either provided for in this chapter and owing by any corporation to the State of Washington by any existing law are hereby declared to be debts due and owing to the State of Washington and are hereby declared to be liens upon any and all assets of any corporation owing the same.

In the event of the winding up or dissolution of any corporation any sums owing by such corporation to the State of Washington under existing laws or by virtue of this act shall have preference over all other claims against the corporation.

Preferred claim.

It shall be the duty of the attorney general of the State of Washington on being notified by the secretary of state that any corporation has failed to pay the fees provided for in this chapter, to institute an action in the proper court for the recovery thereof in which action it shall be the duty of the attorney general to ask for the appointment of a general receiver for the purpose of conducting the affairs of the corporation under proper order of the court.

Actions.

Receiver.

A certificate of the secretary of state, that the corporation has not paid the fees provided in this chapter, shall be *prima facie* evidence of insolvency of such corporation and shall constitute grounds for the appointment of a receiver. The fact of the insolvency of any corporation may be shown by the state or by any private person or corporation.

Insolvency.

If, in any action brought to collect the fees provided for in this chapter, it shall be necessary to take a judgment therefor, the court may add to the amount due the state a reasonable sum as attorneys fees.

SEC. 12. No corporation shall be permitted to commence or maintain any suit, action, or proceeding in any court of this state, without alleging and proving that it has paid or contracted to pay as hereinafter provided, all fees due the State of Washington under existing law or this chapter.

Actions. payment of fee condition precedent.

SEC. 13. In the event that any corporation, which has failed to pay fees provided for by existing laws for a period of three consecutive years, shall fail to pay said fees in full on or before July 1, 1937, it shall be the duty of the secretary of state to enter upon his records a notation that such corporation is

Dissolution for delinquency after three years.

dissolved and said corporation shall thereupon be dissolved and the secretary of state shall thereupon be free to grant the name of the corporation so dissolved to any other corporation thereafter organized.

Striking
delinquent
corporations.

SEC. 14. In the event that any corporation shall allow license fees due the state under existing laws or by virtue of this chapter, to become delinquent for a period of three consecutive years and the secretary of state shall be unable to collect said fees in full, it shall be his duty to enter upon his records a notation that such corporation is dissolved and said corporation shall thereupon be dissolved and the secretary of state shall thereupon be free to grant the name of the corporation so dissolved to any other corporation thereafter organized: *Provided, however,* That any corporation which may have been heretofore stricken or dissolved or which may hereafter be dissolved by the secretary of state for nonpayment of fees under existing laws or this chapter is hereby given the privilege of becoming reinstated and having its corporate license restored by applying to the secretary of state for such reinstatement at any time within ten (10) years after such corporation may have been or may be stricken or dissolved, and paying to the secretary of state for the use of the state, all license fees and penalties due to the state under existing laws and this chapter and the additional sum of ten dollars (\$10.00) for each and every year that its name has been stricken from, or noted as dissolved upon the records, or paying to the secretary of state for the use of the state the license fees and penalties due to the state under existing laws or this chapter and the penalty above provided for the most distant year then due and unpaid and also for the year last due and unpaid and enter into a contract with the secretary of state, according to a form to be approved by him, for the payment of all other unpaid license fees and penal-

Reinstatement.

ties then due from it, in ten (10) semi-annual installment payments, to begin upon the due date of the next annual license fee. The current annual license fee shall not be received unless the installment payments due have been paid: *Provided, further*, That the privilege of becoming reinstated shall not be granted to any corporation where the name of such corporation has been given to a new corporation organized after its dissolution.

Upon reinstatement as herein provided it shall be the duty of the secretary of state to enter upon his records a notation that such corporation is reinstated, and it shall thereupon be reinstated as of the date on which its name was stricken from or noted as dissolved upon the records of the office of the secretary of state, and such corporation shall have the right to sue and shall enjoy the same rights and powers as if its name had never been stricken from the records or it had never been dissolved and all things done by it in the exercise of its corporate powers before such reinstatement shall become valid acts of the corporation.

Rights
restored.

SEC. 15. In the event of dissolution of any corporation for the nonpayment of fees either by court action or otherwise the trustees of such corporation shall hold the title to property of the corporation for the benefit of its creditors and stockholders to be disposed of under appropriate court proceedings. Any unpaid balance of fees due the State of Washington shall remain and be a prior and preferred claim against said assets and be paid to the secretary of state before any payment to creditors and stockholders.

Title to
property of
dissolved
corporation.

SEC. 16. Any corporation incorporated under the laws of any state of [or] territory in the United States, or of any foreign country, state, or colony, for any of the purposes for which domestic corporations are authorized to be formed under the laws of this

Corporate
powers
enumerated.

state, shall have full power and is hereby authorized to sue and to be sued in any court having competent jurisdiction, to acquire, purchase, hold, mortgage, sell, convey, or otherwise dispose of, in the corporate name, all real estate or personal property necessary or convenient to carry into effect the objects and purposes of its corporation, and also any interest in real estate, by mortgage or otherwise due to or loans made by such foreign corporations within the boundaries of this state, either prior to or after the passage of this act, and generally do and perform every act and transact every kind of business within this state in the same manner and to the same extent as corporations incorporated and organized under the laws of this state are authorized to do under the laws of this state: *Provided*, That such corporation shall first qualify so to do by doing all of the things required in this act: *Provided, further*, That this chapter shall not be so construed as to allow such foreign corporation to transact business within the state on more favorable conditions than are prescribed by law for a similar corporation organized under the laws of this state: *And provided further*, That no corporation, the majority of the capital stock of which is owned by aliens other than those who in good faith have declared their intention to become citizens of the United States, shall acquire the ownership of any lands in this state other than lands containing valuable deposits of minerals, metals, iron, coal or fireclay, and the necessary land for mills and machinery to be used in the development thereof, and the manufacture of the products therefrom, except where acquired under mortgage, or in good faith in the ordinary course of justice in the collection of debts.

Foreign corporations, instruments to be filed and recorded.

SEC. 17. Every foreign corporation, before it shall be authorized or permitted to transact any business in this state, or to continue business herein if already

established, shall cause to be filed and recorded in the office of the secretary of state certified copy of its charter, articles of incorporation, memorandum of association, or certificate of incorporation, and a certified copy of each and all of the amendments or supplements to such charter, articles of incorporation, memorandum of association or certificate of incorporation, and a certified copy of each and all of its certificates of increase or decrease of its capital stock, each of said instruments to be certified to by the officer who is the custodian of the same according to the laws of the state or territory, country or colony, where such corporation is incorporated, or who is authorized to issue certificates of incorporation according to the laws of such state, territory, or foreign country or colony. The instruments herein required to be filed and recorded shall be attested by such certifying officer under his hand and seal of office, which attestation shall be *prima facie* proof of the facts therein stated, and of the genuineness of the certificate. If such officer has no official seal, his certificate shall state that fact over his signature, and thereupon the secretary of state, or of the territory, in case of corporations within the United States, and the consul general, consul, vice consul, deputy consul, consular agent, or commercial agent of the United States, at or nearest to the place where such certificate is made, in the case of corporations not within the United States, shall certify under his hand and seal of office to the genuineness of the signature of the officer making the certificate, and to the fact that at the time of making such certificate the person making the same held the office described in the certificate.

SEC. 18. Such corporations shall also constitute Agent. and appoint an agent who shall reside at the place in the state where the principal business of the corporation is to be carried on, to be designated as here-

inafter required. Such appointment shall be in writing, signed by the president or chief officer of such corporation, and shall be attested by its corporate seal, and shall contain the name of the agent; his place of residence and the place where the principal business of such corporation is to be carried on, 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 chief officer, 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 resident 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 shall be taken and held as due service on such corporation. Such corporation may change its agent or its principal place of business, 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 place of business; and 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 statute 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

Appointment
filed and
recorded.

Process
served upon
Secretary
of State.

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 of the State of Washington, and the same shall be held as due and sufficient service upon such corporation.

SEC. 19. Any foreign corporation doing business in this state without having qualified so to do shall be subject to a penalty of five hundred dollars (\$500.00) to be recovered in a civil action to be instituted by the attorney general in the name of the State of Washington, upon his being furnished with evidence sufficient to justify such action.

Penalty for failure to qualify.

SEC. 20. No corporation which has heretofore complied with the laws of the state or territory of Washington hitherto existing, regarding foreign corporations, and has kept a duly appointed agent within the boundaries of the state as heretofore required, shall be required to file for record, or cause to be recorded, the certified copies required by this act, or to execute or file for record, or cause to be recorded, a new appointment of agent as herein required.

Prior compliance.

SEC. 21. It shall be the duty of each and every county assessor in this state to ascertain each and every year, at the time of the tax assessment of his county, the name of every foreign corporation doing business by agent or otherwise within his county, the nature of such business, and the name of the agent of each of such corporation, if any there are, together with such agent's place of address, and shall, within ten days from and after the compilation of such assessment, make out and deliver to the county auditor of his county a full and complete list of the names of such corporations doing business in his county, together with the nature of the business so carried on by each of such corporations, and the

Assessor to ascertain names of corporations, etc.

name of the resident agent of each of such corporations, if any there be, and the place of residence of each of such agents.

County auditor to transmit list to Secretary of State.

SEC. 22. It shall be the duty of each and every county auditor in this state to make out and transmit to the secretary of state, within thirty days next preceding the receipt by him from such county assessor of the lists provided in the last preceding section, a full, true, and concise statement of the names of such corporations, their place of business, the nature of business conducted by such corporations, together with the names of each and every agent of each of such corporations, if any there be, and the places of residence of such agents.

Recording fees.

SEC. 23. The fees for recording, under the provisions of this chapter, shall be the same as are allowed by law to the secretary of state for certified copies of papers on file in his office.

Agent guilty of gross misdemeanor, when.

SEC. 24. Any agent of any foreign corporation, conducting or carrying on business within the limits of this state, for and in the name of such corporation, contrary to any of the provisions of this chapter, shall be deemed guilty of a gross misdemeanor, and upon conviction thereof shall be punished by a fine not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00), or by imprisonment in the county jail for a term not exceeding three months, or by both such fine and imprisonment.

Assessor guilty of gross misdemeanor.

SEC. 25. Any county assessor failing to make out and deliver to the county auditor of his county a list, within the time and in the manner provided in section 21 of this act, and any county auditor failing to make out and transmit to the secretary of state a statement, within the time and in the manner provided in section 22 of this act, shall be deemed guilty of a gross misdemeanor, and upon conviction thereof

shall be punished by a fine not exceeding three hundred dollars (\$300.00) and not less than one hundred dollars (\$100.00).

SEC. 26. Every foreign corporation filing in the office of the secretary of state a certificate of the appointment of an agent residing in this state, or a certificate of the revocation of such appointment of the resident agent, shall pay to the secretary of state a fee of ten dollars (\$10.00).

Fee for filing certification of appointment of agent.

SEC. 27. The fee for furnishing a certified copy of articles of incorporation, or articles amendatory or supplemental, or certificates of increase or decrease of capital stock, or certificate of appointment of resident agent, or certificate of revocation of appointment of resident agent, shall be five dollars (\$5.00).

Fee, certified copy of articles.

SEC. 28. There shall be no charge for recording any of the documents mentioned in this act or for making or certifying to copies of same other than the fees in this act prescribed, unless the document to be recorded or the copy to be certified shall exceed twenty folios, in which case there shall be a further charge of fifteen cents (15c) per folio for all such excess.

Additional charges.

SEC. 29. The fee for furnishing and certifying to a printed compilation of the corporation laws of this state shall be five dollars (\$5.00).

Fee for certifying to corporations laws.

SEC. 30. This act shall not apply to domestic corporations organized for religious, social, charitable or educational purposes, or to foreign corporations organized for like purposes, when not engaged in this state in the loaning of money or the conducting of any other business pursuits for profit, or to insurance companies, corporations and associations.

Exemptions

SEC. 31. All fees provided for in this act are due in advance and shall be paid to the secretary of state before the services desired are performed.

Fees due in advance.

Disposition
of fees.

SEC. 32. Any monies received by the secretary of state under the provisions of this act shall be by him paid into the state treasury as provided by law.

Partial
invalidity.

SEC. 33. If any section or provision of this act shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of the act as a whole, or any section, provision or part thereof not adjudged invalid or unconstitutional.

Statutes
repealed.

SEC. 34. Chapter LVIII, Laws of 1899, (section 3855, R. R. S.), chapter 140, Laws of 1907, sections 3838, 3839, 3840, 3842, 3848, 3849, 3850 and 3851, R. R. S.), chapter 19, Laws of 1909, Extraordinary Session, (sections 3843, 3844, 3845, 3846 and 3847, R. R. S.), chapter 144, Laws of 1923, (sections 3836, 3837, 3838, 3841, 3843 and 3844, R. R. S.), chapter 147, Laws of 1925, Extraordinary Session, (section 3853, R. R. S.), chapter 227, Laws of 1929, (sections 3836-1, 3836-2, 3836-3, 3836-4, 3836-5, 3836-6, 3836-7, 3836-8 and 3836-10, R. R. S.), as amended and all acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

Effective
immediately.

SEC. 35. This act is necessary for the immediate support of the state government and its existing public institutions and shall take effect immediately.

Passed the House March 4, 1937.

Passed the Senate March 3, 1937.

Approved by the Governor March 13, 1937.

CHAPTER 71.

[H. B. 349.]

INFECTED HORTICULTURAL PREMISES.

AN ACT prescribing a procedure to condemn infected horticultural premises or property as public nuisances, and declaring an emergency.

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

SECTION 1. For the purpose of having any property mentioned in section 2849 of Remington's Revised Statutes declared a public nuisance as therein provided, the prosecuting attorney of the county wherein such property is situated shall present to the superior court of such county a petition signed and verified by him in manner and form as now required for signing and verifying a complaint in a civil action, in which the property or premises sought to be declared a nuisance shall be described with reasonable certainty, and setting forth the name of each owner, encumbrancer, or other person interested in such property or premises, so far as the same can be ascertained from the public records, together with a recital of the proceedings had under section 2848 and 2849 of Remington's Revised Statutes, and praying that the court shall enter an order declaring such premises or property a public nuisance and directing the destruction, abatement, or other disposition to be made thereof.

Petition to
condemn.

SEC. 2. A notice, stating briefly the objects and purposes of the petition, and containing a description of the premises or property, and stating the time and place when and where the same will be presented to the court, shall be served upon each person named in the petition as owner, encumbrancer, or otherwise interested therein, at least ten (10) days prior to the time designated in such notice for

Notice.

the presentation of such petition. Such service shall be made in the manner now provided by law for the service of summons in civil actions: *Provided*, That where service is had by publication, the period of publication required hereunder shall be shortened to two weekly publications, and such service by publication shall be deemed complete upon the expiration of twenty-one (21) days from and after the date of the first publication of such notice. Due proof of the service of such notice may be made by affidavit of the person serving the same or by proper affidavit of publication, as the case may be, and shall be filed with the clerk of such superior court before or at the time of the presentation of such petition.

Publication.

Adjournment
of proceed-
ings.

SEC. 3. The court may, upon the application of any party, or upon its own motion, for reasonable cause, adjourn the proceedings from time to time, and may order new or further notice to be given to any party whose interest may be affected.

Hearing.

SEC. 4. At the time and place appointed for hearing said petition, or to which the hearing may have been adjourned, if the court shall have satisfactory proof that all parties interested in the property or premises, have been duly served with notice as above prescribed, and shall be further satisfied by competent proof that the proceedings prescribed in section 2848 and section 2849 of Remington's Revised Statutes have been had, and that the condition of such premises or property warrants its being declared a public nuisance, it shall enter an order condemning such property as a public nuisance, and directing that the officer mentioned in section 2849 of Remington's Revised Statutes shall destroy such property or abate such nuisance in such other manner as the court shall direct.

Order of
condemna-
tion.

Effective
immediately.

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

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

Passed the House March 6, 1937.

Passed the Senate February 25, 1937.

Approved by the Governor March 13, 1937.

CHAPTER 72.

[H. B. 507.]

FLOOD CONTROL DISTRICTS.

AN ACT authorizing the creation, operation, and maintenance of flood control districts, prescribing the objects and powers of such districts, fixing the duties and authority of certain officers and persons in relation thereto, providing for the levy and collection of assessments against lands within the boundaries of such districts, authorizing the issuance and sale of bonds and other evidences of district indebtedness, and the execution of contracts with the United States, the State of Washington and political subdivisions thereof, for the accomplishment of district purposes, making violations of certain provisions of the act a misdemeanor, and declaring that this act shall take effect immediately.

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

SECTION 1. Flood control districts may be created and maintained in this state, as herein provided, for the protection of life and property, the preservation of the public health and the conservation and development of the natural resources of the State of Washington.

Flood control districts.

SEC. 2. Such flood control districts shall be organized to provide for the ultimate necessary control of the entire part, or all, of the stream system of any stream or tributary, or for the protection against tidal or any bodies of water, within this state and may include all or part of the territory of any county and may combine the territory in two or more such

Two or more counties.

counties, in which any of the lands benefited from the organization and maintenance of a flood control district are situated.

"State director."

SEC. 3. The term "state director" wherever used in this act shall be held and construed to be the state director of the department of conservation and development, and the term "state supervisor" wherever used in this act shall be held and construed to be the state supervisor of hydraulics, or their respective duly appointed, qualified and acting assistants.

"State supervisor."

Purpose of act.

SEC. 4. Such flood control districts may be organized or maintained for any, or all, the following general purposes:

(1) The investigation, planning, construction, improvement, replacement, repair or acquisition of dams, dikes, levees, ditches, channels, canals, banks, revetments and other works, appliances, machinery and equipment and property and rights connected therewith or incidental thereto, convenient and necessary to control floods and lessen their danger and damages;

Cooperation with U. S.

(2) The cooperation with any agency or agencies of the United States and/or of the State of Washington in investigating and controlling floods and in lessening flood dangers and damages.

Public lands included.

SEC. 5. State granted school or other public lands of the State of Washington may be included within such flood control districts.

Leases or contracts.

SEC. 6. All leases, contracts or other form of holding any interest in any state or public land shall be treated as the private property of the lessee or owner of the contractual or possessory interest therein: *Provided*, That nothing in this act or in any proceeding authorized thereunder shall be construed to affect the title of the state or other public ownership.

SEC. 7. Lands of the Federal government may be included within such districts in the manner and subject to the conditions, now or hereafter specified in the statutes of the United States.

Inclusion of
Federal
lands.

SEC. 8. As a first step toward the creation of such a flood control district a landowners' petition signed by landowners representing not less than fifty per cent (50%) of the acreage proposed to be included within the district shall be filed with the state director, together with such proof of said land ownership as shall be satisfactory to said director: *Provided*, That the acreage represented by the signers of the petition shall not be held nor construed to be a limitation on the powers of the boundary commission hereinafter provided for to fix the boundaries of the district in the manner and to the extent authorized in this act.

Landowners'
petition.

SEC. 9. Said landowners' petition shall set forth in general terms the objects sought and the means by which the same may be accomplished by the creation of the proposed district, shall describe generally in terms of government sections, townships and ranges, the territory to be benefited, and may contain allegations regarding any other matter deemed material by the petitioners, shall be signed by each of the petitioners, and shall specify their respective post office addresses.

Contents of
petition.

SEC. 10. Neither the form, nor any of the allegations, of said landowners' petition shall be held or construed to be jurisdictional or to deprive the state director or the boundary commission hereinafter provided for of the authority, duties, and privileges in connection with the creation of the proposed district prescribed by the provisions of this act.

Not to
deprive
director or
commission
of authority.

Sec. 11. Upon the filing of said landowners' petition, as herein provided, the state director shall refer the same to the appropriate division or divisions of

Investigation
to determine
feasibility
of project.

his department for such investigation, at the expense of the department, as he shall deem advisable to determine the probable feasibility of the project proposed in the petition: *Provided*, That said state director shall not be required to consider said petition unless ample appropriation of funds for the purpose has been made.

Director
may request
information.

SEC. 12. In connection with the investigation provided for in the preceding section, said state director may make written request upon any officer, institution, or department, of the state for information, opinion or advice relative to any features of such investigation which are pertinently within the scope of the prescribed work of such officer, institution or department. Upon receipt of such written request, it shall be the duty of the officer, institution or department to whom or to which the request is made, to furnish the state director in writing, without undue delay, the information, opinion or advice requested by said state director.

Report of
findings.

SEC. 13. Said state director shall cause the investigation to be carried on as expeditiously as possible and shall make written report of his findings within ninety (90) days from the day of the receipt of the landowners' petition: *Provided*, That a written extension of time for making said report may be given by a majority of the petitioners.

Dismissal of
petition.

SEC. 14. If, upon said investigation, the state director finds that the project outlined in said landowners' petition shows little or no probable feasibility, is not conducive to the public welfare, or is not consistent with a comprehensive plan of development, he shall so declare in the report of his findings and dismiss said petition.

Petition
approved.

SEC. 15. If, however, upon said investigation, the state director finds that the project outlined in said landowners' petition or such modification of the

project as said director shall suggest, shows probable feasibility, is conducive to the public welfare, and is consistent with a comprehensive plan of development, he shall so declare in the report of his findings, and shall approve the petition subject to any suggested modifications.

SEC. 16. The original landowners' petition and the report of the state director's findings shall be given an appropriate title and shall remain a part of the records of the department of said state director. Petition designated.

SEC. 17. Said state director shall forthwith mail or deliver a copy of the written report of his findings to the petitioner whose name first appears on the landowners' petition, unless otherwise directed in the petition, in which latter event the same shall be mailed or delivered personally to the person designated in the petition. Said state director shall, at the same time, mail a copy of said report, with a copy of said landowners' petition attached, to the board of county commissioners of each county in which any of the lands to be benefited from the organization and maintenance of the flood control district are situated. Copy of report to petitioners.

SEC. 18. It shall be the duty of the board of county commissioners to which a copy of the report of said state director, with a copy of said landowners' petition attached, has been mailed, as aforesaid, to file the same among the records of its office and to permit the inspection of said report and attached landowners' petition, during its office hours by any interested person. Copy to county commissioners.

SEC. 19. Upon the approval of the project, either as originally proposed in the landowners' petition or as modified by the suggestions of the state director in the report of his findings, said state director is authorized to, and shall, create a commission which shall consider and determine the feasibility of the Public records.

SEC. 19. Upon the approval of the project, either as originally proposed in the landowners' petition or as modified by the suggestions of the state director in the report of his findings, said state director is authorized to, and shall, create a commission which shall consider and determine the feasibility of the Commission created.

project and the boundaries of the proposed flood control district and which shall file a written report of its findings with the state director.

Com-
mis-
sion-
ers,
quali-
fica-
tions.

SEC. 20. The state director shall select and appoint the members of said commission and the same shall be composed of the state supervisor of hydraulics, or his duly appointed, qualified and acting assistant, a hydraulic and civil engineer of recognized professional standing, the county agricultural agent of one of the counties in which the land proposed to be included within the district is situated, if such agent is available, and if not, then a county agricultural agent of a neighboring county having flood problems somewhat similar to those of the area within the proposed district, and two residents of the region affected, at least one of which shall be conversant with property values within said region: *Provided*, That the state director shall have the power at all times to select and appoint as a member of said commission any person in his judgment qualified for the position, where any of the officials or persons above designated are not available or to fill a vacancy or vacancies in the personnel of said commission.

Ex-officio
chairman.

Quorum.

SEC. 21. The state supervisor of hydraulics shall be ex-officio chairman and the hydraulic and civil engineer member shall be ex-officio clerk and executive officer of said commission. A majority of the members of said commission shall constitute a quorum for the transaction or exercise of any of its powers, functions, duties, and business. Each member of the commission present at any meeting thereof shall be entitled to vote upon any matter coming before it, and a majority vote of those present upon any question shall constitute the commission's determination of said question.

Authority
and powers.

SEC. 22. Said commission shall have and it hereby is given full authority to prescribe rules for

the government of its deliberations, to employ necessary help and service, to receive evidence, to make investigation independent of the record before it, to determine the feasibility of the proposed project and to establish the boundaries of the proposed flood control district, to adjourn its meetings from time to time and place to place and to do any and all things necessary, appropriate or incidental to the determination of the questions properly coming before it for determination.

SEC. 23. In considering the feasibility of the project, the commission shall be authorized to formulate a plan of proposed construction and an estimate of its cost itemized generally so as to be reasonably specific as to the various parts and units thereof; including a plan of finance and of cooperation with other agencies: *Provided*, That such plans and the estimates of cost shall be tentative and preliminary only and shall not be held or construed to be a limitation on the right and authority of the district if created to adopt such plans and to carry out such improvements and installations as the district officials shall decide upon in accordance with the provisions of the law relating to the adoption and approval of plans.

Tentative
plans and
estimates.

SEC. 24. Special meetings of said commission may be called by the chairman or by any three other members of said commission, by written notice specifying the time and place of the meeting, mailed by United States mail to each member at his address shown in the records of the commission.

Special
meetings.

SEC. 25. In the event of lack of quorum at any meeting of the commission, one or more members thereof shall have authority to adjourn any meeting to a place and day certain upon notifying the absent members by United States mail of the time and place to which said meeting was adjourned.

Lack of
quorum.

Expenses.

SEC. 26. Unless otherwise provided for, the necessary expenses of the commission and of the individual members thereof in performing the duties and functions of said commission, shall be borne by the state department of conservation and development.

Hearing,
time and
place.

SEC. 27. At the time of mailing a copy of his findings, with a copy of the landowners' petition attached, to the board or boards of county commissioners as aforesaid, or at any time thereafter, said state director shall fix a time and place for hearing said report and attached petition and shall mail to said board or boards of county commissioners as the case may be, to the petitioner to whom a copy of the report of his findings was mailed, and to each member of said boundary commission, a written statement setting forth the time and place fixed, including the hour when the hearing will begin.

Place fixed
to be
reasonably
convenient.

SEC. 28. The place to be fixed for said hearing shall be some suitable place reasonably convenient for the attendance of the land owners and others concerned.

Publication
of notices.

SEC. 29. Whenever a notice for any purpose is required under the provisions of this act to be published in a newspaper of general circulation published in a certain county and where there is no newspaper of general circulation published in that county, the person or official whose duty it is to cause such notice to be published, shall have authority to designate some newspaper of general circulation published outside said county for the publication of the required notice as to the territory in said county (naming it in the notice) and the publication in the paper published outside said county shall meet the requirements of the statute and have the same legal effect as though the notice had been in a newspaper published in said county.

SEC. 30. Said notice shall be published for at least three (3) consecutive weekly issues and the day of the last issue shall not be less than ten (10) days prior to the day set for said hearing.

Published
three con-
secutive
weeks.

SEC. 31. Said notice shall state that a landowners' petition for the creation of a flood control district under the provisions of this act, giving the chapter of the published session laws of the state and the year of the legislative session which enacted the law, has been filed with the state director of the department of conservation and development, who has made a report of his findings upon investigation of the same; that copies of said petition and said report have been filed with the boards of county commissioners of each of the counties in which any of the lands benefited from the organization and maintenance of a flood control district are situated and may be inspected at the offices of these boards during office hours by any interested person; shall specify generally the boundaries of the proposed district, shall mention the time and place of hearing upon said matter and shall state that all persons having or claiming any interest in the lands, or in any part thereof, situated within the boundaries of the proposed district, and all persons otherwise interested, are required at or before the time of said hearing to file in writing with said state director, as chairman of the boundary commission provided for in this act, such objections as they may have, if any, to the creation of said district. Said notice shall carry the name of the chairman of said commission, together with his post office address, at its conclusion.

Contents
of notice.

SEC. 32. The course of the boundary lines of the proposed district shall be located with regard generally to the contour of the territory involved and the benefits which the included lands shall receive from the control of the floods therein by the creation

Boundary
lines.

Description.

and maintenance of the proposed district, and may be located on government section, township and range lines or lines of fractional parts of sections, where such method of location in the opinion of said director will not violate substantially the elements above mentioned to be considered in determining the course of the boundary lines of the district.

Alternative method of describing boundaries.

SEC. 33. As an alternative method of describing the boundaries of the proposed district in said notice of hearing on the matter it shall also be permissible and proper to describe such boundary by a survey traverse showing courses and distances with appropriate ties to government corners: *Provided, however,* That where this method of description is followed there shall be submitted and filed with the commission report a map of the proposed district with the boundary lines platted thereon.

Map.

Meeting to consider boundaries.

SEC. 34. At the time and place designated in said notice, the commission shall meet to consider the boundaries to be established for the proposed district. Said commission shall first determine whether notice of the hearing has been published in the manner and for the time required by this act and shall file the affidavits of the publisher of said notice among the records of the hearing.

SEC. 35. If it is determined that the notice of the hearing has not been properly published, the commission shall so find and adjourn the hearing to a time and place certain and order the proper publication of the notice of hearing. If it is determined that notice of the hearing has been properly published, the commission shall so find and shall proceed to receive any pertinent evidence that may be offered in regard to the creation of the proposed district.

Commission authorized to change boundaries.

SEC. 36. Said commission shall have full authority to consider the lands and territory that will be benefited by the project and to increase or diminish

the area or change the boundaries thereof to include benefited lands, shall exclude therefrom any territory that will not be benefited thereby: *Provided*, That no lands not within the boundaries described in the notice of hearing shall be included within the district without the written consent of the owners thereof, and said commission shall establish and define the boundaries so as to subserve the best interests of the district and to enable it to carry out the objects of its creation.

SEC. 37. In defining the district boundaries so established, the commission shall have authority to describe the same by any of the methods outlined and provided herein for the description of district boundaries in the notice of hearing upon said matter.

SEC. 38. At said hearing the commission shall designate a name for the district and shall direct that the state director of the department of conservation and development call an election to be held therein for the purpose of determining whether or not the district with boundaries established by the commission shall be created under the provisions of this act.

District
named.

SEC. 39. The determination of said commission establishing and describing the boundaries of the proposed flood control district shall be construed to be a legislative determination that the lands and territory included within the same will be benefited in accordance with their respective ratios of benefits to the extent necessary to pay in full from time to time the district's share of the costs and obligations of every nature required in constructing, operating and maintaining said project and in acquiring the property and rights necessary therefor and incidental thereto and such determination, when approved by a favorable vote of the electors of the district, at the first election, as herein provided for, shall be conclusive upon the courts except for actual fraud or

Commission's
determination
of
boundaries
construed
to be a
legislative
determination.

arbitrary action on the part of said commission in establishing and describing said boundaries.

Commission dissolved.

SEC. 40. Upon the full and final determination of the boundaries of the proposed district, as aforesaid, the commission shall turn all papers and records involved in its deliberations over to the state director of the department of conservation and development and said papers and records shall be preserved among the records of said department and upon the expiration of two years thereafter all powers and functions of said commission shall cease and said commission shall *ipso facto* be dissolved and discharged.

Proposal to establish district submitted to electors.

SEC. 41. It shall be the duty of said state director forthwith to call an election in said district. For this purpose, said state director shall have full authority to give notice of said election in the manner provided by this act, to establish and define voting precincts and polling places therein, to appoint the required election officials, to provide for election supplies and to do all things necessary for the calling, noticing, conducting and canvassing of said election.

Notice of election.

SEC. 42. Said election shall be called, notice thereof shall be given, and the same shall be conducted and the results thereof determined in the same manner substantially as that for the calling, noticing, conducting and canvassing of general annual elections as hereinafter provided in this act.

Majority of 60% required.

SEC. 43. If the proposition to establish the district fails to receive a sixty per cent (60%) majority of the votes cast at said election, the state director shall forthwith so find and file the same among the records of his department under the title of the designated flood control district and a copy of his finding to that effect shall be mailed to the board of county commissioners of each county in which any

of the lands within the boundaries of the proposed district were situated and shall be by the board preserved among the records of its office.

SEC. 44. Upon the finding of the state director that the proposition to establish the district failed to receive a sixty per cent (60%) majority of the votes cast at said election and the filing of the same among the records of his department, all proceedings had to create the proposed district shall become nullified and of no effect and the project cannot be revived without the initiation of new proceedings from the beginning as in this act provided.

Proceedings nullified.

SEC. 45. If the proposition to establish the district receive a sixty per cent (60%) majority of the votes cast at said election, the state director shall so find and shall have authority to, and shall make an order declaring the territory within the boundaries of the district duly established as a flood control district under the provisions of this act and file the same among the records of his department.

Order establishing district.

SEC. 46. A certified copy of said order establishing the district shall be filed for record in the office of the county auditor of each county in which any lands within the flood control district are situated. The certified copy of said order shall be entitled to record without payment of filing or recording fee.

Certified copy filed.

SEC. 47. From and after the filing of a certified copy of the state director's order establishing the district for record in the office of the county auditor of each county as aforesaid, the creation of the district shall be complete and its existence cannot thereafter be legally questioned by any individual or corporation except the State of Washington in an appropriate court action brought within six (6) months from the date of the state director's order establishing the district. If the existence of said district is not challenged by the State of Washington

Challenge.

within the period above specified, it shall thereafter be forever barred from questioning the legal existence of said district by reason of any defect in the proceedings had for the creation of said district.

Appoint-
ment of
directors.

SEC. 48. Upon the creation of the district as aforesaid, the state director shall have authority, and it shall be his duty, to appoint three (3) qualified electors of the district to act as the first directors therefor.

SEC. 49. The district directors appointed by the state director shall be empowered to act as such officers, with full powers, immediately upon qualifying and organizing as a board in the manner provided in this act for district directors generally and shall hold office until the next annual election held in the district and until their successors are elected or appointed and have qualified.

District
constitutes
a body
corporate.

SEC. 50. A flood control district created under this act shall constitute a body corporate and shall possess all the usual powers of a corporation for public purposes as well as all powers that may now or hereafter be conferred by law, and shall not be liable for the torts of their officers, agents and servants.

Powers.

SEC. 51. Said flood control districts shall have full authority to carry out the objects of their creation and to that end are authorized to acquire, purchase, hold, lease, manage, improve, repair, occupy, and sell real and personal property or any interest therein, either inside or outside the boundaries of the district, to enter into and perform any and all necessary contracts, to appoint and employ the necessary officers, agents and employees, to sue and be sued, to exercise the right of eminent domain, to levy and enforce the collection of special assessments and in the manner herein provided against the lands within the district, for district revenues,

and to do any and all lawful acts required and expedient to carry out the purpose of this act.

SEC. 52. Duly created flood control districts, when maintaining and operating flood control works, shall have authority incidental thereto to lease, acquire, construct, operate and maintain appropriate instrumentalities for the use and sale or lease of water for any and all beneficial purposes and for the drainage, diking, or irrigation of lands upon the payment to the district of the reasonable cost of such service on a semi-annual or monthly toll basis.

Flood control works.

SEC. 53. Said flood control districts shall also have authority to issue and sell bonds of the district payable partially or exclusively from the income derived from said tolls above mentioned, as in this act provided.

Issuance of bonds.

SEC. 54. Flood control districts created under the provisions of this act shall have authority to act as fiscal agent or other authority for the United States to make collections of money for or on behalf of the United States or any Federal agency thereof in connection with the operations of said district, whereupon said district and the county treasurer for said district shall be authorized to act and to assume the duties and liabilities incident to such action and the district board shall have full power to do any and all things required by any statute now or hereafter enacted in connection therewith and to do all things required by the rules and regulations now or that may hereafter be established by any department or agency of the state or Federal government in regard thereto.

Fiscal agent.

SEC. 55. The district board shall have authority to enter into any obligation or contract authorized by law with the United States or with the State of Washington for the supervision of the construction, for the construction, reconstruction, betterment, ex-

Contract with state or U. S. for construction, etc.

tension, purchase, operation or maintenance of the necessary works for the control of floods or for any other service furthering the objects for which said flood control district is created under the provisions of the law of the State of Washington or of the United States and all amendments or extensions thereof and the rules and regulations established thereunder.

Contract with state or U. S. for assumption of control and management.

SEC. 56. Flood control districts created under this act shall have authority to enter into contracts with, and/or contribute funds to, the United States or any agency thereof, or with, and/or contribute funds to, the State of Washington, under any act of Congress or of the State of Washington now in force or hereafter enacted for the assumption of the control and management of the works for such period as may be designated in the contract, or other cooperative arrangement.

Bonds deposited with U. S.

SEC. 57. In case a contract has been or shall be hereafter made between the district and the United States, or any agency thereof, or with the State of Washington, as herein provided, bonds of the district may be deposited with the United States, or any agency thereof, or with the State of Washington, as payment or as security for future payment at not less than ninety per cent (90%) of the par value, the interest on said bonds to be provided for by assessment and levy as in the case of bonds of the district sold to private persons and regularly paid to the United States, or any agency thereof, or to the State of Washington, to be applied as provided in such contract and if bonds of the district are not so deposited it shall be the duty of the board of directors to include as part of any levy or assessment against the lands of the district, an amount sufficient to meet each year all payments accruing under the terms of any such contract.

SEC. 58. No contract, however, requiring the levy of assessments for more than one (1) year shall be entered into by the district as above provided unless a proposition of entering into such a contract shall have first been submitted to the electors of the district as herein provided for the calling, noticing, conducting and canvassing of special district elections, and by said electors approved.

Proposition
submitted
to electors.

SEC. 59. Contracts entered into by districts for construction or for services or materials, may provide that payments shall be made in such monthly proportion of the contract price, as the board shall determine thereon, as the work progresses, or as the services or materials are furnished, on monthly estimates of the value thereof, approved by the state director. Before the district shall enter into any contract, the plans, specifications and form of contract therefor shall be approved by the state director.

Contracts
for construction,
services,
or material.

SEC. 60. Contracts for construction, or for labor or materials entering into the construction of any improvement authorized by the district shall be awarded at public bidding except as herein otherwise provided. A notice calling for sealed proposals shall be published in such newspaper or newspapers of general circulation as the board shall designate for a period of not less than two (2) weeks (three weekly issues) prior to the day of the opening of the bids. Such proposals shall be accompanied by a certified check for such amount as the board shall decide upon, to guarantee a compliance with the bid and shall be opened in public at the time and place designated in the notice. The contract shall be awarded to the lowest and best responsible bidder: *Provided*, That the board shall have authority to reject any or all bids.

Contracts
awarded at
public
bidding.

SEC. 61. Any person, except the State of Washington and the United States, acting under the pro-

Contractor's
bond.

visions of this act, to whom or to which a contract may have been awarded by the district for construction purposes, or for labor or materials entering therein when the total amount to be paid therefor exceeds one thousand dollars (\$1,000.00), shall enter into a bond to the State of Washington, with good and sufficient sureties, to be approved and filed with the state director, for at least seventy-five per cent (75%) of the contract price, conditioned for the faithful performance of said contract and with such further conditions as may be required by law.

Authority
to contract
without
public
bidding.

SEC. 62. Districts shall have authority to enter into contracts for the construction of any improvement authorized by law, or for labor or materials entering therein, without public bidding, with the written approval and consent of the state director in instances of genuine emergency to be declared by said director or in any instance where the contract price does not exceed one thousand dollars (\$1,000.00).

Force
account.

SEC. 63. Any proposed improvement or part thereof, not exceeding one thousand dollars (\$1,000.00) in cost may be constructed by the district by force account, under the supervision of the state director who shall have full authority in behalf of the district and at its expense to manage the construction work and to contract for such labor, services, equipment and materials as shall be necessary for that purpose.

Schedule
filed.

SEC. 64. Before beginning the construction of any improvement, or unit thereof, there shall be filed with and approved by the state director a schedule of the proposed expenditures in such form as said director shall prescribe, and no expenditures from the proceeds of any bonds authorized under this act shall be made for any purpose in excess of the amount allowed therefor in such schedule without the written consent of said director.

SEC. 65. All construction work done by or in behalf of the district shall be done to the satisfaction of the state director, and no final nor monthly settlement shall be made with a person, firm or corporation, doing such work on contract with the district, until the work has been inspected at the expense of the district and a certificate of approval given, by said director.

Certificate
of approval.

SEC. 66. The district shall have authority upon the adoption of a comprehensive plan of flood control with the approval of the state director to provide for the construction of the same partially and in parts or units and all the benefited lands in the district shall be liable for assessment to defray the costs of such partial construction or such parts or units until the entire plan has been completed and fully paid for.

Assessments.

SEC. 67. Districts shall prepare and maintain all records of their operation proceedings upon forms prescribed by the state director and furnished at the expense of the district.

Records.

SEC. 68. The taking and damaging of property or rights therein or thereto by a flood control district to construct an improvement or to fully carry out the purposes of its organization are hereby declared to be for a public use, and any district organized under the provisions of this act, shall have and exercise the power of eminent domain to acquire any property or rights therein or thereto either inside or outside the operation of the district and outside the State of Washington, if necessary, for the use of the district.

Eminent
domain.

SEC. 69. Flood control districts exercising the power of eminent domain shall proceed in the name of the district in the manner provided by law for the appropriation of real property or of rights therein or thereto, by private corporations, except as otherwise expressly provided herein.

Procedure.

Consolidation
of condem-
nation
actions.

SEC. 70. The district may at its option unite in a single action proceedings to condemn, for its use, property which is held by separate owners. Two or more condemnation suits instituted separately may also, in the discretion of the court, be consolidated upon motion of any interested party, into a single action. In such cases, the jury shall render separate verdicts for the different tracts of land.

Verdict for
damages
sustained.

SEC. 71. The jury, or court if the jury be waived, in such condemnation proceedings shall find and return a verdict for the amount of damages sustained: *Provided*, That the court or jury, in determining the amount of damages, shall take into consideration the special benefits, if any, that will accrue to the property damaged by reason of the improvement for which the land is sought to be condemned, and shall make special findings in the verdict of the gross amount of damages to be sustained and the gross amount of special benefits that will accrue. If it shall appear by the verdict of findings, that the gross damages exceed said gross special benefits, judgment shall be entered against the district, and in favor of the owner or owners of the property damaged, in the amount of the excess of damages over said benefits, and for the costs of the proceedings, and upon payment of the judgment to the clerk of the court for the owner or owners, a decree of appropriation shall be entered, vesting the title to the property appropriated in the district.

Gross
amount of
damages.

Gross
amount of
special
benefits.

Judgment
for costs.

SEC. 72. If it shall appear by the verdict that the gross special benefits equal or exceed the gross damages, judgment shall be entered against the district and in favor of the owner or owners for the costs only, and upon payment of the judgment for costs a decree of appropriation shall be entered vesting the title to the property in the district.

Assessments
against un-
condemned
lands.

SEC. 73. If the damages found in any condemnation proceedings are to be paid for from funds of the

flood control district, no finding of the jury or court as to benefits or damages shall in any manner abridge the right of the district to levy and collect assessments for district purposes against the uncondemned lands situated within the district.

SEC. 74. The damages thus allowed but not paid shall be applied *pro tanto* to the satisfaction of the levies made for such construction costs upon the lands on account of which the damages were awarded: *Provided*, That nothing herein contained shall be construed to prevent the district from assessing the remaining lands of the owner or owners, so damaged, for deficiencies on account of the principal and interest on bonds and for other benefits not considered by the jury in the condemnation proceedings.

Damages allowed applied to satisfaction of levies.

Deficiencies.

SEC. 75. The title acquired by the district in condemnation proceedings shall be the fee simple title or such lesser estate as shall be designated in the decree of appropriation.

Fee simple title acquired.

SEC. 76. The district board and its agents and employees shall have the right to enter upon any land, to make surveys and may locate the necessary flood control works and the line for canal or canals, dike or dikes and other instrumentalities and the necessary branches and parts for the same on any lands which may be deemed necessary for such location.

Right to enter upon lands.

SEC. 77. Whenever in the progress of the construction of the system of district improvement, it shall become necessary to construct a portion of such system across any public or other road or public utility, the district board shall serve notice in writing upon the public officers, corporation or person having charge of or controlling or owning such road or public utility, as the case may be, of the present necessity of such crossing, giving the location, kind,

Construction of system across public roads.

dimensions and requirement thereof, for the purpose of the system of improvement, and stating a reasonable time to be fixed by the state director, within which plans for such crossing must be filed for approval in case the public officer, corporation or person controlling or owning such road or public utility desire to construct such crossing. As soon as convenient, within the time fixed in the notice, the public officers, corporation or person shall, if they desire to construct such crossing, prepare and submit to the state director for approval duplicate detailed plans and specifications for such crossing. Upon submission of such plans, the state director shall, at the expense of the district, examine and may modify the same to meet the requirements of the system of district improvement, and when such plans or modified plans are satisfactory to the state director, he shall approve the same and return one thereof to the public officers, corporation or person submitting the same, and file the duplicate in his office, and shall notify such public officers, corporation or person of the time within which said crossing must be constructed. Upon the return of such approved plans, the public officers, corporation or person controlling such road or public utility shall, within the time fixed by the state director, construct such crossing in accordance with the approved plans. In case such public officers, corporation or person controlling or owning such road or public utility shall fail to file plans for such crossing within the time prescribed in the notice, the district board shall proceed with the construction of such crossing in such manner as will cause no unnecessary injury to or interference with such road or public utility. The cost of construction and maintenance of only such crossings or such portion of such cost as would not have been necessary but for the construction of the system of improvement shall be a proper charge

Plans and specifications.

Cost of construction.

against the district, and only the actual cost of such improvement constructed in accordance with the approved plans shall be charged against the district in the case of crossings constructed by others than the district. The amount of costs of construction allowed as a charge against the district shall be credited ratably on the assessments against the property on which the crossing is constructed if chargeable therewith, until the same is fully satisfied.

SEC. 78. The right of way is hereby given, dedicated and set apart to locate, construct and maintain district works over and through any of the lands which are now or may hereafter be the property of the State of Washington, except lands of said state actually dedicated to public use.

Right-of-way
over state
land.

SEC. 79. Flood control districts organized under the provisions of this act shall have authority to construct, operate and maintain any and all necessary flood control works inside and outside the boundaries of the district.

Authority to
construct
works inside
and outside
boundaries.

SEC. 80. It shall be unlawful for any person, firm or corporation or public authority to erect, construct or install any improvement involving the obstruction or restriction of the natural drainage of any stream or streams controlled by a flood control district without giving the state director written notice thereof sixty (60) days prior to the commencement of any work connected with or involved in such improvement.

Obstructions
to natural
drainage.

Notice
to state
director.

SEC. 81. Said notice shall state generally the nature, size, and location of the proposed improvement and the probable date when work on the same will be begun, and shall be signed by the person, firm or officer in charge of the plans for such improvement.

Contents.

SEC. 82. Said state director shall forthwith mail a copy of said notice to the chairman of the board of

Copy to
district
board
chairman.

directors of the district and shall, at the expense of the district, make such investigation through the appropriate divisions of his department of the proposed improvement as he shall deem advisable to determine whether the same and the maintenance thereof will be inimical to the best interests of the district.

Records open to inspection of state director.

SEC. 83. All the records pertaining to the plan of the proposed improvement shall be open to inspection of said state director and any one in charge of such records refusing to allow said state director to inspect the same shall be guilty of a misdemeanor.

Report of findings.

SEC. 84. Upon the conclusion of his investigation, the state director shall mail or deliver a written report of his findings to the person, firm, corporation or public authority proposing said improvement and a copy thereof to the chairman of the district board.

Injunctions.

SEC. 85. If said state director shall find that said improvement will result in material injury to the operation of the district, said district shall have full authority to institute appropriate proceedings enjoining any work on said improvement until the plans for the same have been changed to avoid damage to and interference with the district's flood control operations. The findings of the state director shall be qualified as evidence in such proceedings and the conclusion therein shall be deemed *prima facie* correct.

Supervision of dams and obstructions.

SEC. 86. Said state supervisor shall also have supervision and control over all dams and obstructions in streams flowing into any flood control district, and may make any reasonable regulation with respect thereto concerning the flow of water, which he deems necessary for the protection of the works in operation of the flood control district.

District directors.

SEC. 87. Flood control districts shall be managed by a board of directors consisting of three (3) mem-

bers. The directors shall organize as a board each year, after any new members have qualified and shall elect a chairman from their number and appoint a secretary to hold office at its pleasure and who shall keep a record of its proceedings.

SEC. 88. The term of each director shall be three (3) years from and after the first day of April next succeeding his election and he shall serve until his successor has been elected or appointed and has qualified. Term of office.

SEC. 89. A majority of the directors shall constitute a quorum for the transaction of business, and in all matters requiring action by the board, there shall be a concurrence of at least a majority of the directors. Quorum.

SEC. 90. The board shall have the power and it shall be its duty to adopt a seal of the district, to manage and conduct the business affairs of the district, to employ and appoint such agents, engineers, attorneys, officers and employees as may be necessary, and prescribe their duties, to establish reasonable by-laws, rules and regulations for the government and management of affairs of the district, and generally to perform any and all acts necessary to carry out the purpose of the district organization. Powers.

SEC. 91. The office of the directors and principal place of business of the district shall be at some place within the district to be designated by the board. Said office and place of business cannot thereafter be changed, except with the previous written consent of the state director and without passing a resolution to that effect at a previous regular meeting of the board, entered in the minutes thereof and without posting a notice of the change in a conspicuous public place at or near the place of business which is to be changed at least ten (10) days prior thereto and by the previous posting of a Office.

copy of said notice for the same length of time at or near the new location of the office.

Monthly meetings.

SEC. 92. The directors shall hold a regular monthly meeting at their office on such day in each month as the board shall designate in their by-laws, and may adjourn any meeting from time to time as may be required for the proper transaction of business: *Provided*, That the day of the regular monthly meeting cannot be changed, except in the manner prescribed herein for changing the place of business of the district.

Special meetings.

SEC. 93. Special meetings of the board may be called at any time by order of a majority of the directors. Any member not joining in said order shall be given, by United States mail, at least a three (3) days' notice of such meeting, unless the same is waived in writing, which notice shall also specify the business to be transacted and the board at such special meeting shall have no authority to transact any business other than that specified in the notice, unless the transaction of any other business is agreed to in writing by all the members of the board.

Meetings to be public.

SEC. 94. All meetings of the directors must be public. All records of the board shall be open for the inspection of any elector of the district during business hours of the day in which any meeting of the board is held. The by-laws, rules and regulations of the board shall be printed in convenient form for distribution in the district.

Compensation.

SEC. 95. The board of directors shall each receive not to exceed three dollars (\$3.00) per day in attending the meetings, to be determined by said board, and such compensation, not exceeding three dollars (\$3.00) per day, for other services rendered the district as shall be fixed by resolution adopted by vote of the directors and entered in the minutes of their proceedings, and in addition thereto, directors shall

receive necessary expenses in attending meetings or when otherwise engaged on district business. The board shall fix the compensation to be paid to the secretary and all other agents and employees of the district.

SEC. 96. No director or any other officer named in this chapter shall in any manner be interested, directly or indirectly in any contract awarded or to be awarded by the board, or in the profits to be derived therefrom; and for any violation of this provision, such officer shall be deemed guilty of a misdemeanor, and such conviction shall work a forfeiture of his office, and he shall be punished by a fine not exceeding five hundred dollars (\$500.00), or by imprisonment in the county jail not exceeding six (6) months, or by both fine and imprisonment: *Provided*, That nothing in this section contained shall be construed to prevent any district officer from being employed by the district as foreman or as a day laborer,

Beneficial interest in contracts prohibited.

Penalty.

SEC. 97. Any district elector as defined herein resident in the state of Washington shall be eligible to hold any district office: *Provided*, That a majority of the members of the board of directors shall be resident in the counties or county, in which the lands included within the operation of the district are situated, and if at any election more than one elector residing outside of such county or counties be voted for, only that one of the nonresident candidates who receives the highest number of votes shall be considered in ascertaining and computing the result of the election.

Eligibility to hold district office.

Majority of board members to be residents of district.

SEC. 98. In case any member of the district board is absent at the time of any regular monthly meeting of said board, and a quorum of said board cannot be obtained by reason of the absence of said member, it shall be the duty of the chairman of the

Absence of member of district board.

board of county commissioners of the county in which the office of the district board is located to act in place of said absent member, and the acts of the district board at said meeting shall be valid so far as a quorum is concerned and shall have the same effect as though said absent member were present and acting thereat.

District directors, tenure.

SEC. 99. The term of office for a member of the board of district directors shall be three (3) years, or until his successor has been elected or appointed and qualified, except as hereon otherwise provided. In case of a vacancy in said office, the same shall be filled by appointment by the state director, and the person so appointed shall serve until his successor has been elected at the next annual election of directors and has qualified to serve for the unexpired term.

Election.

SEC. 100. At the first annual district election, the terms of the office of director shall be one (1), two (2) and three (3) years. At said election candidates shall be elected for each of said terms of office. One candidate shall be elected to serve for one (1), two (2), and three (3) years respectively.

Oath of office.

SEC. 101. Every district officer, upon taking office, shall take and subscribe an official oath for the faithful discharge of the duties of his office during the term of his incumbency and each director shall at the cost of the district furnish an official bond conditioned upon the faithful performance of the duties of his office in such amount as the director of the department of conservation and development shall prescribe, to be approved by said director as to sufficiency, and all said oaths and bonds shall be filed in the office of the county clerk of the county in which the office of the district is located.

Official bond.

Surety bond.

SEC. 102. Every district officer or employee handling any district funds [shall] execute a surety

bond payable to the district in the sum of double the estimated amount of funds handled monthly, conditioned that the principal will strictly account for all monies or credit received by him for the use of the district. Each bond and the amount thereof shall be approved by the state director and the same shall be recorded in the office of his department and thereafter filed with the secretary of the district.

SEC. 103. All official bonds executed by district officers under the provisions of this act shall be secured at the cost of the district.

Bond premiums paid by district.

SEC. 104. Every person, upon the expiration or sooner termination of his term of office as an officer of the district, shall immediately turn over and deliver, under oath, to his successor in office, all records, books, papers and other property under his control and belonging to such office. In case of the death of any officer, his legal representative shall turn over and deliver such records, books, papers and other property to the successor in office of such deceased person.

Records delivered to successor.

SEC. 105. The county treasurer of any county in which lands within the flood control district are situated, whose office is nearest distant by public highway to the office of the district board and principal place of business of the district, shall be and is hereby constituted ex-officio district treasurer, who shall collect all district assessments and shall keep all district funds required by law.

County treasurer, ex-officio district treasurer.

SEC. 106. The county treasurer who is required under this act to be the ex-officio district treasurer shall be determined by the state director and his determination shall be final and conclusive.

Designation by state director.

SEC. 107. Any county treasurer collecting or handling funds of the district shall be liable upon his official bond and to criminal prosecution for mal-

Liable on bond.

feasance, misfeasance or nonfeasance in office relative to any of his duties prescribed herein.

County treasurer to collect and receipt for assessments.

SEC. 108. It shall be the duty of the county treasurer of each county, in which lands included within the operation of the district are located, to collect and receipt for all assessments levied as herein provided, and forward monthly all sums so collected to the ex-officio district treasurer who shall place the same to the credit of the proper fund of the district.

Warrants.

SEC. 109. The ex-officio district treasurer shall pay out monies collected or deposited with him in behalf of the district, or portions thereof, upon warrants issued by the county auditor against the proper funds of the districts, except the sums to be paid out of the bond fund upon the coupons or bonds presented to the treasurer.

Monthly report of ex-officio district treasurer.

SEC. 110. The said ex-officio district treasurer shall report in writing on or before the 15th day of each month to the district board, the amount of money held by him, the amount in each fund, the amount of receipts for the month preceding in each fund, and the amount or amounts paid out of each fund, and said report shall be filed with the secretary of the board.

Annual election.

SEC. 111. An annual election shall be held for the district on the first Tuesday in March of each year for the election of a director or directors as the case may be and to determine any proposition that may be legally submitted to the electors.

Special elections.

SEC. 112. Special elections may be held at any time upon resolution of the district board.

Voting precincts and polling places.

SEC. 113. The voting precincts and polling places for any district election may be established and defined by the district board at any meeting thereof held prior to the beginning of the publication or post-

ing of the notice of said election; any change in voting precincts or polling places shall be so noted and clearly described in the notice of the next succeeding election; said district board shall at any time prior to any election held in said district appoint the necessary election officers for each of said precincts.

SEC. 114. The polling places for all elections held under the provisions of this act shall be located, if possible, on lands included within the operation of the district. If lands within the district suitable for polling places cannot be found, part of all of said polling places may be located by the district board on lands situated in the vicinity of such lands: *Provided*, That in all cases the precincts which each polling place is to serve shall be clearly defined in the notice of election.

Location
polling
places.

SEC. 115. Where any nonassessable area is situated within the boundaries of any district, any notice, delinquent list or other announcement required by this act to be posted, may be so posted in such area, and any election held or to be held pursuant to the provisions of this act, may be held within such area.

Nonassess-
able areas.

SEC. 116. No election shall be held under the provisions of this act unless at least two (2) weeks prior to the day thereof a notice of the same is given by posting a copy thereof in three (3) public places in each election precinct, at the polling place therein, and also in the office of the district board.

Notice of
election.

SEC. 117. In the case of the election to determine whether the district shall be established, the notice thereof shall be given by the state director; in all other cases the notice shall be given by the secretary of the district board.

By whom.

SEC. 118. Notice of all elections except that for the election of district officers, in addition to being posted as above provided, shall also be published

Publication.

once a week, for at least two (2) weeks (three weekly issues) prior to the day of election, in a newspaper of general circulation published in the county where the office of the district board is located and if any portion of the district, as existing or proposed, lies within another county or counties, then said notice shall be published in like manner in a newspaper of general circulation published within each of said counties.

**Contents
of notice.**

SEC. 119. Notice of all district elections shall include the following:

1. It shall name the district and the voting precincts and shall designate the polling place for each;
2. It shall name the day of election and shall state that the polls will be open from one (1) o'clock p. m. until eight (8) o'clock p. m. of said day;
3. It shall state the purpose and object of the election.

**Election
officers.**

SEC. 120. The officers of election for each precinct shall consist of the inspector, two (2) judges and two (2) clerks.

The inspector is chairman of the election board, and may:

First, administer all oaths required in the progress of an election;

Second, appoint judges and clerks, if, during the progress of the election, any judge or clerk cease to act. Any member of the board of election, or any clerk thereof, may administer and certify oaths required to be administered during the progress of an election. The board of election for each precinct must, before opening the polls, appoint two (2) persons to act as clerks of the election. Before opening the polls, each member of the board and each clerk must take and subscribe an oath to faithfully perform the duties imposed upon them by law. Any elector of the precinct may administer and certify such oath.

The polls must be opened at one (1) o'clock p. m. on the day of the election, and be kept open until eight (8) p. m., when the same must be closed. The provisions of the general election law of this state, concerning the form of ballots to be used shall not apply to elections held under this act.

Polls opened.

SEC. 121. All district elections shall be by ballot, and in case of election of officials, the ballots shall designate the term for which the person voted for is a candidate.

Voting by ballot.

Voting may commence as soon as the polls are opened, and may be continued during all the time the polls remain opened. As soon as the polls are closed, the judges shall open the ballot box and commence counting the votes; and in no case shall the ballot box be removed from the room in which the election is held until all the ballots have been counted. The counting of ballots shall in all cases be public. The ballots shall be taken out, one by one, by the inspector or one of the judges, who shall open them and read aloud the names of each person contained therein, and the office for which every such person is voted for, or the proposition and the vote thereon. Each clerk shall write down each office to be filled, and the name of each person voted for such office, or the proposition voted on and shall keep the number of votes by tallies, as they are read aloud by the inspector or judge. The counting of votes shall be continued without adjournment until all have been counted.

Counting of ballots.

SEC. 122. Any person of the age of twenty-one (21) years, being a citizen of the United States who holds title to land or evidence of title to land embraced within the boundaries of any district, shall be entitled to vote at any election held therein. Additional qualifications for voting, required by the general election laws of the state shall not apply:

Electors, qualifications.

Community
lands.

Officer or
agent of
corporation.

Resident and
non-resident
electors.

Provided, That where the title or evidence of title to community land is held by the husband or the wife, both members of such community shall be entitled to vote: *And provided further*, That at any election held under the provisions of this act, one officer or agent of any corporation owning land in the district, duly authorized thereto in writing may cast a vote on behalf of said corporation; when so voting he shall file with the election officers such written instrument of his authority, and such officer or agent shall be deemed an elector within the meaning of this act. An elector resident within the district shall vote in the precinct in which he resides; and an elector not residing in the district shall vote in the precinct which includes his land, or the great[er] area thereof.

Certificate.

SEC. 123. As soon as all the votes are read off and counted, a certificate shall be drawn upon each of the papers containing the poll list and tallies, or attached thereto, stating the number of votes each person or proposition voted for has received, and designating the office to fill which he was voted for, which number shall be written in figures and in words at full length. Each certificate shall be signed by the clerks, judges, and the inspector. One of said certificates, with the poll list and the tally paper, to which it is attached, shall be retained by the inspector, and preserved by him at least six (6) months: *Provided*, That in the case of elections to establish the district or to authorize the issuance of bonds, the inspector shall deliver said returns at the expiration of said period to the secretary to be permanently kept with the records of the district.

Method of
counting
ballots.

SEC. 124. The ballots shall be strung upon a cord or thread by the inspector, during the counting thereof, in the order in which they are entered upon the tally lists by the clerk; and said ballots, together

with the other of said certificates, with the poll list and tally paper to which it is attached, shall be sealed by the inspector in the presence of the judges, and clerks, and endorsed "Election returns of (naming the precinct) precinct," and be directed to the secretary of the board of directors, and shall be immediately delivered by the inspector, or by some other safe and responsible carrier, designated by said inspector, to said secretary, and the ballots shall be kept unopened for at least six (6) months, and if any person be of the opinion that the vote of any precinct has not been correctly counted he may appear on the day appointed for the board of directors to open and canvass the returns, and demand a recount of the vote of the precinct that is so claimed to have been incorrectly counted.

SEC. 125. No list, tally paper, or certificate returned from any election, shall be set aside or rejected for want of form, if it can be satisfactorily understood. The board of directors must meet at its usual place of meeting at the hour of one (1) o'clock p. m. on the first Monday after each election to canvass the returns. If, at the time of meeting, the returns from each precinct in the district in which the polls were opened have been received, the board of directors must then and there proceed to canvass the returns, but if all the returns have not been received, the canvass must be postponed from day to day until all the returns have been received, or until six (6) postponements have been had. The canvass must be made in public and by opening the returns and adding the total vote of the district, for each person voted for, and declaring the results thereof: *Provided*, That in the case of the first election to authorize the establishment of the district, the returns shall be canvassed by the state director at his office at the same time and in the same manner as herein provided.

Want of
form not to
cause
rejection.

Canvass of
returns.

Record of
results.

SEC. 126. The secretary of the board of directors or the state director, as the case may be, must, as soon as the result is declared, enter in the records of such board a statement of such result, which statement must show so far as applicable:

1. The names of the persons voted for;
2. The office to fill which each person was voted for;
3. The number of votes given in each precinct to each of such persons;
4. The number of votes given in each precinct for and against any proposition voted upon.

The board must declare elected the person having the highest number of votes given for each office, or otherwise declare the result of the election. The secretary must immediately make out and deliver to persons elected to district office, a certificate of election signed by him and authenticated by the seal of the district or by the seal of the county in the case of the first election.

Informality
shall not
invalidate
election.

SEC. 127. No informality in conducting any election authorized by this act shall invalidate the same, if the election shall have been otherwise fairly conducted.

Basis of
assessment.

SEC. 128. It shall be and hereby is presumed that lands within flood control districts organized under the provisions of this act, shall be benefited in relation to their respective classes to be determined as herein provided, and that the relative ratios of benefits for said lands arising from their locations in said respective classes shall be the basis upon which the same shall be assessed to raise district revenues for any and all purposes now or hereafter authorized by law.

Base map.

SEC. 129. As a basis for the levy of all assessments authorized under this act, the state supervisor of hydraulics, soon after the creation of the district,

shall cause to be prepared at the expense of the district a base map of the benefited lands within the district and deliver the same to the secretary of the district.

SEC. 130. Upon receipt of said base map of the benefited lands, the board of directors of the district shall appoint a board of three (3) appraisers subject to the written approval of the state director, whose duty it shall be to determine the ratio of benefits which the several tracts of land shall receive with respect to each other from the organization and operation of the district and the construction and maintenance of the district works in accordance with the comprehensive plan therefor adopted by the directors of the district.

Appoint-
ment of
appraisers.

SEC. 131. Said board of appraisers shall elect a member as chairman and the secretary of the district or his deputy shall be ex-officio secretary of the board of appraisers. Said appraisers shall receive such compensation and expenses as the board of directors of the district, with the approval of the state director, shall determine, and which may forthwith be paid by the issuance of district warrants.

Chairman.

Compensation.

SEC. 132. For the purpose of determining said ratios of benefits, said board of appraisers shall segregate the acreage of the respective lands within the district into such number of classes as in the sole judgment of the members of the board of appraisers shall fairly represent the manifest degrees of benefits, including benefits from better sanitation, easier accessibility, facility of drainage, promotion of land development as well as from minimization of flood damages and from actual flood protection, accruing to the several lands from the organization and operation of the district and the construction and maintenance of the district works in accordance with the comprehensive plan therefor adopted by the directors of the district.

Ratio of
benefits
determined.

Lands
classified.

SEC. 133. Said board of appraisers shall have full authority and it shall be its duty to segregate and classify the acreage of the lands and subdivisions of the same with respect to their respective relative benefits received and to be received from the organization and operation of the district and the construction and maintenance of the district works in accordance with the comprehensive plan therefor adopted by the directors of the district. Those lands receiving the greatest benefits shall be placed in class No. 1; those lands receiving the next greatest benefits shall be placed in class No. 2, and so on down to the class of the least benefits. Those lands receiving no benefits shall be designated "nonbenefited."

Percentage
of benefits.

SEC. 134. Said board of appraisers shall have full authority and it shall be its duty to determine the percentage of benefits which the acreage of the lands in each class shall have with respect to the lands in class No. 1. Those lands falling in class No. 1 shall have the ratio or percentage of one hundred (100) and those lands in the other respective classes shall be given such percentages of the lands in class No. 1 as said board of appraisers shall determine.

Investigation
and survey.

SEC. 135. In determining the classification of said lands and their relative percentages of benefits, as herein provided, said board of appraisers shall consider the benefits of every kind accruing to said lands, as aforesaid, and shall make such investigation and surveys of the same as said board of appraisers shall deem necessary. The board of appraisers shall also examine and consider the data and records of the commission which fixed the boundaries of the district.

Assessment
basis.

SEC. 136. The ratio of percentage determined by said board of appraisers for each class of lands aforesaid shall constitute the ratio of benefits of each acre or fraction thereof in its respective class for

all district assessment purposes until changed in the manner herein provided.

SEC. 137. As an independent and alternative method to any other method herein authorized and subject to the prior written approval of the state director the ratio of benefits herein mentioned may be determined in their relation to the relative values of the respective benefited lands, including the improvements thereon, and the same shall be expressed on a relative percentage basis.

Alternative method.

SEC. 138. In case said alternative method of determining the ratio of benefits is adopted by any such district the percentage given a tract of land shall fix the class to which said tract belongs for assessment purposes.

Class fixed.

SEC. 139. In determining the relative values of such lands, including improvements thereon, the assessed valuation of the same for general tax purposes last equalized shall be construed to be *prima facie* correct: *Provided*, That nothing herein contained shall be construed to prevent the fixing of values where none are shown on the general tax roll or the revision of such values on the general tax roll in any instance wherein the sole judgment of the revising officers for the district the value for general tax purposes is manifestly and grossly erroneous in its relation to value of like property in the district similarly situated: *And provided further*, That in any instance where any tract of land is protected or partially protected from floods and is financially supporting the works affording such protection the revising officers for the district shall take the value of such existing flood protection into consideration and give such land equitable credit therefor.

Relative values determined.

SEC. 140. Upon completion of the control works of the district or of any unit thereof, said board of directors of the district may, with the written consent

Reexamination.

of the state director, and upon petition signed by landowners representing twenty-five per cent (25%) of the acreage of the lands in the district shall, appoint three (3) qualified persons who shall be approved in writing by the state director, to act as a board of appraisers and who shall reconsider and revise and/or reaffirm the classification and relative percentages, or any part or parts thereof, in the same manner and with the same legal effect as that provided herein for the determination of such matters in the first instance: *Provided*, That such reexamination shall have no legal effect on any assessments regularly levied prior to the order of appraisal by said reexamining board of appraisers.

Base assess-
ment map.

SEC. 141. When said board of appraisers shall have made said determination of the ratio of benefits, as aforesaid, all the lands within the district shall be classified and properly designated and shall be described in terms of government sections, and fractions thereof in designated townships and ranges, on the base map, and the board of appraisers shall file said map with the secretary of the district: *Provided*, That platted lands may be described in terms of the recorded plat thereof.

Objections,
time of
hearing.

SEC. 142. The secretary of the district shall immediately fix a time for hearing objections to the assessment ratios determined by said board of appraisers as shown on said base map. The meeting shall be at the office of the district board and principal place of business of the district and shall be held not less than twenty-five (25), nor more than thirty-five (35), days from the date of the first publication of the notice of the hearing.

Notice of
hearing
published.

SEC. 143. Notice of said hearing shall be given by the secretary of the district by causing a copy of the same to be published for three (3) consecutive weekly issues in a newspaper of general circulation,

to be selected by said secretary, published in each of the counties in which any part of the district is located.

SEC. 144. Said notice of hearing on said determination of assessment ratios shall state that the base assessment map designating the classes in which the lands in the district have been placed for assessment purposes on the ratios authorized by law, has been prepared by the board of appraisers and is on file at the office of the district board and may be inspected at any time during office hours; that a hearing on said map will be held before the state supervisor of hydraulics at the office of the district board on....., the.....day of.....,, at the hour of.....o'clock (naming the time), where any person may appear and present such objections, if any, he may have to said map, and shall be signed by the secretary of the district. Contents.

SEC. 145. At the time set for said hearing the state supervisor shall be present at the place designated in the notice and if it appears that due notice of the hearing has been given, shall proceed to hear such objections to the base map as shall be presented and shall hear all pertinent evidence that may be offered. Said state supervisor shall have authority to adjourn said hearings from time to time to study the record and evidence presented, to make such independent investigation as he shall deem necessary and to correct, modify or confirm the things set out on said base map or any part thereof and to determine all questions concerning the matter and shall finally make an order confirming said map with such substitutions, changes or corrections, if any, as may have been made thereon, which order shall be signed by said state supervisor and attached to said map. Hearing,
findings.

SEC. 146. The state supervisor's necessary traveling expenses in attending the hearing on said base assessment map shall be paid by the district. Traveling
expenses.

Base assess-
ment map
conclusive
unless appeal
taken.

SEC. 147. Upon the signing of said order by said state supervisor and the attachment of the same to said base assessment map, said base assessment map and all things set out on the face thereof shall be conclusive in all things upon all parties, unless appealed from to the superior court in the manner and within the time herein provided.

Copy filed
with
assessor.

SEC. 148. When confirmed by order of said state supervisor as aforesaid, or by order of said state supervisor making any changes decreed by the court on appeal to the superior court, it shall be the duty of the secretary of the district to prepare a correct copy of so much of said base assessment map as includes the lands in the district situated in each county in which the lands in the district are situated, with the assessment classes and ratios properly designated thereon, and file the same with the respective county assessors of said counties for record therein.

Assessment
levy.

SEC. 149. Assessments made against the respective lands in the district to carry out any of the purposes of this act shall be levied in accordance with their respective classifications and in proportion to their respective ratios of benefits, set out on the base assessment map.

Appeal to
superior
court.

SEC. 150. Any person, firm or corporation feeling aggrieved at any determination by said state supervisor of the classification or relative percentage of his or its lands, aforesaid, may have the same reviewed by a proceeding for that purpose, in the nature of an appeal, initiated in the superior court of the county in which the land affected is situated. The matter shall be heard and tried by the court and shall be informal and summary but full opportunity to be heard and present evidence shall be given before judgment is pronounced.

Notice of
appeal.

SEC. 151. No such appeal shall be entertained by the court unless notice of the same containing a

statement of the substance of the matter complained of and the manner in which the same injuriously affects the appellant's interests shall have been served personally or by registered mail, upon said state director at his office at the state capitol, and upon the secretary of the district, within twenty (20) days following the date of said determination appealed from.

SEC. 152. No bond shall be required unless a stay is desired, and an appeal shall not be a stay, unless within five (5) days following the service of notice of appeal aforesaid, a bond shall be filed in an amount to be fixed by the court and with sureties satisfactory to the court, conditioned to perform the judgment of the court. Bond.

SEC. 153. Costs shall be paid as in civil cases brought in the superior court, and the practices in civil cases shall apply: *Provided*, That any costs awarded against said state supervisor shall be in his official capacity only and shall be against and paid by the district. Costs.

SEC. 154. An appeal shall lie from the judgment of the superior court as in other civil cases. Appeal as in civil cases.

SEC. 155. In all said appeals from the determination of said state supervisor, as herein provided, said determination and all parts thereof shall be deemed to be *prima facie* correct.

SEC. 156. The secretary of the district on or before the first day of November in each year shall estimate the amount of money necessary to be raised for any and all district purposes during the ensuing year based upon a budget furnished him by the district board on forms prescribed by the director of the department of conservation and development with the advice of the state auditor, and submit the same to said director for his suggestions, approval and revision and upon the approval of the budget Budget.

by said director, either as originally submitted or as revised, the secretary shall prepare an assessment roll with appropriate headings in which must be listed all the lands in each assessment classification shown on the base assessment map.

Assessment
roll to
specify.

SEC. 157. On such assessment roll in separate columns, must be specified under the appropriate headings:

(1) The reputed owner of the property assessed. If the reputed owner is not known to the secretary, the reputed owner may be stated as "unknown";

(2) The description of the land of the reputed or unknown owner sufficiently definite to identify the land. Where the land is described in the records of the county assessor's office in terms of the assessor's plat tax number, such designation shall be sufficient description of such land on the district's assessment roll. In instances where the district has adopted the alternative method of determining the ratio of benefits as herein authorized the secretary shall annually revise and specify in an appropriate column on the roll the cash value of the respective tracts of lands, including improvements thereon, described on the roll;

(3) The estimated assessable acreage of such respective lands;

(4) The designated classification and their respective ratios of benefits shown on the base assessment map in which the land is situated, with the per acre final ratio or percentage upon which every acre or fraction thereof of the respective lands are to be charged with assessments;

(5) The total amount of the assessment in dollars and cents against each tract of land.

Anticipated
delinquen-
cies.

SEC. 158. For the purpose of apportioning the amount of money to be raised by assessment, to the several tracts of land in accordance with their re-

spective classifications, the secretary shall add to the amount of money to be raised fifteen per cent (15%) thereof for anticipated delinquencies.

SEC. 159. In calculating the amount of assessments to be charged against the respective tracts of land included in the annual district assessment roll, the per acre charge against the lands in class No. 1 on the base map shall be taken as one hundred per cent (100%) and the per acre charge against the lands in other classes shall be reckoned on their respective final per acre percentages of the per acre assessment against the lands in said class No. 1.

Calculation
of assess-
ments.

SEC. 160. Any property which may have escaped assessment for any year or years, shall in addition to the assessment for the then current year, be assessed for such year or years with the same effect and with the same penalties as are provided for such current year and any property delinquent in any year may be directly assessed during the current year for any expenses caused the district on account of such delinquency.

Assessment
for prior
years.

SEC. 161. Where the district embraces lands lying in more than one county the assessment roll shall be so arranged that the lands lying in each county shall be segregated and grouped according to the county in which the same are situated.

District
embracing
lands in
more than
one county.

SEC. 162. Upon completion of the assessment roll the secretary shall deliver the same to the district board and immediately give notice thereof and of the time the board of directors, acting as a board of equalization will meet to equalize assessments, by publication in a newspaper published in each of the counties comprising the district. The time fixed for the meeting shall not be less than twenty (20) nor more than thirty (30) days from the first publication of the notice, and in the meantime the assessment roll must remain in the office of the secretary for the inspection of all persons interested.

Board of
equalization.

Notice of
meeting.

Publication.
Time fixed.

Meeting of
board.

SEC. 163. Upon the day specified in the notice required by the preceding section for the meeting, the board of directors, which is hereby constituted a board of equalization for that purpose, shall meet and continue in session from day to day as long as may be necessary, not to exceed ten (10) days, exclusive of Sundays, to hear and determine such objections to the said assessment roll as may come before them; and the board may decide the same. The secretary of the board shall be present during its session, and note all changes made at said hearing, and on or before the 15th day of January thereafter shall have the assessment roll completed as finally equalized by the board.

Assessment
lien.

SEC. 164. The assessment upon real property shall be a lien against the property assessed, from and after the first day of January in the year in which the assessment becomes due and payable, but as between grantor and grantee such lien shall not attach until the 15th day of February of such year, which lien shall be paramount and superior to any other lien theretofore or thereafter created, whether by mortgage or otherwise, except a lien for undelinquent flood control district assessments, diking or drainage, or diking or drainage improvement, district assessments and for unpaid and outstanding general *ad valorem* taxes, and such lien shall not be removed until the assessments are paid or the property sold for the payment thereof as provided by law.

Assessment
roll deliv-
ered to
county
treasurer.

SEC. 165. On or before the 15th day of January in each year the secretary must deliver the assessment roll or the respective segregations thereof to the county treasurer of each respective county in which the lands described are located, with a statement of the amounts and/or percentages of the collections on said roll which shall be apportioned to the respective district funds, and said assessments

Assessments
payable
at time of
general taxes.

shall become due and payable at the time or times general taxes accrue payable.

One half of all assessments on said roll shall become delinquent on the first day of June following the filing of the roll unless said one half is paid on or before the 31st day of May of said year, and the remaining one half shall become delinquent on the first day of December following, unless said one half is paid on or before the 30th day of November. All delinquent assessments shall bear interest at the rate of ten per cent (10%) per annum from the date of delinquency until paid.

Delinquent
assessments.

Within twenty (20) days after the filing of the assessment roll as aforesaid the respective county treasurers shall each publish a notice in a newspaper published in their respective counties in which any portion of the district may lie, that said assessments are due and payable at the office of the county treasurer of the county in which said land is located and will become delinquent unless paid as herein provided. Said notice shall state the dates of delinquency as fixed in this act and the rate of interest charged thereon and shall be published once a week for four (4) successive weeks and shall be posted within said period of twenty (20) days in some public place in said district in each county in which any portion of the district is situated.

Notice of
assessments
due.

Published.

Posted.

Upon receiving the assessment roll, the county treasurer shall prepare therefrom an assessment book in which shall be written the description of the land as it appears in the assessment roll, the name of the owner or owners where known, and if assessed to the unknown owners, then the word "unknown," and the total assessment levied against each tract of land. Proper space shall be left in said book for the entry therein of all subsequent proceedings relating to the payment and collection of said assessments.

Assessment
book.

Upon payment of any assessment the county treasurer must enter the date of said payment in said assessment book opposite the description of the land and the name of the person paying, and give a receipt to such person specifying the amount of the assessment and the amount paid with the description of the property assessed.

Statement of
assessments
and taxes.

It shall be the duty of the county treasurer of the county in which any land in the district is located to furnish upon request of the owner, or any person interested, a statement showing any and all assessments levied as shown by the assessment roll in his office upon land described in such request, and all statements of general taxes covering any land in the district shall be accompanied by a statement showing the condition of district assessments against such lands: *Provided*, That the failure of the county treasurer to render any statement herein required of him shall not render invalid any assessments made by any district or proceedings had for the enforcement and collection of district assessments pursuant to this act.

Delinquent
assessment
list posted.

SEC. 166. On or before the 31st day of December of each year, the county treasurer of the county in which the land is located shall cause to be posted the delinquency list which must 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.

He must append to and post with the delinquency list a notice that unless the assessments delinquent, together with costs and accrued interest, are paid, the real property upon which such assessments are a lien will be sold at public auction. The said notice and delinquent list shall be posted at least twenty (20) days prior to the time of sale. Concurrent as nearly as possible with the date of the posting afore-

said, the said county treasurer shall publish the location of the place where said notice is posted and in connection therewith a notice that unless delinquent assessments together with costs and accrued interest are paid, the real property upon which such assessments are a lien will be sold at public auction. Such notice must be published once a week for three (3) successive weeks in a newspaper of general circulation published in the county within which the land is located; but said notice of publication need not comprise the delinquent list where the same is posted as herein provided. Both notices must designate the time and place of sale. The time of sale must not be less than twenty-one (21) nor more than twenty-eight (28) days from the date of posting and from the date of the first publication of the notice thereof, and the place must be at some point designated by the treasurer.

SEC. 167. The treasurer of the county in which the land is situated shall conduct the sale of all lands situated therein and must collect in addition to the assessment due as shown on the delinquent list the costs and expenses of sale and interest at the rate of ten per cent (10%) per annum from the date or dates of delinquency as hereinbefore provided. On the day fixed for the sale, or some subsequent day to which he may have postponed it, and between the hours of ten (10) o'clock a. m. and three (3) o'clock p. m., the county treasurer making the sale must commence the same, beginning at the head of the list, and continuing alphabetically, or in the numerical order of the parcels, lots or blocks, until completed. He may postpone the day of commencing the sale, or the sale from day to day, by giving oral notice thereof at the time of the postponement, but the sale must be completed within three (3) weeks from the first day fixed. Sale.

SEC. 168. The owner or person in possession of any real estate offered for sale for assessments due Designation of portion of property to be sold.

thereon may designate in writing to the county treasurer, by whom the sale is to be made, and prior to the sale, what portion of the property he wishes sold, if less than the whole; but if the owner or possessor does not, then the treasurer may designate it, and the person who will take the least quantity of the land, or in case an undivided interest is assessed, then the smallest portion of the interest, and pay the assessment and costs due, including one dollar (\$1.00) to the treasurer for duplicate of the certificate of sale, is the purchaser. The treasurer shall account to the district for said one dollar (\$1.00). If the purchaser does not pay the assessment and costs before ten (10) o'clock a. m. the following day, the property must be resold on the next sale day for the assessments and costs. In case there is no purchaser in good faith for the same on the first day that the property is offered for sale, and if there is no purchaser in good faith when the property is offered thereafter for sale, the whole amount of the property assessed shall be struck off to the district as the purchaser, 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 treasurer shall make an entry, "Sold to the district," and he will be credited with the amount thereof in settlement. The district, as a purchaser at said sale, shall be entitled to the same rights as a private purchaser, and may assign or transfer the certificate of sale upon the payment of the amount which would be due if redemption were being made by the owner. If no redemption is made of land for which the district holds a certificate of purchase, the district will be entitled to receive the treasurer's deed therefor in the same manner as a private person would be entitled thereto.

Resale.

Sale to
district.

After receiving the amount of assessments and costs, the county treasurer must make out in duplicate a certificate, dated on the day of sale, stating (when known) the names of the persons assessed, a description of the land sold, the amount paid therefor, 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 must be signed by the treasurer making the sale and one copy delivered to the purchaser, and the other filed in the office of the county treasurer of the county in which the land is situated: *Provided*, That upon the sale of any lot, parcel or tract of land not larger than an acre, the fee for a duplicate certificate shall be twenty-five cents (\$0.25) and in case of a sale to a person or a district, of more than one parcel or tract of land, the several parcels or tracts may be included in one certificate.

Certificate
of sale.

SEC. 169. The county treasurer, before delivering any certificate must file the same and enter in the assessment book opposite the description of the land sold, the date of sale, the purchaser's name and the amount paid therefor, and must regularly number the description on the margin of the assessment book and put a corresponding number on each certificate. Such book must be open to public inspection without fee during office hours, when not in actual use.

Filed and
recorded.

On filing the certificate of sale as provided in the preceding paragraph, the lien of the assessment vests in the purchaser and is only divested by the payment to the county treasurer making the sale of the purchase money and interest at the rate of ten per cent (10%) per annum, from the day of sale until redemption for the use of the purchaser.

SEC. 170. A redemption of the property sold may be made by the owner or any person on behalf and in the name of the owner or by any party in interest

Redemption
of property
sold.

at any time before deed issues, by paying the amount of the purchase price and interest as in this act provided, and the amount of any assessments which such purchaser may have paid thereon after purchase by him and during the period of redemption in this section provided, together with like interest on such amount, and if the district is the purchaser, the redemptioner shall not be required to pay the amount of any district assessment levied subsequent to the assessment for which said land was sold, but all subsequent and unpaid assessments levied upon said land to the date of such redemption shall remain a lien and be payable and the land be subject to sale and redemption at the times applicable to such subsequent annual district assessment. Redemption must be made in legal tender, as provided for the collection of state and county taxes, and the county treasurer must credit the amount paid to the person named in the certificate and pay it on demand to such person or his assignees. No redemption shall be made except to the county treasurer of the county in which the land is situated.

SEC. 171. Upon completion of redemption, the county treasurer to whom redemption has been made 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 two (2) years, after the 15th day of January of the year in which such property was sold, the county treasurer of the county in which the land sold is situated must thereafter, upon demand of the owner of the certificate of sale, make to the purchaser, or his assignees a deed of the property, reciting in the deed substantially the matters contained in the certificate, and that no person redeemed the property during the time allowed by law for its redemption. The treasurer

Expiration of
redemption
period.

Deed.

shall receive from the purchaser, for the use of the district, one dollar (\$1.00) for making such deed: *Provided*, If redemption is not made of any lot, parcel or tract of land not larger than one acre, the fee for a deed shall be twenty-five cents (\$0.25) and when any person or district holds a duplicate certificate covering more than one (1) tract of land, the several parcels, or tracts of lands, mentioned in the certificate may be included in one deed.

SEC. 172. The matter recited in the certificate of sale must be recited in the deed, and such deed duly acknowledged or proved is *prima facie* evidence that:

Deed to
evidence.

First. The property was assessed as required by law;

Second. The property was equalized as required by law;

Third. That the assessments were levied in accordance with law;

Fourth. The assessments were not paid;

Fifth. At a proper time and place the property was sold as prescribed by law and by the proper officers;

Sixth. The property was not redeemed;

Seventh. The person who executed the deed was the proper officer.

Such deed, duly acknowledged or proved, is (except as against actual fraud) conclusive evidence of the regularity of all the proceedings from the assessments by the secretary, inclusive, up to the execution of the deed. The deed conveys to the grantee the absolute title to the lands described therein, free from all incumbrances except the lien of outstanding general *ad valorem* taxes and of unmaturing special assessments. When title to the land is in the United States or this state, such deed shall be *prima facie* evidence of the right of possession.

Title
conveyed.

Mistake does
not void sale.

SEC. 173. When land is sold for assessments correctly imposed, as the property of a particular person, no misnomer of the owner or supposed owner, or other mistake relating to the ownership thereof, affects the sale or renders it void or avoidable.

Ad-valorem
taxes.

SEC. 174. All unsold lands owned by the district shall be exempt from general *ad valorem* taxes while title to same remains in the district. The district shall not be authorized to lease any of its lands for a term longer than one (1) year, and the proceeds for such lease shall first be applied on account of outstanding *ad valorem* tax liens, if any.

Cities
charged with
assessments.

SEC. 175. Whenever any system of improvement constructed under the provisions of this act results in benefit to the whole or any part of a public street or road, street or road bed or track thereof within the district, or will facilitate the construction or maintenance of any sewer system in any city or town within the district, the city, town or subdivision or any of them responsible for the maintenance of said public road, street or sewer, shall be liable for assessment for any or all district purposes.

Liability for
assessments.

SEC. 176. All school, granted, and other state lands, and lands owned by the United States, when legally possible, and all county, city and other municipally owned property, not used for governmental purposes, and all privately owned lands within the corporate limits of any county, school district, city or other municipal corporation included within the operation of the district and benefited by the district improvement, shall be liable for assessment as provided herein for other property.

Payment.

SEC. 177. Assessments charged to any city, town, county or subdivision thereof shall be paid from any fund of said city, town, county or subdivision, as the governing body thereof shall determine. Assessments charged on account of benefits to state high-

ways shall be approved by the state director of highways and shall be paid from the state motor vehicle fund.

SEC. 178. There are hereby created for district purposes the following special funds: (1) Expense fund, (2) surplus fund, (3) suspense fund, (4) general bond fund, (5) utility bond fund, (6) contract fund.

Funds
created.

SEC. 179. All assessments collected for administrative, operative and maintenance purposes, all money collected and not otherwise provided for, and any transfers authorized by law from other funds made specifically to the fund, shall be placed by the county treasurer, ex-officio treasurer of the district, in the expense fund, and it shall be the duty of the district board to make ample provision for the requirements of this fund by the levy of assessments or by the use of other revenues of the district.

Expense
fund.

SEC. 180. The district shall have authority at its option of turning any district revenues not probably required during the current year to the surplus fund by adopting a resolution to that effect and filing a copy of the same with the county treasurer in charge of such fund. For this purpose unrequired monies may be transferred from other funds, except from either of the two (2) bond funds.

Surplus
fund.

Assessments, not exceeding twenty per cent (20%) of the total levy for a given year, may be levied for the purpose of supplying monies for the surplus fund.

The surplus fund may be used for any district purpose authorized by law, by resolution of the board of directors specifying said purpose, and the duration of such use.

SEC. 181. All district indebtedness, not otherwise provided for, which has not been or will not be paid on substantially a cash basis, shall be paid from the

Suspense
fund.

suspense fund and it shall be the duty of the district board to make ample provision for the requirements of this fund by the levy of assessments or by the use of other revenues of the district, authorized by law to be used for this purpose.

General
bond fund.

SEC. 182. Monies in the general bond fund shall be used exclusively for the payment of outstanding general obligation bonds of the district with interest thereon according to their terms. It shall be the duty of the district board to make ample provision for the requirements of this fund by the levy of assessments and/or by the use of other district revenues, authorized by law to be used for this purpose.

Utility
bond fund.

SEC. 183. Revenues from the use, sale or lease of water and/or other service furnished by the district to the extent pledged to the payment of district utility bonds, as herein provided, shall be placed in the utility bond fund and used exclusively for the payment of such bonds with interest according to their terms.

Contract
fund.

SEC. 184. The proceeds from bond sales and revenues from other sources authorized by law to be used for district contract purposes shall be placed in the contract fund and shall be used for the purposes for which the bonds were issued or for which any other contract was entered into by the district.

District
moneys.

SEC. 185. All district monies shall be paid to the county treasurer having charge of the district funds and by that officer disbursed in the manner provided by law.

Claims
against
district.

SEC. 186. Any claim against the district shall be presented to the district board for allowance or rejection. Upon allowance, the claim shall be attached to a voucher verified by the claimant or his agent and approved by the chairman of the board and countersigned by the secretary and directed to the county auditor of the county in which the office

of the district treasurer is located, for the issuance of a warrant against the proper fund of the district in payment of said claim.

SEC. 187. Claims against the district for administrative expenses and for the costs of operation and maintenance of the system of improvement, shall be allowed by the district board and presented to the county auditor with proper vouchers attached for the issuance of warrants against the expense fund of the district. The payroll of the district shall be verified by the foreman in charge and may be presented in one (1) claim for the individual claimants involved. The warrants for said claim shall be issued in the name of the individual claimants, but may be receipted for by said foreman.

Claims for administrative expenses, operation and maintenance.

SEC. 188. Said county treasurer shall pay out the monies received or deposited with him or any portion thereof upon warrants issued by the county auditor of the same county of which the district treasurer is an officer against the proper funds of the district except the sums to be paid out of the bond funds upon the coupons or bonds presented to such treasurer.

Warrants.

SEC. 189. Warrants drawn on any district fund shall be paid from any monies in said fund in the order of their issuance.

Payment.

SEC. 190. Upon previous written approval of the state director, the district board shall have authority to evidence district indebtedness by the issuance and sale of negotiable general obligation bonds of the district, in the manner provided herein.

General obligation bonds.

SEC. 191. Said bonds shall on their face pledge the full faith and credit of the district to their payment, shall be in such form as the state director shall prescribe, shall be in such denominations as the board shall determine, shall be serial and with maturities providing a definite schedule of amortiza-

Full faith and credit pledged.

Denomination. Series.

Maturity.

Payable.

Numbered consecutively.

Annual bond levy limited.

Election to authorize bonds.

Notice of election.

Date and interest.

Execution.

tion, shall be payable at such place as shall be designated thereon, not more than thirty-five (35) years from their date, and shall be numbered consecutively: *Provided*, That the annual levy for bond purposes shall not in any year exceed by more than 30% the normal annual levy required by the amortized plan of payment of said bonds and interest against all the assessable lands in the district.

SEC. 192. For the purpose of authorizing such general obligation bonds, an election in the district shall be called, noticed, held and canvassed by the officers and in the manner provided herein for the calling, noticing, holding and canvassing of district elections generally. Such election may be held during a regular or at a special election, as the district board shall determine and a 60% majority of those voting at said election shall decide whether district bonds are to be authorized.

SEC. 193. The notice of election for the authorization of such bonds shall set forth the proposition generally as to the amount, maturities and the purpose thereof, shall state that the issuance of the proposed bonds has been approved by the state director of the department of conservation and development, shall specify the day and place or places of election, the hours during which the polls will be open and shall be signed by the secretary of the district.

SEC. 194. Said bonds shall bear the date of their issue, shall be made payable to bearer with interest at a rate not exceeding six per cent (6%) per annum, payable semiannually on the first day of January and of July in each year until paid and with coupons attached, for each interest payment.

SEC. 195. Said bonds shall be signed by the president of the district board and shall be attested by the secretary and the seal of the district affixed to each bond but not to the coupons. The coupons shall

be signed by the same officers but the signature on the coupons may appear by lithographic *facsimile*.

SEC. 196. Said bonds shall express upon their face that they were issued by authority of this act, stating its title and date of approval and shall also state the number of issue of which said bonds are a part.

Requirements of issuance.

SEC. 197. The authorization, issuance and disposal of general obligation bonds of the district provided for in this act shall constitute and be construed to be a conclusive determination that all the lands in the district classified as assessable are and shall continue to be benefited to the extent necessary to pay said bonds with interest in full in accordance with their terms and said lands shall be and remain liable to annual assessments as herein provided in accordance with the ratios of their respective classifications to pay said bonds until the same are paid in full.

Lands assessed.

SEC. 198. In any instance where the district is using, selling or leasing water for beneficial purposes or furnishing other service under the provisions of this act and there is reasonable certainty of a permanent fixed income from this source, the district board, upon previous written approval of the state director, shall have authority to pledge the revenues derived from a fixed proportion of the gross income thus obtained and to issue bonds of the district payable from the utility bond fund and to sell the same to raise money for district purposes.

Issuance of utility bonds pledging revenue.

SEC. 199. Bonds payable from the utility bond fund shall not be an obligation of the district and they shall state on their face that they are payable solely from a special fund derived from a certain fixed proportion (naming it) of the gross income derived by the district from the sale or lease of water or from other service, as the case may be, and

Not district obligation.

such fixed proportion of such gross income shall be irrevocably devoted to the payment of such bonds with interest until the same are fully paid.

Form and retirement of utility bonds.

SEC. 200. Said bonds shall be numbered consecutively, shall mature in series amortized in a definite schedule during a period not to exceed twenty (20) years from the date of their issuance, shall be in such denominations and form and shall be payable, with annual or semiannual interest not exceeding six per cent (6%) at such place as the state director shall provide.

Election authorizing issuance.

SEC. 201. For the purpose of authorizing such utility bonds, an election shall be called, noticed, held and canvassed by the same officers, and in the same manner, as provided herein for the calling, noticing, holding and canvassing of an election to authorize general obligation bonds.

Short term general obligation bonds.

SEC. 202. Upon approval of the state director first obtained, the district board shall have authority to issue and dispose of short term general obligation bonds of the district in such amount or amounts, not exceeding the aggregate amount of the district's collected revenue for the year next previous to the date of their issue, on such conditions and in such form as said state director shall prescribe. Such bonds shall not run for a longer term than five (5) years and may be issued without a district election authorizing them: *Provided*, That a second issue of such bonds shall not be authorized until all outstanding short term bonds of the previous issue have been paid.

District bonds, sale.

SEC. 203. Bonds of flood control districts issued under the provisions of this act shall not be sold nor disposed of for less than ninety per cent (90%) of par and where issued in exchange for labor or service, materials or machinery and appliances, such labor or service and/or property given in exchange

shall be appraised in writing and approved by the state director.

SEC. 204. District bonds may be disposed of at public or private offering in such manner as the state director shall prescribe.

Public or private offering.

SEC. 205. General obligation bonds of the district and their interest coupons of an earlier issue shall carry no preference as to payment over those of subsequent issue. Such bonds and their coupons shall be paid in the order of their respective maturity dates. When there is not sufficient money in the general bond fund to pay all bond maturities and interest then due, the county treasurer shall pay the interest on the due and unpaid bond or bonds of the earliest maturity in accordance with their numerical order, beginning with the bond having the smallest number, to the extent of the available money in the general bond fund.

General obligation bonds, payment.

SEC. 206. Utility bonds and interest thereon shall be paid in the order of their respective due dates and the bonds and interest of a prior issue shall carry preference in payment over those of a subsequent issue: *Provided*, That where there is not sufficient money in the utility bond fund to pay all matured demands against the same in accordance with the preference right above mentioned, the county treasurer shall pay the interest on the bonds having the preference right of payment in their numerical order beginning with the bond having the smallest number, to the extent of the available money in the utility bond fund.

Utility bonds, payment.

SEC. 207. It shall be the duty of the board of directors of the district to make adequate provision for the payment of all district bonds in accordance with their terms by levy and collection of assessments or otherwise and upon its failure so to do after thirty (30) days' written notice signed by the

Payment of district bonds.

state director and mailed to the president of the board, it shall be the duty of said state director and he shall have full authority at the expense of the district to make a levy or other adequate provision for the payment of outstanding district bonds in the same manner and with the same legal effect as if done by the officials of the district.

Dissolution
of district.

SEC. 208. Flood control districts may be dissolved upon a favorable sixty per cent (60%) vote of the electors voting at an election for that purpose called, noticed, conducted and canvassed in the manner provided in this act for special elections and no further district obligations shall thereafter be incurred: *Provided*, That said election shall not abridge or cancel any of the outstanding obligations of the district, and the state director shall each year at the time and in the manner provided in the act for the levy of district assessments, levy assessments against the lands in the district and the same shall be collected and enforced in the manner provided herein, until said outstanding obligations of the district are fully paid.

Obligations.

SEC. 209. When the obligations have been fully paid, all monies in any of the funds of the district and all collections of unpaid district assessments shall be transferred to the state reclamation revolving fund as partial reimbursement for monies expended and services rendered by the state department of conservation and development for and in behalf of said district, and thereupon said state director shall file a statement of the full payment of the district's obligations for record in the county auditor's office in each county in which any lands in the district were situated and thereafter the dissolution of said district shall be complete and its corporate existence ended.

Existing
rights pro-
tected.

SEC. 210. Nothing in this act contained shall be construed as affecting or in any wise limiting the

powers of counties, cities, towns, diking districts, drainage districts, or other municipal or public agencies in the manner authorized by law to construct and maintain dikes, levees, embankments or other structures and works, or to open, deepen, straighten and otherwise enlarge natural water courses, waterways and other channels, for the purpose of protecting such organizations from overflow.

SEC. 211. Nothing in this act contained shall be held or construed as in any manner abridging, enlarging or modifying any statute now or hereafter existing relating to the organization, operation and dissolution of flood control districts. This act is intended as an independent act providing for a separate and an additional authority from and to any other authority now existing for the organization, operation and dissolution of flood control districts, as provided in this act.

Act does not affect existing statutes.

SEC. 212. The provisions of this act and all proceedings thereunder shall be liberally construed with a view to a[e]ffect their objects.

Liberal construction.

SEC. 213. If any section or provision of this act shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of the act as a whole or any section, provision or part thereof not adjudged to be invalid or unconstitutional.

Partial invalidity.

SEC. 214. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Effective immediately.

Passed the House February 26, 1937.

Passed the Senate March 3, 1937.

Approved by the Governor March 13, 1937.

CHAPTER 73.

[H. B. 83.]

COUNTY AND CITY OFFICES CLOSED SATURDAY
AT NOON.

AN ACT permitting county and city officers to close their respective offices at twelve o'clock noon on Saturdays, amending section 4033 of Remington's Revised Statutes of Washington and repealing section 8969 of Remington's Revised Statutes of Washington.

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

Amends
§ 4033 Rem.
Rev. Stat.
(§ 2706 P. C.)

SECTION 1. That section 4033 of Remington's Revised Statutes of Washington be and the same is hereby amended to read as follows:

Section 4033. All elective and appointive officers of counties and cities of Washington are permitted to close their offices, or any branch or branches thereof, at twelve o'clock noon on Saturday of each week unless otherwise provided by statute.

Repeals
§ 8969 Rem.
Rev. Stat.

SEC. 2. That section 8969 of Remington's Revised Statutes of Washington be and the same is hereby repealed.

Passed the House February 12, 1937.

Passed the Senate March 9, 1937.

Approved by the Governor March 13, 1937.

CHAPTER 74.

[H. B. 166.]

CRIMES AGAINST MORALITY, DECENCY AND NATURE.

AN Act relating to the crimes of carnal knowledge of children, crime against nature and indecent assault and exposure and amending sections 2436, 2442 and 2456 of Remington's Revised Statutes.

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

SECTION 1. That section 2436 of Remington's Revised Statutes be amended to read as follows:

Amends
§ 2436 Rem.
Rev. Stat.
(§ 9108 P. C.)

Section 2436. Every adult male person who shall carnally know and abuse any female child under the age of eighteen years, not his wife, and every female person who shall have sexual intercourse with any male child under the age of eighteen years, not her husband, shall be punished as follows:

Carnal
knowledge
of children,
penalty.

(1) When such an act is committed upon a child under the age of fifteen years, imprisonment in the state penitentiary for life;

(2) When such an act is committed upon a child of fifteen and under eighteen years of age, by imprisonment in the state penitentiary for not more than twenty years.

SEC. 2. That section 2442 of Remington's Revised Statutes be amended to read as follows:

Amends
§ 2442 Rem.
Rev. Stat.
(§ 9114 P. C.)

Section 2442. (1) Every person who shall take any indecent liberties with, or on the person of any female of chaste character, without her consent, shall be guilty of a gross misdemeanor;

Indecent
assault,
penalty.

(2) Every person who shall take any indecent liberties with or on the person of any female under the age of fifteen years, or make any indecent, or obscene exposure of his person, or of the person of another, whether with or without his or her consent,

Indecent
exposure,
penalty.

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.

Amends
§ 2456 Rem.
Rev. Stat.
(§ 8768 P. C.)

SEC. 3. That section 2456 of Remington's Revised Statutes be amended to read as follows:

Sodomy,
penalty.

Section 2456. Every person who shall carnally know in any manner any animal or bird; or who shall carnally know any male or female person by the anus or with the mouth or tongue; or who shall voluntarily submit to such carnal knowledge; or who shall attempt sexual intercourse with a dead body, shall be guilty of sodomy and shall be punished as follows:

(1) When such act is committed upon a child under the age of fifteen years, by imprisonment in the state penitentiary for not more than twenty years.

(2) In all other cases by imprisonment in the state penitentiary for not more than ten years.

Passed the House March 4, 1937.

Passed the Senate March 7, 1937.

Approved by the Governor March 13, 1937.

CHAPTER 75.

[H. B. 269.]

TRANSPORTATION AND SLAUGHTERING OF LIVESTOCK.

AN ACT relating to the sale, transportation, handling and slaughtering of livestock; providing for licensing and bonding persons butchering and slaughtering animals; providing for the exemption of certain persons butchering and slaughtering animals; providing for the keeping of records of animals purchased and slaughtered; providing for certificates for the movement of live animals and dressed carcasses thereof; making an appropriation; providing for the revocation of licenses and providing penalties for violations.

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

SECTION 1. For the purposes of this act, and unless otherwise required by the context:

1. The term "Certificate of Permit" shall mean a declaration executed by a person in possession of live stock on a form prescribed and furnished by the director of agriculture, showing the true ownership thereof and such other information as is hereinafter provided for or which the director of agriculture may require;

"Certificate of permit."

2. The term "person" shall include firm, corporation, association, or partnership.

"Person."

SEC. 2. Any public stock yard, commission house or brokerage firm carrying on the business of purchasing, selling, transporting or dealing in live stock shall keep a record, on forms furnished by the director of agriculture, of the kinds, number, color and brands or tattoo marks of all live stock bought, sold, handled or transported by it; the same to be made in triplicate, the original to be mailed to the director of agriculture of the State of Washington at Olympia, one copy to accompany the animal or animals to their destination and one copy to be kept by the person, firm or corporation handling the

Record of transactions.

transaction. Such records of transactions are to be kept by the person, firm or corporation handling the transaction for a period of six (6) months next following the date of their issue, during which time they shall be open for inspection by the director of agriculture, any authorized deputy of the department of agriculture, any peace officer of any city or county or any member of the state police force.

SEC. 3. Any person, firm or corporation purchasing animals in any manner other than as provided in section 2, shall be required to keep the same record on similar forms and in the same manner and subject to the same inspections and examinations as provided in section 2 for such operations in public stock yards.

Certificate
of permit.

SEC. 4. Any person, firm or corporation, public carrier or contract hauler transporting live stock on the public highways of the State of Washington must at all times have in his or their possession a copy of an original certificate of permit to remove such animals, giving name and address of consignor, number, kinds, color and brands and tattoo marks of animals and to whom consigned. The failure to have certificates of permit to remove or transport such animals shall be considered *prima facie* evidence that they are being moved on the highways of the state illegally and any peace officer shall arrest and detain such violators. Any railroad company, steamship company or ferry boat operating within the state, or carrying in [on] interstate or foreign commerce, before accepting consignments of live stock for shipment shall require that the consignor of any and all shipments of live stock present a certificate of permit giving the name and address of consignor, name and address of consignee, number, kinds, color and brands or tattoo marks of such animals, and a copy of said certificate of permit shall be attached to the waybill and accompany such ship-

ment of live stock to destination. The original shall be mailed to the director of agriculture, Olympia, and the triplicate copy filed in the local office of the railroad, steamship or ferry boat company receiving the shipment and held for six (6) months, as provided in section 2 of this act.

SEC. 5. Any person, firm or corporation operating a permanent slaughtering establishment within the State of Washington shall keep a record, in triplicate, on forms to be furnished by the director of agriculture, of all animals purchased for slaughter; the original to be mailed to the director of agriculture, Olympia, one copy to be retained by the person or persons operating such slaughtering establishments, and the seller or consignor to receive the triplicate copy. The consignor or seller and the person or persons operating such slaughtering establishment shall retain such record for six (6) months, the same to be subject to examination as provided in section 2. When animals are received by any carrier from any public stock yard where such animals have previously been inspected, no new inspection will be required as a prerequisite to their transportation, but a certificate of permit shall be issued as in other cases of transportation of animals. All persons, firms or corporations operating permanent slaughtering establishments shall execute a bond in the penal sum of one thousand dollars (\$1,000.00), payable to the State of Washington, to guarantee that they will faithfully carry out the provisions of this act.

Permanent
establish-
ment,
records kept.

Bond
required.

SEC. 6. Any person, firm or corporation engaged in the slaughtering of animals not coming within the definition of section 5, and not operating from a recognized permanent location from which such business is carried on shall not offer for sale dressed carcasses of meat food animals unless such carcasses are accompanied by the hides thereof with

Require-
ments when
location not
permanent.

tails and ears attached and must exhibit the brands and tattoo marks, if any, at the time such animals are presented or offered for sale, and shall execute a certificate of permit stating that he is the rightful owner or agent thereof, entitled to the possession of such carcasses, and copies of certificates of permit shall be handled in the manner prescribed in section 2. The above shall not apply to farmers slaughtering animals for their own consumption, but if such farmer offers carcasses for sale to retail establishments, or from peddler conveyances, a certificate of permit must be executed stating that he is the rightful owner or agent thereof, entitled to possession of such carcasses, and copies of certificates of permit shall be handled in the manner prescribed in section 2.

Annual
license.

SEC. 7. Any person, firm or corporation described in section 6 and not a farmer, and any person, firm or corporation buying and dealing in live stock who does not operate within a public stock yard shall be required to secure from the director of agriculture an annual license to operate as a slaughterer or dealer in live stock and pay an annual license fee of two dollars (\$2.00) therefor. Such license shall expire on the 30th day of June next subsequent to the date of issue, and may be sooner revoked by the director of agriculture, upon reasonable notice to the licensee, for violation of the provisions of this act and any rules and regulations issued and promulgated by the director of agriculture under the provisions of this act. Such licensee shall have the right to demand a hearing before such revocation is made permanent. Such licensee shall be required to faithfully fulfill the requirements of this act and those of chapter 156 of the Session Laws of 1935.

Fee.

Expiration.

Revocation.

Exemptions.

SEC. 8. Hogs, sheep, poultry, rabbits or goats, or carcasses thereof, shall be exempt from the requirements and provisions of this act.

SEC. 9. The certificates of permit called for in this act shall, in addition to other information, contain substantially the following: Name and address of the consignee, name and address of the consignor, place of origin and destination, license number of the vehicle if conveyed in an automotive vehicle, name of truck driver, kind of live stock, number of live stock, color, brands or tattoo marks, signature of owner or seller, and date issued.

Contents of
certificates
of permit.

SEC. 10. Whenever the members of a *bona fide* county live stock association, by a majority vote, shall petition the director of agriculture to appoint live stock or brand inspectors to inspect all shipments or movements of live stock to points without the county of residence of such owners, it shall be the duty of the director to appoint a sufficient number of inspectors upon recommendation of the county livestock association to make the necessary inspections of stock being so moved. Inspectors so appointed shall be deputies of the department of agriculture and shall have the power to arrest any violators of this act or of chapter 156 of the Laws of 1935. Compensation for the services of above inspectors shall be paid by the owners of the live stock inspected and shall not exceed ten cents per head. Such inspectors shall issue certificates of inspection to cover all animals of which the applicant is the rightful owner, and the owners of any animals other than those to which the applicant is entitled, as shown by brand or tattoo marks, shall be immediately notified thereof on forms furnished for that purpose. Inspectors so appointed shall be vested with full authority to enforce all the provisions of this act, and of chapter 156 of the Laws of 1935. The director of agriculture may appoint brand inspectors at any public stock yard in the State of Washington if he deems it necessary for the enforcement of this act. For the purposes of this act a public stock yard

Inspectors,
petition for.

Powers.

Compensation.

Brand
inspectors.

Public
stock yard.

shall be defined as any stock yard operating under the "Federal Packers and Stockyards Act."

Hide dealers.

SEC. 11. Any person, firm or corporation dealing in or purchasing hides from a slaughtering establishment other than as described in section 5 of this act, shall keep a record of description of such hides, giving color, weight, brand and tattoo marks, if any thereon, date of purchase, from whom purchased, with residence and mailing address, and such hides shall be tagged or marked in a manner to be prescribed by the director of agriculture.

Inspection
waived,
when.

SEC. 12. No person, firm or corporation shall be required to have his or her live stock inspected, nor be required to execute the certificates of permit called for in this act when the transportation or movement from one point to another within the state is entirely upon lands exclusively within the control of the party transporting such live stock, or when such live stock are being moved for temporary grazing or feeding purposes. In the event the owner or his agent is requested by any peace officer or deputy appointed by the director of agriculture to furnish evidence that he is the legal owner of the live stock being so moved, it shall be his duty to assist the officer or deputy to establish the identity and rightful ownership of such stock being so moved or transported, and it shall be a violation of this act to refuse assistance or to interfere with such officer or deputy in the inspection thereof.

Cooperation
with officers.

Inspectors
guilty of
gross mis-
demeanor,
when.

SEC. 13. Any inspector employed under this act, who shall knowingly make any false certificate, or who shall knowingly swear falsely as to the truth of any report made by him to the director of agriculture, or who shall accept any bribe or compensation for the performance or failure to perform any of the duties prescribed by law, except such compensation as may be paid him for the duties performed under the direction of the director of agriculture, shall be guilty of a gross misdemeanor.

SEC. 14. The director of agriculture shall appoint such clerical and other employees as may be deemed necessary for the purpose of the administration of this act.

Director to appoint employees.

SEC. 15. Any person or persons found guilty of violating any of the provisions of this act shall be punished as prescribed by law for such offense and any person or persons who shall fail to perform any of the mandatory duties required by this act shall be guilty of a misdemeanor.

Penalty for failure to perform mandatory duties.

SEC. 16. The director of agriculture is hereby authorized to make and promulgate rules and regulations for the enforcement of this act but no such rules and regulations shall be inconsistent with the provisions herein prescribed.

Rules and regulations.

SEC. 17. There is hereby appropriated from the general fund, out of monies not otherwise appropriated, the sum of six thousand dollars (\$6,000.00) or so much thereof as shall be necessary for the administration of this act and of chapter 156 of the Laws of 1935, but the cost of such administration shall in no case exceed the amounts already collected and unappropriated from the fees collected under the provisions of chapter 156 of the Laws of 1935, and the fees which may be hereafter collected under the provisions of chapter 156 of the Laws of 1935, and of this act, as herein prescribed.

Appropriation.

Restriction.

SEC. 18. If any section or provision of this act shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of the act as a whole, nor any section, sentence, phrase, or word thereof, not adjudged invalid or unconstitutional.

Partial invalidity.

Passed the House March 8, 1937.

Passed the Senate March 8, 1937.

Approved by the Governor March 13, 1937.

CHAPTER 76.

[H. B. 275.]

SALE OF TIMBER PRODUCTS ON STATE
FOREST LANDS.

AN ACT relating to sale and disposal of timber products on state forest lands.

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

SECTION 1. Whenever an application shall be made for timber on any state forest board land and when, in the judgment of the board, it is to the best interests of the state, they may order an inspection to fix the minimum price per 1,000 feet board measure and/or per cord at which said timber shall be offered and fix the date of sale, and the terms thereof.

Payment for said timber shall be made according to the scale of logs and/or cords cut and removed under such terms and conditions as the board shall prescribe: *Provided*, That a bond to guarantee the performance of any contract or agreement entered into with the State of Washington by the purchaser of said timber shall be required by said board.

Passed the House February 27, 1937.

Passed the Senate March 7, 1937.

Approved by the Governor March 13, 1937.

CHAPTER 77.

[H. B. 274.]

EXCHANGE OF COUNTY, MUNICIPAL, NATIONAL
OR STATE FOREST LANDS.

AN ACT authorizing county commissioners, the mayor and city council or city commission of cities and towns, and the state forest board, to exchange certain lands, each with the other, or with the Federal government and private land owner, for the purpose of consolidating and blocking up lands of any county, municipality or state forest.

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

SECTION 1. The board of county commissioners of any county and/or the mayor and city council or city commission of any city or town and/or the state forest board, shall have authority to exchange, each with the other, or with the Federal forest service, the Federal government or any proper agency thereof and/or with any private land owner, county land of any character, land owned by municipalities of any character, and state land other than school lands, university lands, agricultural college lands, scientific school lands, normal school lands, capitol building lands, institutional lands, and state parks, for real property of equal value for the purpose of consolidating and blocking up the respective land holdings of any county, municipality, national or state forest.

SEC. 2. The chairman and secretary of said board, with the advice and approval of the attorney general, are hereby authorized to execute such agreements, writings, relinquishments or deeds as are necessary or proper for the purpose of carrying this exchange into effect.

Passed the House February 27, 1937.

Passed the Senate March 7, 1937.

Approved by the Governor March 13, 1937.

CHAPTER 78.

[H. B. 285.]

UNAUTHORIZED USE OF "PARENT-TEACHER ASSOCIATION" OR SIMILAR NAMES.

AN Act to prohibit the unauthorized use of the names "Parent Teacher," "Parent Teacher Association," "Council of Parent Teacher Associations" or names deceptively similar.

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

SECTION 1. It shall be unlawful for any organization, group or association, not duly chartered as a member of the Washington Congress of Parents and Teachers, a Washington corporation, to apply to itself the name "Parent Teacher," "Parent Teacher Association," "Council of Parent Teacher Associations," or any name deceptively similar thereto. Any violation of this act shall constitute a misdemeanor.

Passed the House March 4, 1937.

Passed the Senate March 7, 1937.

Approved by the Governor March 13, 1937.

CHAPTER 79.

[H. B. 292.]

APPEALS FROM POLICE COURTS.

AN ACT relating to police judges in cities of the first-class; providing for appeals from judgments in criminal proceedings before such judges and amending title 60, chapter 7, Remington's Revised Statutes, by adding four new sections to be designated as sections 8993-1, 8993-2, 8993-3 and 8993-4.

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

SECTION 1. That title 60, chapter 7, Remington's Revised Statutes, be amended by adding thereto a new section to be designated as section 8993-1, to read as follows:

Adds § 8993-1
Rem. Rev.
Stat. (§ 9475-
21 P. C.)

Section 8993-1. The appeal shall be to the superior court of the county in which the police court is located and shall be taken by orally giving notice thereof in open court at the time the judgment is rendered or by serving a copy of a written notice thereof upon the corporation counsel or city attorney and filing the original thereof with acknowledgment or affidavit of service with the police judge within ten (10) days after the judgment shall have been pronounced. After notice of appeal is given as herein required, appellant shall diligently prosecute his appeal, and within thirty (30) days from the date of entry of judgment shall file with the clerk of the superior court a transcript duly certified by the police judge, furnished by such police judge without charge, and containing a copy of all written pleadings and docket entries of the police court. Within ten (10) days after the transcript is filed, appellant shall note the case for trial. The case shall be set for trial at the earliest open date thereafter and the clerk of the court shall, in writing, notify the corporation counsel or city attorney of the date thereof.

Appeal.

Adds
 § 8993-2 Rem.
 Rev. Stat.
 (§ 9475-22
 P. C.)

SEC. 2. That title 60, chapter 7, Remington's Revised Statutes, be amended by adding thereto a new section to be designated as section 8993-2, to read as follows:

Dismissal.

Section 8993-2. If appellant shall fail to proceed with the appeal within the time and manner herein provided, the superior court shall upon the motion of the city dismiss the appeal if the transcript has been there filed, otherwise the police judge shall do so. Upon dismissal of the appeal for failure of appellant to proceed diligently with the appeal and as herein required, or for any other cause, the judgment of the police court shall be enforced by the police judge. If, at the time of such dismissal, cash deposit or appeal bond as hereinafter required has been furnished and is in custody of the superior court, the same shall be returned to the police judge. The police judge shall have power to forfeit the cash bail or bail bond and issue execution thereon for breach of any condition under which it is furnished.

Adds
 § 8993-3 Rem.
 Rev. Stat.
 (§ 9475-23
 P. C.)

SEC. 3. That title 60, chapter 7, Remington's Revised Statutes, be amended by adding thereto a new section to be designated as section 8993-3, to read as follows:

Bond.

Section 8993-3. Appellant shall be committed to the city jail until he shall recognize or give bond to the state, in such reasonable sum with such sureties as said police judge may require, that he shall diligently prosecute the appeal and within thirty (30) days after the entry of the judgment in the police court file with the clerk of the superior court a transcript duly certified by the police judge containing a copy of all the records and proceedings in the police court; that he shall within ten (10) days after the same is filed in the superior court note the case for trial, will appear at the court appealed to and comply with any sentence of the superior court, and will, if the appeal is dismissed for any reason,

comply with the sentence of the police judge. Whenever the transcript of the appeal is filed in the superior court, and any cash bail or bail bond has been filed with the police judge, he shall transfer the same to the superior court in which the appeal is pending, there to be held pending disposition of the appeal; and shall also deliver to said court any exhibits introduced in evidence in the trial before the police judge, which exhibits may be offered in evidence if a trial is had in the superior court, otherwise to be returned to custody of the police judge.

SEC. 4. That title 60, chapter 7, Remington's Revised Statutes, be amended by adding thereto a new section to be designated as section 8993-4, to read as follows:

Adds
§ 8993-4 Rem.
Rev. Stat.
(§ 9475-24
P. C.)

Section 8993-4. In the superior court the trial shall be *de novo*, subject, however, to the right of the city to file an amended complaint therein. If the defendant be convicted in the superior court he shall be sentenced anew by the superior court judge with a fine of not to exceed three hundred dollars (\$300.00) or imprisonment in the city jail not to exceed ninety (90) days, or both by such fine and imprisonment. Neither the city nor the appellant shall be required to pay in advance any fee for filing or prosecuting the appeal, but if the appellant is convicted he may be required, as a part of the sentence to pay the costs of prosecution, to be taxed in the amount and manner of costs in criminal prosecutions in the superior 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. Appeal shall lie to the supreme court as in other criminal cases in the superior court.

Trial de novo.

SEC. 5. This act shall not affect any police court appeal commenced and pending at the time this act takes effect, but such an appeal shall be conducted

Appeals
pending.

and concluded as if this statute had not been enacted.

Passed the House March 1, 1937.

Passed the Senate March 8, 1937.

Approved by the Governor March 13, 1937.

CHAPTER 80.

[H. B. 389.]

SALE OF PUBLIC LANDS: LOCAL IMPROVEMENT ASSESSMENTS.

AN ACT relating to local improvement assessments against lands owned by the State of Washington and permitting the sale of such lands without collection of such assessments.

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

SECTION 1. Whenever any state school, granted, tide or other public lands of the state shall have been charged with local improvement assessments under any local improvement assessment district in any incorporated city, town, irrigation, diking, drainage, port, weed or pest district, or any other district now authorized by law to levy assessments against state lands, where such assessments are required under existing statutes to be returned to the fund of the state treasury from which said assessments were originally paid, the commissioner of public lands may, and he is hereby authorized, to sell such lands for their appraised valuation without regard to such assessments, anything to the contrary in the existing statutes notwithstanding: *Provided*, That nothing herein contained shall be construed to alter in any way any existing statute providing for the method of procedure in levying assessments

against state lands in any of such local improvement assessment districts.

Passed the House February 26, 1937.

Passed the Senate March 8, 1937.

Approved by the Governor March 13, 1937.

CHAPTER 81.

[H. B. 371.]

ABOLISHING OFFICES OF TOWNSHIP ASSESSOR.

AN ACT relating to taxation; providing that no township assessor shall be elected hereafter and that the town board of review shall not hereafter meet or convene, or perform any duties or exercise any power, and abolishing the office of township assessor and the town board of review, in connection therewith, and vesting the powers and duties of said assessor and said board in the county assessor and county board of equalization respectively; and declaring that this act shall take effect immediately.

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

SECTION 1. Hereafter no assessor shall be elected by the electors of any township at any township meeting; nor shall the board of supervisors of any township hereafter meet and convene, or exercise any powers or perform any duties, as a town board of review, for the purpose of reviewing the assessment of property of the township or for any other purpose.

SEC. 2. On and after March 1, 1937, the office of township assessor and the town board of review for townships shall be and hereby are abolished; and on and after said date all powers and duties of said assessor and said board of review shall be vested in and required to be performed by the county assessor and the county board of equalization, respectively: *Provided*, That the abolishment of said office and said board shall not affect the validity of any act

Offices
abolished.

done or performed by any township assessor or any town board of review in assessing and valuing or equalizing property for taxation purposes prior to said date, and shall not affect the validity of any tax levied or based upon any such acts.

Effective
immediately.

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

Passed the House March 5, 1937.

Passed the Senate March 8, 1937.

Approved by the Governor March 13, 1937.

CHAPTER 82.

[H. B. 390.]

RELIEF OF WILLIAM HENRY ROGERS ET UX.

AN ACT for the relief of William Henry Rogers and Catherine Dorothy Rogers, his wife, and making an appropriation therefor.

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

Appropriation.

SECTION 1. There is hereby appropriated from the general fund of the State of Washington the sum of sixty-two and 10/100 dollars (\$62.10) for the relief of William Henry Rogers and Catherine Dorothy Rogers, his wife, to reimburse them for money paid to the commissioner of public lands of the State of Washington for the purchase of 4.14 lineal chains of shore land in front of part of lot 1, section 4, township 24 north, range 6 east, W. M. on Pine Lake in King county. Pine Lake was declared non-navigable in the case of William E. Best vs. State of Washington and the decision was upheld by the supreme court of the State of Washington by decision dated January 25, 1929 and shown in the 153rd Washington Reports, page 168. By this decision it is

held that the state owns no shore lands on Pine Lake.

Passed the House February 26, 1937.

Passed the Senate March 8, 1937.

Approved by the Governor March 13, 1937.

CHAPTER 83.

[H. B. 391.]

RELIEF OF HERBERT C. DAVIS ET UX.

AN ACT for the relief of Herbert C. Davis and Nellie S. Davis, his wife, and making an appropriation therefor.

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

SECTION 1. There is hereby appropriated from the general fund of the State of Washington the sum of twenty dollars (\$20) for the relief of Herbert C. Davis and Nellie S. Davis, his wife, to reimburse them for rental paid to the commissioner of public lands of the State of Washington for a contract for mining on the beds and shores of the Columbia river in front of lots 1, 2 and 3, section 23, township 30 north, range 36 east, W. M., in Ferry county. This property lies adjacent to uplands that are a part of the Colville Indian Reservation and the United States of America, Department of the Interior, Office of Indian Affairs, has refused to permit these parties to have access to the shore lands, declaring that the right of use and occupancy of the shore lands of the Columbia river is granted by act of the United States Congress and extends to the middle of the river in front of the lands embraced within the Colville Indian Reservation.

Appropriation.

Passed the House February 26, 1937.

Passed the Senate March 8, 1937.

Approved by the Governor March 13, 1937.

CHAPTER 84.

[H. B. 392.]

SALE OF DOWN AND DAMAGED TIMBER
ON STATE LANDS.

AN ACT relating to the sale of down and damaged timber on state lands.

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

Damaged
timber.

SECTION 1. Wherever the timber on any tract of state land shall have been damaged by any storm, where the timber is down and should be removed from the land to permit immediate salvage of the value thereof, or where the timber is damaged by insects or disease, the commissioner of public lands is hereby authorized to sell the timber on said tract when such sale is, in his judgment, to the best interests of the state.

Sale
authorized.

Procedure.

SEC. 2. When application is made for the purchase of any of the timber so affected, the commissioner of public lands may order such inspection as will enable him to determine the minimum price per thousand feet, board measure, to be charged for such timber and shall thereafter fix such minimum price per thousand feet at which said timber shall be offered and determine the date and manner of sale of the same. Payment for said timber shall be made according to the scale of the logs cut and removed under such terms and conditions as the commissioner shall prescribe: *Provided*, That a bond to guarantee the performance of any contract or agreement entered into with the State of Washington by the purchaser of said timber may be required at the option of the commissioner of public lands.

Passed the House February 26, 1937.

Passed the Senate March 8, 1937.

Approved by the Governor March 13, 1937.

CHAPTER 85.

[H. B. 393.]

SALE OF LOT LOCATED IN CITY OF SPOKANE BY
COMMISSIONER OF PUBLIC LANDS.

AN ACT relating to the sale of lot 12, block 12, Browne's Addition to the City of Spokane.

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

SECTION 1. The commissioner of public lands is hereby authorized to sell in a manner provided by law lot 12, block 12, Browne's Addition to the City of Spokane. Upon the filing of an application with the commissioner of public lands, the board of state land commissioners shall fix an appraisal at a figure representing the full market value of said land at that time, and the commissioner of public lands may thereafter offer the land for sale at said appraised figure. The proceeds from the sale of the said land shall be paid into the general fund of the state treasury.

SEC. 2. The sale of said land, as provided in section 1 of this act, at the full market valuation is authorized notwithstanding the provisions of section 1 of chapter 74 of the Session Laws of 1913 requiring that the amount of a mortgage paid from the general fund be repaid with interest at four per cent per annum.

Passed the House February 26, 1937.

Passed the Senate March 8, 1937.

Approved by the Governor March 13, 1937.

CHAPTER 86.

[H. B. 394.]

EXCHANGE OF LANDS BETWEEN STATE AND
STEVENS COUNTY.

AN ACT authorizing the exchange of state lands for lands owned by Stevens county, State of Washington, and declaring this act shall take effect immediately.

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

Forestry
building
site.

SECTION 1. For the purpose of securing a site upon which to construct a new forestry building in the City of Colville in Stevens county, Washington, the State Forest Board is hereby authorized to enter into an exchange with Stevens county whereby said Board will transfer to Stevens county lot 23, block 17 of Spokane Addition to the City of Colville, Washington, which property was acquired by the State of Washington through warranty deed dated January 22, 1931, and recorded on page 559, book 85, record of deeds of Stevens county, Washington, in exchange for lots 1, 2, 3 and 4, block 6, Chandlers Addition to the Town of Colville. The chairman and secretary of said Board, with the advice and approval of the attorney general, are hereby authorized to execute such agreements, writings, relinquishments or deeds as are necessary or proper for the purpose of carrying this exchange into effect.

Effective
immediately.

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

Passed the House February 26, 1937.

Passed the Senate March 7, 1937.

Approved by the Governor March 13, 1937.

CHAPTER 87.

[H. B. 395.]

REMOVAL OF CHRISTMAS TREES FROM STATE LANDS.

AN ACT relating to the removal of fir, hemlock, spruce and pine trees, commonly called Christmas trees, from state lands and providing penalties for such removal.

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

SECTION 1. It shall be unlawful for any person to enter upon any of the state lands of the State of Washington and remove therefrom for commercial purposes any evergreen trees commonly known as Christmas trees, including fir, hemlock, spruce and pine trees. Any person, firm, corporation or association cutting or removing or causing to be cut or removed, or who shall cut down, cut off, top or destroy any of such Christmas trees shall be liable to the State of Washington for payment for such trees at a price of one dollar (\$1) each if payment is made immediately upon demand of the commissioner of public lands. Should it be necessary to institute civil action to recover the value of said trees, then the commissioner of public lands may exact treble damages on the basis of three dollars (\$3) per tree for each tree so cut or removed.

Removal of Christmas trees from state lands unlawful.

SEC. 2. This act is not intended to repeal or modify any of the provisions of existing statutes providing penalties for the unlawful removal of timber from state lands.

Existing statutes not affected.

Passed the House February 26, 1937.

Passed the Senate March 8, 1937.

Approved by the Governor March 13, 1937.

CHAPTER 88.

[H. B. 431.]

CRIMINAL PROSECUTIONS BY ATTORNEY GENERAL.

AN ACT relating to crime, and the powers and duties of the Governor, attorney general, and prosecuting attorneys in criminal prosecutions.

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

SECTION 1. The attorney general shall, upon the written request of the governor, investigate violations of the criminal laws within this state. If, after such investigation, the attorney general shall believe that the criminal laws are improperly enforced in any county, and that the prosecuting attorney of that county has failed or neglected to institute and prosecute violations of such criminal laws, either generally or with regard to a specific offense or classes of offenses, then the attorney general shall direct such prosecuting attorney to take such action in connection with any prosecution or prosecutions as the attorney general shall determine to be necessary and proper. If any prosecuting attorney after the receipt of such instructions from the attorney general shall fail or neglect to comply with such instructions within a reasonable time, the attorney general is hereby authorized to initiate and prosecute such criminal prosecutions as he shall determine. In connection therewith, the attorney general shall have the same powers as would otherwise be vested in the prosecuting attorney. From the time the attorney general shall have initiated or taken over a criminal prosecution, the prosecuting attorney shall not have power or authority to take any legal steps relating to such prosecution except as authorized or directed by the attorney general.

Passed the House, March 11, 1937.

Passed the Senate March 9, 1937.

Approved by the Governor March 13, 1937.

Attorney General to investigate violations of criminal laws.

Failure of prosecuting attorney to act.

CHAPTER 89.

[S. H. B. 482.]

INDUSTRIAL INSURANCE AND MEDICAL AID.

AN ACT relating to the compensation, medical, and surgical care of workmen injured, providing for the classification, rates, and the fixing and collection of premiums from employers engaged in extrahazardous industry, or covered by elective adoption, and amending section 4 of chapter 74 of the Laws of 1911, as amended by section 1, chapter 188 of the Laws of 1915, as amended by section 2 of chapter 120 of the Laws of 1917, as amended by section 3, chapter 131 of the Laws of 1919, as amended by section 1, chapter 136 of the Laws of 1923, as amended by section 3, chapter 310 of the Laws of 1927, as amended by section 1 of chapter 104 of the Laws of 1931, as amended by section 1 of chapter 193 of the Laws of 1933, (section 7676 of Remington's Revised Statutes); and declaring that this act shall take effect immediately.

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

SECTION 1. That section 4 of chapter 74 of the Laws of 1911 as amended by section 1, chapter 188 of the Laws of 1915, as amended by section 2 of chapter 120 of the Laws of 1917, as amended by section 3, chapter 131 of the Laws of 1919, as amended by section 1, chapter 136 of the Laws of 1923, as amended by section 3, chapter 310 of the Laws of 1927, as amended by section 1 of chapter 104 of the Laws of 1931, as amended by section 1 of chapter 193 of the Laws of 1933, (section 7676 of Remington's Revised Statutes) be amended to read as follows:

Section 4. Inasmuch as industry should bear the greater portion of the burden of the cost of its accidents, each employer shall prior to the fifteenth day of every month, pay into the state treasury (1) for the accident fund and (2) for the medical aid fund, a certain number of cents for each man hour worked by the workmen in his employ, engaged in extrahazardous employment; if, however, there should be

Amends
§ 7676 Rem.
Rev. Stat.
(§ 3471 P. C.)

Employer
to pay per-
centage of
payroll.

Accident
fund.

Medical
aid fund.

Deficits.

a deficit in any class or subclass the director of labor and industries, through the supervisor of industrial insurance, is hereby authorized and directed to assess the same against all the contributors to such class or subclass during the calendar year or fraction thereof in which said deficit was incurred or created. The director of the department of labor and industries shall have the power to promulgate, change and revise such rates according to the condition of the accident and medical aid funds, and to establish rates for industries declared to be extra-hazardous subsequent to the taking effect of this amendment and/or which voluntarily seek coverage under the elective adoption provisions of this act.

Assessments.

Authority to change rates.

Payments into accident fund, how determined.

The amounts to be paid into the accident fund shall be determined as follows: The department of labor and industries shall, prior to the first day of January of each year determine for each class and/or subclass, a basic premium rate for the ensuing calendar year, and in so doing, shall take into consideration, first, the cost experience of each class and subclass over the two-year period immediately preceding September first of the year in which the basic rate is being fixed; second, the then condition of each class and/or subclass account.

Department to make annual estimate of premium rate.

The department of labor and industries shall also, prior to the first day of January of each year determine the premium rate to be paid into said accident fund during the ensuing year by each employer to be credited to each class and/or subclass account, applicable to the employer's operations or business, and in so doing, shall take into consideration, the average cost experience of each employer for each workman hour reported by him during each fiscal year in each such class or subclass over the five-year period immediately preceding September first of the year in which the rate is being determined,

and in so computing, the cost experience of any employer, the fixed sum of four thousand five hundred dollars (\$4,500.00) shall be charged against his experience for each injury resulting in death or total permanent disability of a workman instead of the actual cost to the accident fund of such injury. The actual premium rate which any employer shall be required to pay for the accident fund shall be forty per cent (40%) of the basic rate, plus sixty per cent (60%) of the employer's cost rate for each workman hour reported by him during each fiscal year over the five-year period next preceding the then last September first, but in no case shall the total rate exceed one hundred sixty per cent (160%) of the basic rate. Actual rate.

The basic premium rates for the accident fund and the medical aid fund, effective immediately upon the passage of this act until so modified by the director of the department of labor and industries, shall be in accordance with the following classifications, subclassifications and schedules:

(The letters "N. O. S." as used in this section shall mean "Not Otherwise Specified.")

CLASS 1.

(Rates and classifications subject to change by departmental order when indicated as herein provided.)	<i>Industrial Insurance Cents per Workman Hour</i>	<i>Medical Aid Cents per Workman Hour</i>	Classifications and schedules.
1-1 Ditches and canals (N. O. S.).....	3.5	.5	
Canals other than irrigation.....	3.5	.5	
Excavations (N. O. S.).....	3.5	.5	
Grading (N. O. S.).....	3.5	.5	
Diking	3.5	.5	
Dredging (includes all marine dredging local in character).....	3.5	.5	
Well drilling	3.5	.5	
Asphalt mixing	3.5	.5	
Asphalt paving	3.5	.5	
Bituminous paving (all types).....	3.5	.5	
Block paving	3.5	.5	
Concrete street pavements.....	3.5	.5	
Paving, brick (construction and repair)	3.5	.5	

CLASS 1—Continued

Classifications and schedules.	(Rates and classifications subject to change by departmental order when indicated as herein provided.)	Industrial Insurance Cents per Workman Hour	Medical Aid Cents per Workman Hour
1-1	Concrete sidewalks (excludes sidewalks and driveways in connection with building construction).....	3.5	.5
	Plank roads (construction).....	3.5	.5
	Sidewalks (plank)	3.5	.5
	Streets, planking	3.5	.5
	Highway street and road construction (includes grubbing and clearing in connection with street and highway grading), (excludes logging roads), (excludes tunneling in connection with road construction)	3.5	.5
	Grading streets and highways (includes grubbing and clearing in connection with street and highway grading), (excludes logging roads)	3.5	.5
	Road grading (this subclass is exclusively for road, street and highway grading), (includes grubbing and clearing in connection with street and highway grading), (excludes logging roads).....	3.5	.5
	Back filling (incidental to pipe laying)	3.5	.5
	Crushed stone surfacing.....	3.5	.5
	Conduit (construction)	3.5	.5
	Pipe laying	3.5	.5
	Sewers	3.5	.5
	Trenches	3.5	.5
	Water mains (construction).....	3.5	.5
	Pit crusher and bunker operations in connection with road, street, and highway construction.....	3.5	.5
	Land clearing	3.5	.5
	(Maintenance and repair of equipment and machinery in connection with above types of work subject to this Class 1-1.)		
1-3	Shaft sinking (N. O. S.).....	3.2	.8
	Well digging	3.2	.8
1-5	Tunnels (N. O. S.).....	6.	1.3
1-6	Tunnels (railroad), (includes lining)	4.	1.5

CLASS 1—Continued

(Rates and classifications subject to change by departmental order when indicated as herein provided.)		Industrial Insurance Cents per Workman Hour	Medical Aid Cents per Workman Hour	Classifications and schedules.
1-8	Grading, railroad (excludes logging railroads)	1.	.8	
	Railroads (grading)	1.	.8	
	Railroads (construction work other than bridge work).....	1.	.8	

CLASS 2.

2-1	Breakwater, construction	8.	1.5	
	Bridge building (steel, wood, concrete)	8.	1.5	
	Bridge foundations and approaches.	3.	1.5	
	Bulkhead construction	8.	1.5	
	Concrete culverts (or other types with span more than 12 feet)....	8.	1.5	
	Concrete piles in docks and trestles.	8.	1.5	
	Jetties	8.	1.5	
	Marine railways (construction)....	8.	1.5	
	Pile driving (includes marine pile driving local in character).....	8.	1.5	
	Railroads (bridge and trestle work)	8.	1.5	
	Subaqueous work	8.	1.5	
	Trestles (framed or pile) and approaches	8.	1.5	
	Viaducts	8.	1.5	
	Wharf and pier construction.....	8.	1.5	
	Overhead crossings	8.	1.5	
	Undercrossings	8.	1.5	
	(All excavations, back filling, construction, dismantling, erection, and tearing down of forms, and installing of road beds in connection with any of the above types of work is subject to this Class 2-1.)			

CLASS 5.

5-1	Washing buildings	1.	.4	
	Window washing (excludes domestics regularly employed for other purposes), (includes the actual time of all workmen engaged in washing windows)	1.	.4	
5-2	Brick work (construction).....	1.8	.6	
	Chimney (brick)	1.8	.6	
	Flooring compositions (hot or cold)	1.8	.6	

CLASS 5—Continued

Classifications and schedules.	(Rates and classifications subject to change by departmental order when indicated as herein provided.)	Industrial Insurance Cents per Workman Hour	Medical Aid Cents per Workman Hour
5-2	Marble, tile, terra cotta (all types in connection with construction).	1.8	.6
	Mantel setting	1.8	.6
	Slate work	1.8	.6
	Stonework on buildings.....	1.8	.6
5-3	Furnaces (installation)	1.	.5
	Heating systems (installation)....	1.	.5
	Plumbing work	1.	.5
	Ventilating systems (installation)..	1.	.5
	Automatic sprinklers (installation).	1.	.5
	Boiler (installation)	1.	.5
	Boiler (covering)	1.	.5
	Metal weather stripping (installation)	1.	.5
	Steam pipe covering (installation).	1.	.5
5-4	Frescoing	1.2	.5
	Kalsomining	1.2	.5
	Painting, building or structures....	1.2	.5
	Painting (inside or outside work)..	1.2	.5
	Paper hanging	1.2	.5
	Sign painting (inside and outside), (excludes inside shop work)....	1.2	.5
	Whitewashing	1.2	.5
5-5	Elevators, freight or passenger (construction and repairs).....	3.5	1.2
	Fireproof doors and shutters (erection and repair).....	3.5	1.2
	Galvanized iron or tin work (roof or cornice), (installation or repair).	3.5	1.2
	Grain elevators (wood), (construction), (repairs)	3.5	1.2
	Hothouse construction and repair..	3.5	1.2
	Metal ceiling work.....	3.5	1.2
	Roof work (all types), (construction and repair)	3.5	1.2
	Stair building (wooden).....	3.5	1.2
	Store or bank fixtures (installation and removal)	3.5	1.2
	Advertising signs (wood or metal), (construction and installation)...	3.5	1.2
	Carpenter work (includes all carpenter work in connection with alterations, repairs, and installation)	3.5	1.2
	Chimneys, concrete	3.5	1.2

CLASS 5—Continued

(Rates and classifications subject to change by departmental order when indicated as herein provided.)	<i>Industrial Insurance Cents per Workman Hour</i>	<i>Medical Aid Cents per Workman Hour</i>	Classifications and schedules.
5-5 Concrete buildings (includes all operations in connection with the construction of a concrete building with the exception of structural steel work).....	3.5	1.2	
Concrete construction (N. O. S.), (includes erection and tearing down of forms)	3.5	1.2	
Concrete construction, reinforced (N. O. S.), (includes erection and tearing down of forms).....	3.5	1.2	
Concrete culverts (or other types with span less than 12 feet), (excludes bridge and trestle approaches)	3.5	1.2	
Concrete floors and foundations (includes erection and tearing down of forms)	3.5	1.2	
Concrete sidewalks and driveways in connection with building construction	3.5	1.2	
Fences, concrete, iron, steel, and wood (erection and repair).....	3.5	1.2	
Glass (installation)	3.5	1.2	
House and building moving and wrecking	3.5	1.2	
Installation and repair of all fixtures and equipment in houses or buildings (N. O. S.).....	3.5	1.2	
Lathing	3.5	1.2	
Ornamental metal work in and on buildings	3.5	1.2	
Ornamental tile work on buildings.	3.5	1.2	
Plastering	3.5	1.2	
Safes and vaults (installation and removals)	3.5	1.2	
Street and building decorating.....	3.5	1.2	
Stuccoing	3.5	1.2	
(Excavations and back filling in connection with building construction, subject to this Class 5-5.)			
5-8 Chimneys, metal (erection).....	12.	4.	
Iron frame structures (other than bridges), (erection)	12.	4.	
Steel frame structures (other than bridges), (erection)	12.	4.	

Classifications and schedules.	CLASS 5—Continued (Rates and classifications subject to change by departmental order when indicated as herein provided.)	Industrial Insurance Cents per Workman Hour	Medical Aid Cents per Workman Hour
5-8	Steeple (erection)	12.	4.
	Tanks, metal (erection).....	12.	4.
	Tanks, wooden (erection).....	12.	4.
	Towers, wood or metal (erection)..	12.	4.
	Structural steel (erection in buildings)	12.	4.
	Water towers, metal or wood (erec- tion)	12.	4.
	Windmills, wood or metal (erec- tion)	12.	4.
	(This class to include dismantling of above types of structures.)		
5-9	Hardwood floors (laying).....	2	3
5-10	Temporary employers engaged in any phase of building or general construction and repairing.....	15.	3.
CLASS 6.			
6-1	Conduits (placing wires in).....	1.7	.4
	Electric apparatus (installing sys- tems in buildings).....	1.7	.4
	Fire alarms (installation).....	1.7	.4
	Electrical installations (servicing and repairs N. O. S.), (excludes shop- work)	1.7	.4
6-2	Cable railways (construction)....	1.	.4
	Electric railways (construction)....	1.	.4
	Street railway construction (excludes all bridge and trestle work).....	1.	.4
	Street railway grading.....	1.	.4
	Telephone and telegraph systems (construction)	1.	.4
	Transmission lines (construction)..	1.	.4
6-3	Belts (erection of shafting, etc.)... 1.	.6	
	Dynamos (installation)	1.	.6
	Engine (installation)	1.	.6
	Gas machine (installation).....	1.	.6
	Machinery (N. O. S.).....	1.	.6
	Machinery (dismantling)	1.	.6
	Machinery (installation)	1.	.6
	Machinery (servicing away from shop premises)	1.	.6
	Railroad (dismantling), (excludes bridges, trestles and snowshed wrecking)	1.	.6
6-4	Junk dealers	2.6	.7

CLASS 7.

(Rates and classifications subject to change by departmental order when indicated as herein provided.)	Industrial Insurance Cents per Workman Hour	Medical Aid Cents per Workman Hour	Classifications and schedules.
7-1 Dam construction (includes every operation)	3.4	.75	

CLASS 8.

8-3 Irrigation ditches, repair and maintenance	1.1	.3	
Highway department of state, counties, and cities (all operations in connection with highway maintenance), (excludes all new highway construction, grading, or bridge building, which operation must be reported in respective classifications)	1.1	.3	
8-4 Commercial production of sand, gravel, clay, and stone products..	5.5	1.	

CLASS 9.

9-1 Boat building (steel hulls).....	1.	1.	
Shipbuilding (steel hulls, includes all operations within shipyard)..	1.	1.	
9-2 Boat building (wooden hulls).....	3.2	.7	
Shipbuilding (wooden hulls, includes all operations within shipyard)..	3.2	.7	
9-4 Ferries, steamboats, tugs (operations) .....	.4	.2	

CLASS 10.

10-2 Lath mills, planing mills, saw mills and tie mills (operation and maintenance)	1.7	.75	
Masts (with or without machinery).	1.7	.75	
Pole yards (independent of logging operations)	1.7	.75	
Fuel and lumber yards with power driven machinery (includes teamsters, drivers, and helpers).....	1.7	.75	
Spars (with or without machinery).	1.7	.75	
10-3 Shingle mills (operation and maintenance)	2.	.75	
10-6 Creosote works	1.4	.5	
Pile and pole treating works.....	1.4	.5	
10-7 Lumber inspectors .....	.1	.1	

CLASS 11.

Classifications and schedules.	(Rates and classifications subject to change by departmental order when indicated as herein provided.)	<i>Industrial Insurance Cents per Workman Hour</i>	<i>Medical Aid Cents per Workman Hour</i>
11-1	Drayage (transfer and storage), (includes teamsters, drivers and helpers)	3.	.7
	General hauling (N. O. S.) and trucking (excludes log trucking)	3.	.7
	Auto freight transportation	3.	.7
11-3	Fuel and lumber yards without power driven machinery	1.8	.35

CLASS 13.

13-1	Bridge tenders (electrically operated bridges) .....	.8	.3
	Electric light and power plants .....	.8	.3
	Electric systems (N. O. S.) .....	.8	.3
13-2	Steam heat and power plants .....	.3	.3
13-3	Intrastate telephone system (operation and maintenance), (excludes telephone operators)	2.5	.4

CLASS 14.

14-1	Street railways (electric interurban railroad), (operation) .....	.3	.12
	City or town passenger bus operation (includes those operated by municipalities in connection with street railway system or as a replacement of street railway system and also those operated by others operating under a municipal franchise) .....	.3	.12

CLASS 15.

15-1	City and county operation and maintenance (includes all extrahazardous operations in connection with regular functions of city and county government), (excludes all operations in connection with the maintenance of highways by state, counties and cities. See Class 8-3.) (New construction of bridges, grading and paving of roads shall be reported in respective classifications)	2.3	.3
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CLASS 16.

(Rates and classifications subject to change by departmental order when indicated as herein provided.)		<i>Industrial Insurance Cents per Workman Hour</i>	<i>Medical Aid Cents per Workman Hour</i>	Classifications and schedules.
16-1	Coal mines (includes shaft sinking and all tunneling in connection with all coal mines).....	3.	.8	
	Coke ovens (operation), (excludes office force only).....	3.	.8	

CLASS 17.

17-2	Mines, all types (other than coal), (includes all shaft sinking and tunneling in connection with mines other than coal).....	2.	.6	
	Ore reduction (by wet or dry process without application of heat at mine)	2.	.6	
	Shaft sinking (metal mines).....	2.	.6	
	Tunneling (metal mines).....	2.	.6	
17-3	Quarries	5.	.8	
	Stone cutting (quarry hazard).....	5.	.8	
	Open cut mining.....	5.	.8	

CLASS 18.

18-1	Blast furnaces (operation).....	.3	.3	
	Rolling mills (operation).....	.3	.3	
	Steel and iron making.....	.3	.3	
	Open hearth furnaces (operation)..	.3	.3	
	Smelters (operation).....	.3	.3	
	Copper, lead, zinc, etc. (smelting)..	.3	.3	

CLASS 19.

19-1	Gas works (operation), (excludes meter readers, complaint men, solicitors, and store room employees)	1.6	.3	
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CLASS 21.

21-1	Chop, feed, and flour mills (operation)7	.2	
	Seed cleaning.....	.7	.2	
21-2	Grain warehouse and elevators (operation)4	.1	
	General warehouse and storage (operation), (excludes operations in connection with Class 11-1).....	.4	.1	
	Fruit warehouses (includes all operations in connection with grading, sorting, and packing of fresh fruits) .....	.4	.1	

Classifications and schedules.	(Rates and classifications subject to change by departmental order when indicated as herein provided.)	<i>Industrial Insurance Cents per Workman Hour</i>	<i>Medical Aid Cents per Workman Hour</i>
CLASS 22.			
22-1	Laundries (operation), (includes drivers and helpers).....	.15	.1
	Dye works and cleaners (includes drivers and helpers).....	.15	.1
CLASS 23.			
23-1	Water works (operation), (other than municipal which is to be reported in Class 15-1).....	2.	.2
CLASS 24.			
24-1	Paper mills (operation and maintenance) .....	.7	.3
	Pulpmills (operation).....	.7	.3
CLASS 29.			
29-1	Cooperage (manufacturing).....	1.2	.4
	Staves, barrel, tub (manufacturing)	1.2	.4
	Barrels, kegs, pails (manufacturing)	1.2	.4
	Basket manufacturing.....	1.2	.4
29-2	Sash, door, blinds, etc. (manufacturing) .....	.75	.4
	Glazing, beveling and setting glass (in shops and factories).....	.75	.4
	Sash and door factories (all factory operations) .....	.75	.4
29-3	Excelsior (manufacturing).....	.75	.4
	Veneering (manufacturing).....	.75	.4
	Cabinet works.....	.75	.4
	Furniture (manufacturing).....	.75	.4
	Boxes and packing cases (manufacturing) .....	.75	.4
	Wooden and fibre ware (manufacturing) .....	.75	.4
	Wood working (N. O. S.), (shop work only).....	.75	.4
	Kindling wood.....	.75	.4
	Wood pipe (manufacturing).....	.75	.4
	Pattern shops (independent).....	.75	.4
CLASS 31.			
31-1	Building material (N. O. S.).....	.7	.4
	Concrete blocks and tiles (manufacturing) .....	.7	.4
	Lime (manufacturing).....	.7	.4
	Oils and paints (manufacturing)...	.7	.4
	Staves (cement).....	.7	.4

CLASS 31—Continued

(Rates and classifications subject to change by departmental order when indicated as herein provided.)		Industrial Insurance Cents per Workman Hour	Medical Aid Cents per Workman Hour	Classifications and schedules.
31-1	Cement (manufacturing) .....	.7	.4	
	Paving blocks (cutting).....	.7	.4	
	Stone cutting (away from quarry) .	.7	.4	

CLASS 33.

33-1	Fish canneries and fish trap (operation) .....	.6	.3	
33-2	Fish oil (manufacturing).....	.3	.3	
	Fish products.....	.3	.3	
	Oyster beds and cannery (operations) .....	.3	.3	

CLASS 34.

34-1	Automobile painting.....	.5	.3	
	Vulcanizing .....	.5	.3	
	Automobile body construction and repair .....	.5	.3	
	Auto sales agencies and garages (includes only those operations in connection with storage, servicing, and repairing), (gas and oil service stations performing auto repairing subject to this class).....	.5	.3	
34-2	Blacksmith shops, with machinery..	.6	.4	
	Boiler works .....	.6	.4	
	Foundries .....	.6	.4	
	Machine shops (N. O. S.).....	.6	.4	
	Wood working (in connection with car building) .....	.6	.4	
34-3	Airplane (manufacturing) .....	.2	.2	
34-4	Cans (manufacturing) .....	.4	.25	
	Galvanized iron works (manufacturing) .....	.4	.25	
	Hardware (manufacturing) .....	.4	.25	
	Metal (stamping) plating and polishing .....	.4	.25	
	Sheet metal works.....	.4	.25	
	Stamping tin or metal.....	.4	.25	
	Tin works .....	.4	.25	
	(This class for shop operations only.)			
34-6	Gas service stations (excludes auto repairing) .....	.2	.1	
	Oil service stations (excludes auto repairing) .....	.2	.1	
34-7	Merchandising of oils (includes drivers and helpers).....	1.2	.2	

CLASS 35.

Classifications and schedules.	(Rates and classifications subject to change by departmental order when indicated as herein provided.)	Industrial	Medical
		Insurance Cents per Workman Hour	Aid Cents per Workman Hour
35-1	Brick (manufacturing) .....	.35	.3
	Earthenware (manufacturing) ....	.35	.3
	Fire clay products (manufacturing) .35	.35	.3
	Porcelain ware (manufacturing) ...	.35	.3
	Pottery (manufacturing) .....	.35	.3
	Terra Cotta (manufacturing) .....	.35	.3
	Tile (manufacturing) .....	.35	.3
35-2	Briquettes (manufacturing)	4.	.3
	Charcoal burning	4.	.3
	Peat Fuel (manufacturing)	4.	.3
35-3	Glass (manufacturing) .....	.2	.2

CLASS 37.

37-1	Alcohol (manufacturing) .....	.6	.3
	Ammonia (manufacturing) .....	.6	.3
	Nitrogen (manufacturing) .....	.6	.3
	Oxygen (manufacturing) .....	.6	.3
	Chemical and assaying laboratories.	.6	.3
	Chemical (manufacturing) .....	.6	.3
	Distilleries .....	.6	.3
37-2	Bottling works (includes drivers and helpers) .....	.4	.3
	Breweries (includes drivers and helpers) .....	.4	.3
	Wineries (includes drivers and help- ers) .....	.4	.3

[CLASS 38].

38-1	Brooms (manufacturing) .....	.05	.16
	Brushes (manufacturing) .....	.05	.16
	Cordage (manufacturing) .....	.05	.16
	Asbestos products (manufacturing)	.05	.16
	Leather (working in) .....	.05	.16
	Rubber (working in) .....	.05	.16
38-2	Cloth (working in) .....	.03	.1
	Textiles (manufacturing) .....	.03	.1
	Textiles (N. O. S.) .....	.03	.1
	(Class 38-2 includes all operations in connection with manufacturing, alteration, and repair of cloth and textiles.)		
38-5	Paper (working in) .....	.4	.2
	Paper products (manufacturing) ...	.4	.2

CLASS 39.

39-1	Bakeries (includes drivers and help- ers) .....	.2	.1
	Candy or cracker (manufacturing).	.2	.1
	Macaroni making .....	.2	.1
	Confectionery (manufacturing) ...	.2	.1

CLASS 39—*Continued*

(Rates and classifications subject to change by departmental order when indicated as herein provided.)		<i>Industrial Insurance Cents per Workman Hour</i>	<i>Medical Aid Cents per Workman Hour</i>	Classifications and schedules.
39-2	Canneries (fruit and vegetables) ..	.5	.2	
	Foodstuffs (working in), (N. O. S.)..	.5	.2	
	Fruits (canning) .....	.5	.2	
	Dehydrators (all operations).....	.5	.2	
39-3	Sugar refineries (all operations), (includes drivers and helpers)...	3.	.8	
39-4	Handling, processing, and adapting for sale, butter, eggs, poultry and egg meat products (N. O. S.)....	.3	.15	

CLASS 40.

40-1	Condensed milk (all operations), (includes drivers and helpers)...	.4	.2	
40-2	Cheese making (includes drivers and helpers) .....	.5	.2	
	Creameries and dairies (operation), (includes drivers and helpers)...	.5	.2	
	Ice cream (manufacturing), (includes drivers and helpers).....	.5	.2	

CLASS 41.

41-1	Electrotyping .....	.1	.1	
	Engraving (photo-engraving) .....	.1	.1	
	Lithographing .....	.1	.1	
	Photo-engraving .....	.1	.1	
	Linotype operators (includes all employees in room with machinery)	.1	.1	
	Printing .....	.1	.1	
	Jewelry (manufacturing) .....	.1	.1	
	Jewelry engraving .....	.1	.1	
	Sign and card printing and painting (inside shop operations only) ....	.1	.1	

CLASS 42.

42-1	Longshoring and stevedoring.....	3.	.6	
	Wharf and pier (operation).....	3.	.6	

CLASS 43.

43-1	Fertilizer (manufacturing), (includes drivers and helpers).....	.5	.4	
	Lard making (includes drivers and helpers) .....	.5	.4	
	Meat products (canneries), (includes drivers and helpers).....	.5	.4	

CLASS 43—Continued

Classifications and schedules.	(Rates and classifications subject to change by departmental order when indicated as herein provided.)	Industrial Insurance Cents per Workman Hour	Medical Aid Cents per Workman Hour
43-1	Packing houses (includes all operations in connection with the meat packing industry), (includes drivers and helpers).....	.5	.4
	Slaughter houses (includes drivers and helpers).....	.5	.4
	Stockyards (operations), (includes drivers and helpers).....	.5	.4
	Tallow making (includes drivers and helpers).....	.5	.4
	Tanneries (includes drivers and helpers) .....	.5	.4
	Garbage works (includes drivers and helpers) .....	.5	.4
	Incinerators (includes drivers and helpers) .....	.5	.4
	Meat, fish, and poultry markets (with power machinery), (includes drivers and helpers).....	.5	.4
	Soap making (includes drivers and helpers) .....	.5	.4

CLASS 44.

44-1	Cold storage plants (refrigeration), (includes drivers and helpers)...	.5	.4
	Ice, artificial (manufacturing and delivery), (includes drivers and helpers) .....	.5	.4
	Refrigeration or cold storage plants (operation), (includes drivers and helpers) .....	.5	.4
	Ice, natural (harvesting and handling), (includes drivers and helpers) .....	.5	.4

CLASS 45.

45-1	Moving picture operators.....	.1	.15
	Theatre stage employees (except ushers, performers, and office employees not engaged in any maintenance work).....	.1	.15

CLASS 46.

46-1	Powder works (manufacturing), (includes all operations).....	4.	1.5
46-2	Fireworks (manufacturing), (includes all operations).....	4.	.5

CLASS 47.

(Rates and classifications subject to change by departmental order when indicated as herein provided.)	Industrial Insurance Cents per Workman Hour	Medical Aid Cents per Workman Hour	Classifications and schedules.
47-1 Combined chemicals and explosives (manufacturing)	6.	1.5	

CLASS 48.

Elective adoption (subclasses as follows):			
48-1	Caretakers (N. O. S.).....	.1	.1
	Clerks (N. O. S.).....	.1	.1
	Janitors .....	.1	.1
	Office employees (N. O. S.).....	.1	.1
	Inside occupations (N. O. S.).....	.1	.1
	Outside occupations (N. O. S.).....	.1	.1
48-2	Automobile and truck drivers, chauffeurs (where general occupation is not extrahazardous)....	1.	.15
	Taxi drivers.....	1.	.15
	Outside salesmen, demonstrators, and collectors using automobiles.	1.	.15
48-3	Agricultural Workers.....	1.6	.4
48-7	Temporary building construction by home owner on own home to be used as a place of abode.....	5.	2.

CLASS 49.

49-1	Foresters (forest rangers, timber cruisers, surveyors and engineers)	.8	.2
	Guards (penitentiary and other penal institutions), (employed by state) .....	.8	.2
	Peace officers, on salary having police powers (excludes town, city, and county peace officers, see Class 15-1).....	.8	.2
	Wardens, fish, and game (employed by state).....	.8	.2
	Inspectors (having police powers and employed by state).....	.8	.2
	State park employees having police powers .....	.8	.2
	Employees of the department of labor and industries.....	.8	.2
49-2	.....	6.	2.
	Highway patrol (state).....	6.	2.

CLASS 50.

Classifications and schedules.	(Rates and classifications subject to change by departmental order when indicated as herein provided.)	Industrial Insurance Cents per Workman Hour	Medical Aid Cents per Workman Hour
50-1	Grading (logging railroads only)...	6.	1.25
	Logging, operation and maintenance	6.	1.25
	Logging, railroad (construction)....	6.	1.25
	Logging, railroad (grading).....	6.	1.25
	Railroads, logging (operation)....	6.	1.25
	Shingle bolt cutting.....	6.	1.25
	Tie cutting.....	6.	1.25
	Log trucking (includes contract log hauling)	6.	1.25
	Logging roads (construction, grading, and maintenance).....	6.	1.25
50-2	Booming and rafting logs.....	2.	.3
50-3	Cordwood and pulpwood cutting (which figures at rate of 30c per cord)	3.	.75

Employers.

Every employer who shall enter into any business, or who shall resume operations in any work or plant after the final adjustment of his payroll in connection therewith, shall, before so commencing or resuming operations, as the case may be, notify the director of labor and industries of such fact, accompanying such notification with an estimate of his payroll and workmen hours for the first calendar month of his proposed operations, and shall make payment of the premium on such estimate. Every such employer shall be liable for a premium of at least such estimate. Every such employer shall pay the full basic rate until such time as an experience rating in excess of a one, two, three or four year period may be computed as of a first succeeding September first date, and shall be liable for a premium of at least one dollar per month irrespective of the amount of his workman hours reported during said month to the department.

Notification of commencing or resuming operations.

Payroll estimate.

Basic rate paid until experience rate computed.

High cost experience.

To the end that no employer shall evade the burden imposed by an unfavorable or high cost experience, the director of labor and industries shall have the power to determine whether or not an in-

crease, decrease or change (a) of operating property; (b) of interest in operating property; (c) of employer; (d) of personnel or interest in employer is sufficient to show a *bona fide* change which would make inoperative any high cost experience.

Every employer within the provisions of this act shall on or before the fifteenth day of each month hereafter furnish the department with a true and accurate payroll and the aggregate number of workmen hours, during which workmen were employed by him during the preceding calendar month, the total amount paid to such workmen during such preceding calendar month, and a segregation of employment in the different classes provided in this act, and shall pay his premium thereon to the accident fund and medical aid fund. The sufficiency of such statement shall be subject to the approval of the director of labor and industries.

Monthly
report of
payroll.

Every employer shall keep at his place of business a record of his employment from which the above information may be obtained and such record shall at all times be open to the inspection of the director of labor and industries, supervisor of industrial insurance, or the traveling auditors, agents or assistants of the department, as provided in section 7690 of Remington's Revised Statutes of Washington.

Employer
to keep
record of
employment.

In all cases where partners or other persons are excluded on the payroll such statement shall state both the names and occupations of the parties excluded and no such person shall be entitled to compensation unless notice in writing that such excluded person has been included is received by the department prior to the date of injury to such person. Such employer shall at the time of reporting his payroll and workmen hours also state the names and addresses of any contractor or subcontractor operating for or under him.

Partners
or others
excluded.

Failure to report, penalty.

Every person, firm, or corporation who shall fail to keep such record or fail to make such report in the manner and at the time herein provided shall be subject to a penalty of not to exceed one hundred dollars (\$100.00) for each such offense, to be collected by civil action in the name of the state and paid into the accident fund.

Failure to furnish estimate, penalty.

Every employer who shall fail to furnish an estimate of payroll and workmen hours and make payments as above provided shall be liable to a penalty of not to exceed five hundred dollars (\$500.00) and shall also be liable if an accident has been sustained by an employee prior to the time such estimate is received by the department, to a penalty in a sum equal to fifty per cent of the cost to the accident fund and medical aid fund of such accident, to be collected in a civil action in the name of the state, and paid into the accident fund and/or medical aid fund.

Waiver of penalty.

The director of labor and industries may waive the whole or any part of any penalty charged under this act. In respect to any injury happening to any of his workmen during the period such employer shall be in default in the payment of any premium, if such default be after demand for payment, or if such employer shall be in default for failure to furnish the department with an estimated payroll and workmen hours or with monthly reports of his payroll and workmen hours as required by this section, the defaulting employer shall not be entitled to the benefits of this act, but shall be liable to suit by the injured workman (or his beneficiaries and dependents), at his or their option, as he would have been on March 14, 1911, and in any action brought against such employer, it shall be no defense for such employer to show that such injury was caused in whole or in part by the negligence of a fellow servant of the injured workman, that the negligence of the injured workman, other than his wilful act committed

Injury during default.

Action by injured workman.

for the purpose of sustaining the injury contributed to the accident or that the injured workman had knowledge of the danger or assumed the risk which resulted in his injury. If such injured workman or his beneficiaries, or dependents, shall elect to take under this act, such action against the employer shall revert to the state for the benefit of the accident fund and/or medical aid fund.

Election of remedy.

Any employer, who shall misrepresent to the department the amount of his payroll or the number of workmen hours upon which the premium under this act is based, shall be liable to the state in ten times the amount of the difference in premiums paid and the amount the employer should have paid, and shall also be guilty of a misdemeanor if such misrepresentations shall be made knowingly. Civil penalties to the state under this act shall be collected by civil action in the name of the state and paid into the accident fund.

Misrepresentation by employer, penalty.

For the purpose of such payments into the accident fund, accounts shall be kept with each industry in accordance with the classification herein provided and no class shall be liable for the depletion of the accident fund from accidents happening in any other class. Each class shall meet and be liable for the accidents occurring in such class. The fund thereby created shall be termed the "accident fund" which shall be devoted to the purpose specified for it in this act.

Accounts, accident fund.

The medical aid fund created in section 7713 of Remington's Revised Statutes of Washington shall not be kept by classes and all payments shall be made from the one fund, but accounts shall be kept with each class and subclass of industry in accordance with the classification herein provided for the purpose of computing the medical aid cost experience of such classes and subclasses and determining

Accounts, medical aid fund.

the correctness of the medical aid rates charged such classes and subclasses.

Adjustment of rates.

It is the intent that the accident fund created under this section shall ultimately become neither more nor less than self-supporting, exclusive of the expense of administration, and if in the adjustment of premium rates by the director of labor and industries the moneys paid into the fund by any class or classes shall be insufficient to properly and safely distribute the burden of accidents occurring therein the department may divide, rearrange or consolidate such class or classes, making such adjustment or transfer of funds as it may deem proper.

Unlawful to deduct premiums from wages.

It shall be unlawful for the employer to deduct or obtain any part of the premium required by this section to be by him paid into the accident fund from the wages or earnings of his workmen or any of them, and the making or attempting to make any such deduction shall be a gross misdemeanor. The director of labor and industries shall make corrections of classifications or subclassifications or changes in rates, classes, and subclasses when the best interests of such classes or subclasses will be served thereby. From the original classification or premium rating or any change made therein, any employer claiming to be aggrieved may appeal to the Joint Board and to the courts in the manner provided for in section 7697 of Remington's Revised Statutes.

Classifications, corrected.

Single establishment, different risk classes.

If a single establishment or work comprises several occupations listed in this section in different risk classes, the premium shall be computed according to the workmen hours of each occupation, or in the discretion of the director of labor and industries, a single rate of premium may be charged for the entire establishment based upon the rate of premium of the occupation reporting the largest number of workmen hours: *Provided, That, when a single es-*

establishment or work comprises distinct different risk classes, each employing a considerable number of persons, the right to have the premium computed according to the number of workmen hours of each occupation shall not be denied the employer without hearing: *Provided, further,* That any employer desiring to report his operations in the various distinct risk classifications subsequent to the passage of this act, must, before so reporting, notify the director of labor and industries in writing of such fact, prior to the first day of the month in which such employer desires to segregate his operations, and inform the director of the segregated classifications he desires. After an employer has segregated his operations into the various distinct risk classifications, unless the employer and the director agree to the contrary, the employer must continue to report in those segregated classifications as long as they exist in his operation and involve a considerable number of employees.

Computation
of premium.

Segregated
classifi-
cations.

The director of labor and industries shall have power to authorize any employee of the department who is an attorney admitted to practice law in the State of Washington to appear for the department in any action instituted for the purpose of collecting industrial insurance premiums.

Department
attorney to
collect
premiums.

That the premiums of employers operating coal mines which shall include shaft sinking and all tunneling in connection with coal mines and the building industry, which shall include, all field activities in connection with the erection, alteration, repairing or demolishing of any building or buildings or part thereof or appurtenance thereto, adapted to residential, business, governmental, educational or manufacturing uses, shall be computed on a base rate only and no merit rating credits or penalties shall be given or imposed on such employers.

Coal mines.

Building
industry.

Rates, etc.,
effective
Jan. 1, 1937.

SEC. 2. The rates and classifications and sub-classifications as provided in section 7676 Remington's Revised Statutes, as amended by section 1 of this act, shall take effect as of January 1, 1937.

Effective
immediately.

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

Passed the House March 8, 1937.

Passed the Senate March 7, 1937.

Approved by the Governor March 13, 1937.

CHAPTER 90.

[H. B. 511.]

REGULATION OF PUBLIC GRAIN WAREHOUSES.

AN ACT relating to public grain warehouses, repealing sections 6978, 6980, 6981, 6982, 7000, 7000-1 and 7002, Rem. Rev. Stat.; defining terms, prescribing procedure for recovery on warehouse bonds, defining warehousemen's responsibility to store commodities, setting forth the requirements of a public grain warehouse receipt, permitting warehousemen to refuse to store certain commodities, providing for issuance of forms for warehouse receipts, declaring the warehousing of fungible commodities to be a bailment, providing for action by the director of agriculture and the courts in respect to warehouse shortages and the collection of expenses for such action, requiring warehousemen to make reports, and giving the director of agriculture certain powers.

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

"Grain
warehouse."

SECTION 1. The term "grain warehouse," when used in this act, includes any elevator, mill, warehouse, public grain warehouse, public warehouse or other structure in which grain or other commodities as herein defined are received from the public for storage, shipment or handling.

“Terminal warehouse” means any grain warehouse designated by the director as a terminal, and at which inspection facilities are maintained by the state department of agriculture.

“Terminal warehouse.”

“Warehouseman” means any firm, person, company, corporation or association of persons owning, operating or controlling a grain warehouse.

“Warehouseman.”

“Depositor” means any person who deposits a commodity as herein defined 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.”

“Commodities” means all grains, hay, peas, hops, grain and hay products, malt, peanuts, flax and seeds.

“Commodities.”

“Director” means the director of agriculture of the State of Washington, and shall include the term “Commission” as used in section 6979, Rem. Rev. Stat.

“Director.”

“Person” includes individuals, corporations, partnerships and associations.

“Person.”

SEC. 2. (a) Every warehouse bond provided for in section 6996, Rem. Rev. Stat., as amended, shall be filed in the office of the secretary of state and any depositor or other person injured by failure of a bonded warehouseman to comply with the provisions of this act or of the rules and regulations of the director shall have a right of action upon such bond for the recovery of all damages suffered thereby;

Bond.

Action upon bond.

(b) The liability of the surety upon the bond required to be given by warehousemen as provided in section 6996, Rem. Rev. Stat., as amended, shall be limited to the amount specified in the bond, and recovery under such bond shall be prorated when claims exceed the liability under the bond;

Liability of surety.

(c) No determination of the amount of the shortage in a case of insolvency of a warehouseman shall be required as a condition precedent to a suit

Shortage or insolvency of warehouseman.

on the warehouseman's bond by any one or more depositors;

Burden upon
bondsmen to
establish
pro rata.

(d) In every case in which the claimed shortage exceeds the amount of the bond, it shall not be necessary for any depositor suing on the warehouse bond to join other depositors in such suit and the claim of prorating shall be a matter of defense and the burden be on the bondsman to establish the prorata.

Duty to
store.

SEC. 3. (a) Every grain warehouseman shall receive for storage, handling or shipment, so far as the capacity of his warehouse will permit, all commodities included in the provisions of this act, in suitable condition for storage, tendered him in the usual course of business, and shall issue therefor a warehouse receipt or receipts in form prescribed by the director as herein provided;

Segregation.

(b) If requested by the depositor, each lot of his commodity shall be kept in a special pile or special bin, but in the case of a bulk commodity, if the lot or any portion of it does not equal the capacity of any available bin, the depositor may exercise his option to require the commodity to be specially binned only on agreement to pay charges based on the capacity of the available bin most nearly approximating the required capacity;

Refusal of
damaged
commodities.

(c) A warehouseman shall have the right to refuse to accept for storage commodities which are wet, damaged, insect-infested or in other ways unsuitable for storage;

Warehouse
receipts.

(d) All warehouse receipts issued under this act shall be upon forms prescribed by the director and supplied only to licensed warehousemen at cost of printing, packing and shipping, as determined by the director. They shall be numbered serially for each licensee, and original negotiable receipts shall bear the state seal. Requests for such receipts shall be on forms furnished by the director and shall be accompanied by payment to cover cost;

Blank forms
furnished.

(e) Nothing in the Uniform Warehouse Receipts Act as adopted by this state shall be deemed to relieve a warehouseman from the necessity of complying with all provisions of this act;

Uniform
act.

(f) Receipts issued under the United States Warehouse Act shall be deemed to fulfill the requirements of this act so far as it pertains to the issuance of warehouse receipts.

U. S. ware-
house act.

SEC. 4. Every receipt, except scale weight memoranda, issued for commodities warehoused under this act shall embody within its written or printed terms:

Essential
terms.

(a) The grade of the commodities received as determined under the official standards of this state, unless the identity of the commodities is in fact preserved in a special pile or special bin, and an identifying mark of such pile or bin shall appear on the face of the receipt and on the pile or bin;

(b) Such other terms and conditions within the limitations of this act and of the Uniform Warehouse Receipts Act as may be prescribed by the director;

(c) A clause reserving for the warehouseman the optional right to terminate storage and collect outstanding charges against any lot of commodities after June thirtieth following the date of the receipt.

SEC. 5. Any person, or any agent or servant of such person, or any officer of a corporation who prints, binds or delivers warehouse receipt forms, except on an order or requisition signed by the director, or who uses such forms knowing that they were not so printed, bound or delivered shall be guilty of a gross misdemeanor.

Requisition
required for
receipt
forms.

SEC. 6. Whenever any commodity shall be delivered to a warehouse under this act, and the receipt issued therefor provides for the return of a like amount of like kind, grade and class to the holder thereof, such delivery shall be a bailment and not a sale of the commodity so delivered. In no case

Bailment.

shall such commodities be liable to seizure upon process of any court in an action against such bailee, except action by the legal holder of the warehouse receipt to enforce the terms thereof. Such commodities, in the event of failure or insolvency of such bailee, shall be applied exclusively to the redemption of such outstanding warehouse receipts covering commodities so stored with such bailee, and in such event commodities on hand in any particular warehouse shall be applied first to the redemption and satisfaction of receipts issued by such warehouse. Commodities in special piles or special bins shall be applied exclusively against the receipts issued therefor.

Warehouse receipts exceeding commodities.

SEC. 7. (a) Whenever it shall appear to the satisfaction of the director that any licensed grain warehouseman has not in his possession sufficient commodities to cover the outstanding warehouse receipts issued by him, or that such warehouseman refuses to submit his books, papers, or concerns to lawful inspection, the director may give notice to the warehouseman so offending or delinquent to cover such shortage, give additional bond or submit to such inspection as the director may deem necessary;

Notice to warehouseman.

Failure to comply with notice.

(b) If such warehouseman fails to comply with the terms of such notice within twenty-four (24) hours from the date of its issuance, or within such further time as the director may allow, then the director, by virtue of an order procured by the prosecuting attorney from the superior court of the county in which the warehouse is located, shall take possession of all special piles or special bins of commodities and of all commingled commodities in which there is apparent shortage, and of all books, papers or concerns of such warehouseman;

Director to take possession.

Notice to surety and holders of receipts.

(c) Upon taking possession the director shall notify in writing the surety on the bond of the ware-

houseman and shall notify the holders of all warehouse receipts issued for commodities in respect to which there is an apparent shortage to present their warehouse receipts for inspection or to account for the same. The director shall thereupon cause an audit to be made of the affairs of such warehouse with respect to the commodities in which there is an apparent shortage, determine the amount of such shortage and compute the shortage with respect to each warehouse receipt holder affected thereby, and notify the warehouseman and the surety on the bond of the amount of such shortage and notify each warehouse receipt holder affected thereby of his interest in such shortage;

Audit.

(d) The director shall retain possession of the commodities in which shortage is found, and of the books, papers and concerns of the warehouseman, until such time as the warehouseman or the surety on the bond shall have satisfied the claims of all holders of warehouse receipts or, in case the shortage exceeds the amount of the bond, the surety on the bond shall have satisfied such claims prorata, or until such time as he is ordered by the court to surrender possession;

Possession of commodities retained.

(e) If, after the audit provided for herein is made, the director discovers that the warehouseman is insolvent or unable to satisfy the claims of all holders of warehouse receipts, the director, through the prosecuting attorney, shall have the right to petition the superior court of the county in which the warehouse is located for the appointment of a receiver to liquidate the business of the warehouseman in accordance with the law;

Insolvency.

Receiver appointed.

(f) At any time within ten (10) days after the director takes possession of any commodity or the books, papers and concerns of any licensed grain warehouse, the warehouseman may serve notice upon the director to appear in the superior court of

Director cited in action.

the county in which such warehouse is located, at a time to be fixed by said court, which shall be not less than five (5) nor more than fifteen (15) days from the date of the service of such notice, and show cause why such commodities, books, papers and concerns should not be restored to his possession;

Expenses.

(g) All expenses incurred by the director in carrying out the provisions of this section shall be a first charge upon the assets of the warehouseman, and may be recovered in a civil action brought by the prosecuting attorney, upon complaint of the director, in the superior court of the county in which the warehouse is located.

Change
in bond
liability.

SEC. 8. Any change in the capacity of a grain warehouse or installation of any new grain warehouse involving a change in bond liability under this act shall be reported to the director prior to the operation thereof. Failure to do [so] advise the director shall constitute a misdemeanor subject to a fine of not to exceed twenty-five dollars (\$25.00).

Report of
licensee.

SEC. 9. (a) Within ten (10) days following each July 1 and January 1, and at such other times as the director may require, every licensed grain warehouseman shall furnish on forms supplied by the director a report of commodities carried over, received, shipped and on hand, and such other information as the director may require;

(b) Within thirty (30) days following each July 1 every warehouseman shall make a report, under oath, on forms supplied by the director, showing in detail the capital assets, capital liabilities, the operating revenues and the operating expenses of his warehouse business for the preceding license year, and such other information as the director may require;

(c) Failure to make reports as required shall constitute a misdemeanor.

SEC. 10. The director shall have power and it shall be his duty to exercise all the powers and perform all the duties formerly vested in or required to be performed by the director of public works with respect to all public and terminal grain warehouses.

Powers and duties of Director of public works transferred.

SEC. 11. All acts or parts of acts in conflict with this act are hereby repealed and specifically sections 6978, 6980, 6981, 6982, 7000, 7000-1 and 7002 of Remington's Revised Statutes are hereby repealed.

Conflicting acts repealed.

SEC. 12. (a) If this chapter or any portion thereof shall be declared unconstitutional, portions of this chapter, if any, shall not be deemed to repeal any existing laws upon the same subject matter;

Partial invalidity.

(b) The enactment of this chapter shall not have the effect of terminating, or in any way modifying the liability, civil or criminal, which shall already be in existence at the date this chapter becomes effective.

Existing statutes not affected.

Passed the House February 26, 1937.

Passed the Senate March 7, 1937.

Approved by the Governor March 13, 1937.

CHAPTER 91.

[H. B. 697.]

CONVEYANCE OF STATE LANDS TO UNITED STATES.

AN ACT authorizing the conveyance to the United States government of certain lands belonging to the State of Washington, department of fisheries; and making an appropriation.

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

SECTION 1. The governor on behalf of the state is hereby authorized to sell to the United States government, at a price which shall represent the reasonable value thereof, three (3) tracts of state

Site of state
fish hatchery.

lands hereinafter described, now used as the site of a state fish hatchery, which tracts are within the area to be flooded by the waters impounded by the Bonneville Dam; and to make and deliver on behalf of the state, a good and sufficient quit claim deed therefor, and the secretary of state is authorized to attest said deed. Said tracts of land are respectively described as follows:

(1) Commencing at the northwest corner of the Murphy Donation Land Claim No. 37 in section twenty-seven (27), township three (3), north of range eight (8), east of Willamette Meridian (from which point bears a fir tree fourteen inches in diameter north $46^{\circ} 55'$ east a distance of fifty-one and fifty one-hundredths (51.50) feet, and an ash tree bears south $29^{\circ} 38'$ west a distance of six and ninety one-hundredths (6.90) feet; thence south twenty-two degrees and no minutes ($22^{\circ} 00'$) west a distance of two hundred one and fifty one-hundredths (201.50) feet to the southwest corner of said tract; thence east a distance of twenty-seven and ninety one-hundredths (27.90) feet to a witness corner to the southwest corner from which bears an ash tree 24 inches in diameter north $23^{\circ} 40'$ east a distance of sixty-seven and no one-hundredths (67.00) feet; an oak tree 28 inches in diameter bears north $61^{\circ} 00'$ east a distance of ninety-one and no one-hundredths (91.00) feet, and an oak tree east eighty (80) feet; thence east a distance of four hundred fifty and twenty one-hundredths (450.20) feet to the southeast corner from which bears a maple tree fourteen inches in diameter north $84^{\circ} 45'$ east a distance of nineteen and seventy one-hundredths (19.70) feet, a fir tree fourteen inches in diameter bears north $45^{\circ} 45'$ west a distance of thirteen and no one-hundredths (13.00) feet; thence north fourteen degrees fifteen minutes ($14^{\circ} 15'$) east a distance of one hundred ninety-three and fifty one-hundredths

(193.50) feet to the northeast corner of the tract from which point a fir tree 8 inches in diameter bears south $45^{\circ} 00'$ west a distance of six and no one-hundredths (6.00) feet, and a fir tree bears south $35^{\circ} 20'$ east a distance of eight and sixty one-hundredths (8.60) feet; thence west a distance of four hundred fifty and twenty one-hundredths (450.20) feet to the place of beginning. This tract contains two acres more or less in Skamania county, State of Washington;

(2) Beginning at the southeast corner of the above described tract; thence north eighty-two degrees forty-three minutes ($82^{\circ} 43'$) east a distance of one hundred seven and no one-hundredths (107.00) feet; thence south twenty-eight degrees thirty-one minutes ($28^{\circ} 31'$) west a distance of two hundred sixty and no one-hundredths feet (260.00); thence south nineteen degrees and seventeen minutes ($19^{\circ} 17'$) east a distance of four hundred seventy-five and no one-hundredths (475.00) feet; thence south eighty-four degrees twenty-eight minutes ($84^{\circ} 28'$) west a distance of ninety-six and no one-hundredths (96.00) feet to a cotton wood tree forty (40) inches in diameter, being a point on the old Wind River survey for the Skamania Boom Company; thence along the said old survey north twenty-four degrees no minutes ($24^{\circ} 00'$) west a distance of one hundred forty-two and no one-hundredths (142.00) feet; thence north fourteen degrees no minutes ($14^{\circ} 00'$) west a distance of sixty and no one-hundredths feet; thence north twenty-three degrees no minutes ($23^{\circ} 00'$) west a distance of ninety-three and no one-hundredths (93.00) feet; thence north twenty-six degrees no minutes ($26^{\circ} 00'$) west a distance of one hundred and no one-hundredths feet (100.00) feet; thence north forty-four degrees no minutes ($44^{\circ} 00'$) west a distance of two hundred and no one-hundredths (200.00) feet;

thence north forty-seven degrees and no minutes ($47^{\circ} 00'$) west a distance of one hundred sixteen and no one-hundredths (116.00) feet; thence north forty-three degrees and no minutes ($43^{\circ} 00'$) west a distance of one hundred and no one-hundredths (100.00) feet; thence east three hundred seventy and twenty one-hundredths feet (370.20); to the place of beginning. This last tract containing 3.20 acres more or less in Skamania county, State of Washington;

(3) Commencing at the $\frac{1}{4}$ corner on west side of Section 27, Township 3 N. of Range 8 E. W. M.; thence East 693 feet; thence North 435 feet; thence East 100 feet; thence North 826 feet to the south line of hatchery grounds to a 4"x4" fir post on the south boundary of the hatchery grounds, said post bearing North $87\frac{1}{2}^{\circ}$ East from the Southeast corner of the hatchery building, a distance of 163 feet, the true point of beginning, thence South 78° West a distance of 355 feet; thence North 215 feet to the right bank of Wind River; thence along the right bank of the Wind River to a point on the south boundary of the hatchery grounds extended; thence South 78° or a distance of 350 feet to the true point of beginning and containing two and one-eighth ($2\frac{1}{8}$) acres more or less, in Skamania county, State of Washington.

Appropriation.

SEC. 2. The proceeds of the sale of the above described lands shall be paid into the state treasury to the fisheries fund and there is hereby appropriated from said fisheries fund the sum of fifty thousand dollars (\$50,000) or so much thereof as shall be necessary for the purpose of reestablishing at another suitable location in the same general vicinity the state fish hatchery now located upon the above described land, but the amount expended for the reestablishment of said hatchery shall in no event ex-

ceed the amount realized from the sale of the above land as herein authorized.

Passed the House March 5, 1937.

Passed the Senate March 8, 1937.

Approved by the Governor March 13, 1937.

CHAPTER 92.

[H. B. 734.]

COMPACT BETWEEN STATES CONCERNING PERSONS ON PROBATION OR PAROLE.

AN ACT to provide that the State of Washington may enter into a compact with any of the United States for mutual helpfulness in relation to convicted persons on probation or parole.

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

SECTION 1. The governor of this state is hereby authorized to execute a compact on behalf of the State of Washington with any of the United States legally joining therein in the form substantially as follows:

Compact
authorized.

A compact entered into by and among the contracting states, signatories hereto, with the consent of the Congress of the United States of America, granted by an act entitled "An Act granting the consent of Congress to any two or more states to enter into agreements or compacts for cooperative effort and mutual assistance in the prevention of crime and for other purposes."

The contracting states solemnly agree:

Agreement.

(1) That it shall be competent for the duly constituted judicial and administrative authorities of a state, party to this compact, (herein called "sending state"), to permit any person convicted of an offense within such state and placed on probation or re-

leased on parole to reside in any other state party to this compact, (herein called "receiving state"), while on probation or parole, if

(a) Such person is in fact a resident of or has his family residing within the receiving state and can obtain employment there;

(b) Though not a resident of the receiving state and not having his family residing there, the receiving state consents to such person being sent there.

Before granting such permission, opportunity shall be granted to the receiving state to investigate the home and prospective employment of such person.

Resident of receiving state.

A resident of the receiving state, within the meaning of this section, is one who has been an actual inhabitant of such state continuously for more than one year prior to his coming to the sending state and has not resided within the sending state more than six continuous months immediately preceding the commission of the offense for which he has been convicted;

Duties of receiving state.

(2) That each receiving state will assume the duties of visitation of and supervision over probationers or parolees of any sending state and in the exercise of those duties will be governed by the same standards that prevail for its own probationers and parolees;

Apprehension and extradition.

(3) That duly accredited officers of a sending state may at all times enter a receiving state and there apprehend and retake any person 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 person to be retaken. All legal requirements to obtain extradition of fugitives from justice are hereby expressly waived on the part of states party hereto, as to such persons. The decision of the sending state to retake a person

on probation or parole shall be conclusive upon and not reviewable within the receiving state: *Provided, however,* That if at the time when a state seeks to retake a probationer or parolee there should be pending against him within the receiving state any criminal charge, or he should be suspected of having committed within such state a criminal offense, he shall not be retaken without the consent of the receiving state until discharged from prosecution or from imprisonment for such offense;

(4) That the duly accredited officers of the sending state will be permitted to transport prisoners being retaken through any and all states parties to this compact, without interference;

Transportation of prisoners through states.

(5) That the governor of each state may designate an officer who, acting jointly with like officers of other contracting states, if and when appointed, shall promulgate such rules and regulations as may be deemed necessary to more effectively carry out the terms of this compact;

Rules and regulations promulgated.

(6) 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 law within such state, the form of execution to be in accordance with the laws of the executing state;

Compact effective, when.

(7) That this compact shall continue in force and remain binding upon each executing state until renounced by it. The duties and obligations hereunder of a renouncing state shall continue as to parolees or probationers residing therein at the time of withdrawal until retaken or finally discharged by the sending state. 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.

Renunciation of compact.

Partial
invalidity.

SEC. 2. If any section, sentence, subdivision or clause of this act is for any reason held invalid or to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act.

SEC. 3. This act may be cited as the Uniform Act for Out-of-State Supervision.

Passed the House March 6, 1937.

Passed the Senate March 9, 1937.

Approved by the Governor March 13, 1937.

CHAPTER 93.

[S. B. 97.]

RELIEF OF SUNNYSIDE VALLEY IRRIGATION DISTRICT.
AN ACT for the relief of the Sunnyside Valley Irrigation District.

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 eight hundred twenty-seven dollars and sixty-four cents (\$827.64) to reimburse the Sunnyside Valley Irrigation District for construction charges paid by said district to the United States on the following described real estate situated in Yakima county, State of Washington, to-wit: The northeast quarter of the northwest quarter and the northwest quarter of the northwest quarter of section sixteen (16), township ten (10) north, range twenty-one (21) E. W. M., which land is owned by the State of Washington, and is included in said district, and the state auditor is hereby directed to draw a warrant for said amount in favor of the Sunnyside Valley Irrigation District.

Passed the Senate February 23, 1937.

Passed the House March 3, 1937.

Approved by the Governor March 13, 1937.

CHAPTER 94.

[S. B. 111.]

MINOR POLITICAL PARTIES.

AN ACT relating to elections, providing for an exclusive method by which minor parties may nominate candidates for public office, and repealing sections 5167 to 5170, inclusive, and sections 5225 to 5249, inclusive, and section 5211, and sections 5250 to 5268, inclusive, of Remington's Revised Statutes.

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

SECTION 1. Any new party or existing political organization not entitled to participate in a primary election may nominate in convention candidates for public office in the manner hereafter set forth.

New or
minor
parties.

SEC. 2. A "convention" for the purposes of this act, is an organized assemblage of at least twenty-five registered voters representing a political party, organization or principle.

"Conven-
tion."

SEC. 3. Any party or organization desiring to hold a convention under this act must, at least ten days before the date of the regular primary election, give notice thereof to the public by publication of a written notice in a newspaper of general circulation in this state published in the county wherein such convention is to be held. Such notice shall contain a statement of the date, hour and place of the calling of the convention and a general statement of the purposes or principles of such party or organization.

Notice of
convention.

SEC. 4. Such convention must take place on the day of the regular primary election and must have a presiding officer and secretary.

Date.

SEC. 5. All nominations made by such convention, shall be certified, as follows: The certificate of nomination, which shall be in writing, shall con-

Certificate of
nomination.

tain the name of each person nominated, his residence, his business, and the office for which he is named, and shall designate, in not more than five words, the party or principle which such convention represents and shall contain proof of publication of the notice of the calling of the convention. It shall be verified by the oath of the presiding officer and secretary of such convention, and signed by at least twenty-five of those present who must be registered voters, and all signers shall add their voting addresses to such certificate for the information of the secretary of state. No person signing such certificate may vote in the primary election held on the day of such convention and his signature shall be invalid if he does so.

Secretary of state to check signatures.

SEC. 6. Upon the receipt of the certificate of nomination provided for in this act, the secretary of state shall check from the records the required signatures thereto to ascertain if the signers are registered voters and whether said signers voted at the primary election held on the same day as said convention. If the secretary of state finds that such certificate is defective or does not comply with this law he shall refuse to file the same and any declarations of candidacy of candidates nominated by such convention.

Declaration of candidacy.

SEC. 7. If the certificate be valid, each candidate nominated by such 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.

Fee.

Candidates to file forty days before general election.

SEC. 8. The certificate of nominations made by such convention, and the declarations of candidacy of the individual candidates nominated may be filed

with the secretary of state at any time after said convention is held, but such filing must be complete forty days before the date of the general election for which such nominations were made.

SEC. 9. If any nominations made by such convention are intended for county, district or other local offices and valid declarations of candidacy have been filed, the secretary of state shall transmit the same to the appropriate county officers for printing upon the official ballot at the same time and in the same manner as nominations for other offices are transmitted, and shall at the same time transmit the filing fees of such county, district or local candidates to the respective county treasurers.

County
offices.

SEC. 10. This act is the exclusive method by which candidates of minor parties, organizations or groups may be nominated and become entitled to a place upon the ballot at the general election.

Exclusive
method.

SEC. 11. Sections 5167 to 5170, inclusive, and sections 5225 to 5249, inclusive, and section 5211, and sections 5250 to 5268, inclusive, of Remington's Revised Statutes be and the same are hereby repealed.

Statutes
repealed.

Passed the Senate February 2, 1937.

Passed the House March 4, 1937.

Approved by the Governor March 13, 1937.

CHAPTER 95.

[S. B. 172.]

INVESTMENTS OF MUTUAL SAVINGS BANKS.

AN ACT relating to and regulating investments of mutual savings banks, amending sections 3, 5, 6, 7, 8, 11, 13, 14, 15, 16 and 20 of, and adding sections 8a and 8b to chapter 74 of the Laws of 1929.

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

Amends
§ 3381-3 Rem.
Rev. Stat.
(§ 365-23
P. C.)

SECTION 1. That section 3 of chapter 74 of the Laws of 1929 (sec. 3381-3, Rem. Rev. Stat.) be amended to read as follows:

Investments:
Bonds of U. S.
and Dominion
of Canada.

Section 3. 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 be 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.

Amends
§ 3381-5 Rem.
Rev. Stat.
(§ 365-25
P. C.)

SEC. 2. That section 5 of chapter 74 of the Laws of 1929 (sec. 3381-5, Rem. Rev. Stat.) be amended to read as follows:

Bonds of
other states.

Section 5. 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.

Amends
§ 3381-6 Rem.
Rev. Stat.
(§ 365-26
P. C.)

SEC. 3. That section 6 of chapter 74 of the Laws of 1929 (sec. 3381-6, Rem. Rev. Stat.) be amended to read as follows:

Bonds or
warrants of
city or other
municipal
corporation
of State.

Section 6. A mutual savings bank may invest its funds in the valid warrants or bonds of any city, town, county, school district, port 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 municipality, county 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 or sewer revenue bonds of any city of this state for the payment of which the entire revenue of the city's water system or sewer system, less maintenance and operating costs, is irrevocably pledged.

Water or sewer revenue bonds.

SEC. 4. That section 7 of chapter 74 of the Laws of 1929 (sec. 3381-7, Rem. Rev. Stat.) be amended to read as follows:

Amends § 3381-7 Rem. Rev. Stat. (§ 365-27 P. C.)

Section 7. 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*, 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 per centum, or the indebtedness of the county less its sinking fund does not exceed seven per centum, of the valuation thereof for the purposes of taxation.

Municipal bonds of adjoining state.

SEC. 5. That section 8 of chapter 74 of the Laws of 1929 (sec. 3381-8, Rem. Rev. Stat.) be amended to read as follows:

Amends § 3381-8 Rem. Rev. Stat. (§ 365-28 P. C.)

Section 8. 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*, Such county, city or school district has a population as shown by the Fed-

Bonds of city or any state of U. S.

eral 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 such investment the indebtedness of such county does not exceed seven per centum 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 corporation 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 per centum of the valuation of such city or school district for purposes of taxation: *Or provided*, Such county, city or school district has a population as shown by the last decennial Federal census of not less than 150,000 inhabitants, and has taxable real property with an assessed valuation in excess of \$200,000,000, and has power to levy taxes on the taxable real property therein for the payment of such obligations without limitation of rate or amount.

Adds § 8a,
ch. 74,
Laws 1929.

SEC. 6. That there be added to chapter 74 of the Laws of 1929 (chapter 4, title 18, Rem. Rev. Stat.) a new section to be known as section 8a to read as follows:

Water revenue bonds of any city in U. S.

Section 8a. A mutual savings bank may invest its funds in the water revenue bonds of any incorporated city situated in the United States: *Provided*, 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 system less maintenance and operating costs is irrevocably pledged to the payment of the interest and principal of the bonds.

SEC. 7. That there be added to chapter 74 of the Laws of 1929 (chapter 4, title 18, Rem. Rev. Stat.) a new section to be known as section 8b to read as follows:

Adds § 8b,
ch. 74,
Laws 1929.

Section 8b. 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 150,000 inhabitants, and has taxable real property with an assessed valuation in excess of \$200,000,000 and has power to levy taxes on the taxable real property therein for the payment of the bonds without limitation of rate or amount.

Bonds of
port, water,
sanitary,
sewer, tunnel,
bridge, flood
control, park
or highway
district in
U. S.

SEC. 8. That section 11 of chapter 74 of the Laws of 1929 (sec. 3381-11, Rem. Rev. Stat.) be amended to read as follows:

Amends
§ 3381-11 Rem.
Rev. Stat.
(§ 365-31
P. C.)

Section 11. 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:

Railroad
obligations.

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 operate not less than 500 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 \$10,000,000 each year for at least five of the six fiscal years next preceding the investment, and

Mileage.

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

Annual
operating
revenue.

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 the accounting regulations of the Interstate Commerce Commission, 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, building 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 act, 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.

Investment limited.

Not more than fifteen per centum of the funds of any savings bank shall be invested in the bonds, notes and certificates defined herein and in section 12 of this act and not more than three per centum of its funds shall be invested in the bonds, notes and certificates of any one such railroad corporation.

Amends
§ 3381-13 Rem.
Rev. Stat.
(§ 365-33
P. C.)

SEC. 9. That section 13 of chapter 74 of the Laws of 1929 (sec. 3381-13, Rem. Rev. Stat.) be amended to read as follows:

Railroad
equipment
obligations.

Section 13. 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:

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

Payable
within
15 years.

(b) 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;

Security.

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

Amount
of issue.

SEC. 10. That section 14 of chapter 74 of the Laws of 1929 (sec. 3381-14, Rem. Rev. Stat.) be amended to read as follows:

Amends
§ 3381-14 Rem.
Rev. Stat.
(§ 365-34
P. C.)

Section 14. 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*, At least seventy-five per centum of the gross operating revenues of the corporation are derived from such business, and not more than fifteen per centum 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*, The corporation is subject to regulation by a public service commission or public utility commis-

Electrical
energy or
artificial
gas bonds.

Corporation
subject to
regulation.

sion, 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:

Annual
statement.

(a) 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;

Capital
stock.

(b) 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*, 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;

Period of
existence.

(c) 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;

Average net
earnings.

(d) 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;

(e) In determining the qualifications of any bond under this section where a corporation shall have 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 paragraph (d) of this section have been complied with;

Qualifica-
tions of bonds
determined.

(f) 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*, 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;

Gross
operating
revenue.

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 provision for renewals and retirements of the physical assets of the corporation, and by adding to said balance its

Net earnings.

income from securities and miscellaneous sources but not, however, to exceed fifteen per centum of said balance;

Require-
ments.

(g) 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*, Such bonds are to be refunded by a junior mortgage providing for their retirement: *Provided, further*, 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 per centum 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*, 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.

Investment
limited.

Not more than fifteen per centum of the funds of any mutual savings bank shall be invested in the bonds defined herein and in section 15 of this act and not more than three per centum of its funds shall be invested in the bonds of any one such corporation.

Amends
§ 3381-15 Rem.
Rev. Stat.
(§ 365-35
P. C.)

SEC. 11. That section 15 of chapter 74 of the Laws of 1929 (sec. 3381-15, Rem. Rev. Stat.) be amended to read as follows:

Utility
mortgage
bonds.

Section 15. 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*, 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:

(a) 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;

Period of
existence.

(b) 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;

Capital stock.

(c) 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

Average net
earnings.

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;

Restrictions.

(d) 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 per centum of the value of the property real and personal owned absolutely and subject to the lien of the mortgage: *Provided*, 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 per centum of the property required as security for the bonds in order to comply with the provisions of this paragraph may consist of stock or unsecured obligations of affiliated or other telephone companies, or both;

Consolidated or merged corporations.

(e) In determining the qualifications of any bond under this section where a corporation shall have 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 paragraph (c) of this section have been complied with;

Gross operating revenue.

(f) 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;

(g) 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 per centum 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.

Net earnings.

SEC. 12. That section 16 of chapter 74 of the Laws of 1929 (sec. 3381-16, Rem. Rev. Stat.) be amended to read as follows:

Amends
§ 3381-16 Rem.
Rev. Stat.
(§ 365-36
P. C.)

Section 16. A mutual savings bank may invest not to exceed five per cent 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 per cent of the gross revenues is derived from the operation of such property:

Telephone
and electrical
energy bonds.

(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;

Corporation
subject to
regulation.

Annual gross revenue.

(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 \$50,000,000.00 during any year;

Regular payment of indebtedness.

(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;

Average net earnings.

(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;

Part of original issue.

(5) Such bonds, notes or debentures shall be part of an original issue of at least \$5,000,000.00; and

Investment limited.

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

Amends § 3381-20 Rem. Rev. Stat. (§ 365-40 P. C.)

SEC. 13. That section 20 of chapter 74 of the Laws of 1929 (sec. 3381-20, Rem. Rev. Stat.) be amended to read as follows:

First mortgage real estate.

Section 20. A mutual savings bank may invest not to exceed seventy per cent of its funds in loans secured by first mortgages on real estate subject to the following restrictions:

Note required.

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;

Clear title.

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

(a) 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

(b) A policy of title insurance; or

(c) 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.

Improved
real estate.

No loan on real estate shall be for an amount greater than sixty per cent 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 five years old, such loan may be for an amount not greater than two-thirds 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 per cent of the cash surrender value of such assigned life insurance.

Loan value.

No mortgage loan shall be made in excess of fifty per cent 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 per cent 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

Insurance.

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, however,* That the savings bank may, at its option, forego insurance in either of the following cases:

(a) A loan upon agricultural land, or

(b) A loan upon a feehold interest in urban property subject to an outstanding lease.

Real estate to be improved by building.

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.

Mortgage loan for more than one year.

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 recommending the loan; and the application and written report thereon shall be filed and preserved with the savings bank records.

Mortgages and assignments taken in name of bank.

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.

Deemed first mortgage.

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

Outstanding lease.

(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.

Non-delin-
quent taxes.

Passed the Senate February 16, 1937.

Passed the House March 3, 1937.

Approved by the Governor March 13, 1937.

CHAPTER 96.

[S. B. 203.]

FORESTS AND FOREST FIRES.

AN ACT relating to forests, fire protection therefor and amending section 5788 of Remington's Revised Statutes.

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

SECTION 1. That section 5788 of Remington's Revised Statutes be amended to read as follows:

Amends
§ 5788 Rem.
Rev. Stat.
(§ 2565 P. C.)

Section 5788. No one shall burn any forest material within any county in this state in which there is a warden or ranger during the period beginning the fifteenth day of April, and ending on the fifteenth day of October in each year, unless a different date for such beginning and ending is fixed by proclamation of the governor, which period is hereby designated as the closed season, without first obtaining permission in writing from the supervisor of forestry, or a warden, or a ranger, and afterwards complying with the terms of said permit; and anyone violating any provisions contained in the preceding portions of this section shall, upon conviction thereof, be fined not less than twenty-five dollars (\$25) nor

Permit to
burn forest
material.

Penalty for
violation
of act.

more than five hundred dollars (\$500) or be imprisoned in the county jail not exceeding thirty (30) days. Such permission for burning shall be given only upon compliance with such rules and regulations as the director of the department of conservation and development shall prescribe, which shall be only such as the director deems necessary for the protection of life or property.

Refusal or
revocation
of permits.

The supervisor of forestry, any of his assistants, any warden or ranger, may at his discretion, refuse, revoke or postpone the use of permits to burn when such act is clearly necessary for the safety of adjacent property.

Passed the Senate February 9, 1937.

Passed the House March 3, 1937.

Approved by the Governor March 13, 1937.

CHAPTER 97.

[S. B. 205.]

FOREST WARDENS.

AN ACT relating to forest protection and amending section 5785, Remington's Revised Statutes.

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

SECTION 1. That section 5785 of Remington's Revised Statutes of Washington shall be amended to read as follows:

Amends
§ 5785 Rem.
Rev. Stat.
(§ 2562 P. C.)

Forest
wardens.

Appoint-
ment.

Section 5785. The state supervisor of forestry shall, subject to the approval of the director of the department of conservation and development, have power to appoint within any region or district in this state where there is timber requiring protection, one or more wardens for all or any portion of the period during which the said supervisor deems that forest fire dangers exist.

The said supervisor may, subject to the approval of the said director, and at such times and in such localities as he deems the public welfare demands, employ one or more wardens whose duty it shall be to examine deforested lands of the state, and ascertain if such lands are chiefly valuable for agriculture, or if they are chiefly valuable for timber growing, with a view to reforestation. The said wardens, shall, under the direction of the said supervisor engage in the discovery of inflammable materials, and cause, or assist in the burning of such material at such times as the burning can be done with a minimum of danger to adjacent timber, or other property. The said wardens, under the direction of the said supervisor, shall report any trespass and illegal cutting upon state timber lands, coming to his notice, and report the same to the state land commissioner.

Examination of deforested lands.

Report of trespass.

The said supervisor shall have power to temporarily suspend any warden or ranger who may be incompetent or unwilling to discharge properly the duties of his office, and to appoint his successor temporarily, until his action shall be passed upon by the said director.

Suspension.

The wardens shall make their headquarters at such place as the said supervisor shall determine, and upon request of said supervisor to the county commissioners of any county, such wardens shall be furnished with suitably equipped office quarters in the county court house, said quarters to be designated by said county commissioners.

Head-quarters.

The authority of the wardens respecting the prevention, suppression and control of forest fires, summoning, impressing or employing help, or making arrests for the violation of this act, may extend to any part of the state.

Authority.

The salaries and necessary expenses of all wardens, together with all wages and expenses incurred

Salaries.

for help and assistance in forest fire protection shall be fixed by the said director, the wages and salaries to be based on but not to exceed going wages and salaries for similar work.

Accounts.

All accounts of the wardens shall be submitted to the said supervisor, as well as all bills for forest fire protection authorized by the wardens.

Reports.

All wardens and rangers shall render reports to the said supervisor on such blanks or forms, or in such manner, and at such times as may be ordered, giving a summary of how employed, the area of county visited, expenses incurred, and such other information as may be called for by the said supervisor.

Passed the Senate February 9, 1937.

Passed the House March 3, 1937.

Approved by the Governor March 13, 1937.

CHAPTER 98.

[S. S. B. 28.]

PUBLIC AUDITORIUMS, ART MUSEUMS AND RECREATIONAL FIELDS.

AN ACT relating to the powers of cities, towns and separately organized park districts in regard to public auditoriums, art museums, and athletic and recreational fields, buildings and facilities, and amending chapter 81 of the Laws of the Extraordinary Session of 1925 by adding thereto a new section to be known as section 3.

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

SECTION 1. That a new section be added to chapter 81 of the Laws of the Extraordinary Session of 1925 (Rem. Rev. Stat., section 8981-2) to be known as section 3 (Rem. Rev. Stat., section 8981-4), reading as follows:

Section 3. Any city or town in this state acting through its council or legislative body, and any sep-

Adds § 8981-4
Rem. Rev.
Stat.
(§ 687d P. C.)

arately organized park district acting through its board of park commissioners or other governing officers, shall have power to acquire by donation, purchase or condemnation, and to construct and maintain public auditoriums, art museums and athletic and recreational fields, including golf courses, buildings and facilities within or without its parks, and to use or let the same for such public and private purposes for such compensation and rental and upon such conditions as its council or other legislative body or board of park commissioners shall from time to time prescribe.

Passed the Senate February 23, 1937.

Passed the House March 8, 1937.

Approved by the Governor March 13, 1937.

CHAPTER 99.

[S. B. 56.]

SENTENCE REDUCTION OF PRISONERS IN COUNTY JAILS.

AN ACT relating to the welfare of prisoners in county jails.

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

SECTION 1. The sentencing judge of the superior court and the sentencing justice of peace of the justice court shall have authority and jurisdiction whereby the sentence of a prisoner, sentenced to imprisonment in their respective county jail, may be reduced five days for each month of confinement therein, for good behavior.

Passed the Senate February 16, 1937.

Passed the House March 8, 1937.

Approved by the Governor March 13, 1937.

CHAPTER 100.

[S. B. 105.]

TITLE OF PROSECUTING ATTORNEY CHANGED
TO DISTRICT ATTORNEY.

AN ACT relating to changing the official title "Prosecuting Attorney," and/or "County Attorney" to "District Attorney"; providing for investigators; defining the powers, duties and responsibilities of such investigators, and declaring an emergency.

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

Title of prosecuting attorney changed to district attorney.

SECTION 1. The official title of the office of Prosecuting Attorney, and/or County Attorney, shall hereafter be known and designated as District Attorney, and the office of Prosecuting Attorney and/or County Attorney shall hereafter be known and designated as the office of District Attorney.

Exercise of powers and duties.

SEC. 2. The District Attorneys of all counties shall have and exercise all such powers, duties and privileges within their respective counties as are by law now and hereafter conferred upon them as Prosecuting Attorneys and/or County Attorneys.

SEC. 3. Wherever the words "Prosecuting Attorney" and/or "County Attorney" are or have been used in the laws of the State of Washington, the same shall be construed to mean District Attorney.

Appointment of investigators.

SEC. 4. Each District Attorney shall appoint as many investigators as shall be necessary to properly administer the affairs of the office of District Attorney, and to enforce the law, and shall have the sole power of discharge of such investigators: *Provided, however,* That the number of such salaried investigators shall not, at any time, exceed three (3) in class A counties, two (2) in first and second class counties, and one (1) in all other counties. Any and all investigators appointed by a District Attorney

shall have the same authority as the sheriff of the county to make arrests anywhere in the county and to serve anywhere in the county, warrants, writs, subpoenas in criminal cases, and all other processes in criminal cases issued by any superior court or justice court in the state, but such investigators shall not be under the authority and direction of the sheriff, and shall only be under the authority and direction of the said District Attorney. Such investigators shall not be allowed to draw any fees of any character for serving legal process of any nature.

SEC. 5. All District Attorneys shall be responsible for the official acts of their investigators, and they shall have the power to require from such investigators bond and security, and they shall have the same remedies against their investigators and the sureties of such investigators as any person can have against the District Attorney and his sureties.

Respon-
sibility for acts
of investiga-
tors.

SEC. 6. If any section or part of a section 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.

Partial
invalidity.

SEC. 7. All laws and parts of laws in conflict herewith are hereby repealed.

Conflicting
laws.

SEC. 8. 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.

Effective
immediately.

Passed the Senate February 20, 1937.

Passed the House March 7, 1937.

Approved by the Governor March 13, 1937.

CHAPTER 101.

[S. B. 155.]

LIVESTOCK RUNNING AT LARGE ON MILITARY
RESERVATIONS.

AN ACT relating to running livestock on Military Reservations used for target ranges, making it unlawful and fixing penalties.

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

SECTION 1. It shall be unlawful for the owner of any livestock to allow such livestock to run at large or be upon any United States military reservation upon which field artillery firing or other target practice with military weapons is conducted. Any owner who permits livestock to run at large or be upon any such reservation shall do so at the risk of such owner and such owner shall have no claim for damages if such livestock is injured or destroyed while so running at large on such reservation: *Provided, however,* That the commanding officer of any such United States military reservation may issue permits for specific areas and for specific periods of time when firing will not be conducted thereon authorizing the owner of such livestock to permit the same to run at large or be upon any such military reservation.

Passed the Senate February 5, 1937.

Passed the House March 8, 1937.

Approved by the Governor March 13, 1937.

CHAPTER 102.

[S. B. 179.]

AUTHORIZING WATER DISTRICTS TO ESTABLISH LOCAL IMPROVEMENT GUARANTY FUNDS.

AN ACT authorizing water districts to establish and maintain local improvement guaranty funds to be derived from a percentage of the gross revenues of the water supply systems of the districts, and amending sections 11589-1, 11589-2, and 11589-3 of Remington's Revised Statutes, being sections 1, 2, and 3 of chapter 82 of the Session Laws of 1935.

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

SECTION 1. That section 11589-1 of Remington's Revised Statutes be and the same is hereby amended to read as follows:

Amends
§ 11589-1 Rem.
Rev. Stat.
(§ 7250-24
P. C.)

Section 11589-1. Every water district in the state is hereby authorized to create a fund for the purpose of guaranteeing, to the extent of such fund, and in the manner hereinafter provided, the payment of all of its local improvement bonds issued, subsequent to the effective date of this act, to pay for any local improvement within its confines. Such fund shall be designated "Local Improvement Guaranty Fund, Water District No.....," and shall be established by resolution of the board of water commissioners. For the purpose of maintaining such fund, every water district, after the establishment thereof, shall at all times set aside and pay into such a fund such proportion of the monthly gross revenues of the water supply system of such water district as the commissioners thereof may direct by resolution. This proportion may be varied from time to time as the commissioners deem expedient or necessary: *Provided, however,* That under the existence of the conditions set forth in subsections (a) and (b) next hereunder, then the proportion must be as therein specified, to-wit:

Local im-
provement
guaranty
fund created.

Bonds.

(a) Whenever any bonds of any local improvement district have been guaranteed under this act and the guaranty fund does not have a cash balance equal to twenty per cent (20%) of all bonds originally guaranteed under this act, (excluding issues which have been retired in full) then twenty per cent (20%) of the gross monthly revenues derived from all water users in the territory included in said local improvement district (but not necessarily from users in other parts of the water district as a whole) shall be set aside and paid into the guaranty fund: *Provided, however,* That whenever, under the requirements of this subsection, said cash balance accumulates so that it is equal to twenty per cent (20%) of all bonds guaranteed, or to the full amount of all bonds guaranteed, outstanding and unpaid (which amount might be less than twenty per cent (20%) of the original total guaranteed), then no further monies need be set aside and paid into said guaranty fund so long as said condition shall continue;

Payments
into fund.

Warrants
issued
against
fund.

(b) Whenever any warrants issued against the guaranty fund, as hereinbelow provided, remain outstanding and uncalled for lack of funds for six (6) months from date of issuance thereof; or whenever any coupons or bonds guaranteed under this act have been matured for six (6) months and have not been redeemed either in cash or by issuance and delivery of warrants upon the guaranty fund, then twenty per cent (20%) of the gross monthly revenues (or such portion thereof as the commissioners of the water district determine will be sufficient to retire said warrants or redeem said coupons or bonds in the ensuing six (6) months) derived from all water users in the water district shall be set aside and paid into the guaranty fund: *Provided, however,* That whenever under the requirements of this subsection all warrants, coupons,

or bonds specified in this subsection above have been redeemed, no further income need be set aside and paid into said guaranty fund under the requirements of this subsection until and unless other warrants remain outstanding and unpaid for six (6) months or other coupons or bonds default;

(c) For the purpose of complying with the requirements of setting aside and paying into the local improvement guaranty fund a proportion of the monthly gross revenues of the water supply system of any water district, as hereinabove provided, said water district shall bind and obligate itself to maintain and operate said system and further bind and obligate itself to establish, maintain and collect such rates for water as will produce gross revenues sufficient to maintain and operate said water supply system and to make necessary provision for the local improvement guaranty fund as specified by this amendment. And said water district shall alter its rates for water from time to time and shall vary the same in different portions of its territory to comply with the said requirements;

Compliance
with re-
quirements.

(d) Whenever any coupon or bond guaranteed by this act shall mature and there shall not be sufficient funds in the appropriate local improvement district bond redemption fund to pay same, then the county treasurer shall pay same from the local improvement guaranty fund of the water district; if there shall not be sufficient funds in the said guaranty fund to pay same, then the same may be paid by issuance and delivery of a warrant upon the local improvement guaranty fund;

Maturity of
bonds or
coupons.

(e) Whenever the cash balance in the local improvement guaranty fund is insufficient for the required purposes, warrants drawing interest at a rate not to exceed seven per cent (7%) per annum may be issued by the county auditor of the county in which the water district is located, against the

Insufficient
cash balance.

said fund to meet any liability accrued against it and must be issued upon demand of the holders of any maturing coupons and/or bonds guaranteed by this act, or to pay for any certificates of delinquency for delinquent installments of assessments as provided in subsection (f) hereunder. Guaranty fund warrants shall be a first lien in their order of issuance upon the gross revenues set aside and paid into said fund;

Delinquent assessments.

(f) Within twenty (20) days after the date of delinquency of any annual installment of assessments levied for the purpose of paying the local improvement bonds of any water district guaranteed under the provisions of this act, it shall be mandatory for the county treasurer of the county in which said water district is located to compile a statement of all installments delinquent, together with the amount of accrued interest and penalty appurtenant to each of said installments. Thereupon the county treasurer shall forthwith purchase (for the water district) certificates of delinquency for all such delinquent installments. Payment for all such certificates of delinquency shall be made from the local improvement guaranty fund and if there shall not be sufficient monies in said fund to pay for such certificates of delinquency, the county treasurer shall accept said local improvement guaranty fund warrants in payment therefor. All such certificates of delinquency shall be issued in the name of the local improvement guaranty fund and all guaranty fund warrants issued in payment therefor shall be issued in the name of the appropriate local improvement district fund. Whenever any market is available and the commissioners of the water district so direct, the county treasurer shall sell any certificates of delinquency belonging to the local improvement guaranty fund: *Provided*, That any such sale must not be for less than face

Certificates of delinquency purchased by district.

Sale.

value thereof plus accrued interest from date of issuance to date of sale;

Such certificates of delinquency, as above provided, shall be issued by the county treasurer of the county in which the water district is located, shall bear interest at the rate of ten per cent (10%) per annum, shall be in each instance for the face value of the delinquent installment, plus accrued interest to date of issuance of certificate of delinquency, plus a penalty of five per cent (5%) of such face value, and shall set forth:

Interest rate.

- (1) Description of property assessed;
- (2) Date installment of assessment became delinquent;
- (3) Name of owner or reputed owner, if known;

Redemption by owner.

Such certificates of delinquency may be redeemed by the owner of the property assessed at any time up to two (2) years from the date of foreclosure of such certificate of delinquency;

If any such certificate of delinquency be not redeemed on the second occurring first day of January subsequent to its issuance, the county treasurer shall then proceed to foreclose such certificate of delinquency in the manner specified for the foreclosure of the lien of local improvement assessments, pursuant to chapter 9 of the Session Laws of 1933 and amendments thereto; and if no redemption be made within the succeeding two (2) years shall execute and deliver a deed conveying fee simple title to the property described in the foreclosed certificate of delinquency.

Foreclosure of certificates.

Deed.

SEC. 2. That section 11589-2 of Remington's Revised Statutes be and the same is hereby amended to read as follows:

Amends § 11589-2 Rem. Rev. Stat. (§ 7250-24c P. C.)

Section 11589-2. Whenever there shall be paid out of a guaranty fund any sum on account of principal or interest upon a local improvement bond, or on account of purchase of certificates of delin-

Payments.

quency, the water district, as trustee for the fund, shall be subrogated to all rights of the holder of the bonds, or interest coupons, or delinquent assessment installments, so paid; and the proceeds thereof, or of the assessment or assessments underlying the same, shall become a part of the guaranty fund. There shall also be paid into each guaranty fund the interest received from the bank deposits of the fund, as well as any surplus remaining in the local improvement funds guaranteed under this act, after the payment of all outstanding bonds payable primarily out of such local improvement funds. As among the several issues of bonds guaranteed by the fund, no preference shall exist, but defaulted interest coupons, bonds shall be purchased out of the fund in the order of their presentation.

Rules and regulations.

The commissioners of every water district operating under the provisions of this act shall prescribe, by resolution, appropriate rules and regulations for the guaranty fund, not inconsistent herewith. So much of the money of a guaranty fund as is necessary and is not required for other purposes under the terms of this act may, at the discretion of the commissioners of the water district, be used to purchase property at county tax foreclosure sales or from the county after foreclosure in cases where such property is subject to unpaid local improvement assessments securing bonds guaranteed under this act and such purchase is deemed necessary for the purpose of protecting the guaranty fund. In such cases the said fund shall be subrogated to all rights of the water district. After so acquiring title to real property, the water district may lease or resell and convey the same in the same manner that county property is authorized to be leased or resold and for such prices and on such terms as may be determined by resolution of the board of water commissioners. Any provision of law to the

contrary notwithstanding, all proceeds resulting from such resales shall belong to and be paid into the guaranty fund.

SEC. 3. That section 11589-3 of Remington's Revised Statutes be and the same is hereby amended to read as follows:

Amends
§ 11589-3 Rem.
Rev. Stat.
(§ 7250-24d
P. C.)

Section 3. Neither the holder nor the owner of any local improvement bonds guaranteed under the provisions of this act shall have any claim therefor against the water district by which the same is issued, except for payment from the special assessment made for the improvement for which said local improvement bonds were issued, and except as against the local improvement guaranty fund of said water district; and the water district shall not be liable to any holder or owner of such local improvement bond for any loss to the guaranty fund occurring in the lawful operation thereof by the water district. The remedy of the holder or owner of a local improvement bond, in case of nonpayment, shall be confined to the enforcement of the assessment and to the guaranty fund. A copy of the foregoing part of this section shall be plainly written, printed or engraved on each local improvement bond guaranteed by this act. The establishment of a local improvement guaranty fund by any water district shall not be deemed at variance from any comprehensive plan heretofore adopted by such water district.

Limitation on
claims and
remedies of
bondholders.

In the event any local improvement guaranty fund hereunder authorized at any time has a balance therein in cash, and the obligations guaranteed thereby have all been paid off, then such balance shall be transferred to the maintenance fund of the water district.

Surplus
transferred
to mainte-
nance fund.

Passed the Senate February 18, 1937.

Passed the House March 7, 1937.

Approved by the Governor March 13, 1937.

CHAPTER 103.

[S. B. 186.]

MARATHON DANCES AND KINDRED PERFORMANCES
PROHIBITED.

AN ACT relating to marathon dances, walkathons, skatathons and other endurance contests and providing penalties for the violation thereof.

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

"Person."

SECTION 1. The word "person" as used in this act shall include any firm, copartnership, corporation, association, society, club or individual.

Endurance performances prohibited.

SEC. 2. It shall be unlawful for any person, firm, corporation, or association of persons to conduct, carry on, manage or maintain, or to cause or permit to be conducted, carried on, managed or maintained, or for any person to participate in, or to cause or permit to be participated in, or to aid or assist in the conducting or maintenance of, any public so-called "marathon dance," "walkathon," "endurathon," "speedathon," or any public endurance dancing, walking, running, skipping, jumping, sliding, gliding, rolling or crawling contest or exhibition under any other designation or name, or any similar exhibition or contest of human endurance in dancing, walking, running, skipping, jumping, sliding, gliding, rolling or crawling within this state.

Athletic contests exempted.

SEC. 3. Nothing contained in this act shall be construed to apply to amateur or professional athletic events or contests, or to high school, college, or intercollegiate athletic contests or sports, or to any events or contests licensed by the state or by any board, commission, or officer thereof.

Penalty for violation.

SEC. 4. Any person, firm, corporation, or association of persons violating any of the provisions of this act shall be deemed guilty of a misdemeanor. Each

separate day or any portion thereof during which any violation of this act occurs or continues shall be deemed to constitute a separate offense.

SEC. 5. Words used in this act in the singular shall include the plural, and words used in the neuter shall include the masculine and feminine.

SEC. 6. If any section, sentence, clause, or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act.

Partial
invalidity.

Passed the Senate February 18, 1937.

Passed the House March 7, 1937.

Approved by the Governor March 13, 1937.

CHAPTER 104.

[S. B. 210.]

UTILITY BONDS ISSUED BY STATE FOREST BOARD.

AN ACT relating to and providing for the acquiring, seeding, reforestation and administering of lands for state forests and the issuance and disposition of three hundred thousand (\$300,000) dollars of utility bonds therefor, and amending section 5, chapter 154, Session Laws of 1923 (section 5812-5 of Remington's Revised Statutes of Washington) and amending section 1 of chapter 117 of the Laws of 1933 as amended by section 2, chapter 126, Laws of 1935 (section 5812-11 of Remington's Revised Statutes of Washington).

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

SECTION 1. That section 5 of chapter 154 of the Laws of 1923 (section 5812-5 of Remington's Revised Statutes of Washington) be amended to read as follows:

Amends
§ 5812-5 Rem.
Rev. Stat.
(§ 2578-12
P. C.)

Section 5812-5. For the purpose of acquiring and paying for lands for state forests and reforestation as herein provided the board may issue utility bonds

Utility bonds.

of the State of Washington, in an amount not to exceed two hundred thousand [dollars] (\$200,000) in principal, during the biennium expiring March 31, 1925, and such other amounts as may hereafter be authorized by the legislature. Said bonds shall bear interest at not to exceed the rate of two per cent per annum which shall be payable annually. Said bonds shall never be sold or exchanged at less than par and accrued interest, if any, and shall mature in not less than a period equal to the time necessary to develop a merchantable forest on the lands exchanged for said bonds or purchased with money derived from the sale thereof. Said bond shall be known as state forest utility bonds. The principal or interest of said bonds shall not be a general obligation of the state, but shall be payable only from the forest development fund hereinafter created. The board may issue said bonds in exchange for lands selected by it in accordance with this act, or may sell said bonds in such manner as it deems advisable, and with the proceeds purchase and acquire such lands. Any of said bonds issued in exchange and payment for any particular tract of land may be made a first and prior lien against the particular land for which they are exchanged, and upon failure to pay said bonds and interest thereon according to their terms, the lien of said bonds may be foreclosed by appropriate court action.

Bonds
exchanged
for lands.

Amends
§ 5812-11 Rem.
Rev. Stat.
(§ 2578-18
P. C.)

SEC. 2. That section 1 of chapter 117 of the Laws of 1933 as amended by section 2 of chapter 126 of Laws of 1935 (section 5812-11 of Remington's Revised Statutes of Washington) be amended to read as follows:

Issuance and
disposal
authorized.

Section 5812-11. That for the purpose of acquiring, seeding, reforestation and administering lands for forests and of carrying out the provisions of chapter 154 of the Laws of 1923, the state forest board is authorized to issue and dispose of utility

bonds of the State of Washington in an amount not to exceed three hundred thousand dollars (\$300,000.00) in principal during the biennium expiring March 31, 1939: *Provided, however,* That no sum in excess of one dollar (\$1.00) per acre shall ever be paid or allowed either in cash, bonds, or otherwise, for any lands suitable for forest growth, but devoid of such, nor shall any sum in excess of three dollars (\$3.00) per acre be paid or allowed either in cash, bonds, or otherwise, for any lands adequately restocked with young growth.

Price paid
for lands
limited.

Passed the Senate February 18, 1937.

Passed the House March 8, 1937.

Approved by the Governor March 13, 1937.

CHAPTER 105.

[S. B. 277.]

ELECTRICAL CONSTRUCTION WORK.

AN ACT relating to electrical construction and amending chapter 24 of the Session Laws of Washington of 1931 (section 5437 of Remington's Revised Statutes of Washington).

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

SECTION 1. That chapter 24 of the Session Laws of the State of Washington of 1931 (section 5437 Remington's Revised Statutes of Washington) be amended to read as follows:

Amends
§ 5437 Rem.
Rev. Stat.
(§ 3450 P. C.)

Section 5437. All wires, cables, poles, electric fixtures and appliances of every kind being used or operated at the time of the passage of this act, shall be changed, and made to conform to the provisions of chapter 130 of the Session Laws of Washington, 1913 (section 5435 of Remington's Revised Statutes of Washington), on or before the 1st day of July, 1940:

Installation
require-
ments.

Director of
Labor and
Industries
may require
protective
devices.

Provided, however, That the director of labor and industries of Washington shall have power, upon reasonable notice, to order and require the erection of all guards, protective devices, and methods of protection which in the judgment of the director are necessary and should be constructed previous to the expiration of the time fixed in this section: *Provided, further,* That nothing in this act shall apply to manholes already constructed, except the provisions for guards, sanitary conditions, drainage and safety appliances specified in rules 20, 24, 26, 29, 30, 31 and 32.

Passed the Senate February 23, 1937.

Passed the House March 7, 1937.

Approved by the Governor March 13, 1937.

CHAPTER 106.

[S. B. 36.]

INHERITANCE TAX.

AN ACT relating to the levy and collection of taxes on inheritances, prescribing the lien of such tax, providing a method of freeing certain assets from such lien, and amending section 104, chapter 180, Session Laws of 1935.

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

Amends
Ch. 180, § 104,
Laws 1935.

SECTION 1. That section 104 of chapter 180, Session Laws of 1935 be amended to read as follows:

Section 104. That section 1 of chapter 55 of the Laws of 1901, as amended (section 11201, Remington's Revised Statutes), is amended to read as follows:

Property
subject to
inheritance
tax.

Section 1. All property within the jurisdiction of this state, and any interest therein, whether belonging to the inhabitants of this state or not, and whether tangible or intangible, which shall pass by will or by the statutes of inheritance of this or any

other state; or by deed, grant, sale or gift made in contemplation of the death of the grantor or donor, or by deed, grant or sale or gift made or intended to take effect in possession or in enjoyment after death of the grantor or donor, or by deed, grant or sale or gift made or intended to take effect in possession or in enjoyment after the death of the grantor or donor to any person in trust or otherwise, shall, for the use of the state, be subject to a tax as provided for in section 2, after the payment of all debts owing by the decedent at the time of his death, the local and state taxes due from the estate prior to his death, and a reasonable sum for funeral expenses, monument or crypt, court costs, including cost of appraisement made for the purpose of assessing the inheritance tax, the fees of executors, administrators or trustees, reasonable attorney's fees, and family allowance not to exceed \$1,000.00, and no other sum, but said debt shall not be deducted unless the same are allowed or established within the time provided by law, and all administrators, executors, and trustees, and any such grantee under a conveyance, and any such donee under a gift, made during the grantor's or donor's life, shall be respectively liable for all such taxes to be paid by them, with interest as hereinafter provided until the same shall have been paid, and whenever property real or personal, other than real property held by the entirety, is held in the joint names of two or more persons, or deposited in banks or other institutions or depositories in the joint names of two or more persons and payable to either or the survivor, upon the death of one of such persons the right of the surviving joint tenants, person or persons to the immediate ownership or possession and enjoyment of such property shall be deemed a transfer taxable under the provisions of this act in the same manner as though the whole property to which such transfer

relates belonged absolutely to the deceased joint tenant or joint depositor and had been devised or bequeathed to the surviving joint tenant or tenants, person or persons, by such deceased joint tenant or joint depositor by will, expecting [excepting] therefrom such parts thereof as may be shown to have originally belonged to such surviving joint tenant, joint depositor or person, and never to have been acquired from the decedent for less than a fair consideration in money or money's worth, and if said property shall have been acquired from decedent for less than such fair consideration, there shall be excepted from the value of said property a portion equal to the amount of the consideration so furnished.

Inheritance
tax lien
upon estate.

The inheritance tax shall be and remain a lien on such estate from the death of the decedent until paid: *Provided, That,*

Lien
transferred
to proceeds
from sale
of estate.

(a) Such part of the gross estate as is sold, pursuant to an order of the court for the payment of charges against the estate and the expenses of its administration, shall be divested of such lien and such lien shall be transferred to the proceeds. A mortgage on property pursuant to an order of court for payment of charges against the estate and expenses of administration shall constitute a lien upon said property prior and superior to the inheritance tax lien which inheritance tax lien shall attach to the proceeds. If the supervisor of the inheritance tax and escheat division is satisfied that the tax liability of an estate has been provided for or will be provided for he may issue his certificate releasing any property of such estate from the lien herein imposed;

Liability
for tax.

(b) If (1) except in the case of a *bona fide* sale for an adequate and full consideration in money or money's worth, the decedent makes a transfer, by trust or otherwise, of any property in contemplation of or intended to take effect in possession or enjoy-

ment at or after his death, or makes a transfer, by trust or otherwise, under which he has retained for his life or for any period not ascertainable without reference to his death or for any period which does not in fact end before his death (A) the possession or enjoyment of, or the right to the income from, the property, or (B) the right, either alone or in conjunction with any person, to designate the persons who shall possess or enjoy the property or the income therefrom, or (2) if insurance passes under a contract executed by the decedent in favor of a specific beneficiary, and if in either case the tax in respect thereto is not paid when due, then the transferee, trustee, or beneficiary shall be personally liable for such tax, and such property, to the extent of the decedent's interest therein at the time of such transfer, or to the extent of such beneficiary's interest under such contract of insurance, shall be subject to a like lien equal to the amount of such tax. Any part of such property sold by such transferee or trustee to a *bona fide* purchaser for an adequate and full consideration in money or money's worth shall be divested of the lien and a like lien shall then attach to all the property of such transferee or trustee, except any part sold to a *bona fide* purchaser for an adequate and full consideration in money or money's worth.

Passed the Senate February 20, 1937.

Passed the House March 8, 1937.

Approved by the Governor March 13, 1937.

CHAPTER 107.

[S. B. 46.]

PUBLIC WORKS PROJECTS BY MUNICIPALITIES.

AN ACT simplifying the procedure for the construction and financing of Public Works projects by municipalities, enabling municipalities to make and perform contracts with Federal agencies relating to the construction and financing of such projects and conferring additional powers upon municipalities.

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

SECTION 1. *Short Title.* This act may be cited as "The Municipal Emergency Procedure Act (Revision of 1937)."

SEC. 2. *Definitions.* The following terms wherever used or referred to in this act shall have the following meaning unless a different meaning appears from the context:

"Municipality."

(a) The term "municipality" shall mean the State, a County, City, Town, District or other municipal corporation or political subdivision;

"Governing body."

(b) The term "governing body" shall mean the body, a board charged with the governing of the municipality;

"Law."

(c) The term "law" shall mean any act or statute, general, special or local, of this state, including, without being limited to, the charter of any municipality;

"Bonds."

(d) The term "bonds" shall mean bonds, interim receipts, certificates, or other obligations of a municipality issued or to be issued by its governing body for the purpose of financing or aiding in the financing of any work, undertaking or project for which a loan or grant, or both, has heretofore been made or may hereafter be made by any Federal agency;

(e) The term "Recovery Act" shall mean the National Industrial Recovery Act, being the Act of the Congress of the United States of America, approved June sixteenth, nineteen hundred thirty-three, entitled "An Act to encourage national industrial recovery, to foster fair competition, and to provide for the construction of certain useful public works, and for other purposes," and any acts amendatory thereof, and any acts supplemental thereto, and revisions thereof, and any further Acts of Joint Resolutions of the Congress of the United States of America to reduce and relieve unemployment or to provide for the construction of public works or for work relief;

"Recovery
act."

(f) The term "Federal Agency" shall include the United States of America, the President of the United States of America, the Federal Emergency Administrator of Public Works, Reconstruction Finance Corporation, and any agency or instrumentality of the United States of America, which has heretofore been or hereafter may be designated, created or authorized to make loans or grants;

"Federal
agency."

(g) The term "public works project" shall mean any work, project, or undertaking which any municipality, is authorized or required by law to undertake or any lawful purpose for which any municipality is authorized or required by law to make an appropriation;

"Public
works
project."

(h) The term "contract" or "agreement" between a Federal agency and a municipality shall include contracts and agreements in the customary form and shall also be deemed to include an allotment of funds, resolution, unilateral promise, or commitment by a Federal agency by which it shall undertake to make a loan or grant, or both, upon the performance of specified conditions or compliance with rules and regulations theretofore or thereafter promulgated, prescribed or published by a

"Contract."
"Agreement."

Federal agency. In the case of such an allotment of funds, resolution, unilateral promise, or commitment by a Federal agency, the terms, conditions and restrictions therein set forth and the rules and regulations theretofore or thereafter promulgated, prescribed or published shall, for the purpose of this act, be deemed to constitute covenants of such a contract which shall be performed by the municipality, if the municipality accepts any money from such Federal agency.

Powers conferred.

SEC. 3. *Powers Conferred.* Every municipality shall have power and is hereby authorized:

Acceptance of grants in aid.

(a) To accept from any Federal agency grants for or in aid of the construction of any public works project;

Contracts.

(b) To make contracts and execute instruments containing such terms, provisions, and conditions as in the discretion of the governing body of the municipality may be necessary, proper or advisable for the purpose of obtaining grants or loans, or both, from any Federal agency pursuant to or by virtue of the Recovery Act; to make all other contracts and execute all other instruments necessary, proper or advisable in or for the furtherance of any public works project and to carry out and perform the terms and conditions of all such contracts or instruments;

Compliance with recovery act.

(c) To subscribe to and comply with the Recovery Act and any rules and regulations made by any Federal agency with regard to any grants or loans, or both, from any Federal agency;

Acts performed.

(d) To perform any acts authorized under this act through or by means of its own officers, agents and employees, or by contracts with corporations, firms or individuals;

Contracts awarded.

(e) To award any contract for the construction of any public works project or part thereof upon any day at least fifteen days after one publication

of a notice requesting bids upon such contract in a newspaper of general circulation in the municipality: *Provided*, That in any case where publication of notice may be made in a shorter period of time under the provisions of existing statute or charter, such statute or charter shall govern;

(f) To sell bonds at private sale to any Federal agency without any public advertisement; Sale of bonds.

(g) To issue interim receipts, certificates or other temporary obligations, in such form and containing such terms, conditions and provisions as the governing body of the municipality issuing the same may determine, pending the preparation or execution of definite bonds for the purpose of financing the construction of a public works project; Interim receipts issued.

(h) To issue bonds bearing the signatures of officers in office on the date of signing such bonds, notwithstanding that before delivery thereof any or all the persons whose signatures appear thereon shall have ceased to be the officers of the municipality issuing the same; Bonds issued.

(i) To include in the cost of a public works project which may be financed by the issuance of bonds: (1) Engineering, inspection, accounting, fiscal and legal expenses; (2) the cost of issuance of the bonds, including engraving, printing, advertising, and other similar expenses; (3) any interest costs during the period of construction of such public works project and for six months thereafter on money borrowed or estimated to be borrowed; Cost of projects.

(j) To stipulate in any contract for the construction of any public works project or part thereof the maximum hours that any laborer, workman or mechanic should be permitted or required to work in any one calendar day or calendar week or calendar month, and the minimum wages to be paid to laborers, workmen or mechanics in connection with any public works project: *Provided*, That no such Stipulation.
Labor.

stipulation shall provide for hours in excess of or for wages less than may now or hereafter be required by any other law;

Exercise
of power.

(k) To exercise any power conferred by this act for the purpose of obtaining grants or loans, or both, from any Federal agency pursuant to or by virtue of the Recovery Act, independently or in conjunction with any other power or powers conferred by this act or heretofore or hereafter conferred by any other law;

(l) To do all acts and things necessary or convenient to carry out the powers expressly given in this act.

Construction
of act.

SEC. 4. *Construction of Act.* The powers conferred by this act shall be in addition and supplemental to and not in substitution for the powers now or hereafter conferred upon any municipality by any other law. This act is intended to aid in relieving the existing emergency by simplifying the procedure for the construction and financing of public works projects. This act is remedial in nature and the powers hereby granted shall be liberally construed. Nothing in this act shall be construed to authorize the issuance of bonds for any purpose by any municipality not authorized to issue bonds for such purpose under any other law heretofore or hereafter enacted, nor to dispense with the approval by a state department, board, officer or commission of a public works project where such approval is necessary under provisions of existing law: *Provided*, That any port district which is now indebted in an amount equal to or in excess of the indebtedness which may be contracted without a vote of the electors of the district is hereby authorized, for the purposes of this act, through its governing body, to contract a further indebtedness and borrow money for port purposes and issue general bonds therefor, as in this act provided, in an additional amount not

exceeding three-fourths of one per centum of the assessed value of the taxable property in the district, without the assent of the voters of the district: *Provided, further,* That such additional indebtedness together with the existing indebtedness of such port district shall not exceed the total indebtedness permitted to be incurred by such port district under existing laws.

SEC. 5. *Separability of Provisions.* If any provision of this act, or the application thereof to any person, body, or circumstances shall be held invalid, the remainder of the act and the application of each provision to persons, bodies, or circumstances other than those as to which it shall have been held invalid shall not be affected thereby.

Partial
invalidity.

Passed the Senate March 4, 1937.

Passed the House March 9, 1937.

Approved by the Governor March 13, 1937.

CHAPTER 108.

[S. B. 77.]

FUNERAL DIRECTORS AND EMBALMERS.

AN ACT relating to and regulating the possession, transportation, treatment and disposition of dead human bodies, the licensing of funeral directors and embalmers, regulating conduct in relation thereto, providing penalties for violation thereof, and repealing sections 1, 8, 10, 11, 12, 13, 14, 16, and 17 of chapter 215 of the Laws of 1909 (sections 8313, 8317, 8319, 8320, 8321, 8322, 8323, 8325, 8326 of Remington's Revised Statutes).

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

SECTION 1. The term "funeral director" as used herein is a person engaged in the profession or business of conducting funerals and supervising or directing the burial and disposal of dead human bodies.

"Funeral
director."

"Embalmer."

The term "embalmer" as used herein is a person engaged in the profession or business of disinfecting, preserving or preparing for disposal or transportation dead human bodies.

Words used in this act importing the singular may be applied to the plural of the person or thing, words importing the plural may be applied to the singular, and words importing the masculine gender may be applied to the female.

License re-
quired after
January 1,
1938.

SEC. 2. On and after the first day of January, 1938, it shall be unlawful for any person to act or hold himself out as a funeral director or embalmer or discharge any of the duties of a funeral director or embalmer as defined in this act unless he shall have first obtained and be the possessor of a valid and subsisting license so to do granted pursuant to the provision of this act, or to open up, maintain or operate more than one place of business for directing or supervising the burial or disposal of dead human bodies, without having or employing at all times at least one funeral director to supervise and direct the business conducted therefrom.

Licenses to
unlicensed
lawful
funeral
directors.

SEC. 3. In order to obtain a license as a funeral director, the applicant must be at least twenty-one (21) years of age and of good moral character. The application must specify a fixed address at which the applicant proposes to engage or conduct a place of business as a funeral director in this state. The applicant 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: *Provided, however,* That any person who has been lawfully engaged in the business of funeral directing in this state continuously for a period of one (1) year or more prior to the 31st day of December,

Registration
of person
engaged in
business.

1937, may register as such with the director of licenses, and upon payment of the license fee hereinafter specified, on or prior to said date, he shall thereupon be entitled to and receive a license as such for the year commencing January 1, 1938, but in case of failure so to register and pay said fee he can thereafter obtain a license only after an examination as herein provided.

SEC. 4. In order to obtain a license as an embalmer, the applicant must be at least twenty-one (21) years of age, of good moral character, have had a high school education or its equivalent, have completed a two-year course of training under a licensed embalmer in this state, have completed a full course of instruction in an embalming school of the class A type with minimum requirements as rated by the conference of embalmers' examining boards of the United States, and must pass an examination in each of the following subjects: Embalming, anatomy including histology, embryology and dissection, pathology, bacteriology, hygiene including sanitation and public health, chemistry including toxicology, and restorative art, including plastic surgery and demi-surgery: *Provided, however,* That any person lawfully licensed as an embalmer in this state may register as such with said director of licenses and, upon the payment of the license fee hereinafter specified, on or prior to said date, he shall thereupon be entitled to and receive a license as such for the year commencing January 1, 1938. In case of failure so to register, he can thereafter obtain a license only after examination as herein provided.

Qualifications
of applicant
for license
as embalmer.

Registration
of person
lawfully
licensed as
embalmers.

SEC. 5. An examination for license hereunder shall be held by the director of licenses at least once each year at a time and place to be designated by him. Application to take an examination may be filed with said director at any time, and the direc-

Examination
for license.

tor shall give each applicant notice of the time and place of the next ensuing examination by written notice mailed to such applicant's address as given upon his application not later than thirty (30) days prior to examination, but no person shall be eligible to take such examination unless his application shall have been on file for a period of at least thirty (30) days prior thereto. The applicant shall be deemed to have passed an examination successfully whenever he shall have attained a grade of not less than seventy-five per centum (75%) in each subject of said examination. Any applicant who shall fail to make the required grade in any subject or subjects in his first examination shall be entitled to a second examination upon such subject or subjects at the next regular examination held, and no fee shall be required for said second examination.

Application
on prescribed
form.

SEC. 6. Every application for a license hereunder, whether for an initial issue or for a renewal of one already granted, shall be made in writing on a form prescribed by the director of licenses and be verified by oath or affirmation before some person authorized by law to administer the same. The original application shall be accompanied by a natural photo of applicant. Every person making application for an initial issue of a license when an examination is required shall pay to the state treasurer the sum of ten dollars (\$10.00) and, in case such application is granted he shall pay the further sum of fifteen dollars (\$15.00) prior to the issuance of such license. Every licensed embalmer or funeral director who has been in the business in the State of Washington not less than one year prior to the 31st day of December, 1936, and who shall register as such with said director of licenses as herein provided, shall, on or prior to the 31st day of December, 1937, pay to the state treasurer the sum of ten dollars (\$10.00), and thereupon he shall be entitled

Examination
fee.

License fee.

to and receive a license as such for the year commencing January 1, 1938. Every licensed embalmer making application for a renewal of his license for the succeeding year shall, on or before the 31st day of December prior to such year, pay to the state treasurer the sum of five dollars (\$5.00), and every licensed funeral director making an application for renewal of his license for the succeeding year shall, on or before the 31st day of December prior to such year, pay to the state treasurer the sum of five dollars (\$5.00), and upon the payment of said fees, the person making the application shall be entitled to a license without examination.

SEC. 7. Every license issued hereunder shall specify the name of the person to whom it is issued, shall bear the signature of the licensee for identification purposes, and shall be displayed conspicuously in his place of business. No license shall be assigned, and not more than one person shall carry on the profession or business of funeral directing or embalming under one license.

License to bear name and signature of person and shall be displayed in conspicuous place.

SEC. 8. When a licensee has, for any reason, allowed his license to lapse, he may be granted a license upon application therefor made to the director of licenses, upon payment to the state treasurer of the sum of twenty-five dollars (\$25.00): *Provided*, Such application is made within one year after the expiration of his previous license. If such application is not made within such one year period, as in this section provided, then the applicant shall be required to take an examination before the director of licenses and pay the license fee, as required by the provisions of this act in the case of initial applications.

Lapse of license.

SEC. 9. It shall be unlawful for any person or persons in this state to use the name of any company, association, corporation, trade name, or busi-

Name displayed in conspicuous place.

ness name, in the operation of any business of funeral directing or embalming where services are rendered or contracted for or advertised to be rendered, unless said person or persons shall display in a conspicuous place upon or near the entrance, or in a conspicuous place in the office, if any, maintained for the transaction of business with the public, a printed statement in a form to be prescribed by the director of licenses, in plain English letters of not less than one inch in height, containing the name of every funeral director or embalmer who shall be engaged in the rendering of service within the office or establishment operated under said company, association, corporation, trade or business name.

Apprentices
registered.

SEC. 10. Every person engaged in the business of funeral directing or embalming, who shall employ an apprentice or apprentices to assist him in the conduct of such business, shall register the name of each apprentice so employed with said director of licenses at the time of the beginning of said apprenticeship, and such person shall also forward to the said director of licenses notice of the termination of such apprenticeship. Such registration shall also be made in the month of January of every year thereafter by the employer of such apprentice during the continuance of such apprenticeship. A fee of five dollars (\$5.00) shall be paid to the state treasurer for the initial registration of such apprentice, and thereafter a fee of two dollars (\$2.00) shall be paid to the state treasurer for each annual renewal of the same.

Fee.

Rules and
regulations.

SEC. 11. For the purpose of carrying out the provisions of this act the director of licenses and state examining committee shall have power and it shall be their duty to adopt, promulgate and enforce reasonable rules and regulations. Said director of licenses shall have the power to suspend or revoke any license, after proper hearing and notice to the

Licenses
revoked or
suspended.

licensee, upon such licensee being found guilty of Grounds:
any of the following acts or omissions:

1. Conviction of a crime involving moral turpitude;

2. Unprofessional conduct which is hereby defined to include:

(a) Misrepresentation or fraud in the conduct of the business or the profession of a funeral director or embalmer;

(b) False or misleading advertising as a funeral director or embalmer;

(c) Solicitation of human dead bodies by the licensee, his agents, assistants or employees, whether such solicitation occurs after death or while death is impending: *Provided*, This act shall not be deemed to prohibit general advertising;

(d) Employment by the licensee of persons known as "cappers" or "steerers" or "solicitors" or other such persons to obtain funeral directing or embalming business;

(e) Employment directly or indirectly of any apprentice, agent, assistant, embalmer, employee, or other person, on part or full time, or on commission, for the purpose of calling upon individuals or institutions by whose influence dead human bodies may be turned over to a particular funeral director or embalmer;

(f) The buying of business by the licensee, his agents, assistants or employees, or the direct or indirect payment or offer of payment of a commission by the licensee, his agents, assistants or employees, for the purpose of securing business;

(g) Gross immorality;

(h) Aiding or abetting an unlicensed person to practice funeral directing or embalming;

(i) Solicitation or acceptance by a licensee of any commission or bonus or rebate in consideration of recommending or causing a dead human body to

be disposed of in any crematory, mausoleum or cemetery;

(j) Using any casket or part of a casket which has previously been used as a receptacle for, or in connection with, the burial or other disposition of, a dead human body;

(k) Violation of any of the provisions of this act;

(l) Violation of any state law or municipal or county ordinance or regulation affecting the handling, custody, care or transportation of dead human bodies;

(m) Fraud or misrepresentation in obtaining a license;

(n) Refusing to promptly surrender the custody of a dead human body, upon the express order of the person lawfully entitled to the custody thereof;

(o) For the selling or offering for sale of shares, certificates or an interest in the business of any funeral director or embalmer or in any corporation owning or conducting an undertaking or embalming establishment, under promise of or purporting to give to the purchasers thereof a right to the services of such funeral director, embalmer or corporation at a charge or cost less than that offered or given to the public at large.

Contagious
diseases
reported.

SEC. 12. Every funeral director and every embalmer shall immediately report to the local health officer every contagious case on which he may be called. There shall be no public funeral of any contagious disease unless authorized by the director of the state board of health, in writing, before burial or disposal.

Misdemeanor
to solicit
business.

SEC. 13. Every funeral director or embalmer who shall pay, or cause to be paid, directly or indirectly, any sum of money, or other valuable consideration, for the securing of business, and every person who shall accept any sum of money, or other

valuable consideration, directly or indirectly, from a funeral director or from an embalmer, in order that the latter may obtain business, and every person who shall sell, or offer for sale, any share, certificate, or interest in the business of any funeral director or embalmer, or in any corporation, firm or association owning or conducting the business of funeral directing or embalming, under promise or representation that the purchaser thereof shall receive or be entitled to the services of such funeral director, embalmer or corporation, firm or association at a price or cost less than that open to the general public, shall be guilty of a gross misdemeanor.

SEC. 14. Whenever any dead human body shall have been in the lawful possession of any person, firm, corporation or association for a period of one year or more, or whenever the incinerated remains of any dead human body have been in the lawful possession of any person, firm, corporation or association for a period of two years or more, and the relatives of, or persons interested in, the deceased person shall fail, neglect or refuse for such periods of time, respectively, to direct the disposition to be made of such body or remains, such body or remains may be disposed of by the person, firm, corporation or association having such lawful possession thereof, under and in accordance with such rules and regulations as may be made and promulgated by said director of licenses, not inconsistent with any statute of the State of Washington or rule or regulation prescribed by the state board of health.

Disposal of
bodies.

SEC. 15. The director of licenses may recognize licenses issued to funeral directors or embalmers from other states and, upon presentation of such licenses may, upon the payment of the sum of twenty-five dollars (\$25.00), issue to the lawful holder thereof the funeral director's or embalmer's

Licenses of
other states.

Reciprocal
licenses.

license herein provided for: *Provided, however,* That such recognition shall not be extended to funeral directors or embalmers holding licenses from other states unless reciprocal rights are granted to holders of funeral directors' or embalmers' licenses granted in the State of Washington. Such reciprocal licenses may be renewed annually upon payment of the renewal license fee as herein provided in the case of license holders residing in the State of Washington. No person shall be entitled to such reciprocal license as a funeral director or embalmer unless he shall furnish proof that he has, in the state in which he is regularly licensed, complied with requirements substantially equal to those set out in this act.

Inspector
appointed.

Qualifica-
tions.

SEC. 16. There shall be appointed by said director of licenses an agent whose title shall be "Inspector of Funeral Directors and Embalmers of the State of Washington." No person shall be eligible for such appointment unless, at the time of his appointment, he shall have been a duly licensed embalmer in the State of Washington, with a minimum experience of not less than five (5) consecutive years both as an embalmer and as a funeral director in the State of Washington. Said inspector shall hold office during the pleasure of said director of licenses, and the duties of said inspector shall be, and he is hereby authorized, to enter the office, premises, establishment or place of business, where funeral directing or embalming is carried on for the purpose of inspecting said office, premises, establishment or place of business, and the licenses and registrations of embalmers, funeral directors and apprentices operating therein. Such inspector shall serve and execute any papers or process issued by the director of licenses under authority of this act, and perform any other duty or duties prescribed or ordered by the director of licenses. Said inspector shall at all

times be under the supervision of said director of licenses and he may also assist the state health commissioner in enforcing the provisions of the law relating to health and such rules and regulations as shall have been made and promulgated by the state board of health.

SEC. 17. Except as otherwise provided in this act, any person who shall violate, or fail to comply with, or aid or abet any person in violation of, or failure to comply with, any provisions of this act or of any of the rules or regulations promulgated by the director of licenses and state examining committee pursuant thereto, shall be guilty of a gross misdemeanor. Penalty for violation.

SEC. 18. If any section, subdivision, sentence or clause of this act shall be held invalid or unconstitutional, such holding shall not affect the validity of the remaining portions of this act. Partial invalidity.

SEC. 19. That sections 1, 8, 10, 11, 12, 13, 14, 16 and 17 of chapter 215 of the Laws of 1909 (sections 8313, 8317, 8319, 8320, 8321, 8322, 8323, 8325, 8326 of Remington's Revised Statutes) are hereby repealed. Statutes repealed.

Passed the Senate March 4, 1937.

Passed the House March 9, 1937.

Approved by the Governor March 13, 1937.

CHAPTER 109.

[S. B. 93.]

SURVEY OF PUBLIC HIGHWAY IN CONNECTION WITH
STATE ROAD NO. 9.

AN ACT providing for the survey and location of a primary state highway in connection with State Road No. 9 in conjunction with water transportation facilities to provide the most feasible route.

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

SECTION 1. The director of highways shall make necessary survey and estimate of cost of a public highway from a junction with State Road No. 9 in the vicinity of Blyn, thence proceeding in a southeasterly direction by direct route to a junction with State Road No. 9 in the vicinity south of Discovery Bay, thence in a southeasterly direction to a point on the westerly shore of Puget Sound, it being the purpose of such survey and estimate to consider also ferry transportation service to the end that such survey may indicate the most practical and direct means of transportation from the point of beginning to Seattle. The director of highways shall submit such survey, report and estimate together with any conclusions and recommendations to the Legislature of the State of Washington at its next regular session of 1939.

Passed the Senate March 6, 1937.

Passed the House March 9, 1937.

Approved by the Governor March 13, 1937.

CHAPTER 110.

[S. B. 108]

ANNEXATION OF TERRITORY BY CITIES AND TOWNS.

AN ACT relating to annexation of territory by certain cities and towns, and amending section 8896 and section 8901 of Remington's Revised Statutes.

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

SECTION 1. That section 8896 of Remington's Revised Statutes is hereby amended to read as follows:

Amends
§ 8896 Rem.
Rev. Stat.
(§ 682 P. C.)

Section 8896. Any portion of a county not heretofore incorporated as a municipal corporation, lying contiguous to any city of the first, second, third or fourth class, may become annexed to such city under the provisions of this act, and when so annexed shall become a part of said city or town: *Provided*, That whenever any such unincorporated territory is separated from any city or town of the above classes by water, or by tide or shore lands on which no *bona fide* residence is maintained by any person, said unincorporated territory shall be deemed contiguous for all the purposes of this act.

SEC. 2. That section 8901 of Remington's Revised Statutes is hereby amended to read as follows:

Amends
§ 8901 Rem.
Rev. Stat.
(§ 687 P. C.)

Section 8901. Nothing herein contained shall be deemed to supersede or repeal any existing law providing for the annexation of adjacent territory or extension of the boundaries of cities or towns of the first, second, third or fourth class, but the same shall be considered as an alternative or concurrent proceeding herewith.

Passed the Senate February 25, 1937.

Passed the House March 8, 1937.

Approved by the Governor March 13, 1937.

CHAPTER 111.

[S. B. 150.]

DEPARTMENT OF SOCIAL SECURITY.

AN ACT creating the state department of social security and several divisions thereof, providing for the appointment of officers to administer such department and divisions and prescribing their powers and duties, abolishing the department of public welfare and divisions thereof, providing for the transfer of property and business of such department to the department of social security and declaring that the act shall take effect April 1, 1937.

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

Department
of Social
Security
created.

SECTION 1. There is hereby created a department of the state government which shall be known as the department of social security. The chief executive officer thereof, who shall be designated the director of social security, shall be appointed by the governor, with the consent of the Senate, and shall hold office at the pleasure of the governor. If the Senate be not in session when this act takes effect or if a vacancy occur 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 for the office.

Six
divisions.

SEC. 2. The department of social security shall be organized into and consist of six divisions to be designated, respectively, (1) the division of public assistance, (2) the division of old-age pensions, (3) the division of unemployment compensation, (4) the division of employment service, (5) the division for children and, (6) the division for the blind.

Director to
have gen-
eral charge
and super-
vision.

SEC. 3. The director of social security shall have general charge and supervision of the department of social security and shall have power to employ such

clerical and other office personnel as may be necessary for the general administration of the department.

SEC. 4. The director of social security shall appoint and deputize six assistant directors to be designated, respectively, the supervisor of public assistance, the supervisor of old-age pensions, the supervisor of unemployment compensation, the supervisor of employment service, the supervisor of children and the supervisor of the blind, who shall have charge and supervision, respectively, of the division of public assistance, the division of old-age pensions, the division of unemployment compensation, the division of employment service, the division for children and the division for the blind. Each such assistant director shall have power, with the approval of the director of social security, to appoint and employ such assistants and clerical and other office personnel as may be necessary to carry on the work of his division.

Assistant
directors.

SEC. 5. The director of social security shall have power, with the approval of the governor, to make such rules and regulations as may be necessary to carry out the powers and duties of his department.

Rules and
regulations.

SEC. 6. The director of social security shall have the power and it shall be his duty, through and by means of the division of public assistance:

Division of
public
assistance.

(1) To exercise all the powers and perform all the duties now vested in, and required to be performed by, the division of relief of the department of public welfare and to exercise all the powers and perform all the duties now exercised and performed by the department of public welfare, or which may hereafter be conferred, in respect to the administration of general public assistance, including assistance to persons who are unemployed, sick, or indigent;

(2) To exercise such other powers and perform such other duties as may be prescribed by law.

Division of
old-age
pensions.

SEC. 7. The director of social security shall have the power and it shall be his duty, through and by means of the division of old-age pensions:

(1) To exercise all the powers and perform all the duties now vested in, and required to be performed by, the division of social security of the department of public welfare in respect to the administration of old-age assistance;

(2) To exercise such other powers and perform such other duties as may be prescribed by law.

Division of
unemploy-
ment com-
pensation.

SEC. 8. The director of social security shall have the power and it shall be his duty, through and by means of the division of unemployment compensation:

(1) To exercise all the powers and perform all the duties which may by law be vested in, and required to be performed by the State of Washington or any officer or agency thereof, in respect to the administration of unemployment compensation;

(2) To exercise such other powers and perform such other duties as may be prescribed by law.

Division of
employment
service.

SEC. 9. The director of social security shall have the power and it shall be his duty, through and by means of the division of employment service:

(1) To exercise all the powers and perform all the duties which may by law be vested in, and required to be performed by the State of Washington or any officer or agency thereof, in respect to the administration of the Washington state employment service;

(2) To exercise such other powers and perform such other duties as may be prescribed by law.

Division for
children.

SEC. 10. The director of social security shall have the power and it shall be his duty, through and by means of the division for children:

(1) To exercise all the powers and perform all the duties now vested in, and required to be per-

formed by, the division of child welfare of the department of public welfare;

(2) To exercise such other powers and perform such other duties as may be prescribed by law.

SEC. 11. The director of social security shall have the power and it shall be his duty, through and by means of the division for the blind:

Division for
the blind.

(1) To exercise all the powers and perform all the duties now exercised and performed by the department of public welfare, or which may hereafter be conferred, in respect to the administration of assistance, pecuniary or otherwise, to blind persons;

(2) To exercise such other powers and perform such other duties as may be prescribed by law.

SEC. 12. The director of social security shall be the responsible state officer for the administration of, and the disbursement of all funds which may be received by the state in connection with, old-age assistance, unemployment compensation, the Washington state employment service, aid to dependent children, aid to the blind, services for crippled children, child-welfare services, vocational rehabilitation, and all other matters included in the Federal social security act approved August 14, 1935, or as the same may be amended, excepting such as are required to be administered by the department of education or the state board for vocational education and excepting such funds administered and disbursed in connection with public health services such as communicable disease control, maternal and child health, sanitation and vital statistics services. He shall make such reports and render such accounting as may be required by the Federal officer, board or bureau having authority in the premises.

Director to
administer
and disburse
all funds.

SEC. 13. This act is necessary for the immediate support of the state government and its existing public institutions and shall take effect April 1, 1937,

Effective
April 1, 1937.

on which date all powers heretofore exercised and duties heretofore performed by the department of public welfare, through and by means of its various divisions, shall devolve upon the department of social security and the divisions thereof created by this act. The department of public welfare, together with all divisions thereof, is hereby abolished, but such abolishment shall not in any way affect the powers conferred or duties required by the statutes whereby such department and divisions were created; nor shall such abolishment affect the validity of any act performed before April 1, 1937. The incumbents of the department and divisions abolished by this act may continue to hold office and perform any act required of them by law until such time after April 1, 1937, as the department of social security and its respective divisions are organized and the officers thereof are duly appointed and qualified.

Department of public welfare and its divisions abolished.

Transfer of books, etc., to department of social security.

SEC. 14. Upon the organization of the department and divisions created by this act, and the appointment and qualification of officers thereof, all funds, books, papers, documents, records, data, files, and all other equipment and property belonging to the department and divisions abolished by this act, together with pending business pertaining thereto, shall be delivered and surrendered to the department of social security and the appropriate division thereof. If any question shall arise as to the proper disposition of such property or business, the matter shall be referred to the governor for determination.

Conflicting acts repealed.

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

Passed the Senate March 1, 1937.

Passed the House March 8, 1937.

Approved by the Governor March 13, 1937.

CHAPTER 112.

[S. B. 204.]

TAX ON CHRISTMAS TREES EXPORTED.

AN ACT relating to evergreen trees and imposing a tax thereon to be collected by means of the issuance of tags, prescribing the duties of certain state officers in connection therewith; amending section 8291-1 and repealing sections 8291-2, 8291-3, and 8291-4 of Remington's Revised Statutes; and enacting new sections to be numbered 8291-2, 8291-3, 8291-4, 8291-5, 8291-6 and 8291-7 of Remington's Revised Statutes.

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

SECTION 1. That section 8291-1 of Remington's Revised Statutes, be amended to read as follows:

Amends
§ 8291-1, Rem.
Rev. Stat.
(§ 3609-11
P. C.)

Section 8291-1. It shall be unlawful for any person, firm or corporation to ship and/or transport to a point outside of the State of Washington and sell any evergreen tree, commonly known as a Christmas tree, including fir, hemlock, spruce and pine trees without first paying the tax thereon, as provided in this act, and no person, firm or corporation, railroad, automobile transportation company, steamship company, or other carrier, whether public or private, shall accept for shipment or transportation, or transport or carry any such evergreen trees to any point outside the State of Washington unless the same have been tagged by the shipper thereof under the provisions of this act.

Unlawful to
ship Christ-
mas trees
without first
paying tax.

SEC. 2. Section 8291-2 of Remington's Revised Statutes is hereby repealed and a new section is enacted in lieu thereof to read as follows:

Lieu § 8291-2,
Rem. Rev.
Stat. (§ 3609-
12 P. C.)

Section 8291-2. There is hereby imposed upon the severance of Christmas trees from the earth of the state and the shipment thereof to points outside the state a tax of one cent (1¢) per tree. The director of licenses shall cause to be prepared, and shall

Severance
tax.

Tags.

issue and sell to shippers of such trees, the tags required by this act. Tags shall be printed on suitable material and shall have printed on one side the value thereof. They shall be prepared in varying denominations of such value as may be determined by the director of licenses, in conjunction with the director of conservation and development, to be suited to the demands of the business. Upon application by shippers the director of licenses shall issue and sell tags at their face value. The proceeds from the sale of tags shall be deposited in the state treasury to the credit of the forest development fund, after first deducting the necessary cost of printing and clerical help incurred by the director of licenses, which deductions shall be credited to the general fund. The director of licenses shall report monthly to the state treasurer the cost of preparing tags, and, with reasonable accuracy, the expense of additional clerical hire necessitated by the issuance and sale of such tags, and the state treasurer shall upon receipt of such report make the necessary adjustment between the general fund and the forest development fund.

Lieu § 8291-3,
Rem. Rev.
Stat. (§ 3609-
13 P. C.)

SEC. 3. Section 8291-3 of Remington's Revised Statutes is hereby repealed and in lieu thereof a new section is enacted to read as follows:

Shipper to
tag trees.

Section 8291-3. Before delivering any Christmas trees to a carrier, either public or private, the shipper shall attach or affix to the tree, or bundle of trees, tags of such denominations as will insure the payment of the taxes imposed by this act. In cases where Christmas trees are shipped loose, each tree shall be tagged; but where shipment is made by bundle, or in any manner other than by individual tree, tags may be attached to the bundle, or other package used in shipping, or posted on the outside of the car or vehicle in which such trees are carried in

such denominations as will insure payment of the tax imposed by this act.

SEC. 4. Section 8291-4 of Remington's Revised Statutes is hereby repealed and in lieu thereof a new section is enacted to read as follows:

Lieu § 8291-4, Rem. Rev. Stat. (§ 3609-14 P. C.)

Section 8291-4. All persons, firms and corporations shipping Christmas trees to points outside the State of Washington, whether by delivery to carriers for hire, or by the use of his or its own conveyance, shall comply with this act.

All persons to comply with act.

SEC. 5. A new section to be numbered 8291-5 of Remington's Revised Statutes is hereby enacted to read as follows:

Added § 8291-5, Rem. Rev. Stat. (§ 3609-15 P. C.)

Section 8291-5. Upon the receipt of any Christmas tree for shipment the carrier shall within thirty (30) days thereafter file a copy of the bill of lading covering such shipment with the state supervisor of forestry. Where shipment is made by use of conveyance operated by the shipper, the trees shall be tagged and the shipper shall report within thirty (30) days thereafter to the state supervisor of forestry, the number of trees in such shipment and the destinations thereof.

Carrier to file bill of lading.

SEC. 6. A new section to be numbered 8291-6 of Remington's Revised Statutes is hereby enacted to read as follows:

Added § 8291-6, Rem. Rev. Stat. (§ 3609-16 P. C.)

Section 8291-6. 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 and/or transported and sold outside the State of Washington during the preceding calendar year, the name of the person, firm or corporation from which said trees were acquired and the legal description of the property from

Annual report.

which such trees were cut, and the place to which such trees were shipped.

Added
§ 8291-7, Rem.
Rev. Stat.
(§ 3690-17
P. C.)

SEC. 7. A new section to be numbered 8291-7 of Remington's Revised Statutes is hereby enacted to read as follows:

Penalty.

Section 8291-7. The violation of any of the provisions of this act shall constitute a gross misdemeanor.

Passed the Senate March 2, 1937.

Passed the House March 9, 1937.

Approved by the Governor March 13, 1937.

CHAPTER 113.

[S. B. 257.]

AUTHORIZING DIRECTOR OF HIGHWAYS TO CONTRACT WITH THE FEDERAL GOVERNMENT.

AN ACT authorizing the director of highways of the State of Washington to make certain agreements with the Federal government as to taking or damaging of state property used for highway purposes, and authorizing and directing the governor to execute proper instruments required by said agreements on behalf of the State of Washington, and providing for the disposition of funds realized thereby.

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

Agreement.

SECTION 1. Whenever it is or may become necessary or desirable for the Federal government or any agency thereof to acquire an interest in or in any way damage any property or interest therein owned by the State of Washington and used in connection with any primary highway in the State of Washington in connection with any Federal project for the development of any river within or partially within the State of Washington, the director of highways of the State of Washington shall be and he hereby is authorized, empowered and directed to negotiate

and enter into an agreement with the proper agency of the Federal government as to the rights which shall be acquired, the compensation which shall be made therefor and the character of instruments by which said rights shall be conveyed, and as to any other matter which may be necessary in order to satisfy the requirements of the Federal government: *Provided, only*, That if the agreement is required to be reduced to writing, the writing be approved as to form by the attorney general of the State of Washington.

Approval by attorney general as to form.

SEC. 2. Whenever in pursuance of the authority contained in section 1 of this act the director of highways shall have entered into an agreement with the Federal government or any agency thereof requiring the execution of any deed, flowage easement, or instrument of any nature, to the said Federal government or agency, and the said instrument is approved as to form by the attorney general of the State of Washington, the governor of the State of Washington shall be and he hereby is authorized and directed without further authority and in the name of the State of Washington to execute and deliver to the proper agency of the Federal government any such instrument or instruments which shall be, when attested by the secretary of state, binding upon the State of Washington.

Governor to execute deed.

Attest by secretary of state.

SEC. 3. Whenever any monies shall be realized by the State of Washington as a result of any agreement authorized by section 1 hereof, the same shall be deposited in the treasury of the State of Washington to the credit of the motor vehicle fund, and shall be available for primary highway purposes only.

Proceeds deposited in state treasury.

Passed the Senate March 6, 1937.

Passed the House March 9, 1937.

Approved by the Governor March 13, 1937.

CHAPTER 114.

[S. B. 295.]

SOCIAL SECURITY: DIVISION FOR CHILDREN.

AN ACT relating to and providing for aid to dependent children, child welfare services and services to crippled children as included in the Federal Social Security Act; prescribing the powers and duties of certain state officers in connection therewith; providing for the fund to care for all services herein mentioned; repealing section 9993 to section 9998, inclusive, Remington's Revised Statutes and chapter 110, of the Laws of 1935, and providing when the act shall take effect.

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

Aid to
dependent
children.

SECTION 1. *Aid to Dependent Children.* For the purpose of this act the term "dependent child" means a child under the age of sixteen (16) years who has been deprived of parental support or care by reason of the death, continued absence from the home, or physical or mental incapacity of a parent, and who is living with his father, mother, grandmother, grandfather, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, or aunt, in a place of residence maintained by one of [or] more of such relatives as his or their own homes. The term "aid to dependent children" means money payments with respect to a dependent child or dependent children.

Administra-
tion of act.

SEC. 2. There is hereby adopted a statewide plan for aid to dependent children: It shall be the duty of the state department of social security, and the department, through and by means of the division for children, is hereby empowered to serve as a single state agency in the administration of this act, and to exercise such supervision and promulgate and enforce such rules and regulations as are necessary

to assure full local compliance with the terms of the Federal grants.

SEC. 3. Such aid shall be granted in such amount as will, when added to the income of the family, provide dependent child or children with a reasonable subsistence compatible with decency and health. The amount of aid to be granted in each case shall be determined upon the basis of need and in view of the particular facts and circumstances of each case.

Amount of aid granted.

SEC. 4. To be eligible for aid granted under this act, it shall be established to the satisfaction of the department of social security that the parent has been a resident of the state for one year, or that the child of such family has resided in this state for a period of one year immediately preceding application for such aid, or was born within the state within one year immediately preceding the application if his mother has resided in the state for one year immediately preceding his birth.

Eligibility for assistance.

SEC. 5. The department of social security, through and by means of the division for children, is hereby designated as the responsible agency for the administration of the aid provided by this act, and it is authorized and directed to formulate in detail and administer the plan established by this act in such manner that allotments or grants from the Federal government may be made available for the support of dependent children. The details of such plan shall be formulated in such manner as to meet with the approval of the Federal agencies created or designated to administer Federal aid to states providing for aid to dependent children.

Plan adopted to meet with approval of Federal agencies.

SEC. 6. *Child Welfare Services.* The department of social security, through and by means of the division for children, shall have the power to cooperate with the Federal government, its agencies or instrumentalities in developing, administering and super-

Child welfare services.

vising a plan for establishing, extending aid and strengthening services for the protection and care of homeless, dependent, and neglected children, and children in danger of becoming delinquent and to receive and expend all funds made available through the department of social security by the Federal government, the state or its political subdivisions for such purposes.

Services to
crippled
children.

SEC. 7. *Services to Crippled Children.* The department of social security, through and by means of the division for children, shall have the power: To establish and administer a program of services for children who are crippled or who are suffering from conditions which lead to crippling, which shall provide for developing, extending, and improving services for locating such children, and for providing for medical, surgical, corrective, and other services and care, and facilities for diagnosis, hospitalization, and after care; supervise the administration of those services, included in the program, which are not administered directly by it; extend and improve any such services, including those in existence on the effective date of this act; cooperate with medical, health, nursing, and welfare groups and organizations, and with any agency of the state charged with the administration of laws providing for vocational rehabilitation of physically handicapped children: To cooperate with the Federal government, through its appropriate agency or instrumentality in developing, extending, and improving such services; and receive and expend all funds made available to the department by the Federal government, the state or its political subdivisions or from other sources, for such purposes.

Cooperation
with Federal
government.

Right of
appeal.

SEC. 8. It is hereby provided that an applicant or recipient of public assistance or services, as provided in this act, who shall be dissatisfied with the decision on his application for such public assistance

or services may appear before the board of county commissioners in the county in which he resides, relative to said complaint. If such complainant is still dissatisfied, he may appeal to the director, and upon such appeal an opportunity shall be granted for a hearing.

SEC. 9. Any person claiming benefit under this act shall file an application with the local administrative board in the county of residence. The local administrative board shall fully establish the facts set forth in the application and any other facts it deems necessary. The department shall have power to issue subpoenas for witnesses, compel their attendance and examine them under oath.

Application.

SEC. 10. All aid granted under this act shall be inalienable by any assignment or transfer and shall be exempt from levy or execution under the laws of the state.

Aid in-
alienable by
assignment
or transfer.

SEC. 11. The supervisor of the division for children shall make a detailed report to the director of social security within ninety days after the first of each calendar year showing all appropriations received and how the same have been expended, and covering its activities and accomplishments for the preceding year, and making recommendations therein for the further improvement of any of the provisions of this act.

Supervisor
to make
annual
report.

SEC. 12. The department of social security, through and by means of the division for children, is hereby empowered and authorized to cooperate with the Federal Social Security Board and the United States Children's Bureau in any reasonable manner as may be necessary to qualify for Federal assistance for aid to dependent children, child welfare services and services to crippled children in conformity with the provisions of the Social Security Act; including the making of such reports in such

Cooperation
with Federal
agencies.

Consent of
parents
required.

form and containing such information as the Federal government, or the proper agency having authority in the premises, may from time to time require, and comply with such provisions as the Federal government may from time to time find necessary: *Provided, further,* Nothing in this act shall be construed as authorizing any state official, agent, or representative, in carrying out any of the provisions of this act, to take charge of any child over the objection of either of the parents of such child, or of the person standing *in loco parentis* to such child.

Rules and
regulations
promulgated.

SEC. 13. The director of social security shall be empowered to promulgate such rules and regulations as shall be necessary to effectuate and carry out the purposes of this act.

Source of
funds.

SEC. 14. The funds necessary to carry out the provisions of this act shall be made available from the revenues provided by the Federal, state and county governments for public assistance.

Gifts and
bequests.

SEC. 15. The department of social security, through and by means of the division for children, is authorized to receive monies by gifts or bequests and expend the same for any of the objects and purposes set forth under this act; and shall include in the annual report to the director of social security a statement of the monies so received and expended.

Statutes
repealed.

SEC. 16. Sections 9993 to 9998, inclusive, of Remington's Revised Statutes and chapter 110 of the Laws of 1935, and all acts or parts of acts in conflict herewith are hereby repealed.

Partial
invalidity.

SEC. 17. If any section, clause or part of this act shall for any reason be adjudged invalid or unconstitutional, such adjudication shall not affect the remaining portions of the act.

Effective
immediately.

SEC. 18. This act is necessary for the immediate preservation of the public peace, health and safety

and the support of the state government and its existing public institutions and shall take effect April 1, 1937.

Passed the Senate March 2, 1937.

Passed the House March 8, 1937.

Approved by the Governor March 13, 1937.

CHAPTER 115.

[S. B. 384.]

HARBOR AREAS AND TIDELANDS RENTALS.

AN ACT relating to the disposition of rents received from leases of harbor areas and tide lands; and amending section 1 of chapter 170 of the Laws of 1913 (section 8016 of Remington's Revised Statutes).

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

SECTION 1. Section 1 of chapter 170 of the Laws of 1913 (section 8016 of Remington's Revised Statutes) is hereby amended to read as follows:

Amends
§ 8016 Rem.
Rev. Stat.
(§ 4492 P. C.)

Section 1. That the rents hereinafter to be paid under existing or future leases of harbor areas and also of tide lands belonging to the State of Washington, shall be hereafter disposed of as follows:

Disposition
of rentals
from harbor
areas and
tidelands.

In cases where the leased harbor area or tide land is situated within the territorial limits of a port district already created or to be hereafter created under the laws of the State of Washington, seventy-five (75) per cent of the rents received for such cases shall be paid by the state treasurer to the county treasurer of the county wherein such port district is situated for the use of such port district and go into a special fund to be expended only for harbor or waterfront improvement purposes and the remaining twenty-five (25) per cent shall be paid into the general fund of the state treasury; except

Within port
district.

that in cases where the port district itself shall have constructed or shall own structures or improvements situate upon leased harbor areas, or tide lands, the entire rentals of such improved area or tide land shall go to such port district. In all other cases seventy-five (75) per cent of the rents shall be paid by the state treasurer into the county treasury of the county in which the leased harbor areas or tide lands are situated, the same to go into a special fund known as the "harbor improvement fund," and to be disbursed only for harbor or harbor improvement purposes; and the remaining twenty-five (25) per cent shall be paid into the general fund of the state treasury. In cases where any leased harbor area or tide land is situated within the limits of any incorporated city or town and is not embraced within the area of any port district, the county commissioners of the county shall allocate the funds received from the lease thereof to the municipal authorities of such city or town, to be expended by said authorities for harbor or waterfront purposes. The state treasurer being hereby authorized and directed to make such payments to the respective county treasurers for the use of such port districts or counties, as the case may be, on the first days of July and January of each year, of all monies in his hands on such dates payable under the terms of this act to such port district and counties respectively.

Within
limits of
incorporated
city or town.

Semi-annual
payments to
county
treasurers.

Passed the Senate March 5, 1937.

Passed the House March 9, 1937.

Approved by the Governor March 13, 1937.

CHAPTER 116.

[S. B. 385.]

FUEL OIL TAX.

AN ACT providing an excise tax upon the business of selling fuel oil and amending sections 78, 79, 80 and 81 of chapter 180, Laws of 1935 (sections 8370-78, 8370-79, 8370-80, 8370-81 of Remington's Revised Statutes).

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

SECTION 1. That section 78 of chapter 180, Laws of 1935 (section 8370-78, Remington's Revised Statutes) be amended to read as follows:

Amends
§ 8370-78
Rem. Rev.
Stat. (§ 7030-
138 P. C.)

Section 78. From and after the first day of May, 1935, there is hereby levied and there shall be collected, in addition to any other taxes provided by law, an excise tax upon every distributor at the rate of one-quarter ($\frac{1}{4}$) cent for each gallon of fuel oil sold, distributed, or withdrawn by him in the State of Washington. The tax herein imposed shall be collected by the director of licenses of this state and shall be paid by every distributor but once in respect to any fuel oil sold, distributed, or withdrawn by him.

Tax on
distributor,
rate.

SEC. 2. That section 79 of chapter 180, Laws of 1935 (section 8370-79, Remington's Revised Statutes) be amended to read as follows:

Amends
§ 8370-79
Rem. Rev.
Stat. (§ 7030-
139 P. C.)

Section 79. For the purposes of this title, unless otherwise required by the context:

(a) The term "fuel oil" shall mean any liquid or liquefiable petroleum product sold, withdrawn or distributed for the generation of heat or power, except kerosene, petroleum gases, liquids produced by liquification [liquefaction] of petroleum gases, and motor vehicle fuel as defined in chapter 58 of the Laws of 1933, as amended by chapter 109 of the Laws of 1935;

Definitions.

(b) The word "distributor" shall mean and include every person who refines, manufactures, produces or compounds fuel oil and sells, withdraws or distributes, the same in this state; also any person who imports any fuel oil into this state and stores, withdraws, sells, distributes, or in any manner uses the same in this state whether in the original package or container in which it is imported or otherwise; also any person who having acquired in this state in the original package or container fuel oil shall distribute or sell the same, whether in such original package or container in which the same was imported or otherwise, or in any manner uses the same;

(c) The words "sale," "sale at retail" or "retail sale," "person" and "successor" shall have the same meaning as is attributed to such words in title II of chapter 180, Laws of 1935;

(d) The words "director" and "department" shall have the same meaning as is attributed to such words in section 1 of chapter 58 of the Laws of Washington, 1933.

SEC. 3. That section 80 of chapter 180, Laws of 1935 (section 8370-80, Remington's Revised Statutes) be amended to read as follows:

Section 80. It is hereby provided that section 2, chapter 58, Laws of Washington, 1933 (section 8327-2, Remington's Revised Statutes) shall be applicable to the taxes imposed under this title: *Provided*, That the total amount of the bond or bonds required therein to be fixed by the director of licenses shall not be less than five hundred (\$500.00) dollars.

Exemptions. No tax shall be assessed under this title upon any distributor for any sale, distribution, or withdrawal of fuel oil:

(a) Sold by the distributor, or, on resale, by any person, to, and paid for by, the government of

Amends
§ 8370-80
Rem. Rev.
Stat. (§ 7030-
140 P.C.)

Laws
applicable.

Exemptions.

the United States or any department thereof: *Provided, however,* The distributor shall, under regulations prescribed by the director of licenses, obtain from the government of the United States or any department thereof proof satisfactory to the director of licenses that the fuel oil was purchased and paid for by the government of the United States or any department thereof;

(b) Sold, withdrawn or distributed by the distributor or purchased by any other person for export from or use outside of the State of Washington: *Provided, however,* The distributor shall, under regulations prescribed by the director of licenses, furnish proof satisfactory to the director of actual export from or use outside of the State of Washington.

SEC. 4. That section 81 of chapter 180, Laws of 1935 (section 8370-81, Remington's Revised Statutes) be amended to read as follows:

Amends
§ 8370-81
Rem. Rev.
Stat. (§ 7030-
141 P. C.)

Section 81. All of the provisions of chapter 58 of the Laws of Washington, 1933, as amended by chapter 109 of the Laws of 1935 (sections 8327-1 to 8327-27, both inclusive, Remington's Revised Statutes), except sections 1, 5, 6, (sections 8327-1, 8327-5 and 8327-6, Remington's Revised Statutes) the first paragraph of section 17 (section 8327-17, Remington's Revised Statutes), all of sections 18, 20, 23, 25, 26, and 27 (sections 8327-18, 8327-20, 8327-23, 8327-25, 8327-26, and 8327-27, Remington's Revised Statutes) thereof, shall have full force and application to this title, as though the words "fuel oil" appeared therein.

Laws
applicable.

SEC. 5. The tax prescribed by this act shall be based upon reports made by each distributor under such rules and regulations as may be prescribed for the purpose of determining whether said products were sold, distributed or withdrawn, or thereafter used, for the generation of heat or power.

Tax based
upon reports
made by
distributors.

Effective
immediately.

SEC. 6. This act is necessary for the immediate support of the state government and its existing public institutions and shall take effect immediately upon its approval.

Passed the Senate March 5, 1937.

Passed the House March 9, 1937.

Approved by the Governor March 13, 1937.

CHAPTER 117.

[S. B. 399.]

FLOOD CONTROL: EMINENT DOMAIN.

AN ACT relating to eminent domain proceedings for the purposes of flood control, amending section 4, chapter 54 of the Laws of 1913 (section 9654, Remington's Revised Statutes), and declaring an emergency.

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

Amends
§ 9654 Rem.
Rev. Stat.
(§ 5951 P. C.)

SECTION 1. Section 4 of chapter 54 of the Laws of 1913 (section 9654, Remington's Revised Statutes) is hereby amended to read as follows:

Eminent
domain.

Section 4. When such a contract shall have been entered into the power of eminent domain is hereby vested in each of such counties, to acquire any lands necessary to straighten, widen, deepen, dike or otherwise improve any such river, its tributaries or outlet or to strengthen the banks thereof, or to acquire any land adjacent to such river, or its tributaries, or the right to cut and remove timber upon the same for the purpose of preventing or lessening the falling of timber or brush into the waters of such river or tributaries, or to acquire any rock quarry, gravel deposit or timber for material for the prosecution of such improvement, together with the necessary rights of way for the same, or to acquire any dam site or other property necessary for flood control purposes. Any such land, property or rights may be acquired by purchase instead of by con-

Purchase or
condemna-
tion.

demnation proceedings. Said right of eminent domain shall extend to lands or other property owned by the state or any municipality thereof. The title to any such lands, property or rights so acquired shall vest in the county in which situate for the benefit of such enterprise and said fund, but when said contract shall have terminated by lapse of time or for any other reason, then such title shall be held by such county independent of any claims whatsoever of the other county, but any material, equipment or other chattel property on hand shall be converted into money and the money divided between the two counties in the ratio of their respective contributions to the fund. The exercise of such rights of eminent domain or purchase shall rest in the joint control of the two boards of county commissioners. Such eminent domain proceedings shall be in the name of and had in the county, where the property to be acquired is situate: *Provided*, If either county shall fail or refuse to institute and prosecute any condemnation proceedings when directed so to do by any legal meeting provided for in section 5 of this act, such proceeding may be instituted and prosecuted by and in the name of the other county. The proceedings may conform to the provisions of sections 921 and 926, inclusive, of Remington & Ballinger's Annotated Codes and Statutes of Washington, or to any general law now or hereafter enacted governing eminent domain proceedings by counties. The awards in and costs of such proceedings shall be payable out of such funds. The purposes in this act specified are hereby declared to be county purposes of each and both of such counties.

SEC. 2. This act is necessary for the immediate preservation of the public peace, health and safety and shall take effect immediately.

Passed the Senate March 5, 1937.

Passed the House March 9, 1937.

Approved by the Governor March 13, 1937.

Title to
lands.

Proceedings.

County
purposes.

Effective
immediately.

CHAPTER 118.

[S. B. 106.]

TAX JUDGMENT SALES.

AN ACT relating to taxation and amending section 120 of chapter 130 of the Laws of 1925, being section 11281 Remington's Revised Statutes.

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

Amends
§ 11281 Rem.
Rev. Stat.
(§ 6882-120
P. C.)

SECTION 1. That section 120 of chapter 130 of the Laws of 1925 (section 11281 Remington's Revised Statutes) be and the same hereby is amended to read as follows:

Judgment of
forfeiture to
be examined
by court.

[Section 120.] The court shall examine each application for judgment foreclosing tax lien, and if defense (specifying in writing the particular cause of objection) be offered by any person interested in any of said lands or lots to the entry of judgment against the same, the court shall hear and determine the matter in a summary manner, without other pleadings, and shall pronounce judgment as the right of the case may be; or said court may, in its discretion, continue such individual cases, wherein defense is offered, to such time as may be necessary, in order to secure substantial justice to the contestants therein; but in all other cases said court shall proceed to determine the matter in a summary manner as above specified. In all judicial proceedings of any kind for the collection of taxes, and interest and costs thereon, all amendments which by law can be made in any personal action pending in such court shall be allowed, and no assessments of property or charge for any of said taxes shall be considered illegal on account of any irregularity in the tax-list or assessment-rolls or on account of the assessment-rolls or tax-list not having been made, completed or returned within the time required by law, or on account of the property having been charged or listed in the assessment

Pleadings.

Continuances.

Correction
of errors
and irregu-
larities.

or tax-lists without name, or in any other name than that of the owner, and no error or informality in the proceedings of any of the officers connected with the assessment, levying or collection of the taxes, shall vitiate or in any manner affect the tax or the assessment thereof, and any irregularities or informality in the assessment-rolls or tax-lists or in any of the proceedings connected with the assessment or levy of such taxes or any omission or defective act of any officer or officers connected with the assessment or levying of such taxes, may be, in the discretion of the court, corrected, supplied and made to conform to the law by the court. The court shall give judgment for such taxes, interest and costs as shall appear to be due upon the several lots or tracts described in said notice of application for judgment or complaint, and such judgment shall be a several judgment against each tract or lot or part of a tract or lot for each kind of tax included therein, including all interest and costs, and the court shall order and direct the clerk to make and enter an order for the sale of such real property against which judgment is made, or vacate and set aside the certificate of delinquency or make such other order or judgment as in the law or equity may be just. Said order shall be signed by the judge of the superior court and attested by the clerk thereof, and a certified copy of said order, together with the list of the property therein ordered sold, shall be delivered to the county treasurer, and shall be full and sufficient authority for him to proceed to sell said property or so much of each tract or lot as may be necessary for said sum as set forth in said order and to take such further steps in the matter as are provided by law. The county treasurer shall immediately after receiving the order and judgment of the court proceed to sell said property as provided in this act to the highest and best bidder for cash.

Judgment.

Order to be signed and attested.

Certified copy to county treasurer.

Treasurer to sell property.

Time of sale. All sales shall be made on Saturday between the hours of 9 o'clock in the morning and 4 o'clock in the afternoon, and shall continue from day to day (Sundays excepted) during the same hours until all lots or tracts are sold, after first giving notice of the time and place where such sale is to take place for ten days successively by posting notice thereof in three public places in such county, one of which shall be in the office of said treasurer. Said notice shall be substantially in the following form:

Notice.

TAX JUDGMENT SALE.

Form of notice.

Public notice is hereby given that pursuant to real property tax judgment of the superior court of the county of....., in the State of Washington, and an order of sale duly issued by said court, entered the.....day of.....,, in proceedings for foreclosure of tax liens upon real property, as per provisions of law, I shall on theday of.....,, at..... o'clock, at the front door of the courthouse in the city of....., and county of....., State of Washington, sell the following described lands or lots, to the highest and best bidder for cash, to satisfy the full amount of taxes, interest and costs adjudged to be due thereon as follows, to-wit: (Description of property.)

In witness whereof, I have hereunto affixed my hand and seal this.....day of.....,

.....
 Treasurer of.....County,
 State of Washington.

County officers and employees shall not purchase.

Provided, That no county officer or employee shall directly or indirectly be a purchaser of such property at such sale. The treasurer may include in one notice any number of separate tracts or lots: *Provided, further,* That if any buildings or improve-

ments shall be upon an area encompassing more than one tract or lot, the same must be advertised and sold as a single unit. Should the highest amount bid for any such separate unit tract or lot be in excess of the entire amount of the taxes and interest due upon the whole property included in such certificate of delinquency, such excess shall be refunded to the record owner of the property. The county treasurer shall execute to the purchaser of any piece or parcel of land a tax deed. The deed so made by the county treasurer, under the official seal of his office, shall be recorded in the same manner as other conveyances of real property, and shall vest in the grantee, his heirs and assigns the title to the property therein described, without further acknowledgment or evidence of such conveyance, and shall be substantially in the following form:

Deed by
county
treasurer.

State of Washington }
County of King } ss.

This indenture, made this.....day of....., between....., as treasurer ofcounty, State of Washington, party of the first part, and....., party of the second part:

Form of
deed.

Witnesseth, that, whereas, at a public sale of real property held on the.....day of....., , pursuant to a real property tax judgment entered in the superior court in the county ofon theday of....., , in proceedings to foreclose tax liens upon real property and an order of sale duly issued by said court,duly purchased in compliance with the laws of the State of Washington, the following described real property, to-wit: (Here place description of real property conveyed) and that said.....has complied with the laws of the State of Washington necessary to entitle

(him, her or them) to a deed for said real property.

Now, therefore, know ye, that, I, _____, county treasurer of said county of _____, State of Washington, in consideration of the premises and by virtue of the statutes of the State of Washington, in such cases provided, do hereby grant and convey unto _____, his heirs and assigns, forever, the said real property hereinbefore described.

Given under my hand and seal of office this _____ day of _____, A. D. _____

County Treasurer.

Passed the Senate February 8, 1937.

Passed the House March 10, 1937.

Approved by the Governor March 13, 1937.

CHAPTER 119.

[S. S. B. 212.]

SLOT MACHINES.

AN ACT relating to slot machines, defining crimes, prescribing penalties for violation thereof, and declaring that this act shall take effect immediately.

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

Slot machines.

SECTION 1. Every person who shall bring into this state, buy, sell, lease, deal in, have in his possession, acquire for the use in or keep in any building or boat or part thereof owned, leased, or occupied

Public place.

by him as a public place as defined in section 3, chapter 62, Laws of 1933, Extraordinary Session, as amended by section 1, chapter 158 of the Session Laws of 1935 (Rem. Rev. Stat., section 7306-3), as distinguished from "club" as defined therein, any

Club.

slot machine of a kind commonly used for gambling,

into which may be or might have been inserted any piece of money or other object and from which as a result of such insertion and the application of physical or mechanical force may issue or might have issued wholly upon any chance or uncertain or contingent event, any piece or pieces of money, or any check or memorandum calling for any money or property, or which check or memorandum is, after issuance, actually redeemed in money or exchanged for property by any person whatsoever, or who shall aid or solicit any other person to do the same, shall be guilty of a felony. Felony.

SEC. 2. It shall be unlawful for any club to own or operate any slot machine as hereinbefore described, unless it shall have filed with the office of the Washington State Patrol and the office of the sheriff in the county in which such club is situated a brief description of the type of machine, the name of the person or firm by whom the same was manufactured, the name and address of the person, firm, or corporation in whom the ownership or title to such machine is vested, and the serial number, if any, the purpose of the description being to identify the particular machine so owned or operated and the ownership thereof. Club to file description of slot machine.

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

Passed the Senate March 6, 1937.

Passed the House March 10, 1937.

Approved by the Governor March 13, 1937.

CHAPTER 120.

[S. B. 233.]

INVESTMENTS OF DOMESTIC INSURANCE COMPANIES.

AN ACT relating to insurance and amending sections 7054-1, 7056, and 7088 of Remington's Revised Statutes.

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

SECTION 1. Section 7054-1 of Remington's Revised Statutes is hereby amended to read as follows:

Section 7054-1. The capital stock of every domestic insurance company required to have a capital to the extent of the minimum capital required by law, except as specifically authorized or limited by this act, shall be invested and kept invested as follows:

(a) In the legally issued bonds, warrants, and securities of the United States, or the District of Columbia, or of any state of the United States, not estimated above their current market value; or,

(b) In the legally issued bonds, warrants, and securities of any county, incorporated city, or incorporated school district of the state, which has not defaulted in the payment of interest on any of its bonds, warrants or securities within three years, and which shall not be estimated above their par value, or their current market value; or,

(c) In the legally issued notes and bonds secured by mortgages or deeds of trust which shall be first liens on unencumbered real property in this state worth fifty per centum more than the amount loaned thereon, except that assessments and taxes not delinquent, party-wall agreements, reservations of minerals, oils, and timber, easements and rights of way for sewer, telephone, telegraph, electric light and power lines, drains, ditches, railroads, etc.; building, use or occupancy restrictions common to

Amends
§ 7054-1 Rem.
Rev. Stat.
(§ 2930 P. C.)

Authorized
investment
of minimum
capital.

the community in which the property is located, liens for service and maintenance of water rights where not delinquent, shall not be regarded as encumbrances: *However*, If under any of such exceptions 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, and the value of any timber or right reserved shall not be included in the appraised value of the property. Where buildings or other improvements constitute a material part of the value of the mortgaged premises, they shall be kept insured against loss or damage by fire in a reasonable amount for the benefit of the mortgagee; or,

(d) In any security or securities or class of security or securities when approved by the Insurance Commissioner.

SEC. 2. That section 7056 of Remington's Revised Statutes is hereby amended to read as follows:

Section 7056. The residue of the capital and the surplus money and funds of every domestic insurance company over and above the amount of the minimum capital required by law shall be invested in or loaned on the pledge of any of the securities approved for investment of minimum capital, in first liens on real property as provided for in subdivision "(c)" of the provisions for investments of minimum capital stock, except only that the real property may be located in any state of the United States; and when authorized and directed by a majority vote of all the directors or trustees of the company, or by a majority of a board or committee authorized by the charter or by-laws of the company or by a majority of a committee duly appointed and authorized by the directors or trustees of the company for the purpose of making investments may be invested in or loaned upon:

(a) The legally issued bonds or warrants of, or local improvement bonds in any solvent municipal

Amends
§ 7056 Rem.
Rev. Stat.
(§ 2930-21
P. C.)

Investment
of residue of
capital and
surplus.

corporation, including those payable solely from the revenues of municipal water works or light and power systems, or in the legally issued bonds or securities of any solvent corporation incorporated under the laws of the United States or of any state thereof;

(b) The legally issued bonds of any solvent irrigation district created as by law provided in this state or in any other state of the United States, whose water rights shall have been legally acquired and finally determined and shall be fully adequate to supply sufficient water to properly irrigate all lands within such districts, and whose storage reservoirs, canals, ditches, flumes, feeders, machinery, equipment, and other works and improvements shall have been acquired, owned, and constructed and be unincumbered except as to such bond issue, and shall be reasonably adequate to fully supply and properly serve such district, and shall have been so far constructed and completed as to be in regular operation and use and adequately irrigating not less than thirty (30) per centum of the lands within such irrigation district.

SEC. 3. That section 7068 of Remington's Revised Statutes is hereby amended to read as follows:

Section 7068. Every domestic insurance company shall have the right to acquire title to any property under the condition of any mortgage owned by it, or by purchase, or sale on execution upon judgment for debts due it previously contracted in the course of its business, or by any process in settlement for debts; and every such company shall have the right in lieu of foreclosure to take title by deed to property covered by any mortgage held by said company which is in default; if such company acquired title to or lien upon any property or securities which it may not otherwise invest in, or loan its funds upon, such company shall dispose of

Amends
§ 7068 Rem.
Rev. Stat.
(§ 2930-14
P. C.)

Time for
disposal of
property
acquired in
course of
business.

all such personal property within one year, and real property within three years from the time of acquiring same, and the commissioner, upon proper showing and application, may extend such period a reasonable time: *Provided, however,* That any such company which has acquired real property in any manner which it is unable to sell advantageously may, with the consent of the insurance commissioner, exchange such property for other real or personal property. Any property acquired as a result of such exchange may be held for the length of time permitted by the insurance code, sold for cash, or in turn exchanged for other property, with the consent of the insurance commissioner.

Passed the Senate March 2, 1937.

Passed the House March 9, 1937.

Approved by the Governor March 13, 1937.

CHAPTER 121.

[S. B. 239.]

TAX ASSESSMENT LISTS.

AN ACT relating to taxation, amending section 65, chapter 130, Laws Extraordinary Session 1925 and section 84, chapter 130, Laws Extraordinary Session 1925 as amended by section 3, chapter 30, Laws of 1935 (sections 11148 and 11245, Remington's Revised Statutes) and declaring an emergency.

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

SECTION 1. That section 65, chapter 130, Laws Extraordinary Session 1925 (section 11148, Remington's Revised Statutes), be amended to read as follows:

Amends
§ 11148 Rem.
Rev. Stat.
(§ 6882-65
P. C.)

Section 65. The assessor shall add up and note the amount of each column in his detail and assess-

Return of
lists by
assessor.

ment lists, which he shall have bound in book form in such manner, to be prescribed or approved by the state tax commission, as will provide a convenient and permanent record of assessment. He shall also make, under proper headings, a tabular statement showing the footings of the several columns upon each page, and shall add and set down under the respective headings the total amounts of each column, which he shall attach to the highest numbered assessment book, and on the first Monday of July he shall file the same, properly indexed, with the clerk of the county board of equalization for the purpose of equalization by the said board. Such returns shall be verified by his affidavit, substantially in the following form:

Filed with county board of equalization.

Form of verification.

State of Washington,County, ss.

I,, assessor....., do solemnly swear that the books No. 1 to No., to the last of which this is attached, contain a correct and full list of all the real property (or personal property, as the case may be) subject to taxation in.....county, so far as I have been able to ascertain the same; and that the assessed value set down in the proper column, opposite the several kinds and descriptions of property, is in each case fifty per cent of the true and fair value of such property, to the best of my knowledge and belief, and that the footings of the several columns in said books, and the tabular statement returned herewith, are correct, as I verily believe.

....., Assessor.

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

(L. S.), Auditor of.....county.

Failure to attach oath.

Provided, That the failure of the assessor to attach his certificate shall in nowise invalidate the assessment. After the same has been duly equalized by

the county and state board of equalization, the same shall be delivered to the county assessor, who shall then extend the amount as levied by the state and county boards upon the said detail and assessment lists as by law provided.

SEC. 2. That section 84, chapter 130, Laws Extraordinary Session 1925 as amended by section 3, chapter 30, Laws of 1935 (section 11245, Remington's Revised Statutes) be amended to read as follows:

Amends
§ 11245 Rem.
Rev. Stat.
(§ 6882-84
P. C.)

Section 84. On receiving the tax rolls from the county auditor the treasurer shall post all real and personal property taxes from said rolls to the treasurer's tax segregation register, and shall carry forward to the current tax roll, or if he so elects to a separate card or other record of delinquencies, a memorandum of all delinquent taxes on each and every description of property, and enter the same opposite or under the property upon which the said taxes are delinquent, in a space provided for that purpose, showing the amounts for each year, and shall then give notice by publication in some newspaper having general circulation in the county, once in each of three consecutive weeks, that the tax rolls have been turned over to him for collection of taxes thereon, on and after the fifteenth day of February. The treasurer shall, when requested, notify each taxpayer in his county, at the expense of the county, having printed on said notice the name of each tax and the levy made on the same, of the amount of his real and personal property, and the total amount of tax due on the same; and from and after the taking effect of this act the county treasurer shall be the sole collector of all delinquent taxes and all other taxes due and collectible on the tax rolls of the county.

Real property
ledger.

Delinquent
taxes on
current roll.

Notice of
taxes due.

Effective
immediately.

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

Passed the Senate March 2, 1937.

Passed the House March 10, 1937.

Approved by the Governor March 13, 1937.

CHAPTER 122.

[S. B. 240.]

TAX ASSESSMENT FIXED AS OF JANUARY FIRST.

AN ACT relating to taxation, providing that property shall be listed and assessed with reference to its value and ownership on January first of the year in which assessed and repealing certain laws.

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

SECTION 1. For the purpose of taxation all real and personal property in the state shall be listed and assessed with reference to its value and ownership on the first day of January at 12 o'clock meridian in the year in which it is assessed.

SEC. 2. All acts and parts of acts in conflict herewith are hereby repealed.

Passed the Senate March 2, 1937.

Passed the House March 10, 1937.

Approved by the Governor March 13, 1937.

CHAPTER 123.

[S. B. 271.]

REGULATION OF COMMERCIAL FISHING IN COLUMBIA RIVER DISTRICT.

AN ACT relating to commercial fishing for food fish in the Columbia River district, defining the powers of the director of fisheries in connection therewith; authorizing the director of fisheries to give to the State of Oregon such consent and approbation as is necessary under and pursuant to the compact between the States of Washington and Oregon as set out in section 5770, Remington's Revised Statutes; and declaring that this act shall take effect immediately.

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

SECTION 1. The director of fisheries shall have the power and he is hereby authorized from time to time to make, adopt, amend and promulgate rules and regulations changing the open and closed seasons for the taking of food fish in the Columbia river district, and specifying and defining the places and waters in which the taking of the several classes of, and all, food fishes is prohibited.

Rules and regulations changing open and closed seasons.

SEC. 2. The director of fisheries 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 section 5770, Remington's Revised Statutes, to change the open and closed seasons in the Columbia river district as permitted in this act.

Consent and approbation.

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

Effective immediately.

Passed the Senate March 5, 1937.

Passed the House March 10, 1937.

Approved by the Governor March 13, 1937.

CHAPTER 124.

[S. B. 338.]

ACTION TO QUIET TITLE AGAINST MORTGAGE LIEN.
 AN ACT relating to mortgages and authorizing in certain cases
 an action to quiet title to real property against such mort-
 gages.

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

SECTION 1. The record owner of real estate may maintain an action to quiet title against the lien of a mortgage on the real estate where an action to foreclose such mortgage would be barred by the statute of limitations, and, upon proof sufficient to satisfy the court, may have judgment quieting title against such mortgage lien.

Passed the Senate March 5, 1937.

Passed the House March 10, 1937.

Approved by the Governor March 13, 1937.

CHAPTER 125.

[S. B. 366.]

CONVEYANCE BY COUNTIES AND CITIES OF LANDS
 FOR STATE FORESTRY BUILDINGS.

AN ACT relating to and providing for the acquiring, reforestation and administration of lands by the state forestry board and authorizing the state forestry board to select, and, county, city or town, to convey lands to the State of Washington for such purposes.

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

Conveyance
 by county,
 city or town.

SECTION 1. That any county, city or town is authorized and empowered to convey to the State of Washington any lands owned by such county, city or town upon the selection of such lands by the forestry board of the State of Washington and

the state forestry board is hereby authorized to select and accept conveyances of lands from such counties, cities or towns, suitable for use by the said forestry board as locations for offices, warehouses and machinery storage buildings in the administration of the forestry laws and lands of the State of Washington: *Provided, however,* No consideration shall be paid by the state nor by the state forestry board for the conveyance of such lands by such county, city or town.

Selection by
state forestry
board.

SEC. 2. That the state forestry board, through the division of forestry of the department of conservation and development, is authorized to use such lands for the purposes hereinbefore expressed and to improve said lands and build thereon any necessary structures for the purposes hereinbefore expressed and expend in so doing such funds as may be authorized by law therefor.

Use and
improvement
of lands.

Passed the Senate March 4, 1937.

Passed the House March 10, 1937.

Approved by the Governor March 13, 1937.

CHAPTER 126.

[S. B. 400.]

QUIT CLAIM DEED BY STATE TO FRED S. SMYTHE ET UX.

AN ACT authorizing the conveyance by quit claim deed on behalf of the State of Washington of certain real estate to Fred S. Smythe and Cora M. Smythe, his wife.

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

SECTION 1. The governor is hereby authorized and directed in the name of the State of Washington to execute and deliver a good and sufficient quit claim deed to Fred S. Smythe and Cora M. Smythe, his wife, which deed shall be attested by the secretary of state to convey to said persons the

Quit claim
deed.

real estate hereinafter described, which real estate was attempted to be conveyed to the State of Washington by deed on the 18th day of November, 1935, and was recorded in volume 547 on page 413 of deeds, in the office of the auditor of Pierce county, Washington, on November 21, 1935, but for which deed no consideration has ever been paid by the State of Washington due to the fact that said deed was made in error and the same now constitutes a cloud upon the title to said land. Said land contains five (5) acres more or less and is described as follows:

Beginning at a point 1924.80 feet due west from the section corner between sections 20, 19, 29 and 30; thence south 523.55 feet; thence east 416.0 feet; thence north 523.55 feet; thence west 416.0 feet to the point of beginning, in section 29, township 22 North, Range 1 E. W. M., all being situated in Pierce county, State of Washington.

Passed the Senate March 4, 1937.

Passed the House March 10, 1937.

Approved by the Governor March 13, 1937.

CHAPTER 127.

[S. B. 84.]

LIMITATION OF ACTIONS.

AN ACT relating to limitation of actions, and amending section 159, Remington's Revised Statutes.

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

SECTION 1. That section 159, Remington's Revised Statutes, be and the same is hereby amended to read as follows:

Section 159. *Within Three Years.*

Within three years:

1. An action for waste or trespass upon real property;

Amends
§ 159 Rem.
Rev. Stat.
(§ 8166 P. C.)

Within
three
years.

Waste and
trespass.

2. An action for taking, detaining, or injuring personal property, including an action for the specific recovery thereof, or for any other injury to the person or rights of another not hereinafter enumerated;

Personal
property.

3. An action upon a contract or liability, express or implied, which is not in writing, and does not arise out of any written instrument;

Contract not
in writing.

4. An action for relief upon the ground of fraud, the cause of action in such case not to be deemed to have accrued until the discovery by the aggrieved party of the facts constituting the fraud;

Fraud.

5. An action against a sheriff, coroner, or constable upon a liability incurred by the doing of an act in his official capacity and by virtue of his office, or by the omission of an official duty, including the nonpayment of money collected upon an execution; but this subdivision shall not apply to action for an escape;

Sheriff,
coroner,
constable.

6. An action against an officer charged with misappropriation or a failure to properly account for public funds intrusted to his custody; an action upon a statute for penalty or forfeiture, where an action is given to the party aggrieved, or to such party and the state, except when the statute imposing it prescribed a different limitation: *Provided, however,* The cause of action for such misappropriation, penalty or forfeiture, whether for acts heretofore or hereafter done, and regardless of lapse of time or existing statutes of limitations, or the bar thereof, even though complete, shall not be deemed to accrue or to have accrued until discovery by the aggrieved party of the act or acts from which such liability has arisen or shall arise, and such liability, whether for acts heretofore or hereafter done, and regardless of lapse of time or existing statute of limitation, or the bar thereof, even though complete, shall exist and be enforceable for three years after

Penalty or
forfeiture.

discovery by aggrieved party of the act or acts from which such liability has arisen or shall arise: *Provided, further,* That no action heretofore barred under the provisions of this paragraph shall be commenced after ninety days from the time this act becomes effective;

Seduction or
breach of
promise.

7. An action for seduction and breach of promise to marriage.

Passed the Senate February 16, 1937.

Passed the House March 8, 1937.

Approved by the Governor March 15, 1937.

CHAPTER 128.

[S. B. 236.]

REHABILITATION SERVICE FOR DISABLED WAR VETERANS.

AN ACT relating to the relief of soldiers, sailors and marines of the disabled American veterans and their families; and making appropriation therefor; and declaring an emergency.

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

Appropriation.

SECTION 1. There is hereby appropriated from the general fund of the State of Washington the sum of five thousand dollars (\$5,000) to be turned over to the Disabled American Veterans of the World War organization for the maintenance of the rehabilitation service to assist war veterans in the prosecution of their equitable claims for compensation on the basis of disabilities of service origin.

Funds expended for
rehabilitation
work only.

SEC. 2. That no elective or appointed officer of said veterans' organization or department officer shall receive any compensation and that no financial aid shall be allowed for the operation of their department office. All funds herein appropriated must be expended for rehabilitation work only.

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

Effective immediately.

Passed the Senate March 2, 1937.

Passed the House March 7, 1937.

Approved by the Governor March 15, 1937.

CHAPTER 129.

[S. B. 60.]

SIXTY HOUR WEEK FOR DOMESTIC EMPLOYEES.

AN ACT relating to the employment of household or domestic employees and providing penalties for its violation.

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

SECTION 1. No male or female household or domestic employee shall be employed by any person for a longer period than sixty hours in any one week. Employed time shall include minutes or hours when the employee has to remain subject to the call of the employer and when the employee is not free to follow his or her inclinations.

Sixty hour week.

Subject to call.

SEC. 2. In cases of emergency such employee may be employed for a longer period than sixty hours.

Emergency.

SEC. 3. In the event any part of this act is held invalid such invalidity shall not affect the validity of the remainder of this act.

Partial invalidity.

SEC. 4. Any employer violating this act shall be guilty of a misdemeanor.

Penalty.

Passed the Senate February 27, 1937.

Passed the House March 9, 1937.

Approved by the Governor March 15, 1937.

CHAPTER 130.

[S. B. 67.]

TRANSFER OF MONIES FROM GENERAL FUND TO
MOTOR VEHICLE FUND.

AN ACT appropriating and transferring one million dollars (\$1,000,000.00) from the general fund to the motor vehicle fund as reimbursement for monies credited to the "General Obligation Bonds of 1933 Retirement Fund," and providing how such transfer shall be effected.

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

Appropriation.

SECTION 1. There is hereby appropriated and transferred from the general fund, out of the monies not otherwise appropriated therein, to the motor vehicle fund, the sum of one million dollars (\$1,000,000.00) as reimbursement for monies heretofore credited from the said motor vehicle fund to the "General Obligation Bonds of 1933 Retirement Fund."

SEC. 2. To carry out the purpose of this act, the state auditor shall issue his warrant or warrants on the state treasurer at such times and in such amounts as the governor shall direct.

Passed the Senate March 4, 1937.

Passed the House March 9, 1937.

Approved by the Governor March 15, 1937.

CHAPTER 131.

[S. B. 143.]

SAFETY REGULATIONS FOR PERSONS WORKING IN
COMPRESSED AIR CHAMBERS.

AN ACT relating to labor, providing for the health and safety of persons employed for work in compressed air, and providing penalties for violation thereof.

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

SECTION 1. The term "pressure" means gauge air "Pressure." pressure in pounds per square inch.

SEC. 2. Every employer of persons for work in compressed air shall: Safety measures.

(1) Connect at least two air pipes with the working chamber and keep such pipes in perfect working condition;

(2) Attach to the working chamber in accessible positions all instruments necessary to show its pressure and keep such instruments in charge of competent persons, with a period of duty for each such person not exceeding six hours in any twenty-four;

(3) Place in each shaft a safe ladder extending its entire length;

(4) Light properly and keep clear such passageway;

(5) Provide independent lighting systems for the working chamber and shaft leading to it, when electricity is used for lighting;

(6) Guard lights other than electric lights;

(7) Protect workmen by a shield erected in the working chamber when such chamber is less than ten feet long and is suspended with more than nine feet space between its deck and the bottom of the excavation;

(8) Provide for and keep accessible to employees working in compressed air a dressing room heated, lighted and ventilated properly and supplied

with benches, lockers, sanitary waterclosets, bathing facilities and hot and cold water;

(9) Establish and maintain a medical lock properly heated, lighted, ventilated and supplied with medicines and surgical implements, when the maximum air pressure exceeds seventeen pounds.

SEC. 3. Every employer of persons for work in compressed air shall:

Medical officer.

(1) Keep at the place of work at all necessary times a duly qualified medical officer to care for cases of illness and to administer strictly and enforce sections 2 and 4 of this act;

Certified nurse.

(2) Keep at a medical lock required by subdivision 9 of section 2 of this act a certified nurse selected by the medical officer required by subdivision 1 of this section and qualified to give temporary relief in cases of illness.

Physical examination of workers.

SEC. 4. If an employee is a new employee, an absentee for ten or more successive days, an employee who has worked in compressed air continuously for three months or a beginner in compressed air who has worked but a single shaft as required by section 5, the officer required by subdivision 1 of section 3 shall examine him and declare him physically fit to work in compressed air before permitting him to enter or reenter the working chamber. Excessive users of intoxicants shall not be permitted to work in compressed air.

Working time divided into two shifts.

SEC. 5. The working time in any twenty-four hours shall be divided into two shifts under compressed air with an interval in open air. Persons who have not previously worked in compressed air shall work therein but one shift during the first twenty-four hours. No person shall be subjected to pressure exceeding fifty pounds except in an emergency. The maximum number of hours to each shift and minimum open air interval between the shifts during any twenty-four hours for any pressure, as

Pressure limit.

given in columns one and two of the following table, shall be as set opposite such pressure in columns three, four, five and six:

SHIFTS AND INTERVALS OF WORK FOR EACH TWENTY-FOUR HOUR PERIOD.

PRESSURE			HOURS		
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Minimum number of pounds	Maximum number of pounds	Maximum total	Maximum first shift in compressed air	Minimum rest interval in open air	Maximum second shift in compressed air
Normal	26	6	3	1	3
26	33	4	2	2	2
33	38	3	1½	3	1½
38	43	2	1	4	1
43	48	1½	¾	5	¾
48	50	1	½	6	½

Shifts and intervals table.

SEC. 6. The employer or person in charge shall not permit any person to pass from compressed air to normal pressure without passing through an intermediate lock or stage of decompression. For tunnels, the rate of such decompression shall be three pounds every two minutes when the pressure is thirty-six pounds or less and one pound every minute when the pressure exceeds thirty-six pounds. For caissons, the rate for any pressure, as given in columns one and two of the following table, shall be as set opposite such pressure in column three:

Intermediate lock.

DECOMPRESSION.

PRESSURE		
Minimum number of pounds	Maximum number of pounds	Minimum number of minutes
..	10	1
10	15	2
15	20	5
20	25	10
25	30	12
30	36	15
36	40	20
40	50	25

Decompression table.

Penalty for violation or noncompliance.

SEC. 7. Violation of or noncompliance with any provision of this article by any employer, manager, superintendent, foreman or other person having direction or control of such work shall be a gross misdemeanor punishable by a fine of not less than two hundred and fifty dollars or by imprisonment for not more than one year or by both such fine and imprisonment.

Director of labor and industries to enforce provisions of act.

SEC. 8. The director of labor and industries through and by means of the division of safety shall have the power and it shall be his duty to enforce the provisions of this act. Any authorized inspector or agent of the division of safety may issue and serve upon the employer or person in charge of such work, an order requiring compliance with a special provision or specific provisions of this act and directing the discontinuance of any employment of persons in compressed air in connection with such work until such specific provision or provisions have been complied with by such employer to the satisfaction of the division of safety.

Passed the Senate March 6, 1937.

Passed the House March 9, 1937.

Approved by the Governor March 15, 1937.

CHAPTER 132.

[S. B. 151.]

SOCIAL SECURITY, DIVISION OF—ASSISTANCE FOR
BLIND PERSONS.

AN ACT establishing within the Department of Social Security a division for improving the condition of the blind and for the prevention of blindness and prescribing the power and duties thereof; making an appropriation therefor; repealing certain acts and parts of acts in conflict herewith and declaring that this act shall take effect April 1, 1937.

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

SECTION 1. *Creation of a Division for the Blind.* There is hereby created within the Department of Social Security a division to be known as the Division for the Blind, which shall be charged with the duty of promoting, in the manner hereinafter set forth, the welfare of blind persons, persons with seriously impaired vision, and persons suffering from conditions which might lead to blindness.

Creation of
division for
the blind.

SEC. 2. *Employees of Division.* The Director shall appoint and depute an Assistant Director to be known as the Supervisor of the Division for the Blind, who shall have charge and supervision of the Division and have power, with the approval of the Director of Social Security to appoint and employ such assistants and personnel as may be necessary to carry on the work of the Division. Such assistants and personnel shall be selected upon the basis of their experience and qualifications in the field of work among the blind, and to the fullest extent possible shall be residents of the State of Washington at the time of their selection. In selecting personnel, blind persons who are qualified and available, shall be employed wherever practicable.

Employees
of division.

SEC. 3. *Prevention of Blindness.* In cooperation with the Department of Public Health, there shall be

Prevention
of blindness.

established and maintained such service as is needed looking toward the prevention of blindness, the purpose of which shall be to determine the causes of blindness, and to inaugurate and cooperate in any preventive measures for the State of Washington as may appear practicable. Whenever a blind or partially blind person can be benefited by medical or surgical treatment for which he is unable to pay, arrangement shall be made for an examination, with the consent of the individual, and for the necessary treatment by an ophthalmologist or physician skilled in the diseases of the eye.

Vocational
aid and
training.

SEC. 4. *Vocational Aid and Training.* The Department of Social Security through the Division for the Blind may maintain or cause to be maintained, in cooperation with the Division of Vocational Rehabilitation of the State Board of Vocational Education, services for vocational aid and training the objects of which shall be:

(a) To aid blind persons in finding suitable remunerative employment;

(b) To teach blind persons trades or occupations which may be followed in their homes and to assist them in whatever manner may seem advisable in disposing of the products of their home industries;

(c) To establish and/or maintain one or more training schools and/or workshops to teach blind persons trades or occupations when such training is feasible and will contribute to the efficiency and/or self-support of such blind person and to devise means for the sale and distribution of the products thereof;

(d) To provide living maintenance to blind persons during their training or instruction in any suitable occupation, whenever the training or instruction in question will contribute to the self-support of such blind persons. When special educational oppor-

tunities cannot be had in this state, they may be arranged for, outside the state;

(e) To aid individual blind persons or groups of blind persons to become self-supporting by furnishing materials or machinery to them, and also

(f) To provide home visitation and home teaching of subjects which will assist blind persons in the ease and enjoyment of daily living.

SEC. 5. *Accounts and Audit for Industries.* There shall be separate books of accounts for the industries of the Division for the Blind, and all monies received from the sale of any products made at its training schools and/or work shops or from the sale of products made under its supervision to which it has title shall be paid into the State Treasury to be considered a part of the appropriation.

Accounts and
audit for
industries.

SEC. 6. *Supervision.* It shall be the duty of the Department of Social Security, through the Division for the Blind, to serve as the state supervising agency in the administration of assistance as provided in this act.

Supervision.

SEC. 7. *Administration of Assistance.* County Commissioners acting as a local administrative board shall be charged with the duty of administering financial assistance to needy individuals who are blind in the manner hereinafter provided.

Administra-
tion of
assistance.

SEC. 8. *Eligibility for Assistance.* Assistance shall be granted under this act to an applicant:

Eligibility for
assistance.

(a) Who is twenty-one years of age or over; or who has reached his sixteenth birthday and is found not to be acceptable for education at the State School for the Blind;

(b) Who has no vision or whose vision, with correcting glasses, is so defective as to prevent the performance of ordinary activities for which eyesight is essential;

(c) Who is unable to provide himself with the necessities of life; has insufficient means of his own

to support him, and whose total income and resources are less than \$900 per year;

(d) Who has resided in this state for five years during the nine years immediately preceding the date of application, or who suffered loss of sight while a resident of this state and has resided continuously in this state since such loss of sight; and who has resided in this state continuously for one year immediately preceding the date of application; and

(e) Who is not an inmate of any public institution: *Provided*, That an inmate of a public institution may make application while in such institution but the assistance if granted shall not be paid until after he ceases to be such an inmate; and

(f) Who is not, at the time of making application, suffering from mental or physical infirmity, which, in itself, would make him a charge upon any public institution or other public agency; and

(g) Who is not publicly soliciting alms in any part of this state. The term "publicly soliciting" shall be construed to mean the wearing, carrying, or exhibiting of signs denoting blindness and the carrying of receptacles for the reception of alms, or the doing of the same by proxy, or by begging.

Application.

SEC. 9. *Application.* Any person claiming benefit under this act shall file an application with the local administrative board in the county of residence. The local administrative board shall fully establish the facts set forth in the application and any other facts it deems necessary. An examination of the applicant's eyes by an ophthalmologist or physician skilled in the diseases of the eye shall be provided without charge to the applicant.

Monthly
payments,
amount.

SEC. 10. If the local administrative board is satisfied that the applicant is entitled to assistance under the provisions of the act, assistance shall be granted, said assistance to be paid in monthly payments from

the funds appropriated for public assistance. The amount of assistance which any person shall receive shall be determined with due regard to the resources and necessary expenditures of the individual and the conditions existing in each case and such assistance shall be, together with all other income and resources of the recipient, not less than \$40.00 per month.

On the death of a recipient of aid to the Blind, reasonable funeral expenses not to exceed one hundred dollars (\$100) shall be paid by the Department of Social Security if the estate of the deceased is insufficient to pay the same.

Funeral expenses.

SEC. 11. *Guardian.* If a person receiving assistance under this act is, on the testimony of reputable witnesses, found incapable of handling such money the payment may be directed to a legally appointed guardian.

Guardian.

SEC. 12. *Annual Reinvestigation.* A reinvestigation of the conditions of all recipients of assistance shall be made annually or more often as deemed to be necessary, and in case the condition of a recipient is found to have changed the amount of the assistance shall be increased, modified or discontinued as the changed conditions may warrant.

Annual re-investigation.

SEC. 13. *Right of Appeal.* Any blind applicant for or recipient of financial assistance who is dissatisfied with the action of the Division for the Blind regarding his application for benefit under this act may appeal to the local administrative board, if not satisfied an appeal may be made to the Director of Social Security, and upon such appeal shall be granted a further hearing. Written notice shall be given of the date and place of such hearing. The opportunity shall be given to present all facts with supporting evidence which bear upon the eligibility for assistance. The claimant and the Division for the Blind shall be duly notified of the decision which

Right of appeal.

shall be deemed to be the final decision, unless within ten days further appeal is initiated showing pertinent facts not filed at the time of hearing. In such instances the Director if he deems the facts to have a bearing upon the decision shall give written notice of rehearing.

Recipient of old age assistance not eligible.

SEC. 14. *Recipient of Old Age Assistance Not Eligible.* No assistance shall be given under the provision of this act to any individual for any period with respect to which he is receiving aid under chapter 182, Laws of 1935, of the State of Washington, or any acts amendatory thereof or supplemental thereto.

Fraudulent claim a misdemeanor.

SEC. 15. *Fraudulent Claim a Misdemeanor.* Any person who shall knowingly or wilfully procure or attempt to procure, directly or indirectly, any allowance for assistance under this act, for or on account of a person not entitled thereto, or who shall knowingly or wilfully pay or permit to be paid any allowance to a person not entitled thereto, shall be guilty of a misdemeanor.

Recovery from recipient.

SEC. 16. *Recovery from a Recipient.* If at any time during the continuance of assistance the recipient thereof becomes possessed of any property or income in excess of the amount enjoyed at the time of the granting of assistance it shall be the duty of the recipient immediately to notify the local administrative office of the receipt or possession of such property or income and the local administrative board may, after investigation, either cancel the assistance or alter the amount thereof in accordance with the circumstances. Any assistance paid after the recipient has come into possession of such property or income and in excess of his need shall be recoverable by the state as a debt due to the state.

Rules and regulations.

SEC. 17. *Rules and Regulations.* The Director of the Department of Social Security shall have the

power to make rules and regulations and take such action as may be necessary or desirable for carrying out the provisions of this act.

SEC. 18. *Cooperation with Federal Government.* The Department of Social Security is hereby empowered and authorized to cooperate with the Federal Social Security Board, created under the Social Security Act, approved August 14, 1935, and the United States office of Education in the administration of the Sheppard-Randolph Act approved June 20, 1936, in any reasonable manner as may be necessary to qualify for Federal assistance to the needy blind in conformity with the provisions of these acts; including the making of such reports in such form and containing such information as the Federal government may from time to time require, and comply with such provisions as the Federal government may from time to time find necessary.

Cooperation
with Federal
government.

SEC. 19. *Division May Receive Gifts.* The Department of Social Security through its Division for the Blind is authorized to receive monies by gifts or bequest and expend the same for any of the objects and purposes set forth under this act; and shall include in the annual report to the Director of Social Security a statement of the monies so received and expended.

Division may
receive gifts.

SEC. 20. *Report of Division.* The Supervisor of the Division for the Blind shall make a detailed report to the Director of Social Security within ninety days after the first of each calendar year showing all appropriations received and how the same have been expended, and covering its activities and accomplishments for the preceding year, and making recommendations therein for the further improvement of the condition of the blind and the prevention of blindness in the state.

Report of
division.

SEC. 21. *Validity.* If any portion of this act shall be declared unconstitutional, such declaration shall

Partial
invalidity.

not affect the validity of the remaining portions of this act, which shall remain in force as though such declaration had not been made.

Conflicting
acts
repealed.

SEC. 22. *Repeal.* Chapter 102, Laws of 1933, and chapter 106, Laws of 1935, and all acts or parts of acts in conflict herewith, are hereby repealed.

Effective
April 1, 1937.

SEC. 23. *Effective Date.* This act is necessary for the immediate preservation of public peace, health and safety and shall take effect April 1, 1937.

Passed the Senate March 1, 1937.

Passed the House March 9, 1937.

Approved by the Governor March 15, 1937.

CHAPTER 133.

[S. B. 154.]

CHATTEL MORTGAGES AND CONDITIONAL SALES CONTRACTS.

AN ACT relating to chattel mortgages and contracts of conditional sales of personal property or leases thereof; prescribing the mode of satisfaction or release thereof; imposing a penalty and amending section 8 of chapter XCVIII of the Session Laws of 1899 (Remington's Revised Statutes, section 3787) and adding thereto three new sections to be known as sections 9, 10 and 11 (Remington's Revised Statutes, sections 3787-1, 3787-2 and 3787-3).

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

Amends
§ 3787 Rem.
Rev. Stat.
(§ 9766 P. C.)

SECTION 1. Section 8 of chapter XCVIII of the Session Laws of 1899 (Remington's Revised Statutes, section 3787) is hereby amended to read as follows:

Certificate of
satisfaction.

Section 8. Whenever any mortgage or contract of conditional sale of personal property or lease thereof, which has been filed or recorded with the county auditor, has been paid, or the conditions thereof satisfied, the mortgagee, or vendor, or his

assignee or personal representatives, shall make to the mortgagor, or vendee, his assignee or personal representatives a certificate in writing, under his hand and acknowledged by him, stating the date of the mortgage or contract, the names of the parties thereto, the auditor's file number thereof, and that the same has been discharged in full; and shall file or record such certificate in writing with the officer with whom such mortgage or contract is filed, the said officer shall deliver said mortgage or contract to the person producing such certificate on payment of the proper fee for filing or recording said certificate, and shall file said certificate in his office, endorsing thereon the true date of filing the same, and shall keep and preserve said certificate among the records in his office, and shall write the word "satisfied" with the date opposite to such mortgage or conditional sale contract, in the index in which such mortgage or contract is entered under the heading "release."

SEC. 2. That three new sections be added to chapter XCVIII of the Session Laws of 1899 (Remington's Revised Statutes, sections 3781 to 3787, both inclusive) to be known as sections 9, 10, and 11 (Remington's Revised Statutes, sections 3787-1, 3787-2 and 3787-3), reading as follows:

Adds §§ 3787-1, 2, 3, Rem. Rev. Stat. (§§ 9745-21, 22, 23, P. C.)

Section 9. When a chattel mortgage or contract of conditional sale of personal property or lease thereof, shall have been satisfied or the conditions thereof performed, and the mortgagee, or vendor, his representative or assignee shall fail or refuse to satisfy or release such instrument in the mode prescribed by law within sixty days after date of demand for such satisfaction or release by the party entitled thereto, such party shall be entitled to recover, in a court of competent jurisdiction, from such mortgagee, vendor, personal representative or assignee, a penalty of twenty-five dollars (\$25.00) and costs,

Failure of mortgagee or vendor to release instrument.

Penalty.

and to an order authorizing and directing the auditor in whose office the instrument is filed to satisfy and release the mortgage or contract in the mode prescribed by law.

Agent.

Section 10. A mortgagee, vendor, or assignee or his personal representative of record may, by written instrument duly acknowledged, designate an agent to satisfy or release any mortgage or contract of conditional sale; and upon the filing of such instrument with the county auditor, such auditor shall be authorized to treat a satisfaction or release by such named agent as valid. Revocation of the power of an agent to satisfy or release may be accomplished by written instrument in a like manner.

Satisfaction
to be ac-
knowledged
or attested.

Section 11. All satisfaction of chattel mortgages or contracts of conditional sale of personal property shall be acknowledged by an officer authorized to take acknowledgments or attested to by the county auditor or his deputy.

Passed the Senate February 23, 1937.

Passed the House March 9, 1937.

Approved by the Governor March 15, 1937.

CHAPTER 134.

[S. B. 182.]

WASHINGTON STATE PROGRESS COMMISSION.

AN ACT creating a Washington State Progress Commission; defining its powers and duties, providing a method for publication and advertising of the state's natural resources and advantages; providing for the semicentennial celebration of statehood, providing for participation in the Golden Gate International Exposition, providing for participation in the New York World's Fair, and making an appropriation therefor.

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

SECTION 1. There is hereby created a Washington State Progress Commission, hereinafter called the Commission, of seven members to be appointed by the Governor from among the qualified electors of the State of Washington. Three members shall be appointed for terms of one year, two for terms of two years and two for terms of three years from the date of their appointment and at the expiration of the respective terms as herein designated all appointments shall be for terms of three years. Each member of the Commission shall hold office until his or her successor is duly appointed and qualified. Vacancies on the Commission shall be filled by appointment by the Governor for the remainder of the unexpired term in which a vacancy occurs. Members of the Commission shall be removable at the pleasure of the Governor. They shall serve without compensation, but shall be reimbursed for expenses necessarily incurred in the performance of their duties, such reimbursement to be by warrant of the State Auditor upon itemized vouchers certified and approved by the chairman of the Commission.

Commission created.

Members.

Terms of office.

Vacancies.

To serve without compensation.

SEC. 2. The Commission upon the appointment of the members thereof shall meet at the state capitol and organize by the election as chairman of

Organization of commission.

one of the two members appointed for one-year terms and each year thereafter the chairmanship shall be rotated among the members by the Commission selecting its chairman for the ensuing year from the two members whose terms of office will regularly expire earliest. All official meetings of the Commission shall be held at the state capitol.

Official meetings held at state capitol.

Duties and powers.

SEC. 3. The Washington State Progress Commission shall have the power and it shall be its duty, with the approval of the Governor:

(a) To assume charge and supervision of advertising and publicity for the State of Washington, other than that carried or planned by the various departments or other political subdivisions within the state;

(b) To formulate, supervise and carry out a continuous factual information program for the promotion of the state as an ideal region for tourists, permanent residents, and a most favorable field for investment, enterprise and future development;

(c) To assemble such data, statistics, information, and exhibits as will publicize and popularize the advantages of the state and to cause such data, statistics, information, and exhibits to be published and disseminated in such manner as the Commission may deem expedient;

(d) To arrange for a suitable celebration in 1939 commemorative of the fiftieth anniversary of the admission of the State of Washington into the union of states;

(e) To arrange for the formal participation by the State of Washington in the prospective Golden Gate International Exposition of the State of California;

(f) To arrange for the formal participation by the State of Washington in the New York World's Fair for 1939;

(g) To appoint and employ a secretary and such other assistants and personnel as may be necessary to enable the Commission to carry out the powers and duties imposed upon it by this Act and to fix their compensation.

SEC. 4. The secretary shall keep a record of all its proceedings and of all collections and disbursements made by the Commission. He shall maintain the permanent offices of the Commission at the state capitol. Records.

SEC. 5. The Commission shall on or before December 31, 1937, and every two years thereafter, prepare and submit to the Governor and to each member of the Legislature a detailed report of its activities during the preceding biennial period, incorporating therein such suggestions and recommendations as the Commission shall deem necessary or advisable in order to better effectuate the purposes of this act. Biennial report.

SEC. 6. For the purposes of this act there is hereby appropriated to the Washington State Progress Commission for the period ending March 31, 1939, out of any monies not otherwise appropriated in the general fund, the sum of two hundred fifty thousand dollars (\$250,000) or so much thereof as shall be found necessary. Appropriation.

SEC. 7. In case any part or portion of this act shall be held unconstitutional such holding shall not affect the validity of this act as a whole or any part or portion of this act not adjudged unconstitutional. All acts in conflict or inconsistent herewith are hereby repealed. Partial invalidity.
Conflicting acts repealed.

Passed the Senate March 2, 1937.

Passed the House March 8, 1937.

Approved by the Governor March 15, 1937.

CHAPTER 135.

[S. B. 307.]

TOLL BRIDGE ACROSS SINCLAIR'S INLET.

AN ACT authorizing the purchase of the toll bridge across Sinclair's Inlet between Bremerton and East Bremerton, in Kitsap county, 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 motor vehicle fund of the State of Washington for the purchase of the toll bridge and approaches thereto across Sinclair's Inlet between Bremerton and East Bremerton in Kitsap county, by the director of highways under the authority contained in chapter 148, Laws of 1935, the sum of three hundred twenty-five thousand dollars (\$325,000.00), or so much thereof as may be necessary: *Provided*, That if consummation of purchase by agreement, or judgment fixing value under condemnation proceedings, have not been completed prior thereto, this appropriation shall revert to the motor vehicle fund on April 30, 1938.

Effective immediately.

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

Passed the Senate March 6, 1937.

Passed the House March 9, 1937.

Approved by the Governor March 15, 1937.

CHAPTER 136.

[S. B. 340.]

BUTTER SUBSTITUTES.

AN ACT relating to revenue and taxation and amending section 1, chapter 23, Laws of 1931 (section 8358-1 of Remington's Revised Statutes).

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

SECTION 1. That section 1, chapter 23, Laws of 1931 (section 8358-1 of Remington's Revised Statutes) be amended to read as follows:

Amends
§ 8358-1, Rem.
Rev. Stat.
(§ 1880-1,
P. C.)

Section 1. (a) The term "butter substitute" whenever used in this act shall be held and construed to mean and include any compound or compounds of animal or vegetable fats, such as tallow, beef, fat, suet, lard, lard oil, suine, lardine, intestinal fat, offal fat, cocoanut oil, olive oil, cottonseed oil, peanut oil, in combination with milk, butter or any product of milk or butter, either colored or uncolored, that does not contain eighty per cent (80%) of milk or butter fat, and is sold or used as a substitute for butter;

"Butter
substitute."

(b) The term "distributor" whenever used in this act shall be held and construed to mean and include any person, firm or corporation which produces, refines, manufactures or compounds and thereafter sells such butter substitute in the State of Washington for use and sale in this state, or who imports and sells such butter substitute into this state, except as hereinafter provided. The term "distributor" shall also include any person, firm or corporation who shall sell or solicit sales for future delivery of butter substitute upon which the excise tax herein provided has not been paid.

"Distribu-
tor."

Passed the Senate February 23, 1937.

Passed the House March 9, 1937.

Approved by the Governor March 15, 1937.

CHAPTER 137.

[S. B. 368.]

BAKERIES.

AN ACT to provide for regulation of the manufacture and distribution of bread and other bakery products for human consumption; to provide standards of sanitation and quality; to provide a system of licenses; requiring posting of terms and prices; defining certain offenses and providing penalties therefor; providing a saving clause; and declaring an emergency.

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

Exercise of
police power.

SECTION 1. This act is in exercise of the police powers of the state for the protection of the safety, health and welfare of the people of the state. It hereby is found and declared that the public welfare requires control and regulation of the manufacture and distribution of bread and other bakery products and of persons engaged therein, in order that there may be prevented or eliminated unsanitary, unhealthful, fraudulent, and unfair or uneconomic practices and conditions in connection with such manufacture or distribution which endanger public health, defraud consumers, jeopardize the public source and supply of a nourishing, healthful food, and seriously affect adversely a large and essential industry. It is further found and declared that the regulation of the commercial manufacture and distribution of bakery products as in this act provided is in the interest of the economic and social well-being and the health and safety of the state and all of its people.

SEC. 2. *Definitions.* Except where the context indicates a different meaning, terms used in this act shall be defined as follows:

"Bakery."

(a) "Bakery" means any place, premises or establishment where any bakery product is regularly

prepared, processed or manufactured for sale other than for consumption on the premises where originally prepared, processed or manufactured;

(b) "Bakery product" includes bread, rolls, cakes, pies, cookies, doughnuts, biscuits and all similar goods, to be used for human food; "Bakery products."

(c) "Person" includes an individual, partnership or corporation. "Person."

SEC. 3. No person shall operate or participate in the operation of any bakery within this state without having obtained from the director of agriculture a bakery license for that bakery issued and in effect under this act. Application for such license shall be made in writing and under oath to the director of agriculture, on such forms and with such pertinent information as he shall require. Such license shall be granted as a matter of right unless conditions exist which are grounds for a cancellation or revocation of a license as hereinafter set forth. Bakery license.
Application.

SEC. 4. No person hereafter shall engage within this state in the sale or distribution of any bakery product, other than exclusively at retail at a fixed place or places of business, without holding a license to do so issued to that person by the director of agriculture. A distributor's license shall not be required of any person distributing solely bakery products manufactured by him in a bakery licensed under this act. Application for such license shall be filed in writing and under oath with the director of agriculture upon such form as shall be prescribed and supplied by him. Distributor's license.
Application.

SEC. 5. (a) There shall be paid to the director of agriculture with each application for a bakery license or distributor's license or for renewal of such license an annual license fee of five dollars (\$5.00), and the funds derived therefrom shall be disbursed by the director of agriculture for the enforcement of this act; License fees.

Expiration.

(b) Each such license shall expire on December 31 following its date of issue, unless sooner revoked for cause. Renewal may be obtained annually by surrendering to the director of agriculture the old license certificate and paying the required annual license fee. Such license shall not be transferable to any person or be applicable to any location other than that for which originally issued.

Cancellation
or
suspension.

SEC. 6. (a) The director of agriculture may cancel or suspend any such license if he finds after proper investigation that (1) the licensee has violated any provisions of this act or of any other law of this state relating to the operations of bakeries or the manufacture or handling of any bakery product, or any regulation effective thereunder or (2) the licensed bakery premises or any equipment used therein or in connection therewith is in an unsanitary condition and the licensee has failed or refused to remedy the same within ten (10) days after receipt from the director of written notice to do so;

Statement
of charge.

(b) No license shall be revoked or suspended by the director without delivery to the licensee of a written statement of the charge involved and an opportunity to answer such charge within ten (10) days from the date of such notice;

Certiorari.

(c) Any order made by the director suspending or revoking any license may be reviewed by *certiorari* in the superior court of the county in which the licensee is located within ten (10) days of the date notice in writing of the director's order revoking or suspending such license has been served upon him.

Contagious or
infectious
disease.

SEC. 7. (a) No person afflicted with any contagious or infectious disease shall work or be permitted to work or be employed in any bakery;

Health
certificate.

(b) No person shall work or be permitted to work in any bakery in storing, preparing, mixing or handling any bakery product or any ingredient thereof without holding a certificate from a physi-

cian, duly accredited for that purpose by the state board of health, certifying that such person has been examined and found free from any contagious or infectious disease. The state board of health may fix a maximum fee, not exceeding one dollar (\$1.00), which may be charged by a physician for such examination. Such certificate shall be effective for a period of six (6) months and thereafter must be renewed following proper physical examination as aforesaid. Where such certificate is required and provided under municipal ordinance upon examination deemed adequate by the state board of health, certificates issued thereunder shall be sufficient under this act;

Physician's fee.

(c) Any such certificate shall be revoked by the state board of health at any time the holder thereof is found, after proper physical examination, to be afflicted with any communicable or infectious disease. Refusal of any person employed in a bakery to submit to proper and reasonable physical examination upon written demand of the state board of health or the director of agriculture shall be cause for revocation of that person's health certificate.

Revocation of certificate.

SEC. 8. The state director of agriculture shall cause to be made periodically a thorough inspection of each licensed bakery to determine whether or not the premises are constructed, equipped and operated in accordance with the requirements of this act and of all other laws of this state relating to bakeries or bakery products and all regulations effective thereunder. Such inspection shall also be made of each vehicle used by a bakery or distributor licensed under this act in transporting or distributing any bakery products within this state.

Inspection of bakeries.

Vehicles used to distribute.

SEC. 9. (a) Each person hereafter operating a bakery or operating as a bakery distributor, shall file with the director of agriculture in duplicate and in writing and under oath a statement of all prices, dis-

Statement of prices.

counts, rebates, allowances and other terms or conditions of sale or payment, thereafter by him to be quoted, offered, charged, made or allowed upon each kind of bakery product offered by him for sale in this state, and shall keep a true and complete copy of said statement posted conspicuously at each of his places of such business within this state, or upon each vehicle used in distribution of bakery products if no fixed place of business is maintained. Such statement may be revised or added to by filing with the director of agriculture a supplementary written statement in duplicate and under oath, the revision or addition to become effective no sooner than ten (10) days after its receipt by the director of agriculture;

(b) On and after fifteen (15) days after the effective date of this act no such person shall sell or display or offer for sale within this state any bakery product the price and terms and conditions of sale of which shall not have been filed and posted as aforesaid, nor any price or upon any term or condition or with any rebate, discount or allowance, other than the applicable price, term, condition, rebate, discount or allowance specified for that type of bakery product in the statement of that person then on file with the director of agriculture and posted as aforesaid.

Proceedings.

SEC. 10. In any proceeding under this act the director of agriculture may administer oaths and issue subpoenas, summon witnesses and take testimony of any person within the State of Washington.

Penalty.

SEC. 11. Any person violating any provision of this act shall be guilty of a misdemeanor. Each day such violation continues shall constitute a separate offense.

Partial
invalidity.

SEC. 12. If any clause, sentence, paragraph, section or part of this act shall, for any reason, be ad-

judged or decreed to be invalid by any court of competent jurisdiction, such judgment or decree shall not affect, impair or invalidate the remainder of this act but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which said judgment or decree shall have been rendered.

SEC. 13. This act is necessary for the immediate preservation of the public peace, health and safety; and an emergency hereby is declared to exist, and this act shall take effect and be in full force and effect from and after its passage.

Effective immediately.

Passed the Senate March 5, 1937.

Passed the House March 9, 1937.

Approved by the Governor March 15, 1937.

CHAPTER 138.

[S. B. 372.]

AUDIT OF BOOKS OF WASHINGTON STATE LIQUOR CONTROL BOARD BY STATE AUDITOR.

AN ACT requiring the state liquor board to pay for the annual audit of its books and amending section 71, chapter 62, Laws of the Extraordinary Session of 1933 as amended by section 12, chapter 174, Laws of 1935 (section 7306-71, Remington's Revised Statutes); and making an appropriation.

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

SECTION 1. Section 71, chapter 62, Laws of the Extraordinary Session of 1933 as amended by section 12, chapter 174, Laws of 1935 (section 7306-71, Remington's Revised Statutes), is hereby amended to read as follows:

Amends § 7306-71 Rem. Rev. Stat. (§ 3180-81 P. C.)

Section 71. The state auditor shall audit the books, records and affairs of the board annually: *Provided*, That the total annual cost of such audit

State auditor to audit books of board.

Audit not
to exceed
\$10,000.

Additional
audits not
to exceed
\$5,000.

Appro-
priation.

shall not exceed the sum of ten thousand dollars (\$10,000.00). The board shall pay to the state treasurer for the credit of the state auditor, out of the liquor revolving fund, the sum of ten thousand dollars (\$10,000.00) per annum to defray the costs of said audits. The board is authorized to provide for additional audits by certified public accountants, the total annual cost of which shall not exceed the sum of \$5,000.00. All such audits shall be construed to be public records of the State of Washintgon.

SEC. 2. There is hereby appropriated out of any funds paid into the state treasury by the liquor board under the provisions of the foregoing section, the sum of twenty thousand dollars (\$20,000.00) or so much thereof as may be necessary, to be used by the state auditor in making the annual audit of the accounts of the board as above provided.

Passed the Senate March 4, 1937.

Passed the House March 9, 1937.

Approved by the Governor March 15, 1937.

CHAPTER 139.

[S. B. 398.]

MINIMUM COMPENSATION OF STATE EMPLOYEES.

AN ACT relating to the state government prescribing the minimum compensation of state employees and declaring that the act shall take effect April 1, 1937.

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

Full-time
employees.

SECTION 1. Each full-time employee of the State of Washington or of any office, department or institution thereof who has been actually employed by the state or any office, department or institution thereof on a full-time basis for not less than six months shall receive for his or her services such

compensation as may be prescribed by the head of the employing office, department or institution; but such compensation, whether computed by the day, week or month or other unit of time, shall be not less than one hundred (\$100.00) dollars per month: *Provided*, That any such employee whose compensation includes subsistence and lodging shall receive, in addition to such maintenance, whether computed by the day, week or month or other unit of time, not less than sixty dollars (\$60.00) per month.

Employees receiving subsistence and lodging.

SEC. 2. Each person employed by the state or any office, department or institution thereof on a part-time basis shall receive for his or her services such compensation as may be prescribed by the head of the employing office, department or institution which compensation shall be determined on such proportional basis as will compensate such person for time actually spent in the performance of his or her duties at a rate equal to not less than one hundred (\$100.00) dollars per month for full-time employment.

Part-time basis.

SEC. 3. This act shall not apply to teaching fellows, student employees and student instructors in the state institutions of higher learning, nor to student nurses, student attendants, household maids or common farm labor in the state's educational, charitable, eleemosynary, penal and reform institutions, nor to the state military department.

Exceptions.

SEC. 4. This act is necessary for the immediate support of the state government and its existing public institutions and shall take effect April 1, 1937.

Vetoed.

Passed the Senate March 5, 1937.

Passed the House March 9, 1937.

Approved by the Governor March 15, 1937, with the exception of section 4, which is vetoed.

CHAPTER 140.

[S. B. 405.]

REAPPROPRIATION FOR BRIDGE ACROSS COLUMBIA
SLOUGH.

AN ACT reappropriating a certain sum for the construction of a bridge across Columbia Slough from Puget Island in the Columbia River to Cathlamet, Washington, and declaring that this act shall take effect immediately.

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

Reappropriation.

SECTION 1. That the sum of one hundred fifty thousand and no/100 dollars (\$150,000.00), or so much thereof as may be necessary, is hereby reappropriated from the motor vehicle fund for the use of the state highway department in construction of a bridge across Columbia Slough from Puget Island in the Columbia River to Cathlamet in Wahkiakum county, at the most feasible place, under the authority contained in chapter 147, Laws of 1935:

Provided, however, That Wahkiakum county shall first have made available for the use of the director of highways in the construction of said bridge the sum of one hundred thousand and no/100 dollars (\$100,000.00), and arrangements have been made with the Federal government, or any agency or department thereof, or with any other agency or department of the State of Washington, for the balance of the funds necessary to construct said bridge.

Effective immediately.

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

Passed the Senate March 4, 1937.

Passed the House March 9, 1937.

Approved by the Governor March 15, 1937.

CHAPTER 141.

[S. B. 406.]

REAPPROPRIATION FOR PRIMARY ROADS.

AN ACT reappropriating a certain sum from the motor vehicle fund for location, right of way, engineering, improvement, construction and reconstruction of primary roads, including construction of bridges, and declaring that this act shall take effect immediately.

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

SECTION 1. That there is hereby reappropriated from the motor vehicle fund for the use of the director of highways and the department of highways for location, right of way, engineering, improvement, construction and reconstruction of primary roads, including the construction of bridges to form a part of primary roads, and for all other proper primary road purposes, the sum of one million, nine hundred three thousand, one hundred fifty two and 80/100 dollars (\$1,903,152.80), the same being the unexpended balance of the appropriation contained in section 3, chapter 144, Laws of 1935, as shown by the state auditor's books on December 31, 1936:

Reappropriation.

Provided, That no expenditure under the authority of this act shall exceed the unexpended balance of the appropriation contained in section 3, chapter 144, Laws of 1935.

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

Effective immediately.

Passed the Senate March 4, 1937.

Passed the House March 9, 1937.

Approved by the Governor March 15, 1937.

CHAPTER 142.

[S. B. 407.]

DISPOSITION OF GAS TAX MONIES.

AN ACT appropriating a certain sum from the motor vehicle fund for all purposes contemplated by subdivisions (a), (b) and (e) of section 1, chapter 111, Laws of 1935, and for the creation of a county road revolving fund authorized by this act, and providing that this act shall take effect immediately.

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

Appropriation.

SECTION 1. That there is hereby appropriated from the motor vehicle fund of the State of Washington for the use of the department of highways and counties, for all of the purposes contained in subdivisions (a), (b) and (e) of section 1 of chapter 111, Laws of 1935, for the biennium ending March 31, 1939, the sum of two million and no/100 dollars (\$2,000,000.00), or so much thereof as may be realized from the proceeds of three cents (3¢) per gallon on all taxable liquid fuel sold during the biennium ending March 31, 1937, over and above the appropriation of fifteen million, one hundred five thousand and no/100 dollars (\$15,105,000.00) contained in sections 8 and 9 of chapter 144, Laws of 1935, the said amount to be credited in the motor vehicle fund in the manner herein provided and disbursed under the authority of this appropriation in the manner outlined in this act.

Receipts credited.

SEC. 2. All receipts credited to the department of highways and counties in the motor vehicle fund by virtue of subdivision (b), section 1, chapter 111, Laws of 1935, over and above the total appropriation of fifteen million, one hundred five thousand and no/100 dollars (\$15,105,000.00) contained in chapter 144, Laws of 1935, shall be credited in the following manner:

(a) Three-fifths of any sums appropriated for the administrative expenses of the offices of state treasurer, state auditor and the department of licenses of the State of Washington shall be first deducted, credited to said departments and disbursements may be made from said amount so credited by virtue of this appropriation;

State
treasurer,
state
auditor,
department
of licenses,
adminis-
trative
expenses.

(b) The amounts required to be repaid to counties composed entirely of islands by chapter 98, Laws of 1923, and subdivision (a) of section 1, chapter 111, Laws of 1935, for the months of December 1936 and January, February and March of 1937, shall then be computed and, after deducting the percentage authorized by the next paragraph for the use of the director of highways, shall be paid directly to said counties by virtue of this appropriation;

Island
counties.

(c) On the 15th day of each calendar month there shall be deducted from all such monies, after the deduction of three-fifths of sums appropriated for administrative expenses and before the payment provided for to island counties, a sum equal to one and one-half per cent ($1\frac{1}{2}\%$) for the use of the director of highways for the cost of supervision of counties, as provided in this act. Disbursements from amounts so credited may be made from authority under this appropriation;

Director of
highways.

(d) All such receipts, after making the foregoing deductions, shall be credited to counties in the proportions and amounts as set forth in subdivision (b) of section 1, chapter 111, Laws of 1935, which amounts shall remain credited to the various counties, subject only to payment of such approved vouchers for proper disbursements from the county road fund as may be approved by the director of highways within the limits of this appropriation and any appropriation made for the disbursement of receipts during the years 1937 and 1938: *Provided, however,* That there is hereby authorized in each

Counties.

County road
revolving
fund.

county road fund, formerly known as the secondary highway fund, a county road revolving fund which may be set up by resolution of the board of county commissioners of any county, with the approval of the director of highways, in such an amount as may receive the approval of the director of highways, from which fund all proper payments for county road purposes shall be made in anticipation of reimbursement from the motor vehicle fund, in which event the appropriation contained in this act shall authorize and cover the payment direct to the county or counties so authorizing such a revolving fund of the amounts so authorized and approved: *Provided, further,* That the amount so set up for said revolving fund, as approved by the director, shall be limited to the amounts available under this appropriation.

Restrictions.

SEC. 3. Any revolving fund created under authority of this act shall be used only for the purpose of making proper payments in anticipation of reimbursement from the motor vehicle fund and shall remain intact. Whenever such a revolving fund is set up, the county commissioners shall annually, and at such times as the director of highways may require, report and account to him for all disbursements made therefrom. Periodic investigations of such funds shall be made by the state auditor, as required by law, and a copy of any report made as a result of such investigations shall be filed with the director of highways. Should it appear to the director of highways from such reports that the fund is being depleted or used for other than properly reimbursable road purposes, he is hereby authorized, in his discretion, to refuse approval of any vouchers until the said fund is restored from other county sources.

Effective
immediately.

SEC. 4. That this act is necessary for the immediate preservation of the public peace, health and safety and the support of the state government and

its existing public institutions, and shall take effect immediately.

Passed the Senate March 4, 1937.

Passed the House March 9, 1937.

Approved by the Governor March 15, 1937.

CHAPTER 143.

[S. B. 408.]

REAPPROPRIATION TO DEPARTMENT OF HIGHWAYS.

AN ACT reappropriating a certain sum from the motor vehicle fund for all of the purposes set forth in sections 8 and 9 of chapter 144, Laws of 1935, and declaring that this act shall take effect immediately.

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

SECTION 1. That there is hereby reappropriated from the motor vehicle fund for the use of the department of highways, counties including island counties, and cities and towns for any proper road purpose contemplated by chapter 111, Laws of 1935, including payments to island counties authorized by chapter 98, Laws of Washington for 1923, the sum of two million, seven hundred eighty-six thousand, four hundred eighty-eight and 34/100 dollars (\$2,786,488.34), the same being unexpended balances of the appropriations contained in sections 8 and 9 of chapter 144, Laws of 1935, as shown by the state auditor's books on December 31, 1936:

Reappropriation.

Provided, That no expenditure under the authority of this act shall exceed unexpended balances of the appropriations contained in sections 8 and 9 of chapter 144, Laws of 1935.

SEC. 2. This act is necessary for the immediate preservation of the public peace, health and safety and the support of the state government and its

Effective immediately.

existing public institutions, and shall take effect immediately.

Passed the Senate March 4, 1937.

Passed the House March 9, 1937.

Approved by the Governor March 15, 1937.

CHAPTER 144.

[S. B. 376.]

LIQUOR KEPT OR POSSESSED FOR SALE UNLAWFUL.

AN ACT relating to intoxicating liquors; providing for the control and regulation thereof; defining crimes and prescribing penalties therefor; and amending chapter 62, Laws of Washington, 1933, Extraordinary Session, as amended by chapter 13, 80, 158 and 174, Laws of 1935, the same being sections 7306-1 to 7306-95, inclusive, of Remington's Revised Statutes; and declaring that this act shall take effect immediately.

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

SECTION 1. That chapter 62, Laws of Washington, 1933, Extraordinary Session, as amended by chapters 13, 80, 158 and 174, Laws of 1935, the same being sections 7306-1 to 7306-95, inclusive, of Remington's Revised Statutes, be amended by adding thereto a new section to immediately precede section 93, to be known as section 92A to read as follows:

Section 92A. Any person who shall keep or possess liquor on premises conducted or maintained by him as principal or agent, with the intent to sell the same contrary to provisions of this act, shall be guilty of a gross misdemeanor. The possession of liquor by such 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.

Adds
§ 7306-92A,
Rem. Rev.
Stat. (§ 3180-
102a, P. C.)

Possession
of liquor
with intent
to sell,
penalty.

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

Passed the Senate March 5, 1937.

Passed the House March 10, 1937.

Approved by the Governor March 15, 1937.

CHAPTER 145.

[H. B. 15.]

RELEASE OF SURETIES FROM LIABILITY UPON BONDS.

AN ACT relating to surety bonds and undertakings required by law, providing for release from liability of the surety thereon and repealing the act of the legislature approved March 14, 1890, Laws of 1889-90, pp. 43, 44 and 45 (sections 9942, 9943, 9944, 9945 and 9946, Remington's Compiled Statutes).

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

SECTION 1. Unless otherwise required by the context, words as used herein shall mean: "Bond" shall mean and include any bond, undertaking or writing executed by a principal and surety, required by law from the principal as an official or employee of the state, or any county, municipal corporation or taxing district, or as guardian, executor, administrator, receiver or trustee, or as a licensee or permittee as a condition to the right to receive, hold or exercise any license, permit or franchise;

"Surety" shall mean and include any person, firm or corporation that has executed as surety any bond. "Surety."

SEC. 2. Any surety upon any bond described in section 1 hereof desiring to be released from subsequent liability and responsibility on any such bond shall serve upon the principal of such bond a written notice that on and after a certain date to be fixed in Proceedings to obtain release of surety.

Notice.

the notice, which shall be not less than ten days from the date of the service of the notice, the surety will withdraw as surety from such bond and shall serve a copy of such notice upon the official with whom such bond is filed not less than ten days prior to the date fixed in the notice as the date of termination of liability. If such principal is an individual and resides within the State of Washington, or is a corporation doing business in the State of Washington, such notice shall be personally served upon such individual, or if the principal is a firm or a corporation, such notice shall be served personally upon any person upon whom personal service of summons may be made under the existing laws of the State of Washington. If the principal is an individual and is not a resident of the State of Washington, or cannot be found therein, or if the principal is a foreign corporation, such notice shall be mailed by registered mail to the last known address of such principal, if any, which fact shall be shown by affidavit filed with the notice of withdrawal as hereinafter provided, and a copy of such notice shall be published once a week for two consecutive weeks in a newspaper of general circulation in the county of the residence of the official with whom such bond is filed. The date of the last publication of notice shall be not less than twenty days from the date stated therein as the date upon which the surety will withdraw from the bond. Proof of such service or publication shall be made by affidavit and filed with the official with whom the bond is filed at least ten days before the date fixed in the notice of withdrawal.

Personal
service.

Registered
mail.

Publication.

Release of
surety.

SEC. 3. On and after the date fixed in the notice as the termination date the surety shall be released from subsequent liability on such bond; and, unless before the date fixed in such notice as the termination date by the surety, a new bond shall be filed with sufficient and satisfactory surety as required by

law under which the bond was originally furnished and filed, the office, position or trust in the case of a public office, guardian, executor, administrator, receiver or trustee shall become vacant and a successor shall be appointed as provided by law; and in case of a license, certificate, permit or franchise, the same shall become null and void: *Provided, however,* That no surety shall be released on the bond of any guardian, executor, administrator, receiver, or trustee until such fiduciary shall have furnished a new bond with surety approved by the court, or until his successor has been appointed and has qualified and taken over the fiduciary assets. Said notice of withdrawal shall be final and not subject to cancellation by said surety and said license, certificate, permit or franchise can only be continued upon filing a new bond as above provided.

Failure to file new bond vacates office.

Fiduciaries.

Notice of withdrawal final.

SEC. 4. The act of the legislature approved March 14, 1890, pp. 43, 44 and 45 of the Session Laws of 1889-90 (sections 9942, 9943, 9944, 9945 and 9946, Remington's Compiled Statutes), is hereby repealed.

Statutes repealed.

Passed the House March 4, 1937.

Passed the Senate March 3, 1937.

Approved by the Governor March 15, 1937.

CHAPTER 146.

[H. B. 229.]

DISEASED ANIMALS.

AN ACT relating to the payment of indemnities for the killing of diseased animals, appropriating money therefor, and amending section 12 of chapter 165 of Session Laws of 1927 being section 3121 of Remington's Revised Statutes; declaring an emergency and that this act shall take effect immediately.

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

Amends § 3121, Rem. Rev. Stat. (§ 2031-32 P. C.)

SECTION 1. That section 12, chapter 165, Session Laws of 1927, being section 3121 of Remington's Revised Statutes, be amended to read as follows:

Indemnity or quarantine optional.

Section 12. If, on the completion of any examination and test as provided in the preceding section, the inspector or veterinarian making the examination and test, shall believe that the animal is infected with tuberculosis or Bangs disease, the owner of the animal shall have the option of indemnity or quarantine; if he selects indemnity the owner and inspector shall appraise the suspected animal, and in the appraisal of such animal due consideration shall be given to its breeding, dairy or meat value. In the event of their failing to agree upon the value, the inspector shall apply to the judge of the superior court of the county where the animal is located to appoint a third appraiser, and the decision of the majority of the appraisers shall be final.

Appraisal.

Sale.

The owner, or his agent, of any bovine animal thus appraised shall market the animal within thirty days from the date of appraisal and shall obtain from the purchaser a report in quadruplicate, upon blank forms to be furnished by the inspector, certifying to the amount of money actually paid for the animal or animals. The animal or animals shall be slaughtered

Certificate as to price paid.

under the supervision of a veterinary inspector of the director of agriculture, or the United States Bureau of Animal Industry, or a veterinarian duly licensed to practice veterinary medicine, surgery and dentistry in this state. The veterinary inspector or veterinarian shall hold a post mortem examination and determine whether or not the animal shall be passed to be used for food. The post mortem examination must conform with the meat inspection regulations of the United States Bureau of Animal Industry. Upon the receipt of said report, in quadruplicate, certifying to the amount of money actually paid for the animal or animals, and if the owner has complied with all lawful quarantine laws and regulations, the director of agriculture shall cause to be paid to the owner or owners of the animals one-third of the difference between the appraised value of each animal so slaughtered and the value of the salvage thereof: *Provided*, That in no case shall any payment by the director of agriculture be more than twenty-five dollars (\$25.00) for any grade female, or more than fifty dollars (\$50.00) for any pure bred registered bull or female, and in no case shall any indemnity be paid for grade bulls or for steers, and that no indemnity shall be paid for animals slaughtered on account of tuberculosis to any person who has not owned such animal for six months prior to the date such examination or test is made, and the state shall not be required to pay the owner of any animal imported into this state within six months prior to the inspection and test the sums hereinabove provided for but the owner of such animal shall receive the proceeds of the sale of such slaughtered animal: *And provided further*, That the right to indemnity shall not exist nor shall payment be made for any animal owned by the United States, this state, or any county, city, town or township in this state. Every appraiser appointed by the judge of

Supervision
of.
slaughter.

Post mortem.

Payment to
owner.

Appraisers'
fees.

the superior court as hereinabove provided shall receive his actual and necessary traveling expenses and a *per diem* of three dollars (\$3.00) for the time actually spent to be paid by the state. The expenses of herding, caring for, feeding, transporting and slaughtering animals under the provisions of this section shall be paid by the owner thereof.

Appropriation.

SEC. 2. There is hereby appropriated from the general fund of the state treasury the sum of two hundred thousand dollars (\$200,000.00), to pay the indemnities, to the owners of cattle slaughtered as provided in this act. The governor and the director of agriculture are hereby authorized to obtain additional funds from the United States Secretary of Agriculture, and enter into agreements with the said Secretary for the disbursement of the funds granted by the United States government.

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

Passed the House March 3, 1937.

Passed the Senate March 3, 1937.

Approved by the Governor March 15, 1937, with the exception of section 3, which is vetoed.

CHAPTER 147.

[H. B. 109.]

EXTENDING BENEFITS OF WORKMEN'S COMPENSATION ACT.

AN ACT relating to workmen's compensation, extending the application of the industrial insurance and related medical aid and safety laws of the State of Washington to all lands, premises, projects, buildings, constructions, improvements and property belonging to the United States of America, which are within the exterior boundaries of the state, by permission of an act of Congress.

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

SECTION 1. That the application of the industrial insurance and related medical aid and safety laws of the State of Washington, sections 7673 to 7796, inclusive, of Remington's Revised Statutes of Washington, is hereby extended to all lands and premises owned or held by the United States of America, by deed or act of cession, by purchase or otherwise, which are within the exterior boundaries of the State of Washington, and to all projects, buildings, constructions, improvements, and property belonging to the United States of America, which are within the exterior boundaries of the state, in the same way and to the same extent as if said premises were under the exclusive jurisdiction of the state, and as fully as is permitted under the provisions of that act of the Congress of the United States approved June 25, 1936, granting to the several states jurisdiction and authority to apply their state workmen's compensation laws on all property and premises belonging to the United States of America, being 49 United States Statutes at large 1938, title 40, section 290 United States code annotated, 1936 supplement: *Provided*, That this act shall not apply to employees of the United States of America.

Benefits of act extended.

Exception.

Partial
invalidity.

SEC. 2. Adjudication of invalidity of any part of the foregoing section 1 of this act shall not impair or otherwise affect the validity of any other part thereof.

Passed the House February 19, 1937.

Passed the Senate March 8, 1937.

Approved by the Governor March 15, 1937.

CHAPTER 148.

[H. B. 249.]

NURSERY STOCK.

AN ACT relating to horticulture, amending sections 1 and 20 of chapter 166 of the Laws of 1915 as subsequently amended, and making an appropriation.

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

SECTION 1. That section 1 of chapter 166 of the Laws of 1915, as amended by section 1 of chapter 141 of the Laws of 1921 and section 1 of chapter 311 of the Laws of 1927 (section 2839 of Remington's Compiled Statutes, 1927 Supplement) be amended to read as follows:

Amends
§ 2839, Rem.
Comp. Stat.
1927 Supp.
(§ 2707 P. C.)

Definitions.

Section 1. That the term "director" whenever used in this act shall be held and construed to mean the director of agriculture of the State of Washington, and the term "assistant director" and "assistant" shall be held and construed to mean the assistant director of agriculture for the division of horticulture; and the term "horticultural inspector" and the term "inspector" wherever used in this act shall be held and construed to mean an inspector of the department of agriculture, assigned to the division of horticulture; the term "nursery stock" wherever used in this act shall be held and construed to mean and include fruit trees, fruit tree stock, nut trees, grape vines, fruit bushes, rose bushes, rose

stock, forest and ornamental trees and shrubs (both deciduous and evergreen), bulbs, florists' stock, and cuttings, scions and seedlings of fruit or ornamental trees or shrubs, and all other fruit bearing plants and parts thereof and plant products for propagation or planting; the term "infect" and its derivatives "infecting," "infected" and "infection," wherever used in this act shall be held and construed to mean and include being affected by or infested with the diseases or insect pests to which horticultural plants and products are subject and which are required to be guarded against, controlled, cured, removed, and eradicated as in this act provided; The term "disinfect" and its derivatives shall be held and construed to mean and include cure, removal or eradication of such diseases or pests by cutting and destroying the infected parts, or the application of fungicides or insecticides specified in this act, or such other effective solutions or emulsions as may be discovered by science and specified and described in the bulletins issued by the director of agriculture; and the term "person" wherever used in this act shall be held and construed to mean and include individuals, partnerships, associations, joint stock companies and corporations; and the term "agent" wherever used in this act shall be held and construed to mean and include any person acting as agent, salesman, solicitor or representative of any nurseryman or dealer in nursery stock, who is selling from catalogue or from samples only and who makes no deliveries at the time of solicitation and is representing a person licensed under this act.

SEC. 2. That section 20 of chapter 166 of the Laws of 1915 as amended by section 7 of chapter 37 of the Laws of 1923 and section 8 of chapter 311 of the Laws of 1927 (section 2858 of Remington's Compiled Statutes, 1927 Supplement) be amended to read as follows:

Amends
§ 2858 Rem.
Comp. Stat.
1927 Supp.
(§ 2726 P. C.)

Nursery
stock.

Dealers'
licenses.

Fees.

Date and
expiration.

Disposition
of fees.

Receipts
anticipated.

Appro-
priation.

Section 20. It shall be unlawful for any person, firm or corporation to sell, deal in or import into this state for sale or distribution any nursery stock, or to act as agent for any nurseryman or dealer in nursery stock, without first having obtained from the director of agriculture and having in force a license so to do for each place of business, and it shall be unlawful for any person to falsely represent that he is the agent or representative of any nurseryman or dealer in nursery stock. No license shall issue until the applicant therefor shall have paid the fee, as in this act required. The license fee shall be five dollars for nurserymen who grow all of the stock they sell and fifteen dollars for other nurserymen, dealers, brokers, landscape architects or other persons deriving financial benefit from the sale of nursery stock, and one dollar for agents. All licenses shall be in the name of the person, firm or corporation licensed, and shall show the purpose for which issued, the name and location of the nursery or place of business of the nurseryman or dealer licensed or represented by the agent licensed, and no license shall be issued to any agent unless the nurseryman or dealer represented shall be licensed. All licenses shall bear the date of issue and shall expire on the first day of July next following the date of issue. All monies collected under the provisions of this act shall be paid into the Special Fund which is hereby established in the State Treasury to be known as the Nursery Inspection Fund which shall be used exclusively for necessary expenses under the act. The state auditor may anticipate the receipts and issue warrants in any amount not exceeding three thousand dollars (\$3,000.00).

SEC. 3. There is hereby appropriated out of the money in the state treasury to the credit of the Nursery Inspection Fund the sum of eighteen thousand

dollars (\$18,000.00) to be available to the director of agriculture for administrative expenses under this act, but in no case to exceed the receipts from collections under this act, all fees so collected to remain in the said fund until expended.

This act is necessary for the immediate protection of the horticultural industry and shall take effect immediately. Effective immediately.

Passed the House March 3, 1937.

Passed the Senate March 9, 1937.

Approved by the Governor March 15, 1937.

CHAPTER 149.

[H. B. 272.]

COMMERCIAL FISHING LICENSE FEES.

AN ACT relating to food and shellfish, providing for licenses for taking, canning, receiving, buying, wholesaling and selling food and shellfish and amending section 51 of chapter 31 of the Laws of 1915 as amended by section 1 of chapter 63 of the Laws of 1921, defining license fees and declaring that this act shall take effect March 31st, 1937.

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

SECTION 1. That section 51 of chapter 31 of the Laws of 1915 as amended by section 1, chapter 63 of the Laws of 1921 be amended to read as follows: Amends
§ 1, Ch. 63,
Laws 1921.

Section 51. Licenses herein required shall be issued to any qualified person, firm or corporation, by the director of licenses, or his duly authorized deputy, upon the receipt of a lawful application therefor, upon a blank to be furnished for that purpose, accompanied by the receipt of the state treasurer for the required fee, and the director of licenses shall cause to be endorsed on such application the number of the license issued and the date of issue, and transmit the application to the director Licenses.

of fisheries. All applications for licenses shall be filed with the state treasurer accompanied by the proper fees, which shall be respectively as follows:

Fees
enumerated.

For each brush weir license for the taking of herring, twenty-five dollars (\$25.00);

For each purse seine license, fifty dollars (\$50.00);

For each and every member of a purse seine fishing crew, one dollar (\$1.00);

For each gill net license for the taking of salmon in the Puget Sound, Grays Harbor and Willapa Harbor districts, the net to be not over 750 feet long, seven and fifty one-hundredths dollars (\$7.50), and for each additional lineal foot in length, one cent (1c);

For each gill net license for the taking of salmon, smelt or herring in the Columbia River district, seven and fifty one-hundredths dollars (\$7.50);

For each boat puller license in the Columbia River district for the taking of salmon, smelt or herring, two and fifty one-hundredths dollars (\$2.50):

Provided, however, That no such gill net licenses or boat puller licenses shall be issued in the name of or to any applicant unless the said applicant is to be engaged personally in the operation of said gill net or boat used in the operation thereof;

(All gill net licenses issued by the State of Oregon shall be valid in the concurrent waters of the Columbia River in this state. The director of licenses when issuing gill net licenses for the Columbia river district shall furnish to the fisheries department of Oregon the names of all licensees and the numbers of their licenses.)

For each reef net, ten dollars (\$10.00);

For each drag seine license, three cents per lineal foot;

For each set net license, five dollars (\$5.00);

For each dip bag net license for the taking of smelt or herring, one dollar (\$1.00).

(Any person may use a jigger in the taking of smelt or herring for the use of himself and family without any license therefor.)

For each dip bag net license for the taking of salmon on the Columbia River, five dollars (\$5.00);

For each smelt drag bag net on Puget Sound, three cents per lineal foot;

For each license for beam trawl, ten dollars (\$10.00);

For each set line license, one dollar (\$1.00);

(Not more than one hundred hooks shall be attached to any one set line.)

The licenses issued by the director of licenses for the appliances hereinbefore mentioned shall specify the district wherein the license is to be used and no license for one district shall be used in another.

For each license to fish with hook and line for commercial purposes, five dollars (\$5.00);

(A hook and line license as herein provided for, when used in salt water, or in the Columbia River, shall permit of the use of not more than six (6) lines to which may be attached a total of twelve (12) hooks, and all to be operated from a single boat or other floating appliance; when used in fresh water, shall consist of a single hook attached to a single line, held in the hand.)

It shall be unlawful to take or catch any food fish with a gill net or to operate as a boat puller in the Columbia River district, or in the waters in the Columbia River, over which the State of Washington has jurisdiction or concurrent jurisdiction without first obtaining the license as in this section provided.

No license shall be granted to any person, firm or corporation to operate a whip seine in the Columbia River district or in the waters of the Columbia

River, over which the State of Washington has jurisdiction or concurrent jurisdiction.

For each license to take crabs, five dollars (\$5.00);

For each license to take clams and mussels, one dollar (\$1.00);

For each license to take oysters from the state reserves for seed purposes under regulations to be promulgated annually by the director of fisheries, five dollars (\$5.00);

For each codfish canning or curing establishment, five dollars (\$5.00);

For each establishment for the manufacture or preparation of fertilizer, oil, meal, caviar, fish-bait, or other by-product from fish, twenty-five dollars (\$25.00);

For each person, firm or corporation buying, selling or otherwise dealing in halibut as wholesaler or as a broker, five dollars (\$5.00);

For each retail fish and/or shellfish dealer, a license fee of one dollar (\$1.00);

(A retail dealer is hereby defined to be a person who sells fish or shellfish directly to the consumer, whether or not he is the taker or catcher of the fish or shellfish. A license to take fish or shellfish in the State of Washington shall not be deemed to give the right to sell the same at retail without a retail license.)

For each fish broker and each wholesale dealer in fish and/or shellfish, except halibut, ten dollars (\$10.00);

For each person engaged in freezing, salting, smoking, kippering, preserving fish and/or shellfish in ice or otherwise, ten dollars (\$10.00);

For each person engaged as a buyer of food fish and/or shellfish for any person, firm or corporation, one dollar (\$1.00);

(No buyer's license shall be issued except to the person, firm or corporation engaging the services of

said buyer, application for which shall be made upon blanks to be furnished by the director of licenses.)

A person engaged as a buyer of food fish for others is hereby defined to be a person who is engaged as the representative of a person, firm or corporation licensed as a canner, curer, freezer, wholesale fish dealer or broker under the laws of the State of Washington.

Any person, firm or corporation holding a license under this act as a canner, curer, freezer, wholesale dealer, retail dealer, broker, or their buyers, is hereby authorized to purchase fish.

(On the Columbia River, where it forms the boundary between the states of Washington and Oregon, a fisherman, licensed under the laws of the State of Washington, may dispose of his catch to a person, firm or corporation, other than those licensed to buy fish under the laws of the State of Washington: *Provided*, That he reports the number of fish, species stated separately, so disposed of, and pays to the treasurer of the State of Washington the catch and other taxes provided by this act.)

For each person, firm or corporation not licensed by the State of Washington as canners, wholesale dealers, freezers or curers using scows, boats or other water craft in the buying of fish on the Columbia River, for each scow, boat or other water craft, a license fee of fifty dollars (\$50.00);

(Such licensee of said scow, boat or other water craft shall give a bond to the State of Washington in the amount fixed by the director of fisheries conditioned for the payment to the State of Washington of taxes for the fish which he may purchase from the owner, operator or agent of appliances, licensed by the State of Washington.)

For each person, firm or corporation engaged in canning or preserving salmon or other food fish in the State of Washington, twenty-five dollars (\$25.00);

For each person, firm or corporation engaged in canning or preserving shellfish in the State of Washington, fifteen dollars (\$15.00);

(For the purpose of this act a case of fish is defined to consist of forty-eight (48) one-pound cans, bottles, or their equivalent in weight.)

No person, firm or corporation shall engage in business as a canner, wholesale fish dealer or retail fish dealer, or fish broker, or engage in the business of freezing, salting, smoking, kippering, preserving fish in ice or otherwise, without first having procured a license as required by this act.

Effective immediately.

SEC. 2. This act is necessary for the support of the state government and its existing public institutions, and shall take effect March 31st, 1937.

Passed the House March 5, 1937.

Passed the Senate March 11, 1937.

Approved by the Governor March 15, 1937.

CHAPTER 150.

[H. B. 273.]

EXCISE TAX ON PILCHARDS.

AN ACT relating to pilchard, providing for a privilege fee thereon, defining offenses, providing penalties and creating a lien on canneries, packing plants, reduction plants, scow and boats, and declaring that this act shall take effect March 31st, 1937.

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

Tax on pilchards.

SECTION 1. There shall be paid to the state treasurer by every person, firm or corporation operating within the State of Washington as a canner, buyer, freezer, wholesale dealer, or manufacturer or [of] fish by-products for the privilege of operating within the State of Washington as a canner, buyer, freezer, wholesale dealer or manufacturer of fish by-products

in addition to all other licenses or fees provided by law the sum of two and one-half cents ($2\frac{1}{2}\phi$) per 100 pounds upon all pilchard handled.

The privilege fee herein required shall be paid to the state treasurer on March first and September first or at such other times as the director of fisheries may order and direct. For the purpose of determining the amount of pilchard handled, each person, firm or corporation subject to the provisions of this act, shall furnish the state treasurer with a report showing the total number of pounds of pilchard received, the total weight to be computed in the round, upon blanks furnished upon request by the director of fisheries. It shall be the duty of the state treasurer upon receiving any such report to endorse thereon his duplicate receipt for taxes, charges and fees, if any, accompanying the report and transmit the report to the director of fisheries and deposit the monies received in the state treasury to the credit of the fisheries fund.

Payable.

Report to
state
treasurer.

It is the intention of this act that only one privilege fee shall be collected for each and every pound of pilchard handled and in order that this end may be accomplished, the director of fisheries and the state treasurer are hereby authorized to determine finally any dispute arising out of the operation and enforcement of this section.

Only one
privilege fee
collectible.

The privilege fee herein required shall constitute a first lien upon the reduction plant, cannery, scow or boat and any other equipment used in the handling or the reduction into oil and meal of said pilchard.

Constitutes
lien.

The state treasurer and the director of fisheries shall have and hereby are granted the right and power to make such rules, regulations and orders and require such reports to be made as in their judgment shall be necessary to insure the collection and payment of the privilege fee herein required and

Rules and
regulations.

Bond. may in their discretion require a bond from any such person, firm or corporation engaged in the business of buying or handling pilchard or in the reducing of pilchard into oil and meal, guaranteeing the payment of said fee.

Falsification. It shall be unlawful for any person to falsify any of the reports or to violate any of the rules, regulations or orders made or required by the state treasurer or the director of fisheries, or to violate any of the provisions of this section.

Penalty. Any person, firm or corporation violating any of the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than \$250 nor more than \$1,000, or imprisonment in the county jail for not less than thirty days nor more than six months, or by both such fine and imprisonment.

Effective immediately.

SEC. 2. This act is necessary for the support of the state government and its existing public institutions and shall take effect March 31st, 1937.

Passed the House March 5, 1937.

Passed the Senate March 9, 1937.

Approved by the Governor March 15, 1937.

CHAPTER 151.

[H. B. 308.]

LAPSE OF LEGACIES AND DEVISES.

AN ACT relating to certain legacies and devises, and providing for the lapse or distribution thereof.

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

Legacies and devises lapsed, when.

SECTION 1. Whenever any person having died leaving a will which has been admitted to probate, shall by said will have given, devised or bequeathed unto any person, a legacy or a devise upon the condition that said person survive him, and not other-

wise, such legacy or devise shall lapse and fall into the residue of said estate to be distributed according to the residuary clause, if there be one, of said will, and if there be none then according to the laws of descent, unless said legatee or devisee, as the case may be, or his heirs, administrators, executors, or someone in behalf of such legatee or devisee, shall appear before the court which is administering said estate within seven years from and after the date the said will was admitted to probate, and prove to the satisfaction of the court that the said legatee or devisee, as the case may be, did in fact survive the testator: *Provided, however,* That in estates now in the course of probate, where the seven-year period above mentioned has already elapsed, such legatee or devisee, his heirs, administrators or executors shall have six months from and after the day this act takes effect to appear and offer proof that said legatee or devisee, as the case may be, did in fact survive the testator.

Estates in
course of
probate.

SEC. 2. If it shall be made to appear to the satisfaction of said court within the time fixed by section 1 of this act that such legatee or devisee, as the case may be, did in fact survive the testator, but that such legatee, or devisee, is an absentee within the meaning of chapter thirty-nine of the Session Laws of 1915, then and in that event the court shall by appropriate order direct the said legacy or devise to be distributed to a trustee appointed and qualified as provided for in said chapter thirty-nine of the Session Laws of 1915.

Absentee.

SEC. 3. The executor, residuary legatee, or any heir at law of any such estate, may by sworn petition call the attention of the court to the fact that the periods of time set forth in section 1 of this act have elapsed, and that such legatee or devisee, his heirs, administrators, executors, or anyone in his behalf, has not appeared and proved to the satisfaction

Petition for
order.

Order. of the court that such legatee or devisee survived the testator, and if it appear from the records of the proceedings in said estate that the allegations of the petition are true, it shall be the duty of the court to enter an appropriate order declaring such legacy or devise to have lapsed, and directing its disposition as provided for in section 1 of this act.

Petition of executor.

SEC. 4. Every executor of such an estate shall, within two years after the said will has been admitted to probate, file in said probate proceedings a sworn petition which shall set out in detail the name and last known address of any such legatee or devisee, the circumstances of his departure from that address, if known; his occupation or business, if known; the fact that the executor has been unable to locate him or to ascertain whether or not he survived the testator; and all other facts within the knowledge of the executor, which may aid the court in determining the best and most advantageous method to employ in attempting to locate said legatee or devisee. Upon such a petition being filed it shall be the duty of the court, and the court shall have the power, to call before it the executor and such witnesses as may be necessary, and examine them under oath as to the truth of the allegations in said petition. After the hearing the court may direct such notice to be given as it shall think will most likely come to the attention of said legatee or devisee, or persons who might know him. Such notice shall be given for such a length of time and in such places as the court may order, and shall set forth the fact that a legacy or devise, as the case may be, awaits the person therein named, and shall call upon all persons having any knowledge concerning the said person or his whereabouts to notify the court of all the facts within their knowledge concerning said person, within a time therein stated: *Provided*, That in such estates now in the course of probate where

Notice to legatee or devisee.

Estates in course of probate.

the two year period above mentioned has already elapsed, said executor shall, within a reasonable time from and after the date this act takes effect, file the petition provided for in this section.

Passed the House March 11, 1937.

Passed the Senate March 9, 1937.

Approved by the Governor March 15, 1937.

CHAPTER 152.

[H. B. 330.]

PREVENTION OF FOREST FIRES.

AN ACT for the protection of forests and the prevention and suppression of fires, and amending sections 5794, and 5806 of Remington's Revised Statutes, and setting up provisions for closure of logging operations during abnormal forest fire weather.

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

SECTION 1. That section 5794, Remington's Revised Statutes, be and it is hereby amended to read as follows:

Amends
§ 5794, Rem.
Rev. Stat.
(§ 2571 P. C.)

Section 5794. It shall be unlawful for anyone to operate any spark-emitting railroad logging locomotive, logging or farming engine or boiler during the closed season, or for any one to operate any spark-emitting locomotive, within one-quarter ($\frac{1}{4}$) of one (1) mile of any forest material during the closed season, without such railroad or logging locomotive is provided with and uses a safe and suitable device for arresting sparks, a suitable power pump of not less than 3" x 2" x 3" or equivalent steam pump, with a discharge air chamber, three hundred (300) feet of one and one-half ($1\frac{1}{2}$) inch hose equipped with a standard nozzle, three (3) axes, six (6) shovels, one (1) five (5) gallon hand pump, two (2) bucking saws, six (6) mattocks or the serviceable equivalent

Locomotives,
spark-
arresters.

to such tools. The hand equipment must be kept in a sealed box, ready for instant use on or adjacent to such locomotive, logging engine or farm engine.

Chemical fire extinguisher.

On all gas and diesel donkey engines, some form of chemical fire extinguisher must be provided.

Sprinkler system.

All logging locomotives shall be equipped with a sprinkler system which shall be capable of wetting the tracks and at least two (2) 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.

Locomotives, ash-pan protector.

It shall be unlawful for anyone to operate during the closed season any railroad locomotive, logging locomotive, or logging, or other engine or boiler within one-quarter ($\frac{1}{4}$) of one (1) mile of any forest material, without such railroad locomotive, logging locomotive, or logging or other engine or boiler is provided with and uses 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 said ash pans and 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 be considered a spark-emitting machine.

Speeder patrol.

It shall be unlawful for common carrier railroad companies to operate trains through forested districts unless such trains are followed by a speeder patrol at such times and in such places as the state supervisor of forestry may designate, each patrol to be equipped with a five (5) gallon fire extinguisher, two (2) shovels and an axe. In case a railroad company fails to provide patrol as required, the state supervisor of forestry is hereby authorized to em-

ploy 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.

It shall be unlawful for any logging locomotive to operate through a hazardous fire area, consisting of unburned slashings, during any period of fire weather unless the movements of such locomotives are followed by a speeder or other patrol. Where speeder patrol is used, such speeder shall be equipped with two (2) shovels, one (1) axe and a one (1) five (5) gallon hand tank pump filled with water.

Every person violating the provisions of this section shall upon conviction be punished by a fine of not less than twenty-five dollars (\$25), nor more than seventy-five dollars (\$75) and the judgment of the court, in case of conviction, shall prohibit such person from operating such train, railroad locomotive, logging locomotive or other engine or boiler until the requirements of this section have been complied with. Penalty.

SEC. 2. That section 5806, Remington's Revised Statutes, be and it is hereby amended to read as follows: Amends
§ 5806 Rem.
Rev. Stat.
(§ 2581 P. C.)

Section 5806. Any fire on any forest land in the State of Washington burning uncontrolled and without proper precaution being taken to prevent its spread is hereby declared a public nuisance by reason of its menace to life or property. Any person, firm or corporation responsible for either the starting or the existence of such fire is hereby required to control or extinguish it immediately, without awaiting instructions from a forest officer, and if said responsible person, firm or corporation shall refuse, neglect or fail to do so, the supervisor of forestry or any fire warden or forest ranger acting with his authority, may summarily abate the nuisance thus constituted by controlling or extinguishing the fire and Uncontrolled
forest fire a
public
nuisance.

Expense of
abatement.

Lien on
offender's
property.

the cost thereof may be recovered from said responsible person, firm or corporation by action for debt and, if the work is performed on the property of the offender, shall also constitute a lien upon said property. Such lien may be filed by the supervisor of forestry in the office of the county auditor and foreclosed in the manner provided by law for the foreclosure of liens for labor and material. It shall be the duty of the prosecuting attorney for the county to bring such action for debt, or to foreclose such lien, upon the request of the supervisor of forestry.

Logging
operations,
fires.

When a fire occurs in a logging operation, such fire shall be fought to the full limit of available employees, as may be necessary, and such fire fighting shall be continued with the necessary crews in such numbers as are, in the opinion of the state forester, or his authorized deputies, sufficient to bring such fire to a patrol basis, and such fire shall not be left without such fire fighting crew or fire patrol until authority so to do has been granted in writing by the supervisor of forestry, or his authorized deputies.

Closure.

SEC. 3. When in the opinion of the supervisor of forestry, or his authorized deputies, weather conditions arise which present an extreme fire hazard, whereby life and property may be endangered by spreading forest fires, the supervisor of forestry, or his authorized deputies, may issue, or cause to be issued, an order closing such logging, land clearing, or other industrial operations which may cause a forest fire to start, and such closure shall be for the period, or periods, and regions, designated in the aforesaid order.

Penalty.

Any one violating the provisions of this section shall upon conviction thereof, be punished by a fine of not less than fifty dollars (\$50) nor more than five hundred dollars (\$500) for each and every violation, or by imprisonment of not less than thirty (30) days

in the county jail. Each day's violations shall constitute a separate offense.

Passed the House March 6, 1937.

Passed the Senate March 9, 1937.

Approved by the Governor March 15, 1937.

CHAPTER 153.

[H. B. 405.]

INTOXICATING LIQUOR: RETAIL LICENSEE QUALIFICATIONS.

AN ACT relating to intoxicating liquor; prescribing the powers and duties of the Washington State Liquor Control Board in connection with the issuance of retail licenses; and declaring an emergency.

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

SECTION 1. The Washington State Liquor Control Board may, in its descretion, grant such retail licenses as are otherwise provided for by law to any person who has resided in the State of Washington for a period of one month, and is otherwise qualified and eligible to receive such license. Retail licenses.

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

Passed the House March 5, 1937.

Passed the Senate March 9, 1937.

Approved by the Governor March 15, 1937.

CHAPTER 154.

[H. B. 437.]

COUNTY AND DISTRICT FAIRS.

AN ACT relating to the development of county and district fairs, providing for the state participating in premiums therefor, in boys and girls 4-H club work, Smith-Hughes students' work, making an appropriation, and repealing all laws in conflict therewith.

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

Purpose
of act.

SECTION 1. The encouragement of 4-H boys' and girls' club and/or Smith-Hughes vocational training students, competition at county and district fairs by the exhibition of their live stock, cereals, agriculture, home economics, manufactured products, and products of art and handicraft is essential to their educational development and should be encouraged in the interest of public good and development of our future citizens.

Allotment to
county or
district
agricultural
fairs.

SEC. 2. The board of trustees of any county or district agricultural fair which offers prizes for the products and articles set forth in section 1 of this act, may apply to the director of agriculture of the State of Washington, for an amount of money equivalent to the sum contributed by such county or district fair, and it shall be the director's duty to allot and issue voucher for said amount to be paid by the state treasurer, out of funds appropriated for that purpose, to such board of trustees but in no event shall such sum exceed five hundred dollars (\$500.00) in any calendar year, to any one such fair.

Appropriation.

SEC. 3. There is hereby appropriated out of the general fund from funds not otherwise appropriated, the sum of ten thousand dollars (\$10,000.00), or as much thereof as may be necessary to carry out the purposes of this act.

SEC. 4. That all laws in conflict with this act be and the same are hereby repealed.

Conflicting
laws
repealed.

Passed by the House March 3, 1937.

Passed by the Senate March 10, 1937.

Approved by the Governor March 15, 1937.

CHAPTER 155.

[H. B. 463.]

PRACTICE OF OPTOMETRY.

AN ACT relating to the practice of optometry; prescribing qualifications of persons entitled to practice the same; fixing fees payable by such persons; prescribing penalties; and amending sections 10150, 10158, and 10159, Remington's Revised Statutes.

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

SECTION 1. That section 10150, Remington's Revised Statutes, be amended to read as follows:

Amends
§ 10150, Rem.
Rev. Stat.
(§ 4294 P. C.)
Qualifications
of applicants.

Section 10150. Persons eligible for examination for registration, shall be any citizen of the United States of America, who shall have a preliminary education of or equal to, two years in a state high school, has completed a full attendance course in a regularly chartered school of optometry maintaining a standard which is deemed sufficient and satisfactory by the optometry board, or who has studied at least three years in the office of a regularly registered optometrist or who has successfully passed an examination before a board of optometry in some other state, who is of good moral character, who is not afflicted with any contagious or infectious disease, who has a visual acuity in at least one eye, of a standard known as 20/40 under correction: *Provided*, That from and after January 1, 1940, in order to be eligible for examination for registration, a person shall be a citizen of the United States of

America, who shall have a preliminary education of or equal to four years in a state accredited high school and has completed a full attendance course in a regularly chartered school of optometry maintaining a standard which is deemed sufficient and satisfactory by the optometry board, who is a person of good moral character, who is not afflicted with any contagious or infectious disease, who has a visual acuity in at least one eye, of a standard known as 20/40 under correction. Such person shall file an application for an examination and registration with said board at any time fifteen days prior to the time fixed for such examination, or at a later date if approved by the board, and such application must be on forms approved by the board, and properly attested, and if found to be in accordance with the provisions of this act shall entitle the applicant upon payment of the proper fee, to take the examination prescribed by the board. Such examination shall not be out of keeping with the established teachings and adopted text books of the recognized schools of optometry, and shall be confined to such subjects and practices as are recognized as essential to the practice of optometry. All candidates without discrimination, who shall successfully pass the prescribed examination, shall be registered by the board and shall, upon payment of the proper fee, be issued a certificate of registration.

Application
for
examination.

Certificate of
registration.

SEC. 2. That section 10158, Remington's Revised Statutes, be amended to read as follows:

Section 10158. During the month of January of each year, every registered optometrist shall pay to the department of licenses the sum of twelve dollars (\$12), two dollars (\$2) of which fee shall be retained by the state as a renewal fee and deposited in the state treasury, and ten dollars (\$10) of which shall be paid to the Washington Association of Optometrists, Incorporated, and failure to pay such

Vetoed.

fee within the prescribed time shall *ipso facto*, cause the suspension of such optometrist. The secretary shall mail a notice of said suspension to the last known postoffice address of the one so suspended, between the first and fifth days of February, March and April, next following, and if the fee is not paid by the first of May, the board may declare the certificate revoked in the regular manner, and shall immediately notify the county clerk of the county in which the revoked certificate is recorded.

Vetoed.

SEC. 3. That section 10159, Remington's Revised Statutes, be amended to read as follows:

Amends
§ 10159, Rem.
Rev. Stat.
(§ 4302b
P. C.)

Section 10159. Nothing in this act shall be construed to pertain in any manner to the practice of any regularly qualified oculist or physician, who is regularly licensed to practice medicine in the State of Washington, nor to any person who in the regular course of trade, sells or offers for sale, spectacles or eyeglasses as regular merchandise without pretense of adapting them to the eyes of the purchaser, and not in evasion of this act: *Provided*, That any such regularly qualified oculist or physician or other person shall be subject to the provisions of subdivisions (10), (11), (12), (13), (14), and (15) of section 10152, Remington's Revised Statutes, as amended by chapter 134, Laws of 1935, in connection with the performance of any function coming within the definition of the practice of optometry as defined in this act.

Inapplicable
to oculists
and
merchants.

Exception.

Passed the House March 5, 1937.

Passed the Senate March 8, 1937.

Approved by the Governor March 15, 1937, with the exception of section 2, which is vetoed.

CHAPTER 156.

[H. B. 481.]

SOCIAL SECURITY: DIVISION OF OLD AGE ASSISTANCE.

AN ACT relating to old-age assistance and amending sections 3, 4, 5, 6, 7, 8, 10, 11, 13, 16, 23 and 26 of chapter 182 of the Laws of 1935 (sections 9998-3, 9998-4, 9998-5, 9998-6, 9998-7, 9998-8, 9998-10, 9998-11, 9998-13, 9998-16, 9998-23 and 9998-26 of Remington's Revised Statutes), and repealing sections 18 and 19 of chapter 182 of the Laws of 1935 (sections 9998-18 and 9998-19 of Remington's Revised Statutes).

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

Amends
§ 9998-3 Rem.
Rev. Stat.
(§ 4424-63
P. C.)

SECTION 1. Section 3 of chapter 182 of the Laws of 1935 (section 9998-3 of Remington's Revised Statutes) is hereby amended to read as follows:

Eligibility for
assistance.

Section 3. Old-age assistance shall be given under this act to any person who:

(a) Has attained the age of 65 years: *Provided*, That if the Federal government provides for Federal contribution to state old-age assistance payable to persons of age less than 65 years, then and in that event persons shall be entitled to assistance hereunder at such age as shall be provided in said Federal act;

(b) Has income which is less than three hundred sixty dollars (\$360) per year;

(c) Has been a resident of the State of Washington for at least five years within the ten years immediately preceding his application for old-age assistance;

(d) Is not at the time an inmate of a public institution of a custodial, correctional or curative character, except in the case of temporary medical or surgical care in a hospital;

(e) Has not made a voluntary assignment or transfer of property for the purpose of qualifying for such assistance;

(f) Is not because of his physical or mental condition in need of continued institutional care.

SEC. 2. Section 4 of chapter 182 of the Laws of 1935 (section 9998-4 of Remington's Revised Statutes) is hereby amended to read as follows:

Amends
§ 9998-4 Rem.
Rev. Stat.
(§ 4424-64
P. C.)

Section 4. It shall be the duty of the department of social security to provide adequately for those eligible for old-age assistance under the provisions of this act. The amount and nature of old-age assistance which any such person shall receive, and the manner of providing it, shall be determined by the said department with due regard to the conditions existing in each case; but such assistance together with the applicant's own resources and income shall not be less than the sum of thirty dollars (\$30) per month to each recipient: *Provided*, That in the event Federal participation shall be granted in excess of fifteen dollars (\$15) a month per recipient, the maximum may be increased to twice the amount that may be recovered for each recipient from Federal sources. The old-age assistance may include, among other things, medical and surgical and hospital care and nursing.

Amount and
nature of
assistance
determined.

Minimum,
thirty dollars
per month.

Medical and
surgical care.

SEC. 3. Section 5 of chapter 182 of the Laws of 1935 (section 9998-5 of Remington's Revised Statutes) is hereby amended to read as follows:

Amends
§ 9998-5 Rem.
Rev. Stat.
(§ 4424-65
P. C.)

Section 5. A person requesting old-age assistance under this act shall make his application therefor to the department of social security. An inmate of any public institution of a correctional, custodial, or curative character may make an application while in such home or institution, but the assistance, if granted, shall not be paid until after he ceases to be such an inmate. The person requesting an old-age assistance grant may apply in person, or the application may be made by another in his behalf. The application shall be made in writing or reduced to writing, upon standard forms, prescribed and furnished by the department of social security.

Application
for
assistance.

Inmates
of public
institutions.

Amends
§ 9998-6 Rem.
Rev. Stat.
(§ 4424-66
P. C.)

SEC. 4. Section 6 of chapter 182 of the Laws of 1935 (section 9998-6 of Remington's Revised Statutes) is hereby amended to read as follows:

Rules and regulations.

Section 6. The department of social security is hereby authorized to and shall make rules and regulations necessary for the carrying out of the provisions of this act to the end that old-age assistance may be administered uniformly throughout the state, having regard for the varying costs of living in different parts of the state and that the spirit and purpose of this act may be complied with.

Amends
§ 9998-7 Rem.
Rev. Stat.
(§ 4424-67
P. C.)

SEC. 5. Section 7 of chapter 182 of the Laws of 1935 (section 9998-7 of Remington's Revised Statutes) is hereby amended to read as follows:

Investigation.

Section 7. Whenever the department of social security receives an application for an old-age assistance grant, an investigation and record shall be promptly made of the circumstances of the applicant. The object of such investigation shall be to ascertain the facts supporting the application made under this act and such other information as may be required by the rules of the department. The department shall have the power to issue subpoenas for witnesses and compel their attendance and the production of papers and writings and may examine witnesses under oath.

Amends
§ 9998-8 Rem.
Rev. Stat.
(§ 4424-68
P. C.)

SEC. 6. Section 8 of chapter 182 of the Laws of 1935 (section 9998-8, Remington's Revised Statutes) is hereby amended to read as follows:

Determination of amount and nature of assistance granted.

Section 8. Upon the completion of its investigation, the department of social security shall decide whether the applicant is eligible for and should receive an old-age assistance grant under this act, the amount of the assistance, the manner of paying or providing it and the date on which the assistance shall begin. The department may make such additional investigation as it may deem necessary, and shall make its decision as to the granting of assis-

tance and the amount and nature of assistance to be granted the applicant as in its opinion is justified and in conformity with the provisions of this act. The department shall notify the applicant of its decision in writing. Such decision shall be subject to a fair hearing, which hearing under the provisions of this section, unless appellant shall otherwise stipulate, shall be held in the county in which the appellant resides and shall be conducted by the director of the department of social security, a duly appointed, qualified and acting supervisor thereof, or by an examiner specially appointed by the director for such purpose. Whenever a hearing is conducted by a supervisor or specially appointed examiner, a transcript of the testimony shall be made and included in the record which shall be submitted to the director for his decision.

Decision
subject to
hearing.

Any appellant, feeling himself aggrieved by the decision of the director in any case, shall have the right of appeal to the superior court of the county of his legal residence, which appeal shall be taken by notice filed with the clerk of the court and served upon the director within thirty (30) days after the decision of the director.

Right of
appeal.

SEC. 7. Section 10 of chapter 182 of the Laws of 1935 (section 9998-10 of Remington's Revised Statutes) is hereby amended to read as follows:

Amends
§ 9998-10
Rem. Rev.
Stat. (§ 4424-
70 P. C.)

Section 10. If the person receiving the old-age assistance is, on the testimony of reputable witnesses, found incapable of taking care of himself or his money, the director of social security may direct the payment of the installments of the old-age assistance to any responsible person or corporation for his benefit.

Recipient
incapable
of taking
care of
himself.

SEC. 8. Section 11 of chapter 182 of the Laws of 1935 (section 9998-11 of Remington's Revised Statutes) is hereby amended to read as follows:

Amends
§ 9998-11
Rem. Rev.
Stat. (§ 4424-
71 P. C.)

Funeral expenses.

Section 11. On the death of a recipient of old-age assistance, reasonable funeral expenses not exceeding one hundred dollars (\$100) shall be paid by the department of social security if the estate of the deceased is insufficient to pay the same.

SEC. 9. Section 13 of chapter 182 of the Laws of 1935 (section 9998-13 of Remington's Revised Statutes) is hereby amended to read as follows:

Vetoed.

Section 13. If, at any time during the continuance of old-age assistance, the recipient thereof or the husband or wife of the recipient, becomes possessed of any property or income in excess of the amount enjoyed at the time of the granting of the assistance, it shall be the duty of the recipient immediately to notify the department of the receipt and possession of such property or income, and the department may, on inquiry, either cancel the assistance or vary the amount thereof in accordance with income.

Amends § 9998-16 Rem. Rev. Stat. (§ 4424-76 P. C.)

SEC. 10. Section 16 of chapter 182 of the Laws of 1935 (section 9998-16 of Remington's Revised Statutes) is hereby amended to read as follows:

Report to Federal government.

Section 16. The department of social security is hereby authorized and directed to make such reports and in such detail as may be required of it to the Federal government. Within ninety (90) days after the close of each calendar year, the department shall make a report to the governor for the preceding year, stating (a) the total number recipients, (b) the amount paid in cash, (c) the total number of applications, (d) the number granted, (e) the number denied, (f) the number canceled during the year, and (g) such other information as may be deemed advisable.

Amends § 9998-23 Rem. Rev. Stat. (§ 4424-83 P. C.)

SEC. 11. Section 23 of chapter 182 of the Laws of 1935 (section 9998-23 of Remington's Revised Statutes) is hereby amended to read as follows:

Section 23. The department of social security, for the purpose of administration, shall have power to establish such branch offices and/or appoint such subordinate officers, agencies or employees throughout the state as may be reasonably necessary to carry out the purposes of this act expeditiously and with a minimum of delay to applicants for assistance.

Branch
offices.

SEC. 12. Section 26 of chapter 182 of the Laws of 1935 (section 9998-26 of Remington's Revised Statutes) is hereby amended to read as follows:

Amends
§ 9998-26
Rem. Rev.
Stat. (§ 4424-
66 P. C.)

Section 26. The state hereby accepts the provisions of that certain act of the Congress of the United States entitled, An Act to provide for the general welfare by establishing a system of Federal old-age benefits, and by enabling the several states to make more adequate provisions for aged persons, blind persons, dependent and crippled children, maternal and child welfare, public health, and the administration of their unemployment compensation laws; to establish a Social Security Board; to raise revenue; and for other purposes, and such other act with like or similar objects as may be enacted.

Federal act.

SEC. 13. Sections 18 and 19 of chapter 182 of the Laws of 1935 (sections 9998-18 and 9998-19 of Remington's Revised Statutes) are hereby repealed.

Statutes
repealed.

Passed the House March 9, 1937.

Passed the Senate March 8, 1937.

Approved by the Governor March 15, 1937, with the exception of section 9, which is vetoed.

CHAPTER 157.

[H. B. 509.]

REGULATING SALE OF EGGS.

AN ACT relating to and regulating the sale of eggs; providing for the licensing of egg candlers; prescribing certain duties and powers of the director of agriculture of the State of Washington; providing for a Washington state egg seal and its use; amending sections 6155-8 and 6155-10 of Remington's Revised Statutes and providing penalties.

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

Examination
of applicant
for egg
grader's
license.

License fee.

Expiration
date.

Rules and
regulations.

Washington
state egg seal.

Proceeds
from sale
of seals.

SECTION 1. The director of agriculture shall have the power and it shall be his duty to provide for the examination of applicants for an egg grader's license. Any person who successfully passes such examination and who is deemed competent to candle and grade eggs shall upon payment to the director of agriculture of a license fee of two dollars (\$2.00) be granted a license to grade and candle eggs. Such license shall expire on March 31 following date of issuance. The director shall have the power and it shall be his duty to promulgate reasonable rules and regulations applying to persons, corporations or associations who candle or grade eggs for sale in the State of Washington.

SEC. 2. The director of agriculture is hereby authorized and it shall be his duty to provide and make available a suitable gummed paper seal to be known as the Washington state egg seal; and he shall have the power from time to time to establish the price at which said seal shall be sold, but in no case shall the cost of such seal exceed one and three-quarters (1-3/4) mills per dozen eggs. The proceeds from the sale of said seals shall be expended by the director of agriculture to assist in defraying salaries and expenses incurred in the enforcement of the provisions of this act and of chapter 17, Laws of 1933.

SEC. 3. Section 6155-8 of Remington's Revised Statutes is hereby amended to read as follows:

Amends
§ 6155-8 Rem.
Rev. Stat.
(§ 2555-12
P. C.)

Section 6155-8. It shall be unlawful for any person to sell, offer or expose for sale any eggs, for human consumption, within the State of Washington without notifying the person or persons purchasing or intending to purchase the same, of the exact grade or quality and size or weight of such eggs, according to the standards prescribed by the director of agriculture, by stamping or printing on the container of any such eggs such grade or quality and size or weight, or in the case said eggs are offered for sale in bulk, without displaying in a conspicuous place on the container from which such eggs are offered or exposed for sale, a placard or sign printed in letters not less than two inches high, giving such grade, quality, size and weight, and without placing a Washington state egg seal upon each carton, bag or other container in which eggs are sold, delivered, or offered for sale or retail. The provisions of this section shall not apply to a person selling eggs of his own production except when they are sold or offered for sale at retail to the consumer: *Provided*, That this act shall not affect the sale of eggs by the producers when the consumer purchases said eggs at the place of production.

Vendor's
brand of
grades.

Eggs
purchased
at place of
production.

SEC. 4. Section 6155-10 of Remington's Revised Statutes is hereby amended to read as follows:

Amends
§ 6155-10
Rem. Rev.
Stat. (§ 2555-
14 P. C.)

Section 6155-10. Any person who violates or fails to comply with any of the provisions of this act shall be guilty of a misdemeanor; and for a second and each subsequent conviction of a violation of any of the provisions of this act shall be subject to a fine of not less than twenty-five dollars (\$25.00) or ten (10) days in jail or both.

Penalty, first
and second
convictions.

SEC. 5. Any person who violates any of the provisions of this act shall be subject to the penalties

provided under section 6155-10, Remington's Revised Statutes as herein amended.

Passed the House March 5, 1937.

Passed the Senate March 11, 1937.

Approved by the Governor March 15, 1937.

CHAPTER 158.

[H. B. 510.]

CORPORATIONS OPERATING UNDER SUPERVISION OF PUBLIC SERVICE DEPARTMENT.

AN ACT relating to fees to be paid by persons, firms and corporations subject to regulation by the department of public service and repealing section 1 of chapter 113 of the Session Laws of 1921 as amended by section 1 of chapter 107 of the Session Laws of 1923 as amended by section 1 of chapter 107 of the Session Laws of 1929 and section 2 of chapter 248 of the Session Laws of 1927 and chapter 108 of the Session Laws of 1929 and section 11 of chapter 154 of the Session Laws of 1933 and declaring that this act shall take effect immediately.

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

Public utility
companies,
statement
and payment
of fees.

Exceptions.

SECTION 1. Every person, firm or corporation subject to regulation by the department of public service, except auto transportation companies operating under the provisions of chapter 111 of the Laws of 1921 as amended, steamboat companies operating under the provisions of chapter 248 of the Laws of 1927, wharfingers or warehousemen, motor freight carriers operating under the provisions of chapter 184 of the Laws of 1935, and storage warehousemen operating under the provisions of chapter 154 of the Laws of 1933, shall, on or before the first day of April of 1937 and of each year thereafter, file with the department a statement on oath showing its gross operating revenue from intrastate operations for the preceding calendar year or portion thereof and pay to the department a fee equivalent to 1/10 of one per cent of the first \$50,000.00 of such

gross operating revenue, plus $\frac{2}{10}$ of one per cent of any such gross operating revenue in excess of \$50,000.00: *Provided*, That the fee so paid shall in no case be less than one dollar. The percentage rates of gross operating revenue to be paid in any year as herein provided may be decreased by the department for any or each class of persons, firms and corporations subject to the payment of such fees, by general order entered before March first of such year, and for such purpose such persons, firms and corporations shall be classified as follows: Electric companies, gas companies, water companies, telephone companies, telegraph companies, steam heating companies and irrigation companies shall constitute Class One; and railroad companies, electric railroad companies, express companies, sleeping car companies and toll bridge companies shall constitute Class Two. In fixing such rates each year the department shall take into consideration all monies then on hand in the public service revolving fund and all such fees currently to be paid into said fund, to the end that the fees so collected from the several classes of such companies shall be approximately the same as the reasonable cost of supervising and regulating such classes respectively.

SEC. 2. Every auto transportation company operating under the provisions of chapter 111 of the Laws of 1921, as amended, shall, between the first and fifteenth days of January, April, July and October of each year, file with the department of public service a statement showing the gross operating revenue of such company from intrastate operations for the preceding three months or portion thereof, and shall pay to the department a fee of $\frac{2}{5}$ of one per cent of the amount of such gross operating revenue: *Provided*, That the fee so paid shall in no case be less than two dollars and fifty cents. The percentage rate of gross operating revenue to be paid

Auto transportation company, statement and payment of fee.

in any period may be decreased by the department by general order entered before the fifteenth day of the month preceding the month in which such fees are due. In fixing such rate the department shall take into consideration all monies on hand in the public service revolving fund and fees currently to be paid into said fund to the end that the fees collected hereunder shall be approximately the same as the reasonable cost of regulating auto transportation companies. The department shall also collect the following miscellaneous fees: Application for a certificate of public convenience and necessity or to amend a certificate, \$25.00; application to sell, lease, mortgage, or transfer a certificate of public convenience and necessity or any interest therein, \$10.00.

Storage
warehouse-
man, state-
ment and
payment
of fee.

SEC. 3. Every storage warehouseman operating under the provisions of chapter 154 of the Laws of 1933, shall, on or before the thirtieth day of September, 1937, and of each year thereafter, file with the department a statement on oath showing his gross operating revenue from intrastate operations for the preceding fiscal year ending June thirtieth or portion thereof, and pay to the department one per cent of such gross operating revenue: *Provided*, That the fee so paid shall in no case be less than ten dollars. The percentage rate of gross operating revenue to be paid in any year as herein provided may be decreased by the department by general order entered before September first of such year. In fixing such rate the department shall take into consideration all monies on hand in the public service revolving fund and fees currently to be paid into said fund to the end that the monies collected hereunder shall be approximately the same as the reasonable cost of regulating storage warehousemen.

Steamboat
company,
statement
and payment
of fee.

SEC. 4. Every steamboat company operating under the provisions of chapter 248 of the Laws of 1927 and every wharfinger or warehouseman as defined by chapter 117 of the Session Laws of 1911,

shall, on or before the first day of April of 1937 and of each year thereafter, file with the department a statement on oath showing its gross operating revenue from intrastate operations for the preceding calendar year or portion thereof and pay to the department a fee of $\frac{2}{5}$ of one per cent of the amount of such 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 as herein provided may be decreased by the department by general order entered before March first of such year. In fixing such rate the department shall take into consideration all monies on hand in the public service revolving fund and fees currently to be paid into said fund to the end that the fees so collected from steamboat companies and wharfingers or warehousemen as a group shall be approximately the same as the reasonable cost of supervising and regulating such companies as a group.

SEC. 5. The department is hereby authorized to create and maintain in the public service revolving fund reserves for the several groups or classes of public utilities as follows:

Class (1), being electric companies, gas companies, water companies, telephone companies, telegraph companies, steam heating companies, and irrigation companies, \$200,000.00;

Class (2), being railroad companies, electric railroad companies, express companies, sleeping car companies, and toll bridge companies \$15,000.00;

Class (3), being auto transportation companies \$15,000.00;

Class (4), being storage warehousemen \$15,000.00;

Class (5), being steamboat companies \$15,000.00;

Class (6), being motor carriers as defined by chapter 184, Laws of 1935, \$150,000.00.

Vetoed.

Vetoed. } Accruals to said reserve fund shall be provided for in the fees required by this and other acts and the annual accruals for the several groups of companies shall be fixed in proportion to the expenses incurred by the department in supervising and regulating such groups respectively during the preceding fiscal year.

Disposal of collections.

SEC. 6. All monies collected under the provisions of this act shall within thirty days be paid to the state treasurer and by him deposited to the public service revolving fund.

Legislative intent.

SEC. 7. It is the intent and purpose of the legislature that the several groups of public service companies shall each contribute sufficient in fees to the department to pay the reasonable cost of regulating the several groups respectively. The department shall keep accurate records of the costs incurred in regulating and supervising the several groups of companies subject to regulation or supervision and such records shall be open to inspection by all interested parties. The records and data upon which the department's determination is made shall be considered *prima facie* correct in any proceeding instituted to challenge the reasonableness or correctness of any order of the department fixing fees and distributing regulatory expenses.

Partial invalidity.

SEC. 8. If any section or part of a section, clause or sentence of this act should for any reason be declared unconstitutional and invalid such adjudication shall not affect the validity of any of the remaining portions of the act or if the application of the act to any person or circumstance be held unconstitutional or invalid such adjudication shall not affect the application of the act to any other persons or circumstances not directly involved in the action wherein such adjudication was made.

SEC. 9. Section 1 of chapter 113 of the Session Laws of 1921 as amended by section 1 of chapter 107 of the Session Laws of 1923 as amended by section 1 of chapter 107 of the Session Laws of 1929 and section 2 of chapter 248 of the Session Laws of 1927 and chapter 108 of the Session Laws of 1929 and section 11 of chapter 154 of the Session Laws of 1933 be and the same hereby are repealed.

Statutes
repealed.

SEC. 10. This act is necessary for the support of the state government and its existing public institutions and shall take effect immediately.

Effective
immediately.

Passed the House March 8, 1937.

Passed the Senate March 7, 1937.

Approved by the Governor March 15, 1937, with the exception of section 5, which is vetoed.

CHAPTER 159.

[H. B. 530.]

DEVELOPMENT OF STATE CAPITOL GROUNDS.

AN ACT authorizing the state capitol committee to develop and extend the state capitol grounds, seek Federal assistance, and making an appropriation.

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

SECTION 1. That the state capitol committee is hereby authorized to prepare and carry out an extended plan for the improvement of the area in and adjacent to Olympia, Washington, known as the Des Chutes Water Basin, such improvement to be in keeping with and become a part of the capitol building and grounds; to acquire by purchase or condemnation such tide or other lands necessary therefor; to include in such plan the submerging of the mud flats by the creation of an artificial lake through the construction of a dam, bulkhead or spillway near

the Fourth Avenue Bridge in conformity with needs of navigation; to cooperate with any Federal agency or agencies in order to obtain Federal assistance; and to do any and all things necessary to fulfill the purpose of this plan.

Appropriation.

SEC. 2. There is hereby authorized and appropriated the sum of one hundred fifty thousand dollars (\$150,000), or as much thereof as may be necessary, from the capitol building construction fund, to carry out the provisions of this act.

Passed the House March 5, 1937.

Passed the Senate March 8, 1937.

Approved by the Governor March 15, 1937.

CHAPTER 160.

[H. B. 560.]

ADDITIONS TO STATE CAPITOL GROUNDS.

AN ACT relating to the acquiring of land by the state capitol committee for additions to Capitol Place in the City of Olympia, and declaring an emergency.

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

SECTION 1. The state capitol committee is hereby authorized to acquire by purchase or condemnation lot 1, Dunbar's Subdivision, lots 1 to 6, inclusive, block 6, Capitol Place Addition, block 19, Calkin's Plat and tract 1A, Sylvester's Donation Claim, all in the City of Olympia, State of Washington, adjoining the property now known as Capitol Place.

Appropriation.

SEC. 2. For the purpose of carrying out the provisions of this act there is hereby appropriated from the capitol building construction fund the sum of forty thousand dollars (\$40,000), or so much thereof as may be necessary.

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

Passed the House March 5, 1937.

Passed the Senate March 8, 1937.

Approved by the Governor March 15, 1937.

CHAPTER 161.

[S. S. B. 176.]

PROSPECTING PERMITS AND PETROLEUM LEASES.

AN ACT relating to state lands and areas belonging to, or held in trust by the state, providing for and regulating the granting of prospecting permits and leases for the extraction of petroleum and certain preference rights to take petroleum; defining the powers and duties of certain officers in connection therewith, providing for the issuance of permits and leases at public auction in certain cases, providing for appeals, and repealing sections 175 to 185, both inclusive, of chapter 255 of Laws of 1927 (sections 7797-175 to 7797-185 of Remington's Revised Statutes).

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:

(1) "Commence to Drill a Well": The institution of work in good faith with drilling equipment adequate for the drilling of a well to a depth that will reasonably test the oil and gas productiveness of the public lands where such well is commenced. "Commence to drill a well."

(2) "Petroleum": Any liquid or gaseous hydrocarbon occurring in nature beneath the surface of the earth. "Petroleum."

(3) "Proven Territory": Territory so situated with reference to known producing wells as to establish the general opinion that, because of its relation to them petroleum is contained in it. "Proven territory."

"Public
lands."

(4) "Public Lands": Lands and areas belonging to or held in trust by the state, including lands of every kind and nature including mineral rights reserved to the state.

"Gross
value."

(5) "Gross Value": The value of petroleum at the well produced and saved, without deduction for expense of production.

"Person."

(6) "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 by virtue of the laws of any state or territory of the United States and authorized to do business in this state.

"Commis-
sioner."

(7) "Commissioner": The commissioner of public lands of the State of Washington.

Contract to
prospect
public lands.

Permittee.

SEC. 2. The commissioner is hereby authorized to enter into contracts in writing designating, constituting and appointing any person as the permittee of the State of Washington with the exclusive right to prospect and explore not to exceed three sections or 1920 acres of the public lands of the State of Washington for the occurrence of petroleum therein; such contract to contain such conditions as may be prescribed by the rules and regulations adopted by the commissioner pursuant to the terms hereof and in accordance with the terms of this act. Such permit shall be for a period of three years and such permittee, pursuant to such contract, shall have the right to enter in and upon such public lands and prospect and explore the same to determine the occurrence of petroleum therein.

Permittee
entitled to
lease, when.

SEC. 3. A permittee, upon the discovery of petroleum in the lands embraced by his permit in commercial quantities, shall be entitled to a lease for the extraction of petroleum from not to exceed one section or 640 acres of such land to be selected by such permittee. Such lease shall be for a term of twenty

years and such lease shall be in terms as in this act and the rules and regulations of the commissioner provided.

SEC. 4. The commissioner shall require as a prerequisite to the issuing of any permit a fee of forty cents (40c) per acre for the first year of such permit, payable in advance to the commissioner at the time of making application therefor and a like fee of forty cents (40c) per acre annually in advance thereafter so long as such permit remains in force: *Provided*, That in the event no permit be issued such fee shall be returned to the applicant.

Fee of
forty cents
per acre.

SEC. 5. No permits shall be issued upon public lands classified as proven territory.

Proven
territory
exempted.

SEC. 6. No permittee shall commence any operation upon lands covered by his permit until he has compensated the owners of private rights therein according to law and has compensated the State of Washington for damage to the surface rights of the state in accordance with the rules and regulations adopted by the commissioner.

Damages to
owners.

SEC. 7. Permits shall require the commencement of geological, geophysical or core drilling operations thereunder within one year after the issuance of such permit and shall require the commencement of drilling operations within two years after the issuance of such permit. All operations shall be prosecuted with reasonable diligence in accordance with good oil field practice, and shall be continuous except when causes beyond the control of the permittee intervene and render continuous operations not feasible. All drilling operations under any permit shall be carried on with equipment capable of drilling to a depth of at least 2500 feet. If petroleum in commercial quantities is not encountered at the end of the primary term of such permit the same shall not expire: *Provided*, The permittee shall be

Time for
commencing
work.

then prosecuting drilling operations with due diligence and such permit shall remain in force until petroleum is encountered in commercial quantities so long as the permittee continuously and with due diligence prosecutes drilling operations on any of the lands embraced by his permit. The provisions of this section are subject to the authority of the commissioner, herein granted, to approve plans of unit operation.

Option of
surrender
by permittee.

SEC. 8. Every permittee shall have the option of surrendering his permit at any time and shall be relieved of all liability thereunder except for physical damage to the premises embraced by his permit which have been occasioned by his operations.

Petroleum
leases,
royalties.

SEC. 9. Petroleum leases shall be upon a royalty of $12\frac{1}{2}\%$ of the gross value of all petroleum produced and saved from the lands covered by such lease and shall be for a term of twenty (20) years, and shall provide for an annual rental, payable in advance, of one dollar (\$1.00) per acre. If at the expiration of any petroleum lease petroleum can be produced from the lands covered thereby, the then holder of such lease shall have the preferential right to a new lease covering such lands upon the same terms and conditions set forth in such previous lease except as to rental which shall be determined by the commissioner, at not to exceed five dollars (\$5.00) per acre per annum.

Petroleum
lease holder,
option of
surrender.

SEC. 10. Every petroleum lease holder shall have the option of surrendering his lease at any time and shall be relieved of all liability thereunder except for physical damage to the premises embraced by his lease which have been occasioned by his operations and except payment of accrued royalties thereunder. Upon such surrender the lessee shall have the right for a period of 120 days following the date of such surrender to remove all improvements placed by him on the lands covered by his lease.

SEC. 11. Petroleum leases shall not be issued on lands which have not been classified by the commissioner as proven territory. The commissioner shall issue leases to permit holders as provided herein. Upon application of any person the commissioner shall lease in areas not exceeding 640 acres or one section, at public auction, any or all unleased lands within such proven territory to the person offering the greatest cash bonus therefor at such auction.

Proven
territory
exempted.

SEC. 12. The commissioner is hereby authorized to cancel any permit or lease issued as provided herein for nonpayment of royalties or nonperformance by the permittee or lessee of any provision or requirement of the permit or lease: *Provided*, That before any such cancellation shall be made, the commissioner shall mail to the permittee or lessee by registered mail, addressed to the post office address of such permittee or lessee shown by the records of the office of the commissioner, a notice of intention to cancel such permit or lease specifying the default for which the permit or lease is subject to cancellation, and if, within thirty (30) days after the mailing of said notice to the permittee or lessee, he shall remedy the default specified in such notice, then no cancellation of the permit or lease shall be entered by the commissioner, but otherwise, the said cancellation shall be made and all rights of the permittee or lessee under the permit or lease shall thereupon automatically terminate: *Provided, further*, That failure to pay fees required under permits within the time prescribed therein shall automatically and without notice work a forfeiture of such permits and of all rights thereunder.

Cancellation
of permit
or lease.

Notice.

Failure to
pay fees
terminates
permits.

SEC. 13. Upon the expiration or forfeiture of any permit no new permit covering the lands, or any of them, embraced by such expired or forfeited permit shall be issued for a period of thirty (30) days following the date of such expiration or forfeiture. If

Public
auction.

more than one application for a permit covering such lands, or any of them, shall be made during such thirty day period, the commissioner shall issue a permit to such lands, or any of them, to the person offering the greatest cash bonus for such permit at a public auction to be held at the time and place and in the manner as the commissioner shall by regulation prescribe. Such auction shall be held at any time after the expiration of such thirty (30) day period and the only notice thereof shall be by entering in a book kept at the office of the commissioner for the purpose, which book shall be a public record, the date, place and hour of the holding of such auction.

Unit plan of development.

SEC. 14. Whenever the commissioner shall find it is in the best interest of the state and of the production of petroleum, it is declared to be lawful for the state, the permittees, lessees, operator or any person owning or controlling royalty or other interest in separate properties of the same producing or prospective petroleum field, to enter into agreements with themselves or among each other, subject to the approval of the commissioner, for the purpose of cooperative exploration, development and operation of all or a part or parts of such field, or for the purpose of the exploration, development or operation of all or part or parts of such field as a pool or unit, and for the purpose of fixing the time, location and manner of drilling and for the purpose of regulating the location, sequence and number of exploratory wells required in the case of permits under unit operations and leases, and operating of wells for the exploration of petroleum on state and private lands and for the apportionment and division of the petroleum between the state and the several owners of land embraced within the field so placed in such pool, taking into consideration the relative character and geological showing in respect of said sev-

eral tracts of land so far as the same is reasonably ascertainable, the apparent probability of producing petroleum from the whole or any part thereof and any and all other apparent factors that may tend to aid in arriving at a fair, just and equitable participation by the state and the several owners in the apportionment and distribution of all the petroleum that shall be recovered and saved therefrom. The purpose of this section is to encourage the development and exploration of petroleum upon state lands by and through the unit plan of development. When it is in the best interests of the state the commissioner shall compel the adoption of unit plans of operation in so far as state lands are included in any productive pool or pools if the permittees or lessees of such lands shall fail to agree upon a plan of unit operation acceptable to the commissioner, the commissioner is empowered to fix the terms of such unit plan or plans and any permittees or lessees affected who fail to abide by such plan shall suffer forfeiture of their permits or leases upon notice as herein provided.

SEC. 15. The commissioner is authorized to insert in any permit or 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 permittee or lessee and of the owners of the surface of the leased lands not in conflict with the provisions of this act.

State rights
protected.

SEC. 16. The commissioner is hereby 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, and 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

Rules and
regulations.

fifteen (15) 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 adequately indexed and shall be kept in the office of the commissioner and shall be and 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.

Boundary
restrictions.

SEC. 17. All permits and leases of land containing petroleum made or issued under the provisions of this act, shall be subject to, and contain a condition that no well or wells shall be drilled within three hundred and thirty (330) feet of any of the outer boundaries of said lands so held under permit or lease, unless the right to petroleum in adjoining lands are vested in private ownership: *Provided*, That this section shall not apply to shore lands, river beds, lake beds, tide lands and submerged lands.

Right of way.

SEC. 18. Any person granted a permit or 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 petroleum. 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, and 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 permit or lease is granted.

SEC. 19. All sales of timber, as prescribed herein shall be made subject to the right, power and au-

thority of the commissioner to prescribe rules and regulations governing the manner of the removal of the merchantable timber upon any lands embraced within any permit or lease with the view of protecting the same and other timber against destruction or injury by fire or from other causes, and such rules or regulations shall be binding upon the permittee or lessee, his successors in interest, and shall be enforced by the commissioner.

Removal of
timber upon
lands
embraced
in permit.

SEC. 20. After the issuance of any petroleum lease the lessee shall proceed to develop the petroleum in the lands covered thereby through the drilling of such wells as will efficiently extract the petroleum 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.

Wells drilled.

SEC. 21. All leases shall provide that the lessee shall drill an offset well to any well on adjoining land which is within three hundred fifty (350) feet of any outer boundary of the land covered by the lease, and which well on adjoining lands is producing petroleum in paying quantities and draining the lands covered by the lease, such offset to be begun within ninety (90) days from the completion of the adjoining well and drilled with due diligence to completion.

Offset well.

SEC. 22. In the case of any application for prospecting permits or leases to river beds, lake beds, and shore lands, the owner of the right to prospect for and develop and produce petroleum from the abutting lands shall have a preferential right for a period of thirty (30) days after he has received notice from the commissioner of such application, to a prospecting permit, or if petroleum has been

River beds,
lake beds and
shorelands.

discovered in commercial quantities in any structure underlying such abutting lands, a lease, to the portion of such river bed, lake bed, and shore lands as adjoins such abutting lands upon the terms and conditions herein provided, notwithstanding any acreage limitations herein provided as to permits and leases.

Submerged lands and tidelands of Pacific ocean.

SEC. 23. In the case of prospecting permits and leases to tide and submerged lands of the Pacific ocean, or any arm thereof, the commissioner shall make such regulations as may be necessary.

Commissioner has power to withhold leases.

SEC. 24. Nothing contained in this act shall be construed as requiring the commissioner to offer any tract or tracts of land for prospecting or lease, but the commissioner shall have power to withhold any tract or tracts from prospecting or leasing for petroleum purposes, if in his judgment the best interest of the state will be served by so doing.

Payment of royalties.

SEC. 25. All royalty required to be paid hereunder, when oil, is to be delivered, at the option of the commissioner, at the mouth of the wells into tanks provided by him, or into the pipe line with which the wells may be connected, to his credit; and for royalty, when gas, including casinghead gas or other gaseous substance, the lessee shall account to the commissioner for the market value thereof at the well for all that may be sold by lessee or used by lessee in the manufacture of gasoline or other product therefrom. At the election of the commissioner, in lieu of delivering the royalty, when oil, in kind, the lessee shall purchase the same at its market value at the well when produced.

Leases validated.

SEC. 26. All petroleum leases issued by the commissioner prior to the effective date of this act, which have not been legally cancelled for nonperformance by the lessees are hereby declared to be valid and existing contracts with the State of Washington,

according to their terms and provisions, and the obligation of the state to conform to the terms and provisions of such leases is hereby recognized, and the commissioner is hereby directed to accept and recognize all such leases according to their express terms and provisions. Any lease recognized and confirmed by this section may be relinquished to the state by the lessee, and a new prospecting permit, lease or leases in the form provided for in this act shall be issued in lieu of same and without bonus therefor, but the new prospecting permit, lease or leases so issued shall be as provided for in this act.

SEC. 27. Except as prohibited by the Enabling Act under which the Territory of Washington was admitted to the Union, as amended, and the Constitution of this state, assignments of permits and leases shall be valid after recording such assignments with the commissioner: *Provided*, That permits may not be assigned in part: *And provided further*, That leases may not be assigned in part when in the judgment of the commissioner such partial assignment would be prejudicial to the best interests of the state.

Assignment
of permits
and leases.

SEC. 28. Any applicant for a permit or 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 the Public Lands Act (Remington's Revised Statutes, section 7797-125) (chapter 255, Session Laws of 1927, section 125).

Right of
appeal.

SEC. 29. 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.

Partial
invalidity.

Statutes
repealed.

SEC. 30. That sections 175 to 185, both inclusive, of chapter 255, Laws of 1927, (Remington's Revised Statutes, section 7797-175 to section 7797-185) are hereby repealed.

Passed the Senate March 5, 1937.

Passed the House March 9, 1937.

Approved by the Governor March 16, 1937.

CHAPTER 162.

[S. S. B. 113.]

UNEMPLOYMENT COMPENSATION ACT.

AN ACT providing for relief from involuntary unemployment; declaring the public policy of the state; providing for contributions by employers and for an unemployment compensation fund; defining conditions of eligibility for and regulating benefits; establishing a procedure for the settlement of benefit claims and providing for court review thereof; creating the office of director and defining his powers and duties; accepting the provisions of the Wagner-Peyser Act of the Congress of the United States; permitting reciprocal benefit arrangements with the states; providing penalties; making appropriations for the payment of the expenses in the administration thereof; providing for the receipt of Federal monies for the administration thereof; and for the payment of claims out of the special funds established herein and for purposes specified or to be specified in certain acts of Congress, and declaring that this act shall take effect immediately.

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

Title.

SECTION 1. This act shall be known and may be cited as the "Unemployment Compensation Act."

Purpose.

SEC. 2. Whereas, economic insecurity due to unemployment is a serious menace to the health, morals and welfare of the people of this state; involuntary unemployment is, therefore, a subject of general interest and concern which requires appropriate action by the legislature to prevent its spread and to

lighten its burden which now so often falls with crushing force upon the unemployed worker and his family. Social security requires protection against this greatest hazard of our economic life. This can be provided only by application of the insurance principle of sharing the risks, and by the systematic accumulation of funds during periods of employment to provide benefits for periods of unemployment, thus maintaining purchasing powers and limiting the serious social consequences of poor relief assistance. The State of Washington, therefore, exercising herein its police and sovereign power endeavors by this act to remedy the widespread unemployment situation which now exists and to set up safeguards to prevent its recurrence in years to come. The legislature, therefore, declares that in its considered judgment the public good, and the general welfare of the citizens of this state require the enactment of this measure, under the police powers of the state, for the compulsory setting aside of unemployment reserves to be used for the benefit of persons unemployed through no fault of their own, and that this act shall be liberally construed for the purpose of reducing involuntary unemployment and the suffering caused thereby to the minimum.

Exercise of
police power.

SEC. 3. (a) *Payment of Benefits.*—Twenty-four months after the date when contributions first accrue under this act, benefits shall become payable from the fund. All benefits shall be paid through employment offices in accordance with such regulations as the director may prescribe.

Payment of
benefits.

(b) *Weekly Benefit Amount for Total Unemployment.*—Each eligible individual who is totally unemployed in any week shall be paid with respect to such week, benefits at the rate of fifty per centum of his full time weekly wages but not more than \$15.00 per week, nor less than either \$7.00 or three-

Weekly
benefit for
total un-
employment.

fourths ($\frac{3}{4}$) of his full time weekly wage, whichever is the lesser.

Weekly benefit for partial unemployment.

(c) *Weekly Benefit for Partial Unemployment.*—Each eligible individual who is partially unemployed in any week shall be paid with respect to such week a partial benefit. Such partial benefit shall be an amount equal to the difference between this weekly benefit amount and five-sixths ($\frac{5}{6}$) of all remuneration (as limited by section 19 (k)) earned by him for such week.

Benefits in seasonal and irregular employment.

(d) *Benefits in Seasonal and Irregular Employment.*

(1) As used in this section the term “seasonal industry” means an occupation or industry in which, because of the seasonal nature thereof it is customary to operate only during a regularly recurring period or periods of less than forty-five weeks in a calendar year. The director shall, after investigation and hearing, determine, and may thereafter from time to time redetermine, the longest seasonal period or periods during which, by the best practice of the occupation or industry in question, operations are conducted. Until such determination by the director, no occupation or industry shall be deemed seasonal.

The term “seasonal worker” means an individual who is ordinarily engaged in a seasonal industry and who, during the portion or portions of the year when such industry is not in operation, is ordinarily not engaged in any other work.

(2) When the director has determined such seasonal period or periods, he shall also fix the right to benefits, the conditions required for the payment of benefits to unemployed persons in such occupation or industry, and the charge to be made against the employer’s account as provided in section 7 (c), and shall modify the requirements of the right to benefits and the conditions required for the payment

of benefits in such manner that the total benefits paid such persons will be in reasonable proportion to the total contributions to the fund of employers in such occupation or industry.

(e) *Determination of Full Time Weekly Wage.*

Determina-
tion of full-
time weekly
wage.

—(1) The full time weekly wage of any individual means the weekly wages that such individual would receive if he were employed at the most recent wage rate earned by him for employment by an employer during the period prescribed pursuant to paragraph (3) of this subsection, and for the customary scheduled full time weekly hours prevailing for his occupation in the enterprise in which he last earned wages for employment by an employer during the same period.

(2) If the director finds that the full time weekly wage, as above defined, would be unreasonable or arbitrary or not readily determinable with respect to any individual the full time weekly wage of such individual shall be deemed to be one-thirteenth (1/13) of his total wage for employment by employers during that quarter in which such total wages were highest during the period prescribed pursuant to paragraph (3) of this subsection.

(3) The full time weekly wage of any individual shall be determined and redetermined at such reasonable times as the director may find necessary to administer this act and may by regulation prescribe. The period hereinabove referred to shall consist of the next to the last completed calendar quarter immediately preceding the date with respect to which an individual's full time weekly wage is determined, and such of the seven immediately preceding consecutive calendar quarters as the director may by regulation prescribe.

(f) *Duration of Benefits.*—The director shall compute wage credits for each individual by crediting him with the wages earned by him for employ-

Duration of
benefits.

ment by employers during each quarter, or \$390.00, whichever is the lesser. Benefits paid to any eligible individual shall be charged, in the same chronological order as such wages were earned, against one-sixth (1/6) of his wage credits which are based upon wages earned during his base period and which have not been previously charged hereunder. The maximum total amount of benefits payable to any eligible individual during any benefit year shall not exceed whichever is the lesser of (1) 16 times his weekly benefit amount, and (2) one-sixth (1/6) of such uncharged wage credits with respect to his base period.

**Part time
workers.**

(g) *Part Time Workers.*—(1) As used in this subsection the term “part time worker” means an individual whose normal work is in an occupation in which his services are not required for the customary scheduled full time hours prevailing in the establishment in which he is employed or who, owing to personal circumstances, does not customarily work the customary scheduled full time hours prevailing in the establishment in which he is employed.

(2) The director shall prescribe fair and reasonable general rules applicable to part time workers for determining their full time weekly wage and the total wages for employment by employers required to qualify such workers for benefits. Such rules shall, with respect to such workers, supersede any inconsistent provisions of this act, but, so far as practicable, shall secure results reasonably similar to those provided in the analogous provisions of this act.

**Benefit
eligibility
conditions.**

SEC. 4. *Benefit Eligibility Conditions.*—An unemployed individual shall be eligible to receive benefits with respect to any week only if the director finds that:

(a) He has registered for work at and thereafter has continued to report at an employment office in accordance with such regulations as the director may prescribe;

(b) He has made a claim for benefits in accordance with the provisions of section 6 (a) of this act;

(c) He is able to work, and is available for work;

(d) Prior to any week for which he claims benefits he has been totally unemployed for a waiting period of two weeks (and for the purposes of this subsection, two weeks of partial unemployment shall be deemed to be equivalent to one week of total unemployment). Such weeks of total or partial unemployment need not be consecutive. No week shall be counted as a week of total unemployment for the purpose of this subsection:

(1) If benefits have been paid with respect thereto;

(2) Unless the individual was eligible for benefits with respect thereto in all respects except for the requirements of subsections (b) and (e) of this section;

(3) Unless it occurs within the thirteen consecutive weeks preceding the week for which he claims benefits: *Provided*, That this requirement shall not interrupt the payment of benefits for consecutive weeks of unemployment: *And provided further*, That no individual shall be required to accumulate more than five waiting period weeks during five consecutive calendar quarters;

(4) Unless it occurs after benefits first could become payable to any individual under this act.

(e) He has within his base year earned wages of not less than sixteen times his weekly benefit amount: *Provided*, That if the director finds that during such base year any individual has been incapable of work because of some physical or mental disability, or has been engaged for the greater part

of his working time in any week in self employment or in performing services not subject to this act, such base year shall be extended by the duration of such incapacity, self employment or services. No such extension shall exceed fifty-two additional weeks.

Disqualifica-
tion for
benefits.

SEC. 5. *Disqualification for Benefits.*—An individual shall be disqualified for benefits:

(a) For the calendar week in which he has left work voluntarily without good cause, if so found by the director, and for the two weeks which immediately follow such week (in addition to the waiting period);

(b) For the calendar week in which he has been discharged for misconduct connected with his work, if so found by the director, and for not less than the two nor more than the five weeks which immediately follow such week (in addition to the waiting period), as determined by the director in each case according to the seriousness of the misconduct;

(c) Where an individual has left work voluntarily or has been discharged for misconduct not because of any labor activity or because of membership in any *bona fide* labor organization connected with his work he shall be disqualified for benefits during the periods herein provided, until he again earns such wages that benefits will not otherwise be payable;

(d) If the director finds that he has failed, without good cause, either to apply for available, suitable work when so directed by the employment office or the director, or to accept suitable work when offered him, or to return to his customary self employment (if any) when so directed by the director. Such disqualification shall continue for the calendar week in which such failure occurred and for not less than the one nor more than the five weeks which immediately follow such week (in addition to the

waiting period) as determined by the director according to the circumstances in each case.

(1) In determining whether or not any such work is suitable for an individual, the director shall consider the degree of risk involved to his health, safety, and morals, his physical fitness and prior training, his experience and prior earnings, his length of unemployment and prospects for securing local work in his customary occupation, and the distance of the available work from his residence.

(2) Notwithstanding any other provisions of this act, no work shall be deemed suitable and benefits shall not be denied under this act to any otherwise eligible individual for refusing to accept new work under any of the following conditions: (a) If the position offered is vacant due directly to a strike, lockout, or other labor dispute; (b) if the remuneration, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality; (c) if as a condition of being employed the individual would be required to join a company union or to resign from or refrain from joining any *bona fide* labor organization.

(e) For any week with respect to which the director finds that his total or partial unemployment is due to a stoppage of work which exists because of a labor dispute at the factory, establishment, or other premises at which he is or was last employed: *Provided*, That this subsection shall not apply if it is shown to the satisfaction of the director that:

(1) He is not participating in or financing or directly interested in the labor dispute which caused the stoppage of work; and

(2) He does not belong to a grade or class of workers of which, immediately before the commencement of the stoppage, there were members employed at the premises at which the stoppage occurs,

any of whom are participating in or financing or directly interested in the dispute: *Provided*, That if in any case separate branches of work which are commonly conducted as separate businesses in separate premises are conducted in separate departments of the same premises, each such department shall, for the purposes of this subsection, be deemed to be a separate factory, establishment, or other premises.

(f) For any week with respect to which he is receiving or has received remuneration in the form of:

- (1) Remuneration in lieu of notice;
- (2) Compensation for temporary partial disability under the Industrial Insurance Law of any state or under a similar law of the United States; or
- (3) Old-age benefits under title II of the Social Security Act, as amended or similar payments under any Act of Congress: *Provided*, That if such remuneration is less than the benefits which would otherwise be due under this act, he shall be entitled to receive for such week, if otherwise eligible, benefits reduced by the amount of such remuneration.

Claims for benefits.

SEC. 6. *Claims for Benefits.*—(a) *Filing.*—Claims for benefits shall be made in accordance with such regulations as the director may prescribe. Each employer shall post and maintain printed statements of such regulations in places readily accessible to individuals in his service and shall make available to each such individual at the time he becomes unemployed, a printed statement of such regulations. Such printed statements shall be supplied by the director to each employer without cost to him.

Initial determination and hearing on claim.

(b) *Initial Determination and Hearing on Claim.*—A representative designated by the director and hereinafter referred to as a deputy, shall promptly examine the claim, and on the basis of the facts found by him, shall determine whether or not such

claim is valid, and if valid, the week with respect to which benefits shall commence, the weekly benefit amount payable and the maximum duration thereof. The deputy shall promptly notify the claimant, his most recent employer, and any other interested party which the director by regulation prescribes, of his decision. Unless the claimant, such employer, or any such interested party, within five calendar days after the date of notification or mailing of such decision to his last known address, files with the director a request for a hearing upon the claim, such decision shall be final and benefits shall be paid or denied in accordance therewith. When a request for a hearing upon a claim has been filed, as in this section provided, and after the deputy has afforded all parties reasonable opportunity for a fair hearing, he shall promptly affirm or modify the initial determination and shall notify all interested parties of his findings and decision with respect to the claim. Unless any such interested party, within five calendar days after the date of notification or mailing of such decision to his last known address, files with the director an appeal, such decision shall be final, and benefits shall be paid or denied in accordance therewith.

(c) *Appeals.*—Unless such appeal is withdrawn, Appeals. an appeal tribunal, after affording the parties reasonable opportunity for fair hearing, shall affirm or modify the findings of fact and decision of the deputy. The parties shall be duly notified of such tribunal's decision, together with its reasons therefor, which shall be deemed to be the final decision on the claim, unless within ten days after the date of notification or mailing of such decision, further appeal is initiated pursuant to subsection (e) of this section.

(d) *Appeal Tribunals.*—To hear and decide disputed claims, the governor shall establish one or Appeal tribunals. more impartial appeal tribunals consisting in each

case of either a salaried examiner or a body consisting of three members, one of whom shall be a salaried examiner, who shall serve as chairman, one of whom shall be a representative of employers and the other of whom shall be a representative of employees; each of the latter two members shall serve at the pleasure of the governor and be paid a fee of not more than \$10.00 per day of active service on such tribunal, plus necessary expenses. No person shall hear or decide any disputed claim in any case in which he is an interested party. The director may designate alternates to serve in the absence or disqualification of any member of an appeal tribunal. The chairman shall act alone in the absence or disqualification of any other member and his alternates. In no case shall the hearings proceed unless the chairman of the appeal tribunal is present.

Review.

(e) *Review.*—The director may on his own motion affirm, modify, or set aside any decision of an appeal tribunal on the basis of the evidence previously submitted in such case, or direct the taking of additional evidence, or may permit any of the parties to such decision to initiate further appeal. The director shall permit such further appeal by any of the parties interested in a decision of an appeal tribunal which is not unanimous and by the deputy whose decision has been overruled or modified by an appeal tribunal. The director may transfer to another appeal tribunal the proceedings on any claim pending before an appeal tribunal.

Procedure.

(f) *Procedure.*—The manner in which disputed claims shall be presented, the reports thereon required from the claimant and from employers and the conduct of hearings and appeals shall be in accordance with regulations prescribed by the director for determining the rights of the parties, whether or not such regulations conform to common law or statutory rules of evidence and other technical rules

of procedure. A full and complete record shall be kept of all proceedings in connection with a disputed claim. All testimony at any hearing upon a disputed claim shall be recorded, but need not be transcribed unless the disputed claim is further appealed.

(g) *Witness Fees.*—Witnesses subpoenaed pursuant to this section shall be allowed fees at a rate fixed by the director. Such fees and all expenses of proceedings involving disputed claims excepting charges for services rendered by counsel or other agent representing the claimant, employer or other interested party shall be deemed a part of the expenses of administering this act. Witness fees.

(h) *Appeal to Courts.*—Any decision of the director or appeal tribunal in the absence of an appeal therefrom as herein provided shall become final thirty days after the date of notification or mailing thereof, and judicial review thereof shall be permitted only after any party claiming to be aggrieved thereby has exhausted his remedies as provided in subsection[s] (c), (d), and (e) of this section. The director shall be deemed to be a party to any judicial action involving any such decision, and shall be represented in any such judicial action by the attorney general. Appeal to courts.

(i) *Court Review.*—Within thirty days after the final decision has been communicated to such applicant, such applicant may appeal to the superior court of the county of his residence, 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 his application before the appeal tribunal. The 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 filing with the clerk of the court a no- Court review.
Proceedings.

tice of appeal and by serving a copy thereof by mail or personally on the director, and the filing and service of said notice of appeal within thirty days shall be jurisdictional. The director shall within twenty days after receipt of such notice of appeal serve and file his notice of appearance upon appellant or his attorney of record, and such appeal shall thereupon be deemed at issue. No bond shall be required on such appeal or on appeals to the superior or the supreme courts. When a notice of final decision has been placed in the United States mail properly addressed, it shall be considered *prima facie* evidence of communication to the applicant and his attorney, if of record.

Certified
copy of
record served
and filed.

The director shall serve upon the appellant and file with the clerk of the court before trial a certified copy of his complete record of the claim which shall upon being so filed become a part of the record in such case. No fee of any kind shall be charged the director for filing his appearance or for any other services performed by the clerk of either the superior or the supreme court.

Judgment.

If the court shall determine that the director has acted within his power and has correctly construed the law, the decision of the director shall be confirmed; otherwise, it shall be reversed or modified. In case of a modification or reversal the superior court shall refer the same to the director with an order directing him to proceed in accordance with the findings of the court: *Provided*, That any award shall be in accordance with the schedule of unemployment benefits set forth in this act.

Attorney's
fee.

It shall be unlawful for any attorney engaged in any such appeal to the courts as provided herein to charge or receive any fee therein in excess of a reasonable fee to be fixed by the courts in the case, and if the decision of the director shall be reversed or modified, such fee and the fees of witnesses and the

costs shall be payable out of the Unemployment Compensation Administration Fund. In other respects the practice in civil cases shall apply. Appeal shall lie from the judgment of the superior court to the supreme court as in other civil cases. In all court proceedings under or pursuant to this act the decision of the director shall be *prima facie* correct, and the burden of proof shall be upon the party attacking the same.

Whenever any appeal is taken from any decision of the director to any court, all expenses and costs incurred therein by said director including court reporter costs and attorney's fees and all cost taxed against such director shall be paid out of the Unemployment Compensation Administration Fund. Costs.

CONTRIBUTIONS.

SEC. 7. (a) *Payment.*—

(1) On and after January 1, 1937, contributions shall accrue and become payable by each employer for each calendar year in which he is subject to this act, with respect to wages payable for employment (as defined in section 19 (g)) occurring during such calendar year, such contributions shall become due and be paid by each employer to the treasurer for the fund in accordance with such regulation as the director may prescribe, and shall not be deducted, in whole or in part, from the remuneration of individuals in his employ; Contributions,
payment.

(2) In the payment of any contributions, a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to 1 cent.

(b) *Rate of Contribution.*—Each employer shall pay contributions equal to the following percentages of wages payable by him with respect to employment: Rate of
contribution.

(1) One and eight-tenths (1.8%) per centum with respect to employment during the calendar year 1937;

(2) Two and seven-tenths (2.7%) per centum with respect to employment during the calendar years 1938, 1939, 1940, 1941;

(3) With respect to employment after December 31, 1941, the percentage determined pursuant to subsection (c) of this section.

Future rates based on benefit experience.

(c) *Future Rates Based on Benefit Experience.*—

Employers.

Separate accounts.

(1) The director shall maintain a separate account for each employer, and shall credit his account with all the contributions paid on his own behalf in excess of one per centum of his annual pay roll for each calendar year. But nothing in this act shall be construed to grant any employer or individuals in his service prior claims or rights to the amounts paid by him into the fund either on his own behalf or on behalf of such individuals. Benefits paid to an eligible individual shall be charged, in the amount hereinafter provided, against the account of his most recent employer, except that if such individual had not earned within the completed calendar quarter and the expired portion of the uncompleted calendar quarter immediately preceding the first week of any continuous period of unemployment, wages for employment by such most recent employer equal to more than sixteen times his weekly benefit amount, such benefits may also be charged against the account of his next most recent employer, in the inverse chronological order in which the employment of such individual occurred. The maximum amount so charged against the account of any employer shall not exceed one-sixth (1/6) of the wages payable to such individual by each such employer for employment which occurs on and after the first day of such individual's base period, or \$65.00 per completed calendar quarter or portion thereof, which-

ever is the lesser; but nothing in this section shall be construed to limit benefits payable pursuant to section 3 of this act. The director shall by general rules prescribe the manner in which benefits shall be charged against the accounts of several employers for whom an individual performed employment at the same time.

(2) The director may prescribe regulations for the establishment, maintenance, and dissolution of joint accounts by two or more employers, and shall, in accordance with such regulations and upon application by two or more employers to establish such account, or to merge their several individual accounts in a joint account, maintain such joint account as if it constituted a single employer's account. Joint
accounts.

(3) The director shall, for the period of twelve months commencing January 1, 1942, and for each calendar year thereafter, classify employers in accordance with their actual contribution and benefit experience and shall determine for each employer the rate of contribution which shall apply to him throughout the calendar year in order to reflect said experience and classification. In making such classification, the director shall take account of the degree of unemployment hazard shown by each employer's experience, and of any other measurable factors which he finds bear a reasonable relation to the purposes of this subsection. He may apply such form of classification or rating system which in his judgment is best calculated to rate individually and most equitably the employment risk for each employer and to encourage the stabilization of employment. The general basis of classification proposed to be used for any calendar year shall be subject to fair notice, opportunity for hearing, and publication. The rates for any calendar year shall be so fixed that they would, if applied to all employers and their annual pay rolls of the preceding calendar year, Classifi-
cation.

have yielded total contributions equaling approximately two and seven-tenths (2.7%) per centum of the total of all such annual pay rolls. The director shall determine the contribution rate applicable to each employer for any calendar year subject to the following limitations:

Rate.

(I) Each employer's rate shall be two and seven-tenths (2.7%) per centum, except as otherwise provided in the following provisions. No employer's rate shall be less than two and seven-tenths (2.7%) per centum unless and until there shall have been three (3) calendar years throughout which any individual in his employ could have received benefits if eligible;

(II) No employer's contribution rate shall be less than nine-tenths of 1 per centum (.09%) [.9%].

Period of
employer's
coverage.

SEC. 8. *Period, Election, and Termination of Employer's Coverage.*—(a) Any employing unit which is or becomes an employer subject to this act within any calendar year shall be subject to this act during the whole of such calendar year.

(b) Except as otherwise provided in subsection (c) of this section, an employing unit shall cease to be an employer subject to this act only as of the 1st day of January of any calendar year, if it files with the director prior to the 5th day of January of such year, a written application for termination of coverage, and he finds that there were no twenty different weeks within the preceding calendar year, within which such employing unit employed one or more individuals in employment subject to this act. For the purpose of this subsection, the two or more employing units mentioned in paragraph (2) or (3) or (4) of section 19 (f) shall be treated as a single employing unit.

(c) (1) An employing unit, not otherwise subject to this act, which files with the director its written election to become an employer subject hereto for

not less than two calendar years, shall, with the written approval of such election by the director, become an employer subject hereto to the same extent as all other employers, as of the date stated in such approval, and shall cease to be subject hereto as of January 1 of any calendar year subsequent to such two calendar years, only if at least thirty days prior to such 1st day of January, it has filed with the director a written notice to that effect.

(2) Any employing unit for which services that Election.
do not constitute employment as defined in this act are performed, may file with the director a written election that all such services performed by individuals in its employ in one or more distinct establishments or places of business shall be deemed to constitute employment for all the purposes of this act for not less than two calendar years. Upon the written approval of such election by the director, such services shall be deemed to constitute employment subject to this act from and after the date stated in such approval. Such services shall cease Termination.
to be deemed employment subject hereto as of January 1 of any calendar year subsequent to such two calendar years, only if at least thirty days prior to such 1st day of January such employing unit has filed with the director a written notice to that effect.

SEC. 9. *Unemployment Compensation Fund.*—

(a) *Establishment and Control.*—There is hereby established as a special fund, separate and apart from all public monies or funds of this state, an unemployment compensation fund, which shall be administered by the director exclusively for the purposes of this act, and to which section 5501 of Remington's Revised Statutes shall not be applicable. Unemployment compensation fund, establishment and control.

This fund shall consist of (1) all contributions collected under this act, together with any interest thereon collected pursuant to section 14 of this act; (2) all fines and penalties collected pursuant to the

provisions of this act; (3) interest earned upon any monies in the fund; (4) any property or securities acquired through the use of monies belonging to the fund; and (5) all earnings of such property or securities. All money in the fund shall be mingled and undivided.

Treasurer
and custo-
dian of fund.

(b) *Accounts and Deposit.*—The director shall designate a treasurer and custodian of the fund who shall administer such fund in accordance with the directions of the director and shall issue his warrants upon it in accordance with such regulations as the director shall prescribe. He shall maintain within the fund three separate accounts: (1) A clearing account, (2) an unemployment trust fund account, and (3) a benefit account. All moneys payable to the fund, upon receipt thereof by the director, shall be forwarded to the treasurer who shall immediately deposit them in the clearing account. Refunds payable pursuant to section 14 of this act may be paid from the clearing account upon warrants issued by the treasurer under the direction of the director. After clearance thereof, all other monies in the clearing account shall be immediately deposited with the Secretary of the Treasury of the United States of America to the credit of the account of this state in the unemployment trust fund, established and maintained pursuant to section 904 of the Social Security Act, as amended, any provisions of law in this state relating to the deposit, administration, release, or disbursement of monies in the possession or custody of this state to the contrary notwithstanding. The benefit account shall consist of all monies requisitioned from this state's account in the unemployment trust fund. Monies in the clearing and benefit accounts may be deposited by the treasurer, under the direction of the director, in any bank or public depository in which general funds of the state may be deposited, but no public deposit insurance charge

Clearing
account.

Unemploy-
ment trust
fund
account.

Benefit
account.

or premium shall be paid out of the fund. The treasurer shall give a separate bond conditioned upon the faithful performance of his duties as custodian of the fund in an amount fixed by the State Administrative Board and in a form prescribed by law or approved by the attorney general. Premiums for said bond shall be paid from the administration fund. Bond.

(c) *Withdrawals.*— Monies shall be requisitioned from this state's account in the unemployment trust fund solely for the payment of benefits and in accordance with regulations prescribed by the director. The director shall from time to time requisition from the unemployment trust fund such amounts, not exceeding the amounts standing to its account therein, as he deems necessary for the payment of benefits for a reasonable future period. Upon receipt thereof the treasurer shall deposit such monies in the benefit account and shall issue his warrants for the payment of benefits solely from such benefit account. Expenditures of such monies in the benefit account and refunds from the clearing account shall not be subject to any provisions of law requiring specific appropriations or other formal release by state officers of money in their custody, and section 5501 of Remington's Revised Statutes shall not apply. All warrants issued by the treasurer for the payment of benefits and refunds shall bear the signature of the treasurer and the countersignature of the director or his duly authorized agent for that purpose. Any balance of monies requisitioned from the unemployment trust fund which remains unclaimed or unpaid in the benefit account after the expiration of the period for which sums were requisitioned shall either be deducted from estimates for, and may be utilized for the payment of, benefits during succeeding periods, or, in the discretion of the director, shall be redeposited. Withdrawals.

Warrants.

with the Secretary of the Treasury of the United States of America, to the credit of this state's account in the unemployment trust fund, as provided in subsection (b) of this section.

Discontinu-
ance of un-
employment
trust fund.

(d) *Management of Funds Upon Discontinuance of Unemployment Trust Fund.*—The provisions of subsections (a), (b), and (c) to the extent that they relate to the unemployment trust fund, shall be operative only so long as such unemployment trust fund continues to exist and so long as the Secretary of the Treasury of the United States of America continues to maintain for this state a separate book account of all funds deposited therein for this state for benefit purposes, together with this state's proportionate share of the earnings of such unemployment trust fund, from which no other state is permitted to make withdrawals. If and when such unemployment trust fund ceases to exist, or such separate book account is no longer maintained, all monies, properties, or securities therein, belonging to the unemployment compensation fund of this state shall be transferred to the treasurer of the unemployment compensation fund, who shall hold, invest, transfer, sell, deposit, and release such monies, properties, or securities in a manner approved by the director, in accordance with the provisions of this act: *Provided*, That such monies shall be invested in the following readily marketable classes of securities: Bonds or other interest bearing obligations of the United States of America: *And provided further*, That such investment shall at all times be made so that all the assets of the fund shall always be readily convertible into cash when needed for the payment of benefits. The treasurer shall dispose of securities or other properties belonging to the unemployment compensation fund only under the direction of the director.

Investment
of moneys.

UNEMPLOYMENT COMPENSATION DIVISION.

SEC. 10. *Organization.*—There is hereby created in the Department of Social Security two coordinate divisions to be known as (a) the Unemployment Compensation Division, which shall be administered by a full time salaried supervisor, and (b) the Washington State Employment Service Division; each of which shall be under a supervisor who shall be an assistant to the director of the department and shall be appointed by him. Each division shall be responsible to the director for the dispatch of its distinctive functions. Each division shall be a separate administrative unit with respect to personnel, budget and duties, except insofar as the director may find that such separation is impracticable. The director is authorized to appoint, fix the compensation of, and prescribe the duties of the staff of the Washington State Unemployment Compensation Division: *Provided*, That such appointments shall be made on a nonpartisan merit basis, and to appoint, fix the compensation of and prescribe the duties of the staff of the Washington State Employment Service Division in accordance with the provisions of section 12 of this act.

Unemployment compensation division, organization.

ADMINISTRATION.

SEC. 11. (a) *Duties and Powers of Director.*—It shall be the duty of the director to administer this act; and he shall have 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. Such rules and regulations shall be effective upon publication in the manner, not inconsistent with the provisions of this act, which the director shall prescribe. The director shall determine the organization and methods of procedure of the

Administration, duties and powers of director.

Rules and regulations

Annual
report to
governor.

division in accordance with the provisions of this act, and shall have an official seal which shall be judicially noticed. Not later than the 1st day of February of each year, he shall submit to the governor a report covering the administration and operation of this act during the preceding calendar year and shall make such recommendations for amendments to this act as he deems proper. Such report shall include a balance sheet of the monies 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 director 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 director 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 the legislature, and make recommendations with respect thereto.

Reciprocal
state ar-
rangements.

(b) *Reciprocal State Arrangements.*—The director is hereby authorized to enter into arrangements with the appropriate agencies of other states or the Federal government whereby potential rights to benefits accumulated under the unemployment compensation laws of several states or under such a law of the Federal government, or both, may constitute the basis for the payment of benefits through a single appropriate agency under terms which he finds will be fair and reasonable as to all affected interests and will not result in any substantial loss to the fund. The director is also authorized to enter into reciprocal agreements with the appropriate agencies of other states or the Federal government adjusting the collection and payment of contributions by employers with respect to employment within and without this state.

(c) *Regulations and General and Special Rules.*—Regulations and general and special rules. General and special rules may be adopted, amended, or rescinded by the director only after public hearing or opportunity to be heard thereon, of which proper notice has been given. General rules shall become effective ten days after filing with the secretary of state and publication in one or more newspapers of general circulation in this state. Special rules shall become effective ten days after notification to or mailing to the last known address of the individuals or concerns affected thereby. Regulations may be adopted, amended, or rescinded by the director and shall become effective in the manner and at the time prescribed by him.

(d) *Publication.*—Publication. The director shall cause to be printed for distribution to the public the text of this act, the regulations and general rules, his annual reports to the governor, and any other material which he deems relevant and suitable and shall furnish the same to any person upon application therefor.

(e) *Personnel.*—Personnel. Subject to other provisions of this act, the director is authorized to appoint, fix the compensation, and prescribe the duties and powers of such officers, accountants, experts, and other persons as may be necessary to carry out this act. The director may delegate to any such person so appointed such power and authority as he deems reasonable and proper for the effective administration of this act, and may in his discretion bond any person handling monies or signing checks hereunder.

The director shall classify positions and shall establish salary schedules and minimum personnel standards for the position so classified. Salary schedules. The director shall not appoint or employ any person who is an officer or committee member of any political party organization or who holds or is a candidate for any elective public office.

Employ-
ment stabili-
zation.

(f) *Employment Stabilization.*—The director shall take all appropriate steps to reduce and prevent unemployment; to encourage and assist in the adoption of practical methods of vocational training, retraining and vocational guidance; to investigate, recommend, advise, and assist in the establishment and operation, by municipalities, counties, school districts, and the state, of reserves for public works to be used in times of business depression and unemployment; to promote the reemployment of unemployed workers throughout the state in every other way that may be feasible; and to these ends to carry on and publish the results of investigations and research studies.

Records and
reports.

(g) *Records and Reports.*—Each employing unit shall keep true and accurate work records, containing such information as the director may prescribe. Such records shall be open to inspection and be subject to being copied by the director or his authorized representatives at any reasonable time and as often as may be necessary. The director may require from any employing unit any sworn or unsworn reports, with respect to persons employed by it, which he deems necessary for the effective administration of this act. Information thus obtained or obtained from any individual pursuant to the administration of this act shall not be published or be open to public inspection (other than to public employees in the performance of their public duties) in any manner revealing an individual's or employing unit's identity, but any claimant at a hearing before an appeal tribunal or the director shall be supplied with information from such records to the extent necessary for the proper presentation of his claim. Any employee or member of the State Department of Social Security who violates any provision of this section shall be fined not less than \$20.00 nor more than \$200.00, or imprisoned for not longer than ninety days, or both.

(h) *Oaths and Witnesses.*—In the discharge of the duties imposed by this act, the chairman of an appeal tribunal and any duly authorized representative or member of the State Department of Social Security shall have power to administer oaths and affirmations, take depositions, certify to official acts, and issue subpoenas to compel the attendance of witnesses and the production of books, papers, correspondence, memoranda, and other records deemed necessary as evidence in connection with a disputed claim or the administration of this act. Oaths and witnesses.

(i) *Subpoenas.*—In case of contumacy by, or refusal to obey a subpoena issued to any person, any court of the state within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by any duly authorized representative or member of the State Department of Social Security or the chairman of an appeal tribunal, shall have jurisdiction to issue to such person an order requiring such person to appear before such chairman, or representative or member of the State Department of Social Security, there to produce evidence if so ordered or there to give testimony touching the matter under investigation or in question; and any failure to obey such order of the court may be punished by said court as a contempt thereof. Any person who shall without just cause fail or refuse to attend and testify or to answer any lawful inquiry or to produce books, papers, correspondence, memoranda, and other records, if it is in his power so to do, in obedience to a subpoena of the director shall be punished by a fine of not less than \$200.00 or by imprisonment for not longer than sixty days, or by both such fine and imprisonment, and each day such violation continues shall be deemed to be a separate offense. Subpoenas.

Protection
against self
incrimina-
tion.

(j) *Protection Against Self Incrimination.*—No person shall be excused from attending and testifying or from producing books, papers, correspondence, memoranda, and other records before any duly authorized representative or member of the State Department of Social Security or any appeal tribunal in obedience to the subpoena of such representative or member of the State Department of Social Security or the chairman of such appeal tribunal, on the ground that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual 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, documentary or otherwise, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

State-federal
cooperation.

(k) *State-Federal Cooperation.*—In the administration of this act, the director shall cooperate to the fullest extent consistent with the provisions of this act, with the Social Security Board, created by Social Security Act, approved August 14, 1935, as amended; shall make such reports, in such form and containing such information as the Social Security Board may from time to time require, and shall comply with such provisions as the Social Security Board may from time to time find necessary to assure the correctness and verification of such reports; and shall comply with the regulations prescribed by the Social Security Board governing the expenditures of such sums as may be allotted and paid to this state under title III of the Social Security Act for the purpose of assisting in the administration of this act.

Upon request therefor the director shall furnish to any agency of the United States charged with the administration of public works or assistance through public employment, the name, address, ordinary occupation, and employment status of each recipient of benefits and such recipient's rights to further benefits under this act.

EMPLOYMENT SERVICE.

SEC. 12. (a) The Washington State Employment Service Division is hereby set up in State Department of Social Security as a division thereof, which shall establish and maintain free public employment offices in such number and in such places as may be necessary for the proper administration of this act and for the purpose of performing such duties as are within the purview of the Act of Congress entitled "An Act to provide for the establishment of a national employment system and for cooperation with the states in the promotion of such system and for other purposes," approved June 6, 1933, (48 Stat. 113; U. S. C., title 29, sec. 49 (c)), as amended. The director shall be charged with the duty to cooperate with any official or agency of the United States having powers or duties under the provisions of the said Act of Congress, as amended, and to do and perform all things necessary to secure to this state the benefits of the said Act of Congress, as amended, in the promotion and maintenance of a system of public employment offices. The provisions of the said Act of Congress, as amended, are hereby accepted by this state, in conformity with section 4 of said act, and this state will observe and comply with the requirements thereof. The State Department of Social Security through the Washington State Employment Service Division is hereby designated and constituted the agency of this state for the purpose of said act. The director of the State Department of

Washington
state employ-
ment service
division,
organization.

Social Security shall appoint the officers and employees of the Washington State Employment Service Division. Such appointments shall be made in accordance with regulations prescribed by the director of the United States Employment Service.

Financing.

(b) *Financing*.—All monies received by this state under the said Act of Congress, as amended, shall be paid into the special "employment service account" in the state treasury, and said monies are hereby made available to the Washington State Employment Service Division to be expended as provided by this section and by said Act of Congress. For the purpose of establishing and maintaining free public employment offices, the director is authorized to enter into agreements with any political subdivision of this state or with any private, non-profit organization, and as a part of any such agreement the director may accept monies, services, or quarters as a contribution to the employment service account.

UNEMPLOYMENT COMPENSATION ADMINISTRATION
FUND.

Revolving
fund.

SEC. 13. (a) *Revolving Fund*.—There is hereby created a revolving fund to be known as the Unemployment Compensation Administration Fund. All monies which are deposited or paid into this fund are hereby made available to the director. All monies in this fund shall be expended solely for the purpose of defraying the cost of the administration of this act, and for no other purpose whatsoever. The fund shall consist of all monies received from the United States of America, of [or] any agency thereof, including the Social Security Board or for [from] any other source, for such purpose. All monies in this fund shall be deposited, administered, and disbursed by the treasurer of the unemployment compensation fund under rules and regulations of

the director and none of the provisions of section 5501 of Remington's Revised Statutes shall be applicable to this revolving fund. The treasurer last named shall be the treasurer of the Unemployment Compensation Administration Fund and shall give a separate and additional bond conditioned upon the faithful performance of his duties in connection with that fund in an amount to be fixed by the State Administrative Board and in a form prescribed by law or approved by the attorney general. The premiums for such bond and the premiums for the bond given by the treasurer of the unemployment compensation fund under section 9 of this act, shall be paid from the monies in the Unemployment Compensation Administration Fund.

(b) *Employment Service Account.*—A special “employment service account” shall be maintained in the state treasury for the purpose of maintaining the public employment offices established pursuant to section 12 of this act and for the purpose of cooperating with the United States Employment Service. There is hereby appropriated to the employment service account from any money in the state treasury not otherwise appropriated the sum of \$400,000.00. In addition there shall be paid into such account the monies designated in section 12 (b) of this act, and such monies as are appropriated for the purposes of this account from any monies received by this state under title III of the Social Security Act, as amended.

Employment
service
account.

COLLECTION OF CONTRIBUTIONS.

SEC. 14. (a) *Interest on Past Due Contributions.*—Contributions unpaid on the date on which they are due and payable, as prescribed by the director, shall bear interest at the rate of 1 per centum (1%) per month from and after such date until payment plus accrued interest is received by him. In-

Interest on
past due
contribu-
tions.

terest collected pursuant to this subsection shall be paid into the unemployment compensation fund.

Collection of contributions.

(b) *Collection.*—If, after due notice, any employer defaults in any payment of contributions or interest thereon, the amount due shall be collected by civil action in the name of the director, and the employer adjudged in default shall pay the costs of such action. Civil actions brought under this section to collect contributions or interest thereon from an employer shall be heard by the court at the earliest possible date and shall be entitled to preference upon the calendar of the court over all other civil actions except petitions for judicial review under this act and cases arising under the industrial insurance law of this state.

Priorities under legal dissolutions or distributions.

(c) *Priorities Under Legal Dissolutions or Distributions.*—In the event of any distribution of an employer's assets pursuant to an order of any court under the laws of this state, including any receivership, assignment for benefit of creditors, adjudicated insolvency, composition, or similar proceeding contributions then or thereafter due shall be paid in full prior to all other claims except taxes and claims for remuneration for services of not more than \$250.00 to each claimant, earned within six months of the commencement of the proceeding. In the event of an employer's adjudication in bankruptcy, judicially confirmed extension proposal, or composition, under the Federal Bankruptcy Act of 1898, as amended, contributions then or thereafter due shall be entitled to such priority as is provided in section 64 (b) of that act (U. S. C., title 11, section 104 (b)), as amended.

Refunds.

(d) *Refunds.*—If not later than four years after the date which any contributions or interest thereon become due, an employer who has paid such contributions or interest thereon shall make application for an adjustment thereof in connection with

subsequent contribution payments, or for a refund thereof because such adjustment cannot be made and the director shall determine that such contributions or interest or any portion thereof was erroneously collected, he shall allow such employer to make an adjustment thereof, without interest, in connection with subsequent contribution payments by him, or if such adjustment cannot be made the director shall refund said amount, without interest, from the fund. For like cause and within the same period, adjustment or refund may be so made on the director's own initiative.

PROTECTION OF RIGHTS AND BENEFITS.

SEC. 15. (a) *Waiver of Rights Void.*—Any agreement by an individual to waive, release, or commute his rights to benefits or any other rights under this act shall be void. Any agreement by an individual in the employ of any person or concern to pay all or any portion of an employer's contributions, required under this act from such employer, shall be void. No employer shall directly or indirectly make or require or accept any deduction from remuneration for services to finance the employer's contributions required from him, or require or accept any waiver of any right hereunder by any individual in his employ. Any employer or officer or agent of an employer who violates any provision of this subsection shall, for each offense, be fined not less than \$100.00 nor more than \$1,000.00 or be imprisoned for not more than six months, or both.

Waiver of
rights void.

(b) *Limitation of Fees.*—No individual claiming benefits shall be charged fees of any kind in any proceeding under this act by the director or his representatives, by any appeal tribunal or by any court or any officer thereof: *Provided, however,* The individual shall pay such fees as are legal in superior and supreme court. Any individual claiming bene-

Limitation
of fees.

fits in any proceeding before the director, an appeal tribunal or a court may be represented by counsel or other duly authorized agent; but no such counsel or agents shall either charge or receive a fee for such services, but a legally licensed attorney shall be paid such reasonable fee for his services in the superior court as the judge orders. Any person who violates any provision of this subsection shall, for each such offense, be fined not less than \$50 nor more than \$500, or imprisoned for not more than six months, or both.

No assign-
ment of
benefits;
exemptions.

(c) *No Assignment of Benefits; Exemptions.*— Any assignment, pledge, or encumbrance of any right to benefits which are or may become due or payable under this act shall be void; and such rights to benefits shall be exempt from levy, execution, attachment, or any other remedy whatsoever provided for the collection of debt; and benefits received by any individual, so long as they are not mingled with other funds of the recipient, shall be exempt from any remedy whatsoever for the collection of all debts except debts incurred for necessities furnished to such individual or his spouse or dependents during the time when such individual was unemployed. Any waiver of any exemption provided for in this subsection shall be void.

PENALTIES.

Penalties.

SEC. 16. (a) Whoever makes a false statement or representation knowing it to be false or knowingly fails to disclose a material fact, to obtain or increase any benefit or other payment under this act, either for himself or for any other person, shall be punished by a fine of not less than \$20 nor more than \$50, or by imprisonment for not longer than thirty days, or by both such fine and imprisonment; and each such false statement or representation or failure to disclose a material fact shall constitute a separate offense.

(b) Any employing unit or any officer or agent of an employing unit or any other person who makes a false statement or representation knowing it to be false, or who knowingly fails to disclose a material fact, to prevent or reduce the payment of benefits to any individual entitled thereto, or to avoid becoming or remaining subject hereto or to avoid or reduce any contribution or other payment required from an employing unit under this act, or who willfully fails or refuses to make any such contributions or other payment or to furnish any reports required hereunder or to produce or permit the inspection or copying of records as required hereunder, shall be punished by a fine of not less than \$20 nor more than \$200, or by imprisonment for not longer than sixty days, or by both such fine and imprisonment; and each such false statement or representation or failure or refusal shall constitute a separate offense.

(c) Any person who shall willfully violate any provision of this act or any rule or regulation thereunder, the violation of which is made unlawful or the observance of which is required under the terms of this act, and for which a penalty is neither prescribed herein nor provided by any other applicable statute, shall be punished by a fine of not less than \$20 nor more than \$200, or by imprisonment for not longer than sixty days, or by both such fine and imprisonment, and each day such violation continues shall be deemed to be a separate offense.

(d) Any person who, by reason of the nondisclosure or misrepresentation by him or by another, of a material fact (irrespective of whether such nondisclosure or misrepresentation was known or fraudulent) has received any sum as benefits under this act while any conditions for the receipt of benefits imposed by this act were not fulfilled in his case, or while he was disqualified from receiving benefits, shall, in the discretion of the director either be liable

to have such sum deducted from any future benefits payable to him under this act or shall be liable to repay to the director for the unemployment compensation fund, a sum equal to the amount so received by him, and such sum shall be collected in the manner provided in section 14 (b) of this act for the collection of past due contributions.

REPRESENTATION IN COURT.

Attorney
general
counsel for
departments
and divisions.

SEC. 17. (a) The attorney general shall be the general counsel of each and all divisions and departments under this act and it shall be his duty to institute and prosecute all actions and proceedings which may be necessary in the enforcement and carrying out of each, every, and all of the provisions of this act, and it shall be the duty of the attorney general to assign such assistants and attorneys as may be necessary to the exclusive duty of assisting each, every, and all divisions and departments created under this act in the enforcement of this act. The salaries of such assistants shall be paid out of the unemployment compensation administration fund, together with their expenses fixed by the attorney general and allowed by the treasurer of the unemployment compensation administration fund when approved upon vouchers by the attorney general;

(b) All criminal actions for violation of any provisions of this act, or of any rules or regulations issued pursuant thereto, shall be prosecuted by the attorney general of the state; or, at his request and under his direction, by the prosecuting attorney of any county in which the employer has a place of business or the violator resides.

Nonliability
of state.

NONLIABILITY OF STATE.

SEC. 18. Benefits shall be deemed to be due and payable under this act only to the extent provided in this act and to the extent that monies are avail-

able therefor to the credit of the unemployment compensation fund, and neither the state nor the director shall be liable for any amount in excess of such sums.

DEFINITIONS.

SEC. 19. As used in this act, unless the context clearly requires otherwise:

- (a) "Annual payroll" means the total amount of wages payable by an employer (regardless of the time of payment) for employment during a calendar year. "Annual payroll."
- (b) "Benefits" means the money payments payable to an individual, as provided in this act, with respect to his unemployment. "Benefits."
- (c) "Director" means the administrative head of the State Department of Social Security referred to in section 10 of this act. "Director."
- (d) "Contributions" means the money payments to the state unemployment compensation fund required by this act. "Contributions."
- (e) "Employing unit" means any individual or type of organization, including any partnership, association, trust, estate, joint-stock company, insurance company or corporation, whether domestic or foreign, or the receiver, trustee in bankruptcy, trustee or successor thereof, or the legal representative of a deceased person, which has or subsequent to January 1, 1937, had in its employ eight or more individuals performing services for it within this state. All individuals performing services within this state for any employing unit which maintains two or more separate establishments within this state shall be deemed to be employed by a single employing unit for all the purposes of this act. "Employing unit."
- (f) "Employer" means: "Employer."
- (1) Any employing unit which in each of twenty different weeks within either the current or

Employer
defined.

the preceding calendar year (whether or not such weeks are or were consecutive) has or had in employment eight or more individuals (not necessarily simultaneously and irrespective of whether the same individuals are or were employed in each such week);

(2) Any employing unit which acquired the organization, trade or business, or substantially all the assets thereof, of another which at the time of such acquisition was an employer subject to this act;

(3) Any employing unit which acquired the organization, trade or business or substantially all the assets thereof, of another employing unit and which, if treated as a single unit with such other employing unit, would be an employer under paragraph (1) of this subsection;

(4) Any employing unit which together with one or more other employing units, is owned or controlled (by legally enforceable means or otherwise) directly or indirectly by the same interests, or which owns or controls one or more other employing units (by legally enforceable means or otherwise), and which, if treated as a single unit with such other employing unit, would be an employer under paragraph (1) of this subsection;

(5) Any employing unit which, having become an employer under paragraph (1), (2), (3), or (4), has not, under section 8, ceased to be an employer subject to this act; or

(6) For the effective period of its election pursuant to section 8 (c) any other employing unit which has elected to become fully subject to this act.

"Employment."

(g) (1) "Employment," subject to the other provisions in this subsection, means service, including service in interstate commerce, performed for wages or under any contract of hire, written or oral, express or implied.

(2) The term "employment" shall include an individual's entire service performed within or both within and without this state if: (i) The service is localized in this state; or (ii) the service is not localized in any state but some of the service is performed in this state and (a) the base of operations, or if there is no base of operations, then the place from which such service is directed or controlled, is in this state; or (b) the base of operations or place from which such service is directed or controlled is not in any state in which some part of the service is performed, but the individual's residence is in this state.

Term "employment."

(3) Services not covered under paragraph (2) of this subsection, and performed entirely without this state, with respect to no part of which contributions are required and paid under an unemployment compensation law of any other state or of the Federal government, shall be deemed to be employment subject to this act if the individual performing such services is a resident of this state and the director approves the election of the employing unit for whom such services are performed that the entire service of such individual shall be deemed to be employment subject to this act.

(4) Service shall be deemed to be localized within a state if:

(i) The service is performed entirely within such state; or

(ii) The service is performed both within and without such state, but the service performed without the state is incidental to the individual's service within such state, for example, is temporary or transitory in nature or consists of isolated transactions.

(5) Services performed by an individual for remuneration shall be deemed to be employment subject to this act unless and until it is shown to the satisfaction of the director that:

(i) Such individual has been and will continue to be free from control or direction over the performance of such service, both under his contract of service and in fact; and

(ii) Such service is either outside the usual course of the business for which such service is performed, or that such service is performed outside of all the places of business of the enterprises for which such service is performed; and

(iii) Such individual is customarily engaged in an independently established trade, occupation, profession or business, of the same nature as that involved in the contract of service.

Exception.

(6) The term "employment" shall not include:

(i) Agricultural labor;

(ii) Domestic service in a private home;

(iii) Service performed as an officer or member of the crew of a vessel on the navigable waters of the United States;

(iv) Service performed by an individual in the employ of his son, daughter, or spouse, and service performed by a child under the age of twenty-one in the employ of his father or mother;

(v) Service performed in the employ of a corporation, community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual;

(vi) Service performed in the employ of this state, or of any political subdivisions thereof, or of any instrumentality of this state or its political subdivisions;

(vii) Service performed in the employ of any other state or its political subdivisions, or of the United States Government, or of an instrumentality

of any other state or states or their political subdivisions or the United States;

(viii) Service with respect to which unemployment compensation is payable under an unemployment compensation system established by an Act of Congress: *Provided*, That the director is hereby authorized and directed to enter into agreements with the proper agencies under such Act of Congress, which agreements shall become effective ten (10) days after publication thereof in the manner provided in section 11 (b) of this act for general rules, to provide reciprocal treatment to individuals who have, after acquiring potential rights to benefits under this act, acquired rights to unemployment compensation under such Act of Congress, or who have, after acquiring potential rights to unemployment compensation under such Act of Congress, acquired rights to benefits under this act.

(h) "Employment office" means a free public employment office, or branch thereof, operated by this state or maintained as a part of a state controlled system of public employment offices. "Employment office."

(i) "Fund" means the unemployment compensation fund established by this act, to which all contributions required and from which all benefits provided under this act shall be paid. "Fund."

(j) "State" includes, in addition to the states of the United States of America, Alaska, Hawaii, and the District of Columbia. "State."

(k) "Total and Partial Unemployment." (1) "Total and partial unemployment."
An individual shall be deemed "totally unemployed" in any week after January 1, 1939, during which he performs no services other than odd jobs or subsidiary work for compensation not to exceed \$3.00, and with respect to which no remuneration is payable to him.

(2) An individual shall be deemed "partially unemployed" in any week of less than full time work

after January 1, 1939, if his remuneration payable for such week is less than six-fifths ($6/5$) of the weekly benefit amount he would be entitled to receive if totally unemployed and eligible.

"Remuneration."

(3) As used in this subsection, the term "remuneration" shall include only that part of remuneration for odd jobs or subsidiary work, or both, which is in excess of \$3.00 in any one week.

(4) An individual's week of unemployment shall be deemed to commence only after his registration at an employment office, except as the director may by regulation otherwise prescribe.

"Unemployment compensation administration fund."

(1) "Unemployment Compensation Administration Fund" means the unemployment compensation administration fund established by this act, from which administrative expenses under this act shall be paid.

"Wages."

(m) "Wages" means remuneration payable by employers for employment. "Remuneration" means all compensation payable for personal services, including commissions and bonuses and the cash value of all compensation payable in any medium other than cash. The reasonable cash value of compensation payable in any medium other than cash, and the reasonable amount of gratuities, shall be estimated and determined in accordance with rules prescribed by the director.

"Week."

(n) "Week" means any period of seven consecutive calendar days ending at midnight.

"Weekly benefit amount."

(o) "Weekly Benefit Amount." An individual's weekly benefit amount means the amount of benefits he would be entitled to receive for one week of total unemployment.

"Benefit year."

(p) "Benefit Year," with respect to any individual means the fifty-two consecutive week period beginning with the first day of the week with respect to which benefits are first payable to him, and thereafter, the fifty-two consecutive week period be-

ginning with the first day of the first week with respect to which benefits are next payable to him after the termination of his last preceding benefit year.

(q) "Base Period" means the period beginning with the first day of the non- [nine] completed calendar quarters immediately preceding the first day of an individual's benefit year and ending with the last day of the next to the last completed calendar quarter immediately preceding any week with respect to which benefits are payable. "Base period."

(r) "Calendar Quarter" means the period of three consecutive calendar months ending on March 31, June 30, September 30, or December 31, excluding, however, any calendar quarter or portion thereof which occurs prior to January 1, 1938, or the equivalent thereof as the commission may by regulation prescribe. "Calendar quarter."

SAVING CLAUSE.

SEC. 20. The legislature reserves the right to amend or repeal all or any part of this act at any time; and there shall be no vested private right of any kind against such amendment or repeal. All the rights, privileges, or immunities conferred by this act or by acts done pursuant thereto shall exist subject to the power of the legislature to amend or repeal this act at any time. Right to amend or repeal reserved by legislature.

SEPARABILITY OF PROVISIONS.

SEC. 21. If any provisions of this act, or the application thereof to any person or circumstances, is held invalid, the remainder of this Act and the application of such provision to other persons or circumstances shall not be affected thereby. Partial invalidity.

SEC. 22. If the Congress of the United States, by amendatory legislation, extends the application of its Social Security Act of August 14, 1935, to include employers who are not now embraced under or covered by the said act of Congress, then and in that Amendments to federal act.

event, the provisions of this act shall be deemed amended to conform with the changes as enacted by Congress and approved by the President of the United States with respect to the scope and application of the said act of Congress of August 14, 1935, and, upon any such change being made, the governor, when advised of the approval thereof by the President, shall immediately by official proclamation declare the germane provision or provisions of this act amended in conformity with the change or changes as so made in the Social Security Act and such amendment or amendments shall be operative from the date of the governor's proclamation.

In the event that this section should be declared unconstitutional or invalid by a court of last resort, such adjudication shall not in any wise impair, affect or invalidate any other section, part or provision of this act, and the remainder of the act shall be given the same effect as if this section had never been enacted.

Federal tax
inoperative,
effect.

SEC. 23. If the tax imposed by Title IX of the Federal Social Security Act or any amendments thereto, or any other Federal tax against which contributions under this act may be credited shall, for any cause become inoperative, with the result that no portion of the contributions required under this act may be credited against such Federal tax, then this act by virtue of that fact, shall be suspended until the legislature shall meet and take action relative thereto, and any unobligated funds in the unemployment compensation fund, and returned by the United States Treasurer because such Federal Social Security Act is inoperative, shall be held in custody by the state treasurer and under supervision of the commission until the legislature shall provide for the disposition thereof.

EFFECTIVE DATE.

SEC. 24. This act is necessary for the immediate preservation of the public peace, health and safety, and shall take effect immediately. Effective immediately.

Passed the Senate March 1, 1937.

Passed the House March 8, 1937.

Approved by the Governor March 16, 1937.

 CHAPTER 163.

[S. B. 192.]

EASEMENT FOR PIPE LINE IN CLARK COUNTY.

AN ACT authorizing and directing the granting of easement and/or right of way for constructing and maintaining pipe line over and across certain real estate in Clark county.

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

SECTION 1. The governor of the State of Washington is hereby authorized and directed, in the name of the State of Washington, to execute and deliver to the People's Water and Gas Company, successors to the Oregon-Washington Water Service Company, easement granting to the said corporation the right to construct and maintain pipe line for conveying water over and across the following property, situated in the City of Vancouver, Clark county, Washington, more particularly described as follows: Easement.

Beginning at a point 225 feet, more or less, south of the south line of East 15th Street in the City of Vancouver and 259 feet 5 inches east of the west line of that grantors property which abuts on said East 15th Street, said point being on the line of the pipeline easement granted to Oregon-Washington Water Service Company, now People's Water & Gas Company by two deeds, one from C. A. Wellman and Louise C. Wellman and the other from S. D. Martine

and Mary M. Martine, and running west along a line parallel to and 13 feet distant from the main north wall of the new Blind School building, 94 feet 5 inches south, parallel to and 5 feet distant from the west wall of said building to a line parallel with and 13 feet south of the main south wall of said building, and thence east, parallel to the main south wall of said building, to an intersection with the line of said pipeline easement hereinabove referred to.

Reserving to the said People's Water & Gas Company the right of egress and ingress for the purposes of maintaining said pipeline.

This easement is granted in lieu of right of way vacated at the request of the State of Washington in connection with construction of dormitory and class room building on the site of original location of pipe line: *Provided*, Should the easement and/or right of way herein granted be abandoned or cease to be used, all rights and benefits granted shall terminate and revert to the State of Washington.

Reversion
to state.

Passed the Senate February 18, 1937.

Passed the House March 10, 1937.

Approved by the Governor March 16, 1937.

CHAPTER 164.

[S. B. 357.]

WASHINGTON PRODUCED FUEL.

AN ACT relating to the use of Washington state products for fuel by the state, municipalities and political subdivisions therein; making an appropriation therefor; and amending section 1 of chapter 179 of the Laws of 1933 (section 10322-11 of Remington's Revised Statutes).

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

SECTION 1. That section 1 of chapter 179 of the Laws of 1933 (section 10322-11 of Remington's Revised Statutes) be amended to read as follows:

Amends
§ 10322-11,
Rem. Rev.
Stat. (§ 5527-
4a P. C.)

Section 1. No fuel shall be purchased for use or used in any plant, building, institution or establishment of any kind owned or operated by the State of Washington, or by any county, city, town, school district, or other municipal corporation or agency of any kind, in the State of Washington, unless the same shall have been wholly mined or produced within the State of Washington: *Provided*, That nothing herein contained shall be construed to impair any valid contract existing or in force on February 1, 1937: *And provided also*, No such existing contract shall be extended or renewed unless it complies herewith: *Provided*, That, no such plant, building, institution or establishment of any kind, which, at the time of the passage of this act, is using and/or burning fuel therein, mined or produced outside of the State of Washington, shall be compelled to comply with the provisions of this act, if the director of the department of finance, budget and business of the State of Washington determines and finds the cost of heating such plant, building, institution or establishment by the use of fuels wholly mined or produced within the State of Washington is over five per cent (5%) greater than the "cost" of heating

State institu-
tions and
municipal
corporations
to use state
produced
fuel.

Existing
contracts.

Application.

such plant, building, institution or establishment by the use of fuels wholly mined or produced outside the State of Washington, and written permission shall be issued by the director of the department of finance, budget and business to continue the use of out-of-state fuel. An application shall be filed with the director of the department of finance, budget and business, by the state, municipality, or political subdivision owning or operating such plant, building, institution or establishment, before January 1, 1938, for permission to continue the use of out-of-state fuel therein and for a hearing for such a determination and find, and a hearing shall be had upon such application. Upon the filing of such application, the director of the department of finance, budget and business shall cause a hearing to be had thereon on or before June 1, 1938, and shall cause to be published in some newspaper printed in the vicinity of the place where such plant, building, institution or establishment is located, a notice stating the name of the applicant, the purpose, nature and object of the application, the plant, building, institution or establishment involved, and the time and place of the hearing of such application. Such notice shall be published once in each week for three successive weeks. Proof of such publication shall be made by affidavit of the publisher of the newspaper. Such hearing shall be had upon sworn testimony. The director of the department of finance, budget and business or his assistants may administer oaths and issue subpoenas to enforce the attendance of all necessary witnesses. The director of the department of finance, budget and business shall have full power after such hearing to determine and find whether the cost of heating such a plant, building, institution or establishment by the use of fuels wholly mined or produced in the State of Washington is over five per cent (5%) greater than the cost of heating such a

plant, building, institution or establishment by the use of fuels wholly mined or produced outside the State of Washington, and such determination and finding shall be final and conclusive, and shall be made within thirty (30) days after the close of such hearing. If the director of the department of finance, budget and business denies the application for permission to continue the use of out-of-state fuels and makes a determination or finding adverse to the applicant, the applicant shall have until September 1, 1938, within which to make necessary changes in plant or equipment. Pending the filing of the application for such hearing, the giving of notice, the holding of such hearing, and the rendition of a decision, no such plant, building, institution or establishment shall be required to change from the use of out-of-state fuels to the use of fuels wholly mined or produced within the state.

SEC. 2. There is hereby appropriated out of the general fund of the State of Washington, the sum of five thousand dollars (\$5,000.00) to be available to the director of the department of finance, budget and business for administrative expenses under this act.

Appropriation.

Passed the Senate March 5, 1937.

Passed the House March 10, 1937.

Approved by the Governor March 16, 1937.

CHAPTER 165.

[S. B. 361.]

TRESPASS OF CATTLE AND HORSES ON STATE LANDS.

AN ACT relating to the trespass of cattle and horses on certain lands owned by the State of Washington, and providing a penalty therefor.

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

Trespass.

SECTION 1. It shall be unlawful for the owner of any cattle or horses to permit the same to enter upon land or lands, composed of a single contiguous area exceeding seven hundred (700) acres, owned by the State of Washington in fee simple, in trust or otherwise, where said lands have been obtained by the state through grant, purchase, gift or operation of law, and regardless of the department of state government under which said lands are controlled.

Penalty.

SEC. 2. Any person violating this act shall be guilty of a misdemeanor.

Passed the Senate March 6, 1937.

Passed the House March 9, 1937.

Approved by the Governor March 16, 1937.

CHAPTER 166.

[S. H. B. 223.]

REGULATION OF TRANSPORTATION BY MOTOR VEHICLES.

AN ACT relating to the transportation of property by motor vehicle over the public highways of the State of Washington, providing for additional supervision and regulation thereof, and the payment of fees; providing for joint rates by common carriers by rail, motor vehicle, express and water; defining offenses and providing penalties therefor; prescribing the powers and duties of certain state officers; providing for a Commission on Highway Transportation and defining its duties; amending sections 1, 2, 3, 5, 7, 10, 11, 12, 14, 15, 17, 18, 19, 20, 23, 27, 28, 31, 38, 39, 40 and 41 of chapter 184 of the Laws of 1935, adding new sections thereto, and declaring an emergency, and providing for the effective dates of certain portions of this act.

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

SECTION 1. That section 1 of chapter 184 of the Laws of 1935 (section 6382-1 Remington's Revised Statutes) be amended to read as follows:

Amends § 6382-1, Rem. Rev. Stat. (§ 234-13½a, P. C.)

Section 1. The business of operating as a motor carrier of freight for compensation along the highways of this state is declared to be a business affected with a public interest. The rapid increase of motor carrier freight traffic and the fact that under the existing law many motor trucks are not effectively regulated have increased the dangers and hazards on public highways and make it imperative that more complete regulation should be employed to the end that the highways may be rendered safer for the use of the general public; that the wear of such highways may be reduced; that congestion on highways may be minimized; that the shippers of the state may be provided with a stabilized service and rate structure; that sound economic conditions in such transportation and among such carriers may be fostered in the public interest; that adequate, economi-

Transportation for compensation.

Business affected with a public interest.

cal, and efficient service by motor carriers, and reasonable charges therefor, without unjust discrimination, undue preferences or advantages, or unfair or destructive competitive practices may be promoted; that the common carriage of commodities by motor carrier may be preserved in the public interest; that the relations between, and transportation by and regulation of, motor carriers and other carriers may be improved and coordinated so that the highways of the State of Washington may be properly developed and preserved, and the public may be assured adequate, complete, dependable and stable transportation service in all its phases.

Amends
§ 6382-2, Rem.
Rev. Stat.
(§ 234-13½b,
P. C.)

SEC. 2. That section 2 of chapter 184 of the Laws of 1935 (section 6382-2 of Remington's Revised Statutes) be amended to read as follows:

Section 2. When used in this act:

"Person."

(a) The term "person" means and includes an individual, firm, copartnership, corporation, company, association or their lessees, trustees or receivers.

"Department."

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

"Motor vehicle."

(c) The term "motor vehicle" means any truck, trailer, semi-trailer, tractor or any self-propelled or motor driven vehicle used upon any public highway of this state for the purpose of transporting property, but not including baggage, mail and express transported on the vehicles of auto transportation companies carrying passengers.

"Public highway."

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

"Common carrier."

(e) The term "common carrier" means any person who undertakes to transport property for the general public by motor vehicle for compensation, whether over regular or irregular routes, or regular or irregular schedules, including motor vehicle operations of other carriers by rail or water and of express or forwarding companies.

(f) The term "contract carrier" shall include all motor vehicle operators not included under the terms "common carrier" and "private carrier" as herein defined in paragraph (e) and paragraph (g), and further shall include any person who under special and individual contracts or agreements transports property by motor vehicle for compensation.

"Contract carrier."

(g) A "private carrier" is a person who, in his own vehicle, transports only property owned or being bought or sold by him in good faith and only when such transportation is purely an incidental adjunct to some other established private business owned or operated by him in good faith.

"Private carrier."

(h) The term "motor carrier" means and includes "common carrier," "contract carrier," "private carrier" and "exempt carrier" as herein defined.

"Motor carrier."

(i) The term "exempt carrier" means any person operating a vehicle exempted from certain provisions of this act under section 3 hereof.

"Exempt carrier."

(j) The term "vehicle" means every device capable of being moved upon a public highway and in, upon or by which any person or property is or may be transported or drawn upon a public highway, excepting devices moved by human or animal power or used exclusively upon stationary rail or tracks.

"Vehicle."

The terms "common carrier" and "contract carrier" shall include persons engaged in the business of providing, contracting for, or undertaking to provide transportation of property for compensation over the public highways of the State of Washington as brokers or forwarders.

SEC. 3. That chapter 184 of the Laws of 1935 be amended by adding a new section following section 2 thereof, to read as follows:

Adds § 2a,
ch. 184,
Laws 1935.

Sec. 2-a. Operators of motor vehicles excluded from the term "private carrier," other than "common carriers" shall not be compelled to dedicate

Exemptions.

their property to the business of public transportation and subject themselves to all the duties and burdens imposed by the act upon "common carriers," but where they recover the cost of transportation through price differentials or in any other direct or indirect manner and such transportation cost recovery unreasonably endangers the stability of rates and the essential transportation service involving the movement of commodities over the same route or routes by other types of carriage, then such transportation costs, attempted to be recovered, shall not be less than the rate, fare or charge regularly established by the department for such transportation service if given by other types of carriers, it being the intention of the legislature to foster a stable rate structure free of discriminations for the shippers of the State of Washington.

Amends
§6382-3, Rem.
Rev. Stat.
(§ 234-13½c,
P. C.)

SEC. 4. That section 3 of chapter 184 of the Laws of 1935 (section 6382-3 Remington's Revised Statutes) be amended to read as follows:

Vehicles not
included in
act.

Section 3. The provisions of this act, except where specifically otherwise provided, and except the provisions providing for licenses, shall not apply to:

(a) Motor vehicles operated exclusively within the corporate limits of any city or town of less than 100,000 population or within the confines of contiguous cities or towns;

(b) Motor vehicles operated exclusively in the transportation of the United States mail or in the transportation of newspapers or periodicals;

(c) Motor vehicles owned and operated by the United States, the State of Washington, or any county, city, town or municipality therein, or by any department of them, or either of them;

(d) Vehicles specially constructed for towing or wrecking and not otherwise used in transporting goods for compensation;

(e) Motor vehicles owned and operated by farmers in the transportation of their own farm, orchard or dairy products from point of production to market, or in the infrequent or seasonal transportation by one farmer for another in his immediate neighborhood of products of the farm, orchard or dairy, or of supplies or commodities to be used on the farm, orchard or dairy.

SEC. 5. That chapter 184 of the Laws of 1935 be amended by adding a new section following section 4 thereof, to read as follows:

Adds § 4-a,
ch. 184,
Laws 1935.

Section 4-a. Every person who engages for compensation to perform a combination of services which includes transportation of property of others upon the public highways shall be subject to the jurisdiction of the department as to such transportation and shall not engage upon the same without first having obtained a common carrier or contract carrier permit to do so. Every person engaging in such a combination of services shall advise the department what portion of the consideration is intended to cover the transportation service and if the agreement covering the combination of services is in writing, the rate and charge for such transportation shall be set forth therein. The rates or charges for the transportation services included in such combination of services shall be subject to control and regulation by the department in the same manner that the rates of common and contract carriers are now controlled and regulated.

Combination
of services,
permit
required.

SEC. 6. That section 5 of chapter 184 of the Laws of 1935 (section 6382-5 Remington's Revised Statutes) be amended to read as follows:

Amends
§ 6382-5, Rem.
Rev. Stat.
(§ 234-13½ e,
P. C.)

Section 5. No "common carrier," "contract carrier," or "temporary carrier" shall hereafter operate for the transportation of property for compensation in this state without first obtaining from the department a permit so to do under the provisions of this

Permits,
granting of.

act. A permit shall be issued to any qualified applicant therefor authorizing the whole or any part of the operations covered by the application, when it is found that the applicant is fit, willing and able to perform the service proposed and to conform to the provisions of this act and the requirements, rules and regulations of the department hereunder, and that the proposed service to the extent authorized will not be contrary to the declared policy of this act. Applications for common or contract carrier permits shall be on file for a period of at least thirty days prior to the granting thereof unless the department finds that special conditions require the earlier granting thereof.

No permit shall be granted if the department finds that the applicant is not financially able, properly and adequately equipped and capable of conducting the transportation service applied for in compliance with the law and rules and regulations of the department, or if the applicant or any of its principal officers or stockholders fails, or has failed, to comply with the laws of the State of Washington.

Nothing contained in this act shall be construed to confer upon any person or persons the exclusive right or privilege of transporting property for compensation over the public highways of the State of Washington, but the department may deny an application when it appears clearly, after public hearing, that the additional service would unreasonably congest the highways or unreasonably endanger the stability and dependability of the service essential to the public needs.

Amends
§ 6382-7, Rem.
Rev. Stat.
(§ 234-13½g,
P. C.)

SEC. 7. That section 7 of chapter 184 of the Laws of 1935 (section 6382-7 Remington's Revised Statutes) be amended to read as follows:

Application
for permit.

Section 7. The department shall prescribe forms of application for permits for the use of prospective applicants, and shall make regulations for the filing thereof.

Applications for permits shall be accompanied by the following fees:

- Applications for permits.....\$25.00
- Applications for temporary permits.....\$10.00

Fees.

SEC. 8. That section 10 of chapter 184 of the Laws of 1935 (section 6382-10 Remington's Revised Statutes) be amended to read as follows:

Amends § 6382-10, Rem. Rev. Stat. (§ 234-13½j, P. C.)

Section 10. The department may from time to time establish such just and reasonable classifications of the groups of carriers included in the terms "common carrier" and "contract carriers" as the special nature of the services performed by such carriers shall require, and such just and reasonable rules, regulations and requirements, consistent with the provisions of this act, to be observed by the carriers so classified or grouped, as the department deems necessary or advisable in the public interest.

Classification of carriers.

SEC. 9. That section 11 of chapter 184 of the Laws of 1935 (section 6382-11 Remington's Revised Statutes) be amended to read as follows:

Amends § 6382-11, Rem. Rev. Stat. (§ 234-13½k, P. C.)

Section 11. The department is hereby vested with power and authority, and it is hereby made its duty, to supervise and regulate every "common carrier" in this state; to make, fix, alter and amend, just, fair, reasonable, minimum, maximum, or minimum and maximum, rates, charges, classifications, rules and regulations of all "common carriers"; to regulate the accounts, service and safety of operations thereof; to require the filing of reports and of other data thereby; and to supervise and regulate all "common carriers" in all other matters affecting their relationship with competing carriers of every kind, the shipping and the general public.

Supervision of common carriers.

SEC. 10. That chapter 184 of the Laws of 1935 be amended by adding a new section following section 11 thereof, to read as follows:

Adds § 11-a, ch. 184, Laws 1935.

Section 11-a. The department is hereby vested with power and authority, and it is hereby made its

Compilation
and publica-
tion of
tariffs.

duty, to make, fix, construct, compile, promulgate, publish and distribute tariffs containing a compilation of rates, charges, classifications, rules and regulations to be used by all common carriers, as defined in this act, in this state. Such tariffs may be issued and distributed under rules and regulations to be adopted by the department. Such compilation and publication shall be made by the department as soon as possible after the effective date of this section, and may be made by compiling the rates, charges, classifications, rules and regulations now in effect, and may be amended or altered from time to time after notice and hearing, by issuing and distributing revised pages or supplements to such tariffs in accordance with the orders of the department. All such rates, charges, classifications, rules and regulations thus made effective by the department shall be available to the public at each agency and office of all common carriers, as defined in this act, operating within this state. Such compilation and publication shall be sold by the department for not to exceed ten dollars per copy. Supplements to such publications shall be furnished without charge: *Provided*, That copies may be furnished free to other regulatory bodies and departments of government and to colleges, schools and libraries. All copies of the compilation, whether sold or given free, shall be distributed under rules and regulations to be fixed by the department.

Amends
§ 6382-12,
Rem. Rev.
Stat. (§ 234-
13½, P. C.)

SEC. 11. That section 12 of chapter 184 of the Laws of 1935 (section 6382-12 Remington's Revised Statutes) be amended to read as follows:

Supervision
of contract
carriers.

Section 12. The department is hereby vested with power and authority, and it is hereby made its duty, to supervise and regulate every "contract carrier" in this state; to fix, alter and amend, just, fair and reasonable classifications, rules and regulations and minimum rates and charges of each such "con-

tract carrier"; to regulate the accounts, service and safety of operations thereof; and require the filing of reports and of other data thereby; and to supervise and regulate such "contract carriers" in all other matters affecting their relationship with both the shipping and the general public.

SEC. 12. That section 14 of chapter 184 of the Laws of 1935 (section 6382-14 Remington's Revised Statutes) be amended to read as follows:

Amends
§ 6382-14,
Rem. Rev.
Stat. (§ 234-
13½n, P. C.)

Section 14. The department shall have power and authority to issue temporary permits to temporary "common carriers" or "contract carriers" covering seasonal operations for a period not to exceed ninety (90) days, but only after the department finds that an emergency exists because existing transportation agencies cannot supply the needed and necessary service, and may prescribe such special rules and regulations and impose such special terms and conditions with reference thereto as in its judgment are reasonable and necessary in carrying out the provisions of this act.

Temporary
permits.

SEC. 13. That section 15 of chapter 184 of the Laws of 1935 (section 6382-15 Remington's Revised Statutes) be amended to read as follows:

Amends
§ 6382-15,
Rem. Rev.
Stat. (§ 234-
13½p, P. C.)

Section 15. Whether or not any motor vehicle is being operated upon the highways of this state within its proper classification, as defined by section 2 of this act, shall be a question of fact to be determined by the department. Whenever the department believes that any person, firm or corporation operating motor vehicles on the highways of this state is not operating within the proper classification, but is in fact a carrier of a different classification, it may institute a special proceeding, upon ten days' notice, requiring such person, firm or corporation to appear before the department at a location convenient for witnesses and the production of evidence, and bring with him books, records, accounts, and

Question of
fact in
disputes.

Decision.

other memoranda, and give testimony under oath as to his operations, and the burden shall rest upon such person of proving that his operations are properly classified under the provisions of this section. The department may consider, in determining whether such operation is properly classified, the frequency of operation, amount and basis of compensation, whether title to property has been taken merely for the period of transportation or until delivery thereof at the point of destination, whether the carrier is regularly engaged in the buying and selling of the property transported as his principal business, whether an increased selling price assignable to the cost of transportation is charged for the property transported when delivered at the point of delivery as compared with the price charged when delivered at the point of shipment, and such other facts as indicate the true nature and extent of such operation and the receipt of compensation therefor, and all other facts that may indicate the true nature and extent of such operation upon the highways of this state and the receipt of compensation therefor in order to determine the carrier's proper classification under the terms of this act.

Protection
against self
incrimina-
tion.

In proceedings under this section no person shall be excused from testifying or from producing any book, way-bill, document, paper or account before the department when ordered to do so, on the ground that the testimony or evidence, book, way-bill, document, paper or account required of him may tend to incriminate him or subject him to penalty or forfeiture; but no person shall be prosecuted, punished or subjected to any penalty or forfeiture for or on account of any account, transaction, matter or thing concerning which he shall under oath have testified or produced documentary evidence in proceedings under this section: *Provided*, That no person so testifying shall be exempt from prosecution or punish-

ment for any perjury committed by him in his testimony.

SEC. 14. That section 17 of chapter 184 of the Laws of 1935 (section 6382-17 Remington's Revised Statutes) be amended to read as follows:

Amends
§ 6382-17,
Rem. Rev.
Stat. (§ 234-
13½r, P.C.)

Section 17. The department is hereby vested with power and authority in issuing permits to any of the carriers classified in accordance with the provisions of section 10 hereof to attach thereto such terms and conditions and to require such insurance or security as it may deem necessary for the protection of the public highways and to be for the best interest of the shipping and the general public. All such regulations and conditions shall be deemed temporary and may be revoked by the department upon recommendation of the state or county authorities in charge of highway maintenance or safety when in the judgment of such authorities such revocation is required in order to protect the public or preserve the public highways.

Insurance,
etc.,
temporary.

SEC. 15. That section 18 of chapter 184 of the Laws of 1935 (section 6382-18 Remington's Revised Statutes) be amended to read as follows:

Amends
§ 6382-18,
Rem. Rev.
Stat. (§ 234-
13½s, P. C.)

Section 18. No "common carrier," "contract carrier," or "private carrier," its officers or agents, shall require or permit any driver or operator of any motor vehicle used in the transportation of property to be or remain on duty for a longer period than ten consecutive hours, and whenever any such driver or operator shall have been continuously on duty for ten hours he shall be relieved and not required or permitted again to go on duty until he has at least eight consecutive hours off duty; and no such driver or operator who has been on duty ten hours in the aggregate in any twenty-four hour period shall be required or permitted to continue or again go on duty without having had at least eight consecutive hours off duty: *Provided*, That the provisions of this section

Hours of
drivers,
limit.

shall not apply to any case of casualty or unavoidable accident or the act of God, nor to the crews of wrecking or relief motor vehicles.

Amends
§ 6382-19,
Rem. Rev.
Stat. (§ 234-
13½t, P. C.)

SEC. 16. That section 19 of chapter 184 of the Laws of 1935 (section 6382-19 Remington's Revised Statutes) be amended to read as follows:

Deviations
from tariff
schedule.

Section 19. No "common carrier" or "contract carrier" shall collect or receive a greater, less or different remuneration for the transportation of property or for any service in connection therewith than the rates and charges which shall have been legally established and filed with the department, or as are specified in the contract or contracts filed, as the case may be, nor shall any such carrier refund or remit in any manner or by any device any portion of the rates and charges required to be collected by each tariff or contract or filing with the department.

The department may check the records of all carriers under this act and of those employing the services of the carrier for the purpose of discovering all discriminations, under or overcharges and rebates, and may suspend or revoke permits for violations of this section.

Refusal of
tariff,
schedule or
contract
by depart-
ment.

The department may refuse to accept any time schedule or tariff or contract that will, in the opinion of the department, limit the service of a carrier to profitable trips only or to the carrying of high class commodities in competition with other carriers who give a complete service and thus afford one carrier an unfair advantage over a competitor.

Amends
§ 6382-20,
Rem. Rev.
Stat. (§ 234-
13½u, P. C.)

SEC. 17. That section 20 of chapter 184 of the Laws of 1935 (section 6382-20 Remington's Revised Statutes) be amended to read as follows:

Reasonable
rates,
power to
enforce.

Section 20. The department shall have power and authority to require a common carrier by motor vehicle, railroad, express or water to establish reasonable through rates with other common carriers by motor vehicle, railroad, express and water, and

to provide safe and adequate service, equipment and facilities for the transportation of property; to establish and enforce just and reasonable individual and joint rates, charges and classifications, and just and reasonable regulations and practices relating thereto, and in case of such joint rates, fares and charges to establish just, reasonable and equitable divisions thereof as between the carriers participating therein, which shall not unduly prefer or prejudice any of such participating carriers. In ordering and establishing joint through rates between different types of carriers the department shall give full effect to the lower cost of transportation of property by any type of carrier and shall reflect such lower cost by differentials under a through rate of the higher cost carrier.

SEC. 18. That section 23 of chapter 184 of the Laws of 1935 (section 6382-23 Remington's Revised Statutes) be amended to read as follows:

Amends
§ 6382-23,
Rem. Rev.
Stat. (§ 234-
13½x, P. C.)

Section 23. No permit issued under the authority of this act shall be construed to be irrevocable. Nor shall such permit be subject to transfer or assignment except upon a proper showing that property rights might be affected thereby, and then in the discretion of the department and upon the payment of a fee of twenty-five dollars (\$25.00).

Permits
revocable.

Every carrier who shall cease operation and abandon his rights under the permit issued him shall notify the department within thirty (30) days of such cessation or abandonment, and return to the department the identification plates issued to him by the department.

Termination
of permit.

SEC. 19. That section 27 of chapter 184 of the Laws of 1935 (section 6382-27 Remington's Revised Statutes) be amended to read as follows:

Amends
§ 6382-27,
Rem. Rev.
Stat. (§ 234-
13¾b, P. C.)

Section 27. It shall be unlawful for any "common carrier," or "contract carrier" to operate any motor vehicle within this state unless there shall be

Identifica-
tion plates
on vehicle.

displayed and firmly fixed upon the front and rear of such vehicle an identification plate to be furnished by the department. Such plates shall be different in design for the different classes of carriers, shall bear the number given to the vehicle by the department, and such other marks of identification as may be required, and, subject to the qualification hereinafter contained, shall be in addition to the regular license plates required by law. Such plates shall be issued annually under rules and regulations of the department, and shall be attached to each motor vehicle not later than January first of each year, or as soon thereafter as possible.

Issued
annually

Fee.

The department shall collect from each such carrier a fee of two dollars for each pair of identification plates so issued, and all fees for such plates shall be deposited in the state treasury to the credit of the public service revolving fund. County auditors shall be entitled to collect from applicants for identification plates the amount of twenty-five cents for each pair of such plates distributed by such county auditors and the amounts so received shall be paid into the current expense fund of the proper county.

The directors of public service and licenses are authorized and may devise a combination license and identification plate. If they find that such a plate is practicable it shall be issued with the beginning of a calendar year and thereafter the plate fees specified by this act shall no longer be required.

Lieu § 6382-
28, Rem. Rev.
Stat. (§ 234-
13¾c, P. C.)

SEC. 20. That section 28 of chapter 184 of the Laws of 1935 (section 6382-28 Remington's Revised Statutes) be amended by substituting in lieu thereof a new section to read as follows:

Additional
fee based
on maximum
gross
weight.

Section 28. In addition to all other fees to be paid by them every "common carrier" and "contract carrier" shall pay to the department each year at the time of, in connection with, and before receiving, his

identification plate, 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: Less than 5,001 pounds, \$7.00; 5,001 pounds or more and less than 10,001 pounds, \$9.00; 10,001 pounds or more and less than 15,001 pounds, \$11.00; 15,001 pounds or more and less than 20,001 pounds, \$13.00; 20,001 pounds or more and less than 25,001 pounds, \$15.00; 25,001 pounds or more and less than 30,001 pounds, \$17.00; 30,001 pounds or more and less than 34,001 pounds, \$19.00.

All fees collected under this section or under any other provision of this act shall be paid to the department and shall be by it transmitted to the state treasury within thirty days to the credit of the public service revolving fund.

Collections
paid to state
treasurer.

SEC. 21. That section 31 of chapter 184 of the Laws of 1935 (section 6382-31 Remington's Revised Statutes) be amended by substituting in lieu thereof a new section to read as follows:

Lieu §6382-
31, Rem. Rev.
Stat. (§ 234-
13½f, P. C.)

Section 31. In addition to all other penalties provided by law every "motor carrier" subject to the provisions of this act and every officer, agent or employee of any such "motor carrier" who violates or who procures, aids or abets in the violation of any provision of this act or any order, rule, regulation or decision of the department shall incur a penalty of one hundred dollars for every such violation. Each and every such violation shall be a separate and distinct offense and in case of a continuing violation every day's continuance shall be and be deemed to be a separate and distinct violation. Every act of commission or omission which procures, aids or abets in the violation shall be considered a violation under the provisions of this section and subject to the penalty herein provided for.

Violations,
penalties.

The penalty herein provided for shall become due and payable when the person incurring the same re-

ceives a notice in writing from the department describing such violation with reasonable particularity and advising such person that the penalty is due. The department may, upon written application therefor, received within fifteen days, remit or mitigate any penalty provided for in this section or discontinue any prosecution to recover the same upon such terms as it in its discretion shall deem proper and shall have authority to ascertain the facts upon all such applications in such manner and under such regulations as it may deem proper. If the amount of such penalty is not paid to the department within fifteen days after receipt of notice imposing the same or application for remission or mitigation has not been made within fifteen days after violator has received notice of the disposition of such application, the attorney general shall bring an action in the name of the State of Washington in the superior court of Thurston county or of some other county in which such violator may do business, to recover such penalty. In all such actions the procedure and rules of evidence shall be the same as an ordinary civil action except as otherwise herein provided. All penalties recovered under this act shall be paid into the state treasury and credited to the public service revolving fund.

Action to recover penalties by attorney general.

Adds § 31-2, ch. 184, Laws 1935.

SEC. 22. That chapter 184 of the Laws of 1935 be amended by adding a new section following section 31 thereof, to read as follows:

Application of provisions.

Section 31-a. All applicable provisions of chapter 117, Laws of 1911, as amended and supplemented, relating to procedure, powers of the department and penalties, shall apply to the operation and regulation of persons under this act, except in so far as such provisions may conflict with provisions of this act and rules and regulations issued thereunder by the department.

Effective dates.

SEC. 23. The provisions of sections 1 to 18, both inclusive, and 21, 22, 24, 25, 26 and 27 hereof, shall

be effective April 1, 1937, and the provisions of sections 19 and 20 hereof shall become effective December 1, 1937. The fees provided for in sections 27 and 28 of chapter 184 of the Laws of 1935 shall remain in effect until December 1, 1937: *Provided*, That the department shall have authority, if sufficient funds are on hand to carry on its activities, to waive the fees provided for in section 28 of chapter 184 of the Laws of 1935 for the period after June 30, 1937.

SEC. 24. That section 38 of chapter 184 of the Laws of 1935 (section 6382-38 Remington's Revised Statutes) be amended to read as follows:

Amends
§ 6382-38,
Rem. Rev.
Stat. (§ 234-
13¾n, P. C.)

Section 38. It is hereby declared that efficient state financing, construction, maintenance, and administration of highways, regulation and supervision of motor carriers, and regulation and control of highway traffic, require that the various state agencies conduct joint studies and coordinate their research activities.

Coordination
of state
agencies.

SEC. 25. That section 39 of chapter 184 of the Laws of 1935 (section 6382-39 Remington's Revised Statutes) be amended to read as follows:

Amends
§ 6382-39,
Rem. Rev.
Stat. (§ 234-
13¾p, P. C.)

Section 39. There is hereby created a commission for the purpose hereinafter set forth, to be known as the Commission on Highway Transportation, which commission shall be composed of five members, one of whom shall be the director of highways, the second a transportation engineer of reputable standing to be appointed by the governor, the third the director of public service, the fourth the director of licenses, and the fifth the chairman of the tax commission.

Commission
created,
qualifica-
tions.

SEC. 26. That section 40 of chapter 184 of the Laws of 1935 (section 6382-40 Remington's Revised Statutes) be amended to read as follows:

Amends
§ 6382-40,
Rem. Rev.
Stat. (§ 234-
13¾q, P. C.)

Section 40. The said commission shall, with the assistance of the other state agencies, make a study

Study of
facts.

of facts which will contribute to the solution of such problems as the distribution of highway costs, taxes and benefits; the adaptation of highways to traffic requirements; the coordination of the motor vehicle administrative activities of the various governmental units; reciprocal relations with other states; the fostering of sound economic conditions among motor carrier operators, and the prevention of highway accidents, and thereby carry out the declared policy.

Amends
§ 6382-41.
Rem. Rev.
Stat. (§ 234-
13³/₄r, P. C.)

SEC. 27. That section 41 of chapter 184 of the Laws of 1935 (section 6382-41 Remington's Revised Statutes) be amended to read as follows:

Report of
findings and
recommen-
dations to
legislature.

Section 41. The findings and recommendations from the studies of the commission herein provided for shall be published in report form from time to time and any relating to proposed legislation shall be submitted to each duly elected member of the Senate and House of Representatives of the State of Washington not less than one month prior to the convening of each regular session of the legislature.

Partial
invalidity.

SEC. 28. If any section, subsection, clause, sentence or phrase of this act is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this act, and the legislature hereby declares it would have enacted this act if such section, subsection, clause, sentence or phrase were omitted.

Effective
immediately.

SEC. 29. 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 its provisions shall take effect on the dates hereinabove set forth.

Passed the House March 9, 1937.

Passed the Senate March 8, 1937.

Approved by the Governor March 16, 1937.

CHAPTER 167.

[H. B. 256.]

STANDARD FOR BERRY BOXES.

AN ACT relating to weights and measures, amending section 12 of chapter 194 of the Laws of 1927.

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

SECTION 1. That section 12 of chapter 194 of the Laws of 1927 (section 11628 of Remington's Revised Statutes) be amended to read as follows:

Amends
§ 11628, Rem.
Rev. Stat.
(§ 7250-52,
P. C.)

Section 12. A standard berry box for selling or offering for sale blackberries, currants, strawberries, cranberries, blueberries, gooseberries, cherries and similar berries in packages containing less than one bushel, shall be a dry quart containing 67.2 cubic inches or a dry pint containing 33.6 cubic inches, or a dry half-pint containing 16.8 cubic inches, and it shall be unlawful to sell or offer for sale or use for the purpose of selling or offering for sale any of the berries named in this section, berry boxes of any other interior capacity than 67.2 or 33.6 or 16.8 cubic inches, unless the same be labeled in plain English words or figures with the correct interior capacity expressed thereon in cubic inches, and all containers must be well filled: *Provided*, That nothing in this section shall be construed to prevent the sale or offering for sale of any of the articles therein mentioned by weight.

Passed the House March 3, 1937.

Passed the Senate March 8, 1937.

Approved by the Governor March 16, 1937.

CHAPTER 168.

[H. B. 314.]

VITAL STATISTICS.

AN ACT relating to the system of registration and the method of reporting births and deaths, the issuance of permits for burial, removal, or transportation of bodies of deceased persons, prescribing certain rules of evidence, and amending sections 6023 and 6037 of Remington's Revised Statutes.

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

SECTION 1. That section 6023 of Remington's Revised Statutes be amended to read as follows:

Section 6023. The certificate of death shall contain the following items: [(1)] Place of death; including state, county, township or town, village or city. If in a city, the ward, street and house number. If in a hospital or other institution, the name of the same to be given instead of the street and house number. If in an industrial camp, the name to be given. (2) Full name of decedent. If an unnamed child, the surname preceded by "unnamed." (3) Sex. (4) Color or race; as white, black (negro or negro descent), Indian, Chinese, Japanese or other. (5) Conjugal condition; as single, married, widowed or divorced. (6) Date of birth, including the year, month and day. (7) Age, in years, months and days. (8) Place of birth, state or foreign country. (9) Name of father. (10) Birthplace of father, state or foreign country. (11) Maiden name of mother. (12) Birthplace of mother, state or foreign country. (13) Occupation. The occupation to be reported of any person who had any remunerative employment, women as well as men. (14) Signature and address of informer. (15) Date of death, including the year, month and day. (16) Statement of medical attendance on decedent, fact and time of death, including the last time seen alive. (17) Cause of death,

Amends
§ 6023, Rem.
Rev. Stat.
(§ 5311, P. C.)

Certificate
of death,
contents.

including the primary and immediate causes and contributory causes or complications, if any, and duration of each. (18) Signature and address of physician or official making the medical certificate. (19) Special information concerning deaths in hospitals and institutions, and of persons dying away from home, including the former or usual residence, length of time, and place of death, and place where the disease was contracted. (20) Place of burial or removal. (21) Date of burial or removal. (22) Signature and address of undertaker. (23) Official signature of registrar, with date when certificate was filed, and registered number. (24) Whether or not the decedent was ever a member of the army, navy or marine corps of the United States; the name of the organization in which such service was rendered, the rank and the period of service.

The personal and statistical particulars (items 1 to 13) shall be authenticated by the signature of the informer, who may be any competent person acquainted with the facts.

The statement of facts relating to the disposition of the body shall be signed by the undertaker or person acting as such.

The medical certificate shall be made and signed by the physician, if any, last in attendance on the deceased, who shall specify the time in attendance, the time he last saw the deceased alive, and the hour of the day at which death occurred. And he shall further state the cause of death, so as to show the course of disease or sequence of causes resulting in death, giving the primary and immediate causes, and also the contributory causes, if any, and the duration of each. Indefinite and unsatisfactory terms, indicating only symptoms of disease or conditions resulting from disease, will not be held as sufficient for issuing a burial or removal permit; and any certificate containing only such terms as defined by the state

registrar as indefinite and unsatisfactory shall be returned to the physician for correction and definition. Causes of death, which may be the result of either disease or violence, shall be carefully defined; and if from violence, its nature shall be stated, and whether accidental, suicidal or homicidal, and in case of death in hospitals, institutions, or away from home, the physician shall furnish the information required under this head (item 19), and shall state where, in his opinion, the disease was contracted.

Amends
§ 6037, Rem.
Rev. Stat.
(§ 5324, P. C.)

SEC. 2. That section 6037 of Remington's Revised Statutes, be amended to read as follows:

Certified
copies of
records and
searches,
fees for.

Section 6037. It shall be the duty of the state registrar to, upon request, furnish any applicant with a certified copy of the record of any birth or death, registered under the provisions of this act, for the making and certification of which he shall be entitled to a fee of fifty cents (50c) to be paid by the applicant: *Provided*, That no fees shall be demanded or required for furnishing certified copy, or copies, of birth or death to any veteral [veteran] of the World War, or Spanish-American War, or dependent mother or father for use in connection with a claim for compensation or pension pending before the Veterans' Administration. For any search of the files and the records when no certified copy is made, the state registrar shall be entitled to a fee of fifty cents (50c) for each hour or fractional part of an hour employed in such search, to be paid by the applicant. But the state registrar and all local registrars shall furnish upon application certificates of the age of children to be used in attending the public schools or in obtaining employment permits without fee or compensation. The state registrar shall keep a true and correct account of all fees received by him under the provisions of this act, and turn the same over to the state treasurer on the first day of January, April, July and October. Local registrars

in cities of the first, second and third class shall be entitled to charge for certified copies of records of births and deaths and for searching of records when no certified copy is made, the same fee as hereinabove provided for the state registrar, but such fees, if any collected, shall be paid into the treasury of the city where collected.

Passed the House February 16, 1937.

Passed the Senate March 8, 1937.

Approved by the Governor March 16, 1937.

CHAPTER 169.

[S. H. B. 430.]

PUBLIC SERVICE COMPANIES.

AN ACT relating to public service companies, providing for additional supervision and regulation thereof, amending section 6 of chapter 117 of the Laws of 1911, and amending section 82 of chapter 117 of the Laws of 1911 as amended by chapter 133 of the Session Laws of 1915 as amended by section 3 of chapter 165 of the Laws of 1933, and section 86 of chapter 117 of the Laws of 1911, and section 13 of chapter 165 of the Laws of 1933, adding two new sections to chapter 117 of the Laws of 1911 to be known as sections 98-1 and 25-b which provide additional penalties for public service companies and their officers, agents and employees, and shippers, and repealing sections 4 and 7 of chapter 117 of the Laws of 1911 and section 2 of chapter 248 of the Laws of 1927, and declaring that this act shall take effect April 1, 1937.

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

SECTION 1. That section 6 of chapter 117 of the Laws of 1911 (section 10342 Remington's Revised Statutes) be amended to read as follows:

Amends
§ 10342, Rem.
Rev. Stat.
(§ 5533, P. C.)

Section 6. All proceedings of the department, and all documents and records in its possession, shall be public records, and it shall adopt and use an

Public
records.

Official seal.

Biennial
report.

official seal. The department shall make and submit to the governor a biennial report containing a statement of the transactions and proceedings of its office, together with the information gathered by the department as herein required, and such other facts, suggestions and recommendations as may be by it deemed necessary.

Amends
§ 10424, Rem.
Rev. Stat.
(§ 5609, P. C.)

SEC. 2. That section 82 of chapter 117 of the Laws of 1911, as amended by chapter 133 of the Laws of 1915, as amended by chapter 165 of the Laws of 1933 (section 10424 Remington's Revised Statutes) be amended to read as follows:

Change in
rates.

Section 82. Whenever any public service company shall file with the department of public service any schedule, classification, rule or regulation, the effect of which is to change any rate, fare, charge, rental or toll theretofore charged, the department shall have power, either upon its own motion or upon complaint, upon notice, to enter upon a hearing concerning such proposed change and the reasonableness and justness thereof, and pending such hearing and the decision thereon the department may suspend the operation of such rate, fare, charge, rental or toll for a period not exceeding seven months from the time the same would otherwise go into effect, and after a full hearing the department may make such order in reference thereto as would be provided in a hearing initiated after the same had become effective.

Suspension.

Burden of
proof.

At any hearing involving any change in any schedule, classification, rule or regulation the effect of which is to increase any rate, fare, charge, rental or toll theretofore charged, the burden of proof to show that such increase is just and reasonable shall be upon the public service company: *Provided, however,* That when any common carrier subject to the jurisdiction of the department shall file any tariff, classification, rule or regulation the effect of

which is to decrease any rate, fare, or charge, the burden of proof to show that such decrease is just and reasonable shall be upon such common carrier.

SEC. 3. That section 86 of chapter 117 of the Laws of 1911 (section 10428 Remington's Revised Statutes) be amended to read as follows:

Amends
§ 10428, Rem.
Rev. Stat.
(§ 5613, P. C.)

Section 86. Any complainant or any public service company affected by any findings or order of the department, and deeming such findings or order to be contrary to law, may, within thirty days after the service of the findings or order upon him or it, apply to the superior court of Thurston county for a writ of review, for the purpose of having the reasonableness and lawfulness of such findings or order inquired into and determined. Such writ shall be made returnable not later than thirty days from and after the date of the issuance thereof, unless upon notice to all parties affected further time be allowed by the court, and shall direct the department to certify its record in the case to the court. Such cause shall be heard by the court without the intervention of a jury on the evidence and exhibits introduced before the department and certified to by it. Upon such hearing the superior court shall enter judgment either affirming or setting aside or remanding for further action the findings or order of the department under review. The reasonable cost of preparing the transcript of testimony taken before the department shall be assessable as part of the statutory court costs, and the amount thereof, if collected by the department, shall be deposited in the public service revolving fund. In case such findings or order be set aside, or reversed and remanded, the court shall make specific findings based upon evidence in the record indicating clearly all respects in which the department's findings or order are erroneous.

Review.

Amends
§ 10458-7,
Rem. Rev.
Stat. (§ 5527-
13, P. C.)

SEC. 4. That section 13 of chapter 165 of the Laws of 1933 (section 10458-7 Remington's Revised Statutes) be amended to read as follows:

Depreciation
or retirement
accounts.

Section 13. The department shall have power after hearing to require any or all public service companies to carry proper and adequate depreciation or retirement accounts in accordance with such rules, regulations and forms of accounts as the department may prescribe. The department may from time to time ascertain and by order fix the proper and adequate rates of depreciation or retirement of the several classes of property of each public service company. Each public service company shall conform its depreciation or retirement accounts to the rates so prescribed. In fixing the rate of the annual depreciation or retirement charge, the department may consider the rate and amount theretofore charged by the company for depreciation or retirement.

Reserve
accounts.

The department shall have and exercise like power and authority over all other reserve accounts of public service companies.

Adds § 98-1,
ch. 117,
Laws 1911.

SEC. 5. That chapter 117 of the Laws of 1911 be amended by adding thereto a new section to be known as section 98-1 reading as follows:

Attorney
general to
prosecute
civil action.

Section 98-1. The attorney general of the State of Washington is authorized and directed, whenever he has reasonable grounds to believe that any person, firm or corporation has knowingly accepted or received from any carriers of persons or property subject to the jurisdiction of the department of public service of the State of Washington, either directly or indirectly, any unlawful rebate, discount, deduction, concession, refund or remittance from the rates or charges filed and open to public inspection as provided for in the public service laws of this state, to prosecute a civil action in the name of the people of the State of Washington in the superior court of

Thurston county to collect three (3) times the total sum of such rebates, discounts, deductions, concessions, refunds or remittances so accepted or received within three (3) years prior to the commencement of such action.

All penalties imposed under the provisions of this section shall be paid to the state treasurer and by him deposited in the public service revolving fund.

Penalties deposited in public service revolving fund.

SEC. 6. That chapter 117 of the Laws of 1911 be amended by adding thereto a new section to be known as section 25-b reading as follows:

Adds § 25-b, ch. 117, Laws 1911.

Section 25-b. Every steamboat company and every officer, agent, or employee of any steamboat company who violates or who procures, aids or abets in the violation of any provision of this act, or any order, rule, regulation, or decision of the department shall incur a penalty of \$100.00 for every such violation. Each and every such violation shall be a separate and distinct offense and in case of a continuing violation every day's continuance shall be and be deemed to be a separate and distinct violation. Every act of commission or omission which procures, aids or abets in the violation shall be considered a violation under the provisions of this section and subject to the penalty herein provided for.

Steamboat companies, violations of act.

Penalty.

The penalty herein provided for shall become due and payable when the person incurring the same receives a notice in writing from the department describing such violation with reasonable particularity and advising such person that the penalty is due.

The department may, upon written application therefor, received within fifteen days, remit or mitigate any penalty provided for in this section or discontinue any prosecution to recover the same upon such terms as it in its discretion shall deem proper, and shall have authority to ascertain the facts upon all such applications in such manner and under such regulations as it may deem proper.

If the amount of such penalty is not paid to the department within fifteen days after receipt of notice imposing the same or, if application for remission or mitigation has not been made, within fifteen days after the violator has received notice of the disposition of such application, the attorney general shall bring an action to recover the penalty in the name of the State of Washington in the superior court of Thurston county or of some other county in which such violator may do business. In all such actions the procedure and rules of evidence shall be the same as in ordinary civil actions except as otherwise herein provided. All penalties recovered by the state under this act shall be paid into the state treasury and credited to the public service revolving fund.

Statutes
repealed.

SEC. 7. That sections 4 and 7 of chapter 117 of the Laws of 1911 (sections 10340 and 10343 Remington's Revised Statutes) and section 2 of chapter 248 of the Laws of 1927 (section 10361-2 Remington's Revised Statutes) be and the same are hereby repealed.

Effective
April 1, 1937.

SEC. 8. This act is necessary for the support of the state government and its existing public institutions and shall take effect April 1, 1937.

Passed the House March 1, 1937.

Passed the Senate March 7, 1937.

Approved by the Governor March 16, 1937.

CHAPTER 170.

[H. B. 445.]

SECOND CLASS SCHOOL DISTRICTS.

AN ACT defining second class school districts and amending section 4696, Remington's Revised Statutes.

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

SECTION 1. Section 4696, Remington's Revised Statutes, is hereby amended to read as follows:

Amends
§ 4696, Rem.
Rev. Stat.
(§ 4900, P.C.)

Section 4696. Any school district in this state containing a city of the third class, or of the fourth class, or containing a city having the population requisite for a city of the third or of the fourth class, as shown by any regular or special census, or maintaining a four-year accredited high school shall be a school district of the second class.

Passed the House February 26, 1937.

Passed the Senate March 9, 1937.

Approved by the Governor March 16, 1937.

CHAPTER 171.

[H. B. 456.]

AGATE PASS BRIDGE.

AN ACT providing for a bridge across Agate Pass in Kitsap county.

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

SECTION 1. That a bridge be erected by the State of Washington, at the most feasible point across Agate Pass in Kitsap county, connecting State Highway No. 21 with the Bainbridge Island Highway.

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

Effective
immediately.

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

Passed the House March 6, 1937.

Passed the Senate March 9, 1937.

Approved by the Governor March 16, 1937.

CHAPTER 172.

[H. B. 508.]

DELINQUENT TAX LANDS DONATED TO STATE FOREST BOARD.

AN ACT relating to state forests and the powers and duties of the state forest board and other officials, and amending section 3, chapter 154, Laws of 1923, as amended by section 1, chapter 117, Laws of 1929, the same being section 5812-3, Remington's Revised Statutes.

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

Amends
§ 5812-3, Rem.
Rev. Stat.
(§ 2578-10,
P. C.)

SECTION 1. That section 3, chapter 154, Laws of 1923, as amended by section 1, chapter 117, Laws of 1929, the same being section 5812-3, Remington's Revised Statutes (Pierce's Code, section 2578-10), be amended to read as follows:

Powers of
board.

Section 3. The board shall have the power to accept gifts and bequests of money or other property, made in its own name, or made in the name of the state, to promote generally the interests of reforestation or for a specific named purpose in connection with reforestation, and to acquire in the name of the state, by purchase or gift, any lands which by reason of their location, topography or geological formation, are chiefly valuable for purpose of developing and growing timber, and to designate such lands and any lands of the same character belonging to the state as state forest lands; and may acquire by gift or purchase any lands of the same character. Said board

shall have power to seed, plant and develop forests on any lands, purchased, acquired or designated by it as state forest lands, and shall furnish such care and fire protection for such lands as it shall deem advisable. Upon approval of the board of county commissioners of the county in which said land is located such gift or donation of land may be accepted subject to delinquent general taxes thereon, and upon such acceptance of such gift or donation subject to such taxes, the state forest board shall record the deed of conveyance thereof and file with the assessor and treasurer of the county wherein such land is situated, written notice of acquisition of such land, and that all delinquent general taxes thereon, except state taxes, shall be cancelled, and the county treasurer shall thereupon proceed to make such cancellation in the records of his office. Thereafter, such lands shall be held in trust, protected, managed, and administered upon, and the proceeds therefrom disposed of, under section 5812-3b, Remington's Revised Statutes (Pierce's Code, section 2578-10b).

Donation of
delinquent
tax lands
to board.

Passed the House March 5, 1937.

Passed the Senate March 9, 1937.

Approved by the Governor March 16, 1937.

CHAPTER 173.

[H. B. 506.]

TOLL BRIDGES.

AN ACT relating to toll bridges; creating the Washington Toll Bridge Authority and providing for certain officers as members thereof; relating to the powers and duties of the Washington Toll Bridge Authority and certain officers; providing for the investigation, examination, survey, reconnaissance [reconnaissance], construction and operation of toll bridges; providing for the examination, survey, reconnaissance, construction and operation of toll tunnels; providing for the acquisition of property for toll tunnels, their approaches, and establishment; providing for the issuance and sale of bonds and the conditions, terms and redemption thereof; providing for the deposit and use of certain funds and revenues; defining terms; repealing acts and parts of acts in conflict; providing for constitutionality; and declaring an emergency.

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

Definitions.

SECTION 1. Words and phrases used in this act shall have the meaning in this section ascribed to them except where, from the context thereof, they shall clearly have a contrary meaning:

(a) "Washington Toll Bridge Authority" and "Authority" shall be used herein interchangeably, and shall mean the "Washington Toll Bridge Authority" as created by this act.

(b) "Governor," "State Auditor," "Director of Public Service," "Director of Highways" and "Director of Finance, Business and Budget" shall mean those state officers now designated as such in the State of Washington, duly qualified and elected or appointed, as the case may be, and acting, and such officers as may succeed to their powers and duties.

(c) "Toll Bridge." Any bridge constructed under the provisions of this act under the authority of the Washington Toll Bridge Authority, upon which tolls are or will be charged as hereinafter provided, to-

gether with all appurtenances and additions, alterations or improvements thereto, or replacements thereof, and the approaches to the ends thereof, and all lands and interests therein used therefor and buildings and improvements thereon.

(d) "Bonds." Any bonds or other written evidence of indebtedness which the Washington Toll Bridge Authority may issue under this act in order to secure funds with which to carry out the purposes of this act.

(e) "Person." Any corporation other than municipal, firm, copartnership, association, organization and any natural person.

Words and phrases herein used in the past, present or future tense shall include the past, present and future tenses; words and phrases herein used in the masculine, feminine or neuter gender shall include the masculine, feminine and neuter gender; words and phrases used herein in the singular or plural shall include the singular and plural; unless the context thereof shall clearly indicate to the contrary.

SEC. 2. There is hereby created an authority to be known as the Washington Toll Bridge Authority which shall be composed of the governor, the state auditor, the director of public service, the director of highways, and the director of finance, business and budget. In the event that any of the offices above named should be abolished then the vacancy on the authority shall be filled by the officer who shall succeed substantially to the powers and duties of the officer whose office has been so abolished. All members of the board shall serve without compensation other than that received in the office by virtue of which they have become members of the board. Any expenses incurred for such assistance as shall be required and for necessary supplies shall be paid for in the manner and from funds as provided in this

Washington
toll bridge
authority
created.

act therefor. A majority of the members of the Washington Toll Bridge Authority shall constitute a quorum for the transaction of business and may act for the authority.

Toll bridges.

SEC. 3. The Washington Toll Bridge Authority is empowered, in accordance with the provisions of this act, to provide for the establishing and constructing of toll bridges upon any public highways of this state together with approaches thereto wherever the same is considered necessary or advantageous and practicable for crossing any stream, body of water, gulch, navigable water, swamp or other topographical formation whether the same is within this state or constitutes a boundary between this state and an adjoining state or country. The necessity or advantage and practicability of any such toll bridge shall be determined by the Washington Toll Bridge Authority and the feasibility of financing any toll bridge in the manner provided by this act shall be a primary consideration and determined according to the best judgment of the Washington Toll Bridge Authority. For the purpose of obtaining information for the consideration of the authority upon the construction of any toll bridge or any other matters pertaining thereto it shall be the duty of any cognizant officer or employee of the state upon the request of the authority to make reasonable examination, investigation, survey or reconnaissance for the determination of material facts pertaining thereto and report the same to the authority. The cost of any such examination, investigation, survey or reconnaissance shall be borne by the department or office conducting the same from the funds provided for such department or office for its usual functions.

Toll tunnels.

SEC. 3½. The Washington Toll Bridge Authority is hereby empowered to provide for the establishment, construction and operation of toll tunnels and other facilities necessary for their construction and

connection with public highways of this state. They shall have power to cause surveys to be made for the purpose of investigating the propriety of their establishment, construction and operation and to acquire rights of way and other facilities necessary to carry out the provisions of this act, together with the power of issuance, sale and redemption of bonds and the deposit and payment of proceeds for the financing thereof; the collection of tolls and deposit and expenditure thereof; the securing and remission of financial and other assistance in the construction thereof; the carrying of insurance thereon; and any and all other matters pertaining thereto, shall be conducted in the same manner and under the same procedure as in this act provided for the establishing, constructing, operating and maintaining of toll bridges by the Washington Toll Bridge Authority, in so far as such manner and procedure for the establishing, constructing, operating and maintaining of toll bridges is reasonably consistent with and applicable to the establishing, constructing, operating and maintaining of toll tunnels and other toll facilities.

SEC. 4. In the event that the Washington Toll Bridge Authority should determine that any toll bridge should be constructed under its authority it shall authorize and direct the director of highways to construct such toll bridge. In the event the director of highways is authorized and directed to construct such toll bridge all cost thereof including right of way, survey and engineering shall be paid out of any funds available for payment of the cost of such toll bridge under this act.

Construction
of bridge
by director
of highways.

SEC. 5. Whenever the Washington Toll Bridge Authority shall authorize and direct the director of highways to construct a toll bridge the director of highways is empowered to secure right of way therefor and for approaches thereto by gift or purchase,

Right of way.

or by condemnation in the manner provided by law for the taking of private property for public highway purposes.

Recommendation by director.

SEC. 6. Whenever in the judgment of the director of highways it is considered in the best interest of the public highways of the state that any new toll bridge or bridges be constructed upon any public highway and across any stream, body of water, gulch, navigable water, swamp or other topographical formation and operated by the state the director of highways shall submit his recommendation to that effect to the Washington Toll Bridge Authority together with preliminary estimates of the cost of such construction and an estimate of the amount necessary to be raised for such purpose by the issuance of revenue bonds, and a statement of the probable amount of money, property, materials or labor to be contributed from other sources in aid of any such construction. If the Washington Toll Bridge Authority concurs in the recommendation of the director of highways or on its own motion determines to construct any toll bridge or toll bridges, the Washington Toll Bridge Authority shall adopt a resolution declaring that public interest and necessity require the construction of such toll bridge or bridges and authorizing the issuance of revenue bonds for the purpose of obtaining funds in an amount not in excess of that estimated to be required for such construction. The issuance of bonds as provided in this act for the construction of more than one toll bridge may at the discretion of the Washington Toll Bridge Authority be included in the same authority and issue of bonds.

Issuance of bonds for construction of toll bridges.

SEC. 7. The Washington Toll Bridge Authority is hereby empowered to issue bonds for the construction of any toll bridge or toll bridges authorized under the provisions of this act. Any and all bonds issued for the construction of any toll bridge or toll

bridges under the authority of the Washington Toll Bridge Authority, shall be issued in the name of the Washington Toll Bridge Authority and shall constitute obligations only of said Washington Toll Bridge Authority and shall be identified as..... Toll Bridge Bonds and shall contain a recital on the face thereof that the payment or redemption of said bonds and the payment of the interest thereon is secured by a direct and exclusive charge and lien upon the tolls and other revenues of any nature whatever received from the operation of the particular toll bridge or bridges for the construction of which the bonds are issued and that neither the payment of the principal or any part thereof nor of the interest thereon or any part thereof constitutes a debt, liability or obligation of the State of Washington. The Washington Toll Bridge Authority is empowered to receive and accept funds from the State of Washington or the Federal government upon a cooperative or other basis for the construction of any toll bridge authorized under this act and is empowered to enter into such agreements with the State of Washington or the Federal government as may be required for the securing of such funds.

State or Federal funds.

SEC. 8. All revenue bonds authorized under the terms of this act may be issued and sold by the Washington Toll Bridge Authority from time to time and in such amounts as may be deemed necessary in the judgment of said authority to provide sufficient funds for the construction of any such toll bridge or toll bridges, and to pay interest on outstanding bonds issued for the construction of the same toll bridge or bridges during the period of actual construction of any such toll bridge or toll bridges and for six months after the completion thereof and the proceeds of such bond issue are hereby made available for such purposes.

Revenue bonds.

The Washington Toll Bridge Authority shall de-

termine the form, conditions and denominations of all such bonds, and shall determine the maturity dates which the bonds so to be sold shall bear and the interest rate thereon, which shall not exceed six per cent per annum. It shall not be necessary that all bonds of the same authorized issue bear the same interest rate. Principal and interest of such bonds shall be payable at such place or places as may be fixed and determined by the Washington Toll Bridge Authority, and said bonds may contain provisions for registration thereof as to principal only, and as to both principal and interest. Said bonds shall be issued in coupon form with interest payable at such times as may be determined by the said Washington Toll Bridge Authority, and shall mature at such times and in such amounts as the said authority may prescribe. The Washington Toll Bridge Authority may provide for the retirement of said bonds at any time or times prior to their maturity, and in such manner and upon payment of such premiums as may be fixed and determined in the resolution of such authority providing for the issuance of such bonds and referred to therein. All such bonds shall be signed by the member of the authority who is state auditor and countersigned by the governor. All interest coupons shall bear the facsimile signature of the state auditor. In case any of such officers whose signature or countersignature appears on the bonds or coupons shall cease to be such officer before the delivery of such bonds to the purchaser, such signature or countersignature shall nevertheless be valid and sufficient for all purposes the same as if they had remained in office until the delivery of the bonds. Successive issues of bonds within the limits of the original authorization for the issuance of bonds for the construction of any particular toll bridge or toll bridges shall have equal preference with respect to the redemption thereof

and the payment of interest thereon: *Provided, however,* The Washington Toll Bridge Authority may fix different maturity dates, serially or otherwise, for successive issues under any one original authorization. All bonds issued under the terms of this act shall be negotiable instruments under the law merchant. All bonds issued and sold under or by authority of this act shall be sold on sealed proposals to the highest and best bidder after such advertising for bids as the Washington Toll Bridge Authority may deem proper: *Provided, however,* Said authority may reject any and all bids so submitted and may thereafter sell such bonds so advertised for sale at private sale under such terms and conditions as said authority may deem most advantageous to its own interests: *Provided,* They are not sold at a price below that of the best bid which was rejected. The Washington Toll Bridge Authority may contract loans and borrow money through the sale of bonds of the same character as those herein authorized, from the United States or any of its departments, agencies or instrumentalities upon such conditions and terms as may be agreed to and such bonds shall be subject to all the provisions of this act except the requirement that bonds be first offered at public sale pursuant to advertisement.

Temporary or interim bonds, certificates, or receipts, of any denomination whatever and with or without coupons attached thereto, to be signed by the state auditor, may be issued and delivered until the definitive bonds are executed and available for delivery.

Temporary
or interim
bonds.

The purchase price of all bonds issued hereunder shall be paid to the state treasurer of the State of Washington for the account of the Washington Toll Bridge Authority.

Disposition
of proceeds

SEC. 9. The Washington Toll Bridge Authority is hereby empowered to fix the rates of toll and other

Toll rates
and charges.

charges for all toll bridges built under the terms of this act. Toll charges so fixed may be changed from time to time as conditions may warrant. The said authority in establishing toll charges shall give due consideration to the cost of operating and maintaining such toll bridge or toll bridges including the cost of insurance and to the amount required annually to meet the redemption of bonds and interest payments thereon. The tolls and charges shall be at all times fixed at rates to yield annual revenue equal to annual operating and maintenance expenses including insurance costs and all redemption payments and interest charges of the bonds issued for any particular toll bridge or toll bridges as the same become due and the bond redemption and interest payments shall constitute a first direct and exclusive charge and lien on all such tolls and other revenues and interest thereon and sinking funds created therefrom received from the use and operation of said toll bridge or toll bridges and such tolls and revenues together with the interest earned thereon shall constitute a trust fund for the security and payment of such bonds and shall not be used or pledged for any other purpose as long as such bonds or any of them are outstanding and unpaid.

Bond redemption and interest payments constitute exclusive lien on tolls and charges.

Construction, operation and maintenance of bridges.

Collection of tolls.

SEC. 10. The director of highways shall have full charge of the construction of all toll bridges that may be authorized by the Washington Toll Bridge Authority, the operation and maintenance thereof and the collection of tolls thereon. The director of highways shall proceed with the construction of such toll bridge and the approaches thereto by contract in the manner of state highway construction immediately upon there being made available funds for such work and shall prosecute such work to completion as rapidly as practicable.

Resolution of public interest and necessity.

SEC. 11. Before the director of highways shall proceed with any action to secure right of way or

with construction of any toll bridge under the provisions of this act the Washington Toll Bridge Authority shall have first passed a resolution that public interest and necessity require the acquisition of right of way for and the construction of such toll bridge. Such resolution shall be conclusive evidence (a) of the public necessity of such construction; (b) that such property is necessary therefor and, (c) that such proposed construction is planned or located in a manner which will be most compatible with the greatest public good and the least private injury. When it becomes necessary for the director of highways to condemn any real estate to be used in connection with any such bridge, the attorney general of the state shall represent the director of highways. In eminent domain proceedings to acquire property for any of the purposes of this act, any toll bridge, real property, personal property, franchises, rights, easements or other property or privileges appurtenant thereto appropriated or dedicated to a public use or purpose by any person, firm, private, public or municipal corporation, county, city, town, district or any political subdivision of the state, may be condemned and taken, and the acquisition and use thereof as herein provided for the same public use or purpose to which such property has been so appropriated or dedicated, or for any other public use or purpose, shall be deemed a superior and permanent right and necessity, and a more necessary use and purpose than the public use or purpose to which such property has already been appropriated or dedicated. It shall not be necessary in any eminent domain proceedings hereunder to plead or prove any acts or proceedings preliminary or prior to the adoption of the resolution hereinbefore referred to describing the property sought to be taken and directing such proceedings.

Eminent
domain.

Attorney
general to
represent
director.

City, county
or other
political
subdivision
may contrib-
ute financial
aid.

SEC. 12. Any city, county, or other political subdivision of the state may upon the request of the director of highways of [or] the Washington Toll Bridge Authority advance or contribute money, rights of way, labor, materials and other property toward the expense of building the toll bridge or toll bridges referred to in this act, 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. Money or property so advanced or contributed may be immediately transferred or delivered to the Washington Toll Bridge Authority to be used for the purpose for which such advance or contribution was made. The Washington Toll Bridge Authority may enter into a binding agreement with any city, county, or other political subdivision of the state to repay any money or the value of any rights of way, labor, materials or other property advanced or contributed toward the expense of constructing any toll bridge or toll bridges constructed as provided for in this act: *Provided*, No repayment therefor shall be made until all obligations issued by the Washington Toll Bridge Authority for the construction of any such toll bridge or toll bridges have been fully redeemed and paid, and then only out of the tolls and revenues received from the operation of any such toll bridge or toll bridges. After all bonds issued hereunder for the construction of any toll bridge or toll bridges have been fully redeemed and paid the Washington Toll Bridge Authority may continue to collect tolls and other revenues for the use of such toll bridge or toll bridges for the purpose of defraying all costs of operation and maintenance thereof, for the purpose of reimbursing the State of Washington for any expenditures which may have been made by it in con-

nection with said toll bridge or bridges and for the purpose of repayment to any city, county, or other political subdivision of the state of any amount the Washington Toll Bridge Authority shall have agreed to repay for money, rights of way, labor, materials or other property advanced or contributed for the construction of any such toll bridge or toll bridges.

Repayment
to cities,
counties, etc.

SEC. 13. As long as any of the bonds issued hereunder for the construction of any toll bridge are outstanding and unpaid, there shall not be erected, constructed or maintained any other bridge or other crossing over, under, through or across the waters over which such toll bridge is located or constructed, connecting or joining directly or indirectly the lands or extensions thereof or abutments thereon on both sides of the waters spanned or crossed by such toll bridge within a distance of ten miles from either side of such toll bridge excepting bridges or other highway crossings actually in existence and being maintained, or for which there was outstanding an existing and lawfully issued franchise, at the time of the location of such toll bridge and prior to the time of the authorization of such revenue bonds, and no ferry or other similar means of crossing the said waters within the said distance and connecting or plying directly or indirectly between the lands or extensions thereof or abutments thereon on both sides of the waters spanned or crossed by such bridge shall be maintained or operated or permitted or allowed: *Provided, however,* That ferries and other similar means of crossing actually in existence and being maintained and operated, or for which there was outstanding an existing and lawfully issued franchise, at the time of the location of such bridge and prior to the time of the authorization of such revenue bonds, may continue and be permitted to be operated and maintained under such existing rights and franchises, or any lawful renewal or ex-

Unlawful to
construct
competitive
bridge or
crossing.

tension thereof. The provisions of this section shall be binding upon the Washington Toll Bridge Authority, the State of Washington and all of its departments, agencies or instrumentalities as well as any and all private, political, municipal and public corporations and subdivisions, including cities, counties, and other political subdivisions and the prohibitions of this section shall restrict and limit the powers of the legislature of the State of Washington in respect to the matters herein mentioned as long as any of such bonds are outstanding and unpaid and shall be deemed to constitute a contract to that effect for the benefit of the holders of all such bonds.

Disposition
of proceeds
from sale
of bonds.

SEC. 14. The proceeds from the sale of all bonds authorized under the provisions of this act shall be paid to the state treasurer for the credit of the Washington Toll Bridge Authority and be deposited as demand deposits forthwith in such depository or depositories as may be authorized by law to receive deposits of state funds to the credit of a fund to be designated as the construction fund of the particular toll bridge or toll bridges for which such bonds were issued and sold, which fund shall not be a state fund and shall at all times be kept segregated and set apart from all other funds and in trust for the purposes herein set out. Such proceeds shall be paid out or disbursed solely for the construction of such toll bridge or toll bridges the acquisition of the necessary lands and easements therefor and the payment of interest on such bonds during the period of actual construction and for a period of six (6) months thereafter, only as the need therefor shall arise and the Washington Toll Bridge Authority may agree with the purchaser of said bonds upon any conditions or limitations restricting the disbursement of such funds that may be deemed advisable, for the purpose of assuring the proper application of such funds. All monies in such fund and not re-

quired to meet current construction costs of the toll bridge or toll bridges for which such bonds were issued and sold, and all funds constituting surplus revenues which are not immediately needed for the particular object or purpose to which they must be applied or are pledged shall be invested in bonds and obligations of the nature eligible for investment of surplus state monies: *Provided*, The Washington Toll Bridge Authority may provide in the proceedings authorizing the issuance of said bonds that the investment of such monies shall be made only in particular bonds and obligations within the classifications eligible for such investment and such provisions shall thereupon be binding upon the said authority and all officials having anything to do with such investment. Any surplus which may exist in said construction fund shall be applied to the retirement of bonds issued for the construction of such toll bridge or toll bridges by purchase or call and in the event such bonds cannot be purchased at a price satisfactory to the Washington Toll Bridge Authority and are not by their terms callable prior to maturity such surplus shall be paid into the fund applicable to the payment of principal and interest of said bonds and shall be used for that purpose. The proceedings authorizing the issuance of bonds may provide limitations and conditions upon the time and manner of applying such surplus to the purchase and call of outstanding bonds and the terms upon which they shall be purchased or called and such limitations and conditions shall be followed and observed in the application and use of such surplus. All bonds so retired by purchase or call shall be immediately cancelled.

All tolls or other revenues received from the operation of any toll bridge or toll bridges constructed with the proceeds of bonds issued and sold hereunder shall be paid over by the director of high-

Disposition
of tolls and
revenues.

ways to the state treasurer who shall deposit the same forthwith as demand deposits in such depository or depositories as may be authorized by law to receive deposits of state funds to the credit of a special trust fund to be designated as the toll revenue fund of the particular toll bridge or toll bridges producing such tolls or revenue, which fund shall be a trust fund and shall at all times be kept segregated and set apart from all other funds.

Transfer of moneys to bond interest and redemption fund.

From the money so deposited in each separate construction fund as hereinabove provided, the state treasurer shall transfer to the place or places of payment named in said bonds such sums as may be required to pay the interest as it becomes due on all bonds sold and outstanding for the construction of such particular toll bridge or toll bridges during the period of actual construction and during the period of six months immediately thereafter. The state treasurer shall thereafter transfer from each separate toll revenue fund to the place or places of payment named in said bonds such sums as may be required to pay the interest on said bonds and redeem the principal thereof as such interest payments and bond redemption become due for all bonds issued and sold for the construction of the particular toll bridge or toll bridges producing the tolls or revenues so deposited in said toll revenue fund. All funds so transferred for the payment of principal or interest on bonds issued for any particular toll bridge shall be segregated and applied solely for the payment of said principal or interest. The proceedings authorizing the issuance of bonds may provide for the setting up of a reserve fund or funds out of the tolls and other revenues not needed for the payment of principal and interest, as the same currently matures and for the preservation and continuance of such fund in a manner to be provided therein, and such proceedings may also require the immediate application

of all surplus monies in such toll revenue fund to the retirement of such bonds prior to maturity, by call or purchase, in such manner and upon such terms and the payment of such premiums as may be deemed advisable in the judgment of said Washington Toll Bridge Authority.

The monies remaining in each separate toll revenue fund after providing the amount required for interest and redemption of bonds as hereinabove provided, shall be held and applied as provided in the proceedings authorizing the issuance of said bonds. In the event the proceedings authorizing the issuance of said bonds do not require surplus revenues to be held or applied in any particular manner, they shall be allocated and used for such other purposes incidental to the construction, operation and maintenance of such toll bridge or bridges as the Washington Toll Bridge Authority may determine.

Maintenance and operation costs.

Warrants for payments to be made on account of such bonds shall be duly drawn by the state auditor on vouchers approved by the Washington Toll Bridge Authority.

Warrants.

Monies required to meet the costs of construction and all expenses and costs incidental to the construction of any particular toll bridge or toll bridges or to meet the costs of operating, maintaining and repairing the same, shall be paid from the proper fund therefor by the state auditor upon voucher submitted by the director of highways approved by the Washington Toll Bridge Authority.

Moneys required to meet costs of construction.

All interest received or earned on money deposited in each and every fund herein provided for shall be credited to and become a part of the particular fund upon which said interest accrues.

Interest.

The Washington Toll Bridge Authority may provide in the proceedings authorizing the issuance of bonds or may otherwise agree with the purchasers of bonds regarding the deposit of all monies consti-

tuting the construction fund and the toll revenue fund and provide for the deposit of such money at such times and with such depositaries or paying agents and upon the furnishing of such security as may meet with the approval of the purchasers of such bonds: *Provided, however,* That the depositaries and security so provided for or agreed upon shall be qualified and eligible in accordance with the requirements of law.

Expenses.

Notwithstanding anything contained in this act the proceeds received from the sale of bonds and the tolls or other revenues received from the operation of any toll bridge or toll bridges may be used to defray any expenses incurred by the Washington Toll Bridge Authority in connection with and incidental to the issuance and sale of bonds for the construction of such toll bridge or toll bridges including expenses for the preparation of surveys and estimates and the making of inspections and examinations as may be required by the purchasers of such bonds: *Provided, however,* That the proceedings authorizing the issuance of such bonds may contain appropriate provisions governing the use and application of said bond proceeds and toll or other revenues for the purposes herein specified.

Insurance.

SEC. 15. When any such toll bridge or bridges authorized hereunder is being built by the director of highways the Washington Toll Bridge Authority may carry or cause to be carried such an amount of insurance or indemnity bond or bonds as protection against loss or damage as the Washington Toll Bridge Authority may deem proper. The Washington Toll Bridge Authority is hereby further empowered to carry such an amount of insurance to cover any accident or destruction in part or in whole to any toll bridge or toll bridges until all bonds sold for the construction of such toll bridge or toll bridges and interest accrued thereon have been fully re-

deemed and paid. All monies collected on any indemnity bond or insurance policy as the result of any damage or injury to any such toll bridge or toll bridges shall be used for the purpose of repairing or rebuilding of any such toll bridge or toll bridges as long as there are revenue bonds against any such structure outstanding and unredeemed. The Washington Toll Bridge Authority is also empowered to carry insurance or indemnity bonds insuring against the loss of tolls or other revenues to be derived from any such toll bridge or bridges by reason of any interruption in the use of such toll bridge or toll bridges from any cause whatever, and the proceeds of such insurance or indemnity bonds shall be paid into the fund into which the tolls and other revenues of the bridge thus insured are required to be paid and shall be applied to the same purposes and in the same manner as other monies in the said fund. Such insurance or indemnity bonds may be in an amount equal to the probable tolls and other revenues to be received from the operation of such toll bridge or toll bridges during any period of time that may be determined upon by the Washington Toll Bridge Authority and fixed in its discretion, and be paid for out of the toll revenue fund as may be specified in said proceedings. The Washington Toll Bridge Authority may provide in the proceedings authorizing the issuance of bonds for the carrying of insurance as authorized by this act, and the purchase and carrying of insurance as authorized by this act, and the purchase and carrying of such insurance shall thereupon be obligatory upon the said authority and be paid for out of the toll revenue fund as may be specified in said proceedings.

SEC. 16. The right of way is hereby given, dedicated and set apart upon which to locate, construct and maintain bridges or approaches thereto or other highway crossings, and transportation facili-

Right of way
over state
lands
granted.

Compensation.

ties thereof or thereto, through, over or across any of the lands which are now or may be the property of this state, including highways, and through, over or across the streets, alleys, lanes and roads within any city, county, or other political subdivision of the state. If any property belonging to any city, county or other political subdivision of the state is required to be taken for the construction of any such bridge or approach thereto or should any such property be injured or damaged by such construction, such compensation therefor as may be proper or necessary and as shall be agreed upon may be paid by the Washington Toll Bridge Authority to the particular county, city, or other political subdivision of the state owning such property, or condemnation proceedings may be brought for the determination of such compensation.

General powers and duties.

SEC. 17. The Washington Toll Bridge Authority, the officials thereof and all state officials are empowered to do such acts and make such agreements not inconsistent with law as may be necessary or desirable in connection with the duties and powers conferred upon them respectively by law regarding the construction, maintenance, operation and insurance of such toll bridges or the safeguarding of the funds and revenues required for such construction and the payment of the indebtedness incurred therefor. The Washington Toll Bridge Authority and the director of highways shall keep full, complete and separate accounts of each toll bridge and annually shall prepare balance sheet and income and profit and loss statements showing the financial condition of each such toll bridge, which statement shall be open to the inspection of holders of bonds issued by said authority at all reasonable times.

Annual financial statement.

Bondholders' rights protected.

SEC. 18. While any bonds issued by said Washington Toll Bridge Authority remain outstanding,

the powers, duties or existence of the said Washington Toll Bridge Authority or of the director of highways or of any other official or agency of the state shall not be diminished or impaired in any manner that will affect adversely the interests and rights of the holders of such bonds. The holder of any bond may by mandamus or other appropriate proceeding require and compel the performance of any of the duties imposed upon any state department, official or employee or imposed upon the authority or its officers, agents and employees in connection with the construction, maintenance, operation and insurance of any bridge and in connection with the collection, deposit, investment, application and disbursement of all tolls and other revenues derived from the operation and use of any bridge and in connection with the deposit, investment and disbursement of the proceeds received from the sale of bonds: *Provided, however,* That the enumeration of such rights and remedies herein shall not be deemed to exclude the exercise or prosecution of any other rights or remedies by the holders of such bonds.

SEC. 19. That all acts or parts of acts in conflict with, or derogation of, this act or any part of this act, be and the same are hereby repealed in so far as the same are in conflict with, or in derogation of this act, or any part hereof.

Conflicting
acts
repealed.

SEC. 20. That 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.

Partial
invalidity.

SEC. 21. That an emergency exists and 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

Effective
April 1, 1937.

existing institutions, and shall take effect on the first day of April, 1937.

Passed the House March 3, 1937.

Passed the Senate March 8, 1937.

Approved by the Governor March 16, 1937.

CHAPTER 174.

[H. B. 630.]

BRIDGE ACROSS HYLEBOS WATERWAY.

AN ACT providing for a bridge across Hylebos waterway in the City of Tacoma.

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

SECTION 1. The director of highways is hereby authorized to build and construct a bridge across Hylebos waterway at East 11th Street in the City of Tacoma.

SEC. 2. That the director of highways is hereby empowered to perform such construction as is authorized by this act in the event only that sufficient funds are made available by the county of Pierce, City of Tacoma, and the Federal government, or any thereof, to accomplish complete construction thereof.

Passed the House March 6, 1937.

Passed the Senate March 9, 1937.

Approved by the Governor March 16, 1937.

CHAPTER 175.

[H. B. 696.]

WASHINGTON AGRICULTURAL CONSERVATION AND
ADJUSTMENT ACT.

AN ACT relating to the conservation, protection, improvement and profitable use of agricultural land resources of the State of Washington; providing for cooperation with the governments and agencies of other states and of the United States pursuant to the provisions of section 7 of the Act of Congress of the United States known as the Soil Conservation and Domestic Allotment Act (Public No. 461, 74th Congress); assenting to and accepting the provisions of said act; designating and authorizing the State College of Washington as the state agency of this state in conformity with the provisions of said act, to formulate, submit to the secretary of agriculture of the United States, and to administer, state plans to carry out the provisions of this act; defining the powers and duties of said State College of Washington as such state agency; providing for an advisory board; and otherwise providing for the administration of this act.

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

SECTION 1. This act shall be known and cited as Title.
Washington Agricultural Conservation and Adjust-
ment Act.

SEC. 2. (a) It is hereby recognized and declared: Public
welfare.

(1) That the soil resources and fertility of the land, and the economic use thereof, the prosperity of the farming population, and the navigability of the rivers and harbors, and the prevention of floods in this state are matters affected with a public interest;

(2) That the welfare of this state has been impaired and is in danger of being further impaired by destruction of its soil fertility, by uneconomic use and waste of its land, by exploitation and wasteful and unscientific use of its soil resources, by floods and impairment of its rivers and harbors and of the navigability of its waters and water courses as a result of soil erosion and by the decrease in the pur-

chasing power of the net income per person on farms in the state as compared with the net income per person in the state not on farms;

(3) That said evils have been augmented and are likely to be augmented by similar conditions in other states and are so inter-related with such conditions in other states, that the remedying of such conditions in this state requires action by this state in cooperation with the governments and agencies of other states and of the United States and requires assistance therein by the government and agencies of the United States;

(4) That the formulation and effectuation by this state of state plans in conformity with the provisions of section 7 of the Soil Conservation and Domestic Allotment Act is calculated to remedy said conditions and will tend to advance the public welfare of this state:

(b) Therefore, in order to promote the welfare of the people of this state by aiding in the preservation and improvement of soil fertility, in the promotion of the economic use and conservation of land, in the diminution of exploitation and wasteful and unscientific use of soil resources, in the protection of rivers and harbors against the results of soil erosion, and in the reestablishment, at as rapid a rate as is practicable and in the general public interest, of the ratio between the purchasing power of the net income per person on farms and that of the net income per person not on farms that prevailed during the five-year period, August 1909 to July 1914 inclusive, as determined from statistics available in the United States Department of Agriculture, and the maintenance of such ratio, the State of Washington hereby assents to and accepts the provisions of the Act of Congress entitled "Soil Conservation and Domestic Allotment Act" (Public No. 461, 74th Congress) and adopts the policy and pur-

pose of cooperating with the government and agencies of other states and of the United States in the accomplishment of the policy and purposes specified in section 7 of said act; subject, however, to the following limitations:

(1) The powers conferred in this act shall be used to assist voluntary action calculated to effectuate such purposes;

(2) Such powers shall not be used to discourage the production of supplies of foods and fibers in this state sufficient when taken together with the production thereof in other states of the United States to maintain normal domestic human consumption as determined by the secretary of agriculture of the United States from the records of consumption in the years 1920 to 1929, inclusive, taking into consideration increased population, quantities of any commodities that were forced into domestic consumption by a decline in exports of particular commodities, and the quantities of substitutes available for domestic consumption within any general class of food commodities;

(3) In carrying out the purposes specified in this section due regard shall be given to the maintenance of a continuous and stable national supply of agricultural commodities adequate to meet consumer demand at prices fair to both producers and consumers.

SEC. 3. Definitions.

Definitions.

(a) The term "person" as used in this act, unless the context otherwise requires, includes an individual, corporation, partnership, firm, business trust, joint-stock company, association, syndicate, group, pool, joint venture, and any other unincorporated association or group.

(b) The expression "other states of the United States" as used in this act shall include Alaska, Hawaii, and Puerto Rico.

State
agency.

SEC. 4. (a) The State College of Washington (hereinafter called the "college"), through the agricultural extension service, is hereby designated and authorized as the state agency of this state to carry out the policy and purposes of this act and to formulate and administer state plans pursuant to the terms of this act.

Duties and
functions.

(b) The college shall perform its duties and functions as such agency under this act separately and distinctly from the performance of its duties and functions under any other act or in any other capacity, except that the college may utilize the services and the assistance of its personnel and facilities normally used in the performance of such other functions if it finds that the utilization of such services and assistance is necessary to, or is calculated to assist substantially in, the effective administration of this act and that such facilities may be utilized without interference with the effective performance of such other duties and functions.

Agricultural
plan.

SEC. 5. (a) The college is authorized and directed to formulate for each calendar year, commencing with the year 1938, and to submit to the secretary of agriculture of the United States for and in the name of this state, a state plan (hereafter called "agricultural plan") for carrying out the purposes of this act during such calendar year. In formulating the provisions of such agricultural plans the college shall consult with other agencies of this state qualified to assist therein.

Modification
or revision.

(b) The college is authorized to modify or revise any such agricultural plan in whatever manner, consistent with the terms of this act, it finds necessary to provide for more substantial furtherance of the accomplishment of the purposes of this act.

Participation.

(c) Each such agricultural plan shall provide for such participation in its administration by such voluntary county and community committees, or

associations of agricultural producers, organized for such purposes, as the college determines to be necessary or proper for the effective administration of the agricultural plan.

(d) Each such agricultural plan shall provide, through agreements with agricultural producers or through other voluntary methods, for such adjustments in the utilization of land, in farming practices, and in the acreage or in the production for market, or both, of agricultural commodities, as the college determines to be calculated to effectuate as substantial accomplishment of the purposes of this act as may reasonably be achieved through action of this state, and for payments to agricultural producers in connection with such agreements or methods in such amounts as the college determines to be fair and reasonable and calculated to promote such accomplishment of the purposes of this act without depriving such producers of a voluntary and uncoerced choice of action.

Agreements.

Production for market.

(e) Any such agricultural plan shall provide for such educational programs as the college determines to be necessary or proper to promote the more substantial accomplishment of the purposes of this act.

Educational programs.

(f) Each such agricultural plan shall contain an estimate of expenditures necessary to carry out such agricultural plan together with a statement of such amount as the college determines to be necessary to be paid by the secretary of agriculture of the United States as a grant in aid of such agricultural plan under section 7 of the Soil Conservation and Domestic Allotment Act, in order to provide for the effective carrying out of such agricultural plan, and shall designate the amount and due date of each installment of such grant, the period to which such installment relates, and the amount determined by the college to be necessary for carrying out such agricultural plan during such period.

Estimate of expenditures.

Investiga-
tions.

(g) The college shall provide for such investigations as it finds to be necessary for the formulation and administration of such agricultural plans.

Grants of
money or
aid.

SEC. 6. (a) The college is hereby authorized and empowered to receive and disburse all grants of money or other aid made available from any source to assist in carrying out the policy and purposes of this act. All such money or other aid, together with any monies appropriated or other provision made by this state for such purpose, shall be forthwith available to said college as the agency of the state subject, in the case of any funds or other aid received upon conditions, to the conditions upon which such funds or other aid shall have been received, for the purpose of administering this act and may be expended by the college in carrying out such state agricultural plans or in otherwise effectuating the purposes and policies of this act, but shall not be expended or disposed of for any other purposes, nor shall any funds made available to the college for purposes other than the administration of this act be expended or otherwise disposed of in connection with the administration of this act except in providing services and assistance in the administration of this act pursuant to the provisions of section 4 of this act and in such case only to the extent that such funds are properly available for such purpose and subject in such cases to reimbursement of the funds so expended pursuant to the provisions of section 7 of this act.

Expenditures

(b) Subject to any conditions upon which any such money or other aid is made available to the state and to the terms of any applicable agricultural plan made effective pursuant to this act, such expenditures may include, but need not be limited to, expenditures for administrative expenses, equipment, cost of research and investigation, cost of educational activities, compensation and expenses of

members of the state advisory board, reimbursement to other state agencies or to voluntary committees or associations of agricultural producers for costs to such agencies, committees or associations of assistance in the administration of this act, requested in writing by the college and rendered to the college, reimbursement of any other fund from which it shall have made expenditures in providing services in the administration of this act pursuant to the provisions of section 4 of this act, payments to agricultural producers provided for in any agricultural plan made effective pursuant to this act, salaries of employees, and all other expenditures requisite to carrying out the provisions and purposes of this act.

(c) The college shall provide for the keeping of full and accurate accounts as such state agency, separate from its accounts kept in its other capacities, showing all receipts and expenditures of monies, securities, or other property received, held or expended under the provisions of this act and shall provide for the auditing of all such accounts and for the execution of surety bonds for all employees entrusted with monies or securities under the provisions of this act. **Accounts.**

SEC. 7. (a) The college shall utilize such available services and assistance of other state agencies and of voluntary county and community committees and associations of agricultural producers as it determines to be necessary or calculated to assist substantially in the effective administration of this act. **College to utilize available assistance.**

(b) The college shall have authority to make such rules and regulations, consistent with the provisions of this act, and to do any and all other acts consistent with the provisions of this act, which it finds to be necessary or proper for the effective administration of this act. **Rules and regulations.**

(c) The college shall have power and authority **Equipment.**

Personnel. to obtain, by lease or purchase, such equipment, office accommodations, facilities, services and supplies, and to employ such technical or legal experts or assistants and such other employees, including clerical and stenographic help, as it determines to be necessary or proper to carry out the provisions of this act, and to determine the qualifications, duties and compensation of such experts, assistants and other employees.

Assistance
of state
agencies.

(d) All other agencies of this state are hereby authorized to assist said college in carrying out the provisions of this act upon written request of the college, in any manner determined by the college to be necessary or appropriate for the effective administration of this act.

Agricultural
districts.

SEC. 8. (a) The college shall designate within the state not to exceed five (5) agricultural districts, each of which shall be composed of one county or of two (2) or more neighboring counties. As far as practicable, such districts shall be so constituted as to contain approximately equal numbers of agricultural producers. Such districts shall include in the aggregate all the land in the state.

"Communi-
ties."

(b) The college shall also designate within each county of this state such geographic units, which shall be called "communities," as it determines to be the most convenient for the administration of this act and of state agricultural plans adopted pursuant to this act and shall establish the boundaries of such communities.

Boundaries.

(c) The college may revise the boundaries of such agricultural districts and such communities in conformity with the respective standards prescribed herein at such time or times as it is found that such revision is necessary either to cause such districts or communities, or both, to conform to said standards or to provide for the more substantial or more efficient accomplishment of the purposes of this act.

SEC. 9. The college shall by regulation provide:

Voluntary
associations.

(a) For the organization within each community of a voluntary association, in which all agricultural producers who are citizens of this state and residents in such communities shall be entitled to equal participation; for the selection by each such association of a community committee, composed of three (3) members of such association; and for the selection of a chairman of each such community committee.

Community
committee.

(b) For the selection by the members of such community committees within each county of a county committee for such county, composed of three (3) members of such community committees and for the selection of a chairman of each such county committee.

County
committee.

SEC. 10. (a) The college shall, by regulation, provide for the selection of not to exceed five (5) persons of legal age, resident in the state, who shall be selected from the standpoint of their qualification by actual farming experience and comprehensive understanding of the agricultural problems of this state, to act as farmer members of the state advisory board. No two such persons who are residents of the same agricultural district shall be members of the state advisory board at the same time.

State advisory
board,
farmer
members.

(b) The state advisory board, upon the request of the college, shall advise the college with regard to all matters of major importance in carrying out the provisions of this act, and may in the absence of such request [request], submit advice and information to the college, with respect to the administration of this act.

SEC. 11. The college shall compile or require to be made such reports as it determines to be necessary or proper in order to ascertain whether any agricultural plans provided for in this act are being carried out according to their terms. The college shall provide for compliance, on the part of all per-

Reports.

sons and agencies participating in the administration of any such agricultural plan, with such requirements, and may make, or cause to be made, such investigations as it determines to be necessary or proper to assure the correctness of and to make possible the verification of such reports.

Partial
invalidity.

SEC. 12. Should any provision, clause, paragraph, section or parts of this act be held invalid, it is hereby declared to be the legislative intent that the remainder of this act shall be in full force and effect and that the terms hereof are feasible and that the same would have been enacted without such provision, clause, paragraph, section or parts, had such invalidity been apparent.

Conflicting
laws
repealed.

SEC. 13. All laws and parts of laws insofar as they conflict with this act are hereby repealed.

Passed the House March 5, 1937.

Passed the Senate March 8, 1937.

Approved by the Governor March 16, 1937.

CHAPTER 176.

[S. B. 70.]

FAIR TRADE ACT.

AN ACT to protect trade-mark owners, distributors and the public against injurious and uneconomic practices in the distribution of articles of standard quality under a distinguished trade-mark, brand or name.

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

Title.

SECTION 1. This act may be known and cited as the "Fair Trade Act."

Contracts.

SEC. 2. No contract relating to the sale or resale of a commodity which bears, or the label or container of which bears, or the label or content of which bears, or the vending equipment through which such commodity is sold bears, the trade-mark,

brand, or name of the producer or owner of such commodity and which is in free and open competition with commodities of the same general class produced by others shall be deemed in violation of any law of the State of Washington by reason of any of the following provisions which may be contained in such contract:

1. That the buyer will not resell such commodity except at the price stipulated by the vendor.

2. That the vendee or producer require in delivery to whom he may resell such commodity to agree that he will not, in turn, resell except at the price stipulated by such vendor or by such vendee.

Such provisions in any contract shall be deemed to contain or imply conditions that such commodity may be resold without reference to such agreement in the following cases:

1. In closing out the owners' stock for the purpose of discontinuing dealing in any such commodity: *Provided, however,* That such stock is first offered to the producer of such commodity at the original invoice stock price, at least ten (10) days before such stock shall be offered for sale to the public.

2. When the goods are damaged, defaced or deteriorated in quality, and notice is given to the public thereof.

3. By any officer acting under the orders of any court.

SEC. 3. Wilfully and knowingly advertising, offering for sale or reselling any commodity at less than the price stipulated in any contract entered into pursuant to the provision of section 1 of this act, whether the person so advertising, offering for sale or selling is or is not a party to such contract, is unfair competition and is actionable at the suit of any person damaged thereby.

Unfair
competition.

SEC. 4. This act shall not apply to any contract or agreement between producers or between wholesalers or between retailers as to sale or resale prices.

Exemptions.

SEC. 5. The following terms, as used in this act, are hereby defined as follows:

"Producer." "Producer" means grower, baker, maker, manufacturer or publisher.

"Commodity." "Commodity" means any subject of commerce.

Partial
invalidity.

SEC. 6. If any provision of this act is declared unconstitutional it is the intent of the Legislature that the remaining portions thereof shall not be affected but that such remaining portions remain in full force and effect.

Passed the Senate February 12, 1937.

Passed the House March 3, 1937.

Approved by the Governor March 17, 1937.

CHAPTER 177.

[S. B. 18.]

WATER AND WATER POWER DISTRICTS.

AN ACT relating to water and water power districts and amending section 11588 Remington's Revised Statutes.

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

SECTION 1. That section 11588 Remington's Revised Statutes be amended to read as follows:

Section 11588. *Adoption of Plan—Submission—Election—Notice—Indebtedness.* It shall be the duty of the water district commissioners of every water district before creating any improvements hereunder or submitting to vote any plan for incurring any indebtedness, to consider and determine upon and adopt a comprehensive scheme or plan of water supply for such district for the purposes authorized in this act, and for such purpose, the water district commissioners shall investigate the several portions and sections of such water district for the purpose

Amends
§ 11588, Rem.
Rev. Stat.
(§ 7249-20,
P. C.)

Plan for
purchase of
fire-fighting
equipment.

of determining the present and future needs of such district in regard to a water supply; to examine and investigate, determine and select a water supply or water supplies for such district suitable and adequate for present and future needs thereof; to consider and determine a general system or plan for acquiring such water supply or water supplies, and the lands, waters and water rights and easements necessary therefor; and for retaining and storing any such waters, erecting dams, reservoirs, aqueducts and pipe-lines to convey the same throughout such district; there may be included as part of the system the installation of fire hydrants at suitable places throughout the district, and the purchase and maintenance of necessary fire-fighting equipment and apparatus, together with facilities for housing same; for determining the plan or system for distributing such water throughout such district by means of subsidiary aqueducts and pipe-lines, and the method of distributing the cost and expense thereof against such water district and against local improvement districts within such water district for any purpose authorized in this act, and including any such local improvement district lying wholly or partially within the limits of any city or town in such district. The commissioners may employ such engineering and legal service as in their discretion is necessary in carrying out the objects and purposes of this act.

Such general comprehensive scheme and plan, when finally considered or determined upon by such board of water commissioners, shall be by them adopted by resolution, which resolution shall provide for the submission thereof at a general or special election specified in such resolution to the qualified voters within such district for their ratification or rejection. No expenditure for the carrying on of any part of such plan shall be made by the water district commissioners other than the necessary sal-

Plan
submitted to
electors.

aries of engineers, clerical and office expenses of such water district, and the cost of engineering, surveying, preparation and collection of data necessary for the making and adoption of a general scheme of improvements in such water district unless and until such general scheme of improvements has been so officially adopted by the water district commissioners and ratified by the affirmative vote of a majority of the voters of such water district voting thereon at the election which shall be held for such purpose. Forty-five days notice of such election shall be published in one or more weekly newspapers of general circulation in such water district. If at such election a majority of the votes cast upon such question shall be in favor of the adoption thereof, the same shall thereupon be ratified and adopted and proclamation thereof made by such commission within ten days after such election. Such commission may submit at the same election at which the proposition to adopt the comprehensive plan or scheme is submitted, or at any general or special election a proposition that said water district incur a general indebtedness for the construction of any part or all of said comprehensive plan: *Provided, however,* That such proposition to incur indebtedness shall be submitted [so] as to enable the voters to vote for or against the same independent of any vote on the proposition submitted to the qualified voters as aforesaid and such proposition shall be adopted and assented to by three-fifths of the qualified voters of the said water district voting at said election.

Indebted-
ness.

Whenever a proposition has been adopted as aforesaid, the water district commissioners shall have power to proceed forthwith to carry out said general scheme or plan to the extent specified in the proposition to incur such general indebtedness.

In the same manner as herein provided for the adoption and ratification of the original comprehen-

sive scheme and after the adoption of the original comprehensive scheme, a scheme providing for additions and betterments to the original comprehensive scheme may be adopted and ratified.

The water district may incur a general indebtedness for the construction of the additions and betterments in the same way the general indebtedness may be incurred for the construction of the original comprehensive scheme after submission to the voters of the entire district in the manner the original proposition to incur indebtedness may be submitted. Upon ratification the additions and betterments may be carried out by the water district commissioners to the extent specified in the proposition to incur such general indebtedness.

Passed the Senate February 20, 1937.

Passed the House March 7, 1937.

Approved by the Governor March 17, 1937.

CHAPTER 178.

[S. S. B. 73.]

METALLIFEROUS MINING SECURITIES ACT.

AN ACT providing for the regulation and supervision of the issuance and sale of original issues of metalliferous mining securities, requiring the filing of statutory statements for the protection of the public, requiring licenses of underwriters, agents and salesmen, defining powers and duties of the director of licenses and prescribing penalties, and declaring an emergency.

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

SECTION 1. This act shall be known as the metalliferous mining securities act, and the duty of administering and enforcing it shall devolve upon the director of licenses. Title.

SEC. 2. Every corporation, foreign or domestic, heretofore or hereafter organized, and engaged or Statutory statement, contents.

proposing to engage in the metalliferous mining industry, and desiring to sell or issue any shares of stock, bonds, debentures, or other securities issued by such corporation to more than twenty residents of the State of Washington, shall file in duplicate with the director of licenses, and with the county auditor of the county in which its principal office within the state is situated, a written statement, herein called "statutory statement," signed by its president and secretary and by its directors residing within the state, and by a majority of its board of directors, with its corporate seal attached, and verified under oath, which shall contain the following information:

- (a) Date and place of incorporation;
- (b) Address of the registered business office within this state;
- (c) Names and addresses of its officers and directors, and terms of office;
- (d) Amount of its authorized capital stock, par value or number of non-par shares, and a description of each class of stock;
- (e) A general list of its assets and liabilities;
- (f) A general list of outstanding stock, kind and class of consideration and amount received or to be received, in money, property, or services;
- (g) Number of shares or other securities to be issued to the public in the present offering, and an estimate of the approximate amount of the proceeds to be derived therefrom to be used in actual exploration, development and equipment of mining property;
- (h) The rate of commission to be paid to agents or members of the corporation or underwriters for selling such shares or securities, whether in money or out of such securities, and the amount of salaries to be paid to the officers for the ensuing year;
- (i) Names and addresses of all authorized agents or underwriters.

SEC. 3. If such statutory statement or amended statement is, in the judgment of the director of licenses, sufficiently complete and definite, and found to comply with the provisions of this act, he shall, within fifteen days after receipt thereof, file the same and return to the office of the corporation one of the duplicates endorsed by him on its face as filed. Any such corporation shall be permitted to amend or revise its statutory statement from time to time in the same manner as original statements.

Statutory
statement
filed.

SEC. 4. The issuing company and every authorized agent or underwriter shall maintain at its principal place of business a correct copy of the statutory statement, open to public inspection. If any prospectus is issued by the company or its agents and underwriters in connection with the sale of such securities, the prospectus shall contain the statutory statement in full. A mere offer to sell, or an advertisement of the securities, shall not be regarded as a prospectus, but must designate the places where statutory statements are available.

Open to
public
inspection.

SEC. 5. Every foreign or domestic corporation whose statutory statement is filed under the provisions of this act shall file with the director of licenses on or before the fifteenth day of February of each year, an annual statement signed by its president and secretary, with its corporate seal attached, and verified under oath. Such statement shall recite briefly the company's financial condition and contain information as to any developments that have taken place on its mining property or properties within the year. Copies of the annual statement shall also be available for public inspection at any point where filing of the statutory statement is required.

Annual
statement.

SEC. 6. Corporations subject to the provisions of this act shall devote at least sixty-five per cent of the proceeds derived from the issuance and sale of

Proportion
of proceeds
devoted to
development,
etc.

securities to the public to the actual exploration, development and equipment of mining property: *Provided*, That in exceptional cases in which it is demonstrated that the nature of the enterprise requires it, the director of licenses may by his order permit a corporation to devote a lesser proportion of the proceeds to such work of exploration, development and equipment of mining property.

Promotion
stock pooled.

SEC. 7. All promotion stock of a company engaged or proposing to engage in the metalliferous mining industry shall, during the period in which any public offering of its treasury stock is being made, be pooled in such manner as may be prescribed by the director of licenses to prevent its sale to the public; but the director of licenses may in his discretion release such pooled stock at any time: *Provided*, That private sales of treasury stock, without advertising or general solicitation, by *bona fide* officers of the company to not to exceed twenty-five persons, in which the entire proceeds inure to the benefit of the company, shall not constitute a public offering.

Certificate.

SEC. 8. No person, firm or corporation shall act as underwriter, agent or salesman of original issues of metalliferous mining securities until such person, firm or corporation shall have applied for and obtained from the director of licenses a certificate authorizing the applicant so to act. Every such certificate shall be issued for a term of one year, but may be revoked for cause as provided in this act: *Provided*, That this section shall not apply to *bona fide* officers of the issuing corporation selling treasury stock directly to the public.

Revocation.

SEC. 9. The director of licenses, on satisfactory proof that the holder of an underwriter's, agent's or salesman's certificate is guilty of fraud, or fraudulent misrepresentation in the sale of any security

may revoke such certificate. He may also, for good cause shown, temporarily suspend any rights granted under the certificate: *Provided*, That before any such certificate is revoked or suspended the director of licenses shall notify the holder that such action is contemplated and such holder shall have ten days, after being advised, within which to submit evidence to show why such action should not be taken.

SEC. 10. The director of licenses shall charge the following fees: Fees.

(1) For filing an original statutory statement, \$10.00;

(2) For filing any subsequent or amended statement, \$10.00;

(3) For filing the annual report, \$5.00;

(4) For filing an application for an underwriter's, agent's or salesman's certificate, \$5.00, and \$2.00 for each and every year thereafter;

(5) Fees for furnishing copies of papers and records shall be 15¢ per folio and \$2.00 for the certification thereof.

SEC. 11. Every person who shall violate or knowingly aid and abet the violation of this act, and every person who fails to perform any act which is herein made his duty to perform, shall be guilty of a gross misdemeanor. Penalty.

SEC. 12. If any provision or section of this act shall be declared unconstitutional, such adjudication shall not affect the remaining portions of the act. Partial
invalidity.

SEC. 13. This act is necessary for the immediate preservation of the public peace, health and safety of the state and shall take effect immediately. Effective
immediately.

Passed the Senate March 2, 1937.

Passed the House March 9, 1937.

Approved by the Governor March 17, 1937.

CHAPTER 179.

[S. B. 96.]

SPECIAL SCHOOLS FOR UNDER-PRIVILEGED CHILDREN.

AN ACT relating to education and providing for the organization and maintenance of special, opportunity and remedial schools in second and third class school districts.

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

"Special schools."

SECTION 1. The words "special school" shall be termed and deemed to be an ungraded school for physically or mentally defective children who are not able to do the regular class room work and require individual instruction according to their needs, and shall consist of not less than six pupils.

"Opportunity school."

The words "opportunity school" shall be termed and deemed to be an ungraded school for pupils who are over age or over size for their grade and need a different type of curriculum and instruction than that provided in the regular class room.

"Remedial school."

The words "remedial school" shall be termed and deemed to be an ungraded school for pupils who are handicapped, under-privileged or retarded, who need more individual instruction than can be furnished in the regular class room.

Petition to establish school.

SEC. 2. Whenever a petition in writing, signed by a majority of school directors of each of two or more school districts of the second or third class, adjoining or nearly adjacent to each other, praying for the establishment within the boundaries of said districts, in a second class district if possible, of what shall be known as a special, opportunity or remedial school, is presented to the county superintendent of schools of the county containing those districts, and if it be found in the proper form, after investigation, to determine if there is suitable room space available and a sufficient number of children who would be bene-

fited by such a school, he shall within thirty days after the petition is presented, take action to establish such a school or schools as set forth in the petition, and by written notice shall call a meeting of the school boards of the districts whose members have signed the petition, to determine the details of the establishment of such a school, the minutes of which meeting shall be kept on record at the superintendent's office.

SEC. 3. Other adjoining or closely adjacent district or districts may join such formed special, opportunity or remedial school district by the same procedure used in the original formation.

Adjoining or adjacent districts.

SEC. 4. When the school districts petitioning for the formation of a school provided for in this act, are located in one or more counties, the petition shall be sent to the county superintendent of each county who shall proceed jointly as provided in section 2 of this act. The administration of the school or schools shall be as provided in sections 5 and 6 of this act.

Petitioning district located in more than one county.

SEC. 5. The administration of the special, opportunity and remedial schools shall be by the board of directors of the district in which the school or schools are located, which shall be preferably in a district of the second class where adequate supervision can be given in conjunction with the county superintendent of schools.

Administration by board of directors.

SEC. 6. There shall be a regular meeting of the board of directors in charge of the school and the county superintendent on the second Monday in April of each year at the office of the county superintendent of schools, and such other special meetings as may be necessary at the call of the school board or of the county superintendent of schools, at the place designated in the call, to make the necessary plans for the conduct and maintenance of the school or schools.

Annual meeting.

Special meetings.

Transportation costs, partial reimbursement.

SEC. 7. Every district maintaining, in cooperation with another district or districts, a special school as provided in this act, and operating approved transportation routes, shall be reimbursed by the state for eighty per cent of the cost of transportation of pupils attending such special school.

Moneys credited.

SEC. 8. For the purpose of apportioning state and county funds, each school district maintaining a special, opportunity or remedial school or either, under the provisions of this act, shall be credited with 2,500 days per room unit and the usual double amount allowed for attendance in schools for defective children; all funds thus secured for special school or schools shall be credited to the district maintaining such school or schools and shall be expended only in the maintenance of such school or schools, as herein provided. Monies received by the districts maintaining these schools shall be placed in a special, opportunity or remedial school fund segregation. No money shall be expended from this special, opportunity or remedial school fund for any purpose other than the payment of teachers' salaries, textbooks, supplies, and teaching aids.

Fund segregation.

Board to provide rooms and select teachers.

SEC. 9. The board of directors of the district in which the school is located shall provide a room or rooms, the furnishing, heating, and cleaning of the room or rooms, and shall in conference with the county superintendent of schools and with his approval, select a teacher or teachers for the school or schools and texts and supplies for the use of the pupils of the school or schools.

Assignment of pupils.

SEC. 10. Pupils shall be assigned to the special, opportunity, or remedial school by the county superintendent, upon the recommendation of the teacher and principal or superintendent, if after due consultation with parents and school authorities, and testing and examination, it appears that the child would be best served in its educational needs by such

a school, and for such a time as deemed advisable by the school authorities concerned, for the best advancement of the pupil.

SEC. 11. Such details of operation of these schools as do not come within the provisions of this act, shall be worked out by the state board of education in consultation with the county superintendents of schools.

Details of operation.

SEC. 12. If any section or provision of this act 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 thereof, not adjudged invalid or unconstitutional.

Partial invalidity.

Passed the Senate February 5, 1937.

Passed the House March 9, 1937.

Approved by the Governor March 17, 1937.

CHAPTER 180.

[S. B. 149.]

SOCIAL SECURITY: DIVISION OF PUBLIC ASSISTANCE.

AN ACT providing for general public assistance for the relief of the poor, aged, sick, dependent, infirm, blind, or others who are handicapped individuals and cripples; creating a single administrative unit; declaring the public policy of the state; defining the powers and duties of the Department of Social Security in relation thereto and providing for the administration thereof through Boards of County Commissioners under the supervision of the State Department of Social Security; providing for state and county advisory committees; making an appropriation and repealing certain acts in conflict therewith and declaring that this act shall take effect April 1, 1937, and declaring an emergency.

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

SECTION 1.—*Preamble.* Public policy declares with increasing frequency and firmness that the equalization of opportunity for more abundant living and the necessary care of the handicapped and

Public policy.

underprivileged incident thereto is a public responsibility of so great a magnitude as to deserve and receive the undivided attention of all branches of government; Federal, state and county. It is evidence of this public mandate that the Congress of the United States in August, 1935 passed the National Social Security Act, defining not only the terms under which the government of the United States would meet its public assistance obligations, but also the conditions under which it would extend its financial support to other governmental agencies acting in the various public assistance fields defined in the national act. Among the provisions of the national enactment was an outline under which the several states might integrate their public assistance programs into a uniform, nation-wide administration thereby establishing a more equitable distribution of assistance and assuring a more uniform administration of all phases of social security. The State of Washington has sought continuously to fulfill its complete responsibility to its people through compliance with all social security legislation.

So effective has the integration of social security activities by the Federal government proved to be that we now declare the advisability of extending similar cooperative relationships into the political subdivisions of the state itself. The creation of such relationships under the present statutes is hampered by legal impediments and by lack of necessary authorizations. It is to remove those restrictions and to establish a single administrative agency which will preserve local autonomy in its administration yet retain the state-wide supervision necessary to equity, uniformity, and the adherence to rules and regulations of the Federal government that we do create, define, and establish the public assistance administration hereinafter provided.

Definitions.

SEC. 2. "Department," wherever it appears in this act, means State Department of Social Security.

“Director,” wherever it appears in this act, means the Director of the State Department of Social Security. “Administrative Board,” means the Board of County Commissioners in each county in the state, hereinafter known in this act, as the “Board.” “Administrator” means the person designated to administer public assistance in each respective county. “Public Assistance” means Federal, state and county aid for the assistance of certain individuals of the state as set forth in this act. “Work Relief” means wages paid by a municipal corporation to persons, who are unemployed or whose employment is inadequate to provide the necessities of life, and/or their dependents, from money specifically appropriated or contributed for that purpose, for the performance of services or labor connected with work undertaken by such corporation independent of work under a contract or for which an annual appropriation has been made. “Direct Relief” means a cash payment or voucher to meet the cost of shelter, fuel, food, clothing, water, light, necessary household supplies, medicine, medical supplies and medical attendance, or any other form of materials or services furnished to persons or their dependents.

SEC. 3. Public assistance in every form now being administered and in such forms as may hereafter be defined as a public charge is hereby declared and is the several and joint responsibility of the State of Washington and the political subdivisions thereof, subject to such restrictions and limitations as are hereinafter provided: *Provided, however,* Nothing contained in this act shall affect, repeal, modify, apply to or disturb any of the provisions of title 74 of Remington’s Revised Statutes of the State of Washington, as amended.

Public assistance joint responsibility of state and political subdivisions.

SEC. 4. Public assistance for the purpose of this act shall include the specific categories listed in the Federal Social Security Act such as aid to dependent

Public assistance to include specific categories listed in Federal act.

children in their own homes, services to crippled children, child welfare services, aid for needy individuals who are blind, old age assistance; care of persons in need because of unemployment, physical disability or for any other causes; such other public health, medical and welfare activities as are now being performed by the respective Boards of County Commissioners and by the department on behalf of persons who are in need, including: Aid to dependent children away from their own homes, medical care and hospitalization, also those activities being performed in cooperation with the Federal government, including purchase and distribution of surplus commodities for the Federal Department of Agriculture; certification of persons for: (a) Civilian Conservation Corps, (b) Works Progress Administration, (c) Resettlement Administration; and care of homeless unattached and non-resident families and individuals; and vocational guidance, vocational education, work relief and placement services for young people in cooperation with the National Youth Administration or any other Federal agency engaged in youth activities. Nothing herein contained shall repeal or modify chapter 139 of the Session Laws of 1931.

Administra-
tion of act
to conform
with state
and Federal
acts.

SEC. 5. Administration of public assistance under this act shall conform with such specific acts as have been enacted by the legislature and the Congress of the United States with respect to public assistance for children, for needy blind, for needy aged, and others including the allocation of Federal grants in aid to states whose plans for conducting such services are approved by the Federal government and shall conform with the laws of the State of Washington, and such rules and regulations as are vested in the director of social security in relation to all other public assistance.

The technical administration of all public assistance functions shall be vested in persons whose qual-

ifications have been certified in manner hereinafter provided.

SEC. 6. It shall be the duty of, and the State Department of Social Security is hereby empowered to serve as the single state agency in the administration of all public assistance programs originating under the jurisdiction of the Federal government, and to exercise such supervision and to promulgate and enforce such rules and regulations as are necessary to assure full local compliance with the terms of Federal grants.

Department of social security, powers and duties.

It shall be the duty of, and the State Department of Social Security is hereby empowered to fix state-wide, uniform standards for all public assistance and to effect uniform observance of these standards throughout the state: *Provided*, Such standards shall be in conformity with the Federal Social Security Act and other Federal acts and the laws of the State of Washington pertaining to public assistance.

Uniform standards.

It shall be the duty of the director of social security with the approval of the State Advisory Committee to establish a merit system which will provide for a fair and equal opportunity for persons to qualify for appointment to positions in the administration of this act. Preference in employment shall be given to persons with local residence in all cases where qualified local persons are available.

Merit system.

It shall be the duty of the director of social security, and he shall be empowered to exercise such other and further supervision of all public assistance activities as may reasonably seem necessary to effective administration of this act.

General duties.

It shall be the duty of the director of social security to examine and approve quarterly budgets submitted by the respective boards of county commissioners, and to budget such funds as may be deemed necessary to the administration of this act: *Providing*, That the annual budgets for local public

Quarterly budgets.

Direct or
work relief.

Expenditures
to comply
with state
and Federal
regulations.

Counties to
comply with
Federal regu-
lations.

Forms for
reports
prescribed.

Rules and
regulations.

health department services shall have first been approved by the state department of health. Such funds may in the discretion of the director of the department be granted either as direct relief or as work relief or for reconstruction and rehabilitation purposes, including the establishment, maintenance and operation of self-help cooperatives, as defined by the Federal Emergency Relief Administration Manuals SH-1 and SH-10, Division of Self-Help Cooperatives: *Provided*, That the expenditures of Federal and state funds for public assistance purposes shall comply with all rules and regulations of any such Federal and state agencies as may have authority in the premises. The director of social security shall make such reports and render such accounting to appropriate Federal authority as may be required in connection with Federal grants, with the further power to do each and everything required by the Federal Social Security Act.

It shall be the duty of the director of social security to fully inform the board of county commissioners of the requirements of the Federal government to require full compliance with such regulations, and in the event of noncompliance, in order to prevent interruption of Federal aid to other counties of the state, to take over the administration of public assistance in the county until compliance has been effected.

The director of social security shall prescribe forms on which regular reports shall be submitted and shall make and issue such other rules and regulations consistent with the provisions of this act as shall best promote efficiency and effectiveness in the furnishing of public assistance. A certified copy of such rules and regulations shall be filed in the office of the Secretary of State thirty days prior to their effective date.

SEC. 7. It shall be the duty of each board of county commissioners to serve as an administrative

board for all matters involving public assistance to their respective counties and as such to prepare quarterly in advance a budget adequate to provide to the inhabitants of that county the benefits and services of public assistance under the provisions of this act: *Provided*, Said budget shall present a statement of funds necessary in each category of public assistance, as established in this act, together with supporting records and data to substantiate such budget and shall certify the amount of county funds available for such purpose: *Provided, further*, That it shall be the duty of the board of county commissioners to make known publicly the approved quarterly budget for public assistance in their respective counties.

Board of county commissioners to serve as administrative board.

The board of county commissioners shall constitute the single administrative agency in each county through which all the categories of public assistance concerned herein shall be administered, and is hereby empowered to act in such capacity as agents of the State Department of Social Security, subject to such regulations and restrictions as are herein authorized and shall exercise complete jurisdiction within such regulations for state and Federal funds expended for public assistance under this act in the respective counties.

The board of county commissioners shall employ an officer whose title shall be "Administrator" and who shall be chief executive officer for the administration of public assistance in each county: *Provided*, No person shall be eligible for appointment as administrator until he has presented a certificate of eligibility issued by the State Department of Social Security.

Administrator employed

SEC. 8. The administrator shall be responsible to the board of county commissioners for proper administration of all public assistance affairs placed in his charge and shall hold office at the pleasure of the board.

Responsible to board.

Assistants.

The administrator shall employ such assistants as are necessary to make adequate investigations and conduct all other activities incident to his office: *Provided*, No person shall be appointed to any position by said administrator until he or she shall have presented a certificate of eligibility issued by the State Department of Social Security: *Provided, further*, That this requirement shall not apply to the filling of non-executive positions.

Public assistance granted after adequate investigation.

The administrator shall grant public assistance only after adequate investigation and certification of need, the amount of assistance to be determined on a budgetary basis and conform with law and shall take into account both the needs and resources of the applicant and his dependents and any or all persons who may be responsible for his care.

Records and reports.

The administrator shall keep such records and prepare such reports as the board of county commissioners shall deem necessary to the preparation of quarterly budget estimates and any other data held by the State Department of Social Security as necessary to the administration of the act.

Joint board.

SEC. 9. Two or more counties are hereby authorized, subject to the approval of the State Department of Social Security, to form a joint board with the power to appoint a single administrator and to execute the functions imposed in this act in the manner provided for a single county.

State advisory committee created.

SEC. 10. There is hereby created a state advisory committee to the Department of Social Security to consist of the state directors of the Department of Health, the Department of Finance, Budget and Business, the Superintendent of Public Instruction, together with a representative of the Superior Court Judges Association and of the Washington State Association of County Commissioners. Such committee shall serve in an advisory relationship to the director in order to integrate as effectively as possible

the services rendered under the state and local units for public assistance with services rendered by the other departments of state government, and to find the causes of dependency and to make recommendations looking toward the removal of said causes.

SEC. 11. The various boards of county commissioners shall be the agents of the State Department of Social Security in determining the local causes which lead to the need for public assistance and in performing such activities as will tend to remove those causes.

Commissioners to act as agents of department of social security.

To assist in this preventive work the board of county commissioners, in cooperation with the department, shall appoint an advisory committee in each county composed of five or more local citizens selected on the basis of their known interest and experience in the fields of public welfare, child welfare, employment, health, and education.

County advisory committee.

These advisory committees shall make such studies of local conditions in the field of social security as will enable them to make recommendations relative to improvements in general living conditions and in the administration of public assistance to the end that there will be a lessening of the need of public assistance in that county.

Study of local conditions.

The members of the advisory committee shall be chosen by the respective boards of county commissioners and shall serve for two years from the time of their appointment and may be reappointed regularly at the pleasure of the board of county commissioners.

Committee members, terms of office.

The members of the advisory committee shall serve without pay but shall be reimbursed for actual travel and other expenses involved in carrying out the work of their committee.

Reimbursement for actual expenses.

The advisory committee shall prepare and submit a budget covering the expenses incident to their studies and other related activities, and the funds

Budget submitted.

necessary for such budget when approved by the board of county commissioners may be considered a proper administrative expense and as such included in the quarterly budgets provided for in section 7 of this act.

Complaints.

SEC. 12. It is hereby provided that any applicant for or recipient of public assistance, as provided in this act, who shall be dissatisfied with the decision on his application for such assistance, may appear before the board of county commissioners in the county in which he resides, relative to said complaint. If such complainant is still dissatisfied, he may appeal to the director, and upon such appeal an opportunity shall be granted for a fair hearing.

If an application is not acted upon by the local administrative unit within a reasonable time after the filing of the application, or is denied or revoked, the applicant may appeal to the department in the manner and form prescribed by the department. The department shall upon receipt of such an appeal give the applicant an opportunity for a hearing. Before such hearing the department may make such additional investigation as it may deem necessary, and shall make such decision as to the granting of assistance and the amount of assistance to be granted the applicant as in its opinion is justified and in conformity with the provisions of this act. Hearings under the provisions of this section, unless appellant shall otherwise stipulate, shall be held in the county in which the appellant resides and shall be conducted by the director of the department of social security, a duly appointed, qualified and acting supervisor thereof, or by an examiner specially appointed by the director for such purpose. Whenever a hearing is conducted by a supervisor or specially appointed examiner, a transcript of the testimony shall be made and included in the record which shall be submitted to the director for his decision.

Hearings.

Any appellant, feeling himself aggrieved by the decision of the director in any case, shall have the right of appeal to the superior court of the county of his legal residence, which appeal shall be taken by notice filed with the clerk of the court and served upon the director within thirty (30) days after the decision of the director.

Right of appeal.

SEC. 13. Assistance given under this act shall not be transferable or assignable, at law or in equity, and none of the money paid or payable under this act shall be subject to execution, levy, attachment, garnishment or other legal process, or to the operation of any bankruptcy or insolvency law.

Assistance not assignable nor subject to execution.

SEC. 14. In executing any provisions of this act the department and the boards or any person duly authorized or designated by them may conduct any investigation pertinent to the furtherance of its work. They are hereby authorized to subpoena witnesses, administer oaths, take testimony and compel the production of such papers, books, records, and documents as may be relevant to any such investigation.

Investigations.

SEC. 15. In furthering the purposes of this act, the director, with the approval of the Governor, may accept contributions or gifts in cash or otherwise from persons, corporations, and/or other individuals, such contributions being disbursed in the same manner as the money appropriated for the carrying out of the provisions of this act: *Provided, however,* The donor of such gifts may stipulate the manner in which such gifts shall be expended.

Acceptance of gifts.

SEC. 16. This act shall apply to every county in the state, and state aid under the provisions of this act and the rules and regulations of the department shall hereafter be available to all counties.

Applicability of act.

SEC. 17. The board of county commissioners in each of the several counties of the state shall make available for all categories of public assistance the

County funds to be made available.

funds which are set forth in their budget for the year 1937, said funds to be expended during the year 1937 in accordance with the provisions of this act.

County tax
levy.

The board of county commissioners in each of the several counties of the state shall budget and levy a sum equal to three mills against the assessed valuation of said county for public assistance purposes for the year 1938 and subsequent years. The total sum budgeted shall be expended for all categories of public assistance during the year of 1938 and subsequent years in accordance with the provisions of this act.

Expenditure
of county
funds
authorized.

The board of county commissioners shall be and they are hereby authorized to expend such funds for any category of public assistance, which expenditures shall be made in the manner prescribed by law for disbursement of the county current expense fund, and said commissioners shall also have the power with said funds to reimburse the state for expenditures made for public assistance within their county from state or Federal funds.

Appropriation.

SEC. 18. There is hereby appropriated from the general fund for the biennium ending April 1, 1939, the sum of \$43,394,000.00, or as much thereof as may be available and necessary for carrying out the provisions of this act: *Provided*, That no expenditure shall be made herefrom except upon allotments approved by the Governor.

Emergency
relief fund
abolished.

SEC. 19. From and after the first day of May, 1937, the emergency relief fund in the state treasury shall be and is hereby abolished.

Moneys
transferred
to general
fund.

All monies in the state treasury to the credit of the emergency relief fund and all monies thereafter paid into the state treasury for or to the credit of the emergency relief fund shall be and are hereby transferred to and placed in the general fund.

Payment of
warrants.

From and after the first day of May, 1937, all warrants drawn on the emergency relief fund and not presented for payment shall be paid from the gen-

eral 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. That from and after the first day of April, 1937, all appropriations made by the twenty-fifth legislature from the emergency relief fund shall be paid out of monies in the general fund.

SEC. 20. If any person or persons receiving or having received any assistance under the provisions of this act, are again gainfully employed or should receive any monies from any other source, and should said person wish to return to the public assistance fund the amount received as public assistance, any monies so received shall accrue to the public assistance fund and shall be expended by the director in line with the provisions of this act: *Provided*, That the Federal government shall be entitled to a share of any amounts so received and said one-half of said amounts shall be promptly paid by the state to the United States government.

Recipients
gainfully
employed.

Any person or persons concealing resources such as cash, banking accounts, savings accounts, cash incomes of any kind, or any other accounts of monies, shall be liable to the amount of aid rendered him from the public assistance fund, and the department, and/or board, is authorized and directed to recover any such sums in accordance with the laws of the state relative thereto.

Recovery
from
recipient.

SEC. 21. If any clause, sentence, paragraph, or part of this act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this act, but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Partial
invalidity.

SEC. 22. In order to make it possible for the department and the local administrative units to ad-

Statutes
repealed.

minister public assistance in harmony with the Federal government, sections nine thousand nine hundred and eighty-one (9981) to nine thousand nine hundred and eighty-four (9984) inclusive, and sections nine thousand nine hundred and eighty-seven (9987) to nine thousand nine hundred ninety-one (9991) inclusive, Remington's Revised Statutes of the State of Washington are hereby repealed.

Act does not
limit powers
of county
commiss-
sioners.

SEC. 23. Nothing in this act shall be construed as limiting the powers of the various boards of county commissioners to declare emergencies and to provide revenues necessary thereto.

Effective
April 1, 1937.

SEC. 24. This act is necessary for the immediate preservation of the public peace, health and safety and the support of the state government and its existing public institutions and shall take effect April 1, 1937.

Passed the Senate March 1, 1937.

Passed the House March 8, 1937.

Approved by the Governor March 17, 1937.

CHAPTER 181.

[S. B. 153.]

STATE INSTITUTE OF CHILD DEVELOPMENT AND RESEARCH SERVICE.

AN ACT creating a state institute of child development and research service, providing for management of same and making an appropriation therefor.

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

SECTION 1. There shall be created, established and maintained at the University of Washington, a State Institute of Child Development Research and Service, having as its objects the best scientific methods of serving and developing the child, the dissemination of the information acquired by such

investigation, and the training of students for work in such fields.

SEC. 2. The management and control of such institute shall be vested in a director appointed by the Board of Regents of the University of Washington, and an advisory board of not more than seven members to be appointed by the president of the University from the faculty thereof.

SEC. 3. There is hereby appropriated from the general fund of the State of Washington the sum of twenty thousand dollars, (\$20,000.00) or so much thereof as may be necessary for the purpose of carrying out the provisions of this act during the ensuing biennium. } Vetoed.

Passed the Senate March 6, 1937.

Passed the House March 9, 1937.

Approved by the Governor March 17, 1937, with the exception of section 3 which is vetoed.

CHAPTER 182.

[S. B. 287.]

SALE OF SECURITIES REGULATED.

AN ACT providing for the regulation and supervision of the issuance and sale of securities to prevent fraud in the sale thereof, amending section 2, chapter 69, Laws of 1923, as amended by section 1, chapter 97, Laws of 1935 (section 5853-2, Remington's Revised Statutes), and section 22, chapter 69, Laws of 1923 (section 5853-22, Remington's Revised Statutes), and declaring an emergency.

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

SECTION 1. That section 2, chapter 69, Laws of 1923, as amended by section 1, chapter 97, Laws of 1935 (sec. 5853-2, Rem. Rev. Stat.) be amended to read as follows:

Section 5853-2. The following words have in this

Amends
§ 5853-2, Rem.
Rev. Stat.
(§ 482-5, P.C.)

Definitions.

act the signification attached to them in this section, unless otherwise apparent from the context:

(1) The word "company" includes all domestic and foreign private corporations, associations, joint stock companies and copartnerships, and also trustees (but not including executors, administrators, receivers, or other trustees acting under the authority of a court);

Excepting therefrom:

(a) All national banking associations and other corporations organized and existing under and by virtue of the acts of Congress of the United States;

(b) All insurance companies authorized to transact business within this state and all corporations transacting a banking or trust companies business within this state;

(c) All building and loan, and savings and loan corporations, associations and societies authorized as such to do business in this state;

(d) All public utilities subject to the jurisdiction, control and regulation of the director of public service;

(e) All companies organized without capital stock and not for pecuniary gain and exclusively engaged in educational, benevolent, charitable or reformatory purposes, and companies based on membership basis for social, athletic and educational purposes;

(f) All corporations engaged in the metalliferous mining industry which are duly registered with the director of licenses as provided by law: *Provided*, That the provisions of this act shall in all respects apply to resales of metalliferous mining securities. A resale is hereby defined to be a sale in which the issuing company is not a party [party].

(2) The word "security" includes:

(a) All shares or interests into which the capital, capital stock, or property of companies, or

rights of stockholders or members thereof, are divided, including all treasury shares and shares of their own capital stock purchased or otherwise acquired by companies upon delinquent assessment sales or in any other lawful manner, and all certificates and other instruments issued by them or their authority, evidencing or representing such shares, interests or rights;

(b) All promissory notes, mortgages, bonds, debentures, and other evidences of indebtedness issued by any company, excepting promissory notes and mortgages negotiated by the drawer or maker in the ordinary course of business by private negotiation;

(c) Any instrument issued, offered or sold to the public by any company, evidencing or representing any right to participate or share in the profits or earnings or the distribution of assets of any business carried on for profit;

(d) All bonds, debentures and other evidences of indebtedness issued by any foreign government or any political subdivision thereof; or by any state of the United States of America or any political subdivision thereof, except the State of Washington and its political subdivisions;

(e) Oil or gas leases or any assignment, partial assignment, agreement to assignment, or other instruments in connection therewith.

(3) The word "sale" includes every contract by which, for valuable consideration, a company transfers any security or interest therein; and any exchange, pledge or hypothecation, or any transfer in trust or otherwise, for the performance of an obligation.

The word "sell" includes every act by which such sale is made.

(4) The word "agent" includes every person or company employed or appointed by a broker or com-

pany who sells, negotiates for the sale of, solicits, or takes subscriptions for any security.

(5) The word "broker" includes every person or company, other than an agent, engaging in the business of selling, offering for sale, negotiating for the sale of, soliciting subscriptions for, or otherwise dealing in securities issued by others; or underwriting any issue of securities, or of purchasing such securities with the purpose of reselling or offering them for sale to the public for a commission or at a profit, excepting therefrom the following:

(a) One who disposes of securities to a broker;

(b) Any pledge holder selling in good faith and not for the purpose of avoiding the provisions of this act, and in the ordinary course of business, a security pledged with him for the payment of a *bona fide* debt;

(c) Any owner of any security not the issuer or an underwriter thereof who sells or exchanges the same for his own accounts: *Provided*, That such sale or exchange is not made by such owner in the course of repeated and successive transactions of like or similar character.

SEC. 2. That section 22, chapter 69, Laws of 1923 (sec. 5853-22, Rem. Rev. Stat.) be amended to read as follows:

Section 5853-22. The director of licenses shall charge the following fees:

(1) For filing an application for permit to issue security twenty-five [dollars] (\$25.00) for all companies whose capitalization is fifty thousand dollars (\$50,000.00) or less, fifty dollars (\$50.00) for all companies whose capitalization is over fifty thousand dollars (\$50,000.00), but not more than one hundred thousand dollars (\$100,000.00), and one hundred dollars (\$100.00) for all companies whose capitalization is over one hundred thousand dollars (\$100,000.00).

(2) For filing an application for a broker's

Amends
§ 5853-22,
Rem. Rev.
Stat. (§ 482-
26, P. C.)

Fees.

certificate twenty-five dollars (\$25.00), and ten dollars (\$10.00) for each and every year after the first year.

(3) For filing an application for an agent's certificate five dollars (\$5.00), and two dollars (\$2.00) for each and every year thereafter.

Fees for furnishing copies of papers and records shall be as now provided by law.

SEC. 3. 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. Effective immediately.

Passed the Senate March 2, 1937.

Passed the House March 9, 1937.

Approved by the Governor March 17, 1937.

CHAPTER 183.

[S. B. 301.]

SCHOOL BUDGETS.

AN ACT pertaining to school budgets and authorizing boards of school directors to include therein funds for certain specific purposes.

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

SECTION 1. The board of directors of any school district at the time of preparing the annual budget for the ensuing year may include therein a sum not exceeding one-fifth of the taxable income of the district for any or all of the following purposes: (1) the establishment and support of a building fund, (2) the establishment and support of a fund for the purchase of transportation equipment, (3) the purchase of a schoolhouse site or sites for buildings or playgrounds, (4) the erection of one or more buildings authorized by law and providing the same with

furniture, (5) the payment of the principal or interest on outstanding bonds or the refunding of outstanding indebtedness: *Provided*, That any cash surplus on hand at the time this act takes effect, which surplus has accrued from the payment of district taxes, may be allotted to any or all of the above named purposes.

Effective immediately.

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

Passed the Senate March 5, 1937.

Passed the House March 9, 1937.

Approved by the Governor March 17, 1937.

CHAPTER 184.

[S. B. 306.]

MOTOR VEHICLE CARAVANS.

AN ACT to regulate the caravanning of motor vehicles, providing for the licensing thereof, and prescribing penalties.

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

Act remedial.

SECTION 1. The unregulated commercial use of the highways of this state in the caravanning of motor vehicles from other states intended for sale or exchange, most of which vehicles are unlicensed in this state, has contributed to the congestion of such highways, and increased the dangers of driving thereon, and has resulted in deplorable working conditions for employees operating such caravans. This act is remedial and for the purpose of ameliorating such conditions.

SEC. 2. For the purpose of this act, and unless the context otherwise requires:

"Caravan."

(1) The term "caravan" shall mean the operation on the highways of any motor vehicle from with-

out the state operating on its own power or in tow of other motor vehicles being brought into the state for the purpose of selling or offering the same for sale to or by any agent, dealer, manufacturer's representative, purchaser, or prospective purchaser, whether such agent, dealer, manufacturer's representative, purchaser or prospective purchaser shall be located within or without the state.

(2) The term "new car dealer" shall mean and include any dealer in new motor vehicles who holds a manufacturer's franchise or contract to sell new motor vehicles in the State of Washington. A new motor vehicle shall be one that is not more than three (3) months old from the date of manufacture, and has not been driven more than five hundred (500) miles in excess of the distance from which any caravan has begun.

"New car dealer."

(3) The terms "dealer" and "vendor" shall mean and include every individual, firm, corporation or association whose business is in whole or in part that of selling new or used motor vehicles, and likewise shall include every agent, representative or consignee of any such dealer, except that no agent, representative or consignee of such vendor or dealer shall be required to make or file the bonds provided herein, if such dealer or vendor for whom such agent, representative or consignee acts, shall have fully complied with the provisions of this act.

"Dealer."
"Vendor."

SEC. 3. No person, firm or corporation shall use any highway in this state for caravanning motor vehicles without having first secured from the director of licenses a special permit as to each vehicle so caravanned, permitting the use of the highways of this state for the caravanning of such vehicles. Such permit shall be displayed by posting the same upon the windshields of such vehicles, or in some other place thereon where it may be readily legible to persons from the outside of such vehicles.

Special permit.

Space between vehicles caravanned.

SEC. 4. It shall be unlawful to operate three (3) or more vehicles or groups of vehicles in a caravan unless a space of at least two hundred (200) feet shall be maintained at all times between each vehicle or group of vehicles so caravanned.

Vetoed.

SEC. 5. Except as provided in the following section of this act, the director of licenses shall collect a fee of fifty dollars (\$50.00) for each motor vehicle covered by a caravan permit. Such fee shall be collected whether such vehicle shall operate on its own power or in tow of another motor vehicle.

New car dealer, caravan permit.

SEC. 6. Any new car dealer may be issued a dealer's caravan permit upon the payment of a fee of two hundred and fifty dollars (\$250.00) to the director of licenses. Such new car dealer's permit shall entitle the licensee, for a period of one (1) year, without the payment of any other fee to caravan into the State of Washington any new motor vehicles of the make for which the licensee holds a manufacturer's franchise or contract to sell in the State of Washington.

Report to director of licenses.

SEC. 7. Each holder of a dealer's caravan permit shall report to the director of licenses the description of each new motor vehicle caravanned into the State of Washington by virtue of such permit, and shall furnish any other information required by the director of licenses pertinent thereto. The department of licenses shall issue and supply to the holders of dealers' caravan permits suitable stickers in token of such permit, to be displayed upon the windshields of such vehicles being caravanned under such permit.

Stickers.

Permits non-transferable.

SEC. 8. No permit issued under this act shall be transferable either as between persons or vehicles, and shall be valid only for the trip specified in the permit, except as otherwise herein prescribed for new car dealers. The director of licenses shall issue certificates evidencing such permits, and may pre-

scribe rules and regulations for the governance of licensees. Any permit issued under the terms of this act may be canceled by the director of licenses if it shall appear that any licensee has, in the conduct of his business, violated any law of the State of Washington or of the United States.

Cancellation
of permit.

SEC. 9. Every licensee under the terms of this act shall file with the director of licenses a bond running to the State of Washington, in the sum of five thousand dollars (\$5,000.00) executed by a surety company authorized to do business within the State of Washington, and conditioned that such licensee will provide and pay for the return transportation of every driver or attendant not a resident of the State of Washington employed in any caravan directly or indirectly operated by such licensee, so that such driver or attendant may return to the place at which he joined the caravan. Any operator or attendant may maintain an action upon said bond in his own name to collect any such transportation costs, together with reasonable attorney's fee in any case where such licensee shall fail to provide such return transportation.

Bond of
licensee.

SEC. 10. No caravan driver or attendant shall be required to work more than sixteen (16) hours in the aggregate in any twenty-four (24) hour period; nor to continue on duty more than eight (8) consecutive hours; nor to commence work unless he shall have had at least eight (8) hours of rest period immediately preceding the time of commencing such work.

Working
hours
limited.

SEC. 11. All fees derived from the issuance of permits under the terms of this act, and all fines and forfeitures collected hereunder shall be paid to the state treasurer, who shall deposit fifty per cent (50%) thereof in a fund which is hereby created in the state treasury, to be used by the director of licenses for the purpose of discharging the additional

Disposition
of fees and
collections.

duties required by this act. The treasurer shall place the remaining fifty per cent (50%) into a fund which is hereby created in the state treasury, which shall be used by the Washington State Patrol to defray the additional expense of policing the highways incident to the enforcing of this act.

Bond
required of
used car
dealers.

SEC. 12. Every dealer in used or second-hand vehicles who shall place on sale any vehicle which has been caravanned into the state, shall execute a bond in favor of the State of Washington executed by a surety company duly authorized to do business in this state, which bond shall be for the use and benefit of any purchaser or vendee of such vehicle, and shall be conditioned to pay all losses, damages or expenses that may be sustained by such purchaser or vendee by reason of any failure of the title of such vendor, or by reason or [of] any fraudulent breaches of warranty as to freedom from liens, quality, condition, value or previous use of such motor vehicle. Said bond shall be twice the full amount of the sale price of such motor vehicle, but shall not exceed the sum of one thousand dollars (\$1000.00). Any person for whose benefit such bond is conditioned, may sue thereon in his own name. The director of licenses shall approve the sureties on all such bonds, and shall charge a fee of one dollar (\$1.00) for his service in connection therewith.

Penalty.

SEC. 13. A violation of any of the provisions of this act shall constitute a misdemeanor.

Court
actions.

SEC. 14. No caravan operator nor any dealer or vendor may maintain any cause of action in any court of this state for the recovery of any motor vehicle which has been caravanned into the state, nor for any part of the selling price thereof in any case where such caravan operator, vendor or dealer shall have failed to comply with the licensing provisions of this act.

SEC. 15. If any section, clause or provision of this act shall, for any reason, be declared unconstitutional, such judgment shall not affect the validity of the remaining portions of this act not so declared unconstitutional. Partial
invalidity.

Passed the Senate March 5, 1937.

Passed the House March 9, 1937.

Approved by the Governor March 17, 1937, with the exception of section 5, which is vetoed.

CHAPTER 185.

[S. B. 409.]

SALE OF PROPERTY UNSUITABLE FOR HIGHWAY PURPOSES.

AN ACT providing for the sale of certain premises found by the Director of Highways to be unnecessary for public highway purposes and providing for the disposition of funds realized from such sale.

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

SECTION 1. Whenever the director of highways of the State of Washington shall determine that any premises, including improvements thereon, which have been or are in use for any purpose in connection with the administration of the public highways by the department of highways of the State of Washington, and which are owned by the State of Washington, are no longer necessary for said purposes, the same shall be, by and with the consent of the governor, offered for sale by the director of highways of the State of Washington, notwithstanding existing laws regarding the sale of other state property, upon bids to be advertised for and received by the director in the manner governing the letting of contracts for public highway improvements. Sale of
lands.

Bid proposals.

SEC. 2. The director of highways shall be and he hereby is authorized to accept the highest and best bid made for any premises so sold and to request the attorney general to prepare proper instruments to convey the premises so sold: *Provided*, That the director may reject all bids when, in his discretion, the highest bid shall 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: *And provided further*, That before the director shall accept any bid he shall procure the approval of the Governor of the State of Washington.

Authority for sale.

SEC. 3. The decision of the director of highways as to the necessity of the use of said premises and the necessity for the sale thereof, when approved by the governor, shall be sufficient authority for such sale or sales. Any instruments necessary to convey title pursuant to such sale or sales shall be executed by the governor on behalf of the State of Washington in form approved by the attorney general.

Proceeds of sale credited to motor vehicle fund.

SEC. 4. All amounts received from the sale of any premises by virtue of this act shall be paid to the director of highways of the State of Washington to be by him transmitted to the treasurer of the State of Washington, who shall credit all such sums to the motor vehicle fund of the State of Washington, in which fund the said sums shall be available for any proper primary highway purpose.

Passed the Senate March 4, 1937.

Passed the House March 9, 1937.

Approved by the Governor March 17, 1937.

CHAPTER 186.

[S. B. 20.]

PLATTING AND DEDICATION OF LANDS.

AN ACT relating to the platting, subdivision and dedication of land.

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

SECTION 1. The platting and subdividing of land into lots, or tracts comprising five (5) or more of such lots or tracts, or containing a dedication of any part thereof as a public street or highway is hereby required to proceed under, and in compliance with, the provisions of this act.

Platting and dedication of lands.

SEC. 2. Each such plat, subdivision or dedication, before any of its lots or tracts may be sold or offered for sale, shall first be submitted for approval to the legislative or planning authority having jurisdiction thereof as herein prescribed, and no sale or offer for sale shall be made unless and until the same shall be approved by such authority as herein provided with the written approval of such authority duly shown thereon or attached thereto and until the same has been duly filed for record with the auditor of such county in which the land so platted, subdivided or dedicated is located.

Proposed plat submitted for approval.

SEC. 3. Whenever any land proposed to be platted, subdivided or dedicated is situate within the boundaries of any city or town of the State of Washington, the same shall be submitted for approval to the council or other legislative body of such city or town: *Provided*, That whenever any such city or town has created a city or town planning commission, such city or town planning commission shall have authority to take appropriate action thereon in lieu of the council or other legislative body on behalf of any such city or town.

City council.

SEC. 4. Any and all proposed plats, subdivisions and dedications of land that are not situate within

County commissioners.

any city or town shall be submitted for approval to the board of county commissioners of the county within which such land is situate: *Provided*, That whenever such board has created a county planning commission, such county planning commission shall have authority to take appropriate action thereon on behalf of such county in lieu of the board of county commissioners: *And provided further*, That whenever any land so proposed to be so platted, subdivided or dedicated is adjacent to or a part of the metropolitan or suburban area of any city or town although outside its corporate limits, before action thereon is taken by the board of commissioners or county planning commission of such county, due notice of the pendency of such application shall be given to the appropriate council, legislative body or planning commission of such city or town to the end that it may be heard and the interests of such city or town may be protected before any decision is made thereon.

Regulations.

SEC. 5. To effectuate the policy of this legislation, every legislative or planning authority charged with the duty of passing upon and giving or withholding approval of plats, subdivisions and dedications shall establish reasonable regulations, with the continuing right of amendment thereof, controlling the form of plats, subdivisions and dedications to be filed, the minimum width of streets and alleys, the minimum lot or tract area, street arrangement, provision for improvement of streets and public places and for water supply, sewerage and other public services, dedications of parks, playgrounds and other public places. No plat, subdivision or dedication shall be approved unless accompanied by a complete survey of the section or sections in which it may be located, with complete field and computation notes showing original or reestablished corners, with description of the same and actual traverse showing error of closure and method of balancing, with sketch show-

Proposed
plat to be
accompanied
by survey.

ing all distances, angles and calculations required to determine corners and distances of the plat. The allowable error of closure shall not exceed one (1) foot in four thousand (4,000) feet. In order that there may be consultation tending toward a reasonable degree of uniformity in such regulations, the legislative or planning authority shall submit to the State Planning Council at least sixty (60) days in advance of final adoption, its proposed regulations and shall file with the Planning Council a copy of the regulations as finally established by it. Thereafter amendments thereto shall be likewise submitted to the Planning Council not less than ten (10) days before final adoption and there shall also be filed with the Planning Council a copy of each amendment as finally established by it.

SEC. 6. Whenever any such proposed plat, subdivision or dedication is submitted to any such city, town or county authority, the clerk or secretary thereof shall at once cause, at the expense of the person proposing such plat, subdivision or dedication, not less than three (3) notices of a hearing thereof to be posted in conspicuous places on, or adjacent to the land proposed to be so platted or subdivided, giving notice of the time and place where such hearing is to be held, which notices shall be posted not less than seven (7) days prior to the hearing thereof. Such authority may also give such additional notice by mail as it deems requisite to adjacent land owners or others. Any and all such hearings shall be open to the public.

SEC. 7. It shall be the duty of such city, town or county authority to inquire into the public use and public interest proposed to be served by the establishment of such a plat, subdivision or dedication, and it shall also see that appropriate provision is made in any such plat or subdivision for streets and other public ways, parks and playgrounds, and

Notice
posted of
proposed
plat.

Plat
approved if
public inter-
est served.

shall also consider all other facts deemed by it relevant and designed to indicate whether or not the public interest will be served or advantaged by such platting, subdividing or dedication; and if it find that the plat, subdivision or dedication makes appropriate provision for streets and other public ways, parks and playgrounds, and that the public use and interest will be served or advantaged by such platting, subdividing or dedication, then it will give its written approval which shall be suitable [suitably] inscribed on such plat, subdivision or dedication and executed by it. Thereupon, upon compliance with the provisions of sections 9290 and 9291 of Remington's Revised Statutes of Washington, such plat, subdivision or dedication shall be eligible for filing with the county auditor of the county in which such land is located, and thenceforth it shall be known as a duly authorized plat, subdivision or dedication of such land.

Plat approved or disapproved within sixty days.

SEC. 8. Such proposed plat, subdivision or dedication shall be approved, disapproved or returned to the applicant for modification or correction by such city, town or county authority within sixty (60) days from date of filing thereof unless the applicant in the meantime shall have filed written consent for a longer period in which to act thereon.

Review.

SEC. 9. Any decision approving or refusing to approve any such plat, subdivision or dedication shall be reviewable for arbitrary, capricious or corrupt action or nonaction, by writ of review before the superior court of the county in which such matter is pending by any property owner of the city, town or county having jurisdiction thereof, who deems himself aggrieved thereby: *Provided*, That due application for such writ of review shall be made to such court within thirty (30) days from the date of any decision so to be reviewed.

SEC. 10. It shall be the duty of each county auditor and county assessor to refuse to accept for filing

any plat, subdivision or dedication until the approval thereof as herein prescribed has been given by the appropriate city, town or county authority. Should any such plat, subdivision or dedication be so filed without the securing of such approval, the prosecuting attorney of the county in which such plat is filed is hereby required to institute application for writ of mandate in the superior court for such county in the name of and on behalf of the city, town, or county authority required to approve, requiring the county auditor thereof to remove from his files or records any such plat, subdivision or dedication, and the costs in such action shall be taxed against the county auditor so accepting for filing without approval thereof as herein provided.

Duty of auditor and assessor to refuse to file unapproved plat.

SEC. 11. Whoever, being the owner or agent of the owner of any land located within a plat or subdivision, transfers or sells, or agrees to sell or option any land by reference to or exhibition of or by any other use or [of] a plat or map of a subdivision, before such plat or map has been approved by the city, town or county authority having jurisdiction thereof and before the same has been filed in the office of the appropriate county auditor, shall forfeit and pay a penalty of one hundred dollars (\$100) for each lot or parcel so transferred, or sold or agreed or optioned to be sold and the description of such lot by metes and bounds in the instrument of transfer, agreeing or optioning, shall not exempt the transaction from such penalty or from the remedies herein provided. The said city, town or county authority may enjoin such transfer, sale agreement or option by action for injunction brought in the superior court of the appropriate county, or may recover the said penalty by a civil action in any court of competent jurisdiction.

Penalty for sale of land before plat is approved.

Passed the Senate March 4, 1937.

Passed the House March 10, 1937.

Approved by the Governor March 17, 1937.

CHAPTER 187.

[S. B. 146.]

WASHINGTON STATE AID HIGHWAY ACT.

AN ACT providing for the administration of county roads by counties and city streets by incorporated cities and towns and state supervision thereof; prescribing the powers and duties of certain officers; providing procedure for the establishing, laying out, vacating, constructing and maintaining of county roads and the granting of franchises thereon; providing for acquisition of bridges and power of eminent domain; providing for the construction and maintenance of city streets designated as forming a part of the route of primary state highways and other city streets; providing for the expenditures of state funds on county roads and city streets; defining terms; providing for use of Federal aid funds; defining offenses and providing penalties; saving certain acts performed and rights vested; repealing certain acts and parts of acts and all acts and parts of acts in conflict herewith; and declaring an emergency.

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

CHAPTER I. DEFINITIONS.

SECTION 1. The following words and phrases, wherever used in this act, shall have the meaning as in this section ascribed to them, unless where used the context thereof shall clearly indicate to the contrary:

"Alley."

(a) "Alley." A public highway within the ordinary meaning of alley not designed for general travel and primarily used as a means of access to the rear of residences and business establishments.

"Arterial highway."

(b) "Arterial Highway." Every public highway, as herein defined, or portion thereof designated as such by proper authority.

"Business district."

(c) "Business District." The territory contiguous to and including the public highway, as herein defined, when fifty per cent (50%) or more of the frontage thereon on either side thereof for a continuous distance of three hundred (300) feet or more is occupied by buildings in use for business.

(d) "Center Line." The line, marked or unmarked, parallel to and equidistant from the sides of the roadway of a public highway.

"Center line."

(e) "Center of Intersection." The point of intersection of the center lines of the roadway of intersecting public highways.

"Center of intersection."

(f) "City Street." Every public highway as herein defined, or part thereof, located within the limits of incorporated cities and towns, except alleys.

"City street."

(g) "County Road." Every public highway as herein defined, or part thereof, outside the limits of incorporated cities and towns and which has not been designated as a primary state highway.

"County road."

(h) "Crosswalk." The portion of the roadway between the intersection area and the prolongation or connection of the farthest sidewalk line or in the event there are no sidewalks then between the intersection area and a line ten (10) feet therefrom, except as modified by a marked crosswalk.

"Crosswalk."

(i) "Department of Highways." The department of highways of the State of Washington, as now constituted by law, or such state agency as may hereafter succeed to its powers and duties.

"Department of highways."

(j) "Director of Highways." The duly appointed, authorized and acting director of the department of highways or his duly authorized assistant.

"Director of highways."

(k) "Intersection Area." The area embraced within the prolongation of the lateral curb lines, or, if there be no curbs, then the lateral roadway boundary lines, of two or more public highways which join one another at an angle, whether or not such highways cross one another.

"Intersection area."

(l) "Intersection Center Marker." Any standard, button, flag, painted or raised marker, or other device located at and intended to designate the approximate center of intersection.

"Intersection center marker."

- "Intersection control area." (m) "Intersection Control Area." The intersection as herein defined, together with such modification of the adjacent roadway area as results from the arc of curb corners and together with any marked or unmarked crosswalks adjacent to the intersection.
- "Intersection entrance marker." (n) "Intersection Entrance Marker." Any standard, button, flag, caution sign, stop sign, or other device located at approximately the point of intersection of the center line of an intersecting public highway with the nearest line of the intersection control area on the approach thereto.
- "Lane highway." (o) "Lane Highway." A highway the roadway of which is divided into clearly marked lanes for vehicular traffic.
- "Local authorities." (p) "Local Authorities." Every county, municipal, or other local public board or body having authority to adopt local police regulations under the constitution and laws of this state.
- "Marked crosswalk." (q) "Marked Crosswalk." Any portion of a roadway distinctly indicated for pedestrian crossing by lines or other markings on the surface thereof.
- "Metal tire." (r) "Metal Tire." Every tire, the bearing surface of which in contact with the highway is wholly or partly of metal or other hard, nonresilient material.
- "Multiple lane highway." (s) "Multiple Lane Highway." Any public highway the roadway of which is of sufficient width to reasonably accommodate four (4) separate lanes of vehicular traffic, two (2) lanes in each direction, each lane of which shall be not less than eight (8) feet in width, and whether or not such lanes are marked and whether or not the lanes of opposite bound traffic are separated by a neutral zone or other center line marking.
- "Operator." (t) "Operator." Every person who is in actual physical control of a motor vehicle as herein defined, upon a public highway, as herein defined.

(u) "Peace Officer." Any officer authorized by law to execute criminal process or to make arrests for the violation of the statutes generally or of any particular statute or statutes relative to the public highways of this state. "Peace officer."

(v) "Pedestrian." Any person afoot. "Pedestrian."

(w) "Person." Every natural person, firm, co-partnership, corporation, association or organization. "Person."

(x) "Pneumatic Tires." Every tire of rubber or other resilient material designed to be inflated with compressed air to support the load thereon. "Pneumatic tires."

(y) "Primary State Highway." Every public highway as herein defined, or part thereof, which has been designated as a primary state highway by legislative enactment. "Primary state highway."

(z) "Private Road or Driveway." Every way or place in private ownership and used for travel of vehicles by the owner or those having express or implied permission from the owner, but not by other persons. "Private road or driveway."

(aa) "Public Highway." Every way, lane, road, street, boulevard, and every way or place in the State of Washington open as a matter of right to public vehicular travel both inside and outside the limits of incorporated cities and towns. "Public highway."

(bb) "Railroad." A carrier of persons or property upon vehicles, other than street cars, operated upon stationary rails, the route of which is principally outside incorporated cities and towns. "Railroad."

(cc) "Railroad Sign or Signal." Any sign, signal, or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train. "Railroad sign or signal."

(dd) "Residence District." The territory contiguous to and including the public highway, as herein defined, not comprising a business district, as herein defined, when the property on such public "Residence district."

highway for a continuous distance of three hundred (300) feet or more on either side thereof is in the main improved with residences or residences and buildings in use for business.

"Revoke." (ee) "Revoke." In all its forms shall mean the invalidation for a period of one calendar year and thereafter until reapplication.

"Road way." (ff) "Roadway." The paved, improved or proper driving portion of a public highway designed, or ordinarily used for vehicular travel.

"Safety zone." (gg) "Safety Zone." The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is marked or indicated by painted marks, signs, buttons, standards or otherwise, so as to be plainly discernible.

"Sidewalk." (hh) "Sidewalk." That property between the curb lines or the lateral lines of a roadway, as herein defined, and the adjacent property, set aside and intended for the use of pedestrians or such portion of private property parallel and in proximity to a public highway and dedicated to use by pedestrians.

"Solid tire." (ii) "Solid Tire." Every tire of rubber or other resilient material which does not depend upon inflation with compressed air for the support of the load thereon.

"Street car." (jj) "Street Car." A vehicle other than a train, as herein defined, for the transporting of persons or property and operated upon stationary rails principally within incorporated cities and towns.

"Suspend." (kk) "Suspend." In all its forms shall mean invalidation for any period less than one calendar year and thereafter until reinstatement.

"Traffic." (ll) "Traffic." Pedestrians, ridden or herded animals, vehicles, street cars, and other conveyances either singly or together while using any public highways for purposes of travel.

"Traffic control signal." (mm) "Traffic Control Signal." Any traffic device, as herein defined, whether manually, electri-

cally or mechanically operated, by which traffic alternately is directed to stop or proceed or otherwise controlled.

(nn) "Traffic Devices." All signs, signals, markings and devices not inconsistent with this act placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic. "Traffic devices."

(oo) "Train." A vehicle propelled by steam, electricity or other motive power with or without cars coupled thereto, operated upon stationary rails, except street cars. "Train."

(pp) "Trolley Vehicle." A vehicle as herein defined, the motive power for which is supplied by means of a trolley line and which may or may not be confined in its operation to a certain portion of the roadway in order to maintain trolley line contact. "Trolley vehicle."

(qq) "Vehicle." Every device capable of being moved upon a public highway and in, upon or by which any person or property is or may be transported or drawn upon a public highway, excepting devices moved by human or animal power or used exclusively upon stationary rails or tracks. "Vehicle."

Words and phrases used herein in the past, present or future tense shall include the past, present and future tenses; words and phrases used herein in the masculine, feminine or neuter gender shall include the masculine, feminine and neuter genders; and words and phrases used herein in the singular or plural shall include the singular and plural; unless the context thereof shall indicate to the contrary.

CHAPTER II. ADMINISTRATION.

SEC. 2. All of the county roads in each of the several counties shall be established, laid out, constructed, altered, repaired, improved and maintained by the board of county commissioners of the respective counties as agents of the State of Washington Administration of county roads by counties.

and subject to the directions and approval of the director of highways to the extent provided in this act.

County commissioners, duties and powers.

SEC. 3. For the purpose of carrying out the provisions of this act the board of county commissioners of each county shall have the power and it shall be its duty:

(a) To acquire in the manner provided by law, property real and personal and acquire or erect structures necessary for the administration of the county roads of such county;

(b) To maintain a county engineering office and to keep record of all proceedings and orders pertaining to the county roads of such county;

(c) To acquire land for county road purposes by purchase, gift or condemnation, and to exercise the right of eminent domain as by law provided for the taking of land for public use by counties of this state;

(d) Except as otherwise provided in this act, or other law of this state, to perform all acts necessary and proper for the administration of the county roads of such county and in relation thereto to exercise all other powers and perform all other duties by this act required or hereafter provided by law.

County road engineer.

SEC. 4. In the exercise of any of the powers and duties by this act or other law of this state vested in or imposed upon the boards of county commissioners with respect to the establishing, laying out, examining, surveying, constructing, altering, repairing, improving and maintaining of the county roads of any county, the same shall be under the supervision and direction of an engineer who shall be a registered and licensed professional civil engineer under the laws of this state, duly qualified and experienced in highway and road engineering and construction.

Elective office of county engineer abolished.

At the general county election in the year 1938 and thereafter no county engineer shall be elected in

any county of the state. The board of county commissioners of each county shall exercise all the powers and perform all the duties that have been, now are, or shall be, by law vested in the county engineer.

The board of county commissioners shall employ a county road engineer who shall be a registered and licensed professional civil engineer under the laws of this state, duly qualified and experienced in highway and road engineering and construction, who shall serve at the pleasure of the board of county commissioners and who shall have the supervision, under the direction of the board of county commissioners, of the establishing, laying out, constructing, altering, improving, repairing and maintaining of all county roads of such county. Such county road engineer shall examine and certify to the board of county commissioners all estimates and all bills for labor, materials, provisions and supplies with respect to county roads and perform such other duties as may be required by lawful order of the board of county commissioners of such county. Every county road engineer, before entering upon his employment, shall give an official bond to the county, in such a reasonable amount as the board of county commissioners shall determine, conditioned that he will faithfully perform all the duties of his employment and will account for all property of the county entrusted to his care.

Qualifications and duties of county engineer.

Official bond.

SEC. 5. For the purpose of administration of the county roads of each county the board of county commissioners may, but not more than once in each year, form their respective counties, or any part thereof, into suitable and convenient road districts, not exceeding nine in number, and cause a description thereof to be entered upon their records: *Provided*, That unless the board shall decide otherwise by unanimous vote, there shall be at least one road district in each county commissioner's district embrac-

Road districts, number.

Commissioners to file annually itemized estimates of road district expenditures.

ing territory outside of incorporated cities and towns, and no road district shall extend into more than one county commissioner's district, and each county commissioner shall prepare and file with the county auditor on or before the second Monday in August in each year, the detailed and itemized estimates of all expenditures required in each road district in his commissioner's district for the ensuing fiscal year, as provided by law.

County road fund.

Certain funds abolished.

Monies transferred to county road fund.

SEC. 6. There is hereby created in each county of the state a county fund to be known as the "county road fund." From and after the taking effect of this act, the secondary highway fund, general road and bridge fund, road district funds and any and all other funds existing in any county, in which funds for use upon roads herein classified as county roads are deposited, are hereby abolished. Any funds in the secondary highway fund, general road and bridge fund, road district fund or any other fund in which funds are deposited in any county for use upon roads herein classified as county roads, shall be and the same are hereby transferred to and deposited in the county road fund of such county. Any funds which may hereafter accrue to the credit of the secondary highway fund, general road and bridge fund, road district fund or any other fund of any county for use upon roads herein classified as county roads, shall be credited to and deposited in the county road fund of such county. Any funds accruing to and to be deposited in the county road fund arising from any levy in any road district shall be expended for proper county road purposes entirely within the limits of the road district from which the same was or is collected. It shall be the duty of the county auditor of each county to set up within the county road fund of such county, a separate fund for each road district and to keep a separate and detailed accounting of all funds arising from any levy for proper county road

purposes in each such road district and all expenditures made therefrom, and it shall be the duty of the board of county commissioners of each county to provide and submit to the director of highways such reports and records with respect to expenditures from such road district fund accounts in the county road fund as shall be from time to time required by the director of highways.

Expenditures from fund reported to director.

SEC. 7. For the purpose of raising revenue for the establishing, laying-out, constructing, altering, repairing, improving, and maintaining of the county roads, bridges and wharves necessary for vehicle ferriage and for other proper county road purposes, the board of county commissioners shall annually at the time of making the levy for general purposes make a uniform tax levy throughout the county, or any road district thereof, of not to exceed ten mills on the dollar on all taxable property in such county, or road district thereof, unless other law of the state provides a lower maximum levy allowable, in which event such lower maximum levy shall control. All funds accruing from such levy shall be credited to and deposited in the county road fund to be expended therefrom as in this act provided.

Tax levy for roads and bridges.

Moneys accruing from levy.

SEC. 8. Any funds accruing to the credit of any county from the motor vehicle fund shall, when paid in accordance with the provisions of this act, be credited to and deposited in the county road fund of such county to be expended therefrom as in this act provided.

Allocation to county from motor vehicle fund.

Any funds accruing to any county by way of reimbursement by the Federal government for expenditures made from the county road fund of such county for any proper county road purpose shall be credited to and deposited in the county road fund of such county to be expended therefrom as in this act provided for the expenditure of the funds thereby reimbursed.

Reimbursements from Federal government.

CHAPTER III. RIGHT OF WAY.

Acquisition of right of way by gift, purchase or condemnation.

SEC. 9. Whenever it is necessary to secure any lands for a right of way for any county road or for the drainage thereof or to afford unobstructed view toward any intersection or point of possible danger to public travel upon any county road or for any borrow pit, gravel pit, quarry or other land for the extraction of material for county road purposes or right of way for access thereto, the board of county commissioners is authorized to acquire such lands on behalf of the county by gift, purchase or condemnation. When the board of county commissioners shall so direct, the prosecuting attorney of the county shall institute proceedings in condemnation to acquire such land for a county road in the manner provided by law for the condemnation of land for public use by counties. All cost of acquiring land for right of way or for other purposes aforementioned by purchase or condemnation shall be paid out of the county road fund of the county and chargeable against the project for which the same is acquired.

Roads by user, certain roads declared highways.

SEC. 10. All public highways in this state, outside incorporated cities and towns and not designated as primary state highways that have been used as public highways for a period of not less than seven years prior to the effective date of this act and are now so used, where the same have been worked and kept up at the expense of the public, and all public highways outside of incorporated cities and towns and not designated as primary state highways that may at any time hereafter be and for a period of not less than seven years prior thereto have been so used and the same worked and kept up at the expense of the public, are hereby declared to be lawful county roads within the meaning and intent of the laws governing public highways in this state. All public highways in this state, outside incorporated cities and

towns and not designated as primary state highways that have been used as public highways for a period of not less than ten years prior to the effective date of this act and all public highways in this state outside of incorporated cities and towns and not designated as primary state highways that may at any time hereafter be and for a period of not less than ten years prior thereto have been used as public highways, are hereby declared to be lawful county roads within the meaning and intent of the laws governing public highways in this state. All public highways in this state which have been a part of the route of a primary state highway and have been or may hereafter be no longer necessary as such shall, upon certification thereof by the director of highways to the board of county commissioners of the county in which any portion of such highway may be located henceforth, be and become a county road of such county.

SEC. 11. No informalities in the records in laying out, establishing or altering any public highways such as contemplated in the last preceding section, now existing on file in the offices of the various county auditors of this state or in the records of the department of highways, shall be construed to invalidate or vacate such public highways.

Informalities shall not be construed to vacate road.

SEC. 12. Whenever the board of county commissioners shall declare by resolution that the true location, course or width of any county road is uncertain and that the same should be determined, they shall direct the county road engineer employed by the county to make examination and survey thereof, which shall embrace an examination and survey of the original petition, report and field notes on the establishment of such road; a survey of the present traveled roadway; all topography within a reasonable distance and having a bearing on the true location of such road; the distance from the center line

Location and width of county road, survey and map.

of the traveled roadway to the nearest section and quarter section corners; a map of sufficient scale accurately showing the above with field notes thereon; a map on the same scale showing the original field notes, such field notes to be transposed and the same meridian used on both maps.

Court actions.

SEC. 13. When the true location, course or width of a county road, which was prior thereto uncertain, has been reported by the examining engineer, the board of county commissioner[s] shall file an action in the superior court of such county for the determination thereof. All persons affected by the determination of such true location, course or width in so far as the same may vary from the originally established location, course or width shall be made parties defendant in such action and service had and return made as in the case of civil actions. Upon the hearing the court shall consider the survey, maps and all data with reference to the investigation of the examining engineer and may demand such further examination as he may deem necessary and any objection of any party defendant may be heard and considered. The court shall determine the true location, course and width of such county road and may in his discretion assess the cost of such action against the county and to be paid from the county road fund of such county.

Width of county road.

SEC. 14. From and after the taking effect of this act, the width of thirty (30) feet on each side of the center line of county roads, exclusive of such additional width as may be required for cuts and fills, is the necessary and proper right of way width for county roads, unless the board of county commissioners, shall, in any instance, adopt and designate a different width. This section shall not be construed to require the acquisition of increased right of way for any county road established prior to the taking

effect of this act and the right of way for which has been secured.

SEC. 15. The board of county commissioners of any county shall have the power to establish county roads over, across or along any dike maintained by any diking, or diking and drainage district, in the manner provided by law for establishing county roads over or across private property, and shall determine and offer the amount of damages, if any, to the district and to the owners of the land upon which the dike is constructed and maintained: *Provided*, That every such county road shall be so constructed, maintained, and used as not to impair the use of the dike.

County roads over and along dikes.

SEC. 16. If any offer of damages to any diking, or diking and drainage district is not accepted in the manner provided by law, it shall be deemed rejected, and the board of county commissioners by order, shall direct condemnation proceedings to procure the right of way to be instituted in the superior court of the county by the prosecuting attorney of the county in the manner provided by law for the taking of private property for public use, and to that end the board of county commissioners is hereby authorized to institute and maintain in the name of the county such proceedings against the diking, or diking and drainage district, and the owners of any land on which the dike is located and that have failed to accept the offer of damages made by the board of county commissioners: *Provided*, No real or other property taxes shall be charged or collected by any diking, or diking and drainage district for any county road as provided in this section.

Proceedings to procure right of way.

SEC. 17. The board of county commissioners in their respective counties in this state are hereby authorized and empowered to accept the grant of rights of way for the construction of public high-

Right of way, acceptance by commissioners.

ways over public lands of the United States, not reserved for public uses, contained in section 2477 of the Revised Statutes of the United States, and said rights of way shall henceforward not be less than sixty (60) feet in width unless a lesser width is specified by the United States and such acceptance shall be by resolution of such board of county commissioners spread upon the records of their proceedings: *Provided*, That nothing herein contained shall be construed to invalidate the acceptance of such grant by general public use and enjoyment, heretofore or hereafter had.

Former
acceptances
ratified.

SEC. 18. The action heretofore of boards of county commissioners in their respective counties purporting to accept the grant of rights of way under section 2477 of the Revised Statutes of the United States for the construction of public highways over public lands of the United States, as provided in the preceding section, is hereby approved, ratified and confirmed and all such public highways shall be deemed duly laid out county roads and such boards of county commissioners may at any time by recorded resolution cause any of such county roads to be opened and improved for public travel.

CHAPTER IV. ESTABLISHMENT.

County
roads,
establish-
ment by
resolution.

SEC. 19. The board of county commissioners may by original resolution upon the vote of such board entered upon their minutes declare their intention to establish any county road in such county and declare that the same is a public necessity and direct the county road engineer employed by the county to report upon such project.

Petition to
establish.

SEC. 20. Ten or more freeholders of any county may petition the board of county commissioners for the establishing of a county road in the vicinity of their residence, setting forth and describing the gen-

eral course and terminal points of such proposed county road improvement or work and that the same is a public necessity. Such petition shall be accompanied by a bond in the penal sum of three hundred dollars (\$300.00), payable to the county, executed by one or more persons as principal or principals, with two or more sufficient sureties and conditioned that the petitioners will pay into the county road fund of the county all costs and expenses incurred by the county in examining and surveying the proposed road and in the proceedings thereon in case the said county road may not be established by reason of the same being impracticable or there not being funds therefor. When the cost is assessed against the principal or principals on such bond, the clerk of the board of county commissioners shall file a cost bill with the county treasurer, who shall proceed to collect the same. The board of county commissioners may require the petitioners to secure deeds and waivers of damages for the right of way from the land owners, and, in such case, before an examination or survey by the county road engineer employed by the county is ordered, such deeds and waivers shall be filed with the board of county commissioners. Upon the filing of such petition and bond and being satisfied that the same has been signed by freeholders residing in the vicinity of such proposed county road, the board of county commissioners shall direct the engineer to report upon such project.

Bond
required.

Cost bill.

Waivers.

SEC. 21. Whenever directed by the board of county commissioners to report upon the establishing of such county road the engineer employed by the county shall make an examination of such county road and if necessary a survey thereof. After examination, if the engineer deems such county road to be impracticable, he shall so report to the board of county commissioners without making any survey,

Survey.

Report of
county
engineer.

or he may examine or examine and survey any other practicable route which would serve such purpose. Whenever he shall consider any such county road or modified county road as practicable, he shall report thereon in writing to the board of county commissioners giving his opinion: (1) As to the necessity of such county road; (2) as to the proper terminal points, general course and length thereof; (3) as to the proper width of right of way therefor; (4) as to the estimated cost of construction of such county road, including all necessary bridges, culverts, clearing, grubbing, drainage and grading; (5) and such other facts, matters and things as he may deem of importance to be considered by such board of county commissioners. He shall file with such report a correctly prepared map of such county road as surveyed, which map must show the tracts of land over which such county road passes, with the names, if known, of the several owners thereof, and shall file therewith his field notes and profiles of such survey.

Hearing.

SEC. 22. The board of county commissioners shall fix a time and place for hearing upon the report of the examining engineer and cause notice thereof to be published once a week for two successive weeks in the county official newspaper and to be posted for at least twenty days at each of the termini of such proposed county road.

Notice.

The notice shall set forth the termini of such county road as set out in the resolution of the board of county commissioners or the freeholders' petition, as the case may be, and shall state that all persons interested may appear and be heard at such hearing upon the report and recommendation of the examining engineer either to proceed or not to proceed with such establishing of such county road. On the day fixed for such hearing or any day to which such hearing has been adjourned, the said board of county commissioners upon due proof to the satisfaction of

such board of county commissioners made by affidavit, of due publication and posting of such notice of hearing, shall consider said report and any and all evidence relative thereto, and if such board of county commissioners finds that such proposed county road is a public necessity and practicable it may establish such county road by proper resolution. The cost and expense of such county road, together with cost of proceedings thereon and of right of way and any quarries or other land acquired therefor, and the maintenance of such county road shall be paid out of the county road fund of the county.

Findings.

Resolution establishing road.

SEC. 23. Whenever a county road shall have been or shall hereafter be established within any county, and such county road shall cross the boundary of such county and again enter such county, it shall be lawful for the board of county commissioners of the county within which the major portion of such county road is located to expend the county road funds of such county in the laying out, establishing, constructing, altering, repairing, improving and maintaining of that portion of such county road lying outside the county, in the manner provided by law for the expenditure of county funds for the construction, alteration, repair, improvement, and maintenance of county roads lying within such county.

Roads passing outside of county.

SEC. 24. Whenever two counties are separated by an intervening portion of a third county not exceeding one mile in width, and each of said counties has constructed or shall construct a county road to the boundary thereof, and the boards of county commissioners of the two counties deem it beneficial to such counties to connect said county roads by the construction and maintenance of a county road across such intervening portion of the third county, it shall be lawful for the boards of county commissioners of the two counties to expend jointly the

Connecting road and bridge not within either county.

county road funds of their respective counties in acquiring right of way for the construction, improvement, repair and maintenance of such connecting county road and any necessary bridges thereon, in the manner provided by law for the expenditure of county road funds for the construction, improvement, repair and maintenance of county roads lying within a county.

Right of way acquired.

SEC. 25. For the purpose of carrying into effect the two preceding sections and under the circumstances therein set out the boards of county commissioners are empowered to secure land necessary for the right of way for such portion of such county road so lying outside such county or counties by gift or purchase or by condemnation in the manner provided for the taking of property for public use by counties.

Construction of sidewalks parallel or adjacent to county road.

The boards of county commissioners of respective counties are hereby empowered to expend funds credited to the county road fund from any county or road district levied for the construction of county roads of such county for the construction of sidewalks and pedestrian allocated paths or walks, or either, parallel and adjacent to any county road.

Commissioners granted power to erect bridge at county boundary.

SEC. 26. The power is granted the board of county commissioners of any county in the State of Washington to erect and construct or to acquire by purchase, gift, or condemnation, any bridge, trestle, or any other structure which crosses any stream, body of water, gulch, navigable water, swamp, or other topographical formation requiring such structure for the continuation or connection of any county road where such stream, body of water, gulch, navigable water, swamp, or other topographical formation constitutes a boundary between the county and any city or town, other county, property of the State of Washington, or any other state or county, city or town of any other state. The power is fur-

ther granted the board of county commissioners of such county to join with such city or town, other county, the State of Washington, or such other state, county, city or town of such other state, as the case may be, in paying for, erecting, constructing, acquiring by purchase, gift, or condemnation any such bridge, trestle, or any other structure for the continuation or connection of any such county road across any such stream, body of water, gulch, navigable water, swamp, or other topographical formation requiring such structure and forming such boundary, and the purchase or condemnation of right of way therefor.

Bridges, joint construction by counties and cities.

SEC. 27. The board of county commissioners may by original resolution upon the vote of such board entered upon their minutes declare their intention to pay for and erect or construct, or acquire by purchase, gift, or condemnation any bridge, trestle, or other structure upon any county road which crosses any stream, body of water, gulch, navigable water, swamp or other topographical formation constituting a county boundary, by such county, or to join therein with any other county, city or town or with this state or with any other state, or any county, city or town of any other state, as by law provided, for the erecting, or constructing, or acquiring by purchase, gift or condemnation of any such structure, and that the same is a public necessity, and directing the county road engineer employed by the county to report upon such project, dividing, as the case may be, any just proportional cost thereof to such county.

Resolution.

In the event two (2) counties of this state or any county and any city or town wish to join in paying for the erection or acquisition by purchase, gift, or condemnation of any such structure, the resolution provided in this section shall be a joint resolution of the governing authorities of the counties, cities

Joint resolution.

or towns and they shall further, by such resolution, designate an engineer employed by one county only to report upon such proposed erection or acquisition.

Petition.

SEC. 28. Ten (10) or more freeholders of any county may petition the board of county commissioners for the erection and construction or acquiring by purchase, gift, or condemnation of any bridge, trestle, or any other structure in the vicinity of their residence, and upon any county road which crosses any stream, body of water, gulch, navigable waters, swamp or other topographical formation constituting a county boundary by joining with any other county, city or town, or the State of Washington, or with any other state or any county, city or town of any other state, setting forth and describing the location proposed for the erection of such bridge, trestle, or other structure, and that the same is a public necessity. Such petition shall be accompanied by bond upon the same requirements, conditions and amount and in the same manner as in case of freeholders' petition for the establishing of any county road. Upon the filing of such petition and bond and being satisfied that the same has been signed by the freeholders residing in the vicinity of such proposed bridge, trestle, or other structure, the board of county commissioners shall direct an engineer employed by the county to report upon such project, and, as the case may be, any just proportioned cost thereof to such county.

Bond required.

Counties and cities petitioned to act jointly.

In the event two counties of this state or any county and any city or town are petitioned to join in paying for the erection or acquisition by purchase, gift or condemnation of any such structure, the board of county commissioners of the counties or the board of county commissioners of the county and governing authorities of the city or town shall act jointly in the selection of the engineer who shall report upon such acquisition or erection for which petition has been filed.

Engineer's report.

SEC. 29. Upon report by the examining engineer for the erection and construction upon any county road or acquiring by purchase, gift or condemnation of any bridge, trestle, or any other structure crossing any stream, body of water, gulch, navigable water, swamp or otherwise, which constitutes a county boundary, publication shall be made and joint hearing had upon such report in the same manner and upon the same procedure as in the case of resolution or petition for the laying out and establishing of county roads. If upon such hearing the governing authorities shall jointly order the erecting and constructing or acquiring by purchase, gift, or condemnation of such bridge, trestle, or other structure, they may jointly acquire land necessary therefor by purchase, gift, or condemnation in the manner as provided for acquiring land for county roads, and shall advertise calls for bids, require contractor's deposit and bond, award contracts, and supervise construction as by law provided and in the same manner as required in the case of the construction of county roads.

Publication
of hearing
upon report.

Any such bridges, trestles or other structures may be operated free, or may be operated as toll bridges, trestles or other structures under the provisions of the laws of this state relating thereto.

Bridge may
be free or
tolls may be
charged.

SEC. 30. The boards of county commissioners of the several counties are hereby empowered to expend funds from the county road fund of their county for the construction, improvement, repair, and maintenance of any bridge upon any city street within any incorporated city or town in such county where such city street and bridge are essential to the continuation of the county road system of such county. Such construction, improvement, repair or maintenance shall be ordered by resolution and proceedings conducted in respect thereto in the same manner as in this act provided for the laying out and

City bridges
on county
roads.

establishing of county roads by counties, and the preparation of maps, plans and specifications, advertising and award of contracts therefor shall be as provided in this act.

Ferries.

SEC. 31. The power is hereby granted the board of county commissioners of any county in the State of Washington to severally or jointly with any other county, city or town, or the State of Washington or any other state or any county, city or town of any other state, construct or acquire by purchase, gift, or condemnation and operate any ferry necessary for continuation or connection of any county road across any navigable water. The procedure with respect to the exercise of the power herein granted shall be the same as provided for the joint erection or acquisition of bridges, trestles or other structures. Any such ferries may be operated as free ferries or as toll ferries under the provisions of the laws of this state relating thereto.

CHAPTER V. CONSTRUCTION.

Construction of county roads.

SEC. 32. Whenever it is ordered by resolution of the board of county commissioners that any county road shall be laid out and established and altered, widened or otherwise constructed or improved, the county road engineer employed by the county shall prepare such maps, plans and specifications as shall be necessary and sufficient. A copy of such maps, plans and specifications shall be approved by the board of county commissioners, their approval endorsed thereon and such copy of the maps, plans and specifications filed with the clerk of the board of county commissioners. Upon approval of such maps, plans and specifications and the filing thereof the board of county commissioners shall, if they determine that such work shall be done by contract, advertise a call for bids upon such construction work by publication in the official county paper and also

Maps, plans and specifications prepared.

Advertising call for bids.

one trade paper of general circulation in the county, in one issue of each such paper at least once in each week for two consecutive weeks prior to the time set in such call for bids for the opening of such bids. All bids shall be submitted under sealed cover before the time set for the opening of such bids. At the time fixed in the call for bids the board of county commissioners shall proceed to publicly open and read such bids as have been submitted in the board room at the county seat of such county. No bid shall be considered unless it is accompanied by a bid deposit in the form of cash, cashier's check or certified check in an amount equal to five per cent (5%) of the amount of the bid proposed. Said board of county commissioners shall proceed to award the contract to the lowest and best bidder but may have the right to reject any or all bids if in its opinion good cause exists therefor. The board of county commissioners shall require from the successful bidder a contractor's bond in the amount and with the conditions imposed by law. Should the bidder to whom the contract is awarded fail to enter into the contract and furnish the contractor's bond as required within ten days after notice of such award, exclusive of the day of notice, the amount of such bid deposit shall be forfeited to the county and placed in the county road fund and the contract awarded to the next lowest and best bidder. The bid deposit of all unsuccessful bidders shall be returned after the contract is awarded and the required contractor's bond given by the successful bidder and accepted by the board of county commissioners.

Opening of bids.

Bid deposit.

Awarding of contract.

Contractor's bond.

Forfeiture of bid deposit.

SEC. 33. No contract shall be awarded for the construction or improvement of any county road, the total amount of the bid proposal for which or the contract for which exceeds the estimate of the engineer employed by the county by more than ten per cent (10%) thereof.

Contract shall not be awarded if bid proposal exceeds engineer's estimate.

Day labor.

SEC. 34. The board of county commissioners may, in its discretion, cause any county road to be constructed or improved by day labor in an amount not to exceed seven thousand five hundred dollars (\$7,500) on any one project: *Provided*, This section shall be construed to mean a complete project and shall not be construed to allow or permit the construction of any project by day labor by division thereof into units of work or classes of work. All construction work to be performed at a cost in excess of seven thousand five hundred dollars (\$7,500) shall be performed by contract as in this act provided. In the event that the board of county commissioners should determine that any construction should be performed by day labor, as provided in this section, it shall cause to be published in one issue of a paper of general circulation in the county a brief description of the work to be done and the county road engineer's estimate of the cost thereof. At the completion of such construction, the board of county commissioners shall cause to be published in one issue of a paper of general circulation in the county a similar brief description of such work, together with an accurate statement of the true and complete cost of the performing of such construction by day labor.

Description of work published.

Penalty for not publishing.

Failure to make publication as herein required shall subject each county commissioner to a fine of one hundred dollars (\$100) for which they shall be liable individually and upon the official bond of each and it shall be the duty of the prosecuting attorney to file information and prosecute for violation of the provisions of this section.

Maps, plans etc. to be submitted to and approved by director before construction performed.

SEC. 35. No construction work shall be performed and paid for from any money accruing to any county from the motor vehicle fund or other fund in the state treasury nor shall any money expended from the county road fund of any county for construction work be reimbursed from the motor vehicle fund or

any other fund in the state treasury unless such construction work is done on maps, plans, specifications and estimates first submitted to and approved by the director of highways, nor shall any final payment be made upon any construction work done on any county road payable as above set forth unless the director of highways shall have first inspected and approved such construction work: *Provided*, In case of actual emergency repair, construction or reconstruction work, and in case of repair, construction or reconstruction work in an amount not in excess of five hundred dollars (\$500) on any one project, or either, such work may be performed without such approval of maps, plans and specifications with the permission of the director of highways.

Inspection
before final
payment.

SEC. 36. It shall be the duty of the board of county commissioners and the engineer employed by them, at the time of establishing, constructing, improving or paving any county road, to fix permanent monuments at the original positions of all United States government monuments at township corners, section corners, quarter section corners, meander corners, and witness markers, as originally established by the United States government survey, whenever any such original monuments or markers fall within the right of way of any county road, and to aid in the reestablishment of any such corners, monuments or markers destroyed or obliterated by the construction of any county road heretofore established, by permitting inspection of the records in the office of the board of county commissioners and the county engineering office.

Permanent
monuments.

CHAPTER VI. MAINTENANCE.

SEC. 37. The board of county commissioners shall erect and maintain upon the county roads such suitable and proper signs, signals, signboards and guide posts and appropriate stop, caution, warning, restric-

Signs and
signals.

tive and directional signs and markings as they shall deem 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 designated by the director of highways.

Franchises,
public
utilities.

SEC. 38. The board of county commissioners of the several counties in the State of Washington is hereby authorized and empowered to grant franchises to persons or private or municipal corporations to use the right of way of county roads in their respective counties for the construction and maintenance of water works, gas pipes, telephone, telegraph and electric light lines, sewers and any other such facilities: *Provided*, That hereafter on application being made to the board of county commissioners for any such franchise, the board shall fix a time and place for hearing the same, and shall cause the county auditor to give public notice thereof at the expense of the applicant, by posting written or printed notices in three public places in the county seat of the county and in at least one conspicuous place on the county road, or portion thereof, upon which application is made, at least fifteen (15) days before the day fixed for such hearing, and by publishing a like notice two times in some daily newspaper published in the county, or if no daily newspaper is published in the county, then the newspaper doing the county printing, the last publication to be not less than five (5) days before the day fixed for such hearing, which notice shall state the name or names of the applicant or applicants, a description of the county road, or parts thereof, upon which the application for franchise is made, and the time and place fixed for the hearing. Such hearing may be adjourned from time to time by the order of the board of county commissioners. If, after such hearing, the board of county commissioners shall deem

Application.

Notice of
hearing.

it to be for the public interest to grant such franchise in whole or in part, the board of county commissioners may make and enter proper resolution granting the franchise applied for or so much thereof as it deems to be for the public interest, and may require any such utility and its appurtenances to be placed in such location on or along the county road as the board of county commissioners finds will cause the least interference with other uses of the county road. Any person or corporation constructing or operating such utility on or along such county road shall be liable to the county for all necessary expense incurred in restoring such county road to a suitable condition for travel. This act shall be construed as an addition to existing laws and shall not limit powers or rights which may be exercised under existing laws: *Provided*, That no franchise shall be granted for a period of longer than fifty years: *Provided, further*, No exclusive franchise or privilege shall be granted: *Provided, further*, That the facilities of the holder of any such franchise shall be removed at the expense of the holder thereof, to other location on such county road in the event such county road is to be constructed, altered or improved or shall become a primary state highway and such removal is reasonably necessary for the construction, alteration or improvement thereof.

Resolution granting franchise.

Liability.

Franchise shall not be exclusive nor granted for a period longer than fifty years.

Removal of facilities.

SEC. 39. The board of county commissioners of any county of this state may grant to any person, firm or corporation the right to build and maintain tram roads and railway roads upon county roads under such regulations and conditions as said board of county commissioners may prescribe: *Provided*, Such tram road or railway road shall not occupy more than eight feet of the county road upon which the same is built and shall not be built upon the roadway of such county road nor in such a way as to interfere with the public travel upon such county road.

Franchise for tram roads.

Franchises
upon jointly
maintained
bridges.

SEC. 40. The board of county commissioners are hereby empowered to grant franchises upon bridges, trestles or other structures constructed and maintained by them severally or jointly with any other county or incorporated city or town of this state, or jointly with any other state or any county, city or town of any other state, in the same manner and under the same provisions as in the act provided for the granting of franchises on county roads.

Prior grants
held valid.

SEC. 41. Any and all grants, rights, privileges, franchises or powers heretofore made or attempted to be made, given or granted by the board of county commissioners of any county of this state, when such board of county commissioners was in regular or special session, and when the action of such board of county commissioners is shown by its records, to any person, firm or corporation, to erect, construct, maintain or operate any railway or poles, pole lines, wires, or any other matter or thing for the furnishing, transmission, delivery, enjoyment or use of electric energy, electric power, electric light, and telephone connection therewith, or any other matter or thing relating to said matters and things or either of them, or to lay or maintain pipes for the distribution of water, or gas, or to or for any other such facilities in, upon, along, through or over any county roads be and they are hereby confirmed and declared to be valid to the extent that such grants, rights, privileges, or franchises specifically refer or apply to any county road or county roads, or to the extent that any such county road has been, prior to the passage of this act, actually occupied by the *bona fide* construction and operation of such utility and no farther [further], and such rights, powers and grants hereby confirmed shall have and be of the same force and effect as if the board of county commissioners in any county of this state, prior to the time of giving or granting said rights, privileges

and franchises, had been specifically authorized and empowered to give and grant the same.

SEC. 42. It shall be the duty of the board of county commissioners to cause to be recorded with the clerk of the board of county commissioners of their respective counties within thirty days after the effective date of this act a complete record of all existing franchises upon the county roads of their respective counties and to henceforth keep and maintain a currently correct record of all franchises existing or granted with information describing the holder of the franchise, the purpose thereof, the portion of county road over or along which granted, the date of granting, term for which granted and date of expiration, and any other information with reference to any special provisions of such franchises.

Record of existing franchises.

Current record.

SEC. 43. No oil or other material shall be used in the treatment of any county road or private road or driveway, of such consistency, viscosity or nature or in such quantities and in such proximity to the entrance to or intersection with any primary state highway or county road, the roadway of which is surfaced with cement concrete or asphaltic concrete, that such oil or other material is or will be tracked by vehicles thereby causing a coating or discoloration of such cement concrete or asphaltic concrete roadway. Any person violating the provisions of this section shall be guilty of a misdemeanor.

Use of oil in proximity to primary highway.

Penalty.

SEC. 44. The boards of county commissioners of the several counties are empowered to purchase and operate, out of the county road fund, rock crushing, gravel or other road building material extraction equipment, and any crushed rock, gravel or other road building material extracted and not directly used or needed by such county in the construction, alteration, repair, improvement or maintenance of its county roads may be sold at actual cost of production by said board of county commissioners to the

Commissioners may operate road building material extraction equipment.

Sale of surplus product.

state or any other county, city, town or other political subdivision to be used in the construction, alteration, repair, improvement or maintenance of any state, county, city, town or other proper highway, road or street purpose.

Voluntary contribution for road improvement.

Upon voluntary contribution and payment by any person, firm, corporation or association to the board of county commissioners for the actual cost of placing upon any county road of crushed rock, gravel or other road building material, the board of county commissioners are empowered to place such crushed rock, gravel or other road building material upon such county road if it be otherwise a proper county road purpose and receive payment therefor at the actual cost thereof.

All proceeds from the sale or placing of any crushed rock, gravel or other road building material as provided in this section shall be deposited in the county road fund of such county to be expended under the same provisions as are by law imposed upon the funds used to produce the crushed rock, gravel or other road building material extracted and sold.

Forest roads.

SEC. 45. The boards of county commissioners of the several counties are hereby empowered to maintain any forest roads within its county and to expend for the maintenance thereof funds accruing to the county road fund of such county in the same manner and under the same provisions as in this act provided for the maintenance of county roads.

Failure of county to maintain county roads as per agreement with Federal government.

SEC. 46. In the event that any county has heretofore or may hereafter enter into any agreement with the Federal government or any agency thereof or with the State of Washington or any agency thereof according to the terms of which such county has agreed to maintain certain county roads or any portion thereof and such maintenance is not being

performed to the satisfaction of the Federal government or the director of highways, reasonably consistent with original construction, notice thereof may be given by the director of highways to the board of county commissioners of such county and if the board of county commissioners of such county does not thereafter and within ten (10) days provide for such maintenance, authority is hereby given to the director of highways to perform such maintenance and the state auditor shall pay the cost thereof on vouchers submitted by the director of highways and deduct the cost thereof from any sums in the motor vehicle fund credited or to be credited to the county in which such county road is located.

Director
may perform
such
maintenance.

SEC. 47. No items of equipment shall be purchased by any county and paid for from the county road fund of such county where the sales price thereof is in excess of five hundred dollars (\$500), except upon a call for bids published at least once a week for two consecutive weeks prior to the day of receiving and opening such bids. Such call for bids shall specify the equipment to be purchased and the time and place when bids will be received and opened. Bids shall be publicly opened and read and award shall be made to the lowest and best bidder: *Provided*, That in the event of any evidence of collusion as between bidders or in the event that it is considered that an insufficient number of bids has been received or for other good cause, the board of county commissioners may reject all bids and re-advertise for bids in the same manner as above provided.

Items of
equipment
purchased in
excess of
\$500.

CHAPTER VII. VACATION.

SEC. 48. When a county road or any part thereof is considered useless, the board of county commissioners may, by unanimous resolution entered upon their minutes, declare their intention to vacate and

County road
may be
vacated.

abandon the same or any portion thereof and shall direct the county road engineer employed by the county to report upon such vacation and abandonment.

Petition.

SEC. 49. Ten freeholders residing in the vicinity of any county road or portion thereof may petition the board of county commissioners to vacate and abandon the same or any portion thereof, such petition to show the land owned by each petitioner and set forth that such county road will be useless as part of the county road system and that the public will be benefited by its vacation and abandonment. The petition shall be accompanied by a bond in the penal sum of one hundred dollars (\$100), payable to the county, executed by one or more of such petitioners as principal or principals, and two or more satisfactory sureties, and conditioned that the petitioners will pay into the county road fund of such county the amount of all costs and expenses incurred in the examination, report, and all proceedings pertaining to such petition to vacate and abandon. On the filing of such petition and bond and on being satisfied that the petition has been signed by petitioners residing in the vicinity of such county road or portion thereof, the board of county commissioners shall direct the county road engineer employed by the county to report upon such vacation and abandonment.

Report of
engineer.

SEC. 50. When directed by the board of county commissioners the engineer employed by the county shall examine any county road or portion thereof proposed to be vacated and abandoned and report his opinion as to whether the county road should be vacated and abandoned, whether the same is in use or has been in use, the condition of such county road, whether it will be advisable to preserve the same for the county road system in the future, whether the public will be benefited by the vacation and aban-

donment and all other facts, matters and things which will be of importance to the board of county commissioners, and also file his cost bill.

SEC. 51. Notice of hearing upon such report for vacation and abandonment of a county road shall be published at least once a week for two consecutive weeks preceding the date fixed for such hearing in the county official newspaper and a copy of the notice thereof posted for at least twenty days preceding the date fixed for such hearing at each termini of the county road or portion thereof proposed to be vacated or abandoned. On the day fixed for the hearing, the board of county commissioners shall proceed to consider the report of the engineer thereon, together with any evidence for or objection against such vacation and abandonment, and if the county road may be found useful as a part of the county road system it shall not be vacated, but if the county road is not useful and the public will be benefited by the vacation, then the board of county commissioners may vacate such county road or any portion thereof, and not otherwise; if the board of county commissioners determine to vacate such county road, they shall certify all costs and expenses incurred in the proceedings and file the same with the county treasurer and upon payment of such certified costs and expenses by the principal or principals or sureties upon such bond the board of county commissioners shall declare such county road, or portion thereof, vacated and enter the same in their minutes. No county road shall be vacated and abandoned unless by unanimous vote of the board of county commissioners properly entered or by operation of law, or judgment of a court of competent jurisdiction.

Notice of hearing upon report.

Findings.

Unanimous vote required.

SEC. 52. Any county road, or part thereof, which has heretofore been, or may hereafter be authorized, which remains unopen for public use for a space of

Vacation of road by nonuser.

five years after the order is made or authority granted for opening the same, shall be, and the same is hereby vacated, and the authority for building the same barred by lapse of time: *Provided, however,* That the provisions of this section shall not apply to any highway, road, street, alley, or other public place dedicated as such in any plat, whether the land included in such plat be within or without the limits of any incorporated city or town, nor to any land conveyed by deed to the state or to any county, city or town for highways, roads, streets, alleys or other public places.

CHAPTER VIII. STATE AID.

State aid for
county roads.

SEC. 53. Any monies accruing to the credit of any county in the motor vehicle fund may be paid to such county, as provided by law, for the construction, alteration, repair, improvement or maintenance of the county roads of such county and bridges thereon and for wharves necessary for ferriage of motor vehicle traffic and therefore essential to the county road system, and for ferries, and for the acquiring, operating and maintaining of machinery, equipment, quarries, or pits for the extraction of materials and for the cost of establishing county roads, acquiring rights of way therefor in the manner provided by law and expenses for the operation of the county engineering office and for any other proper road purpose. Such expenditure may be made either independently or in conjunction with the state or any city, town or tax district within the county. For the purpose of this act, the payment of interest or principal on general obligation county road bonds, or independent highway district bonds or retirement of registered warrants both as to principal and interest when such warrants have been issued for a proper county road purpose, are hereby declared to be a proper county road purpose.

SEC. 54. No monies shall be paid by the state auditor from funds accruing to the credit of any county in the motor vehicle fund for deposit in the county road fund of any county except on vouchers for reimbursement of proper county road expenditures theretofore made and properly supported and approved by the director of highways. All funds for the construction, alteration, repair, improvement and maintenance of the county roads of any county or for any other proper county road purpose shall be deposited in and expended from the county road fund of such county and no other fund, and no county shall be entitled to receive any funds from the motor vehicle fund of the state unless and until the board of county commissioners shall have satisfied the director of highways of compliance with the provisions of this section. The board of county commissioners are empowered to expend funds from the county road fund or register warrants against the county road fund in anticipation of reimbursement thereof from funds credited or to be credited to such county in the motor vehicle fund.

Method of payment.

SEC. 55. No maps, plans, specifications and estimates submitted to the director of highways by any county for approval shall be filed, retained or approved by the director of highways when the aggregate amount of work approved shall exceed the construction percentage of the total amount which has accrued or which is reasonably anticipated to accrue to the credit of such county in the motor vehicle fund during any current calendar year. The board of county commissioners are empowered to substitute a preferred county road project for another, the maps, plans, specifications and estimates for which have been approved, in which event the board of county commissioners shall request in writing the withdrawal of such previously approved project and the director of highways shall withdraw his approval thereof.

Aggregate amount of work exceeding construction percentage.

Substitution of projects.

County road
budget.

Director's
estimate of
moneys to be
credited
county.

SEC. 56. On or before the eighth day of July of each year, the director of highways shall prepare and file with the board of county commissioners of each county an estimate of the amount of money which will be credited to such county for the forthcoming calendar year in order that each board of county commissioners may prepare the necessary county road budget. In the preparation and adoption of the county road budget of each county the board of county commissioners shall determine and budget the respective percentages of the sum to become available for the following county road [purposes]: (1) Overhead and operations; (2) bond and warrant retirement; (3) maintenance, and; (4) construction. Not less than fifty per cent (50%) of the sum to become available shall be budgeted for county road construction and the respective amounts as adopted for these several items in the final budget for the ensuing calendar year shall not be altered or exceeded except as by law provided and with the approval of the director of highways: *Provided*, The board of county commissioners of any county may, in adopting the county road budget, adopt another percentage than that herein prescribed upon the approval of the director of highways.

Upon the final adoption of the county road budgets of the several counties as provided by law, the boards of county commissioners shall file a copy thereof in the office of the director of highways.

Supple-
mental
budget.

In the event that any funds should accrue to any county in the motor vehicle fund in excess of the amount estimated by the director of highways and such excess funds have not been included by the board of county commissioners in the then current county road budget or in the event that funds should become available from other sources upon a matching basis or otherwise and it is impracticable to adhere to the provisions of such county road budget,

then the board of county commissioners may on the unanimous consent of such board and with the approval of the director of highways consider and adopt a preliminary supplemental budget covering such excess funds for the remainder of the current fiscal year. The board of county commissioners shall then publish a notice setting day of hearing for the adoption of the final supplemental budget covering such excess funds, designating the time and place of such hearing and that anyone may appear thereat and be heard for or against any part of said preliminary supplemental budget. Such notice shall be published once a week for two consecutive weeks immediately following said adoption of the preliminary supplemental budget in the official newspaper of the county, or if there be none, in a newspaper of general circulation in the county. The board of county commissioners shall provide a sufficient number of copies of the preliminary supplemental budget to meet reasonable public demands and the same shall be available not later than two weeks immediately preceding such hearing. The board of county commissioners shall hold such hearing at the time and place designated in said notice and such hearing may be continued from day to day until concluded but not to exceed a total of five days. Upon the conclusion of such hearing the board of county commissioners shall fix and determine such supplemental budget and shall by resolution adopt such supplemental budget as so finally determined and enter the same in detail in the official minutes of the board, copies of which supplemental budget shall be forwarded, one to the director of highways and one to the division of municipal corporations.

SEC. 57. For the purpose of enabling the several boards of county commissioners to comply with the provisions of this act during the present calendar year, the director of highways shall prepare and file

Estimate of monies credited during present calendar year.

with the boards of county commissioners of each county on April 1, 1937, an estimate of the amount of money which will be credited to such county for the remaining portion of the present calendar year. On or before the 15th day of April, 1937, the board of county commissioners of the several counties shall determine by resolution, a copy of which shall be immediately filed in the office of the director of highways, the respective percentages of the amount estimated to become available during the remaining portion of the present calendar year for the following county road purposes: (1) Overhead and operations; (2) bond and warrant retirement; (3) maintenance, and; (4) construction. Not less than fifty per cent (50%) of the sum to become available in the remaining portion of the present calendar year shall be set aside for county road construction and the respective percentages, as set forth in such resolution for these several items for the remaining portion of the present calendar year shall not be altered or exceeded except with the approval of the director of highways.

Upon the adoption of such resolution a copy thereof, certified by the clerk of the board of county commissioners, shall be filed in the office of the director of highways as above required, together with a copy of the current county road budget.

Supple-
mental
budget for
remainder
of current
fiscal year.

In the event that any funds should accrue to any county in the motor vehicle fund in excess of the amount estimated by the director of highways and such excess funds have not been included by the board of county commissioners in the county road budget for the remaining portion of the present calendar year, then, the board of county commissioners may, on the unanimous consent of such board and with the approval of the director of highways expend such funds in the remaining portion of the present calendar year upon consideration and adop-

tion of a preliminary supplemental budget covering such excess funds for the remainder of the current fiscal year. The board of county commissioners shall then publish a notice setting day of hearing for the adoption of the final supplemental budget covering such excess funds, designating the time and place of such hearing and that anyone may appear thereat and be heard for or against any part of said preliminary supplemental budget. Such notice shall be published once a week for two consecutive weeks immediately following said adoption of the preliminary supplemental budget in the official newspaper of the county, or if there be none, in a newspaper of general circulation in the county. The board of county commissioners shall provide a sufficient number of copies of the preliminary supplemental budget to meet reasonable public demands and the same shall be available not later than two weeks immediately preceding such hearing. The board of county commissioners shall hold such hearing at the time and place designated in said notice and such hearing may be continued from day to day until concluded but not to exceed a total of five days. Upon the conclusion of such hearing the board of county commissioners shall fix and determine such supplemental budget and shall by resolution adopt such supplemental budget as so finally determined and enter the same in detail in the official minutes of the board, copies of which supplemental budget shall be forwarded, one to the director of highways and one to the division of municipal corporations.

SEC. 58. The board of county commissioners of each county shall, from time to time, report to the director of highways or other agency of the State of Washington, in such form and in such manner as prescribed, any records and reports required by law or which may be required by the director of highways. Reports required by the director of highways

Commission-
ers' report
to director.

shall be on a form prescribed by him and shall be concise and plain and required only in such detail and upon such subjects as will enable the director of highways to understand and assist in the administration of the county road system. In case any records or reports required by law or by the director of highways are not made after due notice in the manner or at the time so required, the director of highways or other state agency shall so notify the state auditor and no further funds shall be paid to such county until such reports have been made.

Federal aid.

SEC. 59. In the event that any funds should become available from the Federal government, or otherwise, for expenditure in conjunction with county funds, for the construction, alteration, repair or improvement of any county road of any county and the same is to be performed by the director of highways, the state auditor shall, upon notice from the director of highways thereof, set aside from any monies in the motor vehicle fund credited to any such county, the cost thereof, together with the cost of engineering, supervision, and other proper items, or so much of the money in the state treasury to the credit of such county as may be necessary for use in conjunction with funds from the Federal government to accomplish such work, the same to be performed by the director of highways and paid from the money so set aside upon vouchers approved and submitted by the director of highways in the same manner as payment is made for such work on primary state highways: *Provided*, The board of county commissioners of any such county shall have, by proper resolution, filed in duplicate in the office of the director of highways and approved by him, determined the county road construction, alteration, repair or improvement to be performed in such county and the same is found to conform in all respects to the requirements necessary for the use of such funds of the Federal government.

CHAPTER IX. CITY STREETS.

SEC. 60. All funds accruing to the credit of incorporated cities and towns in the motor vehicle fund may be paid to such incorporated cities and towns as provided by law for the construction, alteration, repair, improvement or maintenance of those city streets of such incorporated cities and towns designated by the director of highways as forming a part of the route of a primary state highway through such incorporated cities and towns, together with the bridges thereon and wharves necessary for ferriage of motor vehicle traffic and therefore essential to the primary state highway system. Such expenditure may be made either independently or in conjunction with the state or any county: *Provided*, That all such funds credited to any incorporated city or town from the motor vehicle fund shall be used only for the construction of those city streets designated by the director of highways as forming a part of the route of a primary state highway through such incorporated cities or towns with so much thereof used for the maintenance of such routes of primary state highways as may be necessary to maintain the same reasonably consistent with original construction: *Provided, further*, In the event that any such funds are permitted with the approval of the director of highways to be used on any city streets of any incorporated city or town other than those designated by the director of highways as forming a part of the route of a primary state highway, the same shall be used for construction and repair only.

State aid for city streets.

Moneys credited used for streets designated as part of primary state highways.

The director of highways is hereby empowered and directed to provide for the maintenance, operation and upkeep of all movable span bridges in the State of Washington within the limits of incorporated cities and towns and located upon those city streets which have been or may be designated by the

Director to provide for maintenance of bridges.

director of highways as forming a part of the route of primary state highways through such incorporated cities and towns to be paid for from any funds appropriated for the maintenance of primary state highways and in the manner and to the extent provided in this section. The director of highways shall annually and on or before the first day of April of each year determine the extent of the cost of the maintenance, operation, and upkeep of any such movable span bridges to be provided for by the state, which shall be the difference between the reasonable cost of maintenance, operation, and upkeep of any such movable span bridges and the reasonable cost of the maintenance and upkeep thereof if they were fixed span bridges, which determination by the director of highways shall be conclusive. Upon determination by the director of highways of the extent of the cost of the maintenance, operation, and upkeep of any such movable span bridges to be provided for by the state, the director of highways shall so certify to the state auditor, forwarding a copy thereof to the several incorporated cities and towns with respect to such movable span bridge or bridges located therein. The director of highways may require that the governing authorities of such incorporated cities and towns maintain, operate and keep up such movable span bridges, to the extent of the maintenance, operation, and upkeep thereof to be provided for by the state, as agents of the state, and the state auditor shall pay therefor from funds appropriated for the maintenance of primary state highways upon vouchers therefor approved by the director of highways but in no event in excess of the amount determined by the director of highways for any one year.

Director to designate streets forming part of primary state highways.

SEC. 61. The director of highways shall determine what city streets, if any, in any such incorporated cities and towns shall form a part of the

route of any primary state highway through such incorporated cities and towns, and, between the first and fifteenth days of April of each year, shall certify by brief description, in duplicate, one copy to the state auditor and one copy to the clerk of each incorporated city and town, which streets, if any, in such city or town are designated as forming a part of the route of a primary state highway through such city or town.

SEC. 62. No money shall be paid by the state auditor from funds accruing to the credit of any incorporated city or town in the motor vehicle fund for deposit in the city street fund except on vouchers for reimbursement of proper city street expenditures theretofore made and properly supported and approved by the director of highways. All funds for the construction, alteration, repair, improvement and maintenance of the city streets of any incorporated city or town, or for any other proper city street purpose, shall be deposited in and expended from a city street fund and no incorporated city or town shall be entitled to receive any funds from the motor vehicle fund of this state unless and until the governing authorities shall have satisfied the director of highways of compliance with the provisions of this section. The governing authorities of any incorporated city or town are empowered to expend funds from or register warrants against the city street fund in anticipation of reimbursement thereof from funds credited or to be credited to such incorporated city or town in the motor vehicle fund.

Payment of moneys to city or town, method of.

SEC. 63. The director of highways may give local authorities of any incorporated city or town permission to expend any funds accruing to the credit of such incorporated city or town in the motor vehicle fund, upon any other city streets than those designated as forming a part of the route of the primary state highways: *Provided*, That repairs and im-

Expenditures upon streets other than those designated by director.

Repair and maintenance of city streets designated as part of primary state highway.

provements on streets designated as forming a part of the route of primary state highways through any such incorporated city or town are maintained as nearly as possible equal to the standard of original construction: *Provided, further,* That subject to the satisfactory construction and maintenance of those city streets designated as forming a part of the route of a primary state highway through such incorporated city or town, such routes shall be adequately marked and signed with traffic devices satisfactory to the director of highways and in case any incorporated city or town should fail to do so the director of highways may erect such traffic devices and the state auditor shall pay the cost thereof from the funds credited to such incorporated city or town: *Provided, further,* That any expenditure upon other city streets shall be with the approval and under the supervision of the director of highways.

In the event that any money shall accrue in the motor vehicle fund to the credit of any incorporated city or town in which there are no city streets designated as forming a part of the route of any primary state highway, the director of highways may give such city or town authorities permission to expend such money upon any streets of such incorporated city or town: *Provided,* That such expenditure shall be made upon approval and under the supervision of the director of highways.

Whenever the repair or maintenance of any city street designated as forming a part of the route of a primary state highway through an incorporated city or town is delayed or otherwise not satisfactorily accomplished in any manner or in a length of time unsatisfactory to the director of highways, he shall notify the proper authorities of such incorporated city or town to make the necessary repairs or provide the necessary maintenance within a specified time not to exceed thirty (30) days. In the event

of noncompliance with this notice, the director of highways may make such repairs or provide for such maintenance to the extent of and not to exceed the amount of money credited to such incorporated city or town or reasonably anticipated to accrue to the credit of such incorporated city or town in the motor vehicle fund, and the state auditor shall pay therefor on vouchers approved and submitted by the director of highways in the same manner as payment is made for work performed on primary state highways.

In the event that any incorporated city or town, whether or not its city streets or any thereof are designated as forming a part of the route of a primary state highway through such incorporated city or town, is unable to construct, repair or maintain its city streets by reason of lack of equipment or for other good cause, such incorporated city or town may authorize the director of highways to perform such construction, repair or maintenance to the extent of, but not to exceed, the funds credited or to be credited to such incorporated city or town in the motor vehicle fund, or any such incorporated city or town may, by resolution, authorize the board of county commissioners of the county in which such incorporated city or town is located, to perform any such construction, repair or maintenance and the same shall be paid for by such incorporated city or town to such county at the actual cost thereof as provided for payment for work performed on city streets, and any payment received therefor by any county shall be deposited in the county road fund of such county to be expended therefrom under the same provisions as are by law imposed upon the funds used to perform such construction, repair or maintenance.

SEC. 64. The governing authorities of each incorporated city and town shall, from time to time,

Report of
city
authorities
to director.

report to the director of highways or other agency of the State of Washington, in such form and in such manner as prescribed, any records and reports required by law or which may be required by the director of highways. Reports required by the director of highways shall be on a form prescribed by him and shall be concise and plain and required only in such detail and upon such subjects as will enable the director of highways to understand and assist in the administration of the city streets of such incorporated cities and towns. In case any records or reports required by law or by the director of highways are not made in the manner or at the time so required, the director of highways or other state agency shall, after due notice to the governing authorities of any such incorporated city or town, so notify the state auditor and no further funds shall be paid to such incorporated city or town until such reports have been made.

Federal aid
for city
streets.

SEC. 65. In the event that any funds should become available from the Federal government or otherwise for expenditure in conjunction with funds accruing to any incorporated city or town for the construction, alteration, repair or improvement of its city streets designated as forming a part of the route of any primary state highway through such incorporated city or town and the same is to be performed by the director of highways, the state auditor shall, upon notice from the director of highways thereof, set aside from any monies in the motor vehicle fund created to such incorporated city or town, the cost thereof or so much money in the state treasury to the credit of such incorporated city or town as may be necessary in conjunction with such funds from the Federal government or otherwise to accomplish such work, the same to be paid by the state auditor from the money so set aside upon vouchers approved and submitted by the director of

highways in the same manner as payment is made for work on primary state highways. In the event that any such incorporated city or town shall have agreed with the State of Washington or the Federal government as a condition precedent to the acquiring of Federal funds for construction on any city street of such incorporated city or town designated as forming a part of the route of any primary state highways, that the same will be maintained to a standard and such incorporated city or town fails to so maintain such city street, then the director of highways may perform such maintenance and the state auditor is authorized to deduct the cost thereof from any funds credited or to be credited to such incorporated city or town and pay the same on vouchers approved and submitted by the director of highways in the same manner as payment is made for work performed on primary state highways.

CHAPTER X. OFFENSES AND PENALTIES.

SEC. 66. It shall be a misdemeanor for any person to violate any of the provisions of this act unless violation is by this act or other law of this state declared to be a felony or a gross misdemeanor.

Offenses and penalties.

Unless another penalty is in this act provided, every person convicted of a misdemeanor for violation of any provisions of this act shall be punished accordingly.

SEC. 67. All fines and forfeitures collected for violation of any of the provisions of this act in any court located in a precinct outside incorporated cities and towns shall be distributed and paid into the proper funds for the following purposes: One-half shall be paid into the county road fund of such county; one-fourth into the state fund for the support of state parks and parkways; and one-fourth into the highway safety fund.

Disposition of fines and forfeitures.

All fines and forfeitures collected for the violation of any of the provisions of this act in any court

located inside incorporated cities and towns shall be distributed and paid into the proper funds for the following purposes: One-half shall be paid into the city street fund of such incorporated city or town for the construction and maintenance of city streets; one-fourth into the state fund for the support of state parks and parkways; and one-fourth into the highway safety fund.

CHAPTER XI. REPEAL.

Statutes
repealed.

SEC. 68. The following acts and parts of acts be and the same are hereby repealed:

An act entitled "An act authorizing commissioners to lease public roads," approved January 15, 1864;

Sections 54 to 67, both inclusive, being chapter III of an act entitled "An act in relation to roads, ferries, bridges and travel on public highways," approved December 2, 1869, and sections 52 to 65, inclusive, being chapter III of an act entitled "An act in relation to roads, ferries, bridges and travel on public highways," approved November 12, 1879, being sections 6571 to 6584, both inclusive, of Remington's Compiled Statutes of Washington, relating to public roads, the lease thereof and the charging of tolls for the use thereof;

Sections 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 16, and 17 of chapter III of an act to provide for the formation of corporations, approved December 2, 1869, being sections 6585 to 6597, both inclusive, of Remington's Compiled Statutes of Washington, relating to the ownership or control of public highways by private corporations and the charging of tolls for the use thereof and for bridges or ferries thereon;

An act entitled "An act correcting informalities of record in the establishment of the various public roads and highways in this state," approved March 6, 1890;

An act entitled "An act to provide for laying out, establishing, altering, changing the width of, or vacating any county road and providing for assessment, payment of damages, and providing for appeals," approved March 7, 1890; and

Statutes
repealed.

An act entitled "An act for laying out, opening, building and maintaining turnpike roads and providing for counties issuing bonds for the same," approved March 7, 1890.

SEC. 69. The following acts and parts of acts be and the same are hereby repealed:

Chapter CLIV (154), Session Laws of 1891; chapter LXX (70), Session Laws of 1901; chapter 96, Session Laws of 1909; chapter 56, Session Laws of 1913; chapter 22, Session Laws of 1915; chapter 157, Session Laws of 1917; chapter 88, Session Laws of 1919; chapter 105, Session Laws of 1919; chapter 103, Laws of Extraordinary Session of 1925; chapter 250, Session Laws of 1927; chapter 99, Session Laws of 1931; chapter 18, Laws of Extraordinary Session of 1933; sections 6511, 6512, 6513, 6514, 6515, 6516, 6517, 6518, 6519, 6520, 6521, 6522, and 6523 of Remington's Compiled Statutes of Washington; relating to the construction and repair of bridges on county roads, joint construction of bridges by state, counties, cities and towns; relating to the operation, maintenance and repair of bridges within corporate limits of cities and towns of counties of the second and third class; relating to franchises and tolls upon interstate bridges, the Interstate Bridge Commission and the purchase of interstate bridges; relating to the acquisition, operation and supervision of toll bridges and the supervision of persons operating toll bridges under franchises; relating to the construction, improvement, operation and maintenance of bridges by counties, the issuance of bonds therefor and collection of tolls for the use thereof: *Provided*, That franchises, rights or obligations in existence

Statutes
repealed.

at the time of the taking effect of this act be and the same are hereby preserved in accordance with the terms thereof.

SEC. 70. The following acts and parts of acts be and the same are hereby repealed:

Chapter XC (90), Session Laws of 1901; chapter XCI (91), Session Laws of 1901; chapter XCVI (96), Session Laws of 1901; chapter 103, Session Laws of 1903; chapter 106, Session Laws of 1905; chapter 19, Session Laws of 1907; chapter 238, Session Laws of 1907; chapter 90, Laws of 1909; chapter 17, Laws of Extraordinary Session of 1909; chapter 54, Session Laws of 1911; sections 5615, 5616 and 5617 of Remington and Ballinger's Annotated Codes and Statutes of Washington as amended by chapter 123, Session Laws of 1915; chapter 134, Session Laws of 1921; chapter 186, Session Laws of 1921; chapter 119, Laws of Extraordinary Session of 1925; chapter 167, Session Laws of the Extraordinary Session of 1925; chapter 172, Laws of Extraordinary Session of 1925; sections 1, 2, 3, 4, 5 and 6 of chapter 173, Laws of Extraordinary Session of 1925; sections 1, 2, 3, 4, 5, 6, 7 and 8 of chapter 184, Laws of Extraordinary Session of 1925; section 2 of chapter 303, Session Laws of 1927; chapter 119, Session Laws of 1929; chapter 189, Session Laws of 1929; chapter 117, Session Laws of 1931; section 5 of chapter 136, Session Laws of 1933; chapter 179, Session Laws of 1935; relating to county roads and the control, management, supervision, establishment, laying-out and maintenance thereof, securing of materials therefor, the granting of franchises thereon, the vacation thereof and certain funds and revenues therefor.

SEC. 71. The following acts and parts of acts be and the same are hereby repealed:

Chapter 98, Session Laws of 1907; chapter 131, Session Laws of 1909; chapter 135, Session Laws of 1919; and chapter 97, Laws of the Extraordinary Ses-

sion of 1925; chapter 268, Session Laws of 1927; relating to the establishment of metropolitan park districts by cities and the joining with counties for the management, control, improvement and maintenance of parks and boulevards; chapter 116, Session Laws of 1917; chapter 81, Session Laws of 1919; and chapter 64, Session Laws of 1931; relating to the establishment of independent highway districts and assessments upon property for the construction of trunkline highways;

Statutes
repealed.

Chapter XCIII (93), Session Laws of 1897; relating to the authority of cities to acquire, receive, condemn, lay out, grade and improve boulevards or composite highways and walks and cycle paths in connection therewith;

Chapter 35, Session Laws of 1911; chapter 104, Session Laws of 1913; chapter 124, Session Laws of 1913; chapter 154, Session Laws of 1913; chapter 16, Session Laws of 1917; chapter 73, Session Laws of 1919; chapter 95, Session Laws of 1921; chapter 82, Session Laws of 1923; chapter 21, Session Laws of 1925; chapter 23, Session Laws of 1925; chapter 217, Session Laws of 1927; section 1, chapter 308, Session Laws of 1927; chapter 188, Session Laws of 1929, relating to the improvement and maintenance of public highways and of permanent highways and to the disposition of funds therefor;

Chapter 224, Session Laws of 1909, relating to the construction and improvement of county roads at the expense of lands especially benefited, formation of local improvement districts, the levy of special assessments and the payment, issuance and disposal of warrants;

Chapter CXXIII (123), Session Laws of 1893; chapter CIV (104), Session Laws of 1899; chapter 72, Session Laws of 1917; chapter 95, Session Laws of 1919; chapter 127, Session Laws of 1919; chapter 159, Session Laws of 1921; chapter 147, Session Laws

Statutes
repealed.

of 1923; chapter 271, Session Laws of 1927; relating to the establishment of improved roads in counties, the laying out, establishing, constructing, maintaining and paying for the same, formation of local improvement districts and levy of assessment against property therefor;

Chapter 51, Session Laws of 1913; relating to the improvement of streets and highways and the payment of the cost thereof jointly by the assessment of property specially benefited and by counties and cities and towns;

Chapter XCCII [XCII (92)], Session Laws of 1895; relating to the establishment of private roads of necessity;

Sections 3, 6, 7, 8, 9, 10, 16, 17, 18, 19, 22, 23 and 24 of chapter 41, Session Laws of 1933; chapter 168, Session Laws of 1933; and sections 3, 6, 7, 9, 11, 12 and 13 of chapter 111, Session Laws of 1935, relating to the administration of county roads and city streets and the supervision thereof.

SEC. 72. All acts or parts of acts in conflict with, or derogation of, this act or any part of this act, be and the same are hereby repealed in so far as the same are in conflict with, or in derogation of this act, or any part hereof.

SEC. 73. The repeal of any acts or parts of acts hereby shall not be construed to reenact or revive any acts or parts of acts repealed or superseded by the acts or parts of acts hereby repealed.

CHAPTER XII. SAVING CLAUSE.

SEC. 74. This act shall not affect any act done, ratified, or confirmed, or any right accrued, vested or established, or any action or proceeding had or commenced in any civil or criminal cause, before this act and its respective provisions take effect, and any such acts done, ratified or confirmed and any rights accrued, vested or established shall be preserved and any such actions or proceedings may be prosecuted

Accrued
rights
preserved.

and continued with the same effect and under the same provisions of the law in effect at the time such act was done, ratified or confirmed, or right accrued, vested or established or action or proceeding had or commenced.

CHAPTER XIII. SHORT TITLE.

SEC. 75. This act shall be known and cited as Title.
"The Washington State Aid Highway Act."

CHAPTER XIV. CONSTITUTIONALITY.

SEC. 76. 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 e[a]ffect the validity or constitutionality of any other section, sentence, clause or phrase of this act. Partial invalidity.

CHAPTER XV. EMERGENCY.

SEC. 77. 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 on the first day of April, 1937. Effective April 1, 1937.

Passed the Senate February 25, 1937.

Passed the House March 4, 1937.

Approved by the Governor March 17, 1937.

CHAPTER 188.

[S. B. 147.]

WASHINGTON HIGHWAY LICENSE ACT.

AN ACT relating to motor vehicles, evidence of ownership, registration, licensing and identification thereof, and regulation and licensing of operators thereof; providing for the issuance of certificates of ownership and registration; regulating purchase, sale or other transfer of ownership thereof; providing for vehicle license number plates and use thereof; examining and licensing of vehicle operators; prescribing powers and duties of certain public officers; defining terms; providing for certain fees and the collection and disposition thereof; providing for certain general licensing provisions; defining certain offenses and providing penalties for violation of the provisions of this act; repealing certain acts and parts of acts and all acts and parts of acts in conflict herewith; saving certain acts; providing for the effective date of the several provisions of this act and declaring an emergency.

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

CHAPTER I. DEFINITIONS.

SECTION 1. The following words and phrases, wherever used in this act, shall have the meaning as in this section ascribed to them, unless where used the context thereof shall clearly indicate to the contrary:

"Authorized emergency vehicle."

(a) "Authorized Emergency Vehicle." Any vehicle, as herein defined, of any fire department, police department, sheriff's office, coroner, prosecuting attorney, Washington state patrol, ambulance service, public or private, or any other vehicle authorized in writing by the state commission on equipment.

"Auto stage."

(b) "Auto Stage." Any motor vehicle, as herein defined, used for the purpose of carrying passengers together with incidental baggage and freight or either, on a regular schedule of time and rates: *Provided*, That no motor vehicle shall be considered

to be an auto stage where substantially the entire route traveled by such vehicle is within the corporate limits of any incorporated city or town or the corporate limits of any adjoining incorporated cities or towns.

(c) "Axle." A structure or structures in the same or approximately the same transverse plane with a vehicle supported by wheels and on which or with which such wheels revolve. "Axle."

(d) "Bicycle." Every vehicle, as herein defined, having a saddle for the use of the rider, operated by human power, and designed to travel on not more than three wheels in contact with the ground, but excluding a farm tractor. "Bicycle."

(e) "Cancel." In all its forms shall mean the invalidation indefinitely and until successful application but shall be for a period of not less than one (1) year. "Cancel."

(f) "City Street." Every public highway as herein defined, or part thereof located within the limits of incorporated cities and towns, except alleys. "City street."

(g) "Combination of Vehicles." Every combination of motor vehicle and trailer or motor vehicle and semi-trailer the principal use of which is the transportation of commodities, merchandise, produce, freight or animals. "Combination of vehicles."

(h) "Commercial Vehicle." Any vehicle the principal use of which is the transportation of commodities, merchandise, produce, freight, animals or passengers for hire. "Commercial vehicle."

(i) "County Road." Every public highway as herein defined, or part thereof, outside the limits of incorporated cities and towns and which has not been designated as a primary state highway. "County road."

(j) "Farm Tractor." Every motor vehicle, as herein defined, designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry. "Farm tractor."

"For hire vehicle."

(k) "For Hire Vehicle." Any motor vehicle, as herein defined, other than an auto stage, as herein defined, used for the transportation of persons for compensation.

"Legal owner."

(l) "Legal Owner." A mortgagee or owner of the legal title to a vehicle.

"Local authorities."

(m) "Local Authorities." Every county, municipal, or other local public board or body having authority to adopt local police regulations under the constitution and laws of this state.

"Metal tire."

(n) "Metal Tire." Every tire, the bearing surface of which in contact with the highway is wholly or partly of metal or other hard, nonresilient material.

"Motor truck."

(o) "Motor Truck." Any motor vehicle as herein defined, designed or used for the transportation of commodities, merchandise, produce, freight or animals.

"Motor vehicle."

(p) "Motor Vehicle." Every vehicle, as herein defined, which is in itself a self-propelled unit.

"Motorcycle."

(q) "Motorcycle." Every motor vehicle, as herein defined, having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a farm tractor.

"Non-resident."

(r) "Non-resident." Any person whose residence is outside this state and who is temporarily sojourning within this state for a period of not to exceed ninety (90) days in any one (1) year.

"Operator."

(s) "Operator." Every person who is in actual physical control of a motor vehicle as herein defined, upon a public highway, as herein defined.

"Peace officer."

(t) "Peace Officer." Any officer authorized by law to execute criminal process or to make arrests for the violation of the statutes generally or of any particular statute or statutes relative to the public highways of this state.

"Person."

(u) "Person." Every natural person, firm, co-partnership, corporation, association or organization.

(v) "Pneumatic Tires." Every tire of rubber or other resilient material designed to be inflated with compressed air to support the load thereon. "Pneumatic tires."

(w) "Primary State Highway." Every public highway as herein defined, or part thereof, which has been designated as a primary state highway by legislative enactment. "Primary state highway."

(x) "Public Highway." Every way, lane, road, street, boulevard, and every way or place in the State of Washington open as a matter of right to public vehicular travel both inside and outside the limits of incorporated cities and towns. "Public highway."

(y) "Railroad." A carrier of persons or property upon vehicles, other than street cars, operated upon stationary rails, the route of which is principally outside incorporated cities and towns. "Railroad."

(z) "Registered Owner." A person who holds a certificate of ownership of a vehicle, or in the event the vehicle is subject to an agreement for the conditional sale or lease thereof with a right of purchase upon performance of the conditions stated in the agreement and with the immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then any such conditional vendee or lessee, or mortgagor having a lawful right of possession or use and control for a period of ten or more successive days. "Registered owner."

(aa) "Revoke." In all its forms shall mean the invalidation for a period of one calendar year and thereafter until reapplication. "Revoke."

(bb) "Road Tractor." Every motor vehicle, as herein defined, designed and used primarily as a road building vehicle in drawing road building machinery and devices. "Road tractor."

(cc) "Roadway." The paved, improved or proper driving portion of a public highway designed, or ordinarily used for vehicular travel. "Roadway."

"School bus."

(dd) "School Bus." Any motor vehicle, as herein defined, owned by a public or governmental agency and operated for the transportation of children to or from school or school activities or privately owned and operated for compensation for the transportation of children to or from school or school activities.

"Semi-trailer."

(ee) "Semi-Trailer." Every vehicle without motive power designed to be drawn by a motor vehicle or truck tractor and so constructed than [that] an appreciable part of its weight and that of its load rests upon and is carried by such motor vehicle or truck tractor.

"Solid tire."

(ff) "Solid Tire." Every tire of rubber or other resilient material which does not depend upon inflation with compressed air for the support of the load thereon.

"Street car."

(gg) "Street Car." A vehicle other than a train, as herein defined, for the transporting of persons or property and operated upon stationary rails principally within incorporated cities and towns.

"Suspend."

(hh) "Suspend." In all its forms shall mean invalidation for any period less than one calendar year and thereafter until reinstatement.

"Traffic."

(ii) "Traffic." Pedestrians, ridden or herded animals, vehicles, street cars, and other conveyances either singly or together while using any public highways for purposes of travel.

"Trailer."

(jj) "Trailer." Every vehicle, as herein defined without motive power designed for being drawn by or used in conjunction with a motor vehicle, as herein defined, constructed so that no appreciable part of its weight rests upon or is carried by such motor vehicle.

"Train."

(kk) "Train." A vehicle propelled by steam, electricity or other motive power with or without cars coupled thereto, operated upon stationary rails, except street cars.

(ll) "Trolley Vehicle." A vehicle, as herein defined, the motive power for which is supplied by means of a trolley line and which may or may not be confined in its operation to a certain portion of the roadway in order to maintain trolley line contact. "Trolley vehicle."

(mm) "Truck Tractor." Any motor truck as herein defined, designed and used primarily for drawing a semi-trailer and not constructed to carry a load thereon other than a part of the weight of such semi-trailer and load so drawn. "Truck tractor."

(nn) "Used Vehicle." A vehicle which has been sold, bargained, exchanged, given away, or title transferred from the person who first took title to it from the manufacturer or first importer, dealer or agent of the manufacturer or importer, and so used as to have become what is commonly known as "secondhand" within the ordinary meaning thereof. "Used vehicle."

(oo) "Vehicle." Every device capable of being moved upon a public highway and in, upon or by which any person or property is or may be transported or drawn upon a public highway, excepting devices moved by human or animal power or used exclusively upon stationary rails or tracks. "Vehicle."

Words and phrases used herein in the past, present or future tense shall include the past, present and future tenses; words and phrases used herein in the masculine, feminine or neuter gender shall include the masculine, feminine and neuter genders; and words and phrases used herein in the singular or plural shall include the singular and plural; unless the context thereof shall indicate to the contrary.

CHAPTER II. VEHICLE OWNERSHIP AND REGISTRATION.

SEC. 2. It shall be unlawful for any person to operate any vehicle in this state under a certificate of license registration of this state without securing and having in full force and effect a certificate of

Certificate of ownership.
Unlawful to operate vehicle without certificate.

Unlawful to transfer vehicle without certificate.

ownership therefor and it shall further be unlawful for any person to sell or transfer any vehicle without complying with all the provisions of this chapter relating to certificates of ownership and license registration of vehicles: *Provided*, The provisions of this section relative to the sale of vehicles shall not apply to the first sale of vehicles by manufacturers and dealers: *Provided, further*, Nothing in this act shall be construed to prevent any person entitled thereto from securing a certificate of ownership upon a vehicle without securing a certificate of license registration and vehicle license plates, when, in the judgment of the director of licenses, it is proper to do so.

Issuance of number plates and certificate of license dependent upon certificate of ownership.

SEC. 3. (a) No vehicle license number plates or certificate of license registration, whether original issues or duplicates, shall be issued or furnished by the director of licenses unless the applicant therefor shall at the same time make satisfactory application for a certificate of ownership or shall present satisfactory evidence that such a certificate of ownership covering such vehicle has been previously issued;

Contents of application for certificate of ownership.

(b) Said application for certificate of ownership shall be upon a blank form to be furnished by the director of licenses and shall contain:

(1) A full description of the vehicle, which said description shall contain the manufacturer's serial number if it be a trailer, or the motor number if it be a motor vehicle, and any distinguishing marks of identification;

(2) A statement of the nature and character of the applicant's ownership, and the character of any and all encumbrances other than statutory liens upon said vehicle;

(3) Such other information as the director of licenses may require: *Provided*, The director of licenses may in any instance, in addition to the information required on said application, require addi-

tional information and a physical examination of the vehicle or of any class of vehicles, or either;

(c) Such application shall be subscribed by the applicant and be sworn to by him before a notary public or other officer authorized by law to take acknowledgments of deeds, or other person authorized by the director of licenses to certify to the signature of the applicant upon such application;

(d) Such application accompanied by a draft, money order or certified bank check for fifty cents (50¢), (together with the last preceding certificates or other satisfactory evidence of ownership), shall be forwarded to the state treasurer, who shall upon receipt of the same indorse upon the application his receipt for such fee. On receipt of such application the state treasurer shall cause the same to be numbered with a distinguishing application number, separate and distinct from the license registration number assigned to said applicant and vehicle, and all such applications shall be so numbered consecutively;

(e) The fee for each original certificate of ownership shall be fifty cents (50¢) and shall be in addition to any other fee for the license registration of such vehicle. Said certificate of ownership shall not be required to be renewed annually, or at any other time, except as by law provided.

SEC. 4. (a) The director of licenses, if satisfied from the statements upon said application that the applicant is the legal owner of the vehicle or otherwise entitled to have the certificate of ownership thereof in his name, shall thereupon issue an appropriate certificate of ownership, over his signature, authenticated by seal to be procured and used for such purpose and a new certificate of license registration if certificate of license registration is required;

Fee.

Issuance of certificate.

Contents of
certificates.

(b) Both the certificate of ownership and the certificate of license registration shall contain upon the face thereof in type-printing, the date of issue, the license registration number assigned to the registered owner and to the vehicle, the name and address of the registered owner and legal owner, the motor number, if the certificate be for a motor vehicle, or the serial number, if the certificate be for a trailer, and such other description of the vehicle and facts as the director of licenses shall require;

(c) The reverse side of the certificate of ownership only shall contain forms for assignment and notice to the director of licenses of a transfer of the ownership or interest of the registered owner and legal owner. A blank space shall be provided on the face of the certificate of license registration for the signature of the registered owner;

Registered
and legal
owners.

(d) Upon issuance of the certificate of license registration and certificate of ownership and upon any reissue of same, the director of licenses shall mail the certificate of license registration to the registered owner and the certificate of ownership to the legal owner, or both to the person who is both the registered owner and legal owner.

Application
for
assignment
of special
number.

SEC. 5. (a) Before the director of licenses shall issue a certificate of ownership, or reissue such a certificate, covering any vehicle, the motor number of which, in case of a motor vehicle, or the serial number of which, in case of a trailer, has been altered, removed, obliterated, defaced, omitted or is otherwise absent, the registered owner of such vehicle shall be required to file an application with the state treasurer, accompanied by a fee of fifty cents (50¢), upon a form provided, and containing such facts and information as shall be required by the director of licenses for the assignment of a special number for such vehicle. Such application shall be handled by the director of licenses in the same manner

as is by this chapter required for an application for a certificate of ownership. Upon receipt of such application, the director of licenses, if he is satisfied such applicant is entitled to the assignment of a motor number or serial number, as the case may be, shall designate a special motor number or serial number, as the case may be, together with a symbol indicative of this state, for such vehicle, which symbol followed by such number shall be noted upon the application therefor, and likewise upon a suitable record of the authorization of the use thereof, to be kept by and in the office of the director of licenses. The applicant for such assignment of number shall be, in case of a motor vehicle, promptly notified of the number assigned and the symbol to be prefixed thereto, and such applicant shall thereupon cause such symbol and motor number to be pressed or cut in a conspicuous position upon the motor of the said motor vehicle; the applicant for such assignment of number shall be, in case of a trailer, promptly mailed a metal plate impressed with the symbol and number assigned to such trailer, which plate shall be securely attached in a conspicuous position upon the outside of such trailer. Upon receipt by the director of licenses of a certificate by an officer of the Washington State Patrol, or other person authorized by the director of licenses, that he has inspected such vehicle and that the motor number, together with the symbol so assigned, or the special serial number plate, as the case may be, have been legally pressed or cut in a conspicuous position upon the motor of the motor vehicle or securely attached in a conspicuous position upon the outside of the trailer, as the case may be, accompanied by an application for a certificate of ownership or application for reissue of such certificate and the required fee therefor, the director of licenses shall be and he hereby is authorized to use such number and such symbol as the nu-

merical identification marks for such vehicle in any certificate of license registration or certificate of ownership he may thereafter issue covering such vehicle;

Destruction of vehicle, surrender of certificates.

(b) Upon the destruction of any vehicle covered by certificate of license registration and ownership, it shall be the duty of the registered owner and of the legal owner, to forthwith and within five (5) days thereafter forward and surrender such certificates, together with the vehicle license plates therefor if available, to the director of licenses, together with a statement of the reason for such surrender and the time and place of destruction. The possession by any person of any such certificate of a vehicle so destroyed, after five (5) days following such destruction, shall be *prima facie* evidence of the violation of the provisions of this chapter and shall constitute a gross misdemeanor;

Penalty.

Installation of different motor, surrender of certificates.

(c) Any person holding the certificate of license registration to a vehicle in which there has been installed a new or different motor than that with which the same was issued certificates of ownership and license registration shall forthwith and within five (5) days after such installation forward and surrender such certificates to the state treasurer, together with an application for issue of corrected certificates of ownership and license registration and a fee of fifty cents (50¢), and a statement of the disposition which was made of the former motor. The possession by any person of any such certificates of a vehicle in which a new or different motor has been installed, after five (5) days following such installation, shall be *prima facie* evidence of the violation of the provisions of this chapter and shall constitute a misdemeanor.

Sale or transfer of vehicles, transfer of certificates.

SEC. 6. (a) In the event of the sale or other transfer to a new registered owner of any vehicle for which a certificate of ownership and a certificate

of license registration have been issued, the registered and legal owners shall endorse upon the back of their respective certificates an assignment thereof in form printed thereon, and deliver the same to the purchaser or transferee at the time of the delivery to him of the said vehicle;

(b) The purchaser or transferee, unless such person is a dealer, shall within ten days thereafter apply to the county auditor or agent of the director of licenses for the reissue of such certificate of ownership and transfer of certificate of license registration. Upon receipt of application for reissue of the certificate of ownership and transfer of certificate of license registration, accompanied by a fee of one dollar (\$1.00), the county auditor or agent shall, if such application be in proper form and be accompanied by the certificate of ownership and certificate of license registration of the vehicle to which such application applies, retain the duplicate copy of the application for the county files of the county in which the application is received, and immediately forward the original together with the certificate of ownership and certificate of license registration and all other information required and with the fee therefor to the state treasurer, at the same time delivering to the applicant the triplicate of the application. Upon receipt of such application, certificates, or other information and fee, the state treasurer shall endorse upon such application his receipt of the payment of such fee. The director of licenses shall, if all provisions relating to certificates of ownership and license registration have been complied with, issue a new certificate of ownership and new certificate of license registration as in the case of an original issue;

Application
for reissue.

Fee.

(c) If the purchaser or transferee be a dealer he shall, on selling or otherwise disposing of said vehicle, execute and deliver to the purchaser thereof

Dealer as
purchaser.

a conveyance or assignment in such form as the director of licenses shall prescribe, to which shall be attached the assigned certificates of ownership and license registration received by such dealer. Thereupon the purchaser of said vehicle from such dealer shall apply for the issuance of new certificates of ownership and license registration;

Record of title.

(d) Certificates of ownership when assigned and returned to the director of licenses together with subsequently assigned reissues thereof, shall be retained by the director of licenses and appropriately filed and indexed so that at all times it will be possible to trace ownership to the vehicle designated therein: *Provided*, When the ownership of any vehicle shall pass by operation of law, the person thus acquiring ownership of such shall upon furnishing satisfactory proof to the director of licenses of his ownership, procure issuance of a certificate of ownership to said vehicle, regardless of whether a certificate of ownership has ever been issued: *Provided, further*, That in all cases of application for reissue of certificates of ownership or certificates of license registration, or either, by reason of transfer of legal ownership or registered ownership by operation of law, it shall be the duty of the director of licenses to give written notice thereof to both the legal owner and registered owner, by mail, postage prepaid, at his or their last given address, which notice shall require the surrender of certificates of ownership or license registration, or both, within ten days from the date of posting of such letter. In the event that such certificates or either of such certificates, shall not have been surrendered to the director of licenses within ten days from and after the date of posting of notice therefor, such certificates or either of them shall become void and the director of licenses shall pass upon such application without regard for such outstanding certificates or either of them, unless restrained from so doing;

Notice to record and legal owners of application for reissue.

(e) In case of dealers in vehicles, including manufacturers who sell to other than dealers, a separate certificate of ownership, either of such dealer's immediate vendor properly assigned or of the dealer himself, shall be required covering each used vehicle kept in his possession;

Dealers and
manufac-
turers.

(f) Whenever application shall be made to the director of licenses by a new legal or registered owner of a vehicle and the applicant is unable to present the certificate of ownership or license registration previously issued for such vehicle for the reason of same being unlawfully withheld by one in possession or otherwise not available, the director of licenses is hereby authorized to receive such application and to examine into the circumstances of the case and may require filing of affidavits or other information, and when the director of licenses is satisfied that the applicant is entitled thereto he is hereby authorized to transfer such vehicle or re-register such vehicle and issue new certificates for said vehicle to the person found to be entitled thereto: *Provided*, The required fee has been previously paid to the state treasurer;

Certificates
unlawfully
withheld
from new
owner.

(g) If the director of licenses shall determine at any time that the applicant for the certificate of ownership or for the certificate of license registration of a vehicle is not entitled thereto, he may refuse to issue such certificate or to license such vehicle and may, for a like reason and after notice and in the exercise of discretion, cancel license registration already acquired or any outstanding certificate of ownership. Said notice shall be served in person or by registered mail. It shall then be unlawful for any person to remove, drive, or operate such vehicle until proper certificate of ownership or license registration has been issued and any person removing, driving or operating such vehicle after the refusal to issue certificates or the revocation of such certificate shall be guilty of a gross misdemeanor.

Refusal to
issue
certificates or
cancellation.

Unlawful to
operate
without
certificates,
penalty.

Mortgages.

SEC. 7. If, after a certificate of ownership is issued, a mortgage is placed on the vehicle described in the certificate of ownership, the registered owner shall, within ten days thereafter, present his application to the state treasurer, signed by the mortgagee, to which shall be attached the certificate of license registration and the certificate of ownership last issued covering said vehicle, which application shall be upon a form provided by the director of licenses and shall be accompanied by a money order, bank draft or certified bank check for a fee of fifty cents (50¢). The state treasurer, upon the receipt of said application, documents and fees, shall affix his receipt for the fee and if he is satisfied that there should be a reissue of said certificates, note such change upon his records and issue to the registered owner a new certificate of license registration and to the mortgagee a new certificate of ownership. Upon the full payment of a contract or mortgage on a vehicle, the legal owner or mortgagee shall assign said certificate of ownership and deliver the same to the registered owner, who shall within ten days thereafter present the said certificate of ownership and certificate of license registration to the state treasurer accompanied by a fee of fifty cents (50¢) together with an application for reissue thereof, which said application shall be upon a form to be provided by the director of licenses, which application shall be handled by the director of licenses as in the case of original application for certificate of license registration and certificate of ownership. Upon the full payment of a contract or mortgage on a vehicle the legal owner or mortgagee shall immediately notify the director of licenses of such fact on a form to be provided by the director of licenses therefor.

Certificate of
license
registration.

SEC. 8. 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 steering post or upon the instrument board of the vehicle for which it is issued, at all times; or when the vehicle covered by such certificate of license registration has no steering post or instrument board, then such container with certificate therein shall be securely affixed at some conspicuous position upon said vehicle where the same can be easily found, read and inspected by a person on the outside of such vehicle at all times. The said 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 of licenses, permit an inspection of such certificate of license registration.

Duty to carry license.

SEC. 9. In the event that any certificate of ownership or certificate of license registration shall be lost, mutilated or shall have become illegible, the person who is entitled thereto shall immediately file with the state treasurer an application for the issuance of a duplicate of such certificate, such application to be upon a form to be prescribed and furnished by the director of licenses, accompanied by a draft, money order or certified bank check in the sum of fifty cents (50¢) payable to the state treasurer. Upon receipt of such application and fee, the state treasurer shall endorse thereon his official receipt for such fee and transmit the application to the director of licenses who shall issue a "duplicate" of such certificate if the above facts have been established by satisfactory proof.

Loss of certificate of license registration.

Issue of duplicate.

Legal owner
not liable for
acts of
registered
owner.

SEC. 10. The person, firm, copartnership, association or corporation to whom a certificate of ownership shall have been issued shall not thereby incur liability or be responsible for damage, or otherwise, resulting from any act or contract made by the registered owner or by any other person acting for, or by or under the authority of such registered owner. No suit or action shall ever be commenced or prosecuted against the director of licenses or the State of Washington by reason of any act done or omitted to be done in the administration of the duties and responsibilities imposed upon the director of licenses under this chapter.

Non-liability
of state.

Highway
safety fund.

SEC. 11. The state treasurer shall pay all funds accruing under the provisions of this chapter into the highway safety fund and all expenses incurred in carrying out the provisions of this chapter relating to certificates of ownership and license registration shall be paid from the highway safety fund as by appropriation provided.

False
swearing.

SEC. 12. Any person who shall knowingly make any false statement of a material fact, either in his application for the certificate of ownership or in any assignment thereof, or who with intent to procure or pass ownership to [a] vehicle which he knows or has reason to believe has been stolen, shall receive or transfer possession of the same from or to another or who shall have in his possession any vehicle which he knows or has reason to believe has been stolen, and who is not an officer of the law engaged at the time in the performance of his duty as such officer, shall be guilty of a felony and upon conviction shall be punished by a fine of not more than five thousand dollars or by imprisonment for not more than ten (10) years, or both such fine and imprisonment. This provision shall not exclude any other offenses or penalties prescribed by any existing or future law

Penalty.

for the larceny or unauthorized taking of a motor vehicle.

SEC. 13. Any person who shall alter or forge or cause to be altered or forged any certificate issued by the director of licenses pursuant to the provisions of this chapter, or any assignment thereof, or any release or notice of release of any encumbrance referred to therein, or who shall hold or use any such certificate or assignment, or release or notice of release, knowing the same to have been altered or forged, shall be guilty of a felony.

Forgery of documents.

Penalty.

SEC. 14. Chapter 170, Session Laws of 1933, relating to the ownership of vehicles, be and the same is hereby repealed: *Provided*, Certificates of ownership and certificates of license registration issued and valid under the laws hereby repealed shall remain valid and in effect until in the usual course of re-issue they may be made to comply in all respects to the provisions of this chapter.

Repeals ch. 170, Laws 1937.

Certificates issued under repealed law.

CHAPTER III. LICENSING OF VEHICLES.

SEC. 15. It shall be unlawful for any person to operate any vehicle over and along any of the public highways 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.

Unlawful to operate without vehicle license and number plates.

SEC. 16. 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 three dollars (\$3.00): *Provided*, There shall be paid for each calendar year or fractional part thereof by dealers for dealer's license five dollars (\$5.00), which shall include one set of dealer's vehicle license number plates, and for additional sets in duplicate of the dealer's vehicle li-

Annual license fee.

Dealer's license fee.

cense number plates but bearing appropriate distinguishing symbols, the sum of two dollars (\$2.00) for each additional set of two plates.

Additional
annual fee
for motor
truck,
trailer or
semi-trailer.

Weight.

SEC. 17. In addition to other fees for the licensing of vehicles there shall be paid and collected annually for each motor truck, trailer and semi-trailer based upon the maximum gross weight thereof as set by the licensee in his application, or otherwise, the following fees: 5,000 pounds or more and less than 10,000 pounds, \$10.00; 10,000 pounds or more and less than 15,000 pounds, \$18.00; 15,000 pounds or more and less than 20,000 pounds, \$45.00; 20,000 pounds or more and less than 25,000 pounds, \$90.00; 25,000 pounds or more and less than 30,000 pounds, \$150.00; 30,000 pounds or more, \$250.00: *Provided*, Any such motor truck or motor trucks and trailers or semi-trailers shall be propelled by steam, electricity, natural gas or any inflammable petroleum product or any other substance not taxable as motor vehicle fuel, the foregoing schedule of fees shall be increased in every instance by fifty per cent (50%) thereof and paid in addition to any excise tax upon such substance, other than motor vehicle fuel: *Provided, further*, The maximum gross weight in case of any motor truck, trailer or semi-trailer shall be the scale weight of such motor truck, trailer or semi-trailer unladen, to which shall be added the maximum load to be carried thereon, as set by the licensee in his application or otherwise: *Provided, further*, That the additional fee provided in this section shall not be collected on any motor truck, and trailer or semi-trailer 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 semi-trailer.

SEC. 18. In addition to other fees for the licensing of vehicles there shall be paid and collected annually, for each auto stage, the sum of four dollars fifty cents (\$4.50) per seat for the maximum adult seating capacity thereof, exclusive of the operator thereof. In addition to other fees for the licensing of vehicles there shall be paid and collected annually for each for hire passenger vehicle, two dollars (\$2.00) per seat for the maximum adult seating capacity thereof, exclusive of the operator thereof.

Additional fee for auto stages.

For hire vehicle, additional fee.

SEC. 19. Every motor truck, trailer and semi-trailer shall have painted or stenciled upon the outside thereof, in a conspicuous place, in letters not less than two inches high, the maximum gross weight for which the same is licensed, as provided in this chapter, and it shall be unlawful for the owner and operator of any such vehicle to display a maximum gross weight for which such vehicle is licensed other than that shown on the certificate of license registration of such vehicle.

Display of maximum gross weight.

SEC. 20. It shall be unlawful for the owner or operator of any vehicle not licensed annually for hire or as an auto stage and for which additional seating capacity fee as required by this chapter has not been paid, to carry passengers therein for hire.

Unlawful to carry passengers for hire without license.

SEC. 21. Any vehicle owned, rented or leased by the State of Washington, or by any county, city, town, school district or other political subdivision of the State of Washington and used exclusively by them, and all vehicles owned by the United States government or by the government of foreign countries and used exclusively in its or their service shall be exempt from the payment of license fees for the licensing thereof as in this chapter provided: *Provided, however,* Such vehicles shall be registered as prescribed for the license registration of vehicles and shall display upon the vehicles the vehicle license

Vehicles owned by state or municipal corporations exempt from license fees.

License registration and number plates required.

number plates assigned by the director of licenses and except in cases of the United States government and foreign governments shall pay for such number plates a fee of one dollar (\$1.00): *Provided, further,* That no vehicle license or license number plates shall be issued to any such vehicle under the provisions of this section unless and until such vehicle shall have been first personally inspected by the director of licenses or his duly authorized representative.

Vehicles
used for
school
purposes.

SEC. 22. No provision of the law of this state shall be construed to require for hire vehicle license or adult seating capacity fees, either directly or indirectly for the transportation of school children or teachers, or both, to and from school and other school activities, or either, whether the same be done in motor vehicles owned, leased, rented or used by the school authority or upon contract to furnish such transportation: *Provided,* This section shall apply to vehicles used exclusively for the purpose set forth and in the event that any vehicle so used is also used for any other purpose, such vehicle shall be appropriately licensed for such other purpose, as required by this chapter.

Non
residents.

SEC. 23. Except as is herein provided for foreign corporations, the provisions relative to the licensing of vehicles and display of vehicle license number plates and license registration certificates shall not apply to any vehicles owned by non-residents of this state if the owner thereof has complied with the law requiring the licensing of vehicles in the names of the owners thereof in force in the state, foreign country, territory or Federal district of his residence; and the vehicle license number plate showing the initial or abbreviation of the name of such state, foreign country, territory or Federal district, is displayed on such vehicle substantially as is provided therefor in this state: *Provided,* That the provisions

of this section shall be operative as to a vehicle owned by a non-resident of this state only to the extent that under the laws of the state, foreign country, territory or Federal district of his residence, like exemptions and privileges are granted to vehicles duly licensed under the laws of and owned by residents of this state. If under the laws of such state, foreign country, territory or Federal district, vehicles owned by residents of this state, operating upon the highways of such state, foreign country, territory or Federal district, are required to pay the license fee and carry the vehicle license number plates of such state, foreign country, territory or Federal district, the vehicles owned by residents of such state, foreign country, territory or federal district, and operating upon the highways of this state, shall comply with the provisions of this state relating to the licensing of vehicles. Foreign corporations owning, maintaining, or operating places of business in this state and using vehicles in connection with such places of business, shall comply with the provisions relating to the licensing of vehicles in so far as vehicles used in connection with such places of business are concerned: *Provided*, The director of licenses is empowered to make and enforce rules and regulations for the licensing of non-resident vehicles upon a reciprocal basis and with respect to any character or class of operation.

Foreign
corporations.

Reciprocal
basis.

SEC. 24. Any auto stage, motor truck, trailer, semi-trailer, for hire vehicle or other commercial vehicle licensed in another state and not licensed in this state shall be charged and there shall be collected a monthly commercial non-resident license fee equal to one-twelfth (1/12th) of the additional fees to be paid and collected from commercial vehicles of the same class licensed in this state for each calendar month during any part of which such vehicle is operated upon any of the public highways of

Commercial
non-resident
license.

Reciprocal. this state: *Provided*, This section shall be considered reciprocal and shall apply only to vehicles licensed in other states which charge a similar fee or a fee computed upon a similar basis for vehicles licensed in this state and operating in such other states. The director of licenses shall devise means by which such fee may be collected and monthly commercial non-resident license delivered and displayed.

Violations
of act,
penalties.

SEC. 25. Any person who shall operate, or cause, permit or suffer to be operated upon any public highways of this state any auto stage, motor truck, trailer or semi-trailer with passengers, or with a maximum gross weight in excess of that for which the same has been licensed shall be guilty of a misdemeanor. Any person who shall operate or cause to be operated upon any public highways of this state any motor truck, trailer or semi-trailer with a maximum gross weight in excess of the maximum gross weight for which the same has been 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 additional license up to such new maximum gross weight and any such person who fails to secure such additional license shall be guilty of a misdemeanor: *Provided*, That this section shall not apply to for hire vehicles or auto stages operating principally within incorporated cities and towns: *Provided, further*, That no such person may be permitted or required to purchase additional license upon a gross weight which would exceed the maximum gross weight allowed by law: *Provided, further*, Any person violating any of the provisions of this section shall, upon a first conviction, pay a fine of not less than ten dollars (\$10.00) or more than twenty-five dollars (\$25.00); upon a second conviction pay a fine of not less than twenty-five dollars (\$25.00) or more than fifty dol-

lars (\$50.00), and in addition the court may suspend the certificate of license registration of such vehicle for not more than thirty days; upon a third and subsequent conviction pay a fine of not less than fifty dollars (\$50.00) or more than one hundred dollars (\$100.00), and in addition the court shall suspend the certificate of license registration of such vehicle for not less than thirty (30) or more than ninety (90) days. Upon ordering the suspension of any such certificate of license registration, the court or judge so ordering shall forthwith secure the certificate of license registration and mail the same to the director of licenses: *Provided*, Subsequent violations need not be against the same vehicle as formerly and suspension of the license registration shall be invoked against the vehicle or vehicles involved in subsequent violations and if against the same owner of the vehicles involved the offenses shall be cumulative.

SEC. 26. The director of licenses shall have the general supervision and control of the issuing of vehicle licenses and vehicle license number plates and shall have the full power to do all things necessary and proper to carry out the provisions of the law relating to the licensing of vehicles; he shall have the power to appoint and employ deputies, assistants and representatives, and such clerks as may be required from time to time, and to provide for their operation in different parts of the state, and he shall have the power to appoint the county auditors of the several counties as his agents for the licensing of vehicles.

Director of
licenses to
administer
act.

SEC. 27. The county auditor, if appointed by the director of licenses, shall carry out the provisions of this chapter relating to the licensing of vehicles and the issuance of vehicle license number plates under the direction and supervision of the director of licenses and may with the approval of the direc-

County
auditors to
carry out
provisions
of act.

tor of licenses appoint assistants as special deputies to accept applications and collect fees for vehicle licenses and transfers and to deliver vehicle license number plates.

Director to furnish number plates.

SEC. 28. The director of licenses shall furnish to all persons making satisfactory application for vehicle license as provided by law, two identical vehicle license number plates each containing the vehicle license number to be displayed on such vehicle as by law required. The number and plate shall be of such size and color and shall contain such symbols indicative of the year for which the same is issued and of the State of Washington, as shall be determined and prescribed by the director of licenses. Any vehicle license number plate or plates issued to a dealer shall contain thereon a sufficient and satisfactory indication that such plates have been issued to a dealer in vehicles. All vehicle license number plates shall be obtained by the director of licenses from the metal working plant of the state penitentiary at Walla Walla, if available therefrom.

Application for vehicle license, contents.

SEC. 29. Application for vehicle license shall be made on form furnished for the purpose by the director of licenses. Such application shall be made by the owner of the vehicle or his duly authorized agent over the signature of such owner or agent, and he shall certify that the statements therein are true to the best of his knowledge. The application must show:

- (1) Name and address of the owner of the vehicle;
- (2) Trade name of the vehicle, model, year, type of body, the motor number thereof if such vehicle be a motor vehicle, or the serial number thereof if such vehicle be a trailer;
- (3) The power to be used—whether electric, steam, gas or other power;

(4) The purpose for which said vehicle is to be used and the nature of the license required;

(5) The maximum gross license for such vehicle which in case of for hire vehicles and auto stages shall be the maximum adult seating capacity thereof, exclusive of the operator, and in cases of motor trucks, trailers and semi-trailers shall be the unladen weight of such vehicle to which shall be added the maximum gross load to be carried thereon as set by the applicant, which maximum gross license shall in no event be less than the unladen weight thereof or more than the legal limit for such vehicle as allowed by law;

(6) The weight of such vehicle, if it be a motor truck or trailer, which shall be the shipping weight thereof as given by the manufacturer thereof unless another weight is shown by weight slip verified by a certified weighmaster, which slip shall be attached to the original application;

(7) Such other information as shall be required upon such application by the director of licenses.

SEC. 30. Every dealer shall purchase one original set of dealer's vehicle license number plates in the manner by law provided and may make application for and secure as many additional sets of license number plates bearing the same number but each set with a distinguishing symbol, as he may require, making application therefor in the manner by law provided: *Provided*, That whenever a dealer shall maintain a branch or sub-agency in more than one location he shall be required to have a separate license and a separate vehicle license number assigned for each branch or sub-agency in the same manner as though each constituted a separate and distinct dealer: *Provided, further*, Two dealer's vehicle license number plates shall be displayed as required by law upon any vehicle by such dealer whenever the same is operated or driven upon or over any pub-

Dealers.
license
plates.

lic highway in this state: *Provided, further,* That neither the dealer's license nor the dealer's vehicle license number plates shall be used upon any vehicle for the transportation of any produce, freight or commodity but shall be used only upon vehicles kept, displayed or demonstrated by such dealer for the purposes of sale, except there shall be permitted the use of such dealer's vehicle license number plates on a vehicle transporting produce, freight or commodities in course of demonstration over a period not to exceed seventy-two (72) consecutive hours from commencing such demonstration.

Application
for dealer's
vehicle
license,
contents.

SEC. 31. Application for dealer's vehicle license shall be made on form furnished for the purpose by the director of licenses and shall be forwarded to the director of licenses. Such application shall be made by the dealer or his authorized agent, who shall certify that the statements therein are true to the best of his knowledge. Such application must show:

- (1) Name under which the business is conducted;
- (2) The address of the principal place of business;
- (3) The name and make of all new vehicles handled;
- (4) Whether or not used cars are handled;
- (5) Certificate to the effect that the applicant is a *bona fide* dealer in such vehicles, with an established place of business at the location given, such certificate to be signed by the chief of police, town marshal, county sheriff, or officer of the Washington State Patrol;
- (6) Such other information as shall be required by the director of licenses.

Fee to
county.

SEC. 32. At the time application is made to the county auditor or other agent for the issuance of a vehicle license, or for transfer of vehicle license, change in vehicle license classification or for original

or increase in vehicle gross weight license or seating capacity, the applicant shall pay to the county auditor or other agent a fee of twenty-five cents (25c) for each application in addition to the license fee for such vehicle, which fee of twenty-five cents (25c), if paid to the county auditor as agent of the director of licenses, 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 of licenses then the same shall be certified to the state treasurer and deposited to the credit of the motor vehicle fund.

SEC. 33. Upon receipt of application for vehicle license accompanied by the proper fees, the county auditor or other agent shall, if such application is in proper form and accompanied by the certificate of license registration of the vehicle for which the vehicle license application is made, retain the duplicate copy of the application for the files of such agent and immediately forward the original together with the certificate of license registration and all other information required and with the proper fees to the state treasurer, at the same time delivering to the applicant the triplicate of the application and the vehicle license number plates, if so directed by the director of licenses, the vehicle license number of which shall be placed upon all copies of such application.

County auditor to forward applications to state treasurer.

SEC. 34. The state treasurer upon receipt of the application and proper fee from the county auditor or other agent shall endorse thereon his official receipt for the fee collected and transmit the application to the director of licenses, who may make such reasonable recheck of the same as he shall deem sufficient and in the event that there shall be any error in the application the same may be returned to the county auditor or other agent who received

Transmittal to director.

the application, whereupon it shall be incumbent upon such county auditor or other agent to effectively secure the correction of such error and return the same corrected to the director of licenses.

Vehicle licenses and number plates, period covered.

SEC. 35. Such vehicle license and vehicle license number plates may be issued for the ensuing calendar year on and after the first day of December preceding and may be used and displayed from the date of issue until December 31st of the succeeding calendar year for which the same is issued.

Display of number plates.

SEC. 36. The vehicle license number plates shall be attached conspicuously at the front and rear of each vehicle for which the same are issued and in such a manner that they can be plainly seen and read at all times. Each vehicle license number plate shall be placed or hung in a horizontal position at a distance of not less than one foot nor more than four feet from the ground and shall be kept clean so as to be plainly seen and read at all times. It shall be unlawful to display upon the front or rear of any vehicle, vehicle license number plate or plates other than those furnished by the director of licenses for such vehicle or to display upon any vehicle any vehicle license number plate or plates which have been in any manner changed, altered, disfigured or have become illegible. It shall be unlawful for any person to operate any vehicle unless there shall be displayed upon such vehicle two valid vehicle license number plates attached as herein provided.

Loss of number plates.

SEC. 37. Upon the loss, defacement, or destruction of both of the vehicle license number plates issued upon any vehicle or where they have become so illegible or in such a condition as to be difficult to distinguish, the owner of such vehicle shall make application for new vehicle license number plates upon a form furnished by the director of licenses, upon which form it shall be required that the owner shall, in addition to other requirements, make a com-

plete statement as to the cause of the loss, defacement or destruction of such original vehicle license number plates, which statement shall be subscribed and sworn to before a notary public or other person authorized to certify to statements upon vehicle license applications. Such application shall be accompanied by the certificate of license registration of such vehicle and a fee in the same amount as upon the original application for vehicle license, whereupon the director of licenses shall issue new vehicle license number plates to such applicant. Upon the loss, defacement or destruction of one of the vehicle license number plates issued for any vehicle, application shall be made on a form provided by the director of licenses and in the same manner as above prescribed, except that the same shall be accompanied by a fee of one dollar (\$1.00). Upon the receipt of such application and fee by the state treasurer, he shall endorse thereon his official receipt for the fee collected and transmit the application to the director of licenses, who shall issue to the applicant a duplicate vehicle license number plate of the one lost, defaced or destroyed.

SEC. 38. In case of loss or destruction, sale or transfer of any for hire vehicle, auto stage, motor truck, trailer, or semi-trailer, the registered owner thereof may retain the right to the load license or seat license to apply in licensing such vehicle as may be procured in replacement thereof and in any case of sale or transfer where load or seat license has not been assigned on the certificate of license registration it will be presumed that the same was intended to be retained by the previous registered owner thereof. Whenever during the calendar year any vehicle has been so altered as to change its license classification, in such a manner that the vehicle license number plates are rendered improper therefor, the current vehicle license number plates shall be

Destruction
or sale of
auto stage,
etc.

Load or seat
license.

Change in
classifica-
tion, surren-
der of
number
plates.

surrendered to the director of licenses and new and proper vehicle license number plates issued on application therefor accompanied by a fee therefor in the amount of one dollar (\$1.00), in addition to any other or different charge by reason of licensing under a new classification. Such application shall be made in the same manner as original application for vehicle license.

Endorsement of certificates and delivery of number plates to purchaser.

SEC. 39. In any case of valid sale or transfer [of] the ownership of any vehicle, the right to the certificates properly transferable therewith and to the vehicle license number plates shall pass to the purchaser or transferee and it shall be unlawful for the holder of such certificates or vehicle license number plates to fail, neglect or refuse to endorse such certificates and deliver such vehicle license number plates to such purchaser or transferee: *Provided*, If such sale or transfer be of a vehicle licensed by the state or any county, city, town, school district or other political subdivision entitled to exemption as provided by law, the vehicle license number plates therefor shall be retained and may be displayed upon such vehicle as may be procured in replacement of the vehicle so sold or transferred.

All fees deposited in motor vehicle fund.

SEC. 40. All fees received by the state treasurer for vehicle licenses under the provisions of this chapter shall be deposited by him to the credit of the motor vehicle fund.

Statutes repealed.

SEC. 41. Section 16 of chapter 96, Session Laws of 1921, as amended by section 2 of chapter 181, Session Laws of 1923, as amended by chapter 80, Session Laws of 1929; section 15 of chapter 96, Session Laws of 1921, as amended by section 1 of chapter 140, Session Laws of 1931, as amended by section 27 of chapter 166, Session Laws of 1933, as amended by section 11 of chapter 55, Laws of the Extraordinary Session of 1933; chapter 98, Session Laws of 1933; chapter 161, Session Laws of 1933; chapter 155, Ses-

sion Laws of 1935; and sections 35, 36, and 37 of chapter 184, Session Laws of 1935, be and the same are hereby repealed, such repeal to be effective December 1st, 1937.

SEC. 42. The provisions of this chapter shall not take effect until December 1, 1937, and shall apply to any vehicle licenses issued for the calendar year 1938 and succeeding calendar years.

Effective
Dec. 1, 1937.

CHAPTER IV. LICENSING OF MOTOR VEHICLE OPERATORS.

SEC. 43. It shall be unlawful for any person to operate a motor vehicle upon any of the public highways of this state unless such person shall have in his possession a current and valid vehicle operator's license issued on his own application as provided in this chapter: *Provided*, No person shall be required to obtain an operator's license for the purpose of driving or operating road machinery, or any farm tractor or implement of husbandry temporarily drawn, moved or propelled on a public highway: *Provided, further*, No person in the service of the army, navy, or marine corps or coast guard of the United States or in the service of the national guard of this state or any other state when furnished with their operator's permit and when operating an official motor vehicle in such service shall be required to obtain a vehicle operator's license.

Vehicle
operator's
license.

Exemptions.

SEC. 44. (a) A non-resident over the age of sixteen years who has been duly licensed as an operator under a law requiring the licensing of operators in his home state or country and who has in his immediate possession a valid vehicle operator's license issued to him in his home state or country shall be permitted without examination or vehicle operator's license of this state to operate a motor vehicle upon the highways of this state;

Non-resident,
when exempt
from
licensing.

(b) It shall be unlawful for any non-resident whose home state or country does not require the licensing of vehicle operators to operate any motor vehicle upon any public highway of this state without first making application for and obtaining a vehicle operator's license in this state, except that said unlicensed non-resident over the age of sixteen years and who is the registered or legal owner of a motor vehicle and has a valid vehicle license for the current calendar year in the state or country of which the owner is a resident, may operate such motor vehicle upon the public highways of this state for a period of not more than thirty (30) days in any one calendar year without making application for or obtaining a vehicle operator's license in this state, upon the condition that the motor vehicle shall at all times display the vehicle license number plate or plates issued therefor in the home state or country of such owner and that the non-resident registered owner has in his immediate possession a license registration certificate or similar evidence showing his vehicle ownership or registration in his home state or country.

Licenses
denied to
certain
persons.

SEC. 45. (a) The director of licenses shall not issue a vehicle operator's license to any person under the age of sixteen years;

(b) The director of licenses shall not issue a vehicle operator's license to any person whose vehicle operator's license has been suspended, during the period for which such license was suspended, nor shall the director of licenses issue a vehicle operator's license to any person whose vehicle operator's license has been revoked until the expiration of one year from the revocation of such license, nor shall the director of licenses issue a vehicle operator's license to any person whose vehicle operator's license has been cancelled until he shall determine that it is proper to do so and the applicant is otherwise entitled thereto;

(c) The director of licenses shall not issue a vehicle operator's license to any person whom he has determined is an habitual drunkard or is addicted to the use of narcotic drugs;

(d) The director of licenses shall not issue a vehicle operator's license to any person who has previously been adjudged insane or an idiot, epileptic, imbecile or feeble-minded, and who has not at the time of application been restored to competency by judicial decree or released from a hospital for the insane or feeble-minded upon a certificate of the superintendent that such person is competent, nor shall the director of licenses then issue a vehicle operator's license to such person unless he is satisfied that such person is competent to operate a motor vehicle with safety to persons and property;

(e) The director of licenses shall not issue a vehicle operator's license to any person when in the opinion of the director of licenses such person is afflicted with or suffering from such physical or mental disability or disease as will serve to prevent such person from exercising a reasonable and ordinary control of a motor vehicle while operating the same upon the public highways, nor shall a license be issued to any person who is unable to understand highway warning or direction signs in the English language: *Provided*, The director of licenses may permit any such person to demonstrate personally that notwithstanding such disability or disease he is a proper person to operate a motor vehicle and may further require a certificate of such person's condition signed by a proper authority designated by the director of licenses and the director of licenses in his discretion may cause to be issued to such person a restricted vehicle operator's license containing such restriction as he may deem advisable under all the circumstances and such restriction shall be endorsed on such restricted vehicle operator's license. A per-

Restricted
license.

son holding such a restricted vehicle operator's license shall not operate a motor vehicle except as, when and where permitted under such restriction and the director of licenses may at any time with or without further cause cancel or revoke such restricted license: *Provided, further,* This subsection shall not be construed to prevent the director of licenses from refusing a vehicle operator's license, either restricted or unrestricted, to any person whom he shall determine incapable of operating a motor vehicle with safety to himself and to persons and property.

Vision requirements.

SEC. 46. The director of licenses shall not issue a vehicle operator's license to any person whose vision is not twenty-fifty (20/50) or better, with either eye or both eyes according to test for vision as in this chapter provided: *Provided,* Any person whose naked vision is less than twenty-fifty (20/50) with either or both eyes but whose vision has been corrected to twenty-fifty (20/50) or better by the use of glasses may be issued a conditional vehicle operator's license, conditioned that such person may operate a motor vehicle only when wearing glasses which will correct his vision to meet the requirements of this section, which condition shall be noted on the vehicle operator's license of such person and it shall be unlawful for such person to operate a motor vehicle upon any public highway of this state unless such person is at the time complying with such condition.

Physical disabilities.

The director of licenses shall not issue a vehicle operator's license to any person lacking a hand, arm or leg nor to any such person using an artificial member unless such person is otherwise entitled to the issuance thereof and shall demonstrate to the satisfaction of the director of licenses that despite such infirmity he is capable of operating a motor vehicle with safety.

SEC. 47. The director of licenses upon receiving from any person over the age of sixteen (16) years an application for a temporary instruction permit may in his discretion issue such a permit entitling the applicant, while having such permit in his immediate possession, to operate a motor vehicle upon the public highways for a period of sixty (60) days when accompanied by a licensed vehicle operator who is actually occupying a seat beside the operator and there is no other person in the vehicle.

Temporary instruction permits.

SEC. 48. It shall be unlawful for any person, whether licensed as an operator or not, who is under the age of eighteen (18) years to drive a motor vehicle while in use as a school bus for the transportation of pupils to or from school, or for any person, whether licensed as an operator or not, who is under the age of twenty-one (21) years to drive any for hire vehicle, auto stage or other motor vehicle while in use as a public passenger carrier for hire.

Age limit for drivers of school busses and public carriers.

SEC. 49. The director of licenses shall have the general supervision and control of the issuing of vehicle operators' licenses and shall have the full power to do all things necessary and proper to carry out the provisions of this chapter relating to the licensing of vehicle operators; he shall have the power to appoint and employ deputies, assistants and representatives, and such clerks as shall be required from time to time, and to provide for their operation in different parts of the state and shall have the power to appoint the county auditors or county sheriffs of the several counties or the officers of the Washington State Patrol as his agents for the taking of applications for vehicle operators' licenses and to supervise, control and direct their conduct as such agents. Any county auditor or county sheriff so appointed shall act as directed by the director of licenses in the receiving of applications and fees for vehicle operator's licenses or otherwise.

Director of licenses to administer act.

General duties and powers.

Application
for a vehicle
operator's
license.

SEC. 50. (a) Every application for a vehicle operator's license shall be made upon the form prescribed and furnished by the director of licenses and shall be verified by the applicant before a person authorized to administer oaths or before an officer of the Washington State Patrol or other person authorized by the director of licenses to certify to the signature of the applicant on such application;

(b) Every application shall state the name, date of birth, sex, and residence address of the applicant, and whether or not the applicant has heretofore been licensed as a vehicle operator and if so when and by what state, and whether or not such license has ever been suspended, revoked, cancelled or refused, and if so the date of and reason for such suspension, revocation, cancellation or refusal;

(c) Every application for operator's license shall be forwarded to the state treasurer accompanied by a certified check, money order or lawful money of the United States in the sum of Two Dollars (\$2.00) made payable to the state treasurer.

Application
of minors to
be signed
by parent.

SEC. 51. The director of licenses shall not consider the application of any minor under the age of twenty-one (21) years for a vehicle operator's license unless the application is also signed by the father of the applicant, if the father is living and has custody of the applicant, otherwise by the mother or guardian having the custody of such minor, or in the event a minor under the age of twenty-one (21) has no father, mother, or guardian, then a vehicle operator's license shall not be issued to the minor unless his application is also signed by his employer.

Record of
applications.

SEC. 52. Upon receipt of the vehicle operator's license applications from the state treasurer properly receipted and numbered, the director of licenses shall check all applications for vehicle operator's license and shall cause the same to be filed in the vehicle operator's case record in the office of the di-

rector of licenses together with other records submitted in support thereof and shall show all vehicle operator's licenses suspended, revoked, cancelled or refused and the reason for such suspension, revocation, cancellation or refusal.

SEC. 53. The state treasurer upon receipt of application for vehicle operator's license and fee in the sum of two dollars (\$2.00), shall endorse thereon his official receipt for the fee collected and transmit the application to the director of licenses, who 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, also a space for the signature of the licensee.

Vehicle
operator's
license fee.

SEC. 54. (a) Every vehicle operator's license issued hereunder shall be valid until suspended, cancelled or revoked, as provided by law: *Provided*, That all vehicle operator's licenses hereunder shall expire July 31 of each odd numbered calendar year following the date of issue;

Termination
of license.

(b) Every vehicle operator's license issued hereunder shall be valid for a term of two (2) years, except as otherwise provided, and shall be renewed for a like period on or before the first day of August of each odd numbered calendar year for a further period of two (2) years, upon receipt of the application and fee as in the case of original application as provided herein.

SEC. 55. (a) From and after the effective date of this chapter, no new vehicle operator's license shall be issued unless and until the applicant therefor shall have submitted to and qualified by vehicle operator's examination as in this chapter provided;

Examination
of applicants.

(b) Every vehicle operator holding vehicle operator's license or applying for vehicle operator's

license during the period of two (2) years, from the effective date of this act until the first day of August, 1939, shall submit to and qualify by vehicle operator's examination as in this chapter provided;

(c) No person shall be entitled to be issued a vehicle operator's license for the two (2) year period from the first day of August, 1939, to the first day of August, 1941, or any portion thereof, whether original vehicle operator's license or renewal of an expired vehicle operator's license, unless such vehicle operator has, at the time of application or previous thereto, submitted to and qualified by vehicle operator's examination as in this chapter provided;

(d) Any vehicle operator holding a valid vehicle operator's license for which no examination has been required after the effective date of this chapter and who subsequently submits to and is qualified by vehicle operator's examination as in this chapter provided shall be issued without charge a different vehicle operator's license of distinguishing color clearly indicating that such person has submitted to and qualified by vehicle operator's examination as in this chapter provided.

Operators
examined
once in every
four years.

SEC. 56. (a) Consistent with the provisions of the preceding section, the director of licenses shall provide to extend the procedure of vehicle operator's examination into the future in such a manner that all vehicle operators shall submit to and qualify by vehicle operator's examination as in this chapter provided at least once in each four (4) year period;

(b) After the effective date of this chapter no person shall be issued a new vehicle operator's license or the renewal of a vehicle operator's license which has expired unless such vehicle operator shall first have submitted to and qualified by vehicle operator's examination as in this chapter provided, nor shall any vehicle operator be issued a renewal of an unexpired vehicle operator's license unless he shall

have submitted to and qualified by vehicle operator's examination during the period set by the director of licenses therefor consistent with subsection (a) of this section.

SEC. 57. Vehicle operator's license examination shall be conducted in the manner prescribed by the director of licenses upon the following matters: Examination requirements.

1. A physical examination which shall consist of: Physical examination.

(a) Physical infirmities which would impair the ability of the applicant to operate a motor vehicle;

(b) General vision.—This examination shall be conducted with the use of the Snellan Vision Chart or other vision determining device of the same standard. Such test shall be conducted with the naked eye, each separately and with both eyes. In the event that vision is deficient and does not meet the requirements of this chapter but vision has been corrected with the use of glasses, similar examination for vision shall be made with glasses and the result thereof noted. All such vision tests shall be made with not less than thirty (30) foot-candle illumination;

(c) Color blindness;

(d) Stereoscopic vision or depth perception;

(e) Hearing;

(f) Reaction interim, time determined by some device capable of measuring the lapsed time between perception and completed reaction.

2. A written mental examination which shall consist of brief written answers to twenty-five (25) questions eliciting information touching the applicant's knowledge of the motor vehicle laws of this state. Such questions shall be one of several varied lists and shall be selected at random. Proficiency of eighty per cent (80%) correct answers to such questions shall be required to qualify for vehicle operator's license under this subsection. Written mental examination.

Vehicle
operation
demonstra-
tion.

3. An actual vehicle operation demonstration.—
Such examination shall be conducted by officers of the Washington State Patrol unless in any instance another agent is designated by the director of licenses. If the director of licenses is satisfied from the results of such examination that the applicant has knowledge of the motor vehicle laws of this state and is capable of operating a motor vehicle with safety to persons and property and is otherwise entitled thereto, the director of licenses shall issue to such applicant a vehicle operator's license.

Examination,
where
conducted.

SEC. 58. The vehicle operator's license examination provided in this chapter shall be conducted at places and time reasonably available to the people of this state. The results of each examination shall be forwarded with the application and shall be filed in the case record of the applicant as a permanent record in the office of the director of licenses. Such examination shall be without prejudice to the individual submitting the same and shall be for the confidential use of the director of licenses and Washington State Patrol. No such examination or the result thereof shall be used as evidence in an action in any court except in an action by or against the director of licenses involving the revocation, suspension, cancellation or refusal of a vehicle operator's license and in which such examination shall be or become a material fact.

Information
confidential.

License to be
signed and
carried.

SEC. 59. (a) Every person licensed as a vehicle operator shall write his usual signature with pen and ink in the space provided for that purpose on the vehicle operator's license certificate issued to him immediately upon receipt of such certificate, and such license shall not be valid until the certificate is so signed;

(b) The licensee shall have such vehicle operator's license in his immediate possession at all times

when operating a motor vehicle and shall display the same upon demand to any peace officer or to any other person when and if required by law to do so.

SEC. 60. In the event that a vehicle operator's license shall be lost or destroyed, the person to whom the same was issued may obtain a duplicate thereof upon furnishing proof of such fact satisfactory to the director of licenses and upon reapplication without reexamination and payment of a fee of fifty cents (50c) to the state treasurer.

Loss of
license,
duplicate.

SEC. 61. It shall be unlawful for any person to commit any of the following acts:

Unlawful
acts enu-
merated.

(a) To display or cause to permit to be displayed or have in possession any vehicle operator's license, knowing the same to be fictitious or to have been canceled, revoked, suspended or altered;

(b) To lend to, or knowingly permit the use of by one not entitled thereto, any vehicle operator's license issued to the person so lending or permitting the use thereof;

(c) To display or to represent as one's own any vehicle operator's license not issued to the person so displaying the same;

(d) To fail or refuse to surrender to any court, peace or traffic officer, or the director of licenses upon demand, any vehicle operator's license on notice that the same has been suspended, canceled or revoked as provided by law;

(e) To use a false or fictitious name or give a false or fictitious address in any application for a vehicle operator's license, or any renewal or duplicate thereof, or knowingly to make a false statement or knowingly to conceal a material fact or otherwise commit a fraud in any such application.

SEC. 62. It shall be unlawful for any person to cause or knowingly permit his or her child or ward under the age of eighteen (18) years to operate a

Parent
permitting
unlicensed
child to
drive,
unlawful.

motor vehicle upon a public highway as a vehicle operator, unless such child or ward shall have first obtained a vehicle operator's license to so operate a motor vehicle. No person shall employ any person to operate a motor vehicle who is not licensed as an operator. No person shall authorize or knowingly permit a motor vehicle owned by him or under his control to be operated by any person who is not legally licensed as an operator.

Employees
to be
licensed.

Rental of
vehicles to
unlicensed
persons.

SEC. 63. (a) It shall be unlawful for any person to rent a motor vehicle to any other person unless the latter person is then duly licensed as a vehicle operator in this state or, in case of a non-resident, then that he is duly licensed as an operator under the laws of the state or country of his residence except a non-resident whose home state or country does not require that a motor vehicle operator be licensed;

(b) It shall be unlawful for any person to rent a motor vehicle to another person until he has inspected the vehicle operator's license of such other person and compared and verified the signature thereon with the signature of such other person written in his presence;

(c) Every person renting a motor vehicle to another person shall keep a record of the vehicle license number of the motor vehicle so rented, the name and address of the person to whom the motor vehicle is rented, the number of the vehicle operator's license of the person renting the vehicle and the date and place when and where such vehicle operator's license was issued. Such record shall be open to inspection by any peace officer or anyone acting for the director of licenses.

SEC. 64. Upon the conviction of any person for reckless driving, or upon the forfeiture of bail or collateral for the appearance of any person charged with reckless driving, the court shall, in addition to

In addition
to any other
penalty,
license sus-
pended upon
conviction
for reckless
driving.

any other penalty fixed, forthwith suspend the vehicle operator's license of any such person for a period of not less than thirty (30) days.

SEC. 65. Every court in fixing the penalty shall forthwith revoke the vehicle operator's license of any person upon the conviction of such person of any of the following crimes:

Revocation
of licenses,
grounds.

1. Manslaughter resulting from the operation of a motor vehicle;

2. Perjury or the making of a false affidavit to the director of licenses 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 (3) charges of reckless driving all within the preceding two (2) 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. Operating any vehicle upon the public highways of this state while under the influence of or affected by the use of intoxicating liquor or of any narcotic drug;

The foregoing offenses shall be in addition to any other offenses for which revocation of the vehicle operator's license is by law provided.

SEC. 66. (a) The director of licenses may in his sound discretion immediately suspend the vehicle operator's license of any person whenever the director of licenses has reason to believe:

Suspension
of licenses,
grounds.

1. That such person has committed any offense for which mandatory suspension or revocation of licenses is provided by law;

2. That such person has, by reckless or unlawful operation of a motor vehicle, caused or contributed to an accident resulting in death or injury to any other person or serious property damage;

3. That such person is incompetent to drive a motor vehicle or is afflicted with mental or physical infirmities or disabilities rendering it unsafe for such person to operate a motor vehicle upon the public highways;

4. That such person is an habitual reckless or negligent operator of a motor vehicle or has committed a serious violation of the motor vehicle laws of this state;

Notice to licensee of suspension.

Whenever the director of licenses suspends the vehicle operator's license of any person for any reason, he shall immediately notify the licensee in person or by registered mail and may thereafter upon any further information either rescind his temporary order of suspension, or, good cause appearing therefor, may continue in force such suspension for the full period thereof;

Suspension or revocation authorized upon conviction in another state.

(b) The director of licenses is hereby authorized to suspend, revoke or cancel the vehicle operator's license of any resident of this state upon receiving notice of the conviction of such person in another state of an offense therein which, if committed in this state, would be grounds for the suspension or revocation of the vehicle operator's license. The director of licenses is further authorized, upon receiving a record of the conviction in this state of a non-resident operator of a motor vehicle of any offense under the motor vehicle laws of this state, to forward a certified copy of such record to the motor vehicle administrator in the state wherein the person so convicted is a resident;

Conviction in this state of non-resident.

such record to consist of a copy of the judgment and sentence in the case;

(c) The director of licenses shall not suspend the vehicle operator's license for a period of more than one year and upon suspending, revoking or canceling any license shall require that such license be surrendered to and retained by him except that at the end of a period of suspension such license so surrendered shall be returned to the licensee, upon proper application for reinstatement, but any suspension, revocation or cancellation of such vehicle operator's license shall be in effect notwithstanding the certificate itself be not delivered over or possession thereof obtained by a court, officer, or the director of licenses;

Suspension for period of not more than one year.

Surrender of license.

(d) Any person whose vehicle operator's license is revoked shall not be entitled to apply for or receive any new vehicle operator's license until the expiration of one (1) year from the date of revocation of such vehicle operator's license.

Revocation, bar for one year.

SEC. 67. Every court having jurisdiction over any of the offenses committed under this act or any other act of this state regulating the operation of vehicles on any of the public highways, shall forward to the director of licenses a record of the conviction of or forfeiture of bail by any person in said court for the violation of any provisions relating to the licensing of vehicle operators or of any act of this state regulating the operation of vehicles on any of the public highways and a record of the conviction of or forfeiture of bail by any person in said court for the violation of any municipal ordinances which violation would also be an offense under the provisions relating to the licensing of motor vehicle operators or any act of this state regulating the operation of vehicles on any of the public highways in which case such court may in its discretion re-

Record of conviction or forfeiture of bail forwarded to director.

voke or suspend the vehicle operator's license of such person.

Immediate forfeiture to court upon conviction.

SEC. 68. Whenever the vehicle operator's license of any person is suspended, revoked or cancelled for any violations, the judge passing such sentence shall forthwith secure the immediate forfeiture of the vehicle operator's license of such convicted person and immediately forward such vehicle operator's license to the director of licenses, and on failure of such convicted person to deliver up such vehicle operator's license the judge shall cause such person to be confined for the period of such suspension, revocation or cancellation or until such vehicle operator's license is delivered up to such judge: *Provided*, In the event such convicted person shall testify that he does not and at the time of the offense did not have a current and valid vehicle operator's license, then the judge shall cause such person to be charged with the operation of a motor vehicle without a current and valid vehicle operator's license and on conviction punished as by law provided, and the director of licenses shall not issue a vehicle operator's license to such person during the period of such suspension: *Provided, also*, That in the event that the vehicle operator's license of such convicted person has been lost or destroyed and such convicted person shall make an affidavit to that effect, sworn to before the judge, he shall not be so confined to forfeit the same, but the director of licenses shall not issue or reissue a vehicle operator's license for such convicted person during the period of such suspension, revocation or cancellation.

Driving after suspension or revocation.

SEC. 69. Any person whose vehicle operator's license has been suspended, revoked or cancelled, and who shall operate any motor vehicle upon the public highways of this state while such license is suspended, revoked or cancelled, shall be guilty of a gross misdemeanor, and upon conviction shall be

punished by imprisonment in the county jail for not less than ten (10) days nor more than one (1) year and by a fine of not more than one thousand dollars (\$1,000.00). Penalty.

SEC. 70. When any person, whose operator's license has been suspended, revoked or cancelled, desires to have the same reinstated or new operator's license issued, he shall not be entitled to such reinstatement or new license unless and until he shall make affidavit on oath to the effect that the period of suspension, revocation or cancellation has expired and that he has not at any time during such period of suspension, revocation or cancellation operated any vehicle upon the public highways of this state. Reinstatement of license.
Affidavit.

In case any person desiring to have his operator's license reinstated or a new operator's license issued, should fail or refuse to make the affidavit required by this section, such person shall be deemed *prima facie* guilty of violating such suspension, revocation or cancellation and such license shall not be reinstated nor shall any new license be issued to such person and the suspension or revocation of such vehicle operator's license shall be continued for a subsequent period equal to the original period of suspension or revocation and from the date of such application for reinstatement or new vehicle operator's license. Refusal to make affidavit.

Any person making affidavit as required in this act and who shall make a false or fraudulent statement as to any material fact shall be guilty of perjury. False swearing.

SEC. 71. The state treasurer shall pay all funds accruing under the provisions of this chapter into the highway safety fund and all expenses incurred in carrying out the provisions of this chapter relating to vehicle operator's license shall be paid from the highway safety fund as by appropriation provided. Moneys collected and expended.

Statutes
repealed.

SEC. 72. Section 4 of chapter 142, Session Laws of 1915 as amended by section 3 of chapter 155, Session Laws of 1917; chapter 108, Session Laws of 1921; chapter 122, Session Laws of 1923; and chapter 147, Session Laws of 1933; relating to the examination, licensing and regulation of motor vehicle operators, be and the same is hereby repealed: *Provided*, Such repeal shall become effective on the first day of August, 1937.

Effective
August 1,
1937.

SEC. 73. The provisions of this chapter shall take effect on the first day of August, 1937.

CHAPTER V. GENERAL LICENSE PROVISIONS.

Appeal to
courts.

SEC. 74. Upon the suspension, revocation, cancellation or refusal by the director of licenses of any license or certificate provided for in this act, the same shall be conclusive unless the person whose license or certificate is so suspended, revoked, cancelled, or refused shall appeal to the superior court of Thurston county for the purpose of having such suspension, revocation, cancellation or refusal of such license or certificate set aside. Such appeal must be filed within ten (10) days after notice of the suspension, revocation, cancellation or refusal and shall not supersede the suspension, revocation, cancellation, or refusal of such license or certificate by the director of licenses. Such appeal shall be upon an order directing the director of licenses to show cause why such license should not be granted or reinstated, which order to show cause shall be returnable not less than ten (10) days after the date of service thereof upon the director of licenses. Service shall be in the manner prescribed for service of summons and complaint in other civil actions. Upon a hearing on such order to show cause, the court shall hear evidence concerning matters with reference to the suspension, revocation, cancellation or refusal of such license or certificate and shall

enter judgment either affirming or setting aside such suspension, revocation, cancellation or refusal.

SEC. 75. The provisions of this act relating to the certificate of ownership, certificate of license registration, vehicle license, vehicle license plates and vehicle operator's license shall be exclusive and no political subdivision of the State of Washington shall require or issue any licenses or certificates for the same or a similar purpose, nor shall any city or town in this state impose a tax, license, or other fee upon vehicles operating exclusively between points outside of such city or town limits, and to points therein.

Provisions of
act exclusive.

SEC. 76. Whenever any license fee, paid under the provisions of this act, shall have been erroneously paid, wholly or in part, the person paying the same, upon satisfactory proof to the director of licenses, shall be entitled to have refunded the amount so erroneously paid. Upon such refund being certified to the state treasurer by the director of licenses as correct and being claimed in the time required by law the state treasurer shall mail or deliver the amount of each refund to the person entitled thereto: *Provided*, No claim for refund shall be allowed for such erroneous payments unless filed with the director of licenses within ninety days after such claimed erroneous payment was made.

Refund of
overpay-
ment.

SEC. 77. The director of licenses may destroy applications for vehicle licenses, copies of vehicle licenses issued, applications for vehicle operator's licenses, and copies of issued vehicle operator's licenses, if any there be, after such records shall have been on file in his office for a period of three years: *Provided*, There shall be retained and filed with the director of licenses, 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.

Director may
destroy rec-
ords after
three years.

County audi-
tor may
destroy such
records after
three years.

SEC. 78. The county auditor may destroy applications for motor vehicle licenses, copies of motor vehicle licenses issued, applications for motor vehicle operator's licenses, and copies of issued motor vehicle operator's licenses, if any there be, after such records shall have been on file in his office for a period of three years, unless otherwise directed by the director of licenses.

Rules and
regulations.

SEC. 79. The director of licenses is hereby authorized to adopt and enforce such reasonable rules and regulations as may be consistent with and necessary to carry out the provisions relating to vehicle licenses, certificates of ownership and license registration and vehicle operator's licenses not in conflict with the provisions of this act.

Certified
copies of
records
furnished.

SEC. 80. The director of licenses shall have the power and it shall be his duty upon request and payment of the fee as provided herein to furnish under seal of the director of licenses certified copies of any records of the department of licenses, except those for confidential use only. The director of licenses shall charge and collect therefor the sum of one dollar (\$1.00), together with ten cents (10c), for each separate sheet of certified copies. Any funds accruing to the director of licenses under this section shall be certified and sent to the state treasurer and by him deposited to the credit of the highway safety fund.

Highway
safety fund
created.

SEC. 81. There is hereby created in the state treasury a fund to be known as the "highway safety fund." All funds coming into the hands of the state treasurer under the provisions of this act or other law of this state and directed to be deposited in the highway safety fund shall be by the state treasurer deposited in the state treasury to the credit of the highway safety fund and expended therefrom as by appropriation provided.

CHAPTER VI. OFFENSES AND PENALTIES.

SEC. 82. It shall be a misdemeanor for any person to violate any of the provisions of this act unless violation is by this act or other law of this state declared to be a felony or a gross misdemeanor. Penalties.

Unless another penalty is in this act provided, every person convicted of a misdemeanor for violation of any provisions of this act shall be punished accordingly.

SEC. 83. All fines and forfeitures collected for violation of any of the provisions of this act in any court located in a precinct outside incorporated cities and towns shall be distributed and paid into the proper funds for the following purposes: One-half shall be paid into the county road fund of such county; one-fourth into the state fund for the support of state parks and parkways; and one-fourth into the highway safety fund. Disposition of fines and forfeitures.

All fines and forfeitures collected for the violation of any of the provisions of this act in any court located inside incorporated cities and towns shall be distributed and paid into the proper funds for the following purposes: One-half shall be paid into the city street fund for the construction and maintenance of city streets; one-fourth into the state fund for the support of state parks and parkways; and one-fourth into the highway safety fund.

CHAPTER VII. REPEAL.

SEC. 84. All acts or parts of acts in conflict with, or derogation of, this act or any part of this act, be and the same are hereby repealed in so far as the same are in conflict with, or in derogation of this act, or any part hereof. Conflicting acts repealed.

SEC. 85. The repeal of any acts or parts of acts hereby shall not be construed to reenact or revive Acts formerly repealed not revived.

any acts or parts of acts repealed or superseded by the acts or parts of acts hereby repealed.

CHAPTER VIII. SAVING CLAUSE.

Accrued
rights
preserved.

SEC. 86. This act shall not affect any act done, ratified or confirmed, or any right accrued, vested or established, or any action or proceeding had or commenced in any civil or criminal cause, before this act and its respective provisions take effect, and any such acts done, ratified or confirmed and any rights accrued, vested or established shall be preserved and any such actions or proceedings may be prosecuted and continued with the same effect and under the same provisions of the law in effect at the time such act was done, ratified, or confirmed, or right accrued, vested or established or action or proceeding had or commenced.

Offenses
committed
under prior
act.

SEC. 87. Any acts declared to be an offense under any provisions of the laws of this state which are repealed by this act, and the commission whereof have been completed before the effective date of this act shall be punishable as provided by the law in effect at the time of the completion of such acts without regard for the fact that such provisions of law have been repealed hereby.

CHAPTER IX. SHORT TITLE.

Title.

SEC. 88. This act shall be known and cited as the "Washington Highway License Act."

CHAPTER X. CONSTITUTIONALITY.

Partial
invalidity.

SEC. 89. 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.

CHAPTER XI. EMERGENCY.

SEC. 90. 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 on the first day of April, 1937.

Effective
April 1, 1937.

Passed the Senate February 27, 1937.

Passed the House March 7, 1937.

Approved by the Governor March 17, 1937.

CHAPTER 189.

[S. B. 148.]

WASHINGTON MOTOR VEHICLE ACT.

AN ACT relating to vehicles and the operation thereof upon the public highways of this state; providing for vehicle equipment and devices and the inspection thereof; limiting and restricting certain uses of the public highways of this state; prescribing rules of the road for vehicles operating upon public highways of this state; providing for conduct in event of vehicle accident; providing procedure for enforcement of the provisions of this act; providing for certain records and reports; prescribing the powers and duties of certain public officers; providing for the collection, distribution and expenditure of certain fees and fines; defining offenses and fixing penalties; repealing certain acts and parts of acts, and acts and parts of acts in conflict with the provisions of this act; saving certain acts performed; and declaring an emergency.

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

CHAPTER I. DEFINITIONS.

SECTION 1. The following words and phrases, wherever used in this act, shall have the meaning as in this section ascribed to them, unless where used the context thereof shall clearly indicate to the contrary:

- "Alley." (a) "Alley." A public highway within the ordinary meaning of alley not designed for general travel and primarily used as a means of access to the rear of residences and business establishments.
- "Arterial highway." (b) "Arterial Highway." Every public highway, as herein defined, or portion thereof designated as such by proper authority.
- "Authorized emergency vehicle." (c) "Authorized Emergency Vehicle." Any vehicle, as herein defined, of any fire department, police department, sheriff's office, coroner, prosecuting attorney, Washington State Patrol, ambulance service, public or private, or any other vehicle authorized in writing by the state commission on equipment.
- "Auto stage." (d) "Auto Stage." Any motor vehicle, as herein defined, used for the purpose of carrying passengers together with incidental baggage and freight, or either, on a regular schedule of time and rates: *Provided*, That no motor vehicle shall be considered to be an auto stage where substantially the entire route traveled by such vehicle is within the corporate limits of any incorporated city or town or contiguous cities or towns.
- "Axle." (e) "Axle." Any structure or portion of a structure, consisting of one or more shafts, spindles, or bearings, in the same or approximately the same vertical transverse plane, by means of which with the use of wheels mounted thereon, a portion of the weight of a vehicle, laden or unladen, is transmitted to the roadway.
- "Bicycle." (f) "Bicycle." Every vehicle, as herein defined, having a saddle for the use of the rider, operated by human power, and designed to travel on not more than three wheels in contact with the ground, but excluding a farm tractor.
- "Business district." (g) "Business District." The territory contiguous to and including the public highway, as herein defined, when fifty per cent (50%) or more of the frontage thereon on either side thereof for a con-

tinuous distance of three hundred (300) feet or more is occupied by buildings in use for business.

(h) "Cancel." In all its forms shall mean the invalidation indefinitely and until successful application, but shall be for a period of not less than one (1) year. "Cancel."

(i) "Center Line." The line, marked or unmarked, parallel to and equidistant from the sides of the roadway of a public highway. "Center line."

(j) "Center of Intersection." The point of intersection of the center lines of the roadway of intersecting public highways. "Center of intersection."

(k) "City Street." Every public highway as herein defined, or part thereof located within the limits of incorporated cities and towns, except alleys. "City street."

(l) "Combination of Vehicles." Every combination of motor vehicle and trailer or motor vehicle and semi-trailer the principal use of which is the transportation of commodities, merchandise, produce, freight or animals. "Combination of vehicles."

(m) "Commercial Vehicle." Any vehicle the principal use of which is the transportation of commodities, merchandise, produce, freight, animals or passengers, for hire. "Commercial vehicle."

(n) "County Road." Every public highway as herein defined, or part thereof, outside the limits of incorporated cities and towns and which has not been designated as a primary state highway. "County road."

(o) "Crosswalk." The portion of the roadway between the intersection area and a prolongation or connection of the farthest sidewalk line or in the event there are no sidewalks then between the intersection area and a line ten (10) feet therefrom, except as modified by a marked crosswalk. "Crosswalk."

(p) "Explosives." Any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion, and which contains any oxidizing or combustile "Explosives."

[combustible] units or other ingredients in such proportions, quantities or packing that an ignition by fire, by friction, by concussion, by percussion or by detonation of any part of the compound mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable or [of] producing destructible effects on contiguous objects or of destroying life or limb.

"Farm tractor."

(q) "Farm Tractor." Every motor vehicle, as herein defined, designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.

"For hire vehicles."

(r) "For Hire Vehicles." Any motor vehicle, as herein defined, other than an auto stage, as herein defined, used for the transportation of persons for compensation.

"Hours of darkness."

(s) "Hours of Darkness." Whenever used in this act, shall mean the hours from one-half hour after sunset to one-half hour before sunrise, and any other time when persons or objects may not be clearly discernible at a distance of five hundred (500) feet.

"Inflammable liquid."

(t) "Inflammable Liquid." Any liquid which has a flash point of 70° Fahrenheit, or less, as determined by a Tagliabue or equivalent closed cup test device.

"Intersection area."

(u) "Intersection Area." The area embraced within the prolongation of the lateral curb lines, or, if there be no curbs, then the lateral roadway boundary lines, of two or more public highways which join one another at an angle, whether or not such highways cross one another.

"Intersection center marker."

(v) "Intersection Center Marker." Any standard, button, flag, painted or raised marker, or other device located at and intended to designate the approximate center of intersection.

"Intersection control area."

(w) "Intersection Control Area." The intersection as herein defined, together with such modifica-

tion of the adjacent roadway area as results from the arc of curb corners and together with any marked or unmarked crosswalks adjacent to the intersection.

(x) "Intersection Entrance Marker." Any standard, button, flag, caution sign, stop sign, or other device located at approximately the point of intersection of the center line of an intersecting public highway with the nearest line of the intersection control area on the approach thereto. "Intersection entrance marker."

(y) "Laned Highway." A highway the roadway of which is divided into clearly marked lanes for vehicular traffic. "Laned highway."

(z) "Local Authorities." Every county, municipal, or other local public board or body having authority to adopt local police regulations under the constitution and laws of this state. "Local authorities."

(aa) "Marked Crosswalk." Any portion of a roadway distinctly indicated for pedestrian crossing by lines or other markings on the surface thereof. "Marked crosswalk."

(bb) "Metal Tire." Every tire, the bearing surface of which in contact with the highway is wholly or partly of metal or other hard, nonresilient material. "Metal tire."

(cc) "Motor Truck." Any motor vehicle as herein defined, designed or used for the transportation of commodities, merchandise, produce, freight or animals. "Motor truck."

(dd) "Motor Vehicle." Every vehicle, as herein defined, which is in itself a self-propelled unit. "Motor vehicle."

(ee) "Motorcycle." Every motor vehicle, as herein defined, having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a farm tractor. "Motorcycle."

(ff) "Muffler." A device consisting of a series of chambers, or other mechanical designs for the purpose of receiving exhaust gas from an internal "Muffler."

combustion engine and effective in reducing noise resulting therefrom.

"Multiple
lane
highway."

(gg) "Multiple Lane Highway." Any public highway the roadway of which is of sufficient width to reasonably accommodate four (4) separate lanes of vehicular traffic, two (2) lanes in each direction, each lane of which shall be not less than eight (8) feet in width, and whether or not such lanes are marked and whether or not the lanes of opposite bound traffic are separated by a neutral zone or other center line marking.

"Non-
resident."

(hh) "Non-resident." Any person whose residence is outside this state and who is temporarily sojourning within this state for a period of not to exceed ninety (90) days in any one (1) year.

"Operator."

(ii) "Operator." Every person who is in actual physical control of a motor vehicle as herein defined, upon a public highway, as herein defined.

"Owner."

(jj) "Owner." A person who holds a title of ownership of a vehicle, or in the event the vehicle is subject to an agreement for the conditional sale or lease thereof with a right of purchase upon performance of the conditions stated in the agreement and with the immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then any such conditional vendee or lessee, or mortgagor having a lawful right of possession or use and control for a period of ten or more successive days.

"Peace
officer."

(kk) "Peace Officer." Any officer authorized by law to execute criminal process or to make arrests for the violation of the statutes generally or of any particular statute or statutes relative to the public highways of this state.

"Pedestrian."

(ll) "Pedestrian." Any person afoot.

"Person."

(mm) "Person." Every natural person, firm, copartnership, corporation, association or organization.

(nn) "Pneumatic Tires." Every tire of rubber or other resilient material designed to be inflated with compressed air to support the load thereon. "Pneumatic tires."

(oo) "Primary State Highway." Every public highway as herein defined, or part thereof, which has been designated as a primary state highway by legislative enactment. "Primary state highway."

(pp) "Private Road or Driveway." Every way or place in private ownership and used for travel of vehicles by the owner or those having express or implied permission from the owner, but not by other persons. "Private road or driveway."

(qq) "Public Highway." Every way, lane, road, street, boulevard, and every way or place in the State of Washington open as a matter of right to public vehicular travel both inside and outside the limits of incorporated cities and towns. "Public highway."

(rr) "Railroad." A carrier of persons or property upon vehicles, other than street cars, operated upon stationary rails, the route of which is principally outside incorporated cities and towns. "Railroad."

(ss) "Railroad Sign or Signal." Any sign, signal, or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train. "Railroad sign or signal."

(tt) "Residence District." The territory contiguous to and including the public highway, as herein defined, not comprising a business district, as herein defined, when the property on such public highway for a continuous distance of three hundred (300) feet or more on either side thereof is in the main improved with residences or residences and buildings in use for business. "Residence district."

(uu) "Revoke." In all its forms shall mean the invalidation for a period of one calendar year and thereafter until reapplication. "Revoke."

- "Road tractor." (vv) "Road Tractor." Every motor vehicle, as herein defined, designed and used primarily as a road building vehicle in drawing road building machinery and devices.
- "Roadway." (ww) "Roadway." The paved, improved or proper driving portion of a public highway designed or ordinarily used for vehicular travel.
- "Safety zone." (xx) "Safety Zone." The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is marked or indicated by painted marks, signs, buttons, standards or otherwise, so as to be plainly discernible.
- "School bus." (yy) "School Bus." Any motor vehicle, as herein defined, owned by a public or governmental agency and operated for the transportation of children to or from school or school activities or privately owned and operated for compensation for the transportation of children to or from school or school activities.
- "Semi-trailer." (zz) "Semi-trailer." Every vehicle without motive power designed to be drawn by a motor vehicle or truck tractor and so constructed that an appreciable part of its weight and that of its load rests upon and is carried by such motor vehicle or truck tractor.
- "Sidewalk." (aaa) "Sidewalk." That property between the curb lines or the lateral lines of a roadway, as herein defined, and the adjacent property, set aside and intended for the use of pedestrians or such portion of private property parallel and in proximity to a public highway and dedicated to use by pedestrians.
- "Solid tire." (bbb) "Solid Tire." Every tire of rubber or other resilient material which does not depend upon inflation with compressed air for the support of the load thereon.
- "Street car." (ccc) "Street Car." A vehicle other than a train, as herein defined, for the transporting of persons or property and operated upon stationary rails principally within incorporated cities and towns.

(ddd) "Suspend." In all its forms shall mean "Suspend." invalidation for any period less than one calendar year and thereafter until reinstatement.

(eee) "Traffic." Pedestrians, ridden or herded "Traffic." animals, vehicles, street cars, and other conveyances either singly or together while using any public high-ways for purposes of travel.

(fff) "Traffic Control Signal." Any traffic device, "Traffic con-
trol signal." as herein defined, whether manually, electrically or mechanically operated, by which traffic alternately is directed to stop or proceed or otherwise controlled.

(ggg) "Traffic Devices." All signs, signals, "Traffic
devices." markings and devices not inconsistent with this act placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic.

(hhh) "Trailer." Every vehicle, as herein defined, "Trailer." without motive power designed for being drawn by or used in conjunction with a motor vehicle, as herein defined, constructed so that no appreciable part of its weight rests upon or is carried by such motor vehicle.

(iii) "Train." A vehicle propelled by steam, "Train." electricity or other motive power with or without cars coupled thereto, operated upon stationary rails, except street cars.

(jjj) "Trolley Vehicle." A vehicle, as herein "Trolley
vehicle." defined, the motive power for which is supplied by means of a trolley line and which may or may not be confined in its operation to a certain portion of the roadway in order to maintain trolley line contact.

(kkk) "Truck Tractor." Any motor truck as "Truck
tractor." herein defined, designed and used primarily for drawing a semi-trailer and not constructed to carry a load thereon other than a part of the weight of such semi-trailer and load so drawn.

(lll) "Used Vehicle." A vehicle which has been "Used
vehicle." sold, bargained, exchanged, given away, or title

transferred from the person who first took title to it from the manufacturer or first importer, dealer or agent of the manufacturer or importer, and so used as to have become what is commonly known as "secondhand" within the ordinary meaning thereof.

"Vehicle."

(mmm) "Vehicle." Every device capable of being moved upon a public highway and in, upon or by which any person or property is or may be transported or drawn upon a public highway, excepting devices moved by human or animal power or used exclusively upon stationary rails or tracks.

Words and phrases used herein in the past, present or future tense shall include the past, present and future tenses; words and phrases used herein in the masculine, feminine or neuter gender shall include the masculine, feminine and neuter genders; and words and phrases used herein in the singular or plural shall include the singular and plural; unless the context thereof shall indicate to the contrary.

CHAPTER II. SCOPE OF ACT.

Provisions relating to vehicles to be uniform.

SEC. 2. The provisions of this act relating to vehicles shall be applicable and uniform throughout this state and in all incorporated cities and towns and all political subdivisions therein and no local authority shall enact or enforce any law, ordinance, rule or regulation in conflict with the provisions of this act except and unless expressly authorized by law to do so and any laws, ordinances, rules or regulations in conflict with the provisions of this act are hereby declared to be invalid and of no effect. Local authorities may, however, adopt additional vehicle and traffic regulations which are not in conflict with the provisions of this act.

Provisions relating to operation of vehicles to be uniform.

SEC. 3. The provisions of this act relating to the operation of vehicles shall be applicable and uniform upon all persons operating vehicles upon the public

highways of this state, except as otherwise specifically provided.

SEC. 4. Every person riding a bicycle or an animal or driving any animal or operating any nature of conveyance or drawing any vehicle upon any public highway of this state shall be subject to the provisions of this act relating to the operation of vehicles and applicable to the operator of a vehicle, except those provisions of the law which, by their nature, can have no application.

Persons riding bicycles or operating conveyances.

SEC. 5. The provisions of this act shall be applicable to the operation of any and all vehicles upon the public highways of this state except that they shall not apply in the following cases:

Exemptions:

(a) 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: *Provided*, That the provisions of this section 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 consequence of a reckless disregard for the safety of others: *Provided, further*, The provisions of this section shall in no event extend any special privilege or immunity in operation of an authorized emergency vehicle for any purpose other than that for which the same has been authorized;

Emergency vehicles.

(b) To any persons, teams, vehicle or other equipment while actually engaged in authorized work upon the surface of a public highway in so far as suspension of the provisions of this act are reasonably necessary for the carrying on of such work: *And providing*, Reasonable precautions are taken to apprise and protect the users of such public highway,

Persons engaged in road work.

but such provisions shall apply to such persons, teams, vehicles and other equipment when traveling to and from such work;

(c) To any persons, vehicles or otherwise, in so far as the same may be specifically exempted from any provision or provisions of this act.

CHAPTER III. VEHICLE INSPECTION.

Commission
on
equipment.

SEC. 6. There is hereby constituted a state commission on equipment which shall consist of the director of licenses, the director of highways and the chief of the Washington State Patrol.

It shall be the power and the duty of the state commission on equipment to adopt, apply and enforce such reasonable rules and regulations as will expedite the enforcement of the provisions of this act with regard to vehicle equipment. In addition to those powers and duties specifically granted by the provisions of this act the state commission on equipment shall have the power and the duty to adopt, apply and enforce such reasonable rules and regulations relating to vehicle equipment as may be deemed necessary and convenient in addition to but not inconsistent with the provisions of this act. The state commission on equipment shall have the powers and duties provided by this act.

Vehicle
equipment
inspection
stations.

SEC. 7. The director of highways is hereby empowered to constitute, erect, operate and maintain, throughout the State of Washington, stations for the inspection of vehicle equipment, and to set a date, at a reasonable time subsequent to the installation of such stations, when inspection of vehicles shall commence, and it shall be unlawful for any vehicle to be operated over the public highways of this state unless and until it has been approved periodically as to equipment. The director of highways shall establish periods of vehicle equipment inspection. In the event of any such inspection, the same shall be in

charge of a responsible employee of the director of highways, who shall be duly authorized as a peace officer and who shall have authority to secure and withhold, with written notice to the director of licenses, the certificate of license registration of any vehicle found to be defective in equipment, and it shall be unlawful for any person to operate such vehicle unless and until the same has been placed in a condition satisfactory to subsequent equipment inspection; the peace officer in charge of such vehicle equipment inspection station shall grant to the operator of such defective vehicle the privilege to operate such vehicle to a place for repair under such restrictions as may be reasonably necessary for the safe operation thereof.

In the event any insignia, sticker or other marker should be adopted to be displayed upon vehicles in connection with the inspection of vehicle equipment, the same shall be displayed as required by the rules and regulations of the director of highways and it shall be unlawful for any person to mutilate, destroy, remove or otherwise interfere with the display thereof.

Stickers
displayed.

SEC. 8. The director of highways is empowered to provide reasonable rules and regulations regarding times for the inspection of vehicle equipment, and all other matters with respect to the conduct of vehicle equipment inspection stations.

Inspection
rules.

In the event that any municipality or other political subdivision of this state has installed and placed in operation on the effective date of this act, any station for the inspection of vehicle equipment, the operation of such inspection station shall be in strict conformity with rules, regulations, procedure and standards of inspection prescribed by the director of highways. The operation of such municipally owned vehicle inspection station shall be under the direction and supervision of the director of highways

Municipally
owned
inspection
stations.

and there shall be maintained and submitted as and when prescribed such records and reports as shall be required by the director of highways.

Stickers and supplies furnished.

The director of highways shall prepare and furnish such stickers, tags, record and report forms, stationery and other supplies as shall be deemed necessary. The director of highways is empowered to appoint and employ such assistants as he may consider necessary and to fix hours of employment and compensation.

Assistants.

Acquisition of lands for inspection stations.

SEC. 9. The director of highways is empowered to acquire land for such vehicle equipment inspection stations by purchase, gift, or condemnation, with or without structures thereon. In the event land is acquired by condemnation the same shall be acquired in the manner provided by law for the acquisition of private property for public use. The director of highways is empowered to erect structures and to acquire and install such equipment and mechanical devices as shall from time to time be necessary or convenient for the inspection of vehicle equipment.

Structures erected and equipment installed.

Acquiring of inspection stations from municipality.

In the event that the director of highways should deem it advisable to acquire any vehicle equipment inspection station which is owned and operated by any municipality or other political subdivision of this state at the time of the taking effect of this act, and funds being available therefor, the director of highways is empowered to acquire such vehicle equipment inspection station in the name of the State of Washington upon an agreed cost with such municipality or other political subdivision not in excess of the reasonable value thereof.

Inspection at periodic intervals.

SEC. 10. Vehicle equipment inspection shall be at such periodic intervals as shall be required by the director of highways and shall be without charge for such periodic inspection.

SEC. 11. It shall be unlawful for any person employed by the director of highways or by any municipality or other political subdivision, in any vehicle equipment inspection station, to directly or indirectly, or in any manner whatsoever, order, direct, recommend or influence the correction of vehicle equipment defects by any person or persons whomsoever.

Repair or adjustment of equipment at inspection station unlawful.

It shall be unlawful for any person employed by the director of highways or by any municipality or other political subdivision, while in or about any vehicle equipment inspection station, to perform any repair or adjustment upon any vehicle or any equipment or appliance of any vehicle whatsoever.

It shall be unlawful for any person to solicit in any manner the repair to any vehicle or the adjustment of any equipment or appliance of any vehicle, upon the property of any vehicle equipment inspection station or upon any public highway adjacent thereto.

Any person violating any of the provisions of this section shall be guilty of a gross misdemeanor.

Penalty.

SEC. 12. It shall be unlawful for any person to operate or move, or for any owner to cause or permit to be operated or moved upon any public highway, any vehicle or combination of vehicles, which is not at all times equipped in the manner required by this act, or the equipment of which is not in a proper condition and adjustment as required by this act.

Defective vehicle operating on highway may be impounded.

Any vehicle operating upon the public highways of this state and at any time found to be defective in equipment in such a manner that it may be considered unsafe shall be an unlawful vehicle and may be prevented from further operation until such equipment defect is corrected and any peace officer is empowered to impound such vehicle until the same has been placed in a condition satisfactory to vehicle inspection. The necessary cost of impounding any such

unlawful vehicle and any cost for the storage and keeping thereof shall be paid by the owner thereof. The impounding of any such vehicle shall be in addition to any penalties for such unlawful operation.

The provisions of this section shall not be construed to prevent the operation of any such defective vehicle to a place for correction of equipment defect in the manner directed by any peace officer or representative of the state commission on equipment.

Defective vehicle may be operated to place of correction.

SEC. 13. In the event that any vehicle shall become damaged in such a manner that such vehicle shall have become unsafe for operation upon the public highways of this state, it shall be unlawful for the owner or operator thereof to cause such vehicle to be operated upon a public highway upon its return to service unless such owner or operator shall have presented such vehicle for inspection of equipment within twenty-four (24) hours after its return to service.

Unlawful to operate damaged vehicle on highways.

CHAPTER IV. VEHICLE LIGHTING.

SEC. 14. Every vehicle upon the public highways of this state shall be equipped with lamps and illuminating devices as required in this act and may be equipped with additional lamps and illuminating devices as permitted by this act. All vehicle lamps and illuminating devices required by this act shall be lighted during the hours of darkness, subject to any exceptions in this act provided or unless the same are specifically required to be lighted at another time.

Vehicle lighting requirements.

Whenever requirement is in this chapter declared as to the 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 hereinabove stated upon a straight level unlighted public highway under normal atmospheric conditions unless a different time or condition is expressly stated.

SEC. 15. Every motor vehicle other than a motorcycle shall be equipped with no more nor less than two head lamps with 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 act.

Head lamps
on motor
vehicles.

Every motorcycle shall be equipped with at least one and not more than two head lamps which shall comply with the requirements and limitations of this act.

Head lamps
on motor-
cycles.

SEC. 16. Every motor vehicle operated not in combination and every trailer and semi-trailer shall be equipped with a rear lamp capable of exhibiting a continuous red light plainly visible from a distance of five hundred (500) feet to the rear, except that every new motor vehicle not to be used in combination and every trailer or semi-trailer sold in this state after January 1, 1939, shall be equipped with two rear lamps, one located near each side, each capable of exhibiting a continuous red light plainly visible from a distance of five hundred (500) feet to the rear.

Rear lamps
and
reflectors.

Either such rear lamp or a separate lamp shall be so constructed and placed as to illuminate with a white light the rear vehicle license plate and render it clearly legible from a distance of fifty (50) feet to the rear. When the rear license plate is illuminated by an electric lamp, other than the required rear lamp, said two lamps shall be turned on or off only by the same control switch at all times whenever head lamps are lighted.

Every new motor vehicle, trailer, or semi-trailer hereafter sold and every commercial vehicle hereafter operated on a public highway shall also carry at the rear, and located near the left side thereof, a red reflector meeting the requirements of this section.

Whenever any reflector is required or permitted to be used in substitution of lamps upon a vehicle, or in conjunction therewith, or in addition thereto, under any of the provisions of this act, such reflector shall be mounted upon the vehicle at a height not to exceed sixty (60) inches nor less than twenty-four (24) inches above the level surface upon which the vehicle stands, and every such reflector shall be so designed and maintained as to be visible at night from all distances up to five hundred (500) feet when directly in front of a motor vehicle displaying lawfully lighted head lamps directed from a point in the direction in which such reflector is faced.

Except as provided for a back-up lamp in proper use and the white light illuminating the rear vehicle license number plate, it shall be unlawful for any person to operate a vehicle with any light, lamp or reflector visible from the rear thereof showing any color other than red.

SEC. 17. Within thirty (30) days after the effective date of this act, every motor vehicle trailer and semi-trailer designed or used for the transportation of commodities, property or animals, or for the transportation of passengers, or otherwise a commercial vehicle, except for hire vehicles operated entirely within municipalities when their interiors are illuminated, shall display lighted lamps during hours of darkness as required in this section, except such lamps may be, but are not required to be, lighted when any such vehicle is upon a public highway which is sufficiently illuminated by street lamps to render any person or vehicle clearly discernible at a distance of five hundred (500) feet.

Every such vehicle having a width of any part in excess of eighty (80) inches shall be equipped with four clearance lamps upon the body, two (2) on each side thereof, one of which shall be located near the front and top, displaying a yellow light showing

Trailers or semi-trailers designed for transportation to display lighted lamps.

Clearance lamps or reflectors.

to the front and side, and one of which shall be located near the rear and top, displaying a red light showing to the rear and side, all of which lamps shall be visible at a distance of five hundred (500) feet: *Provided*, Such clearance lamps shall be conveniently located in compliance with the provisions of this act upon the prominent structure of any such vehicle: *Provided*, That the state commission on equipment shall devise such rules and regulations with respect to various vehicle construction in order to attain substantial compliance with the provisions of this section.

Every such vehicle having an overall length of thirty (30) feet, and every combination of vehicles having an overall length in excess of thirty (30) feet, shall be equipped with four (4) sidemarker reflectors upon the body, two (2) on each side, one of which shall be located near the front and bottom, displaying a yellow reflection, and one of which shall be located near the rear and bottom, displaying a red reflection.

Sidemarker
reflectors.

SEC. 18. Whenever the load upon any vehicle extends to the rear four (4) feet or more beyond the bed or body of such vehicle, there shall be displayed at the extreme rear end of the load, during hours of darkness, a red light or red lantern displaying a light plainly visible from a distance of at least five hundred (500) feet to the sides and rear. The red light or red lantern required under this section shall be in addition to the red rear light or lights and reflector required upon every vehicle. At any other time there shall be displayed at the extreme rear end of such load a distinctly red cloth flag which shall be suspended on a frame or other similar device in such a manner that it will display a red surface on two sides for a square area of not less than one hundred forty-four (144) square inches in approximately the same plane.

Flag or light
at end of
load.

Lamps on
parked
vehicles.

SEC. 19. Whenever a vehicle is parked or stopped upon a roadway or shoulder adjacent thereto, whether attended or unattended during hours of darkness, such vehicle shall display not less than two lamps, one on either side exhibiting a white light visible from a distance of five hundred (500) feet to the front of such vehicle and not less than one continuous red light on the left side visible from a distance five hundred (500) feet to the rear, except that local authorities may provide by ordinance or resolution that no lights need be displayed upon any such vehicle when stopped or parked in accordance with local parking regulations upon a public highway under their jurisdiction, where there is sufficient light to reveal any person or object within a distance of five hundred (500) feet upon such public highway. Any lighted headlamps upon a parked vehicle shall be depressed or dimmed.

Lamps on
bicycles.

SEC. 20. During hours of darkness every bicycle shall be equipped with one lamp on the front exhibiting a white light visible from a distance of at least five hundred (500) feet to the front and with a lamp on the rear exhibiting a red light visible from a distance of five hundred (500) feet to the rear; excepting that a red reflector meeting the requirements of this act may be used in lieu of a rear light.

Vehicles not
specifically
mentioned.

SEC. 21. All vehicles, including animal drawn vehicles and others not specifically required by this act to be equipped with lamps, shall, during hours of darkness, be equipped with at least one lighted lamp or lantern exhibiting a white light visible from a distance of five hundred (500) feet to the front and sides of such vehicle and with a lamp or lantern exhibiting a red light visible from a distance of five hundred (500) feet to the rear.

Spot lamps.

SEC. 22. Any motor vehicle may be equipped with not to exceed one spot lamp and every lighted

spot lamp shall be so aimed and used 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 (100) feet ahead of the vehicle.

Any motor vehicle may be equipped with not to exceed one auxiliary driving lamp mounted on the front at a height not less than twelve (12) inches nor more than forty-two (42) inches above the level surface upon which the vehicle stands but in no event shall the center of such auxiliary driving lamp be higher than a line drawn horizontally through the center of the headlamps of such vehicle, and every such auxiliary driving lamp shall meet the requirements and limitations set forth in this act or prescribed by the state commission on equipment.

Auxiliary
driving
lamps.

SEC. 23. Any motor vehicle may be equipped, and when a signal lamp or device is required under this act, shall be equipped with a signal lamp or signal device which shall be plainly visible and understandable in normal sunlight and during hours of darkness from a distance of one hundred (100) feet to the front and rear but shall not project a glaring or dazzling light; except that a stop signal need be visible only from the rear. No signal lamp or signal device shall be used to give signal of intention to stop or of intention to turn to the right or left unless and until the same has been approved by the state commission on equipment.

Signal lamps.

All vehicles manufactured or assembled and first sold after the effective date of this act shall be equipped with a stop signal on the rear thereof which may be either separate or in conjunction with any rear lamp, and shall be so connected with the service brake of such vehicle that it will become illuminated and display a red light to the rear upon application of the service brake of such vehicle: *Provided*, Such stop lamp shall not be required upon any motor ve-

Stop lamps.

Mechanical
arm signals.

hicle when in combination with a trailer or semi-trailer. All mechanical arm signals when permitted or required under the provisions of this act shall be self-illuminated, or reflectorized displaying a yellow reflection in both directions, and shall comply with the provisions of this act with respect to reflectors, except that the same shall be at such height as may be required for the use and display thereof.

Side cowl or
fender lamps.

SEC. 24. Any motor vehicle may be equipped with not more than two side cowl or fender lamps which shall emit a white light without glare.

Running
board cour-
tesy lamps.

Any motor vehicle may be equipped with not more than one running board courtesy lamp on each side thereof which shall emit a white light without glare.

Back-up
lamp.

Any motor vehicle may be equipped with a back-up lamp either separately or in combination with another lamp, except that no such back-up lamp shall be lighted unless necessary for vision while operating such vehicle in a reverse direction and the use of such back-up lamp will not interfere with or inconvenience other vehicle operators upon the public highways.

Head lamps,
intensity and
distribution.

SEC. 25. All head lamps shall be of such nature, and contain such intensity and distribution of light to reveal persons, vehicles and objects within a reasonable distance ahead under all conditions of loading, all factors considered.

Commission
to adopt
regulations
not inconsis-
tent with
this act.

The state commission on equipment shall make rules and regulations not inconsistent with this act and shall provide lighting specifications as to color, intensity, candle power, direction or diffusion of light beam, reflection, visibility, loading and all other matters relating thereto, including sale of vehicle lamps, and it shall be unlawful for any person to operate any vehicle or for any owner to cause or permit to be operated any vehicle in violation of any such rules and regulations of the state commis-

sion on equipment. Such rules and regulations shall be reasonably in accordance with accepted lighting methods and the findings and recommendations of the Society of Automotive Engineers and the Illuminating Engineering Society.

SEC. 26. The headlamps or auxiliary lamps or both of any motor vehicle shall be so arranged that selection may be made by the operator between at least two (2) different elevations of projected light beam. At least one such beam shall, when the vehicle is not loaded, be depressed below the horizontal so that at twenty-five (25) feet: None of the high intensity beam directed to the left of a prolongation of the extreme left side of the vehicle shall project higher than ten (10) inches below the level of the center of the lamp from which it comes; none of the high intensity beam directed to the right of a prolongation of the extreme left side of the vehicle shall project higher than five (5) inches below the level of the center of the lamp from which it comes; and in no event shall any of the high intensity beam of such depressed beam project higher than a level of forty-two (42) inches above the level surface on which the vehicle stands at a distance of seventy-five (75) feet ahead: *Provided*, The provisions of this section requiring a depressed projected light beam shall not apply to vehicles first sold and in operation on the effective date of this act.

Requirements as to head lamps and auxiliary driving lamps.

SEC. 27. When necessary by reason of emergency, any motor vehicle may be operated during hours of darkness when equipped with two lighted lamps on the front thereof capable of revealing persons and objects seventy-five (75) feet ahead in lieu of other head lamps required by this act: *Provided*, That at no time shall it be operated at a speed in exceed [excess] of twenty (20) miles per hour. For the purposes of this section an emergency shall be a mechanical failure of the headlamps otherwise re-

Emergencies.

quired. Such emergency shall exist only so long as is reasonably necessary to reach the nearest point where the lighting defect may be corrected.

Front lighted lamps and rear red light displayed.

SEC. 28. At all times during hours of darkness, at least two (2) lighted headlamps shall be displayed, one on each side at the front of every motor vehicle, and one lighted red rear lamp, except when such vehicle is parked subject to the regulations governing lights on parked vehicles.

Lighted lamps limited.

Whenever a motor vehicle equipped with headlamps, as in this act required, is also equipped with any auxiliary lamps or a spot lamp or any other lamp on the front thereof, not more than a total of four (4) of any such lamps on the front of a vehicle shall be lighted at any one time when upon a public highway, except that such limitation shall not exclude cowl or fender lamps or any lamps required by law.

Red lamp visible from in front of vehicle prohibited.

SEC. 29. No person shall drive or move any vehicle or equipment upon any public highway with any lamp or device thereon displaying a red light visible from directly in front thereof. This section shall not apply to authorized emergency vehicles or vehicles of the department of highways of the State of Washington which present a danger by the nature of their necessary operation.

Intermittent lights.

Automatically flashing lights or intermittent lights are prohibited on motor vehicles, except as a rear signal lamp for indicating intention to stop or turn to the right or left and when, as and if approved by the state commission on equipment. The commission on equipment is empowered to adopt and require an intermittent or flashing red light as a stop light upon the rear of vehicles.

Illegal to sell or use unapproved device.

SEC. 30. 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 semi-trailer or other vehicle any headlamp, auxiliary driving

lamp, rear lamp, signal lamp or reflector, as required in this act, which tends to change the original design or performance, unless of a type which has been submitted to and approved by the state commission on equipment.

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 semi-trailer or other vehicle, 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.

No person shall use upon any motor vehicle, trailer or semi-trailer or other vehicle any lamps mentioned in this section unless said lamps are equipped with bulbs of a rated candlepower and are mounted and adjusted as to focus and aim in accordance with rules and regulations of the state commission on equipment.

SEC. 31. The state commission on equipment is hereby authorized to approve or disapprove vehicle lighting devices.

Commission
to approve
lighting
devices.

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 act, within a reasonable time after such device has been submitted.

The state commission on equipment is further authorized to set up the procedure which shall be followed when any device is submitted for approval.

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 it may determine.

The state commission on equipment shall publish lists of all lamps and devices by name and type which have been approved by it, together with in-

structions as to the permissible candlepower rating of the bulbs which it has determined for use therein and such other instructions as to adjustment as the state commission on equipment may deem necessary.

For the purpose of considering devices submitted for approval, the state commission on equipment shall meet at least once in every calendar month.

Revocation
of certificate
of approval
on lighting
devices.

SEC. 32. When the state commission on equipment has reason to believe that any device being sold commercially, as bearing certificate of approval, does not comply with the requirements of this act, or the rules and regulations of the state commission on equipment, it may, after giving thirty (30) 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 device being sold. After said hearing the state commission on equipment shall determine whether said device, as being sold, meets the requirements of this act. If said device does not meet the requirements of this act, it shall give notice to the person holding the certificate of approval for such device in this state.

If at the expiration of ninety (90) 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 device as thereafter to be sold meets the requirements of this act or the rules and regulations of the state commission on equipment, the state commission on equipment shall suspend or revoke the certificate of 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 act, and the rules and regulations of the state commission on equipment, and may require that all said devices sold since the notification following the hearing be replaced with devices that do comply with the re-

quirements of this act. The state commission on equipment may, at the time of the retest, purchase in the open market and submit to the testing agency one or more sets of such devices, and if such device upon such retest fails to meet the requirements of this act, the state commission on equipment may refuse to renew or reinstate the certificate of approval of such device.

SEC. 33. No person shall operate or stand any motor truck or combination of commercial vehicles upon a public highway where vehicle parking lights are required during the hours of darkness unless there shall be carried in such vehicle a sufficient number of electric lanterns or other signals, not less than three (3), approved by the state commission on equipment capable of continuously producing three warning lights, each visible from a distance of at least five hundred (500) feet for a period of at least twelve (12) hours.

Trucks
parked on
highways to
display
lights.

Every such lantern or signal shall be of a type approved by the state commission on equipment and it shall publish lists of those devices which it has approved as adequate for the purposes of this section.

Whenever any motor truck or combination of commercial vehicles is disabled during the period when, and in a location where, parked vehicle lamps must be displayed on vehicles and such motor truck, trailer or semi-trailer cannot immediately be removed from the main traveled portion of a public highway, the driver or other person in charge of such vehicle shall cause such lanterns or other signals to be lighted and placed upon the public highway, one at a distance of approximately one hundred [(100)] feet in advance of such vehicle, one at a distance of approximately one hundred (100) feet to the rear of the vehicle and the third upon the roadway side of the vehicle, except that if the vehicle is transporting inflammables or explosives no open

burning flame shall be placed adjacent to any such last mentioned vehicle.

CHAPTER V. VEHICLE EQUIPMENT.

Brakes.

SEC. 34. Every motor vehicle, other than a motorcycle, when operated upon a public highway shall be equipped with brakes adequate to control the movement of and to stop and to hold such vehicle, including two separate means of applying such 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 the failure of any one part of the operating mechanism shall not leave the motor vehicle without brakes on at least two wheels on the same axle. The separate means of applying such brakes shall be approved by the state commission on equipment.

Every motorcycle and bicycle, when operated upon a public highway, shall be equipped with at least one friction brake, which may be operated by hand or foot.

Every trailer or semi-trailer of a gross weight, including load, of two thousand (2,000) pounds or more, when operated upon a public 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.

Every new motor vehicle, trailer, and semi-trailer sold in this state after January 1, 1938, and operated upon the public highways shall be equipped with service brakes upon all wheels of at least two axles of every such vehicle, except any bicycle or motorcycle, and except that any such trailer or semi-trailer of less than two thousand (2,000) pounds gross weight, including load, need not be equipped with brakes.

The service brakes upon any motor vehicle or combination of vehicles shall be capable of bringing such vehicle or combination of vehicles to a complete stop at a rate of deceleration equivalent to a stop within thirty-five (35) feet from a speed of twenty (20) miles per hour when upon dry asphalt or concrete pavement the surface of which is free from loose material and the grade of which does not exceed one (1) per cent: *Provided*, That under such conditions the service brake upon any motor vehicle equipped with service brakes upon one axle only, when the use of such vehicle is permitted under the provisions of this act, shall be capable of bringing such motor vehicle to a complete stop at a rate of deceleration equivalent to a stop within forty-five (45) feet.

All braking distances and rates of deceleration specified in this section shall apply to all vehicles mentioned, whether such vehicles are not loaded or are loaded to the maximum capacity permitted under this act. 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 vehicles. It shall be unlawful to operate any vehicle with the brakes out of adjustment to the extent that the unequal application between opposite sides of the vehicle will cause the vehicle to swerve, pull to the side, or otherwise affect the operator's control.

Braking
distances.

The means of applying the brakes other than the service or foot brake shall be capable of holding any motor vehicle or combination of vehicles stationary upon any plus or minus grade upon which the same is to be operated and in any event upon a plus or minus grade of at least five (5) per cent.

SEC. 35. Every motor vehicle shall be equipped with a suitable horn, which shall be sounded at any time when such vehicle is approaching a condition

Horn and
warning
devices.

of danger or where in the exercise of due care warning should be made or at such times and under such conditions as required by law. It shall be unlawful for any motor vehicle to be equipped with any gong, siren or whistle unless such vehicle is used as an ambulance or is operated by any police department, fire department, sheriff's office or state patrol, or is otherwise an authorized emergency vehicle, or is a vehicle of the state necessary for use upon the public highways and which by reason of its necessary operation presents a danger to traffic upon the public highway or requires the benefit of the right of way over other traffic.

The horn upon any vehicle shall be capable of emitting sound audible under normal conditions at a distance of not less than two hundred (200) feet and the gong, siren or whistle upon any authorized emergency vehicle shall be capable of emitting sound audible under normal conditions at a distance of not less than five hundred (500) feet. No unusually loud horn shall be permitted on any vehicle other than an authorized emergency vehicle.

Mufflers,
prevention
of noise.

SEC. 36. It shall be unlawful for any person to operate a motor vehicle which shall not at all times be equipped with a muffler upon the exhaust thereof in good working order and in constant operation to prevent excessive or unusual noise and it shall be unlawful for any person operating any motor vehicle to use a cut-out, by-pass, or similar muffler elimination appliance.

Mirrors.

SEC. 37. Every owner or operator of any motor vehicle used upon any public highway of this state shall equip such vehicle with a mirror or other device to enable the operator thereof to have at all times clear and unobstructed view to the rear of such vehicle sufficient to enable him at all times to observe conditions existing to the rear of such ve-

hicle within a distance of not less than two hundred (200) feet.

SEC. 38. It shall be unlawful for any person to operate any motor vehicle upon the public highways of this state with any sign, poster, card, sticker or other non-transparent material upon the windshield or rear or side windows of such motor vehicle other than a certificate or sticker required by law or rule or regulation of proper and lawful authority, in which case the same shall be placed in the lower right-hand corner of the windshield only.

Windshields
must be un-
obstructed.

SEC. 39. It shall be unlawful for any person to operate any motor vehicle not equipped with a device in good working order for cleaning the exterior portion of the windshield over a sufficient area thereof and in a satisfactory manner to afford such operator a clear view ahead, which device shall be controlled and operated by the operator of such motor vehicle at all times when from rain, snow or other cause the condition of the exterior portion of the windshield may become such that said operator's view may be impaired. After January 1, 1938, it shall be unlawful for any person to operate any 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 of the windshield, each capable of cleaning a surface of not less than one hundred twenty (120) square inches, or other device or devices capable of accomplishing substantially the same result.

Windshields
equipped
with wipers.

SEC. 40. On and after January 1, 1938, it shall be unlawful to operate upon any public highway of this state any motor vehicle which is registered in the State of Washington and which shall have been manufactured or assembled on or after January 1,

Safety glass.

1938, unless such vehicle be equipped with safety glass wherever glass is used in partitions, doors, windows and windshields. That on and after January 1, 1938, it shall be unlawful for any person, firm, corporation or association to sell any motor vehicle in the State of Washington which shall have been manufactured or assembled on or after January 1, 1938, unless such motor vehicle be equipped with safety glass wherever glass is used [in] partitions, doors, windows and windshields.

Any replacement of glass wherever glass is used in partitions, doors, windows or windshields of any vehicle after the effective date of this act, upon any motor vehicle required by this section to be equipped with safety glass, shall be by the use of safety glass and it shall be unlawful for anyone to make or procure such replacement with other than safety glass.

The term "safety glass" shall mean any product composed of glass, so manufactured, fabricated, treated or combined with other materials as substantially to prevent shattering and flying of glass fragments when struck or broken, or such other or similar transparent material as may be approved by the state commission on equipment: *Provided*, That "tempered" or "case hardened" glass shall not be used to meet the requirements of this section.

The commission on equipment shall approve and maintain a list of approved types of glass conforming to recognized specifications, types and requirements for safety glass as herein defined, and the certificate of registration of any vehicle operating in violation of the provisions of this section shall be suspended until such time as the requirements of this section shall be met with respect to such vehicle.

Pneumatic
rubber tires.

SEC. 41. On and after January 1, 1938, it shall be unlawful to operate any vehicle upon the public highways of this state unless the same shall be completely equipped with pneumatic rubber tires: *Pro-*

vided, This section shall not apply to animal drawn vehicles or to highway or road building equipment operated by the state, or by any county, city, or other political subdivision, or under the direction or supervision of the state, or of any county, city, or other political subdivision, or to farm tractors or heavy duty vehicles operating under valid special permit.

SEC. 42. It shall be unlawful for any person to drive, propel, draw, move, convey or transport, or cause to be driven, propelled, drawn, moved, conveyed or transported, upon, over, along or across any primary state highway outside the limits of any incorporated city or town, any vehicle or object which shall have any wheels or tires so made, constructed, formed or shaped or so equipped with spikes, cleats, lugs or other attachments or projections, or shall be constructed of such materials as to destroy or injure such primary state highway or the surface, foundation or other part thereof. The director of highways shall have the power and it shall be his duty from time to time as the same may be necessary to issue regulations concerning the equipment of any vehicle or object which may be prohibited from moving upon any primary state highway and in the absence of a regulation providing otherwise it shall be unlawful for any person to drive, propel, draw, move, convey or transport, or cause to be driven, propelled, drawn, moved, conveyed or transported over, upon, along or across any primary state highway outside the limits of any incorporated city or town any vehicle or object which shall have any wheels or tires other than pneumatic rubber tires, hollow center cushion rubber tires or solid rubber tires: *Provided*, This section shall not apply to farm equipment on smooth metal wheels and with a gross weight not to exceed five thousand (5,000) pounds.

Spiked or
cleated
wheels
prohibited.

SEC. 43. It shall be unlawful to operate any vehicle upon the public highways of this state without

Loads
securely
fastened.

having the load thereon securely fastened and protected by safety chains or other device. The state commission on equipment is hereby authorized to adopt and enforce reasonable rules and regulations as to what shall constitute adequate and safe chains or other devices for the fastening and protection of loads upon vehicles.

Sifting or
leaking
loads.

SEC. 44. No vehicle shall be driven or moved on any public highway unless such vehicle is so constructed or loaded as to prevent any of its load from dropping, sifting, leaking or otherwise escaping therefrom, except that sand may be dropped for the purpose of securing traction, or water or other substance may be sprinkled on a roadway in the cleaning or maintaining of such roadway by public authority having jurisdiction. Any person operating a vehicle from which any glass or objects have fallen or escaped, which would constitute an obstruction or injure a vehicle or otherwise endanger travel upon such public highway shall immediately cause the public highway to be cleared of all such glass or objects. It shall be unlawful for any person to throw or drop any glass object, debris or any waste from any moving vehicle or upon the right of way of any public highway.

Device to
reduce
wheel spray.

Every vehicle shall be equipped with a device adequate to effectively reduce the wheel spray or splash of water from the roadway to the rear thereof.

School busses
equipped
with stop
sign.

SEC. 45. All school busses shall be equipped with a "stop" signal upon a background not less than twelve (12) inches square displaying the word "stop" in letters of distinctly contrasting colors not less than eight (8) inches high. Such sign shall display both to the front and rear of such school bus, manually controlled by the operator of the school bus, extending to the left of the body and shall be displayed only when such school bus is receiving or

discharging school passengers and shall be released only when such school passengers are received or discharged and have not further need of protection in crossing the public highway or otherwise.

It shall be unlawful for any person operating a motor vehicle in either direction upon a public highway to fail to bring such vehicle to a complete stop at least (20) feet away and on the approach to any school bus on the roadway or off the roadway displaying such stop signal and remain standing until the same is released: *Provided*, Compliance with the provisions of this section shall not relieve any motor vehicle operator of the further duty to exercise reasonable care in approaching or passing any such school bus.

SEC. 46. It shall be unlawful for any public officer having charge of any vehicle owned by the State of Washington or by any county, city, town or other public body in this state and used in public business to operate the same upon the public highways of this state unless and until there shall be painted upon such automobile or other motor vehicle in letters of contrasting color not less than two (2) inches in height in a conspicuous place on the left side thereof, the words "State of Washington" or the name of such county, city, town or other public body, together with the name of the department or office upon the business of which the said vehicle is used: *Provided*, This section shall not apply to vehicles of the Washington State Patrol, sheriff's office, police department, or any vehicles used by peace officers under public authority for special or general police purpose: *Provided*, It shall be lawful and constitute compliance with the provisions of this section for any department or office to adopt and use in lieu of the lettering required a distinctive insignia, approved by the state commission on equipment, and bearing substantially the same information as required herein.

Public
vehicles,
name of
department.

Exceptions.

CHAPTER VI. SIZE, WEIGHT AND LOAD.

Width of
vehicles.

SEC. 47. The total outside width of any vehicle or load thereon shall not exceed eight (8) feet except that in cases where pneumatic tires have been substituted for the same type or other type of tires and the same have been placed upon any vehicle which is in operation on the effective date of this act the maximum width from the outside of one wheel and tire to the outside of the opposite wheel and tire of eight (8) feet and six (6) inches shall be legal: *Provided*, That in no event shall the outside of the body of such vehicle or the load thereon exceed eight (8) feet: *Provided, further*, In any instance where it is necessary to extend a rear vision mirror beyond the extreme left of the body the same may be done at a height from the level surface upon which the vehicle stands of not less than six (6) feet, despite the fact that this results in a width in excess of eight (8) feet.

Height.

SEC. 48. It shall be unlawful for any vehicle unladen or with load to exceed a height of twelve (12) feet and six (6) inches above the level surface upon which the vehicle stands. 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 any 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 or otherwise where the vertical clearance above the roadway is less than twelve (12) feet

six (6) inches where sign posted to indicate vertical clearance of less than twelve (12) feet six (6) inches.

SEC. 49. It shall be unlawful to operate upon the public highways of this state any vehicle having an overall length, with or without load, in excess of thirty-five (35) feet. It shall be unlawful for any person to operate upon the public highways of this state any combination of vehicles consisting of more than two vehicles. It shall be unlawful for any person to operate upon the public highways of this state any combination of vehicles which, with or without load, has an overall length in excess of sixty (60) feet or any combination of vehicles containing any vehicle which has a length in excess of thirty-five (35) feet: *Provided*, This length limitation shall not apply until January 1, 1939, to any vehicles or combination of vehicles in excess of such lengths without load and licensed in this state and lawfully operating upon the public highways of this state at the time of the taking effect of this act. Said length limitation shall not apply to vehicles transporting poles, pipe, machinery or other objects of a structural nature which cannot be dismembered and operated by a public utility when required for emergency repair of public service facilities or properties and when operated under special permit, but in respect to night transportation every such vehicle and the load thereon shall be equipped with a sufficient number of clearance lamps on both sides and marker lamps upon the extreme ends of any projecting load to clearly mark the dimensions of such load.

Overall
length
limitation.

The load upon any vehicle operated alone, or the load upon the front vehicle of a combination of vehicles, shall not extend more than three (3) feet beyond the front wheels of such vehicle, or the front bumper, if equipped with front bumper.

No vehicle shall be operated upon the public highways of this state with a load extending beyond the rear of the vehicle a distance in excess of fifteen (15) feet.

Weight and
load limit.

SEC. 50. (a) It shall be unlawful to operate any vehicle upon the public highways of this state, supported upon two (2) axles or less, with a gross weight, including load, in excess of twenty-four thousand (24,000) pounds, or with a gross weight upon any one (1) axle thereof in excess of eighteen thousand (18,000) pounds.

It shall be unlawful to operate any vehicle upon the public highways of this state, supported upon three (3) axles or more, with a gross weight, including load, in excess of thirty-four thousand (34,000) pounds, or with a gross weight upon any one (1) axle thereof in excess of fourteen thousand (14,000) pounds.

It shall be unlawful to operate any one (1) axle semi-trailer upon the public highways of this state, with a gross weight, including load, upon such one (1) axle in excess of eighteen thousand (18,000) pounds.

It shall be unlawful to operate any two (2) axle semi-trailer upon the public highways of this state, with a gross weight, including load, upon such two (2) axles in excess of twenty-six thousand (26,000) pounds, or with a gross weight upon any one of such axles in excess of fourteen thousand (14,000) pounds;

(b) Subject to the maximum axle and gross weights specified in subsection (a) above, it shall be unlawful to operate any vehicle or combination of vehicles with a gross weight, including load, in excess of that determined by the total area in square inches of brake lining capable of effective contact with the brake drum or drums of such vehicles or combination of vehicles multiplied by sixty (60)

pounds: *Provided*, Where, under the provisions of this act, vehicles are permitted to be operated upon the public highways of this state with service brakes on one axle only, the maximum gross weight, including load, as determined by this subsection, shall be determined by the total area in square inches of brake lining capable of effective contact with the brake drum or drums of such vehicle or combination of vehicles multiplied by one hundred (100) pounds: *Provided, further*, The provisions of this subsection shall apply only to the foot or service brakes of any such vehicle or combinations of vehicles;

(c) Subject to the maximum gross weights specified in subsection (a) above, it shall be unlawful to operate any vehicle upon the public highways of this state with a gross weight, including load, upon any tire concentrated upon the surface of the highway in excess of five hundred (500) pounds per inch width of such tire. For the purposes of this subsection, the width of tire in case of solid rubber or hollow center cushion rubber tires, so long as the use thereof may be permitted by the law, shall be measured between the flanges of the rim. For the purpose of this subsection, the width of tires in case of pneumatic tires shall be the cross section diameter measured from the inside of the walls at the widest point when inflated to the recommended inflation point and without load thereon;

(d) Subject to the maximum axle and gross weight specified in subsection (a) above, it shall be unlawful to operate any motor vehicle or combination of vehicles with a gross weight, including load, in excess of that determined by the following formula: Total gross weight, including load, in pounds equal $750(L+40)$ in which L represents the overall distance in feet between the first axle and the last axle of such vehicle or combination of vehicles.

Penalty for violation.

Any person violating any of the provisions of this section shall be guilty of a misdemeanor and upon first conviction thereof shall be fined not less than ten dollars (\$10.00) or more than twenty-five dollars (\$25.00); upon second conviction thereof shall be fined not less than twenty-five dollars (\$25.00) or more than fifty dollars (\$50.00), and in addition thereto the court may suspend the certificate of license registration of the vehicle, or combination of vehicles last involved, for a period of time not to exceed thirty (30) days; upon a third or subsequent conviction shall be fined not less than fifty dollars (\$50.00) or more than one hundred dollars (\$100.00) and the court shall, in addition thereto, suspend the certificate of license registration of the vehicle, or combination of vehicles last involved, for not less than thirty (30) days: *Provided*, Whenever certificate of license registration is suspended under the provisions of this section the judge shall secure such certificate and immediately forward the same to the director of licenses with information concerning the suspension thereof.

Lawful weight of motor trucks and loads.

SEC. 51. It shall be unlawful to operate any motor truck upon the public highways of this state, supported upon two (2) axles and having a gross weight, including load, in excess of twelve thousand (12,000) pounds, singly or in combination with a semi-trailer, with a wheelbase between the first and second axles thereof of less than eight (8) feet.

It shall be unlawful to operate any motor truck upon the public highways of this state, supported upon three (3) axles or more, having a gross weight, including load, in excess of twelve thousand (12,000) pounds, singly or in combination with a semi-trailer, with a wheelbase between the first and second axles thereof of less than eight (8) feet or a wheelbase between the second and third axles thereof of less than three (3) feet, six (6) inches.

It shall be unlawful to operate any motor truck upon the public highways of this state, supported upon two (2) axles and having a gross weight, including load, in excess of twelve thousand (12,000) pounds, in combination with a trailer, with a wheelbase between the first and second axles thereof of less than ten (10) feet.

It shall be unlawful to operate any motor truck upon the public highways of this state, supported upon three (3) axles or more, having a gross weight, including load, in excess of twelve thousand (12,000) pounds, in combination with a trailer, with a wheelbase between the first and second axles thereof of less than ten (10) feet or a wheelbase between the second and third axles thereof of less than three (3) feet, six (6) inches.

It shall be unlawful to operate any combination of vehicles consisting of a motor truck and semi-trailer upon the public highways of this state with a gross weight upon such semi-trailer in excess of twelve thousand (12,000) pounds with a wheelbase between the last axle of the motor truck and the first axle of the semi-trailer of less than twelve (12) feet.

Combination
of vehicles.

It shall be unlawful to operate any trailer upon the public highways of this state, supported upon two (2) axles and having a gross weight, including load, in excess of twelve thousand (12,000) pounds with a wheelbase between the first and second axles thereof of less than twelve (12) feet.

Trailer.

It shall be unlawful to operate any trailer upon the public highways of this state, supported upon three (3) axles or more, having a gross weight, including load, in excess of twelve thousand (12,000) pounds with a wheelbase between the first and second axles thereof of less than twelve (12) feet or a wheelbase between the second and third axles thereof of less than three (3) feet, six (6) inches.

It shall be unlawful to operate any combination of vehicles, consisting of a motor vehicle and trailer, with a combined gross weight in excess of ten thousand (10,000) pounds, with a wheelbase between the last axle of the motor vehicle and the first axle of the trailer of less than ten (10) feet.

For the purposes of this section, wheelbase shall be measured upon a straight line from center to center of the vehicle axles designated.

Passenger
type vehicles,
loads carried
on fenders.

SEC. 52. No passenger type vehicle shall be operated on any public highway with any load carried thereon extending beyond the line of the fenders on the left side of such vehicle nor extending more than six (6) inches beyond the line of the fenders on the right side thereof.

Draw bar or
connection
between
vehicles in
combination.

SEC. 53. The draw bar or other connection between vehicles in combination shall be of sufficient strength to hold the weight of the towed vehicle on any grade where operated. No trailer shall whip, weave or oscillate or fail to follow substantially in the course of the towing vehicle. When a disabled vehicle is being towed by means of bar, chain, rope, cable or similar means and the distance between the towed vehicle and the towing vehicle exceeds fifteen (15) feet there shall be fastened on such connection in approximately the center thereof a white flag or cloth not less than twelve (12) inches square.

Towing of
disabled
vehicle.

Local author-
ities may
restrict use
of highways.

SEC. 54. Local authorities with respect to public highways under their jurisdiction may prohibit the operation thereon of motor trucks or other vehicles or may impose limits as to the weight thereof, or any other restrictions as may be deemed necessary, whenever any such public highway by reason of rain, snow, climatic or other conditions, will be seriously damaged or destroyed unless the operation of vehicles thereon be prohibited or restricted or the permissible weights thereof reduced: *Provided*, The

governing authorities of incorporated cities and towns shall not prohibit the use of any city street designated by the director of highways as forming a part of the route of any primary state highway through any such incorporated city or town by vehicles or any class of vehicles or impose any restrictions or reductions in permissible weights unless such restriction, limitation, or prohibition, or reduction in permissible weights be first approved in writing by the director of highways.

The local authorities imposing any such restrictions or limitations, or prohibiting any use or reducing the permissible weights shall do so by proper ordinance or resolution and shall erect or cause to be erected and maintained signs designating the provisions of the ordinance or resolution in each end of the portion of any public highway affected thereby, and no such ordinance or resolution shall be effective unless and until such signs are erected and maintained.

The director of highways shall likewise have authority as hereinabove granted to local authorities to determine by resolution and to impose restrictions upon any basis as to the weight of vehicles or class of vehicles operated upon any primary state highway and such restrictions and limitations shall be effective when signs giving notice thereof are erected upon the primary state highway or at the limits of the portion thereof affected by such resolution.

Director may restrict use of highways.

SEC. 55. The director of highways with respect to primary state highways and local authorities with respect to public highways under their jurisdiction may, in their discretion, upon application in writing and good cause being shown therefor, issue a special permit in writing authorizing the applicant to operate or move a vehicle or combination of vehicles of a size, weight of vehicle or load exceeding the maxi-

Permit for excess size and weight.

imum specified in this act, or otherwise not in conformity with the provisions of this act upon any public highway under the jurisdiction of the authority granting such permit and for the maintenance of which said authority is responsible.

In any instance where the vehicle is of a heavy duty type or carries an excessive load, such permit may be granted: *Provided*, Such vehicle is licensed for the maximum gross weight allowed by law.

The application for any such permit shall specifically describe the vehicle or vehicles and load to be operated or moved and the particular public highways for which permit to operate is requested, and whether such permit is requested for a single trip or for continuous operation.

The director of highways or local authority is authorized to issue or withhold such permit at his or its discretion; or, if such permit is issued, to limit the number of trips, or to establish seasonal or other time limitations within which the vehicles described may be operated on the public highways indicated, or otherwise to limit or prescribe conditions of operation of such vehicle or vehicles when necessary to assure against undue damage to the road foundations, surfaces or structures or safety of traffic, and may require such undertaking or other security as may be deemed necessary to compensate for any injury to any roadway or road structure.

Every such permit shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any peace officer or authorized agent of any authority granting such permit, and no person shall violate any of the terms, conditions or restrictions of such special permit.

SEC. 56. Any peace officer is authorized to require the operator of any vehicle or combination of vehicles to stop and submit to a weighing of the same either by means of a portable or stationary scale and

Officers may weigh vehicles.

may require that such vehicle be driven to the nearest public scale.

Whenever a peace officer, upon weighing a vehicle and load, as above provided, determines that the weight is unlawful, such officer may, in addition to any other penalty provided, require the driver to stop the vehicle in a suitable place and remain standing until such portion of the load is removed as may be necessary to reduce the gross weight of such vehicle to such limit as permitted under this act. All materials unloaded shall be cared for by the owner or operator of such vehicle at the risk of such owner or operator.

It shall be unlawful for any operator of a vehicle to fail or refuse to stop and submit the vehicle and load to a weighing, or to fail or refuse, when directed by an officer upon a weighing of the vehicle to stop the vehicle and otherwise comply with the provisions of this section.

SEC. 57. Any person operating any vehicle or moving any object or conveyance upon any public highway in this state or upon any bridge or elevated structure which is a part of any such public highway shall be liable for all damages which said public highway, bridge or elevated structure may sustain as a result of any illegal operation of such vehicle or the moving of any such object or conveyance or as a result of the operation or moving of any vehicle, object or conveyance weighing in excess of the legal weight limits allowed by law. This section shall apply to any person operating any vehicle or moving any object or contrivance in any illegal or negligent manner or without a special permit as by law provided for vehicles, objects or contrivances of overweight, overwidth, overheight or overlength. Any person operating any vehicle shall be liable for any damage to any public highway, bridge or elevated structure sustained as the result of any negligent

Liability
for damage
to bridges.

operation thereof. When such operator is not the owner of such vehicle, object or contrivance but is so operating or moving the same with the express or implied permission of the owner thereof, then said owner and the operator shall be jointly and severally liable for any such damage. Such damage to any primary state highway or structure may be recovered in a civil action instituted in the name of the State of Washington by the director of highways. Any measure of damage to any public highway determined by the director of highways by reason of this section shall be *prima facie* the amount of damage caused thereby and shall be presumed to be the amount recoverable in any civil action therefor.

CHAPTER VII. EXPLOSIVES AND INFLAMMABLES.

SEC. 58. Any motor vehicle used for the transportation of explosives must be marked or placarded on both sides and the front and rear with the word "*Explosives*" in bold red letters not less than six inches (6") high upon a white background: *Provided*, That this section shall not apply to any motor vehicle used occasionally for personal delivery by the owner thereof for private use.

Vehicle transporting explosives must be placarded.

Restrictions.

SEC. 59. Explosives shall not be transported in any trailer or semi-trailer, nor shall any trailer or semi-trailer be attached to a motor vehicle transporting explosives. No metal, metal tools, carbides, oils, matches, firearms, caps, inflammable liquids, acids, oxidizing or corrosive compounds shall be carried on the bed of any motor vehicle transporting explosives. The floor of any such motor vehicle shall be tight to prevent any sifting through and the inside of the body shall be free from any exposed metal likely to come in contact with the explosives. The body shall be so constructed and explosives so loaded as to insure against any explosives falling or otherwise escaping from the vehicle. No vehicle

transporting explosives shall be loaded in excess of the manufacturer's rated carrying capacity thereof. No explosives shall be carried in any open body unless the same is completely covered with a tarpaulin or other equally protective material. No vehicle transporting explosives shall carry flares or other flame producing illuminators to be used in case of emergency as required by law but shall carry in lieu thereof not less than three electric lamps, each capable of producing red light for a continuous period of not less than twelve (12) hours. The gasoline service tank of any vehicle used in the transportation of explosives shall not be filled while such vehicle is loaded with explosives, except in cases of absolute necessity and then in no case when the motor is running and shall then not be filled unless some electric conductor is provided between the gasoline service tank and the ground.

SEC. 60. Any motor vehicle used primarily for the transportation of inflammable liquids must be marked or placarded on both sides and the front and rear with the word "*Inflammable*" or the word "*Gasoline*" in bold letters not less than six inches (6") high upon a contrasting background: *Provided*, That this section shall not apply to any motor vehicle used occasionally for personal delivery by the owner thereof for private use.

Vehicle transporting inflammable liquids must be placarded.

SEC. 61. No vehicle transporting inflammable liquids shall be operated unless equipped with a chain or other electric conductor capable of frequent contact between the inflammable liquid transportation tank and the ground, which conductor shall be approved by the state commission on equipment. The gasoline service tank of any vehicle transporting inflammable liquids shall in no case be filled when the motor is running and shall never be filled unless some electric conductor is provided between the gasoline service tank and the ground.

Restrictions.

Storage in public garages prohibited.

Transporting of passengers or commodities unauthorized.

Loading or unloading explosives or inflammable liquids.

Requirements.

SEC. 62. Motor vehicles transporting explosives or inflammable liquids shall not be placed in a public garage for storage. Vehicles primarily used or designed to be used for transporting explosives or inflammable liquids shall not at the same time transport any other goods or commodities for hire. It shall be unlawful to transport any unauthorized persons or any passengers for hire upon any vehicles while transporting explosives or inflammable liquids. No vehicle transporting explosives or inflammable liquids shall be loaded or unloaded while the motor is running or the ignition switch is on except where the operation of the motor is necessary to provide power for the discharge and unloading of inflammable liquids but in no event shall the hose connection used for the discharging or unloading of inflammable liquids be made or broken while the motor is running or the ignition switch is on.

SEC. 63. The chassis, engine, pan and body of all vehicles transporting explosives or inflammable liquids shall be kept clean and free from unnecessary oil and grease and all wiring shall be completely insulated and firmly secured. Any motor vehicle transporting explosives and any motor vehicle, either singly or in combination, when transporting inflammable liquids, shall be equipped with at least one fire extinguisher of a type and capacity approved by the state commission on equipment, filled and maintained in good working order at all times and located at a conveniently accessible place upon any such motor vehicle. It shall be unlawful to carry any matches or similar flame producing device upon any vehicle transporting explosives or inflammable liquids. It shall be unlawful for the operator of any vehicle transporting explosives or inflammable liquids to smoke while in, upon or in proximity to such vehicle.

CHAPTER VIII. SPEED.

SEC. 64. (1) Every person operating or driving a vehicle of any character upon the public highways of this state shall operate the same in a careful and prudent manner and at a rate of speed no greater than is reasonable and proper under the conditions existing at the point of operation, taking into account the amount and character of the traffic, weight of vehicle, grade and width of highway, condition of surface and freedom of obstruction to view ahead and consistent with any and all conditions existing at the point of operation so as not to unduly or unreasonably endanger the life, limb, property or other rights of any person entitled to the use of such public highways;

Lawful speed, care and prudent driving.

(2) Subject to the provisions of subsection (1) of this section and except in those instances where a lower maximum lawful speed is provided by this act or otherwise, it shall be unlawful for the operator of any vehicle to operate the same at a speed in excess of the following:

(a) Twenty-five (25) miles per hour within the limits of incorporated cities and towns;

(b) Twenty (20) miles per hour in traversing any intersection of public highways within incorporated cities and towns where the operator's view is obstructed: *Provided*, Except as otherwise provided in this section, this provision shall not apply to operators upon arterial highways. An operator's view shall be deemed to be obstructed when at any time during the last 100 feet of his approach to an intersection he does not have a clear and uninterrupted view of such intersection, and of all public highways entering such intersection for a distance of 100 feet along the center line of each thereof;

(c) Twenty (20) miles per hour in traveling upon an arterial highway in any incorporated city or

town and traversing an intersection with another public highway not an arterial highway, and the operator of another vehicle about to enter the intersection of such arterial highway thereat, shall have brought his vehicle to a complete stop as required by law before entering such arterial highway;

(d) Twenty (20) miles per hour while traveling upon any public highway of any incorporated city or town and proceeding through any business district, when such business district is so sign posted at the extremities thereof;

(e) Thirty-five (35) miles per hour in traversing any intersection of public highways outside of any incorporated cities and towns where the operator's view is obstructed: *Provided*, That except as otherwise provided this provision shall not apply to operators upon arterial highways outside of incorporated cities and towns. An operator's view shall be deemed to be obstructed when at any time during the last 100 feet of his approach to an intersection he does not have a clear and unobstructed view of such intersection and of all public highways entering such intersection for a distance of one hundred (100) feet along the center line of each thereof;

(f) Thirty-five (35) miles per hour in traveling upon an arterial highway outside of incorporated cities and towns and traversing an intersection with another public highway not an arterial highway and the operator of another vehicle about to enter such arterial highway thereat shall have brought his vehicle to a complete stop, as required by law, before entering such arterial highway;

(g) Thirty-five (35) miles per hour while traveling upon any highway outside of any incorporated city or town and proceeding through any business or residence district, when so sign posted at the extremities thereof;

(h) Twenty (20) miles per hour when operating any vehicle upon a public highway of this state

inside incorporated cities and towns when passing any schoolhouse on school days, or school or public playground between the hours of 8:00 a. m. and 5:00 p. m., or when crossing any marked school crossing during such hours;

(i) Twenty (20) miles per hour when operating any vehicle upon a public highway of this state outside incorporated cities and towns when passing any schoolhouse on school days, or school or public playground between the hours of 8:00 a. m. and 5:00 p. m., or when crossing any marked school crossing during such hours;

(j) Fifty (50) miles per hour under all other circumstances.

Compliance with such speeds under the circumstances hereinabove set forth shall not relieve the operator of any vehicle from the further exercise of due care and caution as further circumstances shall require.

The unlawful operation of a vehicle in excess of the maximum lawful speeds provided in this section at the point of operation and under the circumstances described shall be *prima facie* evidence of the operation of a motor vehicle in a reckless manner by the operator thereof.

All charges for the violation of any of the provisions of this section, every notice to appear, and every complaint charging the violation of this section shall specify approximately the speed at which the defendant is alleged to have operated such vehicle, the maximum lawful speed at the point of operation and the reasonable and proper rate of speed applicable under the conditions existing at the point of operation.

SEC. 65. The director of highways may regulate the speed of vehicles on any part of any primary state highway where the imposing of a lower maximum speed to be allowed is determined advisable

Director of
highways
may regulate
speed of
vehicles.

on account of sharp curvature, excessive traffic, or other permanent cause. The director of highways may regulate the speed of vehicles on any part of any primary state highway where the imposing of a lower maximum speed to be allowed is determined advisable on account of highway or road construction or repairs, condition of said highway or road, excessive traffic or other temporary cause. The director of highways shall cause to be posted at either end of any portion of any primary state highway where the speed is regulated, signs of sufficient size to be easily read, setting forth the maximum speed allowed and stating by whose order said regulation is made and thereafter it shall be unlawful for any person to violate any such order, rule or regulation.

Regulation
of speed by
cities.

SEC. 66. No governing body or authorities of any city or town or other political subdivision shall have the power to pass or enforce any ordinance, rule or regulation requiring a different rate of speed than that specified under the provisions of the law of this state at which vehicles may be operated along or over the public highways of such city or town or political subdivision or otherwise to regulate the use of public highways thereof contrary to or inconsistent with the laws of this state; and all such ordinances, rules and regulations now in force are hereby declared to be void and of no effect: *Provided*, That on any portion of any city or town street where, on account of sharp curvature, highway construction or repairs, excessive traffic, any dangerous condition, or other temporary or permanent causes, it is deemed inadvisable for vehicles to operate at a maximum speed allowed by the law of this state the governing body or authorities of such city or town or other political subdivision may adopt a lower maximum speed or otherwise regulate speed by order, rule or regulation hereafter properly adopted: *Provided, further*, That the governing body or authorities of

any city or town or other political subdivision shall be allowed to increase the maximum speed allowed upon the city street of such city or town or political subdivision: *Provided, further,* That in no case where the maximum speed allowed is reduced below that permitted by the laws of this state shall such be reduced to less than ten (10) miles per hour, and in no case where the speed is increased above the maximum speed allowed by the laws of this state shall the same be increased above thirty-five (35) miles per hour. At the time of providing for any such decreased or increased maximum speed allowed, the governing body or authorities of any such city or town or political subdivision shall cause to be posted at either end of such portion of such public highway and at such other points as is deemed advisable, signs of such size as to be easily read, setting forth the maximum speed allowed upon such public highway and thereafter it shall be unlawful for any person to violate any such order, rule or regulation. The governing body or authorities of any such city or town or political subdivision shall place and maintain upon each and every public highway intersecting with any public highway where an increased speed is permitted, as provided in this section, appropriate stop signs, sufficient to be read at any time by any person upon approaching and entering the public highway upon which such increased speed is permitted and such city street or such portion thereof as is subject to such increased speed shall be an arterial highway.

SEC. 67. No person or persons shall race any motor vehicle or motor vehicles upon any public highway of this state. Any person or persons guilty of comparing or contesting relative speeds by simultaneous operations shall be guilty of reckless driving whether or not such speed is in excess of the maximum speed prescribed by law.

Racing on
public
highways.

Unlawful advertisement of time or speed on public highways.

SEC. 68. It shall be unlawful for any manufacturer, dealer, distributor or any person, firm or corporation to publish or advertise or offer for publication or advertisement, or to consent or cause to be published or advertised, the time consumed or speed attained by a vehicle between given points or over given or designated distances upon any public highways of this state when such published or advertised time consumed or speed attained shall indicate an average rate of speed between given points or over a given or designated distance in excess of the maximum rate of speed allowed between such points or at a rate of speed which would constitute reckless driving between such points. Conviction for a violation of any of the provisions of this section shall be *prima facie* evidence of reckless driving and shall subject such person, firm, or corporation to the penalties in such cases provided.

Minimum speed regulation.

SEC. 69. It shall be unlawful for any person to operate a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic at the point of operation thereof, except when a reduced speed is necessary for safe operation or in compliance with any law, rule or regulation. Peace officers are hereby authorized to enforce this section by directions to vehicle operators, and it shall be unlawful for any person to operate in wilful disobedience to the provisions of this section or refuse to comply with the directions of any peace officer relating thereto. Where any slow moving vehicle tends to congest traffic any peace officer may cause such vehicle to be removed from roadway and permit the congested traffic to be relieved.

Special speed and weight limitation on bridges or through tunnels.

SEC. 70. It shall be unlawful for any person to operate a vehicle or any combination of vehicles over any bridge or other elevated structure or through any tunnel or underpass constituting a part of any public highway at a rate of speed or with a gross

weight or of a size which is greater at any time than the maximum speed or maximum weight or size which can be maintained or carried with safety over any such bridge or structure or through any such tunnel or underpass when such bridge, structure, tunnel or underpass is sign posted as hereinafter provided. The director of highways, if it be a bridge, structure, tunnel or underpass upon a primary state highway, or the governing body or authorities of any county, city or town, if it be upon roads or streets under their jurisdiction, may restrict the speed which may be maintained or the gross weight or size which may be operated upon or over any such bridge or elevated structure or through any such tunnel or underpass with safety thereto. The director of highways or the governing body or authorities of any county, city or town having jurisdiction shall determine and declare the maximum speed or maximum gross weight or size which such bridge, elevated structure, tunnel or underpass can withstand or accommodate and shall cause suitable signs stating such maximum speed or maximum gross weight, or size, or either, to be erected and maintained on the right-hand side of such highway, road or street and at a distance of not less than one hundred (100) feet from each end of such bridge, structure, tunnel or underpass and on the approach thereto: *Provided*, In the event that any such bridge, elevated structure, tunnel or underpass is upon a city street designated by the director of highways as forming a part of the route of any primary state highway through any such incorporated city or town the determination of any maximum speed or maximum gross weight or size which such bridge, elevated structure, tunnel or underpass can withstand or accommodate shall not be enforceable at any speed, weight or size less than the maximum allowed by law, unless with the approval in writing of the director of highways. Upon the trial of any person charged with a violation of

this section, proof of either violation of maximum speed or maximum weight, or size, or either, and the distance and location of such signs as are required, shall constitute conclusive evidence of the maximum speed or maximum weight, or size, or either, which can be maintained or carried with safety over such bridge or elevated structure or through such tunnel or underpass.

Speed limit
for motor
trucks.

SEC. 71. It shall be unlawful to operate motor trucks having a gross weight, including load, exceeding ten thousand (10,000) pounds equipped with pneumatic rubber tires over or along any public highways of this state at a greater rate of speed than thirty-five (35) 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.

Combination
of vehicles,
maximum
speed.

SEC. 72. It shall be unlawful for any person to operate any combination of vehicles upon the public highways of this state at a rate of speed in excess of thirty-five (35) 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.

Tire equip-
ment re-
quirements.

SEC. 73. It shall be unlawful to operate any vehicle equipped or partly equipped with solid rubber tires or hollow center cushion tires, or to operate any combination of vehicles any part of which is equipped or partly equipped with solid rubber tires or hollow center cushion tires, so long as solid rubber tires or hollow center cushion tires may be used under the provisions of this act, upon any public highway of this state at a greater rate of speed than twenty (20) 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.

SEC. 74. No evidence as to the speed of any vehicle operated upon a public highway by any person arrested for violation of any of the laws of this state regarding speed or of any orders, rules or regulations of any city or town or other political subdivision relating thereto shall be admitted in evidence in any court at a subsequent trial of such person in case such evidence relates to or is based upon the maintenance or use of a speed trap. A "speed trap," within the meaning of this section, is a particular section of or distance on any public highway, the length of which has been or is measured off or otherwise designated or determined, and the limits of which are within the vision of any officer or officers who calculate the speed of a vehicle passing through such speed trap by using the lapsed time during which such vehicle travels between the entrance and exit of such speed trap: *Provided, however,* Evidence shall be admissible against any person arrested for violation of any of the laws of this state or of any orders, rules or regulations of any city or town or other political subdivision regarding speed if the same is determined by a particular section of or distance on a public highway, the length of which has been accurately measured off or otherwise designated or determined and the limits of which are controlled by a mechanical, electrical or other device capable of measuring or recording the speed of a vehicle passing within such limits within an error of not to exceed five per cent (5%) using the lapsed time during which such vehicle travels between such limits: *Provided,* Such limits shall not be closer than one-fourth ($\frac{1}{4}$) mile.

CHAPTER IX. RULES OF THE ROAD.

SEC. 75. Whenever any person is operating any vehicle upon any public highway of this state he shall at all times drive the same to the right of the center of such highway except when in the exercise

Drive on
right side of
highway.

of care in the overtaking and passing of another vehicle traveling in the same direction, or where an obstruction exists it is necessary to drive to the left of the center of such highway, providing the same is done with due care and right of way is extended to vehicles traveling in the proper direction upon the unobstructed portion of the public highway.

Approaching
vehicles.

SEC. 76. Whenever any person operating any vehicle upon any public highway of this state shall meet or approach a vehicle traveling in the opposite direction, such person shall seasonably turn and drive such vehicle as far to the right of the center of such highway as is practicable. Whenever any person operating any vehicle upon any public highway of this state during hours of darkness shall approach a vehicle traveling in the opposite direction within a distance of five hundred (500) feet, such operator shall cause the high intensity beam of the headlamps upon the vehicle he is operating to be depressed to the lower elevation as provided by law, or in the event that such vehicle is not required under the provisions of this act to be provided with a lower elevation of light, then, under the circumstances herein set out, the high intensity beam of the headlamps upon such vehicle shall be dimmed in lieu of being depressed to a lower elevation.

Overtaking
a vehicle.

SEC. 77. Any person driving a vehicle upon any public highway of this state and overtaking another vehicle proceeding in the same direction shall pass to the left of such overtaken vehicle: *Provided*, That it shall be unlawful for any person to pass any vehicle overtaken unless he shall have a clear and unobstructed view ahead for a distance sufficient for safe passing, all factors considered. Any person driving a vehicle upon any public highway and being overtaken by any vehicle proceeding in the same direction shall keep to the extreme right-hand side of such public highway and shall not accelerate his

speed until the overtaking vehicle shall have resumed a driving position and speed ahead of him. The overtaking vehicle shall drive clear of the overtaken vehicle and shall continue its overtaking speed until it has passed the overtaken vehicle and shall have resumed its driving position to the right of such public highway. No person driving any vehicle upon any public highway outside incorporated cities and towns and overtaking another vehicle proceeding in the same direction shall overtake such vehicle or drive within a distance of less than fifty (50) feet of such overtaken vehicle for such purpose without first signaling his intention to pass by use of horn or other sounding device.

Sounding
of horn.

SEC. 78. The operator of a vehicle may overtake and pass another vehicle proceeding in the same direction, on the right-hand side of such overtaken vehicle, when such overtaken vehicle is making or the operator thereof has signaled intention to make a left-hand turn: *Provided*, Such passing to the right may be done safely in the exercise of due caution and upon the proper driving portion of the roadway.

Overtaking
and passing
on right
hand side,
when.

SEC. 79. It shall be unlawful for any person operating any vehicle upon any public highway outside incorporated cities and towns to overtake and pass another vehicle proceeding in the same direction upon any curve when the view of the operator of such overtaking vehicle is obstructed or obscured within a distance of eight hundred (800) feet along such highway in the direction in which he is proceeding. It shall be unlawful for any person operating any vehicle upon any public highway outside incorporated cities and towns to overtake and pass another vehicle proceeding in the same direction while approaching the crest of any grade where there is not a clear view of such highway ahead within a distance of eight hundred (800) feet along such highway. It shall be unlawful for any person

Passing on
curves.

operating a vehicle upon any public highway outside incorporated cities and towns to overtake and pass another vehicle upon any highway structure, tunnel or underpass or within five hundred (500) feet of the approach thereto. It shall be unlawful for any person operating a vehicle upon any public highway outside of incorporated cities and towns to overtake and pass another vehicle upon a highway-railroad grade crossing or within two hundred (200) feet on the approach thereto. Between the points hereinbefore designated, vehicles shall remain to the extreme right-hand side of the driving portion of the roadway of such public highway. The provisions of this section shall not apply to the overtaking and passing of vehicles upon the proper driving portions of any multiple lane highway. The director of highways may, when he deems it necessary for safe vehicle operation or for the enforcement of this section, measure off and mark upon any primary state highway the designated points between which vehicles may not overtake and pass as above provided, which marking shall be by sign to the right of the entrance into such section and by not less than one continuous line upon such primary state highway six (6) inches in width and painted at right angles to the center line of said primary state highway, and traffic lines adjacent to and of contrasting color to traffic line or lines within the portion of the highway in which such passing is prohibited.

Roadway
laned for
traffic.

SEC. 80. Whenever a roadway has been divided into three or more clearly marked lanes for traffic, the following rules, in addition to all others consistent herewith, shall apply:

(a) Every vehicle shall be operated as nearly as practical entirely within a single lane and shall not be moved from such lane until the operator thereof has first ascertained that such movement can be made with safety;

(b) Upon a roadway which is divided into three lanes, a vehicle shall not be operated in the center lane except when overtaking and passing another vehicle where the roadway is clearly visible and such center lane is clear of traffic within a distance as by law provided, or in preparation of a left turn or when such center lane is at the time allocated exclusively to traffic moving in the direction in which such vehicle is proceeding and is sign posted to give notice of such allocation;

(c) Official signs may be erected directing slow moving or any particular class of traffic to be operated in a designated lane or allocating specific lanes to traffic moving in the same direction, and it shall be unlawful for any person operating a vehicle upon the public highways of this state to disobey the directions of any such sign or signs.

SEC. 81. It shall be unlawful for the operator of any motor vehicle to follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicles and the traffic upon and the condition of any such public highway. It shall be unlawful for the operator of any motor truck or any combination of vehicles operating upon any primary state highway to follow within two hundred (200) feet of another motor truck or combination of vehicles: *Provided*, This provision shall not be construed to prevent overtaking and passing nor shall the same apply upon any lane specially designated for the use of motor trucks or combination of vehicles. This section shall not apply to any convoy of vehicles in the military service of the United States or of this state.

Following too closely.

SEC. 82. The operator of a vehicle shall not overtake and pass upon the left or operate upon the left side of any street car proceeding in the same direction whether such street car is actually in motion or temporarily at rest, except:

Overtaking and passing street cars.

- (a) When so directed by a peace officer;
- (b) When upon a one-way street; or
- (c) When upon a street where the tracks are so located as to prevent compliance with this section.

The operator of any vehicle, when permitted to overtake and pass upon the left of a street car which has stopped for the purpose of receiving or discharging any passenger or passengers, shall reduce speed and may proceed only upon exercising due caution for pedestrians and shall accord pedestrians the right of way as required by other law of this state.

Passing
passenger
carriers dis-
charging
passengers.

SEC. 83. No person operating a vehicle when overtaking any streetcar, interurban, bus or other passenger carrier that has stopped at any point for the receiving or discharging of passengers shall pass or proceed to the right of such streetcar, interurban, bus or other passenger carrier unless and until all awaiting passengers have been received or all alighting passengers have been discharged and have had an opportunity to proceed beyond the limits of the roadway or are within the limits of any pedestrian safety zone and not attempting to proceed therefrom.

Right turn.

SEC. 84. Any person driving any motor vehicle upon any public highway in this state and desiring to make a turn to the right shall seasonably and prudently drive such vehicle as close as is practicable to the extreme right-hand edge of said roadway a reasonable distance before the point of making such turn. Any person driving any vehicle upon any public highway of this state and desiring to make a left-hand turn at any intersection shall seasonably and prudently drive such vehicle to the extreme left-hand side of that portion of the roadway lying to the right of the center of such public highway a reasonable distance before making such left-hand turn. It shall be unlawful for any person to make or attempt to make any right-hand or left-hand turn un-

Left turn.

til he shall have attained the proper relative driving position as aforesaid.

SEC. 85. It shall be the duty of every person operating a vehicle upon any public highway and intending to turn from a standstill or while in motion intending to turn or stop, to give a timely signal from the left-hand side of such vehicle indicating the direction in which he intends to turn or that he intends to stop, as follows: If he intends to turn to the left he shall extend his arm in a horizontal position from the left side of such vehicle continuously for a reasonable length of time; if he intends to turn to the right he shall extend his arm from the left side of the vehicle with his forearm raised vertically continuously for a reasonable length of time; if he intends to stop he shall extend his arm from the left side of such vehicle with his forearm lowered vertically continuously for a reasonable length of time. For the purpose of this section, a reasonable length of time shall be that time required to traverse a distance in feet equal to five times the maximum speed in miles per hour allowed by law during the approach to the point of turning or stopping.

Signals on
starting
stopping and
turning.

The foregoing signals and no others for turning shall be given by any person operating a vehicle and intending to change his driving position either to the left or to the right upon the proper driving portion of any public highway: *Provided*, Mechanical devices capable of producing signals substantially in the manner prescribed for arm signals shall be permitted when and if approved by the state commission on equipment. All vehicles operated on the public highways of this state constructed or encumbered either permanently or temporarily so that arm signals are not clearly visible to the rear of such vehicle shall be equipped with suitable mechanical devices capable of displaying such signals. All arm or mechanical signals herein provided for shall be

clearly visible and sufficiently definite in their execution to be seen and unmistakably understood at a distance of not less than two hundred feet to the rear of such vehicle.

Intersection
center
markers.

SEC. 86. Upon turning to the left at any intersection it shall be unlawful for the operator of a vehicle to make such turn to the left unless all wheels of the vehicle shall pass to the right of the center of such intersection: *Providing*, Intersection center marker has been installed therein. In the event that intersection entrance markers are installed at an intersection an operator shall be permitted to make a turn to the left without regard to the center of such intersection: *Providing*, All wheels of the vehicle shall pass to the right of the intersection entrance markers located on the public highways from which such vehicle is entering and leaving such intersection and both such intersection entrance markers are within the arc circumscribed by such left turn. In the event no intersection center marker or intersection entrance markers are installed at an intersection, left turn may be made as though intersection entrance markers are installed, as above set forth, and such turn made with reference to the points at such intersection where such intersection entrance markers would properly be located.

Turning
around pro-
hibited on
curve or
crest of
grade.

SEC. 87. It shall be unlawful for any person operating any vehicle upon the public highways of this state outside of incorporated cities and towns to turn so as to proceed in an opposite direction upon any curve or upon the approach to, or near the crest of, any grade where such vehicle cannot be seen by the operator of any other vehicle approaching the point of turning from either direction for a distance of one thousand (1000) feet. It shall be unlawful for any person operating any vehicle upon any public highways of this state within incorporated cities and towns to turn the same so as to proceed in an oppo-

site direction at any other point than street intersection or street end.

SEC. 88. It shall be the duty of every operator of any vehicle on approaching public highway intersections to look out for and give right of way to vehicles on their right, simultaneously approaching a given point within the intersection, and whether such vehicle first enter and reach the intersection or not: *Provided*, This section shall not apply to operators on arterial public highways.

Right of way between vehicles.

SEC. 89. It shall be the duty of any operator of any vehicle upon entering an intersection and having signalled his intention as required by law to turn such vehicle to the left to look out for and give right of way to vehicles approaching in the opposite direction and thereby placed on his right, simultaneously approaching the given point within the intersection, whether such vehicle first enter and reach the intersection or not: *Provided*, This section shall not apply to a vehicle making such a left turn when having entered and turning to proceed upon an arterial highway.

Vehicle turning left at intersection.

SEC. 90. The operator of any vehicle shall stop as required by law at the entrance to any intersection with any arterial public highway, and having stopped shall look out for and give right of way to any vehicles upon such arterial highway simultaneously approaching a given point within the intersection, whether or not such vehicle first reach and enter the intersection.

Arterial stop, exception to right of way.

SEC. 91. It shall be the duty of every operator of a vehicle while backing such vehicle to look out for and yield the right of way to all other vehicles upon the public highway.

Backing vehicles.

SEC. 92. It shall be unlawful for the operator of a vehicle to emerge from any alley, driveway, building exit, private way or private property or from off

Stop before emerging from private driveway.

the roadway of any public highway, onto the roadway of any public highway or across a sidewalk or into the sidewalk area extending across any such alley, driveway, building exit, private way or private property without bringing such vehicle to a full stop and yielding the right of way to all pedestrians upon such sidewalk and all vehicles upon such public highway.

Approach of
authorized
emergency
vehicles.

SEC. 93. Upon the immediate approach of an authorized emergency vehicle, when the driver is giving audible signal by siren, exhaust whistle, or bell, the driver of every other vehicle shall yield the right of way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the public highway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a peace officer. Upon the immediate approach of an authorized emergency vehicle, street cars shall be stopped unless otherwise directed by a peace officer. When the operator of any vehicle is complying with the provisions of this section, he shall give proper hand signal indicating his intended movement.

Following
fire
apparatus.

SEC. 94. It shall be unlawful for the operator of any vehicle, other than an authorized emergency vehicle on official business, to follow any fire apparatus proceeding in response to a fire alarm at a distance of less than five hundred (500) feet or drive or park such vehicle within two hundred (200) feet of fire apparatus stopped in answer to fire alarm.

Driving
across fire
hose.

SEC. 95. It shall be unlawful for the operator of any vehicle or street car to operate over any unprotected hose of a fire department when laid down on any public highway or any private road, street, way or alley.

SEC. 96. It shall be unlawful to operate or drive any vehicle or combination of vehicles over or along

any pavement or gravel or crushed rock surface on a public highway with one wheel or all of the wheels off the roadway thereof, except for the purpose of stopping off such roadway, or having stopped thereat, for proceeding back onto the pavement, gravel or crushed rock surface thereof.

Operating
vehicle
with wheels
off roadway.

SEC. 97. No vehicle shall at any time be driven through or within any pedestrian safety zone which has been distinctly marked by signs, buttons, lines, standards or in any other manner.

Driving
through
safety
zones.

SEC. 98. Whenever, at any point, traffic is controlled by traffic control signals exhibiting the words "Go," "Caution," or "Stop" or exhibiting different colored lights, the following words or colors only shall be used and shall indicate as follows:

Traffic con-
trol signal
legend.

Green or the word "Go," under which circumstances vehicles facing such signal may proceed through the section of traffic control or turn right or left unless a sign at such point indicates such turns to be prohibited. Upon such signal exhibiting green or the word "Go" vehicles shall yield the right of way to other vehicles and to pedestrians lawfully in the intersection controlled area immediately prior to the time such signal is exhibited and shall permit them to proceed from the controlled area. It shall be unlawful for any pedestrian to enter or cross the roadway in that portion of the controlled area through which vehicles are directed to proceed by such exhibited green light or such word "Go";

Red or the word "Stop," under which circumstances vehicles facing the signal shall stop before entering the nearest vehicle or pedestrian allocated portion of the controlled area or such other point as may be indicated by a clearly visible line or other marker and shall remain standing as long as such traffic control signal shall exhibit red or the word "Stop";

Pedestrians may cross the roadway within any marked or unmarked crosswalk within that portion of the controlled area at the entrance to which vehicles are directed to stop and remain standing by the exhibited red light or word "Stop";

Red or with word "Stop" and green directional arrow under which circumstances traffic facing the signal shall stop before entering the nearest pedestrian or vehicle allocated portion of the controlled area or such other point as may be indicated by clearly visible line or other marker and then may proceed for the purpose only of making the movement indicated by the directional arrow and then only with the exercise of due caution and if the same can be done without interfering with other traffic or endangering pedestrians lawfully within the controlled area;

Red intermittent flashing light under which circumstances vehicles facing such light shall come to a complete stop before entering such controlled area;

Yellow alone or with the word "Caution" or yellow intermittent flashing light with or without the word "Caution" under which control vehicles approaching shall be driven through such controlled area with extra caution. No traffic control signal or device shall be erected or maintained upon any city street designated as forming a part of the route of a primary state highway unless first approved by the director of highways.

In any traffic control signal directing traffic to alternately stop and go, the red "Stop" signal shall be located at the top of such signal and the green "Go" signal shall be located below the "Stop" signal.

**Pedestrians:
right of way.**

SEC. 99. Pedestrians shall be subject to traffic control signals at intersections and the directions of officers discharging the duty of directing traffic at intersections. Where traffic control signals are not in place or in operation, the operator of a vehicle

shall yield the right of way, slowing down or stopping, if need be, to so yield, to any pedestrian crossing the roadway within a marked crosswalk or within any unmarked crosswalk of any intersection. Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at any intersection to permit a pedestrian to cross the roadway, the operator of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle. Between adjacent intersections at which traffic control signals are in operation and in business districts it shall be unlawful for pedestrians to cross the roadway. Pedestrians crossing a roadway other than at intersection crosswalks shall yield the right of way to all vehicles upon the roadway. It shall be unlawful for a pedestrian to cross a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided. Notwithstanding the provisions of this section, every operator of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding the horn when necessary and shall exercise all proper precaution upon observing any children or any confused or incapacitated person upon the roadway.

SEC. 100. It shall be unlawful for any person upon any public highway of this state to solicit by word or sign or by any other means for himself or for another or for his baggage or for the baggage of another any transportation on vehicles being operated upon such public highways. It shall be unlawful for any person operating any vehicle upon any public highway of this state to offer or give to any such person or other person aforesaid transportation upon any such solicitation. The provisions of this section shall not be construed to prevent any person upon any public highway from soliciting, or any person operating a vehicle upon such public high-

Pedestrians
soliciting
rides.

way from granting or giving transportation where an emergency actually exists, nor shall this section be construed to prevent any person from signaling or requesting transportation from a passenger carrier for the purpose of becoming a passenger thereon for hire.

Pedestrians on public highway.

SEC. 101. Pedestrians on any public highway where a sidewalk is provided shall proceed upon such sidewalk. Pedestrians on any public highway where no sidewalk is provided shall proceed on the extreme left-hand side of the roadway and upon meeting an oncoming vehicle shall step to their left and clear of the roadway.

Stop required in obedience to signal indicating approach of train.

SEC. 102. Whenever any person operating a vehicle approaching any railroad grade crossing or structure with a movable span and a clearly visible electrical, mechanical or manual signal device is in operation and gives warning of the immediate approach of any train or operation of movable span, the operator of such vehicle shall stop within 50 feet, unless vehicles ahead require a greater distance, but not less than twenty (20) feet, from such railroad or span and shall not proceed until he can do so safely. The operator of any vehicle shall stop his vehicle and remain standing and not traverse any railroad grade crossing or structure when crossing gate is lowered or when a human flagman or mechanical or electrical signal gives or continues to give a signal of the approach or passage of any train or movement of the span.

Vehicles must stop at certain railway grade crossings.

SEC. 103. The director of highways is authorized to designate any particularly dangerous highway-railroad grade crossing and to erect stop signs. It shall be unlawful for the operator of any vehicle to fail to stop before traversing any such highway-railroad grade crossing where such sign is erected. When such stop signs are erected, the operator of

any vehicle shall stop within fifty (50) feet, but not less than twenty (20) feet, unless traffic requires a greater distance, from the nearest track of such grade crossing and shall proceed only with the exercise of due care.

SEC. 104. Any person operating any vehicle carrying passengers for hire or operating any school bus or operating any vehicle in which are being transported explosive substances or inflammable liquids shall bring such vehicle to a full stop within fifty (50) [feet], but not less than twenty (20) feet, of any railroad or interurban grade crossing before proceeding across the same. Any person operating any vehicle, other than those specifically mentioned above, shall, upon approaching the intersection of any public highway with railroad or interurban grade crossing, reduce the speed of such vehicle to a rate of speed not to exceed that at which, considering view along such track in both directions, such vehicle can be brought to a complete stop not less than ten (10) feet from the nearest track in the event of an approaching train. The actual maximum speed permitted on the approach to any highway railroad grade crossing on any public highway may be controlled by signs posted on the approach to such point of intersection and it shall be the duty of the director of highways to place, as soon as is practicable, approach signs upon primary state highways, setting the maximum speed allowed at such crossing and within one hundred (100) feet on the approach thereto. No stop need be made at any such highway-railroad grade crossing where a peace officer directs traffic to proceed.

Certain vehicles must stop at all railroad grade crossings.

SEC. 105. All primary state highways are hereby declared to be arterial highways as respects all other public highways or private ways. Those city streets designated by the director of highways as forming a part of the routes of primary state highways

Arterial highways, complete stop before entering.

through incorporated cities and towns are hereby declared to be arterial highways as respects all other city streets or private ways. 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.

Vehicles must stop at certain designated intersections and highways.

SEC. 106. In addition to the points of intersection of any public highway with any arterial public highway which is constituted by law or by any proper authorities of this state or any city or town of this state, the director of highways with respect to primary state highways, and the proper authorities with respect to any other public highways, shall have the power to determine and designate any particular intersection, or any particular highways, roads or streets or portions thereof, at any intersection with which vehicles shall be required to stop before entering such intersection; and upon the determination and designation of such points at which vehicles will be required to come to a stop before entering such intersection, the proper authorities so determining and designating shall cause to be posted and maintained proper signs of the standard design adopted by the director of highways indicating that such intersection has been so determined and designated and that vehicles entering the same are required to stop. It shall be unlawful for any person operating any vehicle when entering any intersection determined, designated and bearing the sign aforesaid, to fail and neglect to bring such vehicle to a complete stop before entering such intersection.

Stopping or parking prohibited in specified places.

SEC. 107. (a) No person shall stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer or traffic control device, in any of the following places:

1. On a sidewalk or parking strip;
 2. In front of a public or private driveway or within five (5) feet of the end of the curb radius leading thereto;
 3. Within an intersection;
 4. Within fifteen (15) feet of a fire hydrant;
 5. On a crosswalk;
 6. Within twenty (20) feet of a crosswalk at an intersection;
 7. Within thirty (30) feet upon the approach to any flashing beacon, stop sign, or traffic-control signal located at the side of a roadway;
 8. Between a safety zone and the adjacent curb or within twenty-five (25) feet of points on the curb immediately opposite the ends of a safety zone, unless a different distance is indicated by signs or markings;
 9. Within thirty (30) feet of the nearest rail of a railroad crossing;
 10. Within fifty (50) feet of the driveway entrance to any fire or police station or on the side of a street opposite the entrance to any fire station within seventy-five (75) feet of said entrance when properly sign posted;
 11. Alongside or opposite any street excavation or obstruction when such stopping, standing, or parking would obstruct traffic;
 12. On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
 13. Upon any bridge or other elevated structure upon a highway or within a highway tunnel;
 14. At any place where official signs prohibit stopping;
- (b) No person shall move a vehicle not owned by such person into any such prohibited area or away from a curb such distance as is unlawful. Parking or standing shall be permitted in the manner provided by law at all other places except a time

limit may be imposed or parking restricted at other places, but such limitations and restrictions shall be by city or town ordinance only or resolution of the county commissioners or of the director of highways upon public highways under their respective jurisdictions.

Parking regulations.

SEC. 108. Except where angle parking is permitted by local ordinance every vehicle stopped or parked upon a roadway where there is an adjacent curb shall be so stopped or parked with the right-hand wheels of such vehicles parallel to and within twelve (12) inches of the right-hand curb. Angle parking shall not be permitted upon the city or town streets designated as forming a part of the route of a primary state highway through any city or town. No person shall be granted the right, use or franchise for vehicle parking of any portion of the surface area of any public highway to the exclusion of any other like person.

Vehicles left unattended, brakes to be set and engine stopped.

SEC. 109. No person operating or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, and when standing upon a perceptible grade without effectively setting the brake thereon and turning the front wheels to the curb or side of the roadway.

Stopping or parking on highways.

SEC. 110. It shall be unlawful for any person to stop, park or leave standing any vehicle, whether attended or unattended, upon the paved, improved or main traveled portion of any public highway outside incorporated cities and towns when it is possible to stop, park, or so leave such vehicle off such paved, improved or main traveled portion of such public highway. In the event that it is not possible to leave such vehicle standing off the paved, improved or main traveled portion of such public highway at least one half of the width of such roadway shall be left clear and unobstructed for the free passage

of other vehicles and a clear view of such stopped vehicle shall be available for a distance of three hundred (300) feet in each direction upon such public highway: *Provided*, This section shall not apply to the operator of any vehicle which is disabled upon the paved or improved or main traveled portion of any public highway in such a manner and to such an extent that it is impossible to avoid stopping and temporarily leaving such vehicle in such position.

SEC. 111. Whenever any peace officer finds a vehicle standing upon the paved, improved or main traveled portion of any public highway outside incorporated cities and towns, such officer is hereby authorized to remove such vehicle or to require the operator or other person in charge of such vehicle to remove the same off the paved, improved or main traveled portion of such public highway. Whenever any peace officer finds any vehicle unattended in such a position that it constitutes an obstruction to traffic or provides a danger to travel upon any public highway, such officer is hereby authorized to provide for the removal of such vehicle to the nearest place of safety. Any cost incurred in the removal thereof shall be paid by the owner of the vehicle so removed and the same shall be a lien upon such vehicle.

Removal of
vehicle by
peace
officer.

SEC. 112. When there has been any accident or any wrecked or damaged vehicle is removed from the roadway of a public highway, any glass, debris or other injurious substance dropped from such vehicle shall be removed from the roadway by the operators involved unless they be incapacitated.

Glass or
debris from
wrecked ve-
hicle to be
removed
from
highway.

SEC. 113. It shall be unlawful to engage in transportation of passengers for hire upon any combination of vehicles consisting of a motor vehicle in combination with a trailer or semi-trailer.

Transporting
passengers
on combina-
tion vehicles
prohibited.

Operation of vehicle with gears in neutral or clutch disengaged unlawful.

SEC. 114. It shall be unlawful for any person to operate a motor vehicle with the gears of such vehicle in neutral. It shall be unlawful for any person to operate any motor vehicle when traveling upon a down grade with the clutch disengaged. This section shall not prevent the proper shifting of gears or the towing of a disabled vehicle.

Transporting of animals or persons on running board, fenders or hood.

SEC. 115. It shall be unlawful for any person to transport any living animal on the running board, fenders, hood, or other outside part of any vehicle unless suitable harness, cage or enclosure be provided and so attached as to protect such animal from falling or being thrown therefrom. It shall be unlawful for any person to transport any persons upon the running board, fenders, hood or other outside part of any vehicle, except that this provision shall not apply to authorized emergency vehicles.

Number of persons in operator's seat.

SEC. 116. It shall be unlawful for any person to operate a vehicle with more than three (3) persons in the front or operator's seat thereof.

Driver embracing another person.

SEC 117. It shall be unlawful for any person to operate a motor vehicle upon the highways of this state when such person has in his or her embrace another person which prevents the free and unhampered operation of such vehicle. Any person so doing shall be deemed guilty of reckless driving.

Reckless driving.

SEC. 118. It shall be unlawful for any person to operate a motor vehicle in a reckless manner over and along the public highways of this state. For the purpose of this section to "operate in a reckless manner" shall be construed to mean the operation of a vehicle upon the public highways of this state in such a manner as to indicate either a willful or wanton disregard for the safety of persons or property.

SEC. 119. It shall be unlawful for any person to operate any vehicle upon the public highways of

this state while under the influence of or affected by the use of intoxicating liquor or of any narcotic drug. 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 (\$50.00) or more than five hundred dollars (\$500.00) or not less than ten (10) days or more than one (1) year in jail, or both such fine and imprisonment, and shall, in addition thereto, revoke the operator's license of such person. Upon second or subsequent conviction for a violation of the provisions of this section the court shall impose a fine of not less than one hundred dollars (\$100.00) or more than one thousand dollars (\$1,000.00) and not less than thirty (30) days or more than one (1) year in the county jail, or both such fine and imprisonment, and shall, in addition thereto, revoke the operator's license of such person.

Driving while intoxicated or drugged, penalty.

SEC. 120. When the death of any person shall ensue within one year as a proximate result of injury received by the operation of any vehicle by any person while under the influence of or affected by intoxicating liquor or narcotic drugs or by the operation of any vehicle in a reckless manner or with disregard for the safety of others, the person so operating such vehicle shall be guilty of negligent homicide by means of a motor vehicle.

Negligent homicide, penalty.

Any person convicted of negligent homicide by means of a motor vehicle shall be punished by imprisonment in the state penitentiary for not more than twenty (20) years, or by imprisonment in the county jail for not more than one (1) year, or by a fine of not more than one thousand (\$1,000) dollars, or by both fine and imprisonment.

SEC. 121. No person transported by the owner or operator of a motor vehicle as an invited guest or licensee, without payment for such transportation, shall have cause of action for damages against

Invited guest.

such owner or operator for injuries, death or loss, in case of accident, unless such accident shall have been intentional on the part of said owner or operator: *Provided*, That this section shall not relieve any owner or operator of a motor vehicle from liability while the same is being demonstrated to a prospective purchaser.

Observance
of stop signs.

SEC. 122. It shall be unlawful for any person operating a vehicle, street car or interurban upon any public highway of this state to fail to bring such vehicle to a complete stop at any point at which there is located a stop sign, except when directed to proceed by a peace officer or traffic control signal.

Compliance
with restric-
tions or
restrictive
signs.

SEC. 123. Any person failing to observe and comply with the restrictions of any restrictive signs erected or maintained by competent authority upon any public highway of this state shall be guilty of a misdemeanor.

Traffic con-
trol devices,
obeyance.

SEC. 124. No operator of a vehicle or motorman of a street car shall disobey the instructions of any official traffic-control device placed in accordance with the provisions of this act, unless at the time otherwise directed by a peace officer.

Obeysance of
signals of
peace
officers.

SEC. 125. It shall be unlawful for any person operating any vehicle upon any public highway to fail, refuse or neglect to obey all signals of any peace officer or duly authorized flagman who is at the time discharging the duty of regulating and directing traffic.

Refusal to
give name
and address.

SEC. 126. It shall be unlawful for any person while operating or in charge of any vehicle to refuse when requested by a peace officer to give his name and address and the name and address of the owner of such vehicle, or for such person to give a false name and address, and it shall likewise be unlawful for any such person to refuse or neglect to stop

when signaled to stop by any peace officer or to refuse upon demand of such peace officer to produce his certificate of license registration of such vehicle or his vehicle operator's license or to refuse to permit such officer to take any such license or certificate for the purpose of examination thereof or to refuse to permit the examination of any equipment of such vehicle or the weighing of such vehicle or to refuse or neglect to produce the certificate of license registration of such vehicle or his vehicle operator's license when requested by any court. Any peace officer shall on request produce evidence of his authorization as such.

Sec. 127. It shall be unlawful for any person to cause or permit any livestock to graze or stray upon any portion of the right of way of any public highway of this state, within any stock restricted area. It shall be unlawful for any person to herd or move any livestock over, along or across the right of way of any public highway, or portion thereof, within any stock restricted area, without having in attendance a sufficient number of persons to control the movement of such livestock and to warn or otherwise protect vehicles traveling upon such public highway from any danger by reason of such livestock being herded or moved thereon.

Livestock
restricted
areas on pub-
lic highways.

In the event that any livestock is allowed to stray or graze upon the right of way of any public highway, or portion thereof, within any stock restricted area, unattended, the same may be impounded for safekeeping and, if the owner be not known, complaint may be instituted against such stock in a court of competent jurisdiction. Notice shall be published in one issue of a paper of general circulation published as close as possible to the location where the livestock were found, describing as nearly as possible the stock, where found, and that the same are to be sold. In the event that the owner appears

and convinces the court of his right thereto, the stock may be delivered upon payment by him of all costs of court, advertising and caring for the stock. In the event no person claiming the right thereto shall appear by the close of business on the tenth day following and exclusive of the date of publication of notice, the stock may be sold at public or private sale, all costs of court, advertising and caring therefor paid from the proceeds thereof and the balance certified by the judge of the court ordering such sale, to the treasurer of the county in which located, to be credited to the county school fund.

Non-residents, acceptance of provisions of act.

SEC. 128. Subject to a compliance with the motor vehicle laws of the state and acceptance of the provisions of this act, non-resident owners and operators of vehicles hereby are granted the privilege of using the public highways of this state, and use of such public highways shall be deemed and construed to be an acceptance by such non-resident owners and operators of the provisions of this act.

Secretary of state legal representative.

SEC. 129. The acceptance by a non-resident of the rights and privileges conferred by the laws of this state in the use of the public highways of this state, as evidenced by his operation of a vehicle thereon, shall be deemed equivalent to and construed to be an appointment by such non-resident of the secretary of state of the State of Washington to be his true and lawful attorney upon whom may be served all lawful summons and processes against him growing out of any accident, collision or liability in which said non-resident may be involved while operating a vehicle upon such public highways, and said operation and acceptance shall be a signification of his agreement that any summons or process against him which is so served shall be of the same legal force and validity as if served on him personally within the State of Washington. Service of such summons or process shall be made by leaving

Service of process.

two copies thereof with a fee of two dollars with the secretary of state of the State of Washington, or at his office, and such service shall be sufficient and valid personal service upon said non-resident: *Provided*, That notice of such service and a copy of the summons or process is forthwith sent by registered mail, requiring personal delivery, by plaintiff to the defendant and the defendant's return receipt and the plaintiff's affidavit of compliance therewith are appended to the process and entered as a part of the return thereof: *Provided, further*, That personal service outside of this state in accordance with the provisions of the statutes thereof relating to personal service of summons outside of this state shall relieve the plaintiff from mailing a copy of the summons or process by registered mail as hereinbefore provided. The secretary of state shall forthwith send one of such copies by mail, postage prepaid, addressed to the defendant at his address, if known to the secretary of state. The court in which the action is brought may order such continuances as may be necessary to afford the defendant reasonable opportunity to defend the action. The fee of two dollars paid by the plaintiff to the secretary of state shall be taxed as part of his costs if he prevails in the action. The secretary of state shall keep a record of all such summons and processes, which shall show the day of service.

SEC. 130. It shall be within the power of the state superintendent of public instruction, by and through the superintendent of schools of any incorporated city or town or school district, or other officer or board performing like function with respect to the schools of any other educational administrative district, to cause to be appointed from the student body of any public or private school or institution of learning students who shall be known as members of the "school partol [patrol]" and who

School
patrol.

shall serve without compensation and at the pleasure of the authority so making the appointment.

The members of such school patrol shall wear a badge or other appropriate insignia marked "school patrol" when in performance of their duties, and they are hereby authorized to display "stop" or other proper traffic directional signs or signals at school crossing or other points where school children are crossing or about to cross a public highway, but such members of the school patrol shall be subordinate to and obey the orders of any peace officer present and having jurisdiction.

It shall be unlawful for the operator of any vehicle to fail to stop his vehicle when directed to do so by any school patrol sign or signal displayed by such member of the school patrol engaged in the performance of his duty and wearing or displaying appropriate insignia, and it shall further be unlawful for the operator of any vehicle to disregard any other reasonable directions of any member of the school patrol when acting in performance of his duties as such.

School
busses,
regulations
as to marking
and mode of
operation.

SEC. 131. The state superintendent of public instruction, by and with the advice of the director of highways and the chief of the Washington state patrol, shall adopt and enforce regulations not inconsistent with the law of this state to govern the design, marking and mode of operation of all school busses owned and operated by any school district or privately owned and operated under contract or otherwise with any school district in this state for the transportation of school children and such regulation shall by reference be made a part of any such contract or other agreement with the school district. Every school district, its officers and employees, and every person employed under contract or otherwise by a school district shall be subject to such regulations. It shall be unlawful for any

officer or employee of any school district or for any person operating any school bus under contract with any school district to violate any of the provisions of such regulations.

SEC. 132. Any person, firm, corporation or municipal corporation desiring to have a vehicle registered as an authorized emergency vehicle shall make application for such classification to the state commission on equipment. Following such inquiry as is considered necessary, the state commission on equipment may issue or refuse such authorization. The director of licenses shall further require that there be submitted information concerning any person or persons who will operate such authorized emergency vehicle and it shall be unlawful for any such person, firm, corporation or municipal corporation and the responsible officer thereof to permit the operation of such authorized emergency vehicle by any person not approved as operator thereof by the director of licenses.

Registration
of emergency
vehicles.

CHAPTER X. ACCIDENTS.

SEC. 133. The operator of any vehicle which collided with any other vehicle which is unattended shall immediately stop and shall then and there either locate and notify the operator or owner of such vehicle of the name and address of the operator and owner of the vehicle striking the unattended vehicle or shall leave in a conspicuous place in the vehicle struck a written notice, giving the name and address of the operator and of the owner of the vehicle striking such other vehicle.

Duties upon
collision
with vehicle
unattended.

The driver of any vehicle involved in an accident resulting only in damage to property fixed or placed upon or adjacent to any public highway shall take reasonable steps to locate and notify the owner or person in charge of such property of such fact and of the name and address of the operator and

Notification
of damage to
property.

owner of the vehicle striking such property, or shall leave in a conspicuous place upon the property struck a written notice, giving the name and address of the operator and of the owner of the vehicle so striking the property, and such person shall further make report of such accident as in the case of other accidents upon the public highways of this state.

Duties upon
injury or
death.

SEC. 134. (a) An operator of any vehicle involved in an accident resulting in the injury to or death of any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible but shall then forthwith return to, and in every event remain at, the scene of such accident until he has fulfilled the requirements of subdivision (c) of this section;

Duties upon
damage to
vehicle
attended.

(b) The operator of any vehicle involved in an accident resulting only in damage to a vehicle which is driven or attended by any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible and shall forthwith return to, and in any event shall remain at, the scene of such accident until he has fulfilled the requirements of subdivision (c) of this section;

Duties upon
injury, death
or damage.

(c) The operator of any vehicle involved in an accident resulting in injury to or death of any person or damage to any vehicle which is driven or attended by any person shall give his name, address and vehicle license number and shall exhibit his vehicle operator's license to any person struck or injured or the operator or any occupant of, or any person attending, any such vehicle collided with and shall render to any person injured in such accident reasonable assistance, including the carrying or the making of arrangements for the carrying of such person to a physician or hospital for medical treatment if it is apparent that such treatment is necessary or if such carrying is requested by the injured person or on his behalf. Under no circum-

stances shall the rendering of assistance or other compliance with the provisions of this subsection be evidence of the liability of any operator for such accident;

(d) Any person failing to stop or to comply with any of the requirements of subdivision (c) of this section under said circumstances shall, upon conviction, be punished by imprisonment for not less than thirty days nor more than one year or by a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00), or by both such fine and imprisonment: *Provided*, This provision shall not apply to any person injured or incapacitated by such accident to the extent of being physically incapable of complying herewith;

Penalties.

(e) Upon notice of conviction of any person under the provisions of this section, the vehicle operator's license of the person so convicted shall be revoked by the director of licenses.

Revocation of license.

SEC. 135. The operator of any vehicle involved in an accident resulting in injury to or death of any person or total or claimed damage to either or both vehicles or property to an apparent extent of twenty-five dollars (\$25.00) or more, shall, within twenty-four hours after such accident, make a written report of such accident to the chief of police of the city or town if such accident occurred within an incorporated city or town or the county sheriff if such accident occurred outside incorporated cities and towns, such report to be in duplicate and the original immediately forwarded by the authority receiving such report to the chief of the Washington state patrol at Olympia, Washington. The chief of the Washington state patrol may require any operator of any vehicle involved in an accident, of which report must be made as provided in this section, to file supplemental reports whenever the original report is insufficient in his opinion and may likewise re-

Duty to report accidents.

quire witnesses of any such accident to render reports. For this purpose, the chief of the Washington state patrol shall prepare and, upon request, supply to any police department, coroner, sheriff and any other suitable agency or individual, sample forms of accident reports required hereunder, which reports shall be upon a form devised by the chief of the Washington state patrol and shall call for sufficiently detailed information to disclose all material facts with reference to the accident to be reported thereon, including the location, the cause, the conditions then existing, and the persons and vehicles involved, personal injury or death, if any, and the amounts of property damage claimed. Every required accident report shall be made on a form prescribed by the chief of the Washington state patrol and each authority charged with the duty of receiving such reports shall provide sufficient report forms in compliance with the form devised. In the event the director of highways should so determine, such accident reports shall be made in triplicate and the triplicate copy forwarded to the department of highways.

When occupant must report.

SEC. 136. Whenever the operator of the vehicle involved in any accident, concerning which accident report is required, is physically incapable of making the required accident report and there is another occupant other than a passenger for hire therein, in the vehicle at the time of the accident capable of making a report, such occupant shall make or cause to be made such report. Upon recovery such operator shall make such report in the manner required by law.

Report of coroner to sheriff.

SEC. 137. Every coroner or other official performing like functions shall on or before the tenth day of each month, report in writing to the sheriff of the county in which he holds office and to the chief of the Washington state patrol the death of any person

within his jurisdiction during the preceding calendar month as a result of an accident involving any vehicle, together with the circumstances of such accident.

SEC. 138. It shall be the duty of the chief of the Washington state patrol to file, tabulate and analyze all accident reports and to publish annually, immediately following the close of each calendar year, and monthly during the course of the calendar year, statistical information based thereon showing the number of accidents, the location, the frequency and circumstances thereof and other statistical information which may prove of assistance in determining the cause of vehicular accidents.

Statistics
from acci-
dent reports.

Such accident reports and analysis or reports thereof shall be available to the directors of the departments of highways, licenses, public service or their duly authorized representatives, for further tabulation and analysis for pertinent data relating to the regulation of highway traffic, highway construction, vehicle operators and all other purposes, and to publish information so derived as may be deemed of publication value.

SEC. 139. Any peace officer of the State of Washington or of any county, city, town or other political subdivision, present at the scene of any accident or in possession of any facts concerning any accident whether by way of official investigation or otherwise shall make report thereof in the same manner as required of the parties to such accident and as fully as the facts in his possession concerning such accident will permit.

Report of
officers.

SEC. 140. All required accident reports and supplemental reports and copies thereof shall be without prejudice to the individual so reporting and shall be for the confidential use of the county prosecuting attorney and chief of police or county sheriff, as

Accident
reports
confidential.

the case may be, and the director of licenses and the chief of the Washington state patrol, and other officer or commission as authorized by law, except that any such officer may disclose the identity of a person reported as involved in an accident when such identity is not otherwise known or when such person denies his presence at such accident. No such accident report or copy thereof shall be used as evidence in any trial, civil or criminal, arising out of an accident, except that any officer above named for receiving accident reports shall furnish, upon demand of any person who has, or who claims to have, made such a report, or, upon demand of any court, a certificate showing that a specified accident report has or has not been made to the chief of the Washington state patrol solely to prove a compliance or a failure to comply with the requirement that such a report be made in the manner required by law.

CHAPTER XI. RECORDS AND REPORTS.

·SEC. 141. Any person, firm, corporation or association engaged in the business of repair to motor vehicles or any person, firm, corporation or association which may at any time engage in the repair of any motor vehicle or other vehicle owned by any other person, firm, corporation, or association, shall be and is hereby required to maintain a complete record of any and all vehicles repaired, the nature of the repair to which indicates the damage or injury could have been caused by collision with any person or property. Such report shall be made out and kept posted currently in duplicate, showing the name of the person for whom such repair is done, the date of such repair, the motor number of the vehicle if it be a motor vehicle, or the serial number of the vehicle if it be a trailer or semi-trailer, the license number of the vehicle, a brief statement of the nature of such repair and the cost thereof. Such

Reports on
repairs to
motor
vehicles.

report should be certified by the person or a duly authorized representative of the firm, corporation or association performing such repairs; such certification stating that the foregoing report is a true and accurate report of all such repairs, performed during the period covered by said report and in any wise indicating that the injury or damage to such vehicle could have been caused by collision with any person or property. Any person, firm, corporation or association failing to submit such report shall be guilty of a gross misdemeanor and any person certifying to any such report containing fraudulent or untrue information or omitting any required information in any material respect shall be guilty of forgery. Such report shall be submitted on Monday of each week for the preceding calendar week, to the local authority to whom accident reports are required to be made. When such local authority shall have checked such reports for their own informational purposes, such reports shall be forwarded to the chief of the Washington state patrol, and such reports shall be forwarded within a period of ten (10) days from the date of submission to such local authority. The person, firm, corporation or association performing such repairs shall retain the duplicate copy of such report in their permanent files and the same shall be open to inspection during business hours by any peace officer or any person authorized by the chief of the Washington state patrol. Such report shall also be made by persons, firms or corporations providing storage or furnishing appraisals and shall contain the same record as required above of any such vehicles brought in for appraisal or storage. Forms for such records shall be prescribed by the chief of the Washington state patrol and may be obtained from the local authority to whom accident reports are made.

It shall be unlawful for any person to destroy or conceal any evidence of damage to a vehicle indi-

cating that such damage could be the result of collision with any person or property without adequate record thereof and any person so doing shall be guilty of a gross misdemeanor.

Certification
of convictions
by
courts.

SEC. 142. It shall be the duty of the several justices of the peace and judges of the superior court to certify on Monday of each week to the director of licenses at Olympia, Washington, detailed information concerning any person convicted in their respective courts or charged and failing to appear who has forfeited bail or collateral deposited with respect to the following offenses: Driving a motor vehicle in a reckless manner; operating a motor vehicle while under the influence of or affected by the use of intoxicating liquor or of any narcotic drug; failure to stop as required by law after participation in a vehicle accident; failure to render accident report; negligent homicide by means of a motor vehicle; and any other violation which such judge or justice of the peace deems should have a bearing upon the determination of whether or not in the public interest such person should be denied his vehicle operator's license and the privilege to operate a motor vehicle on the public highways. The director of licenses may prescribe the detailed information required and it shall be the duty of the several justices of the peace and judges of the superior court to report such information. Refusal or failure of any such judge or justice of the peace shall be sufficient grounds for removal from office.

Report on
stolen motor
vehicles.

SEC. 143. It shall be the duty of the sheriff of every county, the chief of police or chief police officer of every incorporated city and town of this state, constables and members of the Washington state patrol to report immediately to the chief of the Washington state patrol all motor vehicles reported to them as stolen or recovered, upon forms

to be provided by the chief of the Washington state patrol.

In the event that any motor vehicle reported as stolen has been recovered, the person so reporting the same as stolen shall be guilty of a misdemeanor unless he shall report the recovery thereof to the sheriff, chief of police, or other chief police officer to whom such motor vehicle was reported as stolen.

Upon receipt of such information the chief of the Washington state patrol shall file the same in a "stolen vehicle index." He shall also file any reports of vehicles stolen in other states and reported to him as such. It shall be the duty of the chief of the Washington state patrol to keep a file record of all vehicles reported to him as recovered.

The chief of the Washington state patrol shall publish at least once a month a list of all vehicles reported as stolen and not reported as having been recovered and all abandoned vehicles and forward a copy of such list to every sheriff in this state, the chief of police or chief police officer of every incorporated city and town with a population in excess of three thousand (3,000) inhabitants, each member of the Washington state patrol and the cognizant state officer of each state in the United States.

Such information shall be provided by the chief of the Washington state patrol for the use of the director of licenses as will permit the director of licenses to check the motor or serial number set forth in any application for certificate of ownership or certificate of license registration against such "stolen vehicle index" and no such certificates shall be issued upon any vehicle recorded as stolen and the director of licenses shall immediately inform the chief of the Washington state patrol of any application upon any such vehicle.

It shall be the duty of the sheriff of every county, the chief of police or chief police officer of each in-

Report of
abandoned
motor
vehicle.

corporated city and town, members of the Washington state patrol and constables to report to the chief of the Washington state patrol all vehicles found abandoned on a public highway or at any other place and the same shall be taken into the custody of the sheriff of the county wherein found abandoned and stored and the same shall, for the purposes of listing the same, be considered as a recovered vehicle. Personal notice that such vehicle has been found abandoned shall be forwarded to the registered and legal owners of such vehicle if any record of registered or legal owner thereof exists in this state. In the event there appears to be a registered or legal ownership thereof in another state the sheriff shall send notice thereof to the official having cognizance of issuing legal or registered ownerships in such other state. If, at the expiration of forty-five (45) days from the date of mailing such notices, the vehicle remains unclaimed and has not been reported as a stolen vehicle, then the same may be sold at public auction upon notice published in one issue of a paper of general circulation in the county in which such vehicle has been found abandoned, such publication to describe the vehicle and set forth the place, date and time at which such vehicle shall be put up for public auction, which date shall be not sooner than three (3) days following the date of such publication. Any surplus accruing at said sale after deducting the cost of placing the vehicle in custody, advertising and selling the same, shall be held for the owner a period of ten (10) days and if not claimed by the expiration thereof shall be certified one half to the county treasurer of such county to be placed in the county current expense fund and one half to the state treasurer to be credited to the highway safety fund.

Any vehicle left in a garage for storage more than fifteen (15) days where the same has not been

left by the registered owner under a contract of storage and has not during such period been removed by the person leaving the same shall be an abandoned vehicle and shall be delivered to the sheriff of the county with notice of such fact. Any garage-keeper failing to report such fact to the sheriff and tender delivery to him of such vehicle at the end of fifteen (15) days shall thereby forfeit any claims for the storage of such vehicle. All such vehicles considered abandoned by being left in a garage shall be disposed of in accordance with the procedure prescribed above for abandoned vehicles.

Except for the forfeiture of claim for storage as set forth herein for failure to report vehicle left in excess of fifteen (15) days, nothing in this section shall be construed to impair any lien for storage accruing to a garage keeper under other law of this state.

Storage lien
unimpaired.

SEC. 144. It shall be the duty of the director of licenses to keep a case record on every motor vehicle operator licensed under the laws of this state, together with information on each, showing all the convictions certified by the courts and an index cross reference record of each accident reported relating to such individuals with a brief statement of the cause of such accident, which index cross reference record shall be furnished to the director of licenses, by the chief of the Washington state patrol, with reference to each operator involved in the reported accidents. Such records shall be for the confidential use of the director of licenses and the chief of the Washington state patrol and for such peace officers or other cognizant public officials as may be designated by law. Such case records shall not be offered as evidence in any court except in case appeal is taken from the order of director of licenses, suspending, revoking, canceling, or refusing vehicle operator's license. It shall be the

Record of
vehicle
operators
licensed.

Records
confidential.

duty of the director of licenses to tabulate and analyze vehicle operators' case records and to suspend, revoke, cancel, or refuse any vehicle operator's license of [to] any person when it is deemed from facts contained in the case record of such person that it is for the best interest of public safety that such person be denied the privilege of operating a motor vehicle. Whenever the director of licenses may order the vehicle operator's license of any such person suspended, revoked, or canceled, or shall refuse the issuance of vehicle operator's license, such suspension, revocation, cancellation, or refusal shall be final and effective unless appeal from the decision of the director of licenses shall be taken as provided by law.

CHAPTER XII. ENFORCEMENT.

Arrest and
appearance.

SEC. 145. Whenever any person is arrested for any violation of this act which is punishable as a misdemeanor, the arresting or apprehending officer may prepare in duplicate written notice to appear in court containing the name and address of such person, the license number of his vehicle, if any, the vehicle operator's license number of such person, if any, the offense charged, and the time and place when and where such person shall appear in court. The place specified in said notice to appear must be before a judge or court of competent jurisdiction within the county in which the offense charged is alleged to have been committed. The arrested person, in order to secure release, as provided in this section, and when permitted by the arresting officer, must give his written promise so to appear in court by signing in duplicate the written notice prepared by the arresting or apprehending officer. Upon the arrested person's failing or refusing to sign such written promise, he shall be placed and remain in the custody of such arresting or apprehending officer or placed in public confinement.

SEC. 146. Any person wilfully violating his written and signed promise to appear in court, as provided in this act, shall be guilty of a misdemeanor regardless of the disposition of the charge upon which he was originally arrested: *Provided*, A written promise to appear in court may be complied with by an appearance by counsel.

Failure to appear, a misdemeanor.

SEC. 147. The provisions of this act with regard to the apprehension and arrest of persons violating this act shall govern all peace officers in making arrests without a warrant for violations of this act for offenses committed in their presence, but the procedure prescribed herein shall not otherwise be exclusive of any other method prescribed by law for the arrest and prosecution of a person for other like offenses.

Provisions for arrest.

Not exclusive.

CHAPTER XIII. VIOLATIONS AND PENALTIES.

SEC. 148. It shall be unlawful for the owner, or any other person, in employing or otherwise directing the operator of any vehicle to require or knowingly to permit the operation of such vehicle upon any public highway in any manner contrary to the law.

Owner's liability.

SEC. 149. Every person who commits, attempts to commit, conspires to commit, or aids or abets in the commission of any act declared by this act to be a crime, whether individually or in connection with one or more other persons or as principal, agent, or accessory, shall be guilty of such offense, and every person who falsely, fraudulently, forcefully, or wilfully induces, causes, coerces, requires, permits or directs others to violate any provisions of this act is likewise guilty of such offense.

Individual and joint liability.

SEC. 150. It shall be a misdemeanor for any person to violate any of the provisions of this act unless violation is by this act or other law of this state declared to be a felony or a gross misdemeanor.

A misdemeanor unless otherwise declared.

Unless another penalty is in this act provided, every person convicted of a misdemeanor for violation of any provisions of this act shall be punished accordingly.

Disposition
of fines and
forfeitures.

SEC. 151. All fines and forfeitures collected for violation of any of the provisions of this act in any court located in a precinct outside incorporated cities and towns shall be distributed and paid into the proper funds for the following purposes: One half shall be paid into the county road fund of such county; one fourth into the state fund for the support of state parks and parkways; and one fourth into the highway safety fund.

All fines and forfeitures collected for the violation of any of the provisions of this act in any court located inside incorporated cities or towns shall be distributed and paid into the proper funds for the following purposes: One half shall be paid into the city street fund for the construction and maintenance of city streets; one fourth into the state fund for the support of state parks and parkways; and one fourth into the highway safety fund.

CHAPTER XIV. REPEAL.

Statutes
repealed.

SEC. 152. The following acts and parts of acts relating to motor vehicle equipment, motor vehicle operations, rules of the road, and offenses, penalties, fines and forfeitures be and the same are hereby repealed:

Chapter 153, Session Laws of 1913;

Chapter 30, Session Laws of 1915;

Sections 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 31, 32, 33 and 34 of chapter 142, Session Laws of 1915;

Chapter 40, Session Laws of 1917;

Sections 15, 16, 19, 20, 22, 23 and 24 of chapter 155, Session Laws of 1917;

Sections 10, 11 and 13 of chapter 59, Session Laws of 1919;

Sections 20 to 41, both inclusive, and sections 43, 44, 47, 49, and 50 of chapter 96, Session Laws of 1921; Statutes repealed.

Chapter 125, Session Laws of 1921;

Chapter 42, Session Laws of 1923;

Section 2 of chapter 122, Session Laws of 1923;

Sections 1, 3, 4, 5, 6, 7, 8, 9, 10 and 11 of chapter 181, Session Laws of 1923;

Chapter 105, Session Laws of 1927;

Chapter 284, Session Laws of 1927;

Chapter 309, Session Laws of 1927;

Chapter 178, Session Laws of 1929;

Chapter 180, Session Laws of 1929;

Chapter 54, Session Laws of 1931;

Chapter 98, Session Laws of 1933;

Chapter 156, Session Laws of 1933;

Chapter 160, Session Laws of 1933;

Sections 2716, 2717, 2718, 2719, 6295, 6296 and 6297 of Remington's Revised Statutes of Washington.

SEC. 153. All acts or parts of acts in conflict with, or derogation of, this act or any part of this act, be and the same are hereby repealed in so far as the same are in conflict with, or in derogation of this act, or any part hereof. Conflicting acts repealed.

SEC. 154. The repeal of any acts or parts of acts hereby shall not be construed to reenact or revive any acts or parts of acts repealed or superseded by the acts or parts of acts hereby repealed. Prior repealed or superseded acts not revived.

CHAPTER XV. SAVING CLAUSE.

SEC. 155. This act shall not affect any act done, ratified or confirmed, or any right accrued, vested or established, or any action or proceeding had or commenced in any civil or criminal cause, before this act and its respective provisions take effect, and any such acts done, ratified or confirmed and any Accrued rights preserved.

rights accrued, vested or established shall be preserved and any such actions or proceedings may be prosecuted and continued with the same effect and under the same provisions of the law in effect at the time such act was done, ratified, or confirmed, or right accrued, vested or established or action or proceeding had or commenced.

Offenses committed under prior acts.

SEC. 156. Any acts declared to be an offense under any provisions of the laws of this state which are repealed by this act, and the commission whereof have been completed before the effective date of this act shall be punishable as provided by the law in effect at the time of the completion of such acts without regard for the fact that such provisions of law have been repealed hereby.

CHAPTER XVI. SHORT TITLE.

Title.

SEC. 157. This act shall be known and cited as the "Washington Motor Vehicle Act."

CHAPTER XVII. CONSTITUTIONALITY.

Partial invalidity.

SEC. 158. 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.

CHAPTER XVIII. EMERGENCY.

Effective April 1, 1937.

SEC. 159. 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 on the first day April, 1937.

Passed the Senate March 2, 1937.

Passed the House March 9, 1937.

Approved by the Governor March 17, 1937.

CHAPTER 190.

[S. B. 81.]

ESTABLISHMENT OF PRIMARY STATE HIGHWAYS.

AN ACT relating to public highways, creating and establishing, describing and designating the primary state highways of the State of Washington and declaring an emergency.

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

SECTION 1. A primary state highway to be known as Primary State Highway No. 1, or the Pacific Highway, is hereby established according to description as follows: Beginning at the international boundary line in the vicinity of Blaine in Whatcom county, thence in a southerly direction by the most feasible route by way of Bellingham, thence to the east of Lake Samish, thence in a southerly direction by the most feasible route by way of Mt. Vernon, Everett, Seattle, Tacoma, Olympia, Centralia, Chehalis, Kelso and Vancouver to the Washington-Oregon boundary line on the interstate bridge over the Columbia river; also beginning at Bellingham on Primary State Highway No. 1, as herein described, thence in an easterly direction by the most feasible route to a point in the vicinity of Austin Pass in Whatcom county; also beginning at Bellingham on Primary State Highway No. 1, as herein described, thence in a southerly direction by the most feasible route by way of Blanchard to a junction with Primary State Highway No. 1, as herein described, in the vicinity of Mt. Vernon; also beginning at Mt. Vernon on Primary State Highway No. 1, as herein described, thence in a westerly direction by the most feasible route to Anacortes; also beginning at Everett in the vicinity of Broadway Avenue, thence in a southwesterly direction by the most feasible route to a junction with Primary State Highway No. 1, as herein described, in the vicinity south of Everett.

Primary
state high-
way No. 1, or
Pacific
Highway.

Primary
state high-
way No. 2, or
Sunset
Highway.

SEC. 2. 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 Seattle in King county, thence in an easterly direction by the most feasible route by way of Renton, 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 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 beginning at Almira, on Primary State Highway No. 2, as herein described, thence in a northerly direction by the most feasible route to the Grand Coulee Dam.

Primary
state high-
way No. 3, or
Inland
Empire
Highway.

SEC. 3. A primary state highway to be known as Primary State Highway No. 3, or the Inland Empire Highway, is hereby established according to description as follows: Beginning at a junction with Primary State Highway No. 2 in the vicinity east of Cle Elum, thence southeasterly by the most feasible route by way of Ellensburg, Yakima, Pasco and Wallula to Walla Walla, thence in a northerly direction by the most feasible route by way of Dayton, Dodge, Colfax, Rosalia, Spokane and Colville to the international boundary line in the vicinity of Laurier; also beginning at a junction with Primary State Highway No. 3, as herein described, in the vicinity of Dodge, thence in an easterly direction by the most feasible route by way of Pomeroy and Clarkston to the Washington-Idaho boundary line; also beginning at Clarkston on Primary State Highway No. 3, as herein described, thence in a southerly direction by the most feasible route by way of Asotin to the Washington-Oregon boundary line; also beginning at Wallula on Primary State Highway No. 3,

as herein described, thence in a southwesterly direction to the Washington-Oregon boundary line; also beginning at Walla Walla on Primary State Highway No. 3, as herein described, thence in a southerly direction to the Washington-Oregon boundary line; also beginning at a junction with Primary State Highway No. 3, as herein described, in the vicinity south of Rosalia, thence in a southerly direction by the most feasible route by way of Pullman to a point of junction southeast of Uniontown, thence in an easterly direction by two most feasible routes to two points on the Washington-Idaho boundary line; also beginning at Colfax on Primary State Highway No. 3, as herein described, thence in a southeasterly direction by the most feasible route to Pullman on Primary State Highway No. 3, as herein described, thence in an easterly direction by the most feasible route to a point on the Washington-Idaho boundary line; also beginning at Palouse on Primary State Highway No. 3, as herein described, thence in a northeasterly direction by the most feasible route to a point on the Washington-Idaho boundary line.

SEC. 4. A primary state highway to be known as Primary State Highway No. 4, or the Tonasket-San Poil Highway, is hereby established according to description as follows: Beginning at Wilbur on Primary State Highway No. 2, thence in a northerly direction by the most feasible route to Republic, thence in a westerly direction by the most feasible route by way of Tonasket to a junction with Primary State Highway No. 10.

Primary
state high-
way No. 4, or
Tonasket-
San Poil
Highway.

SEC. 5. A primary state highway to be known as Primary State Highway No. 5, or the National Park Highway, is hereby established according to description as follows: Beginning at Seattle, thence in a southerly direction by way of Bryn Mawr and the vicinity of Renton on Primary State Highway No. 2, thence in a southerly direction by the most feasible

Primary
state high-
way No. 5, or
National
Park
Highway.

route to Auburn, thence in a southeasterly direction by the most feasible route by way of Enumclaw and Chinook Pass to Yakima on Primary State Highway No. 3; also beginning at a junction with Primary State Highway No. 1 in the vicinity south of Chehalis, thence in an easterly direction by the most feasible route by way of Kosmos and White Pass to a junction with Primary State Highway No. 5, as herein described, northwest of Yakima; also beginning at Tacoma on Primary State Highway No. 1, thence in a southerly direction by the most feasible route by way of Elbe, thence in an easterly direction by the most feasible route to a southwest entrance to Mount Rainier National Park; also beginning at Elbe on Primary State Highway No. 5, as herein described, thence in a southerly direction by the most feasible route to a junction with Primary State Highway No. 5, as herein described, in the vicinity of Kosmos; also beginning at Enumclaw on Primary State Highway No. 5, as herein described, thence in a southerly direction by the most feasible route to a northwest entrance to Mount Rainier National Park; also beginning at Auburn on Primary State Highway No. 5, as herein described, thence in a southerly direction by the most feasible route by way of Sumner, thence in a westerly direction by the most feasible route to Tacoma on Primary State Highway No. 1; also beginning at Auburn on Primary State Highway No. 5, as herein described, thence in a westerly direction by the most feasible route to a junction with Primary State Highway No. 1; also beginning at a junction with Primary State Highway No. 5, as herein described, in the vicinity west of Chinook Pass, thence in a southerly direction by the most feasible route to a junction with Primary State Highway No. 5, as herein described, in the vicinity west of White Pass; also beginning at Sumner on Primary State Highway No. 5,

as herein described, thence in an easterly direction by the most feasible route to a junction with Primary State Highway No. 5, as herein described, in the vicinity of Buckley; also beginning at Enumclaw on Primary State Highway No. 5, as herein described, thence in a northwesterly direction by the most feasible route by way of Summit to a junction with Primary State Highway No. 2, as herein described, in the vicinity of Renton.

SEC. 6. A primary state highway to be known as Primary State Highway No. 6, or the Pend Oreille Highway, is hereby established according to description as follows: Beginning at a junction with Primary State Highway No. 3, in the vicinity north of Spokane, thence in a northerly direction by the most feasible route by way of Newport and Metaline Falls to the international boundary line; also beginning at Newport on Primary State Highway No. 6, as herein described, thence in an easterly direction to the Washington-Idaho boundary line.

Primary
state high-
way No. 6, or
Pend Oreille
Highway.

SEC. 7. A primary state highway to be known as Primary State Highway No. 7, or the North Central Highway, is hereby established according to description as follows: Beginning at Ellensburg on Primary State Highway No. 3, thence in an easterly direction by the most feasible route by way of Vantage Bridge, thence in a northeasterly direction by the most feasible route by way of Quincy, Ephrata and Odessa to Davenport on Primary State Highway No. 2; also beginning at a point on Primary State Highway No. 7, as herein described, in the vicinity of Soap Lake, thence in a northerly direction by the most feasible route to a junction with Primary State Highway No. 2 west of Coulee City.

Primary
state high-
way No. 7, or
North
Central
Highway.

SEC. 8. A primary state highway to be known as Primary State Highway No. 8, or the Evergreen Highway, is hereby established according to description as follows: Beginning at Vancouver on Pri-

Primary
state high-
way No. 8, or
Evergreen
Highway.

mary State Highway No. 1, thence in an easterly direction by the most feasible route by way of Stevenson to Goldendale, thence in a northeasterly direction by the most feasible route by way of Satus Pass to a junction with Primary State Highway No. 3, southeast of Yakima; also beginning at a junction with Primary State Highway No. 8, as herein described, in the vicinity of Maryhill, thence in a southerly direction by the most feasible route to the ferry landing of the Maryhill Ferry on the Columbia river.

Primary
state high-
way No. 9, or
Olympic
Highway.

SEC. 9. A primary state highway to be known as Primary State Highway No. 9, or the Olympic Highway, is hereby established according to description as follows: Beginning at Olympia on Primary State Highway No. 1, thence in a westerly direction by the most feasible route by way of Elma, Montesano and Aberdeen to Hoquiam, thence in a northwesterly direction by the most feasible route by way of Lake Quinault to Forks, thence in an easterly direction by the most feasible route by way of Port Angeles to the vicinity of Discovery Bay, thence in a southerly direction by the most feasible route by way of Shelton to a junction with Primary State Highway No. 9, as herein described, in the vicinity west of Olympia; also beginning at a junction with Primary State Highway No. 9, as herein described, in the vicinity of Discovery Bay, thence in a northeasterly direction by the most feasible route to Port Townsend; also beginning at Elma on Primary State Highway No. 9, as herein described, thence in a southeasterly direction by the most feasible route to a junction with Primary State Highway No. 1, in the vicinity north of Centralia; also beginning at a junction with Primary State Highway No. 9, as herein described, at Montesano, thence in a southwesterly direction by the most feasible route to a junction with Primary State Highway No. 13 north of Artic.

SEC. 10. A primary state highway to be known as Primary State Highway No. 10, or the Chelan-Okanogan Highway, is hereby established according to description as follows: Beginning at Quincy, on Primary State Highway No. 7, thence in a northwesterly direction by the most feasible route 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 by the most feasible route on the west side of the Columbia river by way of Chelan, Pateros, Brewster, Okanogan and Oroville to the international boundary line; also from Brewster on Primary State Highway No. 10, as herein described, thence in a southeasterly direction by the most feasible route to a junction with Primary State Highway No. 2, in the vicinity west of Coulee City.

Primary state highway No. 10, or Chelan-Okanogan Highway.

SEC. 11. A primary state highway to be known as Primary State Highway No. 11, or the Columbia Basin Highway, is hereby established according to description as follows: Beginning at Pasco on Primary State Highway No. 3, thence in a northeasterly direction by the most feasible route by way of Ritzville to a junction with Primary State Road No. 2, in the vicinity west of Spokane.

Primary state highway No. 11, or Columbia Basin Highway.

SEC. 12. A primary state highway to be known as Primary State Highway No. 12, or the Ocean Beach Highway, is hereby established according to description as follows: Beginning at Chehalis on Primary State Highway No. 1, thence in a westerly direction by the most feasible route by way of Raymond to South Bend, thence southerly by the most feasible route to the vicinity of a location known as Johnson's Landing, thence southeasterly by the most feasible route by way of Kelso to Primary State Highway No. 1; also beginning at a junction with Primary State Highway No. 12, as herein described,

Primary state highway No. 12, or Ocean Beach Highway.

in the vicinity of a location known as Johnson's Landing, thence southwesterly by the most feasible route to Ilwaco, thence southeasterly by the most feasible route to Megler; also from a junction with Primary State Highway No. 12, as herein described, in the vicinity northeast of Ilwaco, thence southerly by the most feasible route to a junction with Primary State Highway No. 12, as herein described, at a point east of Ilwaco; also beginning at Longview on Primary State Highway No. 12, as herein described, thence in a southeasterly direction by the most feasible route to a junction with Primary State Highway No. 1, south of Kelso.

Primary state highway No. 13, or Willapa-Grays Harbor Highway.

SEC. 13. A primary state highway to be known as Primary State Highway No. 13, or the Willapa-Grays Harbor Highway, is hereby established according to description as follows: Beginning at Raymond on Primary State Highway No. 12, thence in a northerly direction by the most feasible route by way of Cosmopolis to Aberdeen on Primary State Highway No. 9.

Primary state highway No. 14, or Navy Yard Highway.

SEC. 14. 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. 9, in the vicinity north of Shelton, thence in a northeasterly direction by the most feasible route by way of Port Orchard, thence in a southerly direction by the most feasible route to Gig Harbor; also beginning in the vicinity of Port Orchard on Primary State Highway No. 14, as herein described, thence in an easterly direction by the most feasible route to the ferry landing at Harper.

Primary state highway No. 15, or Stevens Highway.

SEC. 15. A primary state highway to be known as Primary State Highway No. 15, or the Stevens Highway, is hereby established according to description as follows: Beginning at a junction with Primary State Highway No. 2, in the vicinity of Peshas-

tin, thence in a westerly direction by the most feasible route by way of Leavenworth, Stevens Pass and Monroe to Everett on Primary State Highway No. 1.

SEC. 16. A primary state highway to be known as Primary State Highway No. 16, or the Methow Valley Highway, is hereby established according to description as follows: Beginning in the vicinity of Pateros on Primary State Highway No. 10, thence in a northerly direction by the most feasible route by way of Twisp to Barron.

Primary
state high-
way No. 16, or
Methow
Valley
Highway.

SEC. 17. A primary state highway to be known as Primary State Highway No. 17, or the Cascade Wagon Road, is hereby established according to description as follows: Beginning at Twisp on Primary State Highway No. 16, thence in a westerly direction by the most feasible route to Marblemount in Skagit county; also beginning at Stehekin, thence in a northwesterly direction by the most feasible route to a junction with Primary State Highway No. 17, as herein described.

Primary
state high-
way No. 17, or
Cascade
Wagon Road.

SEC. 18. A primary state highway to be known as Primary State Highway No. 18 is hereby established according to description as follows: Beginning at the wye junction on Primary State Highway No. 7, near Burke, thence in an easterly direction by the most feasible route by way of Neppel to a junction with Primary State Highway No. 11 at Ritzville.

Primary
state high-
way No. 18.

SEC. 19. A primary state highway to be known as Primary State Highway No. 21, or the Kitsap Peninsula Highway, is hereby established according to description as follows: Beginning at Kingston, thence westerly and northerly by the most feasible route by way of Port Gamble, thence southerly by the most feasible route by way of Poulsbo and Bremerton to a junction with Primary State Highway

Primary
state high-
way No. 21, or
Kitsap
Peninsula
Highway.

No. 14, west of Port Orchard; 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.

Primary
state high-
way No. 22, or
Coulee
Reservoir
Highway.

SEC. 20. A primary state highway to be known as Primary State Highway No. 22, or the Coulee Reservoir Highway, is hereby established according to description as follows: Beginning at Davenport on Primary State Highway No. 2, thence in a northerly direction by the most feasible route to Kettle Falls on Primary State Highway No. 3; also from a junction with Primary State Highway No. 3, east of Kettle Falls, thence northeasterly by the most feasible route to the international boundary line.

Statutes
repealed.

SEC. 21. That the following acts and parts of acts relating to the designation and establishment of primary state highways, secondary state highways and state roads be and the same are hereby repealed: Sections 1, 3, 4, of chapter 151, Session Laws of 1907; chapter 25, Session Laws of 1909; sections 1, 2, 3, of chapter 65, Session Laws of 1913; chapter 164, Session Laws of 1915; chapter 110, Session Laws of 1919; chapter 185, Session Laws of 1923; chapter 26, Session Laws of 1925; chapter 116, Session Laws of 1929; chapter 171, Session Laws of 1929; chapter 29, Session Laws of 1931; chapter 30, Session Laws of 1931; chapter 31, Session Laws of 1931; chapter 35, Session Laws of 1931; chapter 36, Session Laws of 1931; chapter 37, Session Laws of 1931; chapter 38, Session Laws of 1931; section 1 of chapter 41, Session Laws of 1933; chapter 56 of Session Laws of 1933; chapter 28 of Session Laws of Extraordinary Session 1933; sections 6790, 6791, 6792, 6793, 6794, 6795, 6796, 6797, 6798, 6799, 6800, 6801, 6802, 6803, 6804, 6805, 6806, 6807, 6808, 6809, 6810, 6811, 6812, 6813, 6814, 6815, and 6816, Remington's Compiled Statutes of Washington.

SEC. 22. 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 on the first day of April, 1937. Effective immediately.

Passed the Senate March 6, 1937.

Passed the House March 9, 1937.

Approved by the Governor March 17, 1937.

CHAPTER 191.

[S. B. 285.]

COMPENSATING TAX.

AN ACT relating to revenue and taxation, providing for the levy and collection of a tax or excise upon the use of tangible personal property, amending sections 31, 32, 34 and 35 of chapter 180 of the Session Laws of 1935 (8370-31, 8370-32, 8370-34, and 8370-35, Remington's Revised Statutes), repealing section 33 of chapter 180 of the Session Laws of 1935 (8370-33, Remington's Revised Statutes) and declaring an emergency.

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

SECTION 1. Section 31 of chapter 180 of Session Laws of 1935 (8370-31, Remington's Revised Statutes), be and the same hereby is amended to read as follows: Amends § 8370-31, Rem. Rev. Stat. (§ 7030-91, P. C.)

Section 31. From and after the first day of May, 1935, 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 any article of tangible personal property purchased at retail or produced or manufactured for commercial use. This tax will not apply with respect to the use of any article of tangible personal property purchased, produced or manufactured outside this state until the transportation of such article has finally Purchases subsequent to May 1, 1937, rate.

ended or until such article has become commingled with the general mass of property of this state. Such tax shall be levied and collected in any amount equal to the value of the article used by the taxpayer multiplied by the rate of two per cent.

Amends
§ 8370-32,
Rem. Rev.
Stat. (§ 7030-
92, P. C.)

Articles not
taxable.

SEC. 2. Section 32 of chapter 180 of Session Laws of 1935 (8370-32, Remington's Revised Statutes) be and the same hereby is amended to read as follows:

Section 32. The provisions of this title shall not apply:

(a) In respect to the use of any article of tangible personal property brought into the State of Washington by a non-resident thereof for his or her use or enjoyment while temporarily within the state unless such property is used in conducting a non-transitory business activity within the state;

(b) In respect to the use of any article of tangible personal property if the sale thereof has already been subjected to tax under title III of this act and such tax has been paid by the purchaser;

(c) In respect to the use of any article of tangible personal property purchased at retail the sale of which would have been specifically exempt from the tax imposed under title III of this act had the sale thereof been made within the state;

(d) In respect to the use of tangible personal property put to use during any bi-monthly period, the total value of which is less than fifty (\$50.00) dollars;

(e) In respect to the use of rolling stock or aircraft or floating equipment of a common carrier, the first use of which within the state is actual use in conducting interstate or foreign commerce.

Amends
§ 8370-34,
Rem. Rev.
Stat. (§ 7030-
94, P. C.)

SEC. 3. Section 34 of chapter 180 of Session Laws of 1935 (8370-34, Remington's Revised Statutes) be and the same hereby is amended to read as follows:

Section 34. Each taxpayer subject to the provisions of this title shall, on or before the fifteenth

day of the month succeeding the end of the bi-monthly period in which the tax accrued, file a return with the commission showing in detail the total quantity of tangible personal property used by him within the state during the preceding bi-monthly period subject to the tax herein imposed, and such other information as the commission may deem pertinent. Each taxpayer shall remit to the commission with each such return the amount of tax shown thereon to be due.

Statement
and re-
mittance.

SEC. 4. Section 35 of chapter 180 of Session Laws of 1935 (8370-35, Remington's Revised Statutes) be and the same hereby is amended to read as follows:

Amends
§ 8370-35,
Rem. Rev.
Stat. (§ 7030-
95, P. C.)

Section 35. For the purposes of this title:

(a) The term "value of the articles used" shall mean the consideration 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 title. The term shall include, in addition to the consideration paid or given or contracted to be paid or given, the cost of transportation by a common carrier. In case the article used is produced or manufactured by the person using the same or is sold under conditions wherein the purchase price, including the cost of transportation, 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;

Definitions.

(b) The terms "use," "used," "using" or "put to use" mean the first use of the article after delivery thereof is completed within this state, and shall include installation, and also storing and withdrawal from storage for subsequent actual use or consumption within this state;

(c) The meaning ascribed to words and phrases in titles I, II and III and all the provisions of titles XVIII, XIX and XX of this act, in so far as applicable, shall have full force and effect with respect to taxes imposed under the provisions of this title.

Repeals
§ 8370-33,
Rem. Rev.
Stat. (§ 7030-
93, P. C.)

SEC. 5. Section 33 of chapter 180 of Session Laws of 1935 (8370-33, Remington's Revised Statutes) hereby is repealed.

Effective
immediately.

SEC. 6. 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 27, 1937.

Passed the House March 10, 1937.

Approved by the Governor March 17, 1937.

CHAPTER 192.

[H. B. 173.]

TOLL BRIDGES CONSTRUCTED IN FIRST-CLASS AND CLASS A COUNTIES.

AN ACT granting the board of county commissioners of first-class and class A counties of the State of Washington the power to construct, improve, operate and maintain bridges on any public road within their respective counties over any navigable or other stream or body of water, the issuance of bonds payable solely out of the revenues of such bridges; the fixation and collection of tolls and charges to be used for the payment of such bonds and the cost of operation of such bridges; the execution of contracts or the taking of action necessary or desirable in connection with the construction, maintenance and operation of such bridges, the issuance and payment of such bonds: *Provided*, That such bonds shall not be debts of the county or counties issuing such bonds; amending paragraph (a), section 1; also sections 4, 7, and 11 of chapter 18, Laws of Washington, Special Session 1933.

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

Amends
§ 1, Ch. 18,
Laws 1933,
Ex. Sess.

SECTION 1. That paragraph (a) of section 1, chapter 18 of the Laws of Washington, Special Session, 1933, be amended to read as follows:

Section 1. Paragraph (a). The term "county" "County." shall mean a county of the first-class and class A counties of the State of Washington and may mean two or more of such counties.

SEC. 2. That section 4 of chapter 18 of the Laws of Washington, Special Session 1933, be amended to read as follows:

Amends
§ 4, Ch. 18,
Laws 1933,
Ex. Sess.

Section 4. The board is authorized to issue and sell, in appropriate amounts, bonds of the county to finance in whole or in part the construction of the bridge, the interest and principal of which bonds shall be payable solely out of the revenues derived from the operation of the bridge. The said bonds shall be in form and maturity, bear interest, be executed and issued, and sold in the manner provided for in the contract or contracts entered into by the board and the purchaser pursuant to section 5 of this act. Said bonds shall be authorized by resolution or resolutions adopted by a majority of the members of the board. Any resolution or resolutions authorizing the bonds may contain provisions which shall be a part of the contract made with the purchaser or the holder of the bonds as to:

Bonds.

Resolution
authorizing
bonds.

Contract
with bond
purchaser,
provisions.

(a) Pledging the tolls and revenues of the bridge to secure the payment of the principal of and interest on the bonds;

(b) The rates of the tolls to be charged for use of the bridge and the amounts to be raised in each year by tolls and the use and disposition of the tolls and other revenues;

(c) Setting aside of reserves and fixing funds and the regulation and disposition thereof;

(d) Redemption of all or any part of the bonds prior to maturity and the redemption price or prices;

(e) Limitations on the right of the board and its successors to restrict and regulate the use of the bridge;

(f) Limitations on the purpose to which the proceeds of the sale [of] the bonds may be applied;

(g) Limitations on the issuance of additional bonds;

(h) The procedure, if any, by which the terms of any contract with the holder of the bonds may be amended or abrogated, the principal amount of the bonds the holder of which must consent thereto, and the manner in which such consent may be given. The board shall have power out of any funds available therefor to purchase the bonds at a price not more than the principal amount thereof and accrued interest. All bonds so purchased shall be cancelled.

Amends
§ 7, Ch. 18,
Laws 1933,
Ex. Sess.

SEC. 3. That section 7 of chapter 18 of the Laws of Washington, Special Session of 1933, be amended to read as follows:

Provisions
for payment
of bonds.

Section 7. The board shall make provision for the payment of the principal of and interest on the bonds issued under the provisions of this act by the fixing, collection, segregation and allocation of the tolls and charges received from the operation of the bridge. Such tolls and charges shall be fixed by the board and shall be revised from time to time so as to produce at all times revenues from the bridge in an amount sufficient at all times to cover the cost of operation and maintenance of the bridge, to pay the principal of an [and] interest on the bonds issued for the purpose of constructing such bridge, to create a fund for the purchase or redemption of bonds and reserves therefor, to comply with the terms of any contract between the board and the purchaser or the holder of the bonds, and to meet any obligation of the board in connection with the construction of the bridge. The maintenance and operation of the bridge shall be paid for from the revenues derived from its operation: *Provided, however,* That in case the revenues derived from said operation are not sufficient after paying bond, interest and redemption to

pay for said maintenance and operation, such cost of maintenance and operation may be paid for from secondary highway funds allocated to the county, or from other available funds.

SEC. 4. That section 11 of chapter 18 of the Laws of Washington, Special Session of 1933, be amended to read as follows:

Amends
§ 11, Ch. 18,
Laws 1933,
Ex. Sess.

Section 11. The board is hereby authorized to sell the bonds authorized to be issued by this act at a public or private sale to the highest bidder and such sale may be made to the United States, the State of Washington or any other political body, person, firm, corporation or organization of whatsoever nature: *Provided, however,* That no such bonds shall be sold by the county at a price that will yield an effective cost to the county in excess of six per cent (6%). The board is hereby authorized to apply for, accept and use any grant or grants made to the county by the United States or to the State of Washington to finance in whole or in part the construction of the bridge.

Sale of
bonds.

Federal or
state aid.

Passed the House February 16, 1937.

Passed the Senate March 3, 1937.

Approved by the Governor March 17, 1937.

CHAPTER 193.

[H. B. 335.]

NOXIOUS WEEDS.

AN ACT relating to noxious weeds; amending section 2771 and section 2778-3 of Remington's Revised Statutes.

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

SECTION 1. Section 2771 of Remington's Revised Statutes is hereby amended to read as follows:

Section 2771. The boards of county commissioners of the respective counties may create a weed district or districts within their counties and enlarge any district, or reduce any district or create or combine or consolidate the districts, or divide or create new districts, from time to time, in the manner hereinafter provided, for the purpose of destroying, preventing and exterminating, or to prevent the introduction, propagation, cultivation or increase of, any particular weed, weeds or plants, or all weeds or plants, including Scotch broom, which are now or may hereafter be classed by the agricultural experiment station of the State College of Washington as noxious weeds, or plants detrimental to or destructive of crops, fruit, trees, shrubs, valuable plants, forage, or other agricultural plants or produce. Any such district shall include not less than one section of land, and the boundaries thereof shall be along an established road, railroad, scab, uncleared or grazing land, or property line, or established lines, or some natural boundary, and shall include only cultivated or farming lands and shall not include any scab, uncleared or grazing land, except such as shall lie wholly within cultivated or farming lands within the districts, or which lie adjacent to such cultivated or farming lands and which are infested with the particular weed or weeds to be destroyed, prevented

Amends
§ 2771, Rem.
Rev. Stat.
(§ 113-21,
P. C.)
Weed dis-
tricts, estab-
lishment by
commis-
sioners.

Boundaries.

and exterminated by such district: *Provided*, That any quarter section of land, or lesser legal subdivision in single ownership, fifty per cent (50%) of which is cultivated or farming land, shall be considered cultivated and farming land within the meaning of this act.

SEC. 2. Section 2778-3 of Remington's Revised Statutes is hereby amended to read as follows:

Amends
§ 2778-3,
Rem. Rev.
Stat. (§ 113-
31, P. C.)

Section 2778-3. (1) If the weed inspector, or the board of directors, shall find that the rules and regulations of the weed district are not being carried out on any one or more parcels of land within such district, the weed inspector shall give forthwith a notice in writing, on a form to be prescribed by the directors, to the owners, tenants, mortgagees, and occupants, or to the accredited resident agent of any non-resident owner of such lands within the district whereon noxious weeds are standing, being or growing and in danger of going to seed, requiring him to cause the same to be cut down, otherwise destroyed or eradicated on such lands in the manner and within the time specified in the notice, such time, however, not to exceed seven (7) days. It shall be the duty of the county auditor and county treasurer to make available to the weed inspector lists of owners, tenants, and mortgagees of lands within such district;

Delinquent
owners.

Notice.

(2) If a resident agent of any non-resident owner of lands where noxious weeds are found standing, being or growing cannot be found, the local weed inspector shall post said notice in the form provided by the directors in three conspicuous places on said land, and in addition to posting said notice the local weed inspector shall, at the same time mail a copy thereof by registered mail to the owner of such non-resident lands, if his post office address is known or can be ascertained by said inspector from the last tax list in the county treas-

Posting of
notice.

Non-
residents.

urer's office, and it shall be the duty of the treasurer to furnish such lists upon request by the weed inspector. Proof of such serving, posting and mailing of notice by the weed inspector shall be made by affidavit forthwith filed in the office of the county auditor and it shall be the duty of the county auditor to accept and file such affidavits;

Destruction
of weeds by
inspector.

(3) If the weeds are not cut down, otherwise destroyed or eradicated within the time specified in said notice, the local weed inspector shall personally, or with such help as he may require, cause the same to be cut down or otherwise destroyed in the manner specified in said notice.

Passed the House February 19, 1937.

Passed the Senate March 3, 1937.

Approved by the Governor March 17, 1937.

CHAPTER 194.

[H. B. 336.]

WEED EXTERMINATION AREAS.

AN ACT relating to noxious weeds, defining "Weed Extermination Areas," and making an appropriation.

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

SECTION 1. In this act unless the context otherwise requires:

"Weed
district."

(a) "Weed District" means an area of agricultural land, together with permitted inclusions of other types of lands, whose owners have joined together for weed control purposes and having an elective board of directors who are authorized to make and enforce rules and regulations for the district;

"Weed ex-
termination
area."

(b) "Weed Extermination Area" means an area set up by the boards of county commissioners and the director of the state department of agriculture

covering any type of land and in which they are responsible for rules, regulations and enforcement and wherein extermination and prevention are emphasized;

(c) "Crop Land" means lands devoted to the usual cultivated crops in the area and including orchards, small fruits, hay meadows, and rotation pastures, and including lanes, fence rows, irrigation and drainage ditches, and farmsteads, included therein. "Crop land."

SEC. 2. Upon petition of registered land owners representing not less than five per centum of the number of farms in the county as shown by the last United States census, the boards of county commissioners of the respective counties and the director of the state department of agriculture shall thoroughly investigate, which investigation shall include a public hearing, notice of which shall be posted under the direction of the director of the state department of agriculture, in at least five conspicuous places within the posted area at least fifteen (15) days prior to the hearing. If such investigation shall indicate a need therefor there shall be created, by a regularly promulgated order, a weed extermination area or areas, within their counties or within the State of Washington for the purpose of destroying, preventing, and exterminating any particular weed, weeds or plants, or all weeds or plants, which are now or may hereafter be classed by the agricultural experiment station of the state college of Washington as noxious or poison weeds or plants detrimental to agriculture or to livestock, when the boards of county commissioners and the director of the department of agriculture of the State of Washington find the creation of such an area and the extermination of noxious or poison weeds or plants growing thereon to be in the interest of the general public welfare of their respective counties or of the State Petition for inclusion.

Weed extermination area created.

of Washington, and when such investigation shows that conditions are such as to prevent the organization of a weed district in the manner prescribed in sections 2771 to 2775, both inclusive, of Remington's Revised Statutes. If the boards of county commissioners and the director of the state department of agriculture cannot agree on the establishment or in other matters pertaining to weed extermination areas, the decision of the director shall be final. Upon the establishing of any weed extermination area or areas as provided in this section, the boards of county commissioners and the director of the state department of agriculture shall cause this fact to be published in a newspaper published in the county in which such weed extermination area is situated and of general circulation in such county and such notice shall state the boundaries of the weed extermination area so established. A weed extermination area when established as provided herein shall be maintained as such for a period of not less than five years. Any weed district organized or reorganized as provided in sections 2771 to 2775, both inclusive, of Remington's Revised Statutes is hereby authorized to maintain its status and organization and to exercise all powers and subject to the limitations granted to it in prior sections of this act, even when part or all of such weed district is also included in a weed extermination area.

State college
to cooperate
with com-
missioners.

SEC. 3. It shall be the duty of the state college of Washington through its experiment station and extension service to cooperate with the boards of county commissioners and with the state department of agriculture: (a) To inform them of the names, habits, and growth of noxious or poison weeds and plants which are prevalent in the respective counties in the State of Washington and which are detrimental to agriculture or livestock; (b) to describe methods for the destruction, prevention or extermi-

nation of such weeds or plants; and (c) to publish lists of such weeds and plants designated as noxious or poison together with pertinent information thereon for public distribution.

It shall be the duty of the boards of county commissioners and the director of the state department of agriculture: (a) To determine what methods, rules and regulations are to be used and the specific weed, weeds or plants to be destroyed, prevented or exterminated in the weed extermination areas established: *Provided*, That the directors of any weed district organized and continuing under sections 2771 to 2775, both inclusive, of Remington's Revised Statutes shall have final approval of any regulations applying on crop lands to weeds generally distributed within the boundaries of such weed districts; (b) to carry out, or cause to be carried out, these designated methods, rules and regulations on the weeds or plants specified; but whenever such methods, rules and regulations require only the prevention of seed production of noxious or poison weeds on crop lands, it shall be the duty of the owner thereof to prevent such seed production; and (c) upon information of the existence of any noxious or poison weed not generally distributed within this state, to thoroughly investigate the existence and the probability of the spread thereof and to establish, maintain and enforce such regulations as in their opinion are necessary to circumscribe and exterminate or prevent the spread of such weed.

Methods,
rules and
regulations
determined.

Methods, rules and regulations to be followed in extermination areas may be changed or modified by the authority setting up the areas whenever in their judgment such change is justified, practical and in the interest of the public welfare. Upon the determination of methods, rules and regulations to be followed in any weed extermination area, the

boards of county commissioners and the director of the state department of agriculture shall publish such methods, rules and regulations weekly for three consecutive weeks in a newspaper published in the county in which such weed extermination area is located and of general circulation in such county and by mailing a copy of such methods, rules and regulations to the registered owners and mortgagees of each parcel of land within said weed extermination area at their addresses as shown by the records of the county auditor's office.

Weed
supervisor
employed.

The boards of county commissioners and the director of the state department of agriculture are hereby authorized to employ a weed supervisor and such additional help and to purchase such equipment and materials as may be necessary in carrying out these duties: *Provided*, That whenever feasible and practicable the land owner shall be employed to carry out the practices required but when so hired the portion of the costs to be paid by him shall be deducted from any payments accruing to him because of such employment.

Entry upon
lands.

These commissioners and director or their agents may enter upon any and all lands at any reasonable time in carrying out the duties or making investigations specified above and may take such samples of weeds, weed seeds, or other material necessary in the conduct of these duties or investigations and shall not be subject to action for trespass or damage because of such entrance or the taking of such samples.

Cost of
eradication
work.

SEC. 4. The boards of county commissioners and the state department of agriculture are authorized to cooperate with other governmental, public or private agencies for the purposes of, and within the limitations of this act. The cost of eradication work performed in any weed extermination area shall be paid in the following manner: Three fourths thereof shall

be paid from the weed control fund of the county in which the land is located and the remaining one fourth by the owner of the land upon which such eradication work is performed: *Provided, however,* That on crop land the share of the cost to be paid by the owner of such land may be increased by the board of county commissioners to one half the cost of such eradication work: *Provided, further,* That when prevention of seed production only is required on crop land the entire cost shall be paid by the owner of such crop land. The term "land" shall include all rights of way for any purpose whatsoever, which rights of way shall pay the same percentage of cost as that charged against the contiguous lands. Any portion of the owner's share of the expense paid out of the county weed fund shall be included on the tax rolls against the land for the current year and collected as other taxes are collected, and when so collected it shall be paid into the county weed control fund.

SEC. 5. If the board of county commissioners and the director of the state department of agriculture shall find that noxious or poison weeds are standing, being or growing and in danger of going to seed on crop land contrary to such adopted methods, rules and regulations, they or their agents shall give notice and follow the procedure set forth in sections 2778-3, 2778-4, 2778-5, and 2778-6 of Remington's Revised Statutes, for weed districts.

Procedure of eradication.

SEC. 6. For the purpose of carrying out the object and provisions of this act, the sum of one hundred thousand (\$100,000) is hereby appropriated for the biennium from the general fund to the state department of agriculture for a weed control fund to be used as follows: Fifteen per centum (15%) shall be allocated to the state college of Washington for research, experimental and educational work on weed control; seventy-five per centum (75%) shall be al-

Vetoed.

located to the various counties of the state in proportion to funds appropriated therein by the boards of county commissioners or other agencies for weed control purposes and including funds raised for weed district operation; and ten per centum (10%) shall remain as a reserve to be used or allocated by the director of the state department of agriculture for any of the purposes of this act which in his opinion will provide most protection for the public welfare. Boards of county commissioners are authorized to annually levy a tax in such amount as in their judgment they may deem necessary and advisable, but not to exceed one mill upon all taxable property in the county, for the purpose of noxious or poison weed control work in their respective counties and for the purpose of creating a "Weed Control Fund."

Vetoed. SEC. 7. The allocation from the state weed control fund to the state college of Washington, specified in section 6, shall be made by the state treasurer, annually on or before April 1, and the sums so allocated shall be drawn upon by the state college of Washington for experimental, research and educational work in weed control in the same manner as other funds appropriated to the state college of Washington. The boards of county commissioners shall on or before November 1 of each year notify the director of the state department of agriculture of the total appropriations for noxious or poison weed control work in their respective counties for the ensuing calendar year by all agencies. The director shall thereupon and not later than December 1 make allocations to the various counties as provided in the preceding section, which allocations he shall certify to the state treasurer. Upon receipt of such certificate of allocations to the various counties, it shall be the duty of the state treasurer to transmit in the usual manner the monies so allocated to the county treasurers of the designated counties respectively. It shall be the

duty of the county treasurers of the various counties to receive such allocated monies and to place them in a weed control fund subject to the order of the boards of county commissioners of the respective counties. Monies allocated and transmitted shall be accounted for in the usual manner covering such funds. } Vetoed.

SEC. 8. If any provision or section of this act shall be adjudicated to be unconstitutional, such adjudication shall not affect the act as a whole or any part thereof not adjudicated unconstitutional. } Partial invalidity.

Passed the House March 4, 1937.

Passed the Senate March 3, 1937.

Approved by the Governor March 17, 1937, with the exception of sections 6 and 7 which are vetoed.

CHAPTER 195.

[H. B. 667.]

STATE APPLE ADVERTISING COMMISSION.

AN ACT relating to apples, declaring the public policy of this state to promote the consumption and sale of apples by providing for research and a publicity advertising and sales promotion campaign to increase the consumption of Washington grown apples, levying an assessment and providing for its collection, creating an apple advertising commission and vesting in it the administration of this act, providing for the powers, duties and authority of said commission, providing penalties for the violation of this act, and providing that this act shall take effect immediately.

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

SECTION 1. That this act is passed:

(a) In the exercise of the police power of the state to protect the public health, to prevent fraudulent practices, to promote the welfare of the state, and to stabilize and protect the apple industry of the state; } Exercise of police power.

(b) Because the apple crop grown in Washington comprises one of the major agricultural crops of Washington, and that therefore the business of selling and distributing such crop and the expanding and protection of its market is of public interest;

(c) Because it is necessary and expedient to enhance the reputation of Washington apples in domestic and foreign markets;

(d) Because it is necessary to discover the health giving qualities and food and dietetic value of Washington apples, and to spread that knowledge throughout the world in order to increase the consumption of Washington apples;

(e) Because Washington grown apples are handicapped by high freight rates in competition with eastern and foreign grown apples in the markets of the world, and this disadvantage can only be overcome by education and advertising;

(f) Because the stabilizing of the apple industry, the enlarging of its markets, and the increasing of the consumption of apples are necessary to assure the payment of taxes to the state and its subdivisions, to alleviate unemployment within the state, and increase wages for agricultural labor;

(g) To disseminate information giving the public full knowledge of the manner of production, the cost and expense thereof, the care taken to produce and sell only apples of the finest quality, the methods and care used in preparing for market, and the methods of sale and distribution to increase the amount secured by the producer therefor, so that they can pay higher wages and pay their taxes, and by such information to reduce the cost of distribution so that the spread between the cost to the consumer and the amount received by the producer will be reduced to the minimum absolutely necessary;

(h) To protect the general public by educating it in reference to the various varieties and grades

of Washington apples, the time to use and consume each variety, and the uses to which each variety should be put.

SEC. 2. That as used in this act:

(a) The term "commission" shall mean the Washington State Apple Advertising Commission; "Commis-
sion."

(b) The term "person" shall mean individuals, corporations, partnerships, trusts, associations, co-operatives, and any and all other business units, devices and arrangements; "Person."

(c) "Shipment" and "shipped" shall be deemed to take place when the apples are loaded in the car, boat, truck, wagon, or other conveyance to be transported: *Provided*, That apples being moved from the orchard where grown to a packing house or warehouse within the immediate area of production, shall not be deemed a shipment or to be shipped; "Shipment,"
"Shipped."

(d) The terms "handle" or "handler" shall mean or indicate any person who ships or initiates the shipping operation, whether as owner, agent, or otherwise; "Handle,"
"Handler."

(e) The term "dealer" shall mean and include any person who handles, ships, buys, or sells apples, or who acts as sales or purchasing agent, broker, or factor of apples; "Dealer."

(f) The term "box" or "standard box" shall mean a standard box as defined by Remington's Revised Statutes, section 11638; "Box,"
"Standard
box."

(g) The term "processor" or "processing plant" shall include every person and every place to whom or to which apples are delivered for the purpose of drying, dehydrating, canning, pressing, powdering, extracting, cooking, or for use in producing or manufacturing a product or manufactured article; "Processor,"
"Processing
plant."

(h) "District No. 1" or "first district" shall be and include the counties of Chelan, Okanogan, Grant, and Douglas; "District
No. 1" or
"First
District."

“District No. 2” or “Second District.”

(i) “District No. 2” or “second district” shall be and include the counties of Kittitas, Yakima, Benton, Franklin, and Klickitat;

“District No. 3” or “Third District.”

(j) “District No. 3” or “third district” shall comprise all of the State of Washington not included in the first and second districts.

Commission created.

SEC. 3. There is hereby created a Washington State Apple Advertising Commission to be thus known and designated. The commission shall be composed of seven practical apple producers and four practical apple dealers. The director of agriculture and supervisor of horticulture of the State of Washington shall be ex-officio members of the commission without vote. The seven producer members shall be citizens and residents of this state, over the age of twenty-five years, each of whom is and has been actually engaged in growing and producing apples within the State of Washington for a period of five years, and shall not be engaged in business directly or indirectly as a dealer, and has derived during said period the major portion of his income therefrom. The four dealers shall be persons who, either individually or as executive officers of a corporation, firm, partnership, association or cooperative organization, are and have been actively engaged as dealers in apples within the State of Washington, and are citizens and residents of this state. The qualifications of members of the commission as herein set forth must continue during their term of office. The regular term of office of the members of the commission shall be three (3) years from the date of appointment and until their successors are appointed and qualified. The term of the first members shall terminate on July first, 1940.

Members.

Ex-officio members.

Qualifications of members.

Tenure.

Appointment by governor.

The governor of the State of Washington shall immediately after this act becomes effective, appoint eleven men with the qualifications stated above, to be members of said commission; three (3)

of the grower members shall be appointed from district number one (1); three [(3)] from district number two (2); and one (1) from district number three (3). Two (2) of the dealer members shall be appointed from district number one (1) and two (2) from district number two (2). Due consideration shall be given to men who in the past have been connected with the various attempts at voluntary and involuntary apple advertising, and the governor shall consider any petitions or votes taken by growers recommending individuals for appointment.

A majority of the regular members shall constitute a quorum for the transaction of all business and the carrying out of the duties of said commission.

Quorum.

No member of the commission shall receive any salary or other compensation, but each member shall receive the sum of ten dollars (\$10.00) per day for each day spent in actual attendance on meetings of the commission, together with traveling expenses at the rate allowed by law to state employees.

Compensation.

SEC. 4. That the Washington State Apple Advertising Commission shall be, and it is, hereby declared and created a corporate body. It shall have power to sue and be sued; to contract and be contracted with; it shall have and possess all the powers of a corporation. The commission shall adopt a corporate seal. Copies of the proceedings, records, and acts of the commission, when certified by the secretary and authenticated by the corporate seal, shall be admissible in evidence in all courts of this state, and shall be *prima facie* evidence of the truth of all statements therein.

Corporate body.

Corporate seal.

SEC. 5. The commission shall elect a secretary-manager, whose compensation shall be fixed by the commission.

Secretary-manager.

SEC. 6. The commission shall appoint a treasurer. All monies received by the commission, or any other

Treasurer.

Disposition
of monies.

state official from the assessment hereinafter levied, shall be paid to the treasurer of the commission, shall be deposited in such banks as the commission may designate, and shall be disbursed by order of the commission. The treasurer shall file with the commission a fidelity bond executed by a surety company authorized to do business in this state, in favor of the commission and the State of Washington, jointly and severally, conditioned for the faithful performance of his duties and the strict accounting of all funds of the commission, in the penal sum of fifty thousand dollars (\$50,000). None of the provisions of section 5501, Remington's Revised Statutes, shall be applicable to monies collected under this act.

Fidelity
bond.

State not
liable for
acts of
commission.

SEC. 7. The State of Washington shall not be liable for the acts of said commission or its contracts. All persons shall be limited to the funds collected by the commission, and no member of the commission or any employee or agent thereof shall be liable on the contracts of the commission. All salaries, expenses, costs, obligations, and liabilities incurred by said commission shall be payable only from the funds collected by the commission under this act.

Obligations
incurred,
payment.

Powers and
duties of
commission.

SEC. 8. The powers and duties of the commission shall include the following:

(1) To elect a chairman and from time to time such other officers as it may deem advisable, and to adopt and from time to time alter, rescind, modify and amend all proper and necessary rules, regulations, and orders for the exercise of its power and the performance of its duties, which such rules, regulations and orders shall have the force and effect of the law when not inconsistent with existing laws;

(2) To administer and enforce this act, and do and perform all acts and exercise all powers reasonably necessary to effectuate the purpose of this act;

(3) To employ and at its pleasure discharge a manager and secretary, and such attorneys, clerks and employees as it deems necessary, and to prescribe their duties and powers and fix their compensation;

(4) To establish offices and incur any and all expense and to enter into any and all contracts and agreements and to create such liabilities as may be reasonable for the proper administration and enforcement of this act;

(5) To investigate and prosecute violations of this act;

(6) To conduct scientific research to develop and discover the health, food, therapeutic and dietetic value of apples and products thereof;

(7) To employ and at its pleasure discharge an advertising manager, agents, advertising agencies, and such other help as it deems necessary, and to outline their powers and duties and fix their compensation;

(8) To make in the name of the commission such advertising contracts and other agreements as may be necessary;

(9) To keep accurate books, records, and accounts of all of its dealings, which books, records and accounts shall be open to inspection and audit by the state auditor and the department of efficiency.

SEC. 9. (a) There is hereby levied and imposed upon all apples grown in 1937 and annually thereafter, an assessment of two cents (2¢) on each one hundred (100) pounds gross billing weight of apples; payable when shipped, whether in bulk or loose in boxes or any other container, or packed in any style package: *Provided*, That the provisions of this act shall not apply to apples shipped to any processing plant for processing or manufacturing purposes;

Assessment
levied upon
apples.

All monies collected expended for advertising.

(b) All money levied and collected under this act shall be expended exclusively to advertise apples and to effectuate the purposes and objects of this act:

Record of apples handled, shipped or processed.

SEC. 10. Every dealer, handler, and processor shall keep a complete and accurate record of all apples handled, shipped or processed by him. Such record shall be in such form and contain such information as the commission shall by regulation or rule prescribe. Such records shall be preserved by such handler, dealer, and processor for a period of two (2) years, and shall be offered and submitted for inspection at any time upon written or oral request or demand by the commission or its duly authorized agent or employee.

Return filed with commission.

SEC. 11. Every dealer, handler, and processor shall at such times as the commission may by rule or regulation require, file with the commission a return under oath on forms to be prescribed and furnished by the commission, stating the quantity of apples handled, shipped or processed by him during the period or periods of time prescribed by the commission. Such return shall contain such further information as the commission may require.

Assessments payable prior to shipment.

SEC. 12. All assessments levied and imposed by this act shall be due and payable and shall be paid prior to shipment. No apples shall be carried, transported, or shipped by any person or by any carrier, railroad, truck, boat, or other conveyance until such assessment has been paid to the commission, and its official receipt issued. No apples shall be received by a processor until such tax has been paid.

Apple advertising stamps.

The commission shall by rule or regulation prescribe the method of collection, and for that purpose may require stamps to be known as "Apple Advertising Stamps" to be purchased from the commission and fixed or attached to the containers, invoices, shipping documents, inspection certificates, releases,

or receiving receipts or tickets. Any such stamps shall be cancelled immediately upon being so attached or fixed, and the date of cancellation shall be placed on such stamps. Cancellation.

SEC. 13. That in order to adequately advertise Washington grown apples in the domestic and foreign markets, and to make such advertising as extensive as public interest and necessity require, and to put into force and effect the policy of the State of Washington by this act intended, it is the duty of the commission to provide for and conduct a comprehensive and extensive research advertising and educational campaign, and to keep such advertising and education as continuous as the crop, sales, and market conditions reasonably require. The commission shall investigate and ascertain the needs of the apple producers, the conditions of the markets, and the extent to which public convenience and necessity require advertising and research to be conducted. If, upon such investigation, it shall appear that the revenue from the assessment levied and imposed under section 9 is inadequate to accomplish the purposes and objects of this act, it shall file a report with the director of agriculture showing the necessities of the industry, the extend [extent] and probable cost of the required research and advertising, the extent of the public convenience, interest and necessity, and the probable revenue from the assessment herein levied and imposed. If such probable revenue is less than the amount reasonably necessary to conduct the research and advertising that the public interest, convenience and necessity of the State of Washington requires to accomplish the objects and purposes of the act, the commission shall increase such assessment to a sum not exceeding the sum of six cents (6¢) for each one hundred (100) pounds gross billing weight of apples, whether shipped in bulk, loose in boxes or any other con- Research and advertising campaign.

Increase in assessments.

tainer, or packed in any style package: *Provided*, That no such increase shall be made prior to May, 1940: *And provided further*, That no such increase shall be made until the commission shall have filed with the director of agriculture a full report of such investigation and findings. Such increase shall be effective thirty (30) days after such report is so filed.

Penalty for violation of act.

SEC. 14. (a) Any person who shall violate or aid in the violation of any provision of this act shall be guilty of a gross misdemeanor;

Penalty for violation of rules and regulations.

(b) Any person who shall violate or aid in the violation of any rule or regulation of the commission shall be guilty of a misdemeanor.

Prosecutions.

SEC. 15. (a) Any prosecution brought under this act may be instituted or brought in any county in this state in which the defendant or any of the defendants reside, or in which the violation was committed, or in which the defendant, or any of the defendants, has his principal place of business;

(b) The several superior courts of the State of Washington are hereby invested with jurisdiction to enforce this act and to prevent and restrain violations thereof, or any rule or regulation promulgated by the commission.

Enforcement of act.

SEC. 16. That it shall be the duty of all state and county law enforcement officers and all employees and agents of the department of agriculture to enforce this act.

Liberal construction.

SEC. 17. This act shall be liberally construed. If any section, sentence, clause or part of this act is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this act.

The legislature hereby declares that it intended to pass each section and subsection of this act irrespective of every other section or subsection, sen-

tence, clause, or phrase hereof, and instructs all courts that such is their intention, and that such intention shall be given effect.

SEC. 18. Every rule, regulation or order promulgated by the commission shall be filed with the director of agriculture of the State of Washington, and shall be published in a legal newspaper in Wenatchee and Yakima within five days after its promulgation. And such rules, orders or regulations shall become effective five (5) days after such filing and publication.

Rules, regulations or orders to be published.

SEC. 19. The commission, through its authorized agents, shall have the right to inspect the premises, books, records, documents, and all other instruments of any carrier, railroad, truck, boat, handler, dealer, and processor for the purpose of enforcing this act and the collection of the excise tax.

Inspection.

SEC. 20. This act is necessary for the immediate preservation of public health, the preservation of the apple industry, the preservation of the apple producing areas, and for the support of the state government and its existing institutions, and shall take effect immediately.

Effective immediately.

Passed the House March 3, 1937.

Passed the Senate March 3, 1937.

Approved by the Governor March 17, 1937.

CHAPTER 196.

[H. B. 107.]

CONDITIONAL SALES CONTRACTS.

AN ACT relating to conditional sale contracts and the assignment thereof and amending sections 3790 and 3791-1 of Remington's Revised Statutes of Washington.

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

Amends
§ 3790, Rem.
Rev. Stat.
(§ 9767, P. C.)

SECTION 1. That section 3790 of Remington's Revised Statutes of Washington be amended to read as follows:

Contracts
to be filed,
when.

Section 3790. That all conditional sales of personal property, or leases thereof, containing a conditional right to purchase, where the property is placed in the possession of the vendee, shall be absolute as to all *bona fide* purchasers, pledgees, mortgagees, encumbrancers and subsequent creditors, whether or not such creditors have or claim a lien upon such property, unless within ten days after the taking of possession by the vendee, a memorandum of such sale, stating its terms and conditions, including the rate of interest and the purchase price exclusive of interest, insurance and all other charges, and signed by the vendor and vendee, shall be filed in the auditor's office of the county, wherein, at the date of the vendee's taking possession of the property, the vendee resides. Every such contract for the conditional sale or lease of any personal property, except machinery, apparatus or equipment to be used for manufacturing or industrial purposes, attached or to be attached to a building, whether a fixture at common law or not, shall be absolute as to all subsequent *bona fide* purchasers or encumbrancers of such building and the land on which it stands, unless such contract or lease shall also contain a sufficient legal description of the real estate which said building occupies, and shall be filed and

recorded as provided in section 3791 of this act: *Provided, however,* That nothing in this section contained shall be construed to require such filing or recording of any conditional sale of personal property or lease thereof containing a conditional right to purchase, wherein the total designated unpaid purchase price does not exceed the sum of fifty dollars (\$50) and such contracts or leases shall be valid as to all *bona fide* purchasers, pledgees, mortgagees, encumbrancers and subsequent creditors: *Provided, further,* That in computing said "total designated unpaid purchase price" there shall be added to said purchase price designated in any such contract the designated unpaid purchase price set forth in any other contract of conditional sale executed between the same vendor and vendee as a part of the same transaction and if the total of all exceeds said sum of fifty dollars (\$50) each of said contracts of conditional sale shall be absolute as hereinabove provided unless filed or filed and recorded as hereinabove provided.

SEC. 2. That section 3791-1 of Remington's Revised Statutes of Washington be amended to read as follows:

Amends
§ 3791-1 Rem.
Rev. Stat.
(§ 9743-1,
P. C.)

Section 3791-1. If a written contract for the conditional sale of personal property be assigned by the vendor or an assignee thereof by written instrument to secure a debt or other obligation the assignee, in the absence of a contrary intent expressed in the assignment, and whether or not the same be upon its face absolute, shall have the right to enforce all the vendor's remedies under the contract and said assignee shall have a lien upon the property covered thereby as against the vendor and any subsequent assignee thereof, the creditors and subsequent purchasers and encumbrancers of either, which lien may be enforced as a chattel mortgage is enforced, no filing of said assignment being necessary. No such as-

Assignments,
rights of
assignee.

signment shall be deemed invalid as against creditors and subsequent purchasers, pledgees, mortgagees and encumbrancers of assignor by reason of failure of any assignee to assume dominion and control over any such contract so assigned or the proceeds thereof, or to contract against or to prevent the mingling by assignor of the proceeds thereof or collections therefrom amongst his funds or placement of the same in his bank account.

Passed the House March 11, 1937.

Passed the Senate March 8, 1937.

Approved by the Governor March 17, 1937.

CHAPTER 197.

[H. B. 130.]

COUNTY OFFICERS.

AN ACT fixing the compensation of county officers, providing for the election of an auditor and assessor in counties of the sixth, seventh, eighth, and ninth classes and prescribing their duties, and amending sections 4200-3a, 4200-4a, and 4200-5a of Remington's Revised Statutes of Washington.

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

SECTION 1. That section 4200-3a of Remington's Revised Statutes of Washington be amended to read as follows:

Section 4200-3a. At the general county election in the year 1938 and quadrennially thereafter, there shall be elected in each county of the sixth, seventh, and eighth classes a county auditor who shall exercise all the powers and perform all the duties, now, or that may be, by law vested in or imposed upon the county auditor of such county.

Amends
§ 4200-3a,
Rem. Rev.
Stat. (§ 1567-
13, P. C.)

County
auditor,
election of.

SEC. 2. That section 4200-4a of Remington's Revised Statutes of Washington be amended to read as follows:

Amends
§ 4200-4a,
Rem. Rev.
Stat. (§ 1567-
14, P. C.)

Section 4200-4a. At the general county election in the year 1938 and quadrennially thereafter, there shall be elected in each county of the sixth, seventh, and eighth classes a county assessor who shall exercise all the powers and perform all the duties now, or that may be, by law vested in or imposed upon the county assessor of such county.

County
assessor,
election of.

SEC. 3. That section 4200-5a of Remington's Revised Statutes of Washington be amended to read as follows:

Amends
§ 4200-5a,
Rem. Rev.
Stat. (§ 1567-
16, P. C.)

Section 4200-5a. The salaries of county officers of class A counties and counties of the first, second, third, fourth, fifth, sixth, seventh, eighth, and ninth classes, as determined by the last preceding Federal census, or as may be determined under the provisions of sections 4200-6 to 4200-11 shall be per annum respectively as follows:

Salaries of
county
officers.

Class A counties: Auditor, clerk, treasurer, attorney, sheriff, assessor, engineer, superintendent of schools, members of board of county commissioners, coroner, three thousand eight hundred dollars (\$3,800.00);

Class A
counties.

Counties of the first-class: Auditor, clerk, treasurer, attorney, sheriff, assessor, engineer, superintendent of schools, members of board of county commissioners, three thousand dollars (\$3,000.00); coroner, fourteen hundred dollars (\$1,400.00);

First-class.

Counties of the second-class: Auditor, clerk, treasurer, sheriff, attorney, assessor, superintendent of schools, members of board of county commissioners, twenty-seven hundred dollars (\$2,700.00); coroner, one thousand dollars (\$1,000.00);

Second-class.

Counties of the third-class: Auditor, clerk, treasurer, attorney, assessor, sheriff, superintendent of schools, members of board of county commissioners,

Third-class.

twenty-four hundred dollars (\$2,400.00); coroner, eight hundred dollars (\$800.00);

Fourth-class.

Counties of the fourth-class: Auditor, clerk, treasurer, attorney, assessor, sheriff, superintendent of schools, twenty-two hundred fifty dollars (\$2,250.00); members of the board of county commissioners, eighteen hundred dollars (\$1,800.00);

Fifth-class.

Counties of the fifth-class: Auditor, clerk, treasurer, sheriff, attorney, assessor, superintendent of schools, two thousand dollars (\$2,000.00); members of board of county commissioners, eighteen hundred dollars (\$1,800.00);

Sixth-class.

Counties of the sixth-class: Auditor, clerk, treasurer, assessor, sheriff, superintendent of schools, eighteen hundred dollars (\$1,800.00); attorney, fifteen hundred dollars (\$1,500.00); members of board of county commissioners, six dollars (\$6.00) per day for time actually spent in the performance of their duties;

Seventh-class.

Counties of the seventh-class: Auditor, clerk, treasurer, assessor, sheriff, superintendent of schools, eighteen hundred dollars (\$1,800.00); prosecuting attorney, fifteen hundred dollars (\$1,500.00); members of board of county commissioners, six dollars (\$6.00) per day for time actually spent in the performance of their duties;

Eighth-class

Counties of the eighth-class: Auditor, treasurer, assessor, sheriff, superintendent of schools, eighteen hundred dollars (\$1,800.00); prosecuting attorney, fifteen hundred dollars (\$1,500.00); members of board of county commissioners, six dollars (\$6.00) per day for time actually spent in the performance of their duties;

Ninth-class.

Counties of the ninth-class: Clerk, sheriff, treasurer, fifteen hundred dollars (\$1,500.00); prosecuting attorney and superintendent of schools, nine hundred dollars (\$900.00), said prosecuting attorney and superintendent of schools need not give full time to

duties as such; members of board of county commissioners, six dollars (\$6.00) per day for time actually spent in the performance of their duties.

All county officers shall be entitled to their necessary reasonable traveling expenses in the performance of their official duties, bills therefor to be audited by the county commissioners: *Provided*, That when using their own cars, they shall be allowed not to exceed five cents (5¢) per mile for each mile of necessary travel. In all cases where the duties of any office are greater than can be performed by the person elected to fill the same, said officer may employ, with the consent of the county commissioners, the necessary help, who shall receive such compensation as shall be fixed by the board of county commissioners: *Provided*, That no deputy or clerk employed shall receive larger compensation than provided for the officer employing him.

The officer appointing such deputies or clerks shall be responsible for the acts of such appointee upon his official bond.

Passed the House March 9, 1937.

Passed the Senate March 8, 1937.

Approved by the Governor March 17, 1937.

County officers, traveling expenses.

Compensation for use of personal cars.

Appointment of deputies or clerks.

CHAPTER 198.

[H. B. 157.]

MINIMUM SALARY OF PUBLIC SCHOOL TEACHERS.

AN ACT relating to the wages to be paid teachers in the public schools of Washington, setting up a minimum wage.

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

SECTION 1. After the passage of this act no school board shall contract with a teacher to teach in the public schools of the State of Washington for a smaller amount than one hundred dollars per month

on the basis of twelve (12) months per year: *Provided*, That in the event sufficient funds are not available to pay one hundred dollars (\$100) per month, that proportion of one hundred dollars (\$100) shall be paid which seventy per cent (70%) of the estimated revenue of the district will permit, with taxes levied at the maximum allowed by law without a vote of the people.

Passed the House March 2, 1937.

Passed the Senate March 8, 1937.

Approved by the Governor March 17, 1937.

CHAPTER 199.

[H. B. 168.]

BARBERS.

AN ACT relating to the practice of occupation of barber, providing for the examination and licensing of barbers and students, and the operation of barber schools or colleges, amending sections 8277-2, 8277-3, 8277-5, 8277-13 of Remington's Revised Statutes, adding a new section to be known as section 8277-4a of Remington's Revised Statutes and repealing sections 8277-3a, 8277-4 and 8277-10 of Remington's Revised Statutes.

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

SECTION 1. That section 8277-2 of Remington's Revised Statutes be amended to read as follows:

Section 8277-2. It shall be unlawful for any person to follow the occupation of barber or practice as a barber, except as a student in a barber school or college, unless he shall first have obtained a license as provided in this act.

It shall be unlawful for any person, firm or corporation to hire or employ any person to engage in the practice of barbering as hereinafter defined, unless such person then holds a valid, unexpired and unrevoked certificate of registration to practice bar-

Amends
§ 8277-2,
Rem. Rev.
Stat. (§ 415,
P. C.)

License
required.

Licensed
employees.

bering or as a registered student in a barber school or college.

SEC. 2. That section 8277-3 of Remington's Revised Statutes be amended to read as follows:

Amends
§ 8277-3,
Rem. Rev.
Stat. (§ 416,
P. C.)

Section 8277-3. Any person of good moral character, free from contagious or infectious disease, desiring a license to practice the occupation of barber in this state shall file his application in the manner provided by law, on forms prescribed by the director of licenses. Every applicant for a license must be at least sixteen (16) years of age and shall have a diploma showing graduation from an eighth (8) grade grammar school or present satisfactory proof of an equivalent education. Said application shall be accompanied by the certificate of a licensed physician and surgeon that the said applicant is not afflicted with any contagious or infectious disease, and by a certificate signed by two or more reputable citizens of this state that he is of good moral character. Each application shall be accompanied by two signed photographs of the applicant. Every such applicant shall pay a fee of five dollars (\$5), which shall accompany his application.

Applications.

Fee.

SEC. 3. That section 8277-5 of Remington's Revised Statutes be amended to read as follows:

Amends
§ 8277-5,
Rem. Rev.
Stat. (§ 418,
P. C.)

Section 8277-5. Examinations shall be held at least four times in each year, at such times and places as the director of licenses shall determine. Each applicant shall present himself for examination before the examining committee, and shall be examined as to his skill in properly performing all the duties of a barber, including his ability in the preparation and care of the tools used, shaving, cutting of the hair and beard, and all the various services incident thereto, and shall be given a written examination in the following, to-wit: Scientific fundamentals of barbering; histology of the hair and skin; structure

Examina-
tions.

of the head, face and neck; elementary chemistry relating to sterilization and antiseptics.

Amends
§ 8277-13.
Rem. Rev.
Stat. (§ 426,
P. C.)

SEC. 4. That section 8277-13 of Remington's Revised Statutes be amended to read as follows:

Display of
license or
permit.

Section 8277-13. It shall be the duty of any holder of any license, or student certificate issued under this act to post the same in a conspicuous place in front of his working chair, where it may be readily seen by all persons whom he may serve. A photograph of the applicant shall also be placed with the license where it may readily be seen by all persons whom he may serve. All applicants for renewal of barber licenses due in July, 1937, shall be accompanied by two photographs of the applicant, as prescribed by the director of licenses.

Adds
§ 8277-4a.
Rem. Rev.
Stat. (§ 417-
21, P. C.)

SEC. 5. That a new section be added to be known as section 8277-4a of Remington's Revised Statutes to read as follows:

Licenses to
unlicensed
lawful prac-
titioners.

Section 8277-4a. A license to practice barbering shall be issued by the director of licenses, without examination, to all persons who shall, within six (6) months from the taking effect of this act, file with the director of licenses affidavit that he or she has been engaged in the practice of barbering in an unincorporated city or town in this state for at least one (1) year prior to the taking effect of this act; the application for said license shall be accompanied by an affidavit of two (2) reputable persons to the effect that they are acquainted with the applicant and believe him or her to be a person of good moral character; which applicant at time of making said application shall pay the said director of licenses the sum of five dollars (\$5) and thereafter shall be permitted to continue the practice of barbering upon payment of annual renewal fee as provided in the case of persons licensed by examination under this act.

SEC. 6. That sections 8277-3a, 8277-4 and 8277-10 of Remington's Revised Statutes be and the same are hereby repealed. Statutes repealed.

Passed the House February 23, 1937.

Passed the Senate March 9, 1937.

Approved by the Governor March 17, 1937.

CHAPTER 200.

[H. B. 182.]

STATE GAME FUND.

AN ACT relating to the establishment of state game fund and disbursements therefrom, and amending section 31, chapter 3, Laws of 1933 (section 5884 of Remington's Revised Statutes).

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

SECTION 1. That section 31, chapter 3, Laws of 1933 (sec. 5884 of Remington's Revised Statutes), be amended to read as follows: Amends
§ 5884 Rem.
Rev. Stat.
(§ 2615, P. C.)

Section 31. There is hereby established in the state treasury, a fund to be known as the state game fund, which shall consist of all monies received, except as hereinafter provided, from fees for the sale of licenses and permits issued under the provisions of this act and all monies received from fines and costs imposed and collected for violations of this act or any statute for the protection of wild animals and birds and game fish and any rule or regulation of the state game commission for the protection and propagation of game and game fish: *Provided, however,* That fifty per cent (50%) of all the fines and forfeitures under the provisions of this act shall be retained by the county in which such fines and forfeitures are collected. State game fund.

It shall be the duty of all state and county officers hereafter receiving any monies in payment of

fees for licenses issued under the provisions of this act, or in payment of any fines, penalties, or costs imposed for violations of this act or any statute for the protection of wild animals and birds and game fish and any rule or regulation of the state game commission for the protection and propagation of game and game fish, or from rentals or concessions authorized by the provisions of this act or from all monies received from the sale of property, real or personal, heretofore or hereafter acquired for the purpose of protecting, preserving and perpetuating the wild animals, birds or game fish, and authorized by law to be sold and disposed of, to pay the same into the state treasury to be placed to the credit of the state game fund created by this act; except as hereinbefore provided.

Passed the House March 8, 1937.

Passed the Senate March 8, 1937.

Approved by the Governor March 17, 1937.

CHAPTER 201.

[H. B. 199.]

EXTERMINATION OF PREDATORY ANIMALS.

AN ACT relating to the extermination of cougar, wild cat, lynx, coyote and timber wolf; for the payment of bounties where such animals were killed prior to June 7, 1933, and making an appropriation.

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

SECTION 1. There is hereby appropriated from the state game fund the sum of twelve thousand dollars (\$12,000), or as much thereof as may be necessary, the same to be paid as follows:

(1) To the different counties of the state where the auditor of said county shall file with the state auditor a sworn statement as to the amount of war-

Appropriation.

rants issued by his county under the provisions of chapter 193 of the Laws of 1909: *Provided, however,* That such county auditor shall also certify that the amount claimed by his county as the amount of warrants issued under the provisions of chapter 193 of the Laws of 1909, was for animals killed prior to June 7, 1933;

(2) To any individual who shall file with the state auditor an affidavit of a county auditor that said individual killed a predatory animal and produced proof thereof to the satisfaction of the county auditor or his predecessor as required by chapter 193 of the Laws of 1909, between January 1, 1931 and June 7, 1933.

Passed the House February 25, 1937.

Passed the Senate March 9, 1937.

Approved by the Governor March 17, 1937.

CHAPTER 202.

[H. B. 258.]

STORAGE WAREHOUSES.

AN ACT relating to storage warehouses and warehousemen in any county of this state having a population of thirty thousand or more, defining the same, providing for payment of fees thereby, providing for the regulation and supervision thereof by the department of public service, providing for the enforcement of the provisions of this act and penalties for the violation thereof, and amending sections 1, 6 and 11 and repealing section 5 of chapter 154 of the Session Laws of 1933.

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

SECTION 1. That section 1 of chapter 154 of the Session Laws of 1933 (section 11569-1, Remington's Revised Statutes) be amended to read as follows:

Amends
§ 11569-1,
Rem. Rev.
Stat. (§ 7202-
21, P. C.)

Section 1. The word "person" whenever used in this act shall be held to mean and include an indi-

"Person."

vidual, copartnership, association, joint stock association, corporation, or their lessees, trustees, receivers or trustees, appointed by any court whatsoever, and shall include port commissions and districts.

"Storage warehouse."

The term "storage warehouse" whenever used in this act shall be held to mean and include a building or structure or any part thereof in which goods, wares or merchandise is received for storage for compensation within the corporate limits of any county of this state having a population of thirty thousand or more, except fruit warehouses, fruit packing plants and warehouses used exclusively for the storage of all grains, hay, peas, hops, grain and hay products, malt, peanuts, flax and seeds, and exclusive cold storage warehouses: *Provided*, That nothing contained in this act shall 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 the cooperative marketing act as amended in chapter 16 of the Laws of 1931: *Further provided*, That nothing in this act shall be construed as applying to the business of renting locked boxes by any bank or trust company: *Further provided*, The term "storage warehouse" shall not include any building or structure or part thereof in which freight is handled in transit exclusively, nor include public garages storing automobiles, nor include railroad freight sheds, nor include docks and wharves.

"Dock" or "wharf."

The term "dock" or "wharf," when used in this act, includes any and all structures at which any steamboat, vessel or other water craft 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."

The term "while in transit" when used in this act shall be held to mean and include 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 shipments from the land via water or received on said dock or wharf by water to be transshipped by land, or water, irrespective of the time of its retention upon said dock or wharf.

The term "storage warehouseman" and "warehouseman" whenever used in this act shall be held to mean any person operating any storage warehouse.

"Storage
warehouse-
man."

The term "department" when used in this act means the department of public service of the State of Washington, or such other board or body as may succeed to the powers and duties now held by said department.

"Depart-
ment."

SEC. 2. That there be substituted for section 5 of chapter 154 of the Laws of 1933 a new section to read as follows:

Lieu § 5, Ch.
154, Laws
1933.

Section 5. The department is hereby vested with power and authority to inspect, investigate and check all of the buildings, records and accounts of any person, firm or corporation operating a building, structure, dock or warehouse in which goods or merchandise are stored, for the purpose of determining whether or not such person, firm or corporation is a storage warehouseman as herein defined; and for this purpose the director of public service is hereby empowered to require the attendance of any person and/or the books, records and accounts of any person, firm or corporation within this state in order to make a determination as to whether or not any such building, structure, dock or wharf is used as a storage warehouse as herein defined.

Inspection
and investi-
gation by
department.

SEC. 3. That section 6 of chapter 154 of the Laws of 1933 be amended to read as follows:

Amends
§ 6, Ch. 154,
Laws 1933.

Section 6. Each person, firm, corporation or asso-

License
required.

ciation of persons operating any storage warehouse or warehouses, subject to the provisions of this act, shall, on or before July 1st, of each year, procure from the director of public service a license for the ensuing year, before transacting business at such storage warehouse or warehouses. Such license shall be posted in a conspicuous place in the office of each

Annual fee.

warehouse. The fee for such license shall be twenty-five dollars (\$25.00) for each person operating a storage warehouse or warehouses, and the director of public service shall transmit such license fees to the state treasurer who shall deposit same in the public service revolving fund. The director of public service may revoke any such license, for cause, upon notice and hearing, and a person, firm, corporation or association of persons, operating any storage warehouse in this state without a license, shall forfeit to the state for each day's operation, fifty dollars (\$50.00), the same to be recovered on action brought by the attorney general in the superior court of Thurston county, Washington: *And further*, Such operation may be enjoined upon complaint of the director of public service.

Revocation
of license.

Conflicting
acts
repealed.

SEC. 4. That section 5 of chapter 154 of the Laws of 1933 and all other laws or parts of laws in conflict herewith be repealed.

Effective
June 30, 1937.

SEC. 5. This act shall take effect from and after the 30th day of June, 1937.

Passed the House March 11, 1937.

Passed the Senate March 8, 1937.

Approved by the Governor March 17, 1937.

CHAPTER 203.

[H. B. 358.]

EDUCATIONAL OPPORTUNITIES FOR CHILDREN
OF DECEASED VETERANS.

AN ACT providing educational opportunities for the children of soldiers, sailors and marines who were killed in action or died during the World War or as a result of such service, and making an appropriation therefor.

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

SECTION 1. The sum appropriated under the provisions of this act shall be used for the sole purpose of providing for matriculation fees, board and room, rent and books and supplies for the use and benefit of the children not under sixteen and not over twenty-two years of age and who have for twelve months had their domicile in the State of Washington, of those who were killed in action or died from other causes during the World War, from April 6, 1917, to July 2, 1921, while serving in the army, navy or marine corps of the United States or as a result of such service; which children are attending or may attend a state educational or training institution of a secondary or college grade. Said children shall be admitted to state institutions of secondary or college grade free of tuition.

Educational
opportunities
provided.

SEC. 2. The amounts that may be or may become due to any educational or training institution, not in excess of the amount specified in section 3 of this act shall be payable to such institution from the fund hereby created on vouchers approved by the state board of education. Said board shall determine the eligibility of the children who may make application for the benefits provided for in this act; satisfy itself of the attendance of such children at any such institution and of the accuracy of the charge or charges submitted to said board by the authorities of any such institution, on account of the attendance thereat

Amounts
payable to
educational
or training
institutions.

of any such children: *Provided*, That no member of said board or the secretary shall receive any compensation for such service.

Appropriation.

SEC. 3. The sum of four thousand dollars (\$4,000.) or so much thereof as may be necessary is hereby appropriated from the general fund for the fiscal biennium beginning April 1, 1937, and ending March 31, 1939, for carrying out the provisions of this act: *Provided*, That not more than one hundred and fifty dollars (\$150.) shall be paid under said provisions for any one child for any one year, any unexpended balance remaining at the end of any fiscal biennium shall revert to the general fund of the State of Washington.

Passed the House February 18, 1937.

Passed the Senate March 8, 1937.

Approved by the Governor March 17, 1937.

CHAPTER 204.

[H. B. 534.]

HORTICULTURAL INSPECTION.

AN ACT relating to horticulture and horticultural plants and products, and the inspection, sale, shipment and grading thereof, repealing section 29 of chapter 166, Laws of 1915 as amended by section 4, chapter 195 of the Session Laws of 1919 and section 10, chapter 141 of the Session Laws of 1921, the same being section 2867, Remington's Revised Statutes (section 2735, Pierce's Code) and adding in lieu thereof a new section the same to be known as section 29, chapter 166 of the Laws of 1915, section 2867, Remington's Revised Statutes and section 2735, Pierce's Code.

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

SECTION 1. That section 29, chapter 166, Laws of 1915, as amended by section 4, chapter 195, Session Laws of 1919, and section 10, chapter 141, Session Laws of 1921, the same being section 2867, Reming-

Repeals
§ 2867, Rem.
Rev. Stat.
(§ 2735, P. C.)

ton's Revised Statutes (section 2735, Pierce's Code) be and is hereby repealed.

SEC. 2. That there be added in lieu of said section repealed in section 1 of this act a new section, the same to be known as section 29, chapter 166 of the Laws of 1915, section 2867, Remington's Revised Statutes (section 2735, Pierce's Code).

Lieu § 2867,
Rem. Rev.
Stat. (§ 2735,
P. C.)

Section 29. It shall be the duty of every horticultural inspector if, upon the inspection of any nursery stock, he shall find the same is free from disease and pests, to sign and deliver to the owner or person in charge of such stock a certificate in triplicate form stating that such nursery stock was not infected, and it shall be unlawful for any person to substitute any nursery stock for that covered by said certificate.

Certificate of
inspection.

It shall be the duty of every horticultural inspector to inspect apples and pears before the same are shipped, and if he shall find that the same comply with the laws of the State of Washington and the rules and regulations of the department of agriculture promulgated thereunder to issue to the person in charge thereof a certificate of inspection or permit to ship said fruit, and it shall be unlawful for any person, firm, association or corporation to ship, or for any carrier to transport, apples and pears unless such certificate of inspection or permit shall have been obtained from a horticultural inspector in the manner specified above.

It shall be unlawful for any person, firm, association or corporation to sell in the State of Washington to any retailer any apples or pears without giving information to such purchaser in writing of the variety, quality and grade of such apples and pears.

Purchasers
informed as
to quality
and grade.

It shall be unlawful for any person, firm, association or corporation to sell at retail in the State of Washington any apples or pears without first marking clearly on the container the grade of such apples

Grade
marked on
container.

or pears and if no container is used the grade of such apples or pears must be established by a sign.

Permits.

It shall be unlawful for any person, firm, or association to offer for sale at retail any apples or pears not coming within the grades of extra fancy, fancy, "C" grade or, combination grades established under the laws of the State of Washington and the rules and regulations of the department of agriculture thereunder unless a permit so to do has been granted by a horticultural inspector: *Provided*, That, for the purposes of this paragraph extra fancy, fancy, "C" grade and combination grades shall not include any culls as defined by the rules and regulations of the department of agriculture. Upon application all such permits shall be granted by the director of agriculture, but such permits cannot be granted for the purpose of retailing infected apples or pears not fit for human consumption.

Inspection charge.

The director of agriculture shall fix reasonable fees to cover the cost of inspection provided for herein which fees shall be collected and disbursed as provided by section 2872, Rem. Rev. Stat., 2737-a, Pierce's Code, as amended by section 5, chapter 27, Laws of 1931: *Provided, however*, That no inspection charges shall be made where a certificate or permit has previously been issued, nor shall this section apply to sale or shipment of apples or pears to packing, preparation and processing plants or places for storage in the district where grown when such fruit is sold or purchased solely for the purpose of preparing or processing for market or when such fruit is to be stored and sold at a later date.

Passed by the House March 8, 1937.

Passed by the Senate March 8, 1937.

Approved by the Governor March 17, 1937.

CHAPTER 205.

[H. B. 711.]

INVESTIGATION OF OIL INDUSTRY.

AN ACT authorizing and directing the director of public service, the director of finance, budget and business, and the director of licenses as a committee to make a thorough investigation of every phase of the business of producing, refining, manufacturing, transporting, buying, selling and distributing motor fuels and motor lubricants and their by-products in so far as the same affects industry, commerce and agriculture within this state; prescribing powers, duties and penalties in connection with such investigation; making an appropriation therefor and declaring that this act shall take effect April 1, 1937.

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

SECTION 1. The constantly increasing use of motor fuels and motor lubricants and their by-products in all branches of industry, commerce, and agriculture in the State of Washington makes every phase of the business of producing, refining, manufacturing, transporting, buying, selling and distributing of such products of increasing importance to the welfare of the people of the state. The legislature and people of the state do not now but should possess adequate knowledge of every phase of such business.

SEC. 2. The director of public service, the director of finance, budget and business, and the director of licenses are hereby appointed as a committee, which committee is hereby authorized and directed to make a thorough investigation of every phase of the business of producing, refining, manufacturing, transporting, buying, selling and distributing motor fuels and their by-products in so far as the same affects industry, commerce and agriculture within this state.

Committee authorized to make investigation.

SEC. 3. For the purpose of making such investigation the committee shall have the power and au-

Powers and authority.

thority to employ all necessary general and technical assistance, to hold hearing within and without the state, to subpoena witnesses and examine them under oath, to impound and subpoena files, records and documents of individuals and corporations and trade associations, and to do such other things as are necessary to conduct the investigation in a legal and efficient manner. In so far as the same are applicable and not in conflict herewith, the provisions of the laws governing penalties and the employment of assistants and the conduct of investigations and hearings and the production and examination of records by the department of public service under the public service laws and the department of licenses under chapter 58 of the Laws of 1933, shall apply in this investigation.

Report.

SEC. 4. From time to time the committee shall submit to the governor and publish a report and findings and before the twenty-sixth regular session of the legislature it shall submit to the governor and the legislature and publish a complete report of its investigation and findings and recommendations.

Appropriation.

SEC. 5. The expenses of this committee and its investigations, not to exceed fifty thousand dollars (\$50,000.00), shall be paid out of the appropriation made for the highway transportation commission, the department of public service, the department of finance, budget and business and the department of licenses under the direction of the governor.

Effective
April 1, 1937.

SEC. 6. This act is necessary for the promotion and preservation of the public welfare and the support of the state government and its existing institutions and shall take effect April 1, 1937.

Passed the House March 11, 1937.

Passed the Senate March 11, 1937.

Approved by the Governor March 17, 1937.

CHAPTER 206.

[S. B. 395.]

SECONDARY STATE HIGHWAYS.

AN ACT relating to and providing for an additional tax of one-half cent ($\frac{1}{2}c$) per gallon on motor vehicle fuel and inflammable petroleum products from the period from July 1, 1937 to July 1, 1941; providing for the exclusive use of such additional tax together with other funds from the motor vehicle fund for secondary state highways; appropriating five and one half million dollars (\$5,500,000.00) for secondary state highways and declaring an emergency.

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

SECTION 1. That in addition to the excise tax on motor vehicle fuel sold, distributed or used by every distributor as provided in section 5 of chapter 58, Session Laws of 1933, every distributor shall pay for the period from July 1, 1937 to July 1, 1941, an additional excise tax of one half cent ($\frac{1}{2}\phi$) per gallon on motor vehicle fuel sold, distributed or used by it in the State of Washington and such additional one half cent ($\frac{1}{2}\phi$) per gallon excise tax shall be imposed and collected and deposited to the credit of the motor vehicle fund in the same manner and under the same provisions pertaining to the existing tax on motor vehicle fuel. That in addition to the tax imposed upon every person who shall use any inflammable products other than motor vehicle fuel to operate a motor vehicle as provided in section 6 of chapter 58, Session Laws of 1933, every person who shall use inflammable petroleum products other than motor vehicle fuel to operate a motor vehicle shall, during the period from July 1, 1937 to July 1, 1941, pay an additional tax of one half cent ($\frac{1}{2}\phi$) for each gallon thereof so used and such additional one half cent ($\frac{1}{2}\phi$) per gallon tax upon such inflammable petroleum products other than motor vehicle fuel used to operate a motor vehicle shall be imposed

Vetoed.

and collected and deposited to the credit of the motor vehicle fund in the same manner and under the same provisions pertaining to the existing tax on inflammable petroleum products other than motor vehicle fuel used to operate a motor vehicle.

SEC. 2. That the funds accruing to the motor vehicle fund by reason of the additional tax of one half cent ($\frac{1}{2}\text{¢}$) per gallon on motor vehicle fuel and inflammable petroleum products provided in this act together with an additional sum equal to one half cent ($\frac{1}{2}\text{c}$) per gallon on motor vehicle fuel and inflammable petroleum products other than motor vehicle fuel, in the motor vehicle fund shall be used by the director of highways exclusively for the cost of salaries, operations, administration, construction, reconstruction, location, alteration, repair, improvement and maintenance of highways which have or may be determined by the legislature of the State of Washington to comprise the secondary state highway system of the State of Washington and so much of said funds may be used as are necessary and required for expenditure for any and all such purposes in conjunction with any funds made available by the Federal government for secondary state highways by an act of Congress entitled "An Act to provide that the United States shall aid the states in the construction of rural post roads, and for other purposes," approved July 11, 1916, and all acts, grants, and appropriations amendatory and supplementary thereto and any and all other funds which may be made available by the Federal government for use upon secondary or other roads of like classification, such secondary state highway system not to exceed 2,500 miles.

Vetoed.

Appropriation.

SEC. 3. There is hereby appropriated from the motor vehicle funds of the State of Washington for the use of the director of highways a sum of five and one half million dollars (\$5,500,000.00) and or so

much thereof as may be necessary for the cost of salaries, operations, administration, construction, reconstruction, location, alteration, repair, improvement and maintenance of the secondary state highway system of the State of Washington.

SEC. 4. 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 on the first day of April, 1937.

Effective
April 1, 1937.

Passed the Senate March 4, 1937.

Passed the House March 6, 1937.

Approved by the Governor March 8, 1937, with the exceptions of sections 1 and 2, which are vetoed.

CHAPTER 207.

[S. B. 119.]

CLASSIFICATION OF PUBLIC HIGHWAYS.

AN ACT relating to public highways; classifying public highways outside incorporated cities and towns; establishing, designating and describing secondary state highways as branches of primary state highways of this state; defining the powers and duties of certain public officers with respect thereto; providing for application of laws, rules and regulation of vehicles thereon; repealing acts and parts of acts in conflict; providing for constitutionality; and declaring an emergency.

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

SECTION 1. All public highways in the State of Washington, or portions thereof, outside incorporated cities and towns shall be divided and classified as primary state highways, secondary state highways, and county roads. All primary state highways shall be established by the legislature of the State of Washington and shall be described, and designated by convenient number and descriptive name.

Classification
of public
highways.

Primary
state
highways.

Secondary
state
highways.

All secondary state highways shall be established by the legislature of the State of Washington as branches of primary state highways and shall be described and designated by convenient number. All public highways in the State of Washington, or portions thereof, outside incorporated cities and towns, not established as primary state highways or secondary state highways, are hereby declared to be county roads.

County
roads.

Branches of
primary state
highway
No. 1:

SEC. 2. Secondary state highways as branches of Primary State Highway No. 1, are hereby established according to designation and description as follows:

Secondary
state
highway
No. 1A.

(a) Secondary State Highway No. 1A; beginning at Blaine on Primary State Highway No. 1, thence in an easterly direction by the most feasible route to a point east of Van Buren, thence in a southerly direction by the most feasible route to an intersection with Primary State Highway No. 1 in the vicinity west of Deming, thence following the route of Primary State Highway No. 1 to a point east of Deming, thence in a southerly direction by the most feasible route by way of Sedro Woolley, Arlington and Snohomish to an intersection with Primary State Highway No. 2 in the vicinity southeast of Bothell; also beginning at a junction with Secondary State Highway No. 1A in the vicinity east of Van Buren, thence in a northerly direction by the most feasible route to the international boundary in the vicinity west of Sumas;

Secondary
state high-
way No. 1B.

(b) Secondary State Highway No. 1B; beginning at Bellingham on Primary State Highway No. 1, thence in a northerly direction by the most feasible route to an intersection with Secondary State Highway No. 1A, thence in a northerly direction by the most feasible route to the international boundary in the vicinity east of Delta;

Secondary
state high-
way No. 1C.

(c) Secondary State Highway No. 1C; beginning at a junction with Primary State Highway No. 1 in

the vicinity south of Blanchard, thence in a southerly direction by the most feasible route 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 by the most feasible route to a junction with Secondary State Highway No. 1C, as herein described, in the vicinity north of Whitney;

(d) Secondary State Highway No. 1D; beginning at a junction with Primary State Highway No. 1 in the vicinity southeast of Anacortes, thence southerly by the most feasible route by way of Deception Pass to the vicinity of Columbia Beach in the southern portion of Whidby Island;

Secondary
state high-
way No. 1D.

(e) Secondary State Highway No. 1E; beginning at Conway on Primary State Highway No. 1, thence in a southerly direction by the most feasible route by way of East Stanwood, thence in a southeasterly direction by the most feasible route to a junction with Primary State Highway No. 1, thence in an easterly direction by the most feasible route to Arlington on Secondary State Highway No. 1A;

Secondary
state high-
way No. 1E.

(f) Secondary State Highway No. 1F; beginning at a junction with Primary State Highway No. 1 in the vicinity south of Allen, thence in an easterly direction by the most feasible route to a junction with Primary State Highway No. 1 in the vicinity north of Burlington, thence in an easterly direction by the most feasible route to Sedro Woolley on Secondary State Highway No. 1A;

Secondary
state high-
way No. 1F.

(g) Secondary State Highway No. 1G; beginning at Mt. Vernon on Primary State Highway No. 1, thence in an easterly direction by the most feasible route to a junction with Secondary State Highway No. 1A;

Secondary
state high-
way No. 1G.

(h) Secondary State Highway No. 1H; beginning at Conway on Primary State Highway No. 1, thence in a southeasterly direction by the most feasible

Secondary
state high-
way No. 1H.

route to McMurray on Secondary State Highway No. 1A;

Secondary
state high-
way No. 1I.

(i) Secondary State Highway No. 1I; beginning at Everett on Primary State Highway No. 1, thence in a westerly direction by the most feasible route to Mukilteo, thence in a southeasterly direction by the most feasible route to a junction with Primary State Highway No. 1 in the vicinity south of Everett;

Secondary
state high-
way No. 1J.

(j) 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 by the most feasible route to the vicinity of Lake Washington, thence in a southeasterly direction by the most feasible route to Seattle in the vicinity of the Naval Air Station at Sandpoint;

Secondary
state high-
way No. 1K.

(k) Secondary State Highway No. 1K; beginning at Seattle on Primary State Highway No. 1, thence in a southerly direction by the most feasible route to Des Moines, thence in a southeasterly direction by the most feasible route to a junction with Primary State Highway No. 1;

Secondary
state high-
way No. 1L.

(l) 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 by the most feasible route to a junction with Primary State Highway No. 1, thence in a westerly direction by the most feasible route to a junction with Secondary State Highway No. 1K near Sunnydale;

Secondary
state high-
way No. 1M.

(m) 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 by the most feasible route to a junction with Primary State Highway No. 9 in the vicinity of Rochester;

Secondary
state high-
way No. 1N.

(n) Secondary State Highway No. 1N; beginning at a junction with Primary State Highway No. 1 in the vicinity north of Centralia, thence in a northwest-

erly direction by the most feasible route to a junction with Primary State Highway No. 9 in the vicinity of Rochester;

(o) Secondary State Highway No. 1P; beginning at Toledo on Primary State Highway No. 1, thence in a southwesterly direction by the most feasible route by way of Vader to Ryderwood; Secondary state highway No. 1P.

(p) 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 by the most feasible route to a junction with Secondary State Highway No. 1R in the vicinity north of Toutle; Secondary state highway No. 1Q.

(q) 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 the most feasible route by way of St. Helens to the boundary of the Columbia National Forest in the vicinity northwest of Mt. St. Helens; Secondary state highway No. 1R.

(r) 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 by the most feasible route to Amboy, thence in a southerly direction by the most feasible route to Battleground, thence in a westerly direction by the most feasible route to a junction with Primary State Highway No. 1 in the vicinity north of Vancouver; Secondary state highway No. 1S.

(s) Secondary State Highway No. 1T; beginning at Vancouver on Primary State Highway No. 1, thence in a northerly direction by the most feasible route by way of Sara to Ridgefield, thence in an easterly direction by the most feasible route to a junction with Primary State Highway No. 1 in the vicinity south of LaCenter; Secondary state highway No. 1T.

(t) Secondary State Highway No. 1U; beginning at Battleground on Secondary State Highway No. 1S, thence in a southerly direction by the most feasible route to Orchard on the Secondary State Highway No. 8A; Secondary state highway No. 1U.

Secondary
state high-
way No. 1V.

(u) Secondary State Highway No. 1V; beginning at Tacoma on Primary State Highway No. 1, thence in a northeasterly direction by the most feasible route by way of Redondo to Des Moines on Secondary State Highway No. 1K;

Secondary
state high-
way No. 1W.

(v) 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 by the most feasible route to Edmonds;

Secondary
state high-
way No. 1X.

(w) 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 the most feasible route by way of Milton to a junction with Secondary State Highway No. 5D in the vicinity east of Milton.

Branches of
primary
state high-
way No. 2:

SEC. 3. Secondary state highways as branches of Primary State Highway No. 2 are hereby established according to designation and description as follows:

Secondary
state high-
way No. 2A.

(a) Secondary State Highway No. 2A; beginning at Renton on Primary State Highway No. 2, thence in a northerly direction by the most feasible route by way of Kirkland to a junction with Primary State Highway No. 2 in the vicinity west of Bothell, thence following the course of Primary State Highway No. 2 to Bothell, thence in a northerly direction by the most feasible route to Everett;

Secondary
state high-
way No. 2B.

(b) Secondary State Highway No. 2B; beginning at a junction with Primary State Highway No. 2 in the vicinity of Lake Forest Park, thence in a northwesterly direction by the most feasible route to a junction with Primary State Highway No. 1 in the vicinity of the Snohomish county line;

Secondary
state high-
way No. 2C.

(c) Secondary State Highway No. 2C; beginning at a junction with Primary State Highway No. 2 in the vicinity of Woodinville, thence in an easterly direction by the most feasible route to Duvall on Secondary State Highway No. 15B;

(d) Secondary State Highway No. 2D; beginning at a junction with Primary State Highway No. 2 in the vicinity west of Issaquah, thence in a northerly direction by the most feasible route to the west of Lake Sammamish to Redmond on Primary State Highway No. 2, thence in a westerly direction by the most feasible route to Kirkland on Secondary State Highway No. 2A;

Secondary
state high-
way No. 2D.

(e) Secondary State Highway No. 2E; beginning at a junction with Primary State Highway No. 2 west of Cle Elum, thence in a northwesterly direction by the most feasible route by way of Roslyn to the National Forest boundary in the vicinity of Lake Cle Elum;

Secondary
state high-
way No. 2E.

(f) Secondary State Highway No. 2F; beginning at a junction with Primary State Highway No. 2 in the vicinity north of Coulee City, thence in a north-easterly direction by the most feasible route to the boundary of the Federal reservation at the Grand Coulee dam;

Secondary
state high-
way No. 2F.

(g) Secondary State Highway No. 2G; beginning at a junction with Primary State Highway No. 2 in the vicinity west of Reardan, thence in a southerly direction by the most feasible route by way of Ed-wall to a junction with Secondary State Highway No. 11F in the vicinity northwest of Sprague;

Secondary
state high-
way No. 2G.

(h) Secondary State Highway No. 2H; beginning at Spokane on Primary State Highway No. 2, thence in an easterly direction by way of Millwood to a junction with Primary State Highway No. 2 in the vicinity of the Washington-Idaho boundary line;

Secondary
state high-
way No. 2H.

(i) Secondary State Highway No. 2I; beginning at a junction with Primary State Highway No. 2 in the vicinity of Virden, thence in a southerly direction by the most feasible route to a junction with Primary State Highway No. 3 in the vicinity southeast of Teanaway.

Secondary
state high-
way No. 2I.

Branches of
primary
state high-
way No. 3:

SEC. 4. Secondary state highways as branches of Primary State Highway No. 3 are hereby established according to designation and description as follows:

Secondary
state high-
way No. 3A.

(a) 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 by the most feasible route to Toppenish on Primary State Highway No. 8, thence in a southeasterly direction by the most feasible route by way of Mabton to Prosser on Primary State Highway No. 3;

Secondary
state high-
way No. 3B.

(b) Secondary State Highway No. 3B; beginning at Toppenish on Primary State Highway No. 8, thence in a westerly direction by the most feasible route to White Swan;

Secondary
state high-
way No. 3C.

(c) Secondary State Highway No. 3C; beginning at a junction with Secondary State Highway No. 3A south of Union Gap, thence in a southerly direction by the most feasible route to a junction with Secondary State Highway No. 3B in the vicinity west of Toppenish;

Secondary
state high-
way No. 3D.

(d) Secondary State Highway No. 3D; beginning at Touchet on Primary State Highway No. 3, thence in a northerly direction by the most feasible route to a point south of Eureka, thence in an easterly direction by the most feasible route to Prescott;

Secondary
state high-
way No. 3E.

(e) Secondary State Highway No. 3E; beginning at Walla Walla on Primary State Highway No. 3, thence in a northerly direction by the most feasible route to Prescott on Secondary State Highway No. 3D, thence in an easterly direction by the most feasible route to a junction on Primary State Highway No. 3 in the vicinity northeast of Waitsburg;

Secondary
state high-
way No. 3F.

(f) Secondary State Highway No. 3F; beginning at Colfax on Primary State Highway No. 3, thence in an easterly direction by the most feasible route to Palouse on Primary State Highway No. 3;

Secondary
state high-
way No. 3H.

(g) 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 the most feasible route by way of Rockford, Fairfield, Latah and Tekoa to Oaksdale on Primary State Highway No. 3; also beginning at Tekoa on Secondary State Highway No. 3H, as herein described, thence in an easterly direction by the most feasible route to the Washington-Idaho boundary line;

(h) Secondary State Highway No. 3I; beginning at a junction with Primary State Highway No. 3 in the vicinity south of Spokane, thence in a northeasterly direction by the most feasible route to Spokane on Primary State Highway No. 3 in the vicinity of Grand Boulevard;

Secondary state highway No. 3I.

(i) 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 by the most feasible route across the Spokane river to Long lake;

Secondary state highway No. 3J.

(j) Secondary State Highway No. 3K; beginning at Pomeroy on Primary State Highway No. 3, thence in a southeasterly direction by the most feasible route to Peola, thence in a northeasterly direction by the most feasible route to a junction with Primary State Highway No. 3 in the vicinity west of Clarkston;

Secondary state highway No. 3K.

(k) 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 by the most feasible route to a junction with Primary State Highway No. 3 in the vicinity west of Pomeroy;

Secondary state highway No. 3L.

(l) Secondary State Highway No. 3M; beginning at a junction with Primary State Highway No. 3 in the vicinity northwest of Thorp, thence in a southeasterly direction to the southwest of the Yakima River by the most feasible route by way of Thorp to Ellensburg on Primary State Highway No. 3.

Secondary state highway No. 3M.

Branches of
primary
state high-
way No. 4:

SEC. 5. Secondary State Highways as branches of Primary State Highway No. 4 are hereby established according to designation and description as follows:

Secondary
state high-
way No. 4A.

(a) Secondary State Highway No. 4A; beginning at Republic on Primary State Highway No. 4, thence in a northeasterly direction by the most feasible route to the east of Curlew Lake by way of Curlew to the international boundary line in the vicinity of Danville;

Secondary
state high-
way No. 4B.

(b) Secondary State Highway No. 4B; beginning at a junction of Primary State Highways Nos. 4 and 2 in the vicinity west of Wilbur, thence in a southerly direction by the most feasible route by way of Odessa to a junction with Primary State Highway No. 11 in the vicinity of Lind;

Secondary
state high-
way No. 4C.

(c) Secondary State Highway No. 4C; beginning at a junction with Primary State Highway No. 4 in the vicinity north of Wilbur, thence in a westerly direction by the most feasible route to a junction with Primary State Highway No. 2 in the vicinity south of the Grand Coulee Dam.

Branches of
primary
state high-
way No. 5:

SEC. 6. Secondary State Highways as branches of Primary State Highway No. 5 are hereby established according to designation and description as follows:

Secondary
state high-
way No. 5A.

(a) Secondary State Highway No. 5A; beginning at a junction with Primary State Highway No. 5 south of Maple Valley, thence in a westerly direction by the most feasible route to Kent on Primary State Highway No. 5, thence in a westerly direction by the most feasible route to a junction with Primary State Highway No. 1;

Secondary
state high-
way No. 5B.

(b) Secondary State Highway No. 5B; beginning at Auburn on Primary State Highway No. 5, thence in a northeasterly direction by the most feasible route to a junction with Secondary State Highway No. 5A in the vicinity south of Maple Valley;

Secondary
state high-
way No. 5C.

(c) Secondary State Highway No. 5C; begin-

ning at Renton on Primary State Highway No. 2, thence in a southerly direction by the most feasible route to a junction with Secondary State Highway No. 5A in the vicinity east of Kent;

(d) Secondary State Highway No. 5D; beginning at Puyallup on Primary State Highway No. 5, thence in a northerly direction by the most feasible route to a junction with Primary State Highway No. 1;

Secondary state highway No. 5D.

(e) Secondary State Highway No. 5E; beginning at Puyallup on Primary State Highway No. 5, thence in a southerly direction by the most feasible route to Orting, thence in a northeasterly direction by the most feasible route to a junction with Primary State Highway No. 5 in the vicinity south of Buckley; also beginning at a junction with Secondary State Highway No. 5E, as herein described, southeast of Orting, thence in a southerly direction by the most feasible route to Electron;

Secondary state highway No. 5E.

(f) Secondary State Highway No. 5G; beginning at Puyallup on Primary State Highway No. 5, thence in a westerly direction by the most feasible route to a junction with Primary State Highway No. 5 south of Tacoma, thence in a westerly direction by the most feasible route to a junction with Primary State Highway No. 1 south of Tacoma;

Secondary state highway No. 5G.

(g) 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 the most feasible route by way of McKenna, Yelm, and Rainier, to Tenino to [on] Primary State Highway No. 1;

Secondary state highway No. 5H.

(h) Secondary State Highway No. 5I; beginning at Yelm on Secondary State Highway No. 5H, thence in a northwesterly direction by the most feasible route to Tumwater on Primary State Highway No. 1;

Secondary state highway No. 5I.

(i) Secondary State Highway No. 5J; beginning at McKenna on Secondary State Highway No. 5H,

Secondary state highway No. 5J.

thence in an easterly direction by the most feasible route to a junction with Primary State Highway No. 5;

Secondary state highway No. 5K.

(j) Secondary State Highway No. 5K; beginning at Morton on Primary State Highway No. 5, thence in a westerly direction by the most feasible route by way of Onalaska to a junction with Primary State Highway No. 1 south of Chehalis;

Secondary state highway No. 5L.

(k) Secondary State Highway No. 5L; beginning at Morton on Primary State Highway No. 5; thence in a southwesterly direction by the most feasible route to Riffe on Primary State Highway No. 5;

Secondary state highway No. 5M.

(l) 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 by the most feasible route to a junction with Primary State Highway No. 1 south of Seattle.

Branches of primary state highway No. 6:

SEC. 7. Secondary state highways as branches of Primary State Highway No. 6 are hereby established according to designation and description as follows:

Secondary state highway No. 6A.

(a) Secondary State Highway No. 6A; beginning at Tiger on Primary State Highway No. 6, thence in a southwesterly direction by the most feasible route to Colville to [on] Primary State Highway No. 3;

Secondary state highway No. 6B.

(b) Secondary State Highway No. 6B; beginning at Usk on Primary State Highway No. 6, thence in a southerly direction by the most feasible route by way of Sacheen Lake to a junction with Primary State Highway No. 6 southwest of Newport.

Branches of primary state highway No. 7:

SEC. 8. Secondary state highways as branches of Primary State Highway No. 7 are hereby established according to designation and description as follows:

Secondary state highway No. 7B.

(a) Secondary State Highway No. 7B; beginning at Ellensburg on Primary State Highway No. 3, thence in an easterly direction by the most feasible

route by way of Kittitas to a junction with Primary State Highway No. 7 in the vicinity north of Kittitas.

SEC. 9. Secondary state highways as branches of Primary State Highway No. 8 are hereby established according to designation and description as follows:

Branches of primary state highway No. 8:

(a) Secondary State Highway No. 8A; beginning at Vancouver on Primary State Highway No. 8, thence in a northeasterly direction by the most feasible route to Orchard, thence in a southeasterly direction by the most feasible route to Camas on Primary State Highway No. 8;

Secondary state highway No. 8A.

(b) Secondary State Highway No. 8B; beginning at Washougal on Primary State Highway No. 8, thence in a northerly and easterly direction by the most feasible route following the general course of the Washougal river to a junction with Primary State Highway No. 8 east of Washougal;

Secondary state highway No. 8B.

(c) Secondary State Highway No. 8C; beginning at a junction on Primary State Highway No. 8 east of Stevenson, thence in a northwesterly direction by the most feasible route following the general course of the Wind river to the boundary of Columbia National Forest;

Secondary state highway No. 8C.

(d) Secondary State Highway No. 8D; beginning at a junction with Primary State Highway No. 8 in the vicinity of White Salmon, thence in a northerly direction by the most feasible route to the boundary of the Columbia National Forest;

Secondary state highway No. 8D.

(e) Secondary State Highway No. 8E; beginning at a junction with Primary State Highway No. 8 in the vicinity south of Goldendale, thence in an easterly direction by the most feasible route to the north of the Columbia river to Paterson, thence in a northerly direction by the most feasible route to Prosser on Primary State Highway No. 3.

Secondary state highway No. 8E.

SEC. 10. Secondary state highways as branches of Primary State Highway No. 9 are hereby estab-

Branches of primary state highway No. 9:

lished according to designation and description as follows:

Secondary
state high-
way No. 9A.

(a) Secondary State Highway No. 9A; beginning at Port Angeles on Primary State Highway No. 9, thence in a westerly direction by the most feasible route by way of the Pysht river to a junction with Primary State Highway No. 9 in the vicinity of Sappho;

Secondary
state high-
way No. 9B.

(b) Secondary State Highway No. 9B; beginning at a junction with Primary State Highway No. 9 in the vicinity south of the crossing of the Sol Duc river, thence in a westerly direction by the most feasible route to Mora; also beginning at a junction with Secondary State Highway No. 9B, as herein described, in the vicinity of the confluence of the Sol Duc and Bogachiel rivers, thence in a westerly direction by the most feasible route to La Push;

Secondary
state high-
way No. 9C.

(c) Secondary State Highway No. 9C; beginning at a junction with Primary State Highway No. 9 in the vicinity north of Hoquiam, thence in a northwesterly direction by the most feasible route by way of Pacific Beach, thence in a southerly direction by the most feasible route by way of Copalis, thence in an easterly direction by the most feasible route to a junction with Secondary State Highway No. 9C, as herein described, in the vicinity of Copalis Crossing;

Secondary
state high-
way No. 9D.

(d) 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 by the most feasible route to a junction with Primary State Highway No. 9 south of Shelton;

Secondary
state high-
way No. 9E.

(e) 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 by the most feasible route to Port Ludlow;

Secondary
state high-
way No. 9F.

(f) Secondary State Highway No. 9F; beginning at Sequim on Primary State Highway No. 9, thence

in a northerly direction by the most feasible route to Dungeness.

SEC. 11. Secondary state highways as branches of Primary State Highway No. 10 are hereby established according to designation and description as follows:

Branches of primary state highway No. 10:

(a) 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;

Secondary state highway No. 10A.

(b) 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;

Secondary state highway No. 10B.

(c) Secondary State Highway No. 10C; beginning at Chelan on Primary State Highway No. 10, thence in a northwesterly direction by the most feasible route to the north of Lake Chelan to Manson;

Secondary state highway No. 10C.

(d) 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 by the most feasible route crossing the Columbia river at Chelan Falls to a junction with Primary State Highway No. 2 in the vicinity of Orondo.

Secondary state highway No. 10D.

SEC. 12. Secondary state highways as branches of Primary State Highway No. 11 are hereby established according to designation and description as follows:

Branches of primary state highway No. 11:

(a) Secondary State Highway No. 11A; beginning at Connell on Primary State Highway No. 11, thence in a westerly direction by the most feasible route to Yakima on Primary State Highway No. 3; the director of highways of the State of Washington shall provide suitable facilities for vehicle and pedes-

Secondary state highway No. 11A.

trian crossing of the Columbia river at the point where Secondary State Highway No. 11A, as herein described, crosses the river, and shall maintain said means of crossing at the expense of the State of Washington and without charge to the traveling public;

Secondary
state high-
way No. 11B.

(b) Secondary State Highway No. 11B; beginning at Dusty on Primary State Highway No. 3, thence in a westerly direction by the most feasible route by way of Washtucna to a junction with Primary State Highway No. 11, in the vicinity south of Connell;

Secondary
state high-
way No. 11C.

(c) Secondary State Highway No. 11C; beginning at Sprague on Primary State Highway No. 11, thence in a southeasterly direction by the most feasible route by way of Ewan and St. John to Steptoe on Primary State Highway No. 3;

Secondary
state high-
way No. 11E.

(d) Secondary State Highway No. 11E; beginning at Ritzville on Primary State Highway No. 11, thence in a southerly direction by the most feasible route to Washtucna to [on] Secondary State Highway No. 11B;

Secondary
state high-
way No. 11F.

(e) Secondary State Highway No. 11F; beginning at Sprague on Primary State Highway No. 11, thence in a northwesterly direction by the most feasible route to Harrington on Primary State Highway No. 7.

Branches of
primary
state high-
way No. 12:

SEC. 13. Secondary state highways as branches of Primary State Highway No. 12 are hereby established according to designation and description as follows:

Secondary
state high-
way No. 12A.

(a) Secondary State Highway No. 12A; beginning at a junction with Primary State Highway No. 12 in the vicinity south of Seaview, thence in a northerly direction by the most feasible route by way of Seaview and Long Beach to Ocean Park;

Secondary
state high-
way No. 12B.

(b) Secondary State Highway No. 12B; beginning at Megler on Primary State Highway No. 12,

thence in an easterly and northerly direction to a junction with Primary State Highway No. 12 in the vicinity north of Naselle;

(c) Secondary State Highway No. 12C; beginning at a junction with Primary State Highway No. 12 in the vicinity west of Grays river, thence in a southerly direction by the most feasible route to the shore of the Columbia river; also beginning at a junction with Secondary State Highway No. 12C, as herein described, thence in an easterly direction by the most feasible route to Eden;

Secondary
state high-
way No. 12C.

(d) Secondary State Highway No. 12D; beginning at a junction with Primary State Highway No. 12 in the vicinity north of Cathlamet, thence in a northeasterly direction by the most feasible route following the general course of the Elokomin river to the vicinity of its confluence with the west fork of the Elokomin river;

Secondary
state high-
way No. 12D.

(e) Secondary State Highway No. 12E; beginning at a junction with Primary State Highway No. 12 in the vicinity west of Chehalis, thence in a southerly direction by the most feasible route by way of Napavine and Winlock to a junction with Primary State Highway No. 1 in the vicinity north of Toledo.

Secondary
state high-
way No. 12E.

SEC. 14. Secondary state highways as branches of Primary State Highway No. 13 are hereby established according to designation and description as follows:

Branches of
primary
state high-
way No. 13:

(a) Secondary State Highway No. 13A; beginning at Raymond on Primary State Highway No. 13, thence in a westerly direction by the most feasible route by way of Tokeland, North Cove to the shore of Grays Harbor north of Westport; also beginning at Aberdeen on Primary State Highway No. 13, thence in a southwesterly direction by the most feasible route to a junction with Secondary State Highway No. 13A in the vicinity south of Westport.

Secondary
state high-
way No. 13A.

Branches of primary state highway No. 14:

SEC. 15. Secondary state highways as branches of Primary State Highway No. 14 are hereby established according to designation and description as follows:

Secondary state highway No. 14A.

(a) Secondary State Highway No. 14A; beginning at a junction with Primary State Highway No. 14 in the vicinity southwest of Belfair, thence in a southwesterly direction by the most feasible route to Shelton on Primary State Highway No. 9;

Secondary state highway No. 14B.

(b) Secondary State Highway No. 14B; beginning at a junction with Primary State Highway No. 14 in the vicinity east of Purdy, thence in a westerly direction by the most feasible route to a junction with Secondary State Highway No. 14A in the vicinity north of Allyn;

Secondary state highway No. 14C.

(c) Secondary State Highway No. 14C; beginning at Gig Harbor on Primary State Highway No. 14, thence in a southerly direction to the shore of Puget Sound.

Branches of primary state highway No. 15:

SEC. 16. Secondary state highways as branches of Primary State Highway No. 15 are hereby established according to designation and description as follows:

Secondary state highway No. 15A.

(a) Secondary State Highway No. 15A; beginning at a junction with Primary State Highway No. 15 in the vicinity east of Everett, thence in a northeasterly direction by the most feasible route to a junction with Secondary State Highway No. 1A, thence in a northeasterly direction by the most feasible route to Granite Falls;

Secondary state highway No. 15B.

(b) Secondary State Highway No. 15B; beginning at Monroe on Primary State Highway No. 15, thence in a southerly direction by the most feasible route by way of Duvall to Falls City on Primary State Highway No. 2;

Secondary state highway No. 15C.

(c) Secondary State Highway No. 15C; beginning at Leavenworth on Primary State Highway No. 15, thence in a northerly direction by the most fea-

sible route by way of Lake Wenatchee to a junction with Primary State Highway No. 15 in the vicinity north of Winton;

(d) Secondary State Highway No. 15D; beginning at a junction with Secondary State Highway No. 15C in the vicinity of Lake Wenatchee, thence in a northwesterly direction by the most feasible route to the west of Lake Wenatchee to Telma.

Secondary state highway No. 15D.

SEC. 17. Secondary state highways as branches of Primary State Highway No. 17 are hereby established according to designation and description as follows:

Branches of primary state highway No. 17:

(a) Secondary State Highway No. 17A; beginning at Marblemount on Primary State Highway No. 17, thence in a westerly direction by the most feasible route by way of Concrete to Sedro Woolley on Secondary State Highway No. 1A.

Secondary state highway No. 17A.

SEC. 18. Secondary state highways as branches of Primary State Highway No. 21 are hereby established according to designation and description as follows:

Branches of primary state highway No. 21:

(a) Secondary State Highway No. 21A; beginning at Poulsbo on Primary State Highway No. 21, thence in an easterly direction by the most feasible route to Suquamish, thence across Agate Pass to the north end of Bainbridge Island, thence in a southerly direction by the most feasible route to Port Blakely;

Secondary state highway No. 21A.

(b) Secondary State Highway No. 21B; beginning at Keyport on Primary State Highway No. 21, thence in a southerly direction by the most feasible route to East Bremerton.

Secondary state highway No. 21B.

SEC. 19. Secondary state highways as branches of Primary State Highway No. 22 are hereby established according to designation and description as follows:

Branches of primary state highway No. 22:

(a) Secondary State Highway No. 22A; beginning at Northport on Primary State Highway No. 22,

Secondary state highway No. 22A.

thence in a northeasterly direction by the most feasible route to the international boundary in the vicinity of Boundary.

Powers and duties of director of highways.

SEC. 20. The director of highways shall have all the powers and perform all the duties with respect to secondary state highways, described and designated by this act, as have been or may be by law granted with respect to primary state highways so far as the same are consistently applicable. All provisions of the law of this state with respect to the construction, reconstruction, location, relocation, alteration, repair, improvement, maintenance, care and protection of primary state highways of this state shall apply to secondary state highways described and designated by this act and all powers and duties of public officers of this state with respect to the receipt and use of funds of the Federal government relating to primary state highways shall apply to secondary state highways. All laws, rules and regulations relating to vehicles upon the public highways of this state, and all laws, rules and regulations relating to vehicles upon primary state highways of this state, shall apply to vehicles upon secondary state highways, described and designated by this act, so far as the same are consistently applicable.

Primary state highways laws applicable to secondary state highways.

Conflicting acts repealed.

SEC. 21. All acts and parts of acts in conflict with or in derogation of the provisions of this act are hereby repealed insofar as the same are in conflict or derogation hereof.

Partial invalidity.

SEC. 22. If any section, sentence, clause or phrase of this act should be declared 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.

Vetoed.

SEC. 23. This act is necessary for the preservation of the public 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 on the first day of April, 1937. } Vetoed.

Passed the Senate March 6, 1937.

Passed the House March 10, 1937.

Approved by the Governor March 18, 1937, with the exception of section 23, which is vetoed.

CHAPTER 208:

[S. B. 410.]

DISBURSEMENTS FROM MOTOR VEHICLE FUND.

AN ACT relating to public roads and streets, making motor vehicle fund a permanent fund, providing for the distribution within and making appropriations from the motor vehicle fund for supervision, location, right of way, improvement, construction, reconstruction, maintenance, special maintenance, emergencies and capital outlay for primary state highways and for payment of interest and bonds on state owned bridges and for secondary or county road and city streets, making appropriations for carrying out the provisions of certain acts of Congress and for miscellaneous purposes, prescribing the powers and duties of certain officers, making appropriations for the reimbursement of counties and incorporated cities and towns, and making an appropriation from the highway equipment fund, repealing all laws in conflict herewith, and declaring that this act shall take effect immediately.

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

SECTION 1. The motor vehicle fund of the State of Washington, as heretofore constituted by law, consisting of monies now required to be paid into said fund, and monies which shall hereafter be required to be paid into said fund, shall remain a permanent fund of the State of Washington for the use of the state and, through state agencies, for the use of counties, cities and towns, for proper road or highway purposes, and for credit to the "General Obligation

Motor
vehicle fund.

Bonds of 1933 Retirement Fund," as long as there are any obligations to be met from that fund, and all monies in the motor vehicle fund shall be credited therein as follows:

Monies credited to fund.

(a) Sums equivalent to two and three-fourths cents ($2\frac{3}{4}\phi$) per gallon on all liquid fuel sold shall be set aside for disbursement under proper appropriation for the purposes set forth in sec. 2 of this act;

Monies set aside for disbursement from fund.

(b) All other monies in said fund shall be set aside for disbursement under proper appropriation for the purposes set forth in sec. 3 of this act.

SEC. 2. All sums required to be set aside by subdivision (a) of the preceding section shall be distributed in the following order and for the following purposes:

(a) Three-fifths ($3/5$) of the sums required to be paid into the "General Obligation Bonds of 1933 Retirement Fund" in the manner prescribed in section 5, chapter 65, Laws of 1933;

(b) Three-fifths ($3/5$) of any sums to be expended pursuant to appropriations for the administrative expenses of the offices of state treasurer, state auditor and the department of licenses of the State of Washington in the administration of the liquid fuel tax under this act, said sums to be distributed monthly;

(c) All sums required to be repaid to counties composed entirely of islands by virtue of chapter 98, Laws of 1923 as amended;

(d) One and one-half per cent ($1\frac{1}{2}\%$) of the balance of said sums after making the distribution required by subdivisions (a), (b) and (c) of this section on a monthly basis shall be set aside for the use of the director of highways in the supervision of work and expenditures of counties, cities and towns on county roads and city streets, said distribution to be made monthly;

(e) The balance of said funds shall be credited to the respective counties by the 15th day of each calendar month for the preceding calendar month in the following percentages: Adams 1.52, Asotin .78, Benton 1.48, Chelan 2.15, Clallam 1.96, Clark 2.89, Columbia 1.06, Cowlitz 2.29, Douglas 1.07, Ferry .74, Franklin 1.04, Garfield 1.02, Grant 1.08, Grays Harbor 3.20, Island .61, Jefferson 1.05, King 20.11, Kitsap 2.00, Kittitas 1.78, Klickitat 1.84, Lewis 2.76, Lincoln 1.90, Mason 1.32, Okanogan 1.36, Pacific 1.64, Pend Oreille 1.11, Pierce 7.53, San Juan .53, Skagit 3.03, Skamania 1.01, Snohomish 4.72, Spokane 5.78, Stevens 1.51, Thurston 1.99, Wahkiakum .69, Walla Walla 2.15, Whatcom 3.56, Whitman 2.89, Yakima 4.85.

From the monies credited to the several counties according to the foregoing percentages there shall be deducted and credited to each incorporated city and town in each such county, by the fifteenth day of each calendar month, an amount which on an annual basis shall aggregate to each such incorporated city and town in each such county a total amount equal to one and one-half dollars (\$1.50) per capita population of each such incorporated city and town according to the last official United States government census or, in case of cities and towns incorporated subsequent to the date of such census, according to the population at time of incorporation as evidenced by the certificate of the incorporating officials of such cities or towns:

Allocations
to cities
and towns.

(1) *Provided*, That in the case of Aurora avenue in the city of Seattle designated by the director of highways as a city street forming a part of the route of a primary state highway, and for the construction and improvement of which the said city has issued bonds and such bonds are outstanding and are delinquent and unpaid, and with respect thereto there are outstanding and unpaid warrants, which are payable

Vetoed.

from a local improvement district or condemnation award fund, there shall be set aside and paid in the manner and for the purposes hereinafter provided an amount equal to five (5) per cent of the monthly payment or allocation to the city of Seattle from the motor vehicle fund, or the amount that may be placed to the credit of the city of Seattle in the motor vehicle fund for city street purposes, said payment to be disposed of as follows: The city treasurer shall monthly determine the amount equal to five (5) per cent of the monthly credit to the city of Seattle in the motor vehicle fund which shall become available for the purposes of this subsection, and shall compute the percentage that the monthly payment bears to the aggregate original assessments against all the real estate of the said Aurora improvement district to which the payment is to apply as herein provided, and from said monthly payment the city treasurer shall first pay to every person who has paid any assessment or any installment thereof, of said district, the same percentage of the assessment payment, and shall credit and deduct from the amount of any unpaid assessment, or installment thereof, of said district, the same percentage of the unpaid assessment, or installment thereof. All computations, payments, credits and deductions herein provided for shall be made on the assessment levy, or installment, without including any interest for delinquency. Such five (5) per cent, shall be paid by the state auditor to the city treasurer on proper vouchers therefor;

Vetoed.

(2) Out of such money apportioned to the city of Bellingham by the terms of this act, there shall be paid by the city of Bellingham into the Special Improvement District Fund No. 937 of said city, the sum of twenty thousand dollars for the benefit of the property owners and assessment payers on Elm street and North West avenue in said district, which said sum shall be prorated among such owners and assessment payers in the proportion which the as-

assessment made on his or their property bears to the whole of said assessment against Elm street and North West avenue property in said district. } Vetoed.

SEC. 3. All sums required by subdivision (b) of section 1 of this act to be set aside in the motor vehicle fund shall be distributed in the following order and for the following purposes: Distributions:

(a) Two-fifths (2/5) of the sums required to be paid into the "General Obligation Bonds of 1933 Retirement Fund" in the manner prescribed in section 5, chapter 65, Laws of 1933; General obligation bonds of 1933 retirement fund.

(b) Two-fifths (2/5) of any sums to be expended pursuant to an appropriation for the administrative expenses of the offices of state treasurer, state auditor and the department of licenses of the State of Washington in the administration of the liquid fuel tax under this act and all other sums to be expended pursuant to appropriations for the administrative expenses of said offices in connection with the administration of the motor vehicle fund; State treasurer, state auditor and department of licenses, administrative expenses.

(c) To each incorporated city and town in the state in which there are streets designated by the director of highways as forming a part of the route of any primary state highway or extension thereof into or through such incorporated city or town, there shall be credited in the motor vehicle fund a sum equal to five hundred dollars (\$500) per mile, the same to be paid to such incorporated city or town in the manner and under the same provisions as provided by law for other funds credited in the motor vehicle fund to the incorporated cities and towns of this state for proper city street purposes; Cities and towns.

(d) All sums appropriated or reappropriated for primary state highway and secondary state highway purposes; Primary and secondary state highway purposes.

(e) Of the sums available for primary state highway and secondary state highway purposes under this section the director of highways shall be re-

quired to expend for secondary state highway purposes a sum equal to three-fourths ($\frac{3}{4}$) of one cent per gallon on all taxable motor vehicle fuel sold, all other law of this state to the contrary notwithstanding; this subsection shall be amendatory to and in derogation of provisions to the contrary contained in Senate Bill No. 395 heretofore passed in the regular session of 1937.

Appropriation.

SEC. 4. For the purposes set forth in subdivisions (c), (d) and (e) of sec. 2 of this act, including cooperation with the Federal or state government, or any agency thereof authorized by law, and for all proper county road purposes, including the location, right of way, engineering, improvement, construction, reconstruction and maintenance of county roads and city streets, for payment of interest and principal of bonds issued for road and street purposes, there is hereby appropriated out of the motor vehicle fund for the use of the department of highways and for the reimbursement of counties, cities and towns, for the biennium ending March 31, 1939, the sum of seventeen million dollars (\$17,000,000) or as much thereof as shall become available, in no event to exceed a sum equal to two and three-fourths cents ($2\frac{3}{4}\phi$) per gallon on taxed motor vehicle fuel less the sums set aside under subdivisions (a) and (b) of sec. 2 of this act.

Vetoed.

SEC. 5. In the event that funds are not made available and accrue to the motor vehicle fund during the ensuing biennium by reason of a motor vehicle fuel excise tax upon motor vehicle fuel and inflammable liquids in an amount equal to at least five and one-half cents ($5\frac{1}{2}\phi$) per gallon on all motor vehicle fuel sold, the provisions of sections 1, 2, 3 and 4 of this act with respect to the distribution of such funds shall not apply and shall be and become null and void, and all monies accruing to the motor vehicle fund from the motor vehicle excise tax on mo-

tor vehicle fuel and inflammable liquids upon a basis of less than five and one-half cents ($5\frac{1}{2}\phi$) per gallon shall be credited in the motor vehicle fund as follows:

(a) Sums equivalent to three cents (3ϕ) per gallon on all liquid fuel sold shall be set aside for disbursement under proper appropriation for the purposes set forth in sec. 6 of this act;

(b) All other monies in said motor vehicle fund shall be set aside for disbursement under proper appropriation for the purposes set forth in sec. 7 of this act.

SEC. 6. All sums required to be set aside by subdivisions (a) of sec. 5 preceding under such circumstances shall be distributed in the following order and for the following purposes:

(a) Three-fifths ($\frac{3}{5}$) of the sums required to be paid into the "General Obligation Bonds of 1933 Retirement Fund" in the manner prescribed in sec. 5, chapter 65, Laws of 1933;

(b) Three-fifths ($\frac{3}{5}$) of any sums to be expended pursuant to appropriation for the administrative expenses of the offices of state treasurer, state auditor, and the department of licenses of the State of Washington in the administration of the liquid fuel tax under this act, said sums to be distributed monthly;

(c) All sums required to be repaid to counties composed entirely of islands by virtue of chapter 98, Laws of 1923 as amended;

(d) One and one-half per cent ($1\frac{1}{2}\%$) of the balance of said sums after making the distribution required by subdivisions (a), (b) and (c) of this section on a monthly basis shall be set aside for the use of the director of highways in the supervision of work and expenditures of counties, cities and towns on county roads and city streets, said distribution to be made monthly;

Vetoed.

(e) The balance of said funds shall be credited to the respective counties by the 15th day of each calendar month for the preceding calendar month in the following percentages: Adams 1.52, Asotin .78, Benton 1.48, Chelan 2.15, Clallam 1.96, Clark 2.89, Columbia 1.06, Cowlitz 2.29, Douglas 1.07, Ferry .74, Franklin 1.04, Garfield 1.02, Grant 1.08, Grays Harbor 3.20, Island .61, Jefferson 1.05, King 20.11, Kitsap 2.00, Kittitas 1.78, Klickitat 1.84, Lewis 2.76, Lincoln 1.90, Mason 1.32, Okanogan 1.36, Pacific 1.64, Pend Oreille 1.11, Pierce 7.53, San Juan .53, Skagit 3.03, Skamania 1.01, Snohomish 4.72, Spokane 5.78, Stevens 1.51, Thurston 1.99, Wahkiakum .69, Walla Walla 2.15, Whatcom 3.56, Whitman 2.89, Yakima 4.85.

Vetoed. From the monies credited to the several counties according to the foregoing percentages there shall be deducted and credited to each incorporated city and town in each such county, by the fifteenth day of each calendar month, an amount which on an annual basis shall aggregate to each such incorporated city and town in each such county a total amount equal to one and one-half dollars (\$1.50) per capita population of each such incorporated city and town according to the last official United States government census or, in case of cities and town[s] incorporated subsequent to the date of such census, according to the population at time of incorporation as evidenced by the certificate of the incorporating officials of such cities or towns:

(1) *Provided*, That in the case of Aurora avenue in the city of Seattle designated by the director of highways a city street forming a part of the route of a primary state highway, and for the construction and improvement of which the said city has issued bonds and such bonds are outstanding and are delinquent and unpaid, and with respect thereto there are outstanding and unpaid warrants, which are payable from a local improvement district or condemna-

tion award fund, there shall be set aside and paid in the manner and for the purposes hereinafter provided an amount equal to five (5) per cent of the monthly payment or allocation to the city of Seattle from the motor vehicle fund, or the amount that may be placed to the credit of the city of Seattle in the motor vehicle fund for city street purposes, said payment to be disposed of as follows: The city treasurer shall monthly determine the amount equal to five (5) per cent of the monthly credit to the city of Seattle in the motor vehicle fund which shall become available for the purposes of this subsection, and shall compute the percentage that the monthly payment bears to the aggregate original assessments against all the real estate of the said Aurora improvement district to which the payment is to apply as herein provided, and from said monthly payment the city treasurer shall first pay to every person who has paid any assessment or any installment thereof, of said district, the same percentage of the assessment payment, and shall credit and deduct from the amount of any unpaid assessment, or installment thereof, of said district, the same percentage of the unpaid assessment, or installment thereof. All computations, payments, credits and deductions herein provided for shall be made on the assessment levy, or installment, without including any interest for delinquency. Such five (5) per cent shall be paid by the state auditor to the city treasurer on proper vouchers therefor;

Vetoed.

(2) Out of such money apportioned to the city of Bellingham by the terms of this act, there shall be paid by the city of Bellingham into the Special Improvement District Fund No. 937 of said city, the sum of twenty thousand dollars for the benefit of the property owners and assessment payers on Elm street and North West avenue in said district, which said sum shall be prorated among such owners and

assessment payers in the proportion which the assessment made on his or their property bears to the whole of said assessment against Elm street and North West avenue property in said district.

SEC. 7. All sums required by subdivision (b) of sec. 5 of this act to be set aside in the motor vehicle fund shall be distributed in the following order for the following purposes:

(a) Two-fifths ($2/5$) of the sums required to be paid into the "General Obligation Bonds of 1933 Retirement Fund" in the manner prescribed in sec. 5, chapter 65, Laws of 1933;

(b) Two-fifths ($2/5$) of any sums to be expended pursuant to an appropriation for the administrative expenses of the offices of state treasurer, state auditor, and the department of licenses of the State of Washington in the administration of the liquid fuel tax under this act and all other sums to be expended pursuant to appropriations for the administrative expenses of said offices in connection with the administration of the motor vehicle funds;

(c) All sums appropriated or reappropriated for primary state highway purposes.

SEC. 8. For the purposes set forth in subdivision[s] (c), (d) and (e) of sec. 6 of this act including cooperation with the Federal or state government, or any agency thereof authorized by law and for all proper secondary or county road purposes, including the location, right of way, engineering, improvement, construction, reconstruction and maintenance of secondary or county roads and city streets for payment of interest and principal of bonds issued for roads and street purposes as by law provided, there is hereby appropriated out of the motor vehicle fund for the use of the department of highways and for the reimbursement of counties, cities and towns, for the biennium ending March 31, 1939, the sum of seventeen million dollars (\$17,000,000) or as much

Vetoed.

thereof as shall become available, in no event to exceed a sum equal to three cents (3¢) per gallon on taxed motor vehicle fuel and inflammable liquids, less the sum set aside under subdivisions (a) and (b) of sec. 6 of this act. } Vetoed.

SEC. 9. For salaries, wages and operations of the offices of the department of highways and/or district offices of the department of highways, in connection with the expenditure of funds now available and to become available from the Federal government for construction, reconstruction or improvement of primary state highways, secondary state highways, or county roads and/or city streets, to be expended under the direction of the director of highways, there is hereby appropriated from the motor vehicle fund, for the biennium ending March 31, 1939, the sum of one hundred twenty thousand dollars (\$120,000), or so much thereof as shall be necessary, but in no event to exceed one and one-half per cent (1½%) of any such Federal funds. } Appropriation for salaries, wages and operations in connection with expenditure of Federal funds.

SEC. 10. For location, right of way, engineering, improvement, construction and reconstruction of primary state highways, including the construction of bridges to form a part of primary state highways, and including the payment of interest and bond redemption becoming due, between April 1, 1937, and March 31, 1939, on state owned bridges, there is hereby appropriated from the motor vehicle fund, for the biennium ending March 31, 1939, the sum of ten million five hundred thousand dollars (\$10,500,000): *Provided*, That the expenditures under this appropriation shall not exceed the receipts credited under subdivision (b), section 1 of this act. } Appropriation for construction, etc., of primary state highways.

SEC. 11. To carry out the provisions of the Federal aid road act and the state act assenting thereto, (to be expended for that portion of work actually completed and chargeable to the Federal contributing fund under specific project agreements now } Appropriation to carry out provisions of Federal aid road act.

executed or to be executed by state and Federal authorities; expenditures herefrom to be limited to anticipated reimbursements) there is hereby appropriated from the motor vehicle fund, for the biennium ending March 31, 1939, the sum of twelve million dollars (\$12,000,000), or so much thereof as shall be necessary.

Appropriation for maintenance of primary state highways.

SEC. 12. For the maintenance of primary state highways, including road signs, operation of bridges and ferries, including the establishment and operation of ferry service in conjunction with another state, which connects a primary and Federal highway of Washington with a state and Federal highway of such other state, and similar purposes on primary roads, there is hereby appropriated from the motor vehicle fund, for the biennium ending March 31, 1939, the sum of three million five hundred forty thousand dollars (\$3,540,000), or so much thereof as shall be necessary.

Appropriation for special maintenance of primary state highways.

SEC. 13. For the special maintenance of primary state highways, including extraordinary repairs and contingencies, there is hereby appropriated from the motor vehicle fund for the biennium ending March 31, 1939, the sum of one million four hundred thirty-five thousand dollars (\$1,435,000), or so much thereof as shall be necessary.

Appropriation, emergencies.

SEC. 14. For emergencies, hereby defined to be damage to primary state highways and/or structures, which could not with the exercise of reasonable judgment have been foreseen and damage due to acts of God, there is hereby appropriated from the motor vehicle fund, for the biennium ending March 31, 1939, the sum of five hundred thousand dollars (\$500,000), or so much thereof as shall be necessary.

Appropriation, reimbursement of motor vehicle fund.

SEC. 15. For the purpose of continuing the highway equipment fund, reimbursing the motor vehicle fund in the sum of two hundred fifty thousand dollars (\$250,000), and for all proper expenditures out

of the highway equipment fund, there is hereby appropriated from the highway equipment fund, for the biennium ending March 31, 1939, the sum of three million dollars (\$3,000,000), or so much thereof as may be necessary.

SEC. 16. For the department of highways for "capital outlay," which shall include the purchase and improvement of land and the erection of buildings, including necessary salaries and wages incident thereto, there is hereby appropriated from the motor vehicle fund, for the biennium ending March 31, 1939, the sum of two hundred sixty-seven thousand, seven hundred forty-seven dollars (\$267,747), or so much thereof as shall be necessary.

Appropriation, capital outlay.

SEC. 17. For the purposes of the Commission on Highway Transportation there is hereby appropriated from the motor vehicle fund for the biennium ending March 31, 1939, the sum of twenty thousand dollars (\$20,000), or so much thereof as may be necessary.

Appropriation, commission on highway transportation.

SEC. 18. All acts and parts of acts in conflict with any portion of this act are hereby repealed.

Conflicting acts repealed.

SEC. 19. 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.

Effective immediately.

Passed the Senate March 6, 1937.

Passed the House March 10, 1937.

Approved by the Governor March 18, 1937, with the exception of items 1 and 2 of section 2 and sections 5, 6, 7 and 8, which are vetoed.

CHAPTER 209.

[S. B. 411.]

INVESTMENT OF COUNTY AND CITY FUNDS.

AN ACT to authorize county and city treasurers to invest county and city funds in certain specified classes of securities under the supervision of the state, county and city finance committees and declaring an emergency.

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

Investment
of funds.

SECTION 1. Whenever it shall appear to any county treasurer, or to any city treasurer in the State of Washington, that there is in such county or city treasury, inactive county or city funds, or funds in excess of the current needs of such county or city, such treasurer shall call the matter to the attention of the county or city finance committee and such committee may by order duly entered, authorize such city or county treasurer to invest such inactive or excess funds in the bonds of the United States government: *Provided*, That before any such order is entered, an application to invest in any of the funds hereinafter described is made to and approved by, the state finance committee: *Provided, further*, That this act shall not apply to class A counties or to cities having a population in excess of one hundred thousand (100,000).

Bonds of
United States
government.

Approval of
state finance
committee.

Maturity.

Sale of
securities.

SEC. 2. Whenever such investment has been made as provided in section 1 hereof, such treasurer shall take such securities and as the same mature, cash them and turn the proceeds into the treasury. Any such treasurer may at any time sell any such securities so acquired, if the consent of the city or county finance committee and state finance committee shall have first been obtained, and in the event of any such sale, the proceeds thereof shall be turned into the treasury by such treasurer.

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

Passed the Senate March 6, 1937.

Passed the House March 10, 1937.

Approved by the Governor March 18, 1937.

CHAPTER 210.

[H. B. 94.]

CRIMINAL SYNDICALISM ACT REPEALED.

AN ACT providing for the repeal of chapter 174, Session Laws of 1919 of [the State of] Washington relating to criminal syndicalism.

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

SECTION 1. That chapter 174 of the Session Laws of 1919 of [the State of] Washington, (sections 2563-1 and 2563-2 of Remington's Revised Statutes of Washington and Pierce's Code, sections 9127-1 and 9127-2) relating to criminal syndicalism, be and the same is hereby repealed. Repeals §§ 2563-1 and 2563-2, Rem. Rev. Stat. (§§ 9127-1 and 9127-2, P. C.)

Passed the House February 18, 1937.

Passed the Senate March 10, 1937.

Approved by the Governor March 18, 1937.

CHAPTER 211.

[H. B. 315.]

WORKMEN'S COMPENSATION: EXTRAHAZARDOUS
EMPLOYMENTS.

AN ACT relating to extrahazardous employments and to the compensation and remedies of workmen injured therein, and of their dependents and beneficiaries in case of death, and to the medical aid of workmen injured and safety of workmen engaged in such employments, amending sections 7674 and 7675 of Remington's Revised Statutes of Washington.

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

SECTION 1. That section 7674 of Remington's Revised Statutes of Washington be amended to read as follows:

Section 7674. There is a hazard in all employment, but certain employments have come to be, and to be recognized as being inherently constantly dangerous. This act 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 act, to-wit:

Factories, mills and workshops where machinery is used; printing, electrotyping, photo-engraving and stereotyping plants where machinery is used; foundries, blast furnaces, mines, wells, gasworks, 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, steam-

Amends
§ 7674, Rem.
Rev. Stat.
(§ 3469, P. C.)

Extra-
hazardous
employment.

boats, tugs, ferries and railroads; 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 car driving; restaurants and establishments except private boarding houses, serving food to the public for consumption on the premises; bunk houses, kitchens and eating houses in connection with extrahazardous occupations or conducted primarily for employees in extrahazardous occupations; transfer, drayage and hauling; warehousing and transfer; fruit warehouse and packing houses. If there be or arise any extrahazardous occupation or work other than those hereinabove enumerated, it shall come under this act, and its rate of contribution to the accident fund hereinafter established shall be, until fixed by legislation, determined by the department hereinafter created, upon the basis of the relation which the risk involved bears to the risk classified in section 7676 of Remington's Revised Statutes: *Provided, however,* The following operations shall not be deemed extrahazardous within the meaning, or be included in the enumeration of this section, 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 power driven machinery in shoe repair shops; 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.

Operations
excluded.

The director of labor and industries through and by means of the division of industrial insurance shall have power, after hearing had upon its own motion or upon the application of any party interested, to

Director,
power to
declare
occupation
extra-
hazardous.

declare any occupation or work to be extrahazardous and to be under this act. The director of labor and industries shall fix the time and place of such hearing and shall cause notice thereof to be published once at least ten (10) days before the hearing in at least one (1) 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 of labor and industries after hearing had. Any person affected shall have the right to appear and be heard at any such hearing. Any order, finding or decision of the director of labor and industries made and entered under the foregoing provisions of this act shall be subject to review within the time and in the manner specified in section 7697 of Remington's Revised Statutes, and not otherwise.

Workman,
defined.

SEC. 2. The term workman within the contemplation of this act means every person in this state who is engaged in the employment of or who is working under an independent contract, the essence of which is his personal labor for any employer coming under this act whether by way of manual labor or otherwise in the course of his employment.

Passed the House March 11, 1937.

Passed the Senate March 11, 1937.

Approved by the Governor March 18, 1937.

CHAPTER 212.

[S. H. B. 316.]

WORKMEN'S COMPENSATION: OCCUPATIONAL
DISEASES.

AN ACT relating to the compensation and medical, surgical, and hospital care and treatment and the welfare and safety of workmen engaged in extrahazardous employments and to the compensation of the dependents of such workmen in case of death and to the liability of the employers of workmen so engaged for such compensation and the cost of such care and treatment; providing for compensation for disabilities sustained or death incurred by employees resulting from certain occupational diseases, and amending section 7679 of Remington's Revised Statutes.

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

SECTION 1. That section 7679 of Remington's Revised Statutes, being section 5 of chapter 74, Laws of 1911, as amended by section 2 of chapter 132, Laws of 1929, be amended by adding a new section thereto to be known as section 7679-1 to read as follows:

Adds § 7679-1.
Rem. Rev.
Stat. (§ 3472-
21, P. C.)

Section 7679-1. Compensation shall be payable for disabilities sustained or death incurred by an employee resulting from the following occupational diseases:

Occupational
diseases.

(1) Anthrax. Handling of wool, hair, bristles, hides or skins;

(2) Lead poisoning or its sequelae. Any process involving the use of or direct contact with lead or its preparations or compounds;

(3) Zinc poisoning or its sequelae. Any process involving the use of or direct contact with zinc or its preparations or compounds or alloys;

(4) Mercury poisoning or its sequelae. Any process involving the use of or direct contact with mercury or its preparations or compounds;

(5) Phosphorous poisoning or its sequelae. Any process involving the use of or direct contact with phosphorous or its preparations or compounds;

(6) Arsenic poisoning or its sequelae. Any process involving the use of or direct contact with arsenic or its preparations or compounds;

(7) Poisoning by benzol or nitro-, hydro-, hydroxy-, and amido- derivatives of benzene (dinitrobenzol, anilin; and others), or its sequelae. Any process involving the use of or direct contact with benzol or nitro-, hydro-, hydroxy-, or amido- derivatives of benzene or its preparations or compounds;

(8) Poisoning by carbon bisulphide or its sequelae, or any sulphide. Any process involving the use of or direct contact with carbon bisulphide or its preparations or compounds, or of any sulphide or sulphite;

(9) Poisoning by tetrachlor-methane or any substance used as or in conjunction with a solvent for acetate of cellulose or nitro cellulose, or its sequelae. Any process involving the use of or direct contact with any substance used as or in conjunction with a solvent for acetate or cellulose or nitro cellulose;

(10) Chrome ulceration or its sequelae or chrome poisoning. Any process involving the use of or direct contact with chromic acid or bychromate of ammonium, potassium or sodium, or their preparations;

(11) Ulceration of the skin or of the corneal surface of the eye, due to tar, pitch, bitumen, mineral oil, or paraffin, or any compound, product or residue of any of these substances. Handling or use of tar, pitch, bitumen, mineral oil, or paraffin or any compound, product or residue of any of these substances;

(12) Compressed air illness or its sequelae. Any process carried on in compressed air;

(13) Miner's diseases, including cellulitis, bursitis, ankylostomiasis, tenosynovitis and nystagmus;

(14) Cataract in glassworkers. Processes in the manufacture of glass involving exposure to the glare of molten glass;

(15) Methyl chloride poisoning. Any process involving the use of or direct contact with methyl chloride or its preparations or compounds;

(16) Carbon monoxide poisoning. Any process involving direct exposure to carbon monoxide in buildings, sheds or enclosed places;

(17) Poisoning by sulphuric, hydrochloric or hydro-fluoric acid. Any process involving the use of or direct contact with sulphuric, hydrochloric or hydrofluoric acids or their fumes;

(18) Disability arising from blisters or abrasions. Any process involving continuous friction, rubbing or vibration causing blisters or abrasions;

(19) Disability arising from bursitis or synovitis. Any process involving continuous rubbing, pressure or vibration of the parts affected;

(20) Dermatitis (venenata). Any process involving the use of or direct contact with acids, alkalis, acids or oils, or with brick, cement, lime, concrete or mortar capable of causing dermatitis (venenata);

(21) And any persons employed in any industry where intense dust prevails.

Nothing in this section shall be construed to apply to any case of occupational disease in which the last injurious exposure to the hazards of the disease occurred prior to January first, nineteen hundred thirty-seven, nor to any case in which such occupational disease was incurred in the pursuit of a prior employment to which a character of occupational disease is incident different from those incident to

Restrictions.

the employment followed at the time the disability occurred: *And provided further*, That the employment of any person claiming hereunder shall have been wholly within the State of Washington during the three (3) years next immediately preceding the injury for which compensation is claimed, and during a substantial period of such employment subjected to conditions peculiarly conducive to such disease: *Provided, however*, That the increased cost in carrying out the provisions of this act shall be borne equally by employer and employee.

Cost shared
equally by
employer and
employee.

Passed the House March 11, 1937.

Passed the Senate March 9, 1937.

Approved by the Governor March 18, 1937.

CHAPTER 213.

[S. B. 349.]

SMALL LOAN ACT.

AN ACT relating to small loans; providing for the licensing and regulating the business of making loans under three hundred dollars (\$300.00); prescribing a maximum rate of interest; providing for the regulation of the business of making such loans, for examination, investigations and licensing of persons engaged in such business; providing penalties for violation of the act and repealing all acts in conflict.

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

SECTION 1. No person, copartnership, association or corporation shall engage in the making of loans of money, credit goods or choses in action in an amount not to exceed three hundred dollars (\$300.00) except as in this act provided.

Application
of act.

SEC. 2. All persons now engaged in the making of such loans either as a business or a side line shall

Registration
of persons
engaged in
small loan
business.

register with and receive a certificate of registration from the tax commission as is provided under chapter 180, Laws of 1935, and keep such certificate renewed and in good standing at all times. It shall be the duty of the tax commission to transmit to the director of licenses a true and complete list of all such registrations on file in the office of the tax commission. In addition to the registration all persons desiring to engage in the business of making small loans as a business or as a side line must apply to the director of licenses for permit so to do. Such application must be in writing, contain the official registration number with the tax commission; must also contain name, residence, location and whether or not such applicant desires to carry on a full time or a side line business. Such application must be accompanied by a petition of at least ten freeholders recommending such applicant and certifying to a personal acquaintance for a period of at least three years immediately prior thereto. Such applicant must deposit with the director of licenses the sum of one hundred dollars (\$100.00) to cover investigation costs. It shall be the duty of the director to investigate each application.

SEC. 3. No license or permit shall be issued to any applicant until the director has had reasonable opportunity to make a thorough investigation: *Provided, however,* That an applicant already engaged in the business shall be entitled to receive a temporary permit pending such investigation: *Providing,* That all applicants must post and keep in force during life of permit or license, a penal bond in the sum of ten thousand dollars (\$10,000.00) payable to the State of Washington conditioned that such applicant will conform to all requirements of law and refund any overcharge found by director. No license shall ever be granted to a corporation other than as hereinafter provided, nor to any person who

Certificate of registration.

Licenses.
Application contents.

Recommendation of applicant.

Deposit.

Vetoed.

is not a citizen of the United States or who has not resided in the State of Washington at least five (5) years or three (3) years in the city where the right to do business is sought. All expenses of investigation shall be borne by the applicant, and the action of the director of licenses to be final and conclusive, except for fraud or caprice. In event that the license is granted it shall be for a period of time coincident with the registration with the tax commission, to be renewed annually, and the annual license fee is hereby fixed at twenty-five dollars (\$25.00), and in addition thereto such licensee shall furnish to the director a copy of annual business tax report to the tax commission, under chapter 180, Laws of 1935, and pay as a regulatory and examination fee a sum equal to three per cent (3%) of the gross business.

Vetoed.

SEC. 4. No business shall be conducted in a room in connection with any other business, nor shall the operation of such business be co-mingled with any other business operated by such applicant. Each separate place of business of applicant must be licensed.

Interest rate.

SEC. 5. No person licensed hereunder shall receive any sum of money, credit or other consideration for the use of the money loaned, or for the making of such loan, or for any other purpose in connection with such loan than twelve per cent (12%) simple interest, and no person shall collect or receive any discount, service charge, carrying charge, examination fee or other charge with relation to such loan, and any person evading the purpose and intent of this law with respect to receiving a greater rate for the use of money, property or credit than twelve per cent (12%) per annum simple interest, upon conviction shall be subject to the penalties provided for a gross misdemeanor, and in addition thereto the loan, pledge or transfer of credit, property or chose in action is void, and title thereto shall pass and vest

Penalty.
Transaction
voided.

in the borrower and all right of recovery therefor barred.

SEC. 6. That no persons licensed hereunder shall demand or receive on any loan, the endorsement of a surety, guarantor or comaker, but all such loans shall be to the individual borrower and upon security which he may legally hypothecate: *And provided further*, That no person licensed hereunder may loan in excess of twenty-five per cent (25%) of all outstanding obligations in the same class of securities or in the same class of loans.

Vetoed.

SEC. 7. All licensees hereunder must give the borrower a receipt for all payments, which shall not only show the amount of the payment but total payments to date and the balance due.

Receipt for payments.

SEC. 8. All licensees must keep license to do business posted in a conspicuous place in place of business. Such permit shall not be assignable: *Provided, however*, That the same may be transferred from one address to another in same city when such change is caused by removal of such business from one location to another.

Licenses displayed.

SEC. 9. The director of licenses shall have the right for cause, after hearing, to suspend or revoke the license of any licensee, with the right of review of the act of the director by such licensee in the superior court of the county where place of business affected is located. The director is hereby empowered to prescribe methods of procedure governing hearing, and service of any order by mail shall be legal and sufficient service.

Suspension or revocation of licenses.

Right of review.

SEC. 10. The director of licenses shall at least annually, and oftener if by him deemed advisable, examine the affairs of all licensees, and may require such information or reports as may be of aid in determining the true conditions of affairs of such licensees.

Examination of affairs of licensees.

Unlawful practices.

SEC. 11. It shall be unlawful for any licensee either directly or indirectly by subterfuge or by agreement with any third person or other person to receive any greater rate than twelve per cent (12%) simple interest. It shall be unlawful to make the loan for an amount in excess of three hundred dollars (\$300.00) and to give credit thereon, or to sell or transfer articles at a fictitious value for the purpose of evading the requirements of this act, and any person convicted of violating any provision of this section shall be guilty of a gross misdemeanor.

Vetoed.

SEC. 12. It shall be unlawful to advertise in any manner the business of making small loans.

Assigned compensation.

SEC. 13. The payment of three hundred dollars (\$300.00) or less in money, credit, goods, or other things in action, as consideration for any sale or assignment or order for the payment of wages, salary, commissions or other compensation for services, whether earned or to be earned, shall, for the purpose of regulation under this act, be deemed a loan secured by such assignment, and the amount of such assigned compensation retained by the lender in excess of the amount loaned shall be deemed interest or charges from the date of such loan to the time such compensation is paid. Such transaction shall be governed by and be subject to the provisions of this act.

Exemptions.

SEC. 14. This act shall not apply to banks, trust companies, building and loan association, credit unions, industrial loan companies, licensed pawn brokers, individuals making casual loans of their own money, or retail merchants selling on installment under conditional sales contract.

Rules and regulations.

SEC. 15. The director is authorized to make general rules and regulations not inconsistent herewith.

Conflicting acts superseded.

SEC. 16. This act is a limitation on existing laws and to be construed as the law governing the making

of small loans, and any provision of existing laws to the contrary is hereby superseded by the provisions herein.

SEC. 17. If any action or provision of this act is declared unconstitutional such decision shall not invalidate the remaining portion of the act. Partial
invalidity.

Passed the Senate March 5, 1937.

Passed the House March 8, 1937.

Approved by the Governor March 19, 1937, with the exceptions of sections 3, 4, 6 and 12, which are vetoed.

CHAPTER 214.

[S. B. 369.]

STANDARD LOAVES OF BREAD.

AN ACT relating to the manufacture and sale of bread, and the prevention of misrepresentation and fraud in the sale thereof.

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

SECTION 1. Section 11626, Remington's Revised Statutes, is hereby amended to read as follows:

Section 11626. It shall be unlawful for any person to manufacture, sell or offer or expose for sale, any bread except in the following weights, which shall be the net weights twelve hours after baking; one pound, one and one half pounds, two pounds, three pounds, four pounds and five pounds, or other pound weights: *Provided*, That variations at the rate of one ounce per pound over, and one ounce per pound under, the above specified unit weights are permitted in individual loaves, but the average weight of not less than twelve loaves of any one unit of any one kind 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

Amends
§ 11626 Rem.
Rev. Stat.
(§ 7250-50,
P. C.)
Standard
loaves of
bread.

it has the appearance and size of a loaf of greater weight.

Definitions.

SEC. 2. Definitions. As used in this act:

(a) "Pullman Bread" means bread baked in pans all six sides of which are enclosed;

(b) "Open-top" or "hearth bread" means bread baked in pans or forms the top or top and sides of which are not enclosed.

SEC. 3. "Open-top" or "hearth bread" shall be baked in pans or forms the length and width of which shall not exceed the following:

One pound bread, length nine (9) inches, width four and one half ($4\frac{1}{2}$) inches;

One and one half pound bread, length twelve and one quarter ($12\frac{1}{4}$) inches, width four and one half ($4\frac{1}{2}$) inches.

**Pullman
bread,
require-
ments.**

SEC. 4. "Pullman bread" shall be baked in pans the length and cubic content of which shall not exceed the following:

One pound, nine (9) inch[es] length, one hundred forty-four (144) cubic inches;

One and one half pound, length thirteen (13) inches, two hundred and eight (208) cubic inches;

Two pound, sixteen (16) inches length, two hundred fifty-six (256) cubic inches;

Three pound, twenty (20) inch[es] length, four hundred five (405) cubic inches.

Passed the Senate March 5, 1937.

Passed the House March 9, 1937.

Approved by the Governor March 19, 1937.

CHAPTER 215.

[H. B. 331.]

HAIRDRESSING AND BEAUTY CULTURE.

AN ACT relating to, and regulating the practices of hairdressing and beauty culture, and the conducting of schools for the teaching of such practices; providing for the licensing of persons to practice hairdressing and beauty culture and to conduct schools for the teaching thereof; providing penalties and repealing sections 8278-1 to 8278-19 inclusive, of Remington's Revised Statutes.

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

SECTION 1. It shall be unlawful for any person, firm or corporation to engage in the practice of hairdressing and beauty culture for compensation, or hold himself or itself out as qualified to engage in the practice of, or solicit the practice of, hairdressing and beauty culture, or to own, manage, conduct, or give instruction in a hairdressing and beauty culture shop or school unless licensed to do so as in this act provided. License required.

SEC. 2. (a) The term "practice of hairdressing" or "hairdressing" shall mean the arranging, dressing, curling, waving, permanent waving, cleansing, bleaching or coloring of the hair of a person or doing similar work thereon, by means of the hands or by the use of any method or mechanical application or appliances; "Practice of hairdressing."

(b) The term "hairdresser" shall mean any person, firm or corporation who shall engage in the practice of hairdressing; "Hairdresser."

(c) The term "practice of beauty culture" or "beauty culture" shall mean the massaging, cleansing, stimulating, manipulating, exercising or beautifying of the scalp, face, arms, bust or upper part of the body of a person, or doing similar work thereon with the hands or with any mechanical or electrical "Practice of beauty culture."

apparatus or appliances or by the use of cosmetic preparations, antiseptic tonics, lotions, creams, similar preparations or compounds, manicuring the nails or removing superfluous hair;

"Beauty culturist."

(d) The term "beauty culturist" shall mean any person, firm or corporation who shall engage in the practice of beauty culture;

Vetoed.

(e) A "student" is any person of the age of eighteen (18) years or over receiving instruction in the practice of hairdressing and beauty culture in a school duly licensed to operate as such under this act, and who receives for the practice of hairdressing and beauty culture no salary, commission, bonus, gratuity or remuneration of any kind whatsoever;

"Operator."

(f) An "operator" is a person of the age of eighteen (18) years or over who has been licensed to practice hairdressing and beauty culture under the direct supervision and direction of a manager;

Vetoed.

(g) A "manager" is a licensed operator of the age of twenty-one (21) years or over who has been licensed by this state as an operator for not less than two (2) years, who manages or conducts a hairdressing and beauty culture shop as the employee of, or on behalf of, an owner or for his own account;

"Owner."

(h) An "owner" is any person, firm, copartnership or corporation owning a hairdressing, and beauty culture shop;

"Shop."

(i) 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;

"School."

(j) A "school" is an institution of learning devoted exclusively to the instruction and training of students in the practice of hairdressing, and beauty culture;

"Instructor."

(k) An "instructor" is a person who gives instruction in the practice of hairdressing, and beauty culture in a school;

(1) The "director" is the state director of li- "Director."
censes.

SEC. 3. (a) No person shall be licensed as an operator unless he shall be of the age of eighteen years or over, is of good moral character and temperate habits, has a high school education, and has completed a course of training of not less than two thousand (2,000) hours in not less than twelve (12) months, and shall have been examined as here- Operator's
in provided: *Provided*, That any person, otherwise license,
qualified, who at the time the first examination is qualifications.
held after this act shall take effect, has had a contin-
uous course of study for twelve (12) months as an
apprentice to a manager licensed under this act, or
who has completed a six (6) months course of train-
ing in a beauty school licensed under this act, may
take such examination;

(b) No person shall be licensed as a manager unless he shall be of the age of twenty-one (21) years or over, nor unless he shall have the qualifica-
tions required of an operator, nor unless he shall
have been licensed by this state for at least five (5) years as an operator; } Vetoed.

(c) No person shall be licensed as an instructor unless he shall have the qualifications of an operator and shall have held a license as such for at least five (5) years, and is qualified to give instructions in each of the subjects enumerated in this act;

(d) An owner may be licensed without exami- Owner
nation, but shall not engage in the practice of hair- licensed
dressing and beauty culture unless licensed as a without
manager; examination.

(e) No person shall be licensed to conduct a school unless it shall appear to the director that such school will maintain the course of instruction herein provided; that instruction in such school shall at all times be in charge of and under the supervision of a manager; that such school will at all times main- Schools.

tain one instructor for each ten students or fraction thereof: *Provided, however,* That at no time shall a school have less than two instructors: *Provided, further,* That no school shall be licensed under this act unless it has a minimum of ten students;

Course of instruction.

(f) The courses of instruction in every school shall comprise at least the following:

1. Shampooing—soap and dry;
2. Care of the face and massaging, including make up and the care of eyebrows and lashes;
3. Care of the scalp and massaging, rinses and packs;
4. Hair coloring and bleaching;
5. Permanent waving—helical and croquignole methods;
6. Marcel waving—round, bob and paper curling;
7. Finger waving;
8. Hair fashioning;
9. Manicuring;
10. Hairdressing as it appertains to marcelling, curling, permanent waving and finger waving;
11. Electricity as applied to cosmetology, and use and application of electrical appliances;
12. The reading of law on beauty culture of the State of Washington;
13. Shop management—ownership and business ethics;

Equipment.

(g) The school shall have available for every twenty-five (25) students, subject to other requirements by the director, at least: Three (3) shampoo bowls; three (3) hair dryers; two (2) facial chairs; ten (10) curling iron heaters; one (1) sterilizer; one (1) steamer; one (1) permanent wave machine—helical wind; and one (1) permanent wave machine—croquignole wind;

Charge for student work.

(h) No charge shall be made for student work until the student has completed four hundred (400) hours of instruction and practice;

(i) No school and shop shall be maintained in the same location, nor shall there be any connecting entrance.

School and shop maintained in separate locations.

SEC. 4. Every school licensed hereunder shall, within twenty (20) days after the enrollment of any student therein, register such student with the director on such forms as the director may prescribe. Such registration shall be accompanied by a health certificate signed by a reputable physician to the effect that after a physical examination made within ten (10) days prior to the filing thereof, he has found such registrant free from any infectious or contagious disease.

Students registered with director.

SEC. 5. All licenses issued authorizing any person, firm or corporation to conduct a shop shall be issued only in the name of the person, firm or corporation owning or conducting such shop, to the name of which owner may be added the trade name, if any, under which the owner conducts such shop.

License issued in name of person owning or conducting shop.

SEC. 6. A license issued to any person to conduct a shop or school shall authorize such person to conduct only one shop or school, but any person holding a license to conduct a shop or school may apply for and receive additional licenses which shall authorize such person to conduct an additional shop or school for each such license.

Additional shop or school.

SEC. 7. All examinations for license shall be conducted by or under the director of licenses in the manner provided by law. No person shall, however, be appointed as a member of an examining committee for the purpose of conducting examinations and performing other duties imposed by this act unless he is an operator and of the age of at least twenty-five (25) years, has the qualifications of an instructor, has been a citizen of the state for at least three (3) years immediately prior to his appointment, has been engaged in actual practice as a hairdresser and

Examining committee.

beauty culturist for at least five (5) years, is not connected directly or indirectly with any school of hairdressing and beauty culture, and is not connected directly or indirectly in the business of the manufacturing, renting or selling of hairdressing or beauty culture appliances and supplies at wholesale; nor shall any person be appointed to said committee if there be then a member of said committee who is a graduate of the same school of hairdressing or beauty culture: *Provided*, That in the interest of economy, qualified examiners may be recruited in the city where such examination is to be held.

Duties of
director.

SEC. 8. The director of licenses shall, in addition to other duties imposed by law, adopt rules for carrying out the provisions of this act and conducting examinations of applicants for licenses; for governing the recognition of, and the credits to be given to, the study of hairdressing and beauty culture under a hairdresser and beauty culturist or any school of hairdressing and beauty culture licensed under the laws of another state, territory or the District of Columbia, and shall, subject to the approval of the state board of health, promulgate rules for the prevention of infectious or contagious diseases in hairdressing and beauty culture shops and schools, and shall furnish to each person, firm or corporation licensed under this act a copy of such rules; shall hold examinations of all applicants for a license under this act, and grant licenses to those qualified. The director of licenses shall keep all examination papers on file for at least one year, which file shall be open to the inspection of the applicant or his agent.

Applications
for licenses.

SEC. 9. Applications for licenses to be issued pursuant to the terms of this act shall be made on forms furnished by the director and shall state therein the name, age, place of residence, nationality of the applicant, his experience or training, or the time in attendance at any school, if the applicant is a gradu-

ate of any school; and such other information as the board may prescribe; said application shall be accompanied by proof of school attendance (except with an application for an owner or school license), a certificate of health signed by a reputable physician to the effect that after a physical examination made within ten (10) days prior to the filing thereof, he has found such applicant free from any infectious or contagious disease; and by the application fees provided for herein. Any person holding a license issued pursuant to the terms of the act which this repeals, may, upon the expiration thereof, have the same renewed upon compliance with the conditions, and payment of the fees, required for the renewal of licenses issued hereunder.

SEC. 10. (a) Each application for a license by an applicant who has not been previously licensed in this state shall be accompanied by the following fees: Operator, two dollars (\$2); instructor, two dollars (\$2); manager, two dollars (\$2); owner, ten dollars (\$10); school, one hundred and fifty dollars (\$150);

Annual fee.

(b) The license issued hereunder shall entitle the holder thereof to exercise the rights and privileges granted thereby until the first day of July, next, following the issuance of such license, and may be renewed from year to year upon the payment on or before the first day of July of a renewal fee as follows: Operator, one dollar (\$1); instructor, two dollars (\$2); manager, two dollars (\$2); owner, five dollars (\$5); school, one hundred and fifty dollars (\$150); and, where a certificate of health is required with an application for a license, the filing of such certificate;

(c) License by reciprocity shall be twenty-five dollars (\$25).

SEC. 11. Any person whose license has expired may have the same renewed upon payment of all

License renewals.

fees which the applicant would have been required to pay to keep such license in effect, and an additional fee of two dollars (\$2): *Provided*, That any person whose license has lapsed for more than three (3) years shall be reexamined as in the case of any applicant for an original license.

Examina-
tions.

SEC. 12. (a) Each applicant for a license as an operator shall be examined as to the [their] qualifications, as herein provided;

(b) Examinations for license shall be conducted four times in each calendar year by the director in the manner provided by law upon such days as may be fixed by the director;

(c) 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 enumerated in sections 2 and 3 hereof;

(d) Practical tests shall consist of actual demonstrations in hairdressing and beauty culture under the direction and supervision of the committee;

(e) 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;

(f) Passing grades for license as an operator shall be based upon the standard of one hundred per cent (100%) in each of the practices enumerated in sections 2 and 3 hereof;

(g) An applicant who shall receive a passing grade of not less than seventy-five per cent (75%) in each branch and in addition thereto shall pass the required examination in anatomy, physiology, hygiene, sanitation, sterilization and the use of antiseptics shall be entitled to a license as an operator;

(h) Any applicant who shall fail to pass the examination may take the next succeeding examination without payment of additional fee.

SEC. 13. The director shall issue to each applicant for a license, who has complied with the provisions of this act, a license which shall remain in effect until the first day of July following such issuance, unless sooner revoked or suspended.

Director
to issue
licenses.

SEC. 14. (a) Any person who has been licensed under the laws of another state, territory, or the District of Columbia may be issued a license without examination: *Provided, That,*

Licenses of
other states.

1. The license requirements of such state, territory, or the District of Columbia for an operator are substantially equal to the requirements of this act;

2. The laws of such state, territory, or the District of Columbia accord holders of operators' licenses issued under the laws of this state privileges equal to those herein granted;

3. Such person shall have passed an examination conducted under the laws of such state equivalent to the examination required by the laws of this state;

(b) The application for such license shall be accompanied by the certificate of health required by this act; by the affidavit of the applicant that the applicant has become a *bona fide* resident of this state, and that his license in such other state, territory, or the District of Columbia has not expired, been suspended or revoked. Such application shall be accompanied by the license of such state, territory, or the District of Columbia for the last two years during which the applicant held such licenses or proof satisfactory to the committee that the applicant held such licenses, which licenses or proof shall remain on file in the office of the director;

(c) All licenses issued pursuant to this section shall conform to the requirements prescribed by sections 11 and 12 hereof.

Revocation
of license,
grounds.

SEC. 15. Any license issued pursuant to this act may be revoked for any of the following causes arising after the issuance thereof:

(a) Conviction of a felony or misdemeanor involving moral turpitude, in which case the record of conviction shall be conclusive evidence;

(b) Habitual drunkenness or the use of habit forming drugs;

(c) Gross incompetency;

(d) Unfair, fraudulent, misleading or price advertising: *Provided*, That nothing in this act shall prevent the display of price lists visible only from within beauty parlors and/or schools of beauty culture;

(e) Performing work authorized by said license in an unsanitary or filthy manner;

(f) Performing the practice of hairdressing and beauty culture upon the person of another while knowingly suffering from an infectious or contagious disease;

(g) Willful violation of any of the provisions of this act;

(h) Failure to pay an operator the minimum wage required by law.

Notice.

SEC. 16. (a) Before any license shall be revoked or the penalties herein provided be imposed, the holder thereof shall have a written notice of the charge or charges brought against him, and a hearing had thereon not less than twenty (20) days after the service of such notice. Such charges shall be verified with the oath of the person making the same, and a copy thereof shall be served upon the holder of the license with a notice, which notice shall be served in the manner provided by law for service of summons in civil actions. Such hearing shall be public and the holder of such license shall be given an opportunity to produce evidence in his behalf and to confront the witnesses produced against him. The

Hearing.

hearing shall be conducted by the committee, which shall be the sole judge of the charges and the evidence produced, and the decision of any two members of the committee shall be the decision of the committee. If the charges are sustained in the judgment of the committee, the committee may direct the permanent revocation of such license, or that such holder may be barred from exercising any rights or privileges under said license for any term not exceeding one year;

Findings.

(b) Any person feeling himself aggrieved by the refusal of the director to issue any license provided for in this act, or renew the same, or by the revocation or suspension of any license issued under the provisions of this act, shall have the same right and appeal from the decision of the committee granted by Remington's Revised Statutes, section 10864.

Right of appeal.

SEC. 17. (a) No person shall engage in the practice of hairdressing, and beauty culture in any place other than a hairdressing, and beauty culture shop or school except upon a member of such person's family or upon a person whose physical condition prevents such person's presence at such shop or school;

Practice of hairdressing and beauty culture restricted to shop or school.

(b) Every school shall cause the word "school" to appear conspicuously on its literature and advertising matter, and to be painted in letters at least four (4) inches high on all doors leading to such school, which are open to the public generally;

Word "school" displayed.

(c) Every person licensed under this act shall display his license in plain, open, unobstructed view in the place where he engages in the practice for which the license was issued;

Display of license.

(d) No person shall sleep in, or use for residential purposes, any room used wholly or in part as a hairdressing, and beauty culture shop, or engage in hairdressing, and beauty culture in any room used wholly or in part for sleeping or residential pur-

Shop shall not be used for residential purposes.

poses. Every hairdressing and beauty culture shop shall maintain a separate entrance for such shop or establishment to any adjoining rooms used for sleeping or residential purposes;

Demonstrating and instructing in use of cosmetics.

(e) No person other than an operator shall in demonstrating, or instructing in the use of any cosmetics or supplies of any kind, engage in any of the acts enumerated in sections 2 and 3, with or without compensation;

Supervision of students.

(f) No student shall engage in the practice of hairdressing and beauty culture except in a school under the direct supervision of an instructor;

Owner to notify director of change of residence or business.

(g) Every owner, manager, and operator licensed under this act shall, within thirty (30) days after changing his place of residence or business as recorded upon the records of the director, notify the director in writing of his new place of residence or business;

Compliance with rules and regulations.

(h) Every student, operator, manager and instructor shall comply with the rules and regulations issued from time to time by the committee;

Violation of provisions misdemeanor.

(i) Any person who shall violate any of the provisions of this act, or who shall permit any person in his employ or under his or her supervision or control to practice hairdressing, and beauty culture without a license where one is required by this act, or who shall attempt to obtain a license by fraudulent means, shall be guilty of a misdemeanor. Each and every day on which such violation shall occur shall constitute a separate offense.

Provisions do not apply to physicians, dentists or barbers.

SEC. 18. Nothing in this act shall prohibit any person authorized under the laws of this state to practice medicine, surgery, or dentistry from engaging in the practice for which they are licensed; nor require a license under this act for any barber from performing any service for which he may be licensed; nor prohibit manicuring in barber shops; but the provisions hereof shall not be construed to au-

thorize any person other than a student or person licensed under this act to do permanent, or temporary waving of the hair. Permanent waving.

SEC. 19. Words used in this act importing the singular number may also be applied to the plural of persons and things, and words importing the plural may be likewise applied to the singular. Words importing the masculine may be applied to the feminine and words importing the feminine to the masculine. Words applying to natural persons shall apply also to firms, organizations, partnerships, associations and corporations; and words applying to such organizations shall apply to natural persons wherever the name may be necessary to effect the purpose of this act. This act shall be liberally construed to effect the intents and purposes hereof. Words and phrases.

SEC. 20. If any section or provision 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 of any section, provision or part thereof not adjudged invalid or unconstitutional. Partial invalidity.

SEC. 21. That sections 8278-1 to 8278-19 inclusive, of Remington's Revised Statutes be and the same are hereby repealed. Statutes repealed.

SEC. 22. This act is necessary for the preservation of the public health and safety, and shall take effect immediately. } Vetoed.

Passed the House March 9, 1937.

Passed the Senate March 8, 1937.

Approved by the Governor March 19, 1937, with the exception of items (e) and (g) of section 2, items (b) and (c) of section 3, and section 22, which are vetoed.

CHAPTER 216.

[H. B. 397.]

IRRIGATION DISTRICTS.

AN ACT relating to the organization and government of irrigation districts authorizing the secretary to keep funds in bank, amending section 7453 of Remington's Revised Statutes of the State of Washington.

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

Amends
§ 7453, Rem.
Rev. Stat.
(§ 3231, P. C.)

SECTION 1. That section 7453 of Remington's Revised Statutes of the State of Washington, be amended to read as follows:

County
treasurer
ex-officio
treasurer of
district.

Section 7453. The county treasurer of the county in which is located the office of any irrigation district shall be and is hereby constituted ex-officio district treasurer of said district, and any county treasurer collecting or handling funds of the district shall be liable upon his official bond and to criminal prosecution for malfeasance and misfeasance, or failure to perform any duty herein prescribed as county treasurer or district treasurer, as is provided by law in other cases as county treasurer. It shall be the duty of the county treasurer of each county, in which lands of the district are located, to collect and receipt for all assessments and taxes levied as in this chapter provided. There shall be deposited with the county treasurer of the county in which the office of the board of directors is located, all sums collected for the defraying of expenses of the district, whether said sums are collected by assessments or special assessments, and they shall be placed with the said county treasurer in the expense fund of the district. The said county treasurer shall also keep such other funds as may be required by law governing irrigation districts and shall place therein monies collected for said funds. The county treasurer shall

pay out the monies received or deposited with him or any portion thereof, upon warrants issued by the county auditor against the proper funds of the district, except the sums to be paid out of the bond fund upon the coupons or bonds presented to the treasurer. All warrants hereafter issued shall be paid in the order of their issuance. The said treasurer shall report, in writing, on the first Monday in each month to the board of directors of the district, the amount of money held by him, the amount in each fund, the amount of receipts for the month preceding in each fund, and said report shall be filed with the secretary of the board. The secretary shall also report to the board, in writing at the regular meeting in each month, the amount deposited with the county treasurer belonging to the district during the preceding month. The amount of receipts for the month preceding and the amount and items of expenditures during the preceding month, and said report shall be filed in the office of the board.

Any claim against the district shall be presented to the district board for allowance or rejection. Upon allowance, such claim shall be attached to a voucher verified by the claimant or his agent and approved by the president and countersigned by the secretary of the board and directed to the county auditor for the issuance of a warrant against the proper fund of the district, in payment of said claim.

Claims.
how paid.

Notwithstanding the provisions of any other statute of the State of Washington, to the contrary, it shall be lawful for the board of directors of an irrigation district to provide by resolution that the secretary of the district may deposit the following temporary funds in a local bank in the name of the district, district funds to be known as "General Fund" in which shall be deposited all monies received from the sale of land except such portion thereof as may be obligated for bond redemption and for the pay-

Deposit of
temporary
funds in
local bank.

General
fund.

Fiscal fund.

Revolving
fund.

ment thereon, rentals, crops, domestic light and/or water tolls and/or other tolls, and such miscellaneous collections as may from time to time be received. This fund shall be transmitted to the county treasurer or disbursed in such manner as the board of directors may designate. Also a fund to be known as "Fiscal Fund" in which shall be deposited all collections made by the district as fiscal agent of the United States. Remittances shall be made from this fund to the United States according to contract between the district and the United States or to such officer as the United States shall designate. The secretary may also deposit in a local bank a "Revolving Fund" in such amount as the board of directors shall by resolution determine, acquired by the issue of coupon warrants as provided by statute, or it can be acquired by transfer of funds by warrant drawn upon the expense fund of the district to the Revolving Fund. This fund may be disbursed by check signed by the secretary or such other person or persons as the board of directors may designate in the payment of labor and such other current expenses as the board of directors may deem necessary. This fund shall be reimbursed by sending the cancelled checks or copy of pay rolls to the county auditor with a claim voucher specifying the district fund upon which warrants for such reimbursements shall be drawn. The warrants for such reimbursements shall be made out by the county auditor to the "Secretary's Revolving Fund."

The secretary or other person designated by the board of directors shall issue receipt for all monies received and to be deposited in any of said funds and the secretary of the district and any other employee of the district handling such funds shall furnish a surety bond to be approved by the board of directors and the attorney for said district, in such amount as the board of directors may designate and

premium on such bond shall be paid by the district. The secretary or other employee shall be accountable on such bond for the safe-keeping of said funds.

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

Passed the House February 22, 1937.

Passed the Senate March 8, 1937.

Approved by the Governor March 19, 1937.

CHAPTER 217.

[H. B. 439.]

LICENSE FEES FOR MANUFACTURE, DISTRIBUTION
AND SALE OF INTOXICATING LIQUOR.

AN Act relating to intoxicating liquors; providing for the control and regulation of the traffic therein; prescribing licenses and license fees; authorizing certain refunds; amending chapter 62, Laws of Washington, 1933, Extraordinary Session, as amended by chapter 13, 80, 158 and 174, Laws of 1935, the same being sections 7306-1 to 7306-95, inclusive of Remington's Revised Statutes; and declaring that this act shall take effect immediately.

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

SECTION 1. That chapter 62, Laws of Washington, 1933, Extraordinary Session, as amended by chapters 13, 80, 158 and 174, Laws of 1935, be amended by adding thereto the following sections immediately after section 22 thereof:

Adds § 23-A.
Ch. 62, Laws
1933, Ex. Sess.

License fees:
Liquor manu-
facturer's.

Section 23-A. There shall be a license to manufacturers of liquor, including all kinds of manufacturers except distillers, brewers, wineries, and domestic wineries; fee \$250.00 per annum.

Brewers.

Section 23-B. There shall be a license to brewers to manufacture malt liquors, fee per annum to be based on current fiscal year's production at the rate of \$50.00 per thousand barrels, with a minimum fee of \$250.00, such license fee to be collected and paid under such rules and regulations as the board shall prescribe.

Wineries.

Section 23-C. There shall be a license to wineries; fee \$25.00 per annum; license to domestic wineries; fee \$5.00 per annum.

Distillers.

Section 23-D. There shall be a license to distillers, including blending, rectifying and bottling; fee \$1,000.00 per annum: *Provided*, That the board shall license stills used and to be used solely and only by a commercial chemist for laboratory pur-

poses, and not for the manufacture of liquor for sale, Stills.
 at a fee of \$10.00 per annum: *Provided, further,*
 That the board shall license stills used and to be used
 solely and only for laboratory purposes in any
 school, college or educational institution in the state,
 without fee: *Provided, further,* That the board shall
 license stills which shall have been duly licensed
 as fruit and/or wine distilleries by the Federal gov-
 ernment, used and to be used solely as fruit and/or
 wine distilleries in the production of fruit brandy
 and wine spirits, at a fee of \$50.00 per annum.

Section 23-E. There shall be a license to beer Beer
wholesalers.
 wholesalers to sell beer, manufactured within or
 without the state, to licensed wholesalers and/or
 to holders of beer retailer's licenses, and to export
 the same from the state; fee \$250.00 per annum
 for each distributing unit.

Section 23-F. (1) Every person, firm or corpora- Manufac-
turers of malt
liquors,
monthly
report.
 tion, holding a license to manufacture malt liquors
 within the State of Washington, shall, on or before
 the tenth day of each month, furnish to the Wash-
 ington State Liquor Control Board, on a form to be
 prescribed by the board, a statement showing the
 quantity of malt liquors sold for resale during the
 preceding calendar month to each beer wholesaler
 within the State of Washington;

(2) No beer wholesaler nor beer importer shall Beer whole-
salers and
importers,
certificate of
approval.
 purchase any beer not manufactured within the
 State of Washington by a brewer holding a license as
 a manufacturer of malt liquors from the State of
 Washington, and/or transport or cause the same to
 be transported into the State of Washington for re-
 sale therein, unless the brewer or manufacturer of
 such beer has obtained from the Washington State
 Liquor Control Board a certificate of approval, as
 hereinafter provided. The certificate of approval
 herein provided for shall not be granted unless and
 until such brewer or manufacturer of malt liquors

Monthly
report.

shall have made a written agreement with the board to furnish to the board, on or before the tenth day of each month, a report under oath, on a form to be prescribed by the board, showing the quantity of beer sold or delivered to each licensed beer importer during the preceding month, and shall further have agreed with the board, that such brewer or manufacturer of malt liquors and all general sales corporations or agencies maintained by it, and all trade representatives or agents of such brewer or manufacturer of malt liquors, and of such general sales corporations and agencies, shall and will faithfully comply with all laws of the State of Washington pertaining to the sale of intoxicating liquors and all rules and regulations of the Washington State Liquor Control Board. If any such brewer or manufacturer of malt liquors shall, after obtaining such certificate, fail to submit such report, or if such brewer or manufacturer of malt liquors or general sales corporation or agency maintained by it, or any representative or agent thereof, shall violate the terms of such agreement, the board shall, in its discretion, revoke such certificate;

Certificate
fee.

(3) The fee for the certificate of approval, issued pursuant to the provisions of this act, shall be fifty dollars (\$50.00) per annum, which sum shall accompany the application for such certificate.

Beer
importer's
license.

Section 23-G. (1) It shall be unlawful for any person, firm or corporation, to import beer into the State of Washington or to transport or cause the same to be transported into the State of Washington for sale therein, unless such person, firm or corporation, has obtained from the Washington State Liquor Control Board and have in force a beer importer's license. The license fee for such beer importer's license shall be \$10.00 per annum;

Annual fee.

(2) The beer importer's license herein provided for shall authorize the holder thereof to sell beer

imported, or transported, or caused to be transported thereunder to licensed beer wholesalers within the state and to export the same from the state. Every person, firm or corporation, licensed as a beer importer, shall establish and maintain a principal office within the state, at which shall be kept proper records of all beer imported into the state, under his, their, or its license. No beer importer's license shall be granted to a non-resident of the state, nor to a corporation whose principal place of business is outside the state, until such applicant has established such principal office within the state as hereinbefore provided, and has designated a statutory agent within the state upon whom service can be made;

(3) Every beer importer's license issued under this act shall be subject to all conditions and restrictions imposed by this act, or by the rules and regulations of the board.

Section 23-H. It shall be unlawful for any retail beer licensee to purchase beer, except from a duly licensed beer wholesaler, and it shall be unlawful for any brewer or beer wholesaler to purchase beer, except from a duly licensed beer wholesaler or beer importer.

Retail beer licensees.

Section 23-I. (1) No person shall canvass for, solicit, receive or take orders for the purchase or sale of beer at wholesale, nor contact any retail licensees of the board in goodwill activities, unless such person shall be the accredited representative of a person, firm or corporation holding a beer wholesaler's license, or a beer importer's license within the State of Washington, and shall have applied for and received an agent's license: *Provided, however,* That the provisions of this section shall not apply to drivers who deliver beer;

Agent for beer wholesaler.

(2) Every agent's license issued under this act shall be subject to all conditions and restrictions im-

License.

posed by this act or by the rules and regulations of the board;

(3) Every application for an agent's license must be approved by a licensed beer wholesaler or a licensed manufacturer of malt liquors, or a licensed beer importer, as the rules and regulations of the board shall require;

Annual fee.

(4) The fee for an agent's license shall be two dollars (\$2.00) per annum.

Liquor importer's license fee.

Section 23-J. A liquor importer's license may be issued to any qualified person, firm or corporation, entitling the holder thereof to import into the state any liquor other than beer; to store the same within the state; and to sell and export the same from the state; fee two hundred and fifty dollars (\$250.00) per annum. Such liquor importer's license shall be subject to all conditions and restrictions imposed by this act or by the rules and regulations of the board, and shall be issued only upon such terms and conditions as may be imposed by the board. No liquor importer's license shall be required in sales to the Washington State Liquor Control Board.

License fee, domestic wine wholesalers.

Section 23-K. There shall be a license to domestic wine wholesalers to purchase domestic wine from domestic wineries and to sell the same to holders of wine retailer's licenses; fee \$50.00 per annum for each distributing unit.

Dining cars, annual fee.

Section 23-L. There shall be a license to dining, club, and buffet cars on passenger trains to serve such liquors as may be permitted to be served by the individual glass or opened bottle at retail, for consumption on the premises only, under the provisions of this act, by restaurants, hotels, and others of a similar class; which license shall be issued to any corporation, association or person operating any such car within the state upon payment of a fee of one hundred and fifty dollars (\$150.00) per annum, which shall be a master license, and shall per-

mit such sale upon one such car; and upon payment of the additional sum of five dollars (\$5.00) per car per annum, such license shall extend to additional cars operated by the same licensee within the state, and duplicate licenses for such additional cars shall be issued: *Provided*, That such licensee may make such sales upon cars in emergency for not more than five consecutive days without such license.

Section 23-M. There shall be a beer retailer's Class A. license to be designated as a Class A License to sell beer by the individual glass or opened bottle at retail, for consumption on the premises and to sell unpasteurized beer for consumption off the premises: *Provided, however*, That unpasteurized beer so sold must be in original sealed packages of the manufacturer or bottler of not less than seven and three fourths ($7\frac{3}{4}$) gallons: *And provided further*, That unpasteurized beer may be sold to a purchaser in a sanitary container brought to the premises by the purchaser and filled at the tap by the retailer at the time of sale; such license to be issued only to hotels, restaurants, drug stores or soda fountains, dining places on boats and aeroplanes, and to clubs. The annual fee for said license, if issued in cities and towns, shall be graduated according to the population thereof as follows: Annual license fees.

Cities and towns of less than 10,000; fee \$50.00;

Cities and towns of 10,000 and less than 100,000; fee \$100.00;

Cities and towns of 100,000 or over; fee \$150.00;

The annual fee for such license, if issued outside of cities and towns, shall be \$150.00; the annual license fee for such license, if issued to dining places on vessels not exceeding 1000 gross tons, plying on inland waters of the State of Washington on regular schedules, shall be \$50.00.

Section 23-N. There shall be a beer retailer's Class B. license to be designated as a Class B License to sell

beer by the individual glass or opened bottle at retail, for consumption on the premises and to sell unpasteurized beer for consumption off the premises: *Provided, however,* That unpasteurized beer so sold must be in original sealed packages of the manufacturer or bottler of not less than seven and three fourths ($7\frac{3}{4}$) gallons: *And provided further,* That unpasteurized beer may be sold to a purchaser in a sanitary container brought to the premises by the purchaser and filled at the tap by the retailer at the time of sale; such license to be issued only to a person operating a tavern. The annual fee for said license, if issued in cities and towns, shall be graduated according to the population thereof as follows:

Annual fees.

Cities and towns of less than 10,000; fee \$50.00;

Cities and towns of 10,000 and less than 100,000; fee \$100.00;

Cities and towns of 100,000 or over; fee \$150.00;

The annual fee for such license, if issued outside of cities and towns, shall be \$150.00.

Class C.

Section 23-O. There shall be a wine retailer's license to be designated as a Class C License to sell wine by the individual glass or opened bottle at retail, for consumption on the premises only; such license to be issued to hotels, restaurants, dining places on boats and aeroplanes, clubs, and to taverns. The annual fee for said license, when issued in cities and towns, shall be graduated according to the population thereof as follows:

Annual fees.

Cities and towns of less than 10,000; fee \$37.50;

Cities and towns of 10,000 and less than 100,000; fee \$75.00;

Cities and towns of 100,000 or over; fee \$112.50;

The annual fee, when issued outside of the limits of cities and towns, shall be \$112.50; the annual license fee for such license, if issued to dining places on vessels not exceeding 1000 gross tons plying only on inland waters of the State of Washington on regular schedules, shall be \$37.50.

Section 23-P. There shall be a beer retailer's license to be designated as Class D License to sell pasteurized beer by the opened bottle at retail, for consumption upon the premises only, such license to be issued to hotels, restaurants, dining places on boats and aeroplanes, clubs, drug stores, or soda fountains, and such other places where the sale of beer is not the principal business conducted; fee \$50.00 per annum.

Class D.

Annual fee.

Section 23-Q. There shall be a beer retailer's license to be designated as Class E License to sell pasteurized beer at retail in bottles and original packages, not to be consumed upon the premises where sold, at any store other than the state liquor stores; fee \$25.00 per annum for each store: *Provided*, That a holder of a Class A or a Class B license shall be entitled to the privileges permitted in this section by paying an annual fee of \$10.00 for each store.

Class E.

Annual fee.

Section 23-R. There shall be a wine retailer's license to be designated as Class F License to sell wine in bottles and original packages, not to be consumed on the premises where sold, at any store other than the state liquor stores: *Provided*, Such licensee shall pay to the state liquor stores for such wines the current retail price; fee \$35.00 per annum: *Provided, further*, That a holder of a Class A or a Class B license shall be entitled to the privileges permitted in this section by paying an annual fee of \$10.00 for each store.

Class F.

Annual fee.

Section 23-S. There shall be a beer retailer's license to be designated as Class G; a special license to a society or organization to sell beer at picnics or other special occasions at a specified date and place; fee \$5.00 per day.

Class G.

Special license fee.

Section 23-T. There shall be a license to clubs, entitling each member of the club to keep on the premises a reasonable quantity of liquor for per-

Clubs.

sonal consumption on the premises: *Provided*, That no club shall be entitled to such a license:

a. Unless such club had been in operation at least three years prior to the effective date of this act, or, the club, being thereafter formed, had been in continuous operation for at least one year immediately prior to the date of its application for such license;

b. Unless the club premises be constructed and equipped, conducted, managed, and operated to the satisfaction of the board and in accordance with this act and the regulations made thereunder;

c. Unless the board shall have determined pursuant to any regulations made by it with respect to clubs, that such club is a *bona fide* club; fee \$300.00 per annum.

Licenses transferable.

Section 23-U. The holder of one or more licenses may assign and transfer the same to any qualified person under such rules and regulations as the board may prescribe: *Provided, however*, That no such assignment and transfer shall be made which will result in both a change of licensee and change of location; the fee for such assignment and transfer shall be ten dollars (\$10.00).

Assignment fee.

Adds § 24-B, Ch. 62, Laws 1933, Ex. Sess.

SEC. 2. That chapter 62, Laws of Washington, 1933, Extraordinary Session, as amended by chapters 13, 80, 158 and 174, Laws of 1935, be amended by adding thereto a new section to be known as section 24-B, to read as follows:

Stamp tax refunds.

Section 24-B. The board is hereby authorized to make refunds for all stamp taxes paid on beer exported from the State of Washington for use outside the state, and is further authorized to make refunds for tax stamps destroyed prior to the consummation of any sale of beer within the state, or for unused stamps returned to the board.

SEC. 3. That chapter 62, Laws of 1933; Extraordinary Session, as amended by chapters 13, 80, 158

and 174, Laws of 1935, be amended by adding thereto a new section to be known as section 27-A, to read as follows:

Adds § 27-A,
Ch. 62, Laws,
1933, Ex. Sess.

Section 27-A. It shall be unlawful for any person, firm or corporation, holding a retail license authorizing the sale of beer or wine for consumption on the premises, to permit or allow upon the premises licensed any music, dancing, or entertainment whatsoever, unless and until permission thereto is specifically granted by appropriate license or permit of the proper authorities of the city or town in which such licensed premises are situated or of the board of county commissioners if the same be situated outside an incorporated city or town: *Provided*, That the words music and entertainment as herein used shall not apply to radios or mechanical musical devices.

Music and
entertain-
ment pro-
hibited,
unless per-
mitted by
local
authorities.

SEC. 4. That section 42 of chapter 62, Laws of 1933, Extraordinary Session, as amended by chapters 13, 80, 158 and 174, Laws of 1935, be amended to read as follows:

Amends § 42,
Ch. 62, Laws
1933, Ex. Sess.

Section 42. No person shall canvass for, solicit, receive, or take orders for the purchase or sale of any liquor, or act as agent for the purchase or sale of liquor: *Provided*, That nothing in this act shall prevent any wholesaler, by his or its authorized agent, from soliciting orders from holders of licenses entitling them to sell beer: *Provided, further*, That nothing in this act contained shall prevent any domestic winery, domestic wine wholesalers or their proprietors, agents and employees from soliciting orders of persons holding licenses entitling them to sell wine at retail. Nothing in this section contained shall apply to agents dealing with the board or to the receipt or transmission of a telegram or letter by any telegraph agent or operator or post office employee in the ordinary course of his employment as such agent, operator or employee.

Agents.

Adds § 42-A,
Ch. 62, Laws
1933, Ex. Sess.

SEC. 5. That chapter 62, Laws of 1933, Extraordinary Session, as amended by chapters 13, 80, 158 and 174, Laws of 1935, be amended by adding thereto, after section 42, a new section to read as follows:

Sale of liquor
to board by
officer or
employee
prohibited.

Section 42-A. No official or employee of the liquor control board of the State of Washington shall, during his term of office or employment, or for a period of two years immediately following the termination thereof, represent directly or indirectly any manufacturer or wholesaler of liquor in the sale of liquor to the board.

Amends § 90,
Ch. 62, Laws
1933, Ex. Sess.

SEC. 6. That section 90 of chapter 62, Laws of 1933, Extraordinary Session, as amended by chapters 13, 80, 158 and 174, Laws of 1935, be amended to read as follows:

Manufac-
turer or
wholesaler
shall not be
financially
interested in
licensed
retail
business.

Section 90. No manufacturer or wholesaler, or person financially interested, directly or indirectly, in such business, whether resident or non-resident, shall have any financial interest, direct or indirect, in any licensed retail business, nor shall any manufacturer or wholesaler own any of the property upon which such licensed persons conduct their business, nor shall any such licensed person, under any arrangement whatsoever, conduct his business upon property in which any manufacturer or wholesaler has any interest, nor shall any manufacturer or wholesaler advance monies or monies' worth to any such licensed person under any arrangement whatsoever, nor shall any such licensed person receive, under any arrangement whatsoever, any such advance of money or monies' worth. No manufacturer or wholesaler shall be eligible to receive or hold a retail license under this act, nor shall such manufacturer or wholesaler sell at retail any liquor as herein defined.

Financial interest, direct or indirect, as used in this section, shall include any interest, whether by stock ownership, mortgage, lien or through interlocking directors, or otherwise.

SEC. 7. That section 23, chapter 62, Laws of the Washington 1933 Extraordinary Session, as amended by chapters 13, 80, 158 and 174, Laws of 1935, be and the same is hereby repealed.

Repeals § 23,
Ch. 62, Laws
1933, Ex. Sess.

SEC. 8. This act is necessary for the support of the state government and its existing public institutions and shall take effect immediately: *Provided, however,* That any person, who shall at the time this act takes effect be the *bona fide* holder of a license duly issued under chapter 62, Laws of 1933, Extraordinary Session, as amended by chapters 13, 80, 158 and 174, Laws of 1935, shall be entitled to exercise the rights and privileges granted by such license until the 30th day of September, 1937: *And provided further,* That all persons lawfully engaged in activities not required to be licensed prior to the taking effect of this act but which are required to be licensed under the provisions of this act shall have thirty days from and after the taking effect of this act in which to comply with the same.

Effective
immediately.

Application
of act.

Passed the House March 11, 1937.

Passed the Senate March 9, 1937.

Approved by the Governor March 19, 1937.

CHAPTER 218.

[H. B. 480.]

PROTECTION OF COPYRIGHTS.

AN ACT in aid of the Federal Copyright Laws, to assist in effectuating their true intent and their enforcement in the State of Washington by removing and declaring illegal certain monopolistic abuses and activities wrongfully practiced under the guise of copyrights within the state by price fixing combinations, monopolies, and pools; to enforce the Washington constitutional provisions prohibiting price fixing monopolies and combinations in restraint of commerce and trade; providing penalties for combining rights granted by the copyright laws where the effect of such combination results in the use of copyright privileges as instrumentalities of oppression and extortion within the state in violation of constitutional provisions; and encouraging the rendition, creation and production of copyrighted works among the school children and citizens of the State of Washington; encouraging the marketing and acceptance of copyrighted works, created by the citizens of this state; repealing certain acts; creating a State Anti-Monopoly Board for a particular function to be exercised only in the event of abuses and violations hereof; defining its duties, and the jurisdiction and duties of courts of record, the duties of the prosecuting attorneys, county auditors, the state treasurer and the secretary of state; and providing for the appointment of a receiver in certain instances; defining certain terms; providing for service of process on nonresidents; prohibiting certain acts; and providing penalties for violation hereof and repealing section 2690 of Remington's Revised Statutes.

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

SECTION 1. Section 2690 of Remington's Revised Statutes is hereby repealed.

SEC. 2. It shall be unlawful for any person who, without the consent of the owner thereof, shall cause to be publicly performed for profit any dramatic composition, or dramatic musical composition commonly called an opera, or other copyrighted works, or any substantial part thereof, which has been copyrighted under the laws of the United

Repeals
§ 2690, Rem.
Rev. Stat.
(§ 8919, P. C.)

Copyrighted
musical and
dramatic
compositions.

States, or for any person to knowingly participate in the performance or representation of any substantial part thereof, or by knowingly selling a substantial copy or any substantial part thereof.

SEC. 3. It shall be unlawful for two or more persons holding or claiming separate copyrighted works under the copyright laws of the United States, either within or without the state, to band together, or to pool their interests for the purpose of fixing the prices on the use of said copyrighted works, or to pool their separate interests or to conspire, federate, or join together, for the purpose of collecting fees in this state, or to issue blanket licenses in this state, for the right to commercially use or perform publicly their separate copyrighted works: *Provided, however,* Such persons may join together if they issue licenses on rates assessed on a per piece system of usage: *Provided, further,* This act shall not apply to any one individual author or composer or copyright holder or owner who may demand any price or fee he or she may choose for the right to use or publicly perform his or her individual copyrighted work or works: *Provided, further,* Such per piece system of licensing must not be in excess of any per piece system in operation in other states where any group or persons affected by this act does business, and all groups and persons affected by this act, are prohibited from discriminating against the citizens of this state by charging higher and more inequitable rates per piece for music licenses in this state than in other states: *Provided, further,* Where the owner, holder, or person having control of any copyrighted work has sold the right to the single use of said copyrighted work, where its sole value is in its use for public performance for profit, and has received any consideration therefor, either within or without the state, then said person or persons shall be deemed to have sold and parted with the right to

Price fixing combinations unlawful.

Per piece system of licensing.

further restrict the use of said copyrighted work or works.

Organization to file list with secretary of state.

SEC. 4. In the event two or more persons holding separate copyrighted musical works, or any rights flowing therefrom, whether by assignment, agency agreements, or by any form of agreement, pool their interests, or combine, or conspire, federate, or join together in any way, whether for a lawful purpose or otherwise, a complete list of their copyrighted works or compositions shall be filed once each year in the office of the secretary of state of the State of Washington, together with a list of the prices charged or demanded for their various copyrighted works; no payment or filing fee shall be required by the secretary of state, and said persons, corporations, or association, foreign or domestic shall state therein under oath, that said list is a complete catalogue of the titles of their claimed compositions, whether musical or dramatic or of any other classification, and in addition to stating the name and title of the copyrighted work it shall recite therein the date each separate work was copyrighted, and the name of the author, the date of its assignment, if any, or the date of the assignment of any interest therein, if any, and the name of the publisher, the name of the present owner, together with the addresses and residences of all parties who have at any time had any interest in such copyrighted work. The secretary of state shall require two copies of said list, one of which he shall keep on file, the other shall be forwarded to the office of the state treasurer at Olympia.

Public record.

SEC. 5. The foregoing list of names and titles, provided for in the preceding section, shall be made available by the secretary of state to all persons for examination, in order that any user of copyrighted works in this state may know the rights and the titles to such copyrighted works as may be claimed by any of said combinations, pools, associations, or

persons as aforesaid; said lists shall be prepared so that all persons may avoid using said copyrighted compositions, if they so desire, and may avoid conflict therewith, and avoid committing innocent infringements of said works; and in order to further effectuate the copyright laws of the United States, the secretary of state shall, if he deems it necessary to protect the citizens of this state from committing innocent violations of the copyright laws of the United States, publish such list once each year in a newspaper of general circulation, in order that all citizens of the state may respect any and all individual rights granted by the United States copyright laws.

SEC. 6. No person, corporation, or association, domestic or foreign, whether doing business in this state as hereinafter defined or not, shall be absolved from the foregoing duty of filing said list of holdings as required in the preceding sections of this act, if their music or copyrighted works are used commercially in this state, or have been used herein, whether originating from a point within the state or from without, and as long as any rendition thereof is received or heard within the state, or is intended to be so received by the originator of any musical program: *Provided, however,* Any individual owner of a copyrighted work or works, not a party to or not connected in any way with any pool, conspiracy, combination, or groups, or association of persons, as prohibited by this act, need not file any such list.

Filing
mandatory.

SEC. 7. It is hereby declared that the production and creation of music and the commercial use of music and of copyrighted works within this state, whether originating at a point from within or without the state, as long as the same shall be rendered and publicly received within the confines of this state, whether mechanically or by radio communication, is a business clothed and affected with the

Business
affected
with a public
interest.

public interest, and the adult educational advantages engendered by the public use of music and in its creation, makes this business one of public necessity, and necessary for the education and training of the youth of this state; that many abuses are practiced under a false guise of Federal protection which only the state with its police power can easily and lawfully restrain, and in order to prohibit, discourage, and prevent monopolistic practices, and to prevent extortion, to encourage free bargaining between the citizens of this state with each other and with those without the state, and in order to give greater effect to the constitutional provisions relating to monopoly and price fixing, and in the general interest of the public, therefore, the legislature in the interest of the peace and dignity of the state, in the interest of good morals and the general welfare of the people of this state, and for greater educational advantages to the public, declares that said business shall be subject to the police power and reasonable regulation of the state government, and such police and regulating power shall be administered by the courts and other officials of this state in a manner consistent with, in aid of, and never in conflict with, the copyright laws of the United States. The provisions of this act, and the administration thereof, shall at all times effectuate the enforcement, the true intent, and meaning of the United States copyright laws in order to prevent abuses from being practiced within this state from points within or from points without the state, by any individual, corporation, or organizations, who attempt to use the Federal courts as innocent instrumentalities in the furtherance of any systematic campaign or scheme designed to illegally fix prices for the commercial use of copyrighted works in this state through the use of extortionate means and terrorizing practices based on threats of suits, and an abuse of both state and Federal process, all of which are declared to be

in violation of this act and of the state constitution; it is further declared that any person or persons, or combines, as aforesaid, who shall violate this act shall be deemed to have used their property within this state in such a way that the same shall have acquired a legal situs, analogous to the situs of other personal tangible property within the state, even though separate from the domicile and residence of the owner: *Provided, further,* The legal situs of any copyrighted work is coextensive about the state, and a copyrighted work used or sold for public use or public performance for profit, if intended to be heard from a point without the state or from a point within the state, is hereby declared to be a commercial commodity, and its legal situs is hereby declared to be within the State of Washington.

Legal situs of copyrighted work.

SEC. 8. All persons, groups, corporations, associations, foreign or domestic, violating this chapter, shall be deemed to have been doing business within this state and amenable to the process of the state courts, when any such persons, combinations, or groups shall have issued licenses, either from within or from without the state, for the privilege of using commercially and publicly any copyrighted work or works pooled in a common group or entity, or when any of the functions of said entity, organization, pool, or combine, is or has been performed in this state; and the business of spying upon and the warning of users of the copyrighted works of such combinations, in addition to the presence within the state of such persons, and the activities of such persons or their agents at any time or occasion for the detection of infringements within this state, shall be conclusive evidence that such combinations and persons, even though nonresidents, have accepted the privileges of doing business within this state, and such persons, if they abide by the provisions of this act, shall be granted the privilege of conducting busi-

What constitutes doing business within state.

ness within this state in a legal manner, and may invoke the benefits of the state government and its political subdivisions in their behalf, and they may use all of the privileges available to the citizens of this state in general, and the use at any time of any general privilege available to any citizen of this state, by any of such agents, their attorneys, or representative, or investigator, or by any aider and abettor, or any nonresident person, group, entity, or combination as aforesaid, shall be deemed to be an acceptance of the provisions of this act; and all licensees of any violator of this act shall be deemed as aiders and abettors of said persons and subject to the provisions of this act unless they forthwith indicate their obedience herewith; and the acceptance of the general privileges of the State of Washington by any nonresident copyright holder or owner, or combination, defendant, or person, or organization of any kind, or entity, through an investigator, attorney, agent, representative, or through any aider and abettor as herein defined, and the acceptance by such persons of the rights, police protection, or of any general privilege conferred by the law of this state to any of its citizens, including the use of the roads and highways, or the privileges of any of its political subdivisions, as evidenced by their presence within the state at any time, shall be deemed equivalent to and construed to be an appointment by such nonresident or nonresidents, as the case may be, of the secretary of state of the State of Washington to be his or their true and lawful attorney upon whom may be served all summons and processes against him or them and growing out of a violation of this act, in which said nonresident may be involved, and said acceptance of the privileges of this state, as aforesaid, shall be a signification of his or their agreement that any summons or process against him or them which is so served shall be of the same legal force and

Secretary of
state legal
representative.

Service of
process.

validity as if served on him or them personally within the State of Washington. Service of such summons or process shall be made by leaving a copy thereof with a fee of two dollars (\$2) with the secretary of the State of Washington, or in his office, and such service shall be sufficient and valid personal service upon any such nonresident defendant, copy-right holder or owner, persons, or defendants, combination, entity, or organization, as aforesaid: *Provided*, That notice of such service and a copy of the summons of process shall be forthwith sent by registered mail requiring personal delivery, by the prosecutor bringing any action under this act, to any defendant at his last known address, and the defendant's return receipt and the prosecutor's affidavit of compliance herewith are appended to the process and entered as a part of the return thereof: *Provided, further*, The court in which any action is brought may order such continuances as may be necessary to afford any nonresident defendant or groups, or entity, a reasonable opportunity to defend the action: *Provided, further*, The secretary of state shall keep a record of all such summons and process which shall show the day and time of service; and valid personal service shall thus be had on nonresident persons or individuals, entities, firms, or corporations violating this act.

SEC. 9. In the event any person, or groups of persons, or any combination or pool as aforesaid, whether a nonresident corporation, person, or an association, or domestic, refuse to abide by the provisions hereof, or attempt to evade or render ineffectual the true enforcement of any provision of this act, then the prosecuting attorney of any county where complaint is made of any violation, shall institute injunction proceedings against said persons in the superior court, and valid personal service may be had upon any nonresident defendant as set forth

Injunction
proceedings.

in the preceding section; and the court shall enjoin all persons from violating the provisions of this act and the constitutional provisions prohibiting price fixing, monopolies, and combinations, and all copyrighted works and the public performance rights thereto when sold or used for profit are hereby declared to be a commercial commodity, and all persons, aiders and abettors, and agents, shall be enjoined by the court from aiding or furthering in any way a continuation of any violation of this act, either by the payment of money to said defendants or in any way; and if any defendant or defendants persist in defying the judgment of the court, the court shall, in order to effectuate its judgment and orders, order three (3) days' notice be given said defendant or defendants, as the case may be, by having a copy of such notice served on the secretary of state as heretofore provided if defendants are without the state, or served personally if within the state, and have the same published in some daily paper in the state of general circulation, and at the end of said period, if any defendant or defendants refuse to obey the order of the court, then the court shall appoint the county auditor as receiver for the copyrighted works and property of defendants, tangible or intangible, and of all other effects and monies derived therefrom, and the receiver shall take over and preserve the commercial rights to all of said copyrighted works, together with such other property of any defendant, combination, pool, corporation, or entity through which they are acting, that he can locate within the state, and the receiver shall administer the same under the direction of the court, and said receivership shall be considered only as an incident to the main injunction suit of the prosecutor, and for the purpose of enforcing the court's orders; the said receiver shall seize the copyrighted works of all of the copyright holders and owners in said defendant combination, including all of the rights to suits

for infringement and damages in both state and Federal courts, and all choses of action, and all sums due on contracts and licenses, and hold the same subject to the order of the court; and all persons holding licenses or contracts with any defendant combination or entity, shall pay the fees and sums due thereon to the receiver for such time as the court may need to effectuate the provisions of this act, and to compel any defendant to abide herewith: *Provided*, Any sums paid on licenses violating this act shall only be continued in the court's discretion or until such time as the court can award defendants complete and full due process of law before entering a final order thereon, or until such time as a legal and equitable system of licensing can be determined according to the subsequent provisions of this act: *Provided, further*, In the event any defendant or defendants attempt to withdraw their said copyright works or property from the state in order to violate and render this act or the court's orders ineffectual, or to deprive the citizens of this state of such commodity, or to hamper the enforcement of any provision of this act, or to injure any citizen or user of music in any way, then the court shall immediately order the receiver to compile a complete list of all of the copyrighted works of said defendants which have been used in this state, and the court shall then convene the State Anti-Monopoly Board, as herein now created, consisting of the state treasurer and the state auditor, and said board shall meet in the county where the suit is filed, and the superior judge hearing the cause shall be an advisory member of said board; and said board, of which the state treasurer shall be chairman, shall have only one function, the discouragement of price fixing and monopolies, and the court shall then submit to said board the single question of the establishment of license rates for the use of those copyrighted works

controlled by the defendants so proceeded against; and for the purpose of aiding in the abolition of monopolies and price fixing, and preventing violations of this act, the board shall determine a fair and just rate that the receiver should charge for the single and separate public performance for profit of each copyrighted work or works of said defendants, on a per piece system and basis of licensing, and the court shall not be deemed thereby to have divested itself of any of its jurisdiction by so doing; after determining such rate, the said Anti-Monopoly Board shall immediately advise the receiver of its findings, and of its fair rate, and the same shall be filed of record in the cause, and the receiver may then, if said finding is approved by the court, issue licenses for the use of said music at such approved rate on a basis of so much money per each time a piece of music is played or used in a public performance for profit; that said property shall be thus administered by the receiver for a period of one year, or until such time as the defendants, or the individual copyright owners of any combination so proceeded against take oath that they will abide by the rulings of the court and the provisions of this act; and all fees and funds collected by the receiver shall be turned over to the state treasurer, and no receiver's fees or attorney's fees shall be allowed, and the prosecuting attorney shall be the attorney for the receiver, and the state treasurer shall keep said money in a separate and special fund, subject to the order of the court only for whatever portion thereof that the court may order used to defray the actual expenses of the board and the receivership; at the end of one year, if the defendants and copyright owners or holders in any combination thus proceeded against, continue to wilfully disobey the court's orders, then the court shall issue an order, which shall be published in three public places, to the effect that unless the defendants

obey all of the orders of the court within ten days from the date of said order, that the court will proceed to permanently deprive said defendants and each of them of their property; and the court shall then order said defendants to show cause within ten days why they should not be involuntarily compelled to assign all of their copyrighted works to the receiver forthwith, and to show cause why all of the funds as collected in the manner aforesaid from licenses, together with all of the copyrighted works including the performing rights thereto of said defendants and members of said combine, should not escheat and be forfeited forever to the State of Washington, and be subject thereafter to administration by the state in the same manner as all other personal property belonging to the State of Washington; if any of said defendants and copyright holders, or owners, do appear before the end of said ten day period, and take oath that they will abide by the future orders of the court and the provisions of this act, then the court shall release their copyrighted works and order the state treasurer to return any and all of their money which has been received or seized: *Provided, however,* The court shall retain such jurisdiction over their persons for such time as the court may deem necessary to insure strict compliance with the terms of the court's judgment and the provisions of this act; if any of said defendants or copyright owners or holders shall ignore or refuse to obey the show cause order, as aforesaid, or fail to appear at the end of ten days as ordered and abide by the court's judgment, then the court shall make an order and enter judgment to the effect that all of the copyrighted works, including the performing rights thereto, of said defendants and the members of any defendant combination, shall be construed as having been escheated and forfeited to the State of Washington, and the court shall thereupon appoint

some officer of the court to execute an involuntary assignment of all the legal and equitable titles to all of the copyrighted works of each of said defendants and members of any defendant combination to the receiver, in the event the defendants or any of their members fail to execute a voluntary assignment, and the receiver shall immediately file said involuntary assignment at the United States Copyright Office at Washington, D. C.; and the court shall then order the receiver to close the estate, and turn the titles to said copyrighted works over by proper assignment from the receiver to the state treasurer of the State of Washington, who shall thereafter administer, issue licenses for the use of the same in a manner consistent with this act, and conserve the same as state personal property in his possession, and according to law; and any funds left in the state treasury from said receivership shall escheat and be forfeited to the state and become part of the general fund: *Provided, further,* The state treasurer shall make a report to the legislature on each biennium of the amount of money received from such licensing and the amount of property he has on hand through the enforcement of this act.

Appearance.

SEC. 10. That in the event any person, or any of the defendants, or nonresidents, or nonresident copyright owners or holders, are proceeded against as herein outlined, and are served with process according to law, or any nonresident is served with process as outlined in the preceding sections of this act, and if any of said defendants, or persons, or aiders and abettors named as defendants, appear in any such proceeding by counsel or otherwise, or institute any special proceeding attacking such proceeding, or make any motion therein, either special or general, or if any of them appear to obtain the judgment of the court solely upon the sufficiency of the service of the process upon them, or upon any

phase or particularity of said injunction proceedings, such special proceeding or appearance, or motion, or appearance, as the case may be, shall nevertheless be deemed as a general appearance even though the process may have been insufficient, and said parties and defendants as may thus appear in the action, for any reason or cause, whether they seek special or affirmative relief, shall thereafter be subject to the general orders and jurisdiction of the court for all purposes, and if any of said defendants or persons appear in any court proceeding instituted to effectuate this act solely for the purpose of challenging the validity of service of process upon them they shall be deemed to have surrendered themselves and as having submitted to the general jurisdiction of the court: *Provided, however,* This section shall not be construed as denying, and no attempt shall be made at any time in any proceeding in connection with the enforcement of this act, to restrain or deny any of said defendants, resident or nonresident, copyright holders or owners, or any person, or members of any defendant combination, entity, pool, or monopoly of their rights or property without full and complete due process of law.

SEC. 11. Every person, in addition to the other Penalty. penalties provided in this act, who violates or who procures, or aids or abets in the violating of any provision of this act, or who conspires to render ineffectual any valid order or decision of any court in the enforcement of this act, or who procures, conspires with, or aids or abets any person or persons in his or their failure to obey the provisions of this act, or to render ineffectual any valid order of any court in connection with the enforcement of this act shall be deemed guilty of a gross misdemeanor, and upon conviction, shall be punished by a fine not exceeding five hundred dollars (\$500), or imprisonment in the county jail for not more than six month[s], or both such fine and imprisonment.

Partial
invalidity.

SEC. 12. In case any part or portion of this act shall be held unconstitutional, such holding shall not affect the validity of this act as a whole or any other part or portion of this act, and if any clause, sentence, paragraph, subdivision, section or part of this act shall for any reason be adjudged invalid, such judgment shall not affect, impair, or invalidate the remainder of the act, but shall be strictly confined in its operation and holding to the specific clause, sentence, paragraph, subdivision, section, or part thereof, directly involved in the controversy in which such judgment shall have been rendered; and all other acts and laws in conflict herewith are hereby repealed.

Consolida-
tion of
actions.

SEC. 13. In the event more than one injunction suit provided for in this act is instituted in this state, in different counties by different prosecuting attorneys, but against the same defendants, the respective superior judges hearing the causes may issue orders against said defendants in any county, but in the event any of the various county proceedings enter into the state of receivership, as herein provided, then the judges hearing the respective causes shall order those causes where the defendants are the same, to be consolidated in one action in one particular county, and in such county as the judges may decide, to the end that only one receiver may be appointed for the entire state for the property of the same defendant or defendants.

Vetoed.

SEC. 14. That all persons, firms, corporations or associations, or the agents or representatives of any persons, firms, corporations or associations, who shall collect or attempt to collect or receive money or other valuable consideration for rights, royalties, rents, or fees on copyrighted music books, recorded music for mechanical reproduction, or radio programs, from any person, firm, corporation or association using such copyrighted music books, recorded

music for mechanical reproduction, or radio programs, within this state, shall pay a license fee for each and every county of this state wherein such royalties, rents or fees are collected, or attempted to be collected, in the sum of three thousand dollars (\$3,000.00): *Provided*, That the provisions of this act shall not apply to any patented equipment used in producing moving or talking pictures, or any patented equipment used in connection with the reproduction of sound or music or speech in connection with moving or talking pictures.

SEC. 15. Applications for licenses shall be made in duplicate and shall be accompanied by such fees as herein provided, payable to the state treasurer, which shall be filed in the office of the department of licenses. The director of licenses shall, upon receipt of same, issue to the licensee a license for the purposes herein described, which shall be valid for one (1) year, commencing on the first day of January and ending on the thirty-first day of December of each year.

Vetoed.

SEC. 16. Every person, firm or corporation or agent thereof who shall make any collection or attempt to collect such money as provided in section 14 without first paying a license fee, shall be guilty of a gross misdemeanor.

SEC. 17. No person, firm or corporation or agent thereof shall be permitted to bring a suit in any of the courts of this state for the recovery of any money judgment unless such person, firm or corporation or agent thereof shall first have paid the license fee as herein provided.

Passed the House March 8, 1937.

Passed the Senate March 8, 1937.

Approved by the Governor March 19, 1937, with the exception of sections 14, 15, 16 and 17, which are vetoed.

CHAPTER 219.

[H. B. 662.]

GAS TAX REFUNDS.

AN ACT relating to an excise tax on gasoline and other inflammable liquids, amending section 1, chapter 58, Laws of 1933, as amended by section 1, chapter 109, Laws of 1935, and amending section 18, chapter 58, Laws of 1933, as amended by section 2, chapter 109, Laws of 1935.

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

SECTION 1. That section 1, chapter 58 of the Laws of 1933 as amended by section 1 of chapter 109, Laws of 1935, be amended to read as follows:

Section 1. *Definitions.* The following words, terms and phrases shall, whenever used in this act, have the meaning set forth in this section;

a. "Motor vehicle" shall mean and include 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;

b. "Motor vehicle fuel" shall mean and include gasoline or any other inflammable liquid, by whatsoever name such liquid may be known or sold, the chief use of which is as a fuel for the propulsion of motor vehicles, motor boats or airplanes;

c. "Distributor" shall mean and include every person, firm, association, or corporation who refines, manufactures, produces or compounds motor vehicle fuel, and sells, distributes, or in any manner uses the same in this state; also every person, firm, association or corporation who imports any motor vehicle fuel into this state and sells, distributes, or in any manner uses the same in this state whether in the

Amends
§ 1, Ch. 109,
Laws 1935.

"Motor
vehicle."

"Motor
vehicle
fuel."

"Distribu-
tor."

original packages or containers in which it is imported or otherwise; also every person, firm, association or corporation who having acquired in this state in the original package or container, motor vehicle fuel, shall distribute or sell the same, whether in such original package or container in which the same was imported, or otherwise, or in any manner use the same;

d. "Service station" is a place operated for the purpose of delivering motor vehicle fuel into the fuel tanks of motor vehicles; "Service station."

e. "Director." The director of licenses, State of Washington, or his duly authorized deputy or representative; "Director."

f. "Department." The department of licenses of the State of Washington; "Department."

g. "Dealer." Any person, as herein defined, engaged in the retail sale of liquid motor vehicle fuels; "Dealer."

h. "Person." Every natural person, firm, partnership, association, or private or public corporation; "Person."

i. "Highway." Every way or place of whatever nature open to the use of the public, as a matter of right, for purposes of vehicular travel; "Highway."

j. "Broker" shall mean and include every person, firm, association or corporation other than distributor, engaged in business as a broker, jobber or wholesale merchant dealing in motor vehicle fuel or other petroleum products used or usable in propelling motor vehicles, or in other petroleum products which may be used in blending, compounding or manufacturing of motor vehicle fuel; "Broker."

k. "Producer" shall mean and include every person, firm, association or corporation, other than a distributor, engaged in the business of producing motor vehicle fuel or other petroleum products used in, or which may be used in, the blending, compounding or manufacturing of motor vehicle fuel. "Producer."

Amends
§ 2, Ch. 109,
Laws 1935.

SEC. 2. That section 18, chapter 58 of the Laws of 1933 as amended by section 2 of chapter 109, Laws of 1935, be amended to read as follows:

Claims for
reimburse-
ment of prior
payments.

Section 18. Any person desiring to claim a refund shall obtain an annual permit from the director of licenses by application therefor on such form as he shall prescribe, which application therefor shall be made under oath and shall contain, among other things, the name, address and occupation of the applicant and the nature of the business and a sufficient description for identification of the machines or equipment in which the motor vehicle fuel is to be used, for which refund may be claimed under such permit. The permit shall bear a permit number and all applications for refund shall bear the number of the permit under which it is claimed. It is the duty of the director of licenses to keep a permanent record of all permits issued and a cumulative record of the amount of refund claimed and paid thereunder. Such permit shall be obtained before or at the time that the first application for refund is made under the provisions of this chapter. At the time of filing an application for annual refund permit, the applicant shall pay to the director of licenses an annual permit fee of fifty (50) cents, which shall be deposited in the motor vehicle fund. All permits shall expire on the thirty-first day of March following the date of their issue.

Permit.

Vehicles not
operated on
highway.

Any person who shall use any motor vehicle fuel as herein defined for the purpose of operating any internal combustion engine not used on nor in conjunction with any motor vehicle capable of being operated upon a public highway, and as the motor power thereof, upon which motor vehicle fuel excise tax provided for in this chapter has been paid, shall be entitled to and shall receive a refund of the amount of the motor vehicle fuel excise tax so provided for in this chapter paid on each gallon of motor

vehicle fuel so used, whether such motor vehicle excise tax has been paid either directly to the vendor from whom the motor vehicle fuel was purchased or indirectly by adding the amount of such excise tax to the price of such fuel: *Provided*, That no refund shall be made in any case for motor vehicle fuel consumed in any motor vehicle as herein defined. Every person who shall purchase and use any motor vehicle fuel as herein defined as an ingredient for manufacturing or for cleaning or dyeing or for some other similar purpose and upon which the motor vehicle fuel excise tax provided for in this chapter has been paid shall be entitled to and shall receive a refund of the amount of the motor vehicle fuel excise tax so paid on each gallon of motor vehicle fuel so used, whether such motor vehicle excise tax has been paid either directly to the vendor from whom the motor vehicle fuel was purchased or indirectly by adding the amount of such excise tax to the price of such fuel. Every person who shall export any motor vehicle fuel as herein defined for use outside of this state and who shall have paid the motor vehicle fuel excise tax upon such motor vehicle fuel as required by this chapter shall be entitled to and shall receive a refund of the amount of the motor vehicle fuel excise tax so paid on each gallon of motor vehicle fuel so exported: *Provided*, That any motor vehicle fuel carried from this state in the fuel tank of a motor vehicle shall not be considered as exported from this state. Any person or persons claiming any refund for any motor vehicle fuel used or exported as in this section provided shall not be entitled to receive such refund until such person or persons presents to the director of licenses such claim by affidavit upon forms to be provided by the director of licenses with such information as the director of licenses shall require, which claim and affidavit to be valid shall in all cases be accompanied

Manufacturing, cleaning or dyeing.

Exported vehicle fuel.

by the invoice or invoices issued to the claimant at the time of the purchase or purchases of such motor vehicle fuel, approved as to invoice form by the director of licenses. Any person claiming refund as herein provided by reason of exportation of motor vehicle fuel shall in addition to the affidavit and invoices required furnish to the director of licenses the export certificate therefor. In all cases such affidavit shall be signed by the person claiming such refund, or if it be a corporation, by some proper officer thereof and the signature thereon shall be certified by a notary public that the claimant is known to him and that the same was subscribed and sworn to by such claimant in his presence.

Any person claiming refund from motor vehicle fuel used other than in motor vehicles as herein provided may be required by the director of licenses to also furnish information by affidavit regarding the amount of motor vehicle fuel purchased from other sources or for other purposes during the period reported upon which no refund is claimed.

Warrants.

Upon the approval of the director of licenses of such claim for refund, the state auditor shall draw his warrant upon the state treasurer for the amount of such claim in favor the person making such claim and such warrant shall be paid from the excise tax collected on motor vehicle fuel: *Provided*, That application for any refunds of excise tax paid as in this section provided shall be filed in the office of the director of licenses not later than 5:00 o'clock in the afternoon of the sixtieth (60th) day following the date of purchase of such motor vehicle fuel, which time may be extended by the director of licenses for an additional period of not to exceed six months, and if not filed within such extended period then the right to such refund shall be forever barred. Any person or the member of any firm or the officer or agent of any corporation who shall make any

false statement in any affidavit required herein for the refund of any excise tax, as provided in this section, or who shall collect or cause to be repaid to him or to any other person any such refund without being entitled to the same under the provisions of this section shall be guilty of a gross misdemeanor.

The director of licenses shall have the right in order to establish the validity of any claim for refund to require the claimant to furnish such additional proof of the validity of such claim as said director of licenses may determine, and to examine the books and records of the claimant for such purpose and the failure of the claimant to accede to the demand for such examination shall constitute a waiver of all rights to the refund claimed on account of the transaction in question.

If upon investigation it shall be determined by the director of licenses that any claim or claims have been supported by invoice or invoices fraudulently made or altered in any manner to support such claim or claims, the director of licenses shall have the right to suspend the pending and all further refunds to any such person, firm or corporation making such claim or claims, for a period not to exceed one year.

Fraudulent
claims.

When motor vehicle fuel is sold to a person who shall claim to be entitled to a refund of the tax hereunder imposed, the seller of such motor vehicle fuel shall make and deliver at the time of such sale separate invoices for each purchase on invoice forms approved by the director of licenses showing the name and address of the seller and the name and address of the purchaser, the number of gallons of motor vehicle fuel so sold written in words and figures and the date of such purchase. Such invoices shall be legibly written and shall be void if any corrections or erasures appear on the face thereof.

Invoices.

A refund shall be made in the manner provided in this section or a credit allowing for the excise tax

Destroyed
vehicle fuel.

paid or accrued on all motor vehicle fuel which, after shipment or receipt, shall be destroyed by fire, lightning, flood, wind storm, or explosion, but such destruction must be proved to the complete satisfaction of the director of licenses.

Passed the House March 11, 1937.

Passed the Senate March 9, 1937.

Approved by the Governor March 19, 1937.

CHAPTER 220.

[H. B. 663.]

ALIENS.

AN ACT relating to the rights and disabilities of aliens with respect to land, and amending chapter 50, Laws of 1921, as amended by chapter 70, Laws of 1923 (sections 10581, 10582 and 10588, Remington's Revised Statutes.)

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

SECTION 1. Chapter 50, Laws of 1921 (section 10581, Remington's Revised Statutes), is hereby amended to read as follows:

Section 1. In this act, unless the context otherwise requires:

(a) "Alien" does not include an alien who has in good faith declared his intention to become a citizen of the United States, but does include all other aliens and all 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 does include all persons who are non-citizens of the United States and who are ineligible to citizenship by naturalization;

(b) "Land" does not include lands 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

Amends
§ 10581, Rem.
Rev. Stat.
(§ 135 P. C.).

"Alien."

"Land."

the manufacture of the products therefrom, but does include 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;

(c) "Land" also includes any share or interest in a corporation or other organized group of persons deemed an alien in this act which has title to land either heretofore or hereafter acquired; "Land."

(d) To "own" means to have the legal or equitable title to or the right to any benefit of; "Own."

(e) "Title" includes every kind of legal or equitable title; "Title."

(f) Ownership of or title to land acquired by inheritance or in good faith either under mortgage or in the ordinary course of justice in the collection of debts, or acquired by a female citizen afterwards expatriated by marriage to an alien, is excluded; Exclusions.

(g) "Inheritance" includes devise; "Inheritance."

(h) "Mortgage" includes every kind of lien upon land; "Mortgage."

(i) 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 Absolute conveyance.

(j) "Person" includes an individual, partnership, corporation or any other organized group of persons. "Person."

SEC. 2. Chapter 50, Laws of 1921 as amended by chapter 70, Laws of 1923 (section 10582, Remington's Revised Statutes), is hereby amended by adding a section to be known as section 2c, to read as follows:

Adds
§ 10582, Rem.
Rev. Stat.
(§ 135-21
P. C.)

Leasehold or other interest less than fee, escheated to state.

Section 2c. Any leasehold or other interest in land less than the fee, including cropping contracts, which are hereby declared to constitute an interest in land less than a fee, hereafter acquired in violation of this act by an alien, shall escheat to the State of Washington as of the date of such acquisition in violation of the provisions of this act.

SEC. 3. Chapter 50, Laws of 1921 as amended by chapter 70, Laws of 1923, is hereby amended by adding a section to be known as section 2d to read as follows:

Vetoed.

Section 2d. Wherever it shall be proved that an alien works upon, cultivates, manages, controls, supervises or otherwise directs operations, plants, cultivates or harvests crops on any land or handles, sells or disposes of the crops of any land, such alien shall be presumed to own such land.

Amends § 10588, Rem. Rev. Stat. (§ 136-6 P. C.)

SEC. 4. Section 8 of chapter 50, Laws of 1921 (section 10588, Remington's Revised Statutes), is hereby amended to read as follows:

Attorney general and prosecuting attorneys to enforce act.

Section 8. It shall be the duty of the attorney general and of the prosecuting attorneys of the several counties to enforce this act, and of the attorney general to direct and control its enforcement. The governor is hereby authorized to appoint an investigator to assist in the enforcement of this act and other laws of this state relating to the same subject. Such investigator may be carried on the payroll of any department the governor may designate.

Investigator appointed by Governor.

Effective immediately.

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

Passed the House March 5, 1937.

Passed the Senate March 10, 1937.

Approved by the Governor March 19, 1937, with the exception of section 3, which is vetoed.

CHAPTER 221.

[H. B. 222.]

WASHINGTON STATE TEACHERS' RETIREMENT SYSTEM.

AN ACT relating to an [and] providing for the creation and operation of a teachers' retirement system; providing for the creation of a Board of Trustees to manage and operate such system, and providing for contributions from teachers and appropriations from the state general fund for the operation and maintenance of such system; appropriating monies for said system, and providing for the dissolution of certain local retirement funds, and repealing sections 4995 to 5020-29, inclusive, Remington's Revised Statutes.

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

SECTION 1. The following words and phrases as used in this act unless a different meaning is plainly required by the context shall have the following meaning:

- (1) "Accumulated Contributions" shall mean the sum of all regular contributions and prior service contributions, together with regular interest thereon; "Accumulated contributions."
- (2) "Actuarial Equivalent" shall mean a benefit of equal value when computed upon the basis of such mortality tables as shall be adopted by the Board of Trustees, and regular interest; "Actuarial equivalent."
- (3) "Annuity" shall mean annual payments for life or during disability derived from the accumulated contributions of a member; "Annuity."
- (4) "Annuity Guarantee Allowance" shall mean funds taken from the pension fund to make up the difference between forty dollars (\$40) per month and the sum of the pension allowance and annuity earned; "Annuity guarantee allowance."
- (5) "Beneficiary" shall mean any person in receipt of a pension, an annuity, a retirement allowance or other benefit as provided by this act; "Beneficiary."
- (6) "Board of Trustees" shall mean the board provided for in section 3 of this act to administer the retirement system; "Board of trustees."

- "Contract." (7) "Contract" shall mean any agreement to render service as a teacher, between a teacher and a board of directors or superintendent or other employer or authority authorized to employ teachers for and in the public schools of this state;
- "Creditable service." (8) "Creditable Service" shall mean prior service plus membership service for which credit is allowed as provided in section 5 of this act;
- "Earnable compensation." (9) "Earnable Compensation" shall mean the full rate of compensation that would be payable to a teacher if he worked the full normal working time during a school year, except that any part of any salary in excess of two thousand dollars (\$2000) 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;
- "Fiscal year." (10) "Fiscal year" shall mean a calendar year which shall begin July 1 and end June 30 of the following year;
- "Employer." (11) "Employer" shall mean the State of Washington, the school district, or other agency of and within the state by which a teacher is paid;
- "Former state fund." (12) "Former State Fund" shall mean the state retirement fund in operation for teachers prior to the enactment of this act under the provisions of chapter 187 of the Laws of 1923 as amended;
- "Local fund." (13) "Local Fund" shall mean any of the local retirement funds for teachers operated in any school district in accordance with the provisions of chapter 163 of the Laws of 1917 as amended;
- "Medical director." (14) "Medical Director" shall mean the physician provided for in section 3 of this act;
- "Member." (15) "Member" shall mean any teacher included in the membership of the retirement system as provided in section 4 of this act;

(16) "Membership Service" shall mean service as a teacher rendered while a member of the retirement system; "Member-ship service."

(17) "Pensions" shall mean annual payments for life derived from money by allocation from the revenue act of 1935 and money derived from contributions of members as provided in paragraph 4, subdivision (b) of section 6. All pensions shall [be] payable in equal quarterly installments; "Pensions."

(18) "Prior Service" shall mean service rendered prior to the date of membership in the retirement system for which credit is allowable under section 5 of this act; "Prior service."

(19) "Prior Service Contribution" shall mean contribution made by Class B members as members of any local fund or of the former state fund, credited as provided in paragraph 6 of section 7; or contribution of Class B members or Class C members payable to secure credit as if prior service had been rendered and credited as a member in a local fund or the former state fund as provided in paragraph 4, subdivision (b) of section 6; "Prior service contribution."

(20) "Public School" shall mean any school conducted within this state under the authority and supervision of a duly elected board of directors of a regularly designated school district or of the State Board of Education; "Public school."

(21) "Regular Contribution" shall mean the amounts required to be deducted from the compensation of a member subsequent to the date the retirement system becomes operative and credited to his individual account in the annuity fund as provided in section 6 of this act; "Regular contribution."

(22) "Regular Interest" shall mean interest at the rate of three and one half per cent (3½%) per annum compounded annually; "Regular interest."

(23) "Retirement" shall mean withdrawal from active service with a retirement allowance granted under the provisions of this act; "Retirement."

"Retirement allowance."

(24) "Retirement Allowance" shall mean the sum of the annuity and the pension or any optional benefits payable in lieu thereof;

"Retirement system."

(25) "Retirement System" shall mean the Washington State Teachers' Retirement System, provided for in this act;

"Service."

(26) "Service" shall mean service as a teacher as described in subdivision (27) of this section, and paid for by the State of Washington or by a regularly designated school district of the state or other employer as hereinbefore defined;

"Teacher."

(27) The word "teacher" wherever used in this act shall be held and construed to mean and include any person regularly employed and qualified as a teacher, instructor, principal, supervisor, state, county or city superintendent in the public schools of this state, or as assistant to any such teacher, instructor, principal, supervisor or superintendent: *Provided*, That an assistant shall mean such person only as is engaged in educational work and is qualified as a teacher: *Provided, further*, That in all cases of doubt the board of trustees hereinbefore defined shall determine whether any person is a teacher as defined by this act;

(28) The masculine pronoun shall include both sexes.

Title designated.

SEC. 2. The name of the retirement system provided for in this act shall be the "Washington State Teachers' Retirement System" and by this name all of its business shall be transacted and all of its funds invested and all of its cash, securities and other property held.

Administration of act.

SEC. 3. (1) The general administration and responsibility for the proper operation of the retirement system and for making effective the provisions of this act are hereby vested in a board of trustees; the members of such board shall originally be the members of the board of trustees of the former state

Board of trustees, members.

fund as it exists immediately prior to the date the retirement system becomes effective, and they shall hold office until the expiration of their current term;

Thereafter, the members of the board of trustees shall be the State Superintendent of Public Instruction, ex officio, the State Insurance Commissioner, ex officio, and three (3) members of the retirement system to be chosen by the State Board of Education for a term of three (3) years, and at least one (1) of said members shall be a classroom teacher. Upon the expiration of the term of office of a trustee of the retirement system a successor shall be appointed by the State Board of Education for a term of three (3) years;

(2) Any vacancy in the board of trustees shall be filled by the State Board of Education by the appointment of a member for the unexpired term, except in the case of an ex officio member; Vacancies.

(3) The members of the board of trustees shall serve without compensation, but they shall be reimbursed from the expense fund for all necessary expenses which they may incur through services on the board; Compensation.

(4) Each member of the board of trustees shall within ten (10) days after his appointment or election take an oath of office that so far as it devolves upon him he will diligently and honestly administer the affairs of said board, and that he will not knowingly violate or willingly permit to be violated any provisions of the law applicable to the retirement system. Such oath shall be subscribed to by the members making it and certified by the officer before whom it is taken and immediately filed in the office of the secretary of state; Oath of office.

(5) Each trustee shall be entitled to one (1) vote in the board. Three (3) votes shall be necessary for a decision by the trustees at any meeting of the board; Quorum.

Rules and regulations.

(6) Subject to the limitations of this act the board of trustees shall, from time to time, establish rules and regulations for the administration of the funds created by this act and for the transaction of its business;

Chairman.

(7) The board of trustees shall elect from its membership a chairman and shall by a majority vote of all its members appoint a secretary who shall not be a member of the board. It shall engage such actuarial, legal, medical and other technical services and such clerical and other services as shall be required to transact the business of the retirement system. The compensation of all persons engaged by the board of trustees and all other expenses of the board necessary for the operation of the retirement system shall be paid at such rates and in such amounts as the board of trustees shall approve;

Personnel.

Data for actuarial valuation.

(8) The board of trustees shall keep in convenient form such data as shall be necessary for actuarial valuation of the various funds of the retirement system and for checking the experience of the retirement system;

Record of proceedings.

(9) The board of trustees shall keep a record of all its proceedings which shall be open to public inspection. It shall publish on or before the first day of January a report showing the fiscal transactions of the retirement system for the preceding school year; the amount of the accumulated cash and securities of the system, and the last balance sheet showing the financial condition of the system by means of an actuarial valuation of the assets and liabilities of the retirement system;

Annual report.

Ex-officio officers.

(10) The state treasurer, the state auditor, and the state attorney general shall be ex officio treasurer, auditor and legal advisor, respectively, of the board of trustees and shall be liable respectively upon their official bonds for the faithful performance of their duties under the provisions of this act, and

Liable on bond.

shall serve without compensation: *Provided*, That in case of emergency or whenever they shall deem it for the best interests of the retirement system the board of trustees may employ attorneys and pay reasonable fees for the services rendered;

Attorneys.

(11) The board of trustees shall designate a medical director. If required, other physicians may be employed to report on special cases. The medical director shall arrange for and pass upon all medical examinations required under the provisions of this act; shall investigate all essential statements and certificates by or on behalf of a member in connection with an application for disability retirement, and shall report in writing to the board of trustees his conclusions and recommendations upon all such matters referred to him;

Medical director.

(12) The board of trustees shall designate an actuary who shall be the technical advisor of the board of trustees on matters regarding the operation of the funds created by the provisions of this act and shall perform such other duties as are required in connection therewith;

Actuary.

(13) Immediately after the establishment of the retirement system the actuary shall make such investigations of the mortality, service and compensation experience of the members of the system as he shall recommend and the board of trustees shall authorize, and on the basis of such investigations he shall recommend for adoption by the board of trustees, such tables and such rates as are required by subdivision (14) of this section. The board of trustees shall adopt tables and certify rates, and as soon as practicable thereafter, the actuary shall make an actuarial valuation based on such tables and rates, of the assets and liabilities of the funds created by this act;

Tables and rates adopted.

(14) In the year 1938, and at least once in each five (5) year period thereafter, the actuary shall

Actuarial valuation.

make an actuarial investigation into the mortality, earnable interest, service and compensation experience of the members and beneficiaries of the retirement system, and shall make a valuation of the assets and liabilities of the funds of the system, and taking into account the results of such investigation and valuation the board of trustees shall adopt for the retirement system such mortality tables, service tables, and other tables as shall be deemed necessary and shall certify the rate of contribution payable by members under the provisions of this act.

Membership
by virtue of
employment.

SEC. 4. The membership of the retirement system shall be composed of all teachers in the public schools of the State of Washington at the time this act shall become effective: *Provided*, Any teacher holding a valid contract during the school year beginning July 1, 1937, and ending June 30, 1938, may be exempted from membership by filing with the board of trustees prior to July 1, 1938, a written declaration, verified upon oath, declaring his desire not to become a member of the retirement system: *Provided, further*, That any teacher having filed such written declaration of his desire not to become a member may withdraw such declaration within one year from date thereof, and unless such written declaration is withdrawn prior to said date, said teacher subsequently shall be ineligible to membership.

Exemptions.

Class A
members.

Members who have not served in a public school of the State of Washington prior to the date this law becomes operative shall be Class A members.

Class B
members.

Members who were members of a local fund or the former state fund on the date this law becomes operative shall be Class B members.

Class C
members.

All other members shall be Class C members.

Termination
of member-
ship.

Should any member in a period of six (6) consecutive years after last becoming a member, be unemployed as a teacher more than five (5) years or should he withdraw his accumulated contribution or

should he become a beneficiary, he shall thereupon cease to be a member: *Provided*, That a member who has served thirty (30) years prior to age sixty (60) and is absent more than five (5) years prior to age sixty (60) may retain his membership by leaving his contributions in the annuity fund: *Provided, further*, That when membership ceases, interest on accumulated contributions shall cease: *Provided, further*, That all unclaimed accumulated contributions of teachers whose memberships have ceased shall be paid to the pension fund within one year after membership has ceased.

SEC. 5. (1) Under such rules and regulations as the board of trustees shall adopt, each teacher, upon becoming a member of the retirement system shall file with the board of trustees a detailed statement of all services as a teacher rendered by him, in this state and elsewhere under the jurisdiction of the government of the United States, prior to becoming a member, together with a statement of such other facts as the board shall require: *Provided*, That the board of trustees may, at the option of a member, accept the service record of a member of a local fund or the former state fund in lieu of such detailed statement, and issue a prior service certificate to the applicant for such prior service;

Service
record.

(2) Service rendered for the entire school term in any district shall be credited as a year's service regardless of the length of such school term, but in no case shall more than one (1) year of service be creditable for service rendered in one (1) fiscal year: *Provided*, That service shall be credited for the fraction of the year served where service has not been rendered throughout the school term: *Provided, further*, That any service equal to or larger than four fifths ($4/5$) of the entire school term shall be credited as a full year;

As soon as practicable after the filing of such statements of service the board of trustees shall de-

Service
certificate.

termine the number of years of service with which a teacher applicant shall be credited under this act, and shall issue a prior service certificate to the applicant for such prior service: *However*, No credit shall be given for teaching service rendered in a district which was under the jurisdiction of a local fund or the former state fund at the time such service was rendered, unless contributions were made to such local fund or the former state fund, during such time: *Provided, however*, That credit shall be given as provided under paragraph (4) subdivision (b) of section 6: *Provided, further*, That not more than ten (10) years of service outside this state shall be credited to a Class A member, and not more than fifteen (15) years of such service shall be credited to a Class B member, or to a Class C member;

(3) So long as membership continues, a prior service certificate shall be final and conclusive evidence for retirement purposes as to such service: *Provided, however*, That any member may within one (1) year of the date of the issuance or modification of such certificate request the board of trustees to modify or correct his prior service certificate. When membership ceases, such prior service certificate shall become void. Should the membership of a teacher cease and the teacher again become a member he shall enter the retirement system as provided in paragraph (3) subdivision (d) of section 6, and shall be entitled to credit for all former creditable service, and his prior service certificate shall again be in full force and effect;

(4) 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.

Creditable
service of
member at
retirement.

SEC. 6. All the assets of the retirement system shall be credited according to the purpose for which

Assets of
retirement
system.

they are held to one of four funds, namely, the annuity fund, the pension fund, the disability reserve fund, and the expense fund:

(1) Suitable office quarters shall be provided by the State of Washington for the operation of the retirement system; such office to be located at the state capitol;

Office at state capitol.

(2) There shall be appropriated from the state general fund the sum of one hundred fifty thousand dollars (\$150,000.00) to insure the full payment of disability and retirement annuities as provided by sections 5020-17 and 5020-18 and 5020-18A of Remington's Revised Statutes, for the period of the biennum beginning April 1, 1937, and ending March 31, 1938, and there shall also be appropriated from the state general fund the sum of five hundred thousand dollars (\$500,000.00) for the operation of this act for the period beginning April 1, 1938, and ending March 31, 1939;

Appropriation.

(3) (a) The annuity fund shall be the fund in which shall be accumulated the contributions from the compensation of members to provide for their annuities. Upon the basis of such tables as the board of trustees shall adopt, and regular interest, the actuary of the retirement system shall determine the proportion of the compensation of a teacher whose annual salary every year for a period of thirty (30) years is twelve hundred dollars (\$1200), which, when deducted from each payment of his prospective earnable compensation prior to the attainment of thirty (30) years of service and age sixty (60) and accumulated with regular interest until his attainment of such age and service shall be computed to provide at that time an annuity of twenty-five dollars (\$25) per month for the remainder of his life;

Annuity fund.

Actuarial computation of assessment required for annuity.

(b) It shall be the duty of the county superintendent of schools of each county in the state and the city superintendent of each district of the first-class

County and city superintendents to file data.

and any other employer in the state, on or before the first day of September of each year, to file with the board of trustees of the retirement system a notice in writing on forms provided for that purpose, stating the number of the district or the name of the institution or department of the state or county, the full name of each qualified teacher employed in each district in his county or city or institution or department, the address of each teacher, the date when the employment begins, the number of contracted months, the length of the regular school term, and the annual salary of each teacher; and each employer shall report to the board of trustees on the fifteenth day of each succeeding month during the school year, any change in the teacher personnel under his employ; and shall notify the teacher in writing of the provisions of this act with reference to membership in the retirement system and that an application for credit for former or prior service, on a form to be furnished for that purpose, may be filed with the board of trustees of the retirement system;

Salary
deductions.

The board of trustees shall certify to the employer by which the member is employed, or to the county auditor or other officer authorized to issue warrants to teachers, and such employer or auditor or other officer shall cause to be deducted from the salary of each member on each and every payroll of such employer for each and every payroll period, the same proportion of his salary as was computed in subdivision (a) of paragraph (3) of this section. In determining the amount earnable by a member in a payroll period the board of trustees may consider the rate of annual compensation payable to such member on the first day of the payroll period as continuing throughout such payroll period, and it may omit deduction from compensation for any period less than a full payroll period if a teacher was not a member on the first day of the payroll period, and to facilitate the making of deductions it may modify the

deductions required of any member by such an Amount.
 amount as shall not exceed one tenth of one per cent
 (1/10 of 1%) of the annual earnable compensation
 upon the basis of which such deduction is to be made:
Provided, however, That not more than eight per
 cent (8%) of the annual compensation of a member
 may be deducted for the annuity fund: *Provided,*
further, That any member who shall accept the actu-
 arial equivalent in lieu of the full amount provided
 in the last proviso of section 8, paragraph (1), sub-
 division (a), shall have his rate of deduction reduced
 to 5% of his annual compensation.

It shall be the duty of the state auditor and the
 county auditor of each county of the state and the
 secretary of each district of the first-class, on or be-
 fore the tenth day of each month of the school term,
 to draw warrants payable out of the general funds
 of the state, county or several districts, respectively,
 and in favor of the state treasurer, covering the
 amounts of deductions made from the salaries of
 teachers employed. The state auditor, county audi-
 tor or secretary of a first-class district shall forth-
 with remit said warrants to the state treasurer, ac-
 companied by a report giving the names of the teach-
 ers of each district, county or state institution or de-
 partment from whose salaries deductions have been
 made, the amount of each deduction, the total
 amount of each warrant, and the number and date
 of each warrant. A duplicate copy of said report
 shall simultaneously be sent to the board of trustees
 of the retirement system. Upon the presentation of
 such warrants the state treasurer and county treas-
 urer shall transfer the amount thereof from the gen-
 eral funds of the state, county and several districts
 to the state treasurer, who shall place the amounts so
 received to the credit of the retirement system, and
 shall, by order of the board of trustees, disburse the
 same upon warrants issued and signed by the state
 auditor;

Deductions
 credited to
 retirement
 system.

State
 treasurer
 to credit.

Minimum compensation law not to prevent deductions.

(c) The deductions provided for herein shall be made notwithstanding that the minimum compensation provided for by law for any member shall be reduced thereby. Every member shall be deemed to consent and agree to the deductions made as provided herein, and shall receipt for his full compensation, and payment of salaries or compensation, less said deduction, shall be a full and complete discharge and acquittance of all claims and demands whatsoever for the services rendered by such member during the period covered by such payment, except as to the benefits provided under this act. Upon receiving the report of deductions from the state auditor, the county auditor and secretary of a district of the first-class, each of said amounts shall be paid into said annuity fund and shall be credited, together with regular interest thereon, to the individual account of the member from whose compensation said deductions were made: *Provided*, That at the beginning of each fiscal year pro rata deductions on account of the expense fund shall be made from the annuity contributions of each member, in accordance with paragraph (10), section 7;

Reentering retirement system.

(d) In addition to the contributions deducted from compensation as hereinbefore provided, a member who reenters the retirement system, and who previously withdrew his accumulated contributions shall redeposit in the annuity fund by a single payment, or by an increased rate of contribution in such amounts as shall be approved by the board, an amount equal to the amount which he previously withdrew therefrom, and regular interest before he shall be restored to his former status;

Pension fund.

(4) (a) The pension fund shall be the fund in which shall be deposited the allocations from the revenue act of 1935 and contributions from teachers as provided in paragraph (b) of this section, and paragraph (b) of subsection 1, of section 8;

(b) Any teacher entering the retirement system as a Class C member under the provisions of section 4, who wishes credit for prior service as provided in section 5, shall pay to the pension fund the contributions accumulated at four per cent (4%) compound interest, which he would have paid on account of service as a teacher rendered prior to the establishment of the retirement system had he been a member of a local fund or of the former state fund from his first date of eligibility for membership in either a local fund or the former state fund, with full credit for all former service. Any Class C member who complies with the foregoing requirement shall have all the rights and privileges of a Class B member. Any Class B member who was a member of a local fund or the former state fund who desires credit for service rendered as a teacher for which no credit has been given in the said local or former state fund, shall pay to the pension fund the contributions with four per cent (4%) compound interest which he would have paid to the local fund or the former state fund on account of such service had such service been credited: *Provided*, That the board of trustees shall transfer the same proportion of such payments to the individual account of the member in the annuity fund as would have been transferred to his account if he had made such payments as regular contributions to a local fund or the former state fund. Amounts payable under this paragraph shall be made in a lump sum or in such installments as shall be approved by the board of trustees with the provision that the initial payment made at the time of application for membership shall be at least equal to the amount of the interest due on the prior service contributions and that any unpaid installments at the time the member or his estate or other legal representative may become eligible for any benefit shall constitute a first, prior and paramount lien against the benefit;

Class C members, credit for prior service.

Class B members, credit for prior service.

Disability
reserve fund.

Actuarial
computation
of deduction
required for
disability
allowance.

(5) The disability reserve fund shall be the fund in which shall be accumulated the contributions from the compensation of members to provide for their disability allowances. Upon the basis of such tables as the board of trustees shall adopt, and regular interest, the actuary of the retirement system shall determine for each member the proportion of compensation which, when deducted from each payment of his prospective earnable compensation for that year, will provide for a disability allowance as provided in section 8 to all members of the retirement system who shall become disabled as defined in this act during that year. The board of trustees shall cause to be made at the same time and in the same manner and in addition to deductions made as provided in subdivision (b) of paragraph (3) of this section, deductions on account of the disability reserve fund, and when so made they shall be placed in the disability reserve fund;

Expense
fund.

(6) The expense fund shall be the fund from which shall be paid all necessary expenses incurred in the operation of the retirement system.

Regular
board
meetings.

SEC. 7. (1) The board of trustees shall hold regular meetings on the first Saturday 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 three (3) other members of the board of trustees. At each regular meeting the board of trustees shall authorize, as provided in this act, payment of retirement annuities. The board shall authorize payment of disability annuities, salaries and other regular disbursements to be made during the succeeding three (3) months. At the first regular meeting in each fiscal year, the board shall designate two (2) of its members whose signatures shall

appear upon its vouchers, as provided in paragraph (3) of this section. Retirement annuities shall be paid quarterly, and disability allowances shall be paid monthly;

Annuities paid quarterly.
Disability allowances paid monthly.

(2) The board of trustees annually shall allow regular interest on the mean amount for the preceding year in each of the funds with the exception of the expense fund. The amounts so allowed shall be due and payable to said funds, and shall be annually credited thereto by the board of trustees from interest and other earnings on the monies of the retirement system. Any additional amount required to meet the interest on the funds of the retirement system shall be collected from the members as provided in paragraph (3) subdivision (a) section 6, and any excess earnings over such amount required shall be deductible from the amounts payable by the members;

Interest on funds.

(3) The treasurer of the State of Washington shall be the custodian for all monies received by him for the retirement system. All payments from the several funds of the retirement system shall be made only upon vouchers signed by two (2) members of the board of trustees, as provided in paragraph (1) of this section. A duly attested copy of a resolution by the board of trustees designating such members and bearing on its face specimen signatures of such members shall be filed with the state auditor as his authority for issuing warrants upon such vouchers. No voucher shall be drawn unless it has previously been authorized by resolutions of the board of trustees;

State treasurer custodian of monies.

Payments from funds.

(4) For the purpose of meeting disbursements for pensions, annuities and other payments there may be kept available cash on deposit in such sums as the board of trustees may direct in one or more banks or trust companies of the State of Washington organized under the laws of the State of Washington or of the United States;

Cash on deposit.

Beneficial interest in investments by officers or employees prohibited.

(5) Except as otherwise herein provided, no trustee and no employee of the board of trustees shall have any direct interest in the gain or profits of any investment made by the board of trustees. No trustee or employee of the board shall, directly or indirectly for himself or as an agent in any manner use any of the assets of the retirement system, except to make such current and necessary payments as are authorized by the board of trustees; nor shall any trustee or employee of the board of trustees become an endorser or surety, or in any manner an obligor for monies loaned or borrowed from the board of trustees;

Transfer of funds.

(6) When this law becomes operative the board of trustees shall transfer the assets of each of the local funds and the assets of the former state fund to the annuity fund of the retirement system. The board of trustees shall appraise the assets of each fund and determine the proportion of the contributions of each member of each of the local funds and the former state fund that is on hand in the respective funds, and shall credit to each member of each of such local funds and the former state fund his pro rata share of the assets of the fund of which he was formerly a member to his individual account in the annuity fund: *Provided*, That any member of the former state fund or a local fund who shall withdraw from the retirement system as provided in section 4 shall be entitled to receive in cash his pro rata share of the assets of the fund of which he was a member:

Withdrawal of member.

Expenditures from pension fund.

(7) The board of trustees shall use the assets of the pension fund as follows:

To pay allowances, both on account of retirement and disability, to retirement and disability annuitants of the local funds and the former state funds on the date this law becomes operative, as provided in sections 4995 to 5020-29 Remington's Revised Statutes, inclusive, to pay allowances as provided in paragraph (a) of subsection (1) of section 8; to pay pensions to

retirement annuitants who retire under the provisions of the retirement system; to pay the difference, if any there be, between forty dollars (\$40) per month and the sum of the pension paid by the retirement system to retirement annuitants, and the annuity earned by the retired member;

(8) The board of trustees shall use the assets of the annuity fund to pay annuities to the retirement annuitants who retire under the provisions of this act, and to pay withdrawals as provided in this act;

Expenditures from annuity fund.

(9) The board of trustees shall use the assets of the disability reserve fund to pay disability allowances under the provisions of this act;

Expenditures from disability reserve fund.

(10) At the beginning of the second fiscal year of the operation of this system, and at the beginning of each fiscal year thereafter the board of trustees shall deduct pro rata from the annuity contributions of the members of the retirement system during the previous fiscal year sufficient funds to defray the expenses of this system during that year, and shall deposit the same in the expense fund;

Deduction for expenses.

(11) The board of trustees shall be the trustees of the several funds created by this act as provided in section 6, and shall authorize the state finance committee to invest and reinvest such funds, subject to all the terms, conditions, limitations and restrictions imposed by the law of the State of Washington for the investment of permanent school funds; and subject to said terms, conditions, limitations and restrictions, said 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 monies belonging to said funds: *Provided, however,* That the state finance committee shall have power to invest such funds in school warrants.

Board shall be trustees of funds.

Retirement
restrictions.

SEC. 8. (1) With the provision that no member of the retirement system can retire and receive a retirement allowance until he has had either five (5) years of membership credit or an amount of credit from the former state fund or a local fund, which, when added to his membership credit, shall equal five (5) years, and with the further provisions that separation from service subsequent to the filing of the application shall not render the application invalid;

Retirement
annuity, age
and service
requirements.

(a) Any member having attained age sixty (60) years and having completed thirty (30) years of creditable service may retire upon written application to the board of trustees setting forth at which time he desires to be retired. Upon retirement such member shall receive a service retirement allowance consisting of: An annuity which shall be the actuarial equivalent of his accumulated contribution at the time of retirement; and a pension of twenty dollars (\$20.00) per month to be paid from the pension fund as hereinbefore provided: *Provided*, That if the annuity earned by the member's contributions together with the pension hereinbefore mentioned, does not amount to forty dollars (\$40.00) per month, then funds shall be taken from the pension fund in amounts sufficient to make such payments forty dollars (\$40.00) per month: *Provided, further*, That any member who shall accept the reduced rate of deduction mentioned in section 6, paragraph (3), subdivision (b), shall receive the actuarial equivalent of the full amount provided in the foregoing proviso;

(b) Any Class B or Class C member having thirty (30) years of service credits shall be entitled to retire and, upon retirement, 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 consisting of as many thirtieths (not to exceed thirty-thirtieths) of forty dollars (\$40.00) per month as he

has years of prior service credits: *Provided*, That such member shall first pay into the pension fund an amount which, together with his former contributions in the state fund or a local fund, or in the pension fund, shall equal as many thirtieths (not to exceed thirty-thirtieths) of seven hundred and twenty dollars (\$720.00) as he has years of prior service credits;

(c) Any member who has attained age sixty (60) years may retire on a retirement allowance consisting of an annuity which shall be the actuarial equivalent of his accumulated contributions at retirement and a pension consisting of as many thirtieths (not to exceed thirty-thirtieths) of twenty dollars (\$20.00) per month as he has years of credited service;

(d) Any member who completes all other requirements for retirement on a retirement allowance but who has not attained age sixty (60) years, may retire on a retirement allowance which is the actuarial equivalent at his age of a retirement allowance at age sixty (60) years;

(2) Upon receipt of proper proofs of death of any member before retirement his accumulated contributions in the annuity fund shall be paid to his estate or to such person as he shall have nominated by written designation duly executed and filed with the board of trustees;

Death of member before retirement.

(3) Should a member cease to be a teacher except by death or retirement under the provisions of this act, he shall be paid upon request filed on a form provided by the board of trustees, the amount of the accumulated contributions standing to the credit of his individual account in the annuity fund;

Employment terminated, payments returned.

(4) With the provision that no optional selection shall be effective in case a beneficiary dies within thirty (30) days after retirement and that such beneficiary shall be considered as an active mem-

Optional selection.

ber at the time of death; any member prior to the time the first payment of any benefit becomes normally due, may elect to receive his benefit in the form of a retirement allowance payable throughout life, or he may elect to receive the actuarial equivalent at the time of retirement of his retirement allowance in a reduced retirement allowance payable throughout life with the provision that:

Option 1. If he dies before he has received in annuity payments the present value of his annuity as it was at the time of his retirement, the balance, upon application duly made and filed with the board, shall be paid to his estate or to such person as he shall have nominated by written designation duly acknowledged and filed with the board of trustees; or

Option 2. Upon his death his reduced retirement annuity shall be continued throughout the life of and paid to such person as he shall have nominated by written designation duly acknowledged and filed with the board of trustees at the time of his retirement; or

Option 3. Upon his death one half of his reduced retirement annuity shall be continued through the life of and paid to such person as he shall have nominated by written designation duly acknowledged and filed with the board of trustees at the time of his retirement; or

Option 4. Some other benefit or benefits shall be paid either to the member or to such person or persons as he shall have nominated: *Provided*, That such other benefit or benefits together with the reduced retirement annuity shall be certified by the actuary to be of equivalent actuarial value to his retirement allowance and approved by the board of trustees;

(5) All retirement and disability allowances being paid to former members of any local fund or the former state fund who shall have been retired

prior to the date (of) the retirement system becomes operative shall be continued in the same amount, and shall be paid out of the pension fund: *Provided*, That the board of trustees may continue such disability allowances only upon recommendation of the medical director, as provided in paragraph (6) of this section: *Provided, further*, That if the board of trustees shall determine at the beginning of any fiscal year that there will not be sufficient funds to pay the aforesaid allowances as provided in this paragraph, they shall be pro rated as provided in paragraph (b) of subsection (4) of section 6;

(6) Upon application of a member in service or of the employer any member may be retired by the board of trustees on a disability allowance, if the medical director, after a medical examination of such member, shall certify that the member is mentally or physically incapacitated for the further performance of duty, and that such member be retired: *Provided*, That no disability benefit shall be payable for the first ninety (90) days of disability: *Provided, further*, That for the purpose of paying disability allowances to Class B and Class C members, three (3) years of creditable service shall be considered as membership service;

Application
for disability
allowance.

(7) Upon retirement for disability a member shall receive a service retirement allowance if he has attained age sixty (60) years and has completed thirty (30) years of creditable service: *Provided*, That a member who accepts a service retirement allowance because of disability as defined in paragraph (6) of this section shall not forfeit his membership in the retirement system as provided in section 4 of this act. Otherwise, he shall receive a disability allowance in an amount and for a period indicated in the following schedule:

Service
retirement
allowance.

(a) If he has less than ten (10) years of service credit he shall receive a disability allowance of

Disability
allowance
schedule.

twenty dollars (\$20) per month during disability for a period not to exceed one (1) year;

(b) If he has more than ten (10) years but less than fifteen (15) years of service credit, he shall receive a disability allowance of twenty dollars (\$20) per month during disability for a period not to exceed two (2) years;

(c) If he has more than fifteen (15) years but less than twenty (20) years of service credit, he shall receive a disability allowance of twenty-five dollars (\$25) per month during disability for a period not to exceed two (2) years;

(d) If he has twenty (20) years or more of service credit he shall receive a disability allowance of thirty dollars (\$30) per month during disability for a period not to exceed two (2) years: *Provided*, That if at the expiration of such period the board of trustees determines upon the report of the medical director that such disability is permanent he shall be given the option of receiving his accumulated contributions in a lump sum and cancel his membership or of accepting a continued disability allowance of thirty dollars (\$30) per month during the period of disability. If the option to receive a permanent disability allowance is exercised the accumulated contributions of such member in the annuity fund shall be transferred to the disability reserve fund.

Benefits not
assignable.

SEC. 9. The right of a person to a pension, an annuity, a retirement allowance, or disability allowance, to the return of contributions, any optional benefit or death benefit, any other right accrued or accruing to any person under the provisions of this act, and the monies in the various funds created by this act shall be unassignable. The benefits provided for in this act shall be exempt from taxation, and shall be exempt from execution.

SEC. 10. Any person who shall knowingly make false statements or shall falsify or permit to be falsified any record or records of the retirement system in any attempt to defraud such system as a result of such act, shall be guilty of a misdemeanor, and shall be punishable therefor under the laws of the State of Washington. Should any change or error in the records result in any member or beneficiary receiving from the retirement system more or less than he would have been entitled to receive had the records been correct, the board of trustees shall correct such error, and as far as practicable, shall adjust the payments in such manner that the actuarial equivalent of the benefit to which such member or beneficiary was correctly entitled shall be paid.

Fraud.

Errors.

SEC. 11. Any claimant feeling aggrieved by the action of the board in reference to a claim, or any five (5) members aggrieved by the action of the board may, within ten (10) days from the date of such action appeal therefrom to the superior court of Thurston county by filing with the secretary a notice of appeal in writing signed by the appellant or appellants, and giving bond to the retirement system with sufficient security to be approved by the secretary in the sum of fifty dollars (\$50) conditioned to pay all costs which may be adjudged against the appellant or appellants in the superior court, and in case the appeal is taken by members, a copy of the notice of appeal shall be served upon the claimant, if the appeal involves a claimant. Upon the taking of an appeal involving a claimant the secretary shall certify to the clerk of the superior court all papers and documents filed in the matter of the claim, together with a transcript of the record of the action of the board thereon, the notice of appeal and the appeal bond and the matter shall be set down for hearing *de novo* before the court without a jury and heard in the manner provided by law for

Right of
appeal.

setting and hearing appeals from justices of the peace, except as hereinabove provided. Appeals from the decisions of the superior court may be taken to the supreme court of this state in the manner provided by law for taking appeals in equity cases. The time for taking an appeal does not begin to run against a claimant until he has received written notice of the action of the board.

Appropriations from funds.

SEC. 12. Any and all monies in the annuity fund, the pension fund, the disability reserve fund and the expense fund, or as much thereof as may be required, are hereby appropriated to the payment of the retirement annuities, pensions, and disability allowances provided for by this act and for the expenses of the retirement system respectively for the next biennium, the same to be paid out upon vouchers signed as in this act provided.

Partial invalidity.

SEC. 13. If any part of this act shall be adjudged to be invalid or unconstitutional, such adjudication of invalidity or unconstitutionality shall not affect the validity or constitutionality of the act as a whole, or any part thereof not adjudged invalid or unconstitutional.

Statutes repealed.

SEC. 14. Sections 4995 to 5020-29, Remington's Revised Statutes, inclusive, are hereby repealed as of the date the retirement system created by this act becomes operative.

Effective date.

SEC. 15. Except as provided in Sec. 6, subsection (2), this act shall take effect on the first day of April, 1938.

Passed the House March 9, 1937.

Passed the Senate March 8, 1937.

Approved by the Governor March 23, 1937.

CHAPTER 222.

[H. B. 280.]

TAX ON FOOD AND SHELL FISH.

AN ACT relating to food and shellfish, providing for a catch tax and a privilege tax thereon, defining offenses, providing penalties and creating a lien on canneries, packing plants, scows, boats and their fishing equipment for such taxes and fees, amending section 51a of chapter 31 of the Laws of 1915 as amended by section 2 of chapter 63 of the Laws of 1921 as amended by section 1 of chapter 121 of the Laws of 1931 and amending section 5704a Remington's Revised Statutes as amended by section 2 of chapter 156 of the Laws of the Extraordinary Session of 1925 as amended by section 1 of chapter 162 of the Laws of 1933 and amending section 52 of chapter 31 of the Laws of 1915 as amended by section 3 of chapter 63 of the Laws of 1921 and repealing section 2 of chapter 162 of the Laws of 1933 and declaring that this act shall take effect March 31st, 1937.

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

SECTION 1. That section 51a of chapter 31 of the Laws of 1915, added [amended] by section 2 of chapter 63 of the Laws of 1921, as amended by section 1 of chapter 121 of the Laws of 1931 be amended to read as follows:

Amends § 1.
Ch. 121, Laws
1931.

Section 51a. There shall be paid to the treasurer of the State of Washington for the salmon and other food and shellfish taken from the waters of the State of Washington or from those over which it has jurisdiction or concurrent jurisdiction by the person, firm or corporation catching or taking the same, the sums herein mentioned which shall be in addition to the licenses and other fees provided by the laws of the State of Washington:

Payments in
addition to
license fees.

For each chinook salmon caught, one cent (1c);

For each dog or chum salmon caught, one-eighth cent ($\frac{1}{8}c$);

For each pink or humpback salmon caught, one-twelfth cent ($\frac{1}{12}c$);

For each silver salmon caught, one-fourth cent ($\frac{1}{4}$ c);

For each sockeye salmon caught, one-third cent ($\frac{1}{3}$ c);

For all crabs, at the rate of one cent (1c) per dozen;

For all shrimp, five cents (5c) per 100 pounds;

For all carp, three-fourths cent ($\frac{3}{4}$ c) per 100 pounds;

For all rock cod, at the rate of two cents (2c) per 100 pounds;

For all devil fish, at the rate of three cents (3c) per 100 pounds;

For all halibut, at the rate of five cents (5c) per 100 pounds;

For all scallops, at the rate of two cents (2c) per 100 pounds;

For all herring, at the rate of one cent (1c) per 100 pounds;

For all smelt caught in the Puget Sound, Grays Harbor or Willapa Harbor districts, at the rate of three cents (3c) per 100 pounds;

For all food fish other than those listed and all fish which may hereafter be classified as food fish by the director of fisheries, at the rate of one and one-half cents ($1\frac{1}{2}$ c) per 100 pounds.

Catch tax.

The catch taxes herein required shall be paid to the state treasurer on all fish or shellfish caught or taken during the preceding four months on March 31, July 31 and November 30 of each year and the fee shall be accompanied by a report showing the total number or pounds of all varieties of fish and shellfish caught or taken, stated separately upon blanks furnished by the director of fisheries.

It shall be *prima facie* evidence that fish or shellfish were caught within the waters of the state when disposed of within the state by a person, firm or

corporation operating an appliance licensed under the provisions of this act.

The purpose of this provision is to insure that any person, firm or corporation taking any of the food or shellfish from the waters of the State of Washington or those over which it has jurisdiction or concurrent jurisdiction shall pay to the state the catch tax by this act provided.

The failure of any person, firm or corporation to pay the catch taxes or file the report herein required within thirty days after the dates so specified shall be good and sufficient reason for the director of licenses to suspend or revoke the licenses granted to said person, firm or corporation for the taking of food and shellfish and said person, firm or corporation shall be denied a renewal of said license or the issuance of any other license which may be issued by the director of licenses for the taking or catching of fish and shellfish in the waters of the State of Washington or those over which it has jurisdiction or concurrent jurisdiction.

Failure to pay catch tax or make report.

SEC. 2. That section 5704a of Remington's Revised Statutes as amended by section 2 of chapter 156 of the Laws of the Extraordinary Session of 1925 as amended by section 1 of chapter 162 of the Laws of 1933 be amended to read as follows:

Amends § 5704a Rem. Rev. Stat. (§ 2460-2, P. C.)

Section 5704a. There shall be paid to the state treasurer by every person, firm or corporation operating in the Columbia River district as a canner, broker, curer, freezer, retail dealer or wholesale dealer of food or shellfish for the privilege of operating within said district as a canner, broker, curer, freezer, retail dealer or wholesale dealer of food or shellfish in addition to all other licenses or fees provided by law the following fees on all food or shellfish handled by such person, firm or corporation as follows:

Privilege tax, Columbia River district.

On all sturgeon, one-half cent ($\frac{1}{2}c$) per pound;

On all carp, at the rate of two and one-half cents ($2\frac{1}{2}c$) per 100 pounds;

On all chinook salmon handled between August 11 and September 30, both inclusive, in any year, one-fourth cent ($\frac{1}{4}c$) per pound;

On all chinook salmon handled between September 30 in any year and August 11 of the following year, one-half cent ($\frac{1}{2}c$) per pound;

On all other species of salmon except dog or chum salmon, one-half cent ($\frac{1}{2}c$) per pound;

On all dog or chum salmon and shad, one-eighth cent ($\frac{1}{8}c$) per pound;

For all smelt, at the rate of twenty cents (20c) per 100 pounds;

For all crabs, at the rate of five cents (5c) per dozen;

For all food and shellfish other than those listed and fish which may hereafter be classified as food fish by the director of fisheries excepting oysters, pilchard, black cod, ling cod, true cod, red snapper, halibut and mackerel, at the rate of ten cents (10c) per 100 pounds.

Case tax,
salmon.

There shall be paid to the treasurer of the State of Washington by every person, firm or corporation engaged in packing and/or canning within the districts of Puget Sound, Willapa Harbor and Grays Harbor for the privilege of engaging in packing and/or canning within the said districts the sums herein mentioned which shall be in addition to licenses and other fees provided by this act, upon all salmon received or purchased for canning or canned by such firms, persons or corporations within such districts forementioned as follows:

On pink or humpback salmon, six cents (6c) per case;

On chums or dog salmon, five cents (5c) per case;

On each and every other species of salmon, twenty cents (20c) per case.

A case for the purposes of this act shall be held to contain forty-eight (48) one pound cans or their equivalent in weight.

There shall be paid to the treasurer of the State of Washington by every person, firm or corporation engaged in packing and/or canning within the districts of Puget Sound, Willapa Harbor and Grays Harbor and [for] the privilege of engaging in packing and/or canning within the said districts the sums herein mentioned which shall be in addition to the licenses and to the fees provided for by this act, upon all shrimp, crabs, scallops and clams or mussels purchased for canning or canned by such persons, firms or corporations within said districts as follows:

Case tax,
shellfish.

On all shrimp, forty-five cents (45c) per case;

On all razor clams, ten cents (10c) per case;

On all other clams or mussels, seven cents (7c) per case;

On all scallops, forty cents (40c) per case;

On all crabs, seventy-five cents (75c) per case.

A case for the purposes of this act shall be held to contain forty-eight (48) one pound cans, bottles or their equivalent in weight.

There shall also be paid to the treasurer of the State of Washington by every person, firm or corporation operating within the districts of Puget Sound, Willapa Harbor and Grays Harbor as a curer, freezer, broker, wholesaler or retail dealer for the privilege of operating within the said districts as a curer, freezer, broker, wholesaler or retail dealer the sums herein mentioned which shall be in addition to licenses and other fees provided by this act, upon all salmon and other food and shellfish handled by such person, firm or corporation as follows:

Privilege tax,
Puget Sound,
Willapa
Harbor, and
Grays
Harbor.

For each chinook salmon, five cents (5c);

For each dog or chum salmon, four-fifths cent ($\frac{4}{5}$ c):

For each silver salmon, one and one-half cents ($1\frac{1}{2}c$);

For each pink or humpback salmon, three-fourths cents ($\frac{3}{4}c$);

For each sockeye salmon, two cents (2c);

For all crabs, at the rate of seven cents (7c) per dozen;

For all razor clams grown on publicly owned tide lands at the rate of eleven cents (11c) per 100 pounds;

For all clams grown on publicly owned tide lands and mussels of all varieties other than razor, at the rate of eight cents (8c) per 100 pounds;

For all spot shrimp, at the rate of fifty-four cents (54c) per 100 pounds;

For all shrimp of all varieties other than spot, at the rate of twenty-five cents (25c) per 100 pounds;

For all scallops, at the rate of eighteen cents (18c) per 100 pounds;

For all carp, at the rate of two and one-half cents ($2\frac{1}{2}c$) per 100 pounds;

For all rock cod, at the rate of twenty cents (20c) per 100 pounds;

For all devil fish, at the rate of twenty-six cents (26c) per 100 pounds;

For all smelt, at the rate of twenty-five cents (25c) per 100 pounds;

For all herring, at the rate of five cents (5c) per 100 pounds;

For all salt water perch, at the rate of fifteen cents (15c) per 100 pounds;

For each sturgeon, twenty-six cents (26c);

For all food and shellfish other than those listed and fish which may hereafter be classified as food fish by the director of fisheries, excepting oysters, pilchard, black cod, ling cod, true cod, red snapper, halibut and mackerel, ten cents (10c) per 100 pounds.

The privilege fees herein provided for shall be collected but once and shall be collected from the licensee first handling such fish or shellfish either as packer, canner, curer, freezer, broker, wholesaler, or retail dealer, and in order that this end may be accomplished, the director of fisheries and the state treasurer are hereby authorized to determine finally any dispute arising out of the operation and enforcement of this section.

Privilege fees collected but once.

The privilege fees herein required shall be paid to the state treasurer on March 1 and September 1 or at such other times as the director of fisheries may order and direct. For the purposes of determining the amount of fish or shellfish handled, each person, firm or corporation subject to the provisions of this act shall furnish the state treasurer with a report showing the total number of pounds or the total number of all varieties of fish or shellfish received, the total weight to be computed in the whole or round, stated separately upon blanks furnished upon request by the director of fisheries.

Fees payable, when.

Report to state treasurer.

The privilege fees herein required shall constitute a first lien upon the cannery, packing plant, buildings, scow, boat, and its equipment used in the canning, handling or transporting of the said fish.

Privilege fees constitute lien.

The state treasurer and the director of fisheries shall have and hereby are granted the right and power to make such rules, regulations and orders and require such reports to be made as in their judgment shall be necessary to insure the collection and payment of the privilege fees herein required and may in their discretion require a bond from any person, firm or corporation licensed, guaranteeing the payment of said privilege fees.

Rules and regulations.

It shall be unlawful for any person to falsify any of the reports or to violate any of the rules, regulations or orders made or required by the state treas-

Unlawful to falsify reports or to violate rules or orders.

urer or the director of fisheries or to violate any of the provisions of this section.

Privilege
fee paid upon
all fish
regardless
of where
caught.

The privilege fee herein provided for shall be paid on all fish handled regardless of where taken or caught, it being the intention that every person, firm or corporation operating as a canner, broker, wholesaler, curer, freezer, buyer, or retail dealer of fish shall pay the fees herein provided for the privilege of operating as a canner, broker, wholesaler, curer, freezer, buyer or retail dealer of fish.

Penalty.

Any person, firm or corporation violating any of the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than \$250 nor more than \$1,000, or imprisonment in the county jail for not less than thirty days nor more than six months, or by both such fine and imprisonment.

Concurrent
jurisdiction.

Every justice of the peace shall have jurisdiction concurrent with the superior courts of all misdemeanors committed in violation of the provisions of this act and to impose any punishment in this act provided for such offenses.

Amends § 3,
Ch. 63, Laws
1921.

SEC. 3. That section 52 of chapter 31 of the Laws of 1915 as amended by section 3 of chapter 63 of the Laws of 1921 be amended to read as follows:

Licensee to
make report.

Section 52. Every licensee of a fishing appliance licensed by the terms of this act shall file a report with the state treasurer under oath on a blank to be furnished upon request by the director of fisheries on the last day of March, July and November of each year for the four months preceding the date on which the report is made stating the number or pounds of all food fish and/or shellfish, species stated separately, caught during the preceding four months' period, together with the name of the person, firm or corporation to whom sold, the number and quantity delivered to each purchaser, and shall at the same time remit to the state treasurer the catch

taxes, license charges and the additional fees required by this act, and it shall be the duty of the state treasurer upon receiving any such report to endorse thereon his duplicate receipt for the taxes, charges and fees, if any, accompanying the report and transmit the report to the director of fisheries and deposit the monies received in the state treasury to the credit of the fisheries fund.

Every person receiving a license under the terms of this act must make a report on the dates specified irrespective of whether or not any appliance was operated or fish caught during the four months preceding the date of the report.

Every person, firm or corporation engaged in canning, manufacturing of fish by-products, preserving, salting, smoking, kippering, mild curing, curing, freezing, preserving in ice or otherwise, or in buying, selling, or otherwise dealing in food or shellfish as canners, manufacturers of fish by-products, fish brokers, wholesalers, curers, freezers, or retailers either as principal, agent or employee shall file reports with the state treasurer at the time so ordered by the director of fisheries stating the quantity in pounds or numbers of all fish or shellfish canned, preserved, cured or handled and all purchases and sales made during the preceding period for which the report is made as ordered by the director of fisheries, the varieties stated separately together with the name of the person, persons, firms or corporations from whom purchased, the place from which the fish or shellfish were taken, the date on which they were taken and the appliances with which the same were taken and at the same time shall remit to the state treasurer the taxes, license charges and additional fees required by this act and it shall be the duty of the state treasurer upon receiving any such report to endorse thereon his duplicate receipt for the taxes, charges and fees, if any,

accompanying the report and transmit the report to the director of fisheries and deposit the monies received in the state treasury to the credit of the fisheries fund.

Licensee's
bond.

Every person, firm or corporation engaging in business as a canner, wholesale fish dealer, fish broker or in the business of freezing, salting, smoking, kippering or preserving fish in ice or otherwise or in the manufacture of fish by-products shall at the time of procuring a license, execute to the State of Washington a bond in a sum to be fixed by the director of fisheries and subject to his approval, conditioned that at the times so ordered by the director of fisheries he will pay or cause to be paid to the state treasurer the taxes and other charges required to be paid by him as required by law; that he will file the reports required by this act with the state treasurer on March 1 and September 1 of each year or at such other times as may be ordered by the director of fisheries, showing all salmon, species stated separately, other food and shellfish received or handled by him, the name and license number of the person from whom purchased and such other information as may be required by the director of fisheries for ascertaining the amount owing or to be owing to the State of Washington for fish or shellfish handled. The director of fisheries may require such other provisions to be inserted in said bond as may in his judgment be necessary in order to efficiently administer the laws and to enforce the collection of license fees, taxes and other charges.

Report of
capital
invested.

Every person, firm or corporation engaged in any branch of the fishing industry, including oysters, clams and shellfish and including any by-products thereof, shall on or before the thirty-first day of March of each year report to the director of fisheries in writing upon blanks furnished upon request by the director of fisheries the amount of the capital

invested in the business, the quantity and kind of equipment and the value thereof and where situated, the value of the product handled, the number of employees and the wages paid during the preceding year.

It shall be unlawful for any person to falsify any of the reports or to violate any of the rules, regulations or orders made or required by the state treasurer or the director of fisheries or to violate any of the provisions of this act. Failure on the part of any person, firm or corporation to keep the record herein required shall be good and sufficient reason for the director of licenses to suspend or revoke the license granted to said person, firm or corporation, or any person, firm or corporation failing to pay the privilege fees, license fees or other taxes required by this act shall be denied the renewal of said license or the issuance of any other license which may be issued by the director of licenses hereunder.

Unlawful to falsify reports or to violate rules or orders.

Supervision or revocation of license.

SEC. 4. That section 2 of chapter 162 of the Laws of 1933 (Remington's Revised Statutes, section 5704a-1) is hereby repealed.

Repeals § 5704a-1, Rem. Rev. Stat. (§ 2460-2a, P. C.)

SEC. 5. This act is necessary for the support of the state government and its existing public institutions and shall take effect March 31st, 1937.

Effective March 31, 1937.

Passed the House March 11, 1937.

Passed the Senate March 10, 1937.

Approved by the Governor March 15, 1937.

CHAPTER 223.

[H. B. 323.]

OLD AGE ANNUITIES FOR TEACHERS AND EMPLOYEES
OF STATE EDUCATIONAL INSTITUTIONS.

AN ACT authorizing the board of regents of the University of Washington, the board of regents of the State College of Washington, and the boards of trustees of the state colleges of education to assist the faculties and other employees of these institutions in purchasing old age annuities, and establishing a separate fund for the same.

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

SECTION 1. The board of regents of the University of Washington, the board of regents of the State College of Washington, and the boards of trustees of the state colleges of education are authorized and empowered to assist the faculties and such other employees of their respective institutions as the boards of regents and boards of trustees may designate, to purchase old age annuities under such rules and regulations as the regents and trustees of said institutions may prescribe: *Provided*, That in no case the regents or trustees shall in any one (1) year pay more than one half ($\frac{1}{2}$) of the annual premium of any individual, nor an amount in excess of five per cent (5%) of the individual's salary, nor render any assistance in the purchase of an annuity for a teacher or any other designated employee who has not taught at, or been in the service of the contributing institution two or more years: *Provided, further*, That all funds received for and derived from the purchase of said annuities shall be placed in a special fund.

Passed the House March 9, 1937.

Passed the Senate March 8, 1937.

Approved by the Governor March 22, 1937.

CHAPTER 224.

[S. B. 211.]

FIXING SALARIES OF APPOINTIVE STATE OFFICERS.

AN ACT relating to the state government and prescribing the compensation of directors of the departments thereof, repealing all acts and parts of acts in conflict therewith and declaring that this act shall take effect April 1, 1937.

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

SECTION 1. The directors of the several departments and members of the tax commission of the state government, who are subject to appointment and removal by the governor, shall each severally receive such salaries, payable in monthly installments, as shall be fixed by the governor upon the basis of departmental responsibility, not to exceed, however, the sum of \$7,500 per annum.

Maximum salary.

SEC. 2. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Conflicting acts repealed.

SEC. 3. This act is necessary for the immediate support of the state government and its existing public institutions and shall take effect April 1, 1937.

Effective April 1, 1937.

Passed the Senate February 20, 1937.

Passed the House March 9, 1937.

Approved by the Governor March 13, 1937.

CHAPTER 225.

[S. B. 61.]

FIXING SALARIES OF LIQUOR CONTROL BOARD.

AN ACT relating to intoxicating liquors, providing for the control and regulation thereof, creating state offices, defining crimes and providing penalties therefor, providing for the disposition of public funds, amending section 63, chapter 62, Laws Extraordinary Session, 1933 and declaring that this act shall take effect immediately.

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

Amends § 63,
Ch. 62, Laws
1933, Ex.
Sess.

SECTION 1. That section 63, chapter 62, Laws of the Extraordinary Session, 1933, be amended and hereby is amended to read as follows:

Board, maxi-
mum salary.

Section 63. There shall be a board, known as the "Washington State Liquor Control Board," consisting of three members, to be appointed by the governor by and with the advice and consent of the Senate, who shall each be paid an annual salary, to be fixed by the governor, not to exceed \$7,500.00; not more than two of whom shall belong to any one political party. The governor may, in his discretion, appoint one of the members as chairman of the board, and a majority of the members shall constitute a quorum of the board.

Effective
immediately.

SEC. 2. 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 Senate March 6, 1937.

Passed the House March 10, 1937.

Approved by the Governor March 19, 1937.

CHAPTER 226.

[S. B. 169.]

STATE SCHOOL EQUALIZATION FUND.

AN ACT relating to education, creating a state school equalization fund, providing for budgeting and distributing same, amending section 4936 of Remington's Revised Statutes, making an appropriation and declaring an emergency.

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

SECTION 1. There is hereby created a special state school fund to be known as the State School Equalization Fund, into which shall be deposited such funds as provided by law and any money received from the Federal government for educational purposes and not specifically allocated otherwise by Federal law.

State school equalization fund created.

SEC. 2. That section 4936 of Remington's Revised Statutes be amended to read as follows:

Amends § 4936, Rem. Rev. Stat. (§ 5105, P. C.)

Section 4936. The county commissioners of the several counties of the State of Washington shall annually, at the time of making the tax levy for county purposes, levy a tax on all property subject to taxation in their county sufficient to produce five cents per day for each pupil in attendance in the common schools of the county during the preceding school year: *Provided*, That such tax on said property shall in no case exceed two mills on each dollar of the assessed valuation: *Provided, further*, If the two mill levy as aforesaid will not produce the five cents per day's attendance as provided herein, in any county, the deficit shall be certified by the county commissioners to the superintendent of public instruction as a charge against the State School Equalization Fund, for the schools of such county. The superintendent of public instruction shall at the time of making regular apportionments of the current state school fund during the following calendar year apportion to the county treasurer of such county one

County tax.

Levy.

Limitation.

Deficit.

Special allotment.

twelfth the amount due for the schools of said county from the State School Equalization Fund. The county treasurer shall immediately notify the county superintendent of schools of the amount received, and the county superintendent shall apportion the special allotment to the school districts of his county at the same time and upon the same basis as is used to distribute the county school funds.

Attendance.

No district shall be reckoned as having less than two thousand five hundred days' attendance either for revenue or apportionment purposes.

**Computation
by county
superin-
tendent.**

SEC. 3. After the close of each school year and not later than August 1, the county superintendent of schools of each county shall compute the amount needed by each school district within his county to provide it with a minimum school district revenue of fifteen cents for each day's attendance during the preceding school year as determined by section 4934 of Remington's Revised Statutes. He shall also compute the amount which would have been produced by the maximum school district levy authorized without a vote of the electors, under section 1, chapter 2 [4], Laws of 1933, upon the assessed valuation of each district for such year. If the amount which would have been produced by such levy will not equal the revenue as computed upon the afore-said state basis of apportionment for any district, the computations, the deficit and the actual levy for such district shall be certified by the county superintendent of schools to the superintendent of public instruction. The superintendent of public instruction shall place such deficit for such district as a charge against the State School Equalization Fund, and at the time of making regular apportionments beginning on September 20 of each year shall apportion from the State School Equalization Fund to the county treasurer of each county one twelfth of the amount due the school districts of said county.

**Apportion-
ments from
funds.**

In computing and making payments from the state school equalization fund the superintendent may pay not to exceed eighty per cent of the cost of transportation of any district notwithstanding the restriction of fifty per cent in Remington's Revised Statutes, section 4719. The county treasurer shall immediately notify the county superintendent of schools of the amount received and the county superintendent shall apportion the said amount to such school districts of his county as the same is due at the same time he distributes the county school funds: *Provided*, That if the district levy is smaller than the maximum allowable by law, the sum allowed that district for equalization purposes shall be reduced by that percentage which the actual levy is less than the maximum levy.

Transportation.

SEC. 4. There are hereby appropriated from the State School Equalization Fund the following amounts: One million dollars (\$1,000,000) to care for the school districts entitled to equalization under section 2 of this act; two million dollars (\$2,000,000) to care for the school districts entitled to equalization under section 3 of this act: *Provided*, That if the claims against either appropriation exceed the amount appropriated the claims may be prorated accordingly: *Provided, further*, That if there is a surplus in either appropriation after all claims are cared for, the surplus shall be transferred to the Current State School Fund.

Appropriation.

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

Vetoed.

Passed the Senate February 19, 1937.

Passed the House March 1, 1937.

Approved by the Governor March 22, 1937, with the exception of section 5, which is vetoed.

CHAPTER 227.

[S. B. 256.]

REVENUE ACT.

AN ACT relating to taxation amending sections 4, 5, 6, 11, 19, 21, 24, 27, 36, 37, 40, 44, 45, 49, 187, 188, 192, 200, 202, 211 and 212 of chapter 180, Laws of 1935; (sections 8370-4, 8370-5, 8370-6, 8370-11, 8370-19, 8370-21, 8370-24, 8370-27, 8370-36, 8370-37, 8370-40, 8370-44, 8370-45, 8370-49, 8370-187, 8370-188, 8370-192, 8370-200, 8370-202, 8370-211, 8370-212, Remington's Revised Statutes) and adding three new sections thereto and declaring that this act shall take effect May 1st, 1937.

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

Amends
§ 8370-4, Rem.
Rev. Stat.
(§ 7030-64,
P. C.)

SECTION 1. That section 4 of chapter 180, Laws of 1935, (section 8370-4, Remington's Revised Statutes), be and the same hereby is amended to read as follows:

Tax on
business
activities.

Section 4. From and after the first day of May, 1935, there is hereby levied and there 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 sales, or gross income of the business, as the case may be, as follows:

Persons
liable, rate.

(a) 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 extracted for sale or commercial use, multiplied by the rate of one-quarter of one per cent;

The measure of the tax is the value of the products so extracted, regardless of the place of sale or the fact that deliveries may be made to points outside the state;

Manufactur-
er.

(b) Upon every person engaging within this state in business as a manufacturer; as to such per-

sons the amount of the tax with respect to such business shall be equal to the value of the products manufactured, multiplied by the rate of one-quarter of one per cent;

The measure of the tax is the value of the products so manufactured regardless of the place of sale or the fact that deliveries may be made to points outside the state;

(c) 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 per cent;

Sales at retail.

(d) Upon every person 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 per cent;

Sales at wholesale.

The tax imposed under this subsection (d) shall likewise be imposed upon persons engaged in distributing articles of tangible personal property owned by them from a warehouse or other central location to a group of retail stores, the intent hereof being to impose the wholesaling tax upon persons performing functions essentially comparable to those of a wholesaler, but not actually making sales, as to such persons, the amount of tax, with respect to such business, shall be equal to the value of the articles distributed, multiplied by the rate of one-quarter of one per cent; this 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. The tax commission shall prescribe uniform and equitable rules for the purpose of ascertaining such value. If the provisions of this

Distribution of articles of tangible property.

paragraph, for any reason, shall be adjudged invalid, such judgment shall not invalidate the provisions of the first paragraph of this subsection;

Printing and publishing.

(e) Upon every person engaging within this state in the business of printing and of publishing newspapers, periodicals or magazines; 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 per cent;

Other activities.

(f) Upon every person engaging within this state in any business activity other than or in addition to those enumerated in subsections (a), (b), (c), (d) and (e) above; 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 per cent. This subsection includes, among others, and without limiting the scope hereof, persons engaged in the following businesses (whether or not title to materials used in the performance of such businesses passes to another by accession, confusion or other than by outright sale): Repairing, personal, business, professional, mechanical and educational service businesses, abstract and title insurance, financial, brokerage, construction contracting and sub-contracting, advertising and hotel businesses.

Amends § 8370-5, Rem. Rev. Stat. (§ 7030-65, P. C.)

SEC. 2. That section 5 of chapter 180, Laws of 1935, (section 8370-5, Remington's Revised Statutes) be and the same hereby is amended to read as follows:

Section 5. For the purposes of this title, unless otherwise required by the context:

"Tax year" or "taxable year."

(a) The term "tax year" or "taxable year" shall mean 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;

(b) The word "person" or word "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, non-profit or otherwise;

"Person."
"Company."

(c) The word "sale" means any transfer of the ownership of, or title to, property for a valuable consideration. It includes conditional sale contracts, leases with option to purchase and any 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 shall also be construed to include the furnishing of food, drink, or meals for compensation whether consumed upon the premises or not;

"Sale."

(d) The term "sale at retail" or "retail sale" means every sale of tangible personal property other than a sale to one who purchases for the purpose of resale in the regular course of business or for the purpose of consuming the property purchased in the producing for sale a new article or substance, of which such property is an ingredient or component or a chemical used in processing same. The term "sale at retail" or "retail sale" shall be construed to include the production, fabrication or printing of tangible personal property for consumers upon special order and shall also include the production, fabrication or printing of tangible personal property for consumers who furnish either directly or indirectly the materials used in such work. The term shall not be construed to include sales of feed to persons producing for sale, milk, eggs, wool, fur, meat or other substances obtained from livestock, animals or poultry;

"Sale at
retail."

The term "sale at retail" or "retail sale" shall be construed to include all sales of tangible personal property to persons: (1) Who use such property in the business of erecting buildings or otherwise improving, altering, or repairing real property of others; (2) who use such property in connection with the business of cleaning, decorating, beautifying, repairing, curing, healing or otherwise improving or altering the person or personal property of others;

"Sale at wholesale."

(e) The term "sale at wholesale" or "wholesale sale" means any sale of tangible personal property which is not a sale at retail;

"Gross proceeds of sale."

(f) The term "gross proceeds of sales" means the value proceeding or accruing from the sale of tangible personal property 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;

"Gross income of business."

(g) The term "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;

"Value proceeding or accruing."

(h) The term "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;

(i) The word "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 commercial 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 product, 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."

(j) The word "manufacturer" means every person who, either directly or by contracting with others for the necessary labor or mechanical services, manufactures for sale or commercial 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;

"Manufacturer."

(k) The term "to manufacture" embraces all activities of a commercial 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;

"To manufacture."

"Commercial use."

(1) The term "commercial use" means the following uses of products by the extractor or manufacturer thereof:

(1) Manufacturing of articles, substances or commodities from extracted products;

(2) Leasing or renting of extracted or manufactured products;

(3) Consigning, shipping or transferring extracted or manufactured products to another either without consideration or in the performance of contracts;

(4) Any other use of products extracted or manufactured on a commercial scale under such rules and regulations as the tax commission shall prescribe;

"Business."

(m) The word "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;

"Engaging in business."

(n) The term "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;

"Cash discount."

(o) The term "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;

"Tuition fee."

(p) The term "tuition fee" shall be construed to include 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: *Provided*, That the term "educational institution," as used herein, shall be construed to mean only those institutions created or generally

accredited as such by the state and offering to students an educational program of a general academic nature but not including specialty schools, business colleges, trade schools or similar institutions;

(q) The word "successor" means any person who shall, through direct or mesne conveyance, purchase or succeed to the business, or portion thereof, or the whole or any part of the stock of goods, wares or merchandise of a taxpayer quitting, selling out, exchanging or otherwise disposing of his business.

"Successor."

SEC. 3. That section 6 of chapter 180, Laws of 1935, (section 8370-6, Remington's Revised Statutes) be and the same hereby is amended to read as follows:

Amends
§ 8370-6,
Rem. Rev.
Stat. (§ 7030-
66, P. C.)

Section 6. Every person engaging in activities which are within the purview of the provisions of two or more paragraphs (a), (b), (c), (d), (e) and (f) of section 4, shall be taxable under each paragraph applicable to the activities engaged in: *Provided, however,* That persons taxable under paragraphs (a) or (b) of said section shall not be taxable under paragraph (d) of said section with respect to making sales at wholesale of products extracted or manufactured within this state by such persons.

Activities
taxable
under two or
more
provisions.

SEC. 4. That section 11 of chapter 180, Laws of 1935, (section 8370-11, Remington's Revised Statutes) be and the same hereby is amended to read as follows:

Amends
§ 8370-11,
Rem. Rev.
Stat. (§ 7030-
71, P. C.)

Section 11. The provisions of this title shall not apply to:

Persons to
whom tax
is not
applicable.

(a) Any person engaging in the business of selling at retail whose gross proceeds of sales is less than one thousand (\$1,000.00) dollars, and any person engaging in any other business activity whose value of products, gross proceeds of sales or gross income of the business is less than four hundred (\$400.00) dollars, for a bi-monthly period: *Pro-*

Minimum.

vided, however, That where one person engages in more than one business activity and the combined measures of tax applicable to such businesses exceed four hundred (\$400.00) dollars, or, where one of such business activities is that of selling at retail, one thousand (\$1,000.00) dollars, for the taxable bi-monthly period no exemption or deduction from the amount of tax is allowed by this provision: *Provided, further,* That any person claiming exemption under the provisions of this subsection may be required to file returns as provided herein even though no tax may be due;

Specific tax imposed.

(b) Any person in respect to a business activity with respect to which tax liability is specifically imposed under the provisions of title V of this act;

Insurance.

(c) Any person in respect to insurance business upon which a tax based on gross premiums is paid to the State of Washington: *Provided, however,* That the provisions of this subsection shall not exempt any person engaging in the business of representing any insurance company, whether as general or local agent, or acting as broker for such companies;

Agricultural products.

(d) Any person in respect to the business of growing or cultivating for sale any agricultural or horticultural products, or crops, or breeding or raising any fowl, animals or livestock for sale or for the milk, eggs, wool, fur or other substance obtainable therefrom, or in respect to the sale of such products at wholesale by the grower or producer thereof. This exemption does not apply to any person selling such products at retail; nor to any person purchasing and feeding or fattening livestock; nor to any person growing, raising or cultivating trees, shrubs, bushes, plants, bulbs, flowers and the like, either as forest, greenhouse or nursery products; nor to any association of persons whatever, whether mutual, cooperative or otherwise, engaging in any business

activity with respect to which tax liability is imposed under the provisions of this title;

(e) Any person in respect to the business of conducting boxing contests and sparring and/or wrestling matches and exhibitions for the conduct of which a license must be secured from the state athletic commission; Boxing contests.

(f) Any person in respect to the business of conducting race meets for the conduct of which a license must be secured from the horse racing commission; Race meets.

(g) Any person in respect to his employment in the capacity of an employee or servant as distinguished from that of an independent contract; Employment.

(h) Fraternal benefit societies, as defined in Rem. Rev. Stat., section 7259, fraternal fire insurance associations, as described in subdivision third of Rem. Rev. Stat., section 7131, and beneficiary corporations or societies organized under and existing by virtue of Rem. Rev. Stat., sections 3872 to 3883 inclusive, for the purpose of paying death benefits, as provided in Rem. Rev. Stat. of Washington, section 3879; Fraternal societies, etc.

(i) Any person in respect to the business of operating a hospital: *Provided*, That no exemption is granted to hospitals organized for profit or where the income therefrom inures to the benefit of any physician, surgeon, stockholder or individual by virtue of ownership or control of such hospital: *And provided further*, The word "hospital" shall not be construed to include clinics and resorts or spas, even though health attractions shall be operated in conjunction therewith; Hospitals.

(j) Amounts derived from the lease, rental or sale of real estate: *Provided, however*, That nothing herein shall be construed to allow a deduction of amounts derived from engaging in any business wherein a mere license to use or enjoy real property Lease, rental or sale of real estate.

is granted, or to allow a deduction of amounts received as commissions from the sale or rental of real estate;

Banks.

(k) National banks, state banks, trust companies, mutual savings banks, building and loan and savings and loan associations with respect to their banking business, trust business or savings and loan business but not with respect to engaging in any other business taxable hereunder, even though such other business be conducted primarily for the purpose of liquidating the assets thereof.

Adds
§ 8370-15a,
Rem. Rev.
Stat.
(§ 7030-75a,
P. C.)

SEC. 5. That chapter 180, Laws of 1935, be amended by adding thereto a new section following section 15 thereof to be designated as section 15(a) (section 8370-15a, Remington's Revised Statutes) and to read as follows:

Public work
contract,
contractor
required to
pay taxes be-
fore receiv-
ing final
payment.

[Section] 15(a). Any state, county or municipal officer charged with the duty of disbursing or authorizing the payment of public funds shall, before making final payment to any person performing any public works contract, require such person to secure from the tax commission a certificate that all taxes due with respect to such contract have been paid in full.

SEC. 6. That section 19 of chapter 180, Laws of 1935, (section 8370-19, Remington's Revised Statutes) be and the same hereby is amended to read as follows:

Section 19. The tax hereby levied shall not apply to the following sales:

Vetoed.

(a) Casual and isolated sales by a person who is not engaged in the business of selling tangible personal property at retail;

(b) Sales made by persons in the course of business activities with respect to which tax liability is specifically imposed under title V of this act, when the gross proceeds from such sales must be

included in the measure of the tax imposed under said title V;

(c) The distribution and news stand sale of newspapers;

(d) Sales which the State of Washington is prohibited from taxing under the constitution of this state or the constitution or laws of the United States;

(e) Sales of motor vehicle fuel upon which the state tax of five cents per gallon, imposed under chapter 58, Laws of 1933, has been paid and not refunded: *Provided*, That where the five cents gallonage tax is refunded the department of licenses shall deduct the retail sales tax from the amount of refund and remit the same to the tax commission and in computing the amount of the deduction may use five per cent of the gallonage refund in lieu of two per cent of the purchase price. Vetoed.

SEC. 7. That section 21 of chapter 180, Laws of 1935, (8370-21, Remington's Revised Statutes) be and the same hereby is amended to read as follows:

Amends
§ 8370-21,
Rem. Rev.
Stat.
(§ 7030-81,
P. C.)

Section 21. The tax hereby imposed shall be paid by the buyer to the seller, and it shall be the duty of each seller to collect from the buyer the full amount of the tax payable in respect to each taxable sale. The amount of tax shall be paid by the buyer in cash, or by token or in scrip having the face value of either the purchase price or that portion of the purchase price for which the tax has not been paid in cash. 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 by this act, he shall be personally liable to the state for the amount of such tax. The amount of tax, until paid to the seller, shall constitute a debt from the buyer to the seller and any buyer who refuses to pay any tax due under

Seller to
collect tax,
liability.

Penalty for
failure to
pay.

this title shall be guilty of a misdemeanor and punishable in the manner prescribed by law.

Amends
§ 8370-24,
Rem. Rev.
Stat.
(§ 7030-84,
P. C.)

SEC. 8. That section 24 of chapter 180, Laws of 1935, (section 8370-24, Remington's Revised Statutes) be and the same hereby is amended to read as follows:

Prepayment
of tax.

Section 24. The commission may authorize a seller to pay the tax levied under this title upon sales made through vending machines and similar devices or where sales are made under conditions of business such as to render impracticable the collection of the tax as a separate item and waive collection of the tax from the customer. No such authority shall be granted except upon application to the commission and unless the commission, after hearing, shall find that the conditions of the applicant's business are such as to render impracticable the collection of the tax in the manner otherwise provided under this title. The commission, by regulation, may provide that the applicant, under this section, furnish a proper bond sufficient to secure the payment of the tax.

Application.

Section 24. The commission may authorize a seller to pay the tax levied under this title upon sales made through vending machines and similar devices or where sales are made under conditions of business such as to render impracticable the collection of the tax as a separate item and waive collection of the tax from the customer. No such authority shall be granted except upon application to the commission and unless the commission, after hearing, shall find that the conditions of the applicant's business are such as to render impracticable the collection of the tax in the manner otherwise provided under this title. The commission, by regulation, may provide that the applicant, under this section, furnish a proper bond sufficient to secure the payment of the tax.

Bond.

Amends
§ 8370-27,
Rem. Rev.
Stat.
(§ 7030-87,
P. C.)

SEC. 9. That section 27 of chapter 180, Laws of 1935, (section 8370-27, Remington's Revised Statutes) be and the same hereby is amended to read as follows:

Refunds and
rebates
unlawful.

Section 27. Whoever, excepting as expressly authorized pursuant to this act, refunds, remits or rebates to a buyer, either directly or indirectly and by whatsoever means, all or any part of the tax levied by this title, 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 buyer by an adjustment of prices, or at a price including the tax, or in any other manner whatsoever, shall be guilty of a misdemeanor.

Amends
§ 8370-36,
Rem. Rev.
Stat.
(§ 7030-96,
P. C.)

SEC. 10. That section 36 of chapter 180, Laws of 1935, (section 8370-36, Remington's Revised Stat-

utes) be and the same hereby is amended to read as follows:

Section 36. From and after the first day of May, 1935, there is hereby levied and there shall be collected from every person a tax for the act or privilege of engaging within this state in any one or more of the businesses herein mentioned. Such tax shall be equal to the gross operating revenue of the business, multiplied by the rate set out after the business, as follows:

Public utility tax, businesses taxable.

I. Railroad, express, railroad car, water distribution, light and power, telephone and telegraph businesses: Three per cent;

II. Gas distribution business: Two per cent;

III. Urban transportation business: One half of one per cent;

IV. Vessels under sixty-five (65) feet in length operating upon the waters within the State of Washington: One half of one per cent;

V. Highway transportation and all public service businesses other than ones mentioned above: One and one half per cent.

SEC. 11. That section 37 of Chapter 180, Laws of 1935, (section 8370-37, Remington's Revised Statutes) be and the same hereby is amended to read as follows:

Amends § 8370-37, Rem. Rev. Stat. (§ 7030-97, P. C.)

Section 37. For the purposes of this title, unless otherwise required by the context:

(a) The term "railroad business" means the business of operating any railroad, by whatever power operated, for public use in the conveyance of persons or property for hire: *Provided, however,* That it shall not include any business herein defined to be an urban transportation business;

"Railroad business."

(b) The term "express business" means the business of carrying freight, merchandise or property for public hire on the line of any common carrier operated in this state, when such common

"Express business."

carrier is not owned or leased by the person engaging in such business;

"Railroad car business."

(c) The term "railroad car business" means the business of operating stock cars, furniture cars, refrigerator cars, fruit cars, poultry cars, tank cars, sleeping cars, parlor cars, buffet cars, tourist cars, or any other kinds of cars used for transportation of property or persons upon the line of any railroad operated in this state when such railroad is not owned or leased by the person engaging in such business;

"Water distribution business."

(d) The term "water distribution business" means the business of operating a plant or system for the distribution of water for hire or sale;

"Light and power business."

(e) The term "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."

(f) The term "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."

(g) The term "telegraph business" means the business of affording telegraphic communication for hire;

"Gas distribution business."

(h) The term "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."

(i) The term "high way transportation business" means the business of operating any motor propelled vehicle, as an auto transportation company (except urban transportation business), common carrier or contract carrier as defined in chapter 111, Laws of 1921, page 338, section 1, and chapter 184, Laws of 1935, page 884, section 2;

(j) The term "urban transportation business" means:

"Urban transportation business."

(1) The business of operating any railroad, or any extension or extensions, branch or branches thereof, for public use in the conveyance of persons or property for hire, being mainly upon, along, above or below any street, avenue, road, highway, bridge or public place primarily within any one city or town. The term shall also include any electric interurban railroad operated primarily for the purpose of transporting passengers: *Provided*, The distance between the terminals of such interurban railroad does not exceed fifty miles;

(2) The business of operating any motor propelled vehicle for public use in the conveyance of persons, operating within the limits of any city or town or within the limits of contiguous cities or towns. Included herein are such means of conveyance as busses, hotel busses, jitneys, sight-seeing busses, taxicabs or any other passenger motor vehicles operated for public hire, if operating entirely within the limits of any city or town, or contiguous cities or towns or within three miles of such limits;

(k) The term "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 to be of a public service nature by the legislature of this state. 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."

(l) The term "gross operating revenue" means the value proceeding or accruing from the performance of the particular public service or transportation business involved, including operations

"Gross operating revenue."

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;

Definitions applicable.

(m) The meaning attributed, in title II of this act, to the words or phrases; "tax year," "person," "value proceeding or accruing," "business," "engaging in business," "cash discount" and "successor" shall apply equally in the provisions of this title.

Amends § 8370-40, Rem. Rev. Stat. (§ 7030-100, P. C.)

SEC. 12. That section 40 of chapter 180, Laws of 1935, (8370-40, Remington's Revised Statutes) be and the same hereby is amended to read as follows:

Computation of tax, deductions.

Section 40. In computing tax there may be deducted from the gross operating revenue the following items:

(a) Amounts derived by municipally owned or operated public service businesses, directly from taxes levied for the support or maintenance thereof: *Provided*, That this section shall not be construed to exempt service charges which are spread on the property tax rolls and collected as taxes;

(b) Amounts derived from the sale of commodities to persons in the same public service business as the seller, for resale as such within this state. This deduction is allowed only with respect to water distribution, light and power, gas distribution or other public service businesses which furnish water, electrical energy, gas, or any other commodity in the performance of public service businesses;

(c) Amounts actually paid by a taxpayer to another person taxable under this title as the latter's portion of the consideration due for services furnished jointly by both, if the total amount has been credited to and appears in the gross operating revenue reported for tax by the former;

(d) The amount of cash discount actually taken by the purchaser or customer;

(e) The amount of credit losses actually sustained by taxpayers whose regular books of accounts are kept upon an accrual basis;

(f) Amounts derived from business which the State of Washington is prohibited from taxing under the constitution of this state or the constitution or laws of the United States;

(g) Amounts derived from the distribution of water through an irrigation system, for irrigation purposes;

(h) Amounts derived from the transportation of commodities from points of origin in the State of Washington into transit stations in Washington and thereafter forwarded, either in like kind or in their original or converted form, to interstate or foreign destinations; amounts derived from the transportation of commodities from points of origin outside the State of Washington into transit stations in Washington and thereafter forwarded, either in like kind or in their original or converted form, to destinations in the State of Washington; and amounts derived from the transportation of commodities from points of origin in the State of Washington to export elevators, docks or ship side on tidewater and the Columbia River and thereafter forwarded, either in like kind or in their original or converted form, to interstate or foreign destinations.

SEC. 13. That section 44 of chapter 180, Laws of 1935, (section 8370-44, Remington's Revised Statutes) be and the same hereby is amended to read as follows:

Section 44. (a) From and after the first day of May, 1935, there is hereby levied and there shall be collected a tax of one cent for each twenty (20c) cents or fraction thereof of the amount paid for admission to any place, including admission by season

Amends
§ 8370-44,
Rem. Rev.
Stat. (§ 7030-
104, P. C.)

Admissions
tax, levied.

ticket or subscription, to be paid by the person paying for such admission; except that in the case the amount paid for admission is ten (10c) cents or less, no tax shall be imposed. In the case of persons (except *bona fide* employees, state or municipal officers on official business, and children under twelve (12) years of age) admitted free or at reduced rates to any place at a time when and under circumstances under which an admission charge is made to other persons, an equivalent tax shall be collected based on the price so charged to such other persons for the same or similar accommodations, to be paid by the person so admitted. Amounts paid for admission by season ticket or subscription shall be exempt only if the amount which would be charged to the holder or subscriber for a single admission is ten (10c) cents or less;

Excess over
general
admission.

(b) Upon tickets or cards of admission to places of amusement sold elsewhere than at the ticket offices of such places of amusement, at a price in excess of the sum of the established price therefor at such ticket offices, plus the amount of any tax imposed under paragraph (a) of this section, a tax equivalent to ten (10%) per cent of the amount of such excess, such tax to be returned and paid in the manner provided in section 47 hereof, by the person selling such tickets;

(c) A tax equivalent to fifty (50%) per cent of the amount for which proprietors, managers, or employees of any place of amusement sell or dispose of tickets or cards of admission in excess of the regular or established price or charge therefor, such tax to be returned or paid in the manner provided in section 47 hereof, by the person selling such tickets;

Permanent
boxes.

(d) In the case of persons having the permanent use of boxes or seats in any place of amusement or a lease for the use of such box or seat (in

lieu of the tax imposed by paragraph (a) of this section), a tax equivalent to ten (10%) per cent of the amount for which a similar box or seat is sold for each performance or exhibition at which the box or seat is used or reserved by or for the lessee or holder, such tax to be paid by the lessee or holder;

(e) A tax of one and one half (1½c) cents for each ten (10c) cents or fraction thereof of the amount paid for admission to any public performance for profit at any roof garden, cabaret, or other similar entertainment to which the charge for admission is wholly or in part included in the price paid for refreshments, service or merchandise; the amount paid for such admission to be deemed to be twenty (20%) per cent of the amount paid for refreshment, service or merchandise. Where the amount paid for admission is twenty (20c) cents or less, no tax shall be imposed.

SEC. 14. That section 45 of chapter 180, Laws of 1935, (section 8370-45, Remington's Revised Statutes) be and the same hereby is amended to read as follows:

Amends
§ 8370-45,
Rem. Rev.
Stat. (§ 7030-
105, P. C.)

Section 45. For the purposes of this title, unless otherwise required by the context:

(a) The term "admission" includes seats and tables, reserved or otherwise, and other similar accommodations, and the charges made therefor. It includes also charges made for the rental or use of equipment or facilities supplied to the person paying for the admission where the rental of such equipment or facilities is necessary to the enjoyment of the privilege for which the admission is charged.

"Admission."

SEC. 15. That section 49 of chapter 180, Laws of 1935, ([section] 8370-49 Remington's Revised Statutes) be and the same is hereby amended to read as follows:

Amends
§ 8370-49,
Rem. Rev.
Stat. (§ 7030-
109, P. C.)

Exemptions.

Section 49. No tax shall be levied under this title in respect to any general admission to a *bona fide* agricultural fair if no part of the net earnings thereof inures to the benefit of any stockholder or member of the association conducting the same: *Provided*, That any amount paid for admission to any exhibit, grand stand, entertainment, or other feature conducted within the fair grounds by either the agricultural fair association or others shall be taxable under the provisions of this title.

Amends
§ 8370-187,
Rem. Rev.
Stat. (§ 7030-
247, P. C.)

SEC. 16. That section 187 of chapter 180, Laws of 1935, (section 8370-187, Remington's Revised Statutes) be and the same hereby is amended to read as follows:

Annual regis-
tration
certificates.

Section 187. If any person shall engage in any business or perform any act for which a tax is imposed by this act, he shall, whether taxable or not, under such rules and regulations as the commission shall prescribe, apply for and obtain from the commission, upon the payment of a fee of one dollar, a registration certificate. Said registration certificate shall be personal and non-transferable and shall be valid as long as the taxpayer shall continue in business and pay the tax accrued to the state under the provisions of this act. In case business is transacted at two or more separate places by one taxpayer, a separate registration certificate for each place at which business is transacted with the public shall be required, but for such additional certificates no fee shall be required. Each certificate shall be numbered and shall show the name, residence and place and character of business of the taxpayer and such other information as the tax commission shall deem necessary and shall be posted in a conspicuous place at the place of business for which it is issued. Where a place of business of the taxpayer is changed, the taxpayer must return to the tax commission the existing certificate, and a new certificate

will be issued for the new place of business free of charge. No person shall engage in any business taxable hereunder without being registered in compliance with the provisions of this section: *Provided, however,* The tax commission, by general regulation, may provide for the issuance of certificates of registration to temporary places of business without requiring the payment of any fee.

Each vending machine, slot machine or similar mechanical device, except where used in conducting a public utility business, shall be considered a separate place of business and it shall be unlawful for any person to operate such machine or permit the same to be operated on his premises unless a certificate of registration has been obtained and is conspicuously displayed upon such machine or for any person upon making application for a certificate of registration to fail or refuse to give any information requested by the tax commission or to give false information with intent to conceal the true name, or address, of the owner or operator of such machine. Any person violating the provisions of this paragraph shall be guilty of a misdemeanor and any machine described herein which does not display a certificate of registration, as provided herein, is hereby declared to be contraband goods and the same may be seized by the tax commission or its duly authorized agent, or by any peace officer of the state, when directed by the commission so to do, without warrant, and said goods shall be offered for sale by the tax commission in the same manner as property distrained under warrant for the satisfaction of delinquent taxes as provided in section 202, and the proceeds from such sale shall be paid to the tax commission and credited to the account of miscellaneous revenue: *Provided,* That the costs of the confiscation and sale shall be paid out of the proceeds before making the remittance. Any money

Each vending machine or slot machine construed a separate place of business.

Certificate displayed.

Penalty for violation.

contained in said vending machines or mechanical devices may be removed before the machine is offered for sale and the amount thereof shall be considered as part of the proceeds of the sale.

Amends
§ 8370-188,
Rem. Rev.
Stat. (§ 7030-
248, P. C.)

SEC. 17. That section 188 of chapter 180, Laws of 1935, (section 8370-188, Remington's Revised Statutes) be and the same hereby is amended to read as follows:

Errors in
returns.

Section 188. If, upon examination of any returns it appears that a tax or penalty has been paid less than that properly due, the tax commission shall notify the taxpayer by mail of such additional amount and the same shall become due and shall be paid within ten days from the date of such notice, or within such further time as the tax commission may provide. If payment is not received by the tax commission by the due date of such notice, the tax commission may add a penalty of ten per cent of the amount of the additional tax found due.

If, upon examination of any returns it appears that a tax has been paid in excess of that properly due, the tax commission shall notify the taxpayer by mail and the amount of such excess shall be credited against any tax or installment thereof then due or to become due from the taxpayer under any other subsequent return for the same year, and any balance of such excess at the end of such tax year, or upon the filing of a final return upon ceasing business, shall be refunded on request of the taxpayer by means of vouchers approved by the tax commission and by the issuance of state warrants drawn upon and payable from such funds as the legislature may provide.

Amends
§ 8370-192,
Rem. Rev.
Stat. (§ 7030-
252, P. C.)

SEC. 18. That section 192 of chapter 180, Laws of 1935, (section 8370-192, Remington's Revised Statutes) be and the same hereby is amended to read as follows:

Section 192. The tax commission, for good cause shown, may extend the time for making and filing any return as required under this act, and may grant such reasonable additional time within which to make and file such returns as it may deem proper: *Provided, however,* That any extension in excess of thirty days shall be conditional on payment of interest of one half of one per cent for each thirty days or portion thereof of the amount of the tax from the date upon which such tax became due. If payment of any tax due under this act is not received by the tax commission within ten days of the due date of such tax, as set forth in this act, there shall be added to such tax a penalty of ten per cent of the amount of said tax, but in no case shall the penalty be less than one (\$1.00) dollar. If any taxpayer fails to file any return required by this act within ten days of the date provided for filing such return, and it appears that there was no tax due or paid for the period for which no return was filed, the tax commission may assess against such taxpayer a penalty not to exceed three (\$3.00) dollars for such failure. The tax commission shall notify the taxpayer by mail of the amount of any penalties so added or assessed and the same shall become due and shall be paid within ten days from the date of such notice.

Extension of
time for
payment.

SEC. 19. That section 200 of chapter 180, Laws of 1935, (section 8370-200, Remington's Revised Statutes) be and the same hereby is amended to read as follows:

Amends
§ 8370-200,
Rem. Rev.
Stat. (§ 7030-
260, P. C.)

Section 200. The tax commission, by its order, may hold in abeyance the collection of tax from any taxpayer or any group of taxpayers when a question bearing on their liability for tax hereunder is pending before the courts: *Provided,* That the tax commission may impose such conditions as in its discretion may be deemed just and equitable and may

Collections
in abeyance
pending
contest.

require the payment of interest at the rate of one half of one per cent of the amount of the tax for each thirty days or portion thereof from the date upon which such tax became due.

Amends
§ 8370-202,
Rem. Rev.
Stat. (§ 7030-
262, P. C.)

SEC. 20. That section 202 of chapter 180, Laws of 1935, (section 8370-202, Remington's Revised Statutes) be and the same hereby is amended to read as follows:

Default in
payment.

Section 202. If any tax, increase or penalty imposed by this act, or any portion of such tax, increase or penalty is not paid within fifteen days after the same shall become due, the tax commission shall 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 per cent of the amount of such warrant for each thirty days or portion thereof after the date of such warrant, plus the cost of executing said warrant, and return such warrant to the tax commission and pay to it the money collected by virtue thereof within sixty days after the receipt of such warrant. If, however, the tax commission in its discretion believes that a taxpayer subject to the provisions of this act 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 imposed under this act will not be paid when due, it may declare such tax or penalty to be immediately due and payable and may issue a warrant immediately.

Warrant.

Levy and
sale.

The sheriff, within thirty days after the receipt of said warrant, shall file with the clerk of the superior court of his county a copy thereof, 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 lien, prior to all other liens except prior tax liens, 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 and no sale or transfer of such personal property shall in any way affect such lien. The amount of such warrant so docketed shall become a lien upon the title to and interest in real and personal property of the taxpayer against whom it is issued and shall be 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 executions or other process issued against rights or property upon judgments of said superior court. 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 (\$1.00) dollar, which shall be added to the amount of such warrant. The proceeds received from any sale shall be credited upon the amount due under the warrant and when the final amount due is received, together with interest, penalties and costs, the judgment docket shall show the claim for taxes to be satisfied and the clerk of the court shall so note upon the docket. Any surplus received from any sale of property shall be paid to the taxpayer. If the return on the warrant shall show 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 such warrant. If any warrant

issued under this section is not paid within thirty days after the same 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 said warrant was issued and, if such order is entered, a copy thereof shall be posted in a conspicuous place at the main entrance to said taxpayer's place of business and shall remain posted until such time as said warrant has been paid.

In the discretion of the tax commission, a warrant of like terms, force and effect may be issued and directed to any agent of the commission authorized to collect taxes under this act, and in the execution thereof such agent shall have all the powers conferred by law upon sheriffs, but shall not be entitled to any fee or compensation in excess of the actual expenses paid in the performance of such duty, which shall be added to the amount of such warrant.

Adds
§ 8370-210a,
Rem. Rev.
Stat. (§ 7030-
270a, P. C.)

SEC. 21. That chapter 180, Laws of 1935, be amended by adding thereto a new section following section 210 thereof to be designated as section 210(a) (section 8370-210a, Remington's Revised Statutes) and to read as follows:

Uncollectible taxes charged off accounts receivable.

Section 210(a). Any tax or penalty due under the provisions of this act or under chapter 191, Laws of 1933, as amended by chapter 57, Laws of 1933, Extraordinary Session, which the tax commission deems to be uncollectible, may be charged off accounts receivable subject to approval upon examination by the budget division of the department of finance, budget and business of the State of Washington: *Provided, however,* That such amount charged off shall continue to be a debt due the State of Washington from the taxpayer and may at any time be transferred back to accounts receivable for the purpose of collection.

SEC. 22. Section 211 of chapter 180, Laws of 1935, (section 8370-211 of Remington's Revised Statutes), is hereby amended to read as follows:

Amends
§ 8370-211,
Rem. Rev.
Stat. (§ 7030-
271, P. C.)

Section 211. The state treasurer, upon receipt of any payments of tax, penalty, interest or fees collected under the provisions of this act and of the several titles hereof except Title XV, shall first deposit to the credit of the general fund the amount of any expenditures from said fund, not previously repaid, on account of refunds of taxes, interest and costs and shall deposit the balance thereof to the credit of the following funds:

Allocation
of receipts.

- 49.00% thereof to the state current school fund;
- 2.18% thereof to the University of Washington fund;
- .72% thereof to the Washington State College fund;
- .03% thereof to the Bellingham Normal School fund;
- .11% thereof to the Cheney Normal School fund;
- .19% thereof to the Ellensburg Normal School fund;
- 47.77% thereof to the state general fund:

Provided, That the allocations hereby made to each of the first six funds above enumerated shall never during any biennium, in the aggregate, when added to resources or receipts derived from all other sources during such biennium, exceed the total requirements of each of said funds as measured by the biennial legislative appropriations payable therefrom and whenever such limit has been reached, any monies which would otherwise be allocable to such funds shall be deposited to the credit of the state general fund.

SEC. 23. That section 212 of chapter 180, Laws of 1935, (section 8370-212, Remington's Revised Stat-

Amends
§ 8370-212,
Rem. Rev.
Stat. (§ 7030-
272, P. C.)

utes) be and the same hereby is amended to read as follows:

Partial
invalidity.

Section 212. If any title, section, subdivision of a section, paragraph, sentence, clause or word of this act for any reason shall be adjudged invalid, such judgment shall not affect, impair or invalidate the remainder of this act but shall be confined in its operation to the title, section, subdivision of a section, paragraph, sentence, clause or word of the act directly involved in the controversy in which such judgment shall have been rendered. If any tax imposed under this act shall be adjudged invalid as to any person, corporation, association or class of persons, corporations or associations included within the scope of the general language of this act such invalidity shall not affect the liability of any person, corporation, association or class of persons, corporations, or associations as to which such tax has not been adjudged invalid. It is hereby expressly declared that had any title, section, subdivision of a section, paragraph, sentence, clause, word or any person, corporation, association or class of persons, corporations or associations 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.

Adds
§ 8370-219,
Rem. Rev.
Stat. (§ 7030-
279, P. C.)

SEC. 24. That chapter 180, Laws of 1935, be amended by adding thereto a new section following section 218 thereof to be designated as section 219 (section 8370-219, Remington's Revised Statutes) and to read as follows:

State pre-
empts right
to impose
revenue
taxes.

Section 219. The state does hereby preempt the field of imposing taxes on admissions, conveyances and cigarettes, as included under chapter 180, Laws of 1935, Title VI, sections 44 to 50 inclusive, Title VIII, sections 53 to 60 inclusive, Title XII, sections 82 to 95 inclusive, and no county, town or other mu-

municipal subdivision shall have the right to impose taxes of the nature therein defined.

SEC. 25. This act shall take effect May 1, 1937.

Effective
May 1, 1937.

Passed the Senate February 19, 1937.

Passed the House March 10, 1937.

Approved by the Governor March 23, 1937 with the exception of section 6, which is vetoed.

CHAPTER 228.

[S. B. 291.]

EXCISE TAX ON PRIVATE MOTOR VEHICLES.

AN ACT relating to taxation; providing for an excise tax upon private motor vehicles in lieu of property taxes thereon and for the allocation of revenues therefrom to the state school equalization fund for the relief of counties from the burden of common school support; limiting the county property tax levy for support of the common schools to one and one fourth mills; making an appropriation from the state school equalization fund of \$1,500,000.00, and prescribing the duties of certain state and county officers in relation to said excise tax.

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

SECTION 1. Except as otherwise indicated by the context the term "vehicle," "motor vehicle" or "private motor vehicle" shall be construed to mean and include all motor vehicles used for the convenience or pleasure of the owner and carrying a licensing classification other than motor vehicle trailer or semi-trailer, motor vehicle for hire, auto stage, auto stage trailer, motor truck, motor truck trailer or dealer's licenses. It shall not include any vehicle entitled to an exempt motor vehicle license.

Definitions.

SEC. 2. An excise tax is hereby imposed for the privilege of using in the State of Washington any private motor vehicle. The annual amount of such

Excise tax.

excise shall be one and one half (1.5) per centum of the fair market value of such vehicles, but no vehicle shall be subject to a tax of less than \$1.00 per annum.

Tax schedule. SEC. 3. The tax commission and association of county assessors of the state shall prepare and, on or before November 1st of each year, furnish to the county auditor of each county in the state a schedule for the collection of the tax imposed by this act. Such schedule shall be based upon such information as may be available to them pertaining to the fair market value of motor vehicles. Vehicles shall be classified into a convenient number of classes on the basis of make, type and year of manufacture, and to the value of vehicles within the classes as thus determined shall be applied the rate of tax prescribed in section 2 of this act. The commission and county assessors shall have power to use any guidebook, report or compendium of official and recognized standing in the automotive industry in determining fair market value. The schedule shall show the amount of tax for vehicles within each class and shall sufficiently describe the various motor vehicles included within each classification to enable the county auditors to ascertain readily the amount of tax applicable to a motor vehicle of any specified make, type or year of manufacture.

Vehicles classified.

Fair market value.

Vehicle not appearing upon tax schedule.

SEC. 4. Whenever a person shall apply to the county auditor for a license for a private motor vehicle which does not appear upon the tax schedule, he shall be required to apply to the county assessor of his county for computation of the amount of tax due. Upon any such application the assessor shall appraise the fair market value of the vehicle from such automotive guidebooks or listings or other information as he may have available and ascertain the amount of tax by applying to such appraisal the rate of 1.5 per cent and thereupon the applicant shall

be given a certificate showing tax payable under this act.

SEC. 5. The tax hereby imposed shall be due and payable to the county auditor at the time of registration of a private motor vehicle. Whenever an application is made to the auditor for a private motor vehicle license he shall then and there collect, in addition to the amount of the license fee, the amount of tax due under the provisions of this act and no motor vehicle license or license plates shall be issued unless such tax is paid in full. The tax hereby imposed shall be collected for each calendar year: *Provided*, That upon vehicles licensed for the first time in this state after March 31st of any year the tax imposed by this act 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 tax shall be reduced by one half thereof and upon vehicles licensed for the first time in the state after September 30th of any year the tax shall be reduced by three fourths thereof. No additional tax shall be imposed under this act upon any vehicle upon the transfer of ownership thereof if the tax on such vehicle has already been paid for the year in which transfer of ownership occurs.

Tax due and payable when.

SEC. 6. The tax imposed by this act is in addition to all other licenses and taxes otherwise imposed, except that no tax according to value shall hereafter be levied or imposed upon any vehicle upon which is paid the tax required by this act. Such vehicles are hereby exempted from all *ad valorem* taxes for state, county or municipal purposes.

Tax in addition to other taxes imposed.

SEC. 7. It shall be unlawful for the county auditor to issue a license or identification plates to any applicant therefor without collecting with the required license fee the amount of the tax due thereon

Unlawful to issue license without collecting tax.

Penalty. under the provisions of this act. Violations of this section shall constitute a gross misdemeanor.

Receipts. SEC. 8. The county auditor shall give to each person paying the tax under this act a receipt therefor which shall sufficiently designate and identify the vehicle upon which such tax is paid. Such receipt may be incorporated in the receipt now given for motor vehicle license fee paid.

Collections credited to state school equalization fund. SEC. 9. The county auditor shall regularly when remitting license fee receipts pay over and account to the state treasurer for the taxes collected under the provisions of this act. All revenue derived from the tax imposed by this act shall upon receipt thereof be credited by the state treasurer to the state school equalization fund.

Dealers. SEC. 10. Dealers' stocks of motor vehicles shall continue to be listed and assessed by the county assessor as other personal property is listed and assessed for *ad valorem* taxes: *Provided*, That, after the calendar year 1937, the county assessor shall not list or assess any dealers' stocks of motor vehicles bearing current Washington private motor vehicle licenses on the statutory assessment date: *Provided, further*, That whenever, in any year after the calendar year 1937, a dealer subsequent to such listing and assessment sells or otherwise disposes of a motor vehicle which has been listed and assessed to him by the county assessor for such year, it shall be the duty of the said dealer to give to his purchaser or transferee a certificate attesting that the vehicle so sold or transferred, identified by motor number, was in fact actually listed and assessed to the dealer for the year in which the sale or transfer occurred and such purchaser or transferee shall, upon verification of the certificate by the county assessor, be exempt as to such vehicle from the payment of any tax imposed by this act for the remainder of such year.

SEC. 11. The first tax to be collected under this act shall be for the calendar year 1938 and the duties imposed upon the various state and county officers by this act shall be performed within such time or times as to give effect to this section. Except as provided in section 10, private motor vehicles shall not be listed and assessed for *ad valorem* taxes for the year 1937 or any succeeding year so long as this act remains in effect.

First tax collectible for 1938.

Vehicles not assessed for ad valorem taxes.

SEC. 12. The county tax required by section 4936, Remington's Revised Statutes (sec. 12, chap. 28, Laws of 1933) to be levied annually in an amount sufficient to produce five cents per pupil per attendance day shall not in any case exceed one and one fourth mills on each dollar of assessed valuation of property in the several counties. Revenues derived from the excise imposed under this act shall be apportioned from the state school equalization fund to counties entitled thereto for common school support in the same manner, at the same time and upon the same basis as said state school equalization fund is required to be apportioned to counties under section 4936, Remington's Revised Statutes (sec. 12, chap. 28, Laws of 1933). There is hereby appropriated from the state school equalization fund for the equalization of county common school support under said section 4936, out of revenues derived from the excise tax imposed by this act, the sum of one million five hundred thousand dollars (\$1,500,000.00).

County tax.

Revenues apportioned.

Appropriation.

SEC. 13. All acts and parts of acts in conflict herewith are hereby repealed, but this section shall not prevent the collection of any tax or taxes heretofore levied upon private motor vehicles under any other law.

Conflicting acts repealed.

SEC. 14. If any section or sections less than the whole of this act should be declared unconstitutional by a court of last resort of competent jurisdiction,

Partial invalidity.

the act shall be and become inoperative and of no force or effect in its entirety.

Passed the Senate March 6, 1937.

Passed the House March 10, 1937.

Approved by the Governor March 22, 1937.

CHAPTER 229.

[S. B. 135.]

RETIREMENT OF SUPREME AND SUPERIOR COURT JUDGES.

AN ACT providing for the retirement of judges of the supreme and superior courts; fixing the amount of their retirement pay; providing funds therefor; and making an appropriation.

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

Retirement.

SECTION 1. Any judge of the supreme or superior court of the State of Washington who heretofore and/or hereafter shall have served as a judge of either or both of such courts for eighteen years in the aggregate or who shall have served ten years in the aggregate and shall have attained the age of seventy years or more may, during or at the expiration of his term of office, in accordance with the provisions of this act, be retired and receive the retirement pay herein provided for. Any judge desiring to retire under the provisions of this section shall file with the state treasurer, who is hereby created treasurer, *ex officio*, of the fund hereinafter established, and who is hereinafter referred to as "the treasurer," a notice in duplicate in writing, verified by his affidavit, fixing a date when he desires his retirement to commence, one copy of which the treasurer shall forthwith file with the state auditor. The notice shall state his name, the court or courts of which he has served as judge, the period of

Notice,
contents.

service thereon and the dates of such service. No retirement shall be made within a period of less than thirty days after such statement is filed, and no retirement after separation from office by expiration of term shall be allowed unless the statement be filed within thirty days thereafter.

SEC. 2. Any judge of the supreme or superior court of the State of Washington, who heretofore and/or hereafter shall have served as a judge of either or both such courts for a period of ten years in the aggregate, and who shall believe he has become physically or otherwise permanently incapacitated for the full and efficient performance of the duties of his office, may file with the treasurer an application in duplicate in writing, asking for retirement, which application shall be signed and verified by the affidavit of the applicant or by someone in his behalf and which shall set forth his name, the office then held, the court or courts of which he has served as judge, the period of service thereon, the dates of such service and the reasons why he believes himself to be, or why they believe him to be incapacitated. Upon filing of such application the treasurer shall forthwith transmit a copy thereof to the governor who shall appoint three physicians of skill and repute, duly licensed to practice their professions in the State of Washington, who shall, within fifteen days thereafter, for such compensation as may be fixed by the governor, to be paid out of the fund hereinafter created, examine said judge and report, in writing, to the governor their findings in the matter. If a majority of such physicians shall report that in their opinion said judge has become permanently incapacitated for the full and efficient performance of the duties of his office, and if the governor shall approve such report, he shall file the report, with his approval endorsed thereon, in the office of the treasurer and a duplicate copy

Application
for retire-
ment.

Physical
examination.

thereof with the state auditor, and from the date of such filing the applicant shall be deemed to have retired from office and be entitled to the benefits of this act to the same extent as if he had retired under the provisions of section 1 hereof.

Retirement
pay.

SEC. 3. Every judge of the supreme or superior court of the State of Washington who shall have retired from office under the provisions of this act shall be entitled to receive monthly during the period of his natural life, out of the fund hereinafter created, an amount equal to one half of the monthly salary he was receiving as a judge at the time of his retirement, or at the end of the term immediately prior to his retirement if his retirement is made after expiration of his term. The retirement pay herein provided for shall be paid monthly by the state treasurer on or before the tenth day of each month. If at any time when a monthly payment shall become due, the amount to the credit of said fund shall be inadequate to pay in full the compensation of all retired judges entitled thereto, said judges shall be paid only their proportionate and *pro rata* share of the available funds.

Retired
judge to hold
court, when.

SEC. 4. That every judge of the superior court of the State of Washington who shall have retired from office under the provisions of this act, during the balance of the term for which he shall have been elected, shall, if physically able, hold court when and where required to do so by the president-judge of The Association of the Superior Court Judges of the State of Washington, without compensation, but he shall be paid his necessary expenses by the county where so engaged; and every judge of the supreme or superior court of the State of Washington who shall have retired from office under the provisions of this act, may be required to act as judge *pro tem*, if physically able, when so appointed by the presiding judge of the superior court of any judicial

Judge
pro tem.

district in this state, without compensation, but he shall be paid his necessary expenses by the county where so engaged.

SEC. 5. There is hereby created a fund to be known as "The Judges' Retirement Fund" which shall consist of the monies appropriated from the general fund in the state treasury, as hereinafter provided; the deductions from salaries of judges, as hereinafter provided, and all gifts, donations, bequests and devises made for the benefit of said fund, and the rents, issues and profits thereof, or proceeds of sales of assets thereof. The treasurer shall be custodian of the monies in said Judges' Retirement Fund. He shall receive all monies payable into said fund and make disbursements therefrom as provided in this act. He shall keep written permanent records showing all receipts and disbursements of said fund and shall make an annual written report showing receipts and disbursements and the status of said fund as of December thirty-first of each year, and shall, on or before the first day of February of each year, file one copy thereof with the governor, and one copy with the president-judge of The Association of the Superior Court Judges of the State of Washington. The treasurer's account shall be audited at convenient times by the state auditor. The treasurer shall receive no compensation for his services hereunder other than his salary as state treasurer, but he shall be allowed from said fund his actual expenses in connection with his duties hereunder. The monies in said fund shall be deposited by the treasurer in the name of said fund in such bank or banks as may be directed by the state finance committee. The treasurer shall furnish a surety company bond in the sum of twenty-five thousand dollars (\$25,000), conditioned for the faithful discharge of his duties, and a strict accounting for all monies received by him under the pro-

The judges
retirement
fund created.

Treasurer.

Account
audited.

Surety
bond.

Depository
banks.

visions of this act, the premium for such bond to be paid out of the monies in said fund. The treasurer shall require from all banks holding deposits of monies belonging to said fund, deposits of securities or surety company bonds to indemnify said fund against loss, the same as are required of depositories of state funds, which deposit of securities or surety company bonds shall at all times be ample and sufficient to cover all deposits from said fund.

Salary
deductions.

Withdrawals
from general
fund.

SEC. 6. For the purpose of providing monies in said Judges' Retirement Fund, concurrent monthly deductions from judges' salaries and portions thereof payable from the state treasury and withdrawals from the general fund of the state treasury shall be made as follows: $2\frac{1}{2}\%$ shall be deducted from the monthly salary of each judge of the supreme court and $2\frac{1}{2}\%$ of the total salaries of each judge of the superior court shall be deducted from that portion of the salary of such judges payable from the state treasury; and a sum equal to $2\frac{1}{2}\%$ of the combined salaries of the judges of the supreme court and the judges of the superior court shall be withdrawn from the general fund of the state treasury. The deductions and withdrawals herein directed shall be made on or before the tenth day of each month and shall be based on the salaries of the next preceding calendar month. The state auditor shall issue warrants payable to the treasurer to accomplish the deductions and withdrawals herein directed, and shall issue the monthly salary warrants of the judges for the amount of salary payable from the state treasury after such deductions have been made. The treasurer shall cash the warrants made payable to him hereunder and place the proceeds thereof in the Judges' Retirement Fund for disbursement as authorized in this act.

Monthly sal-
ary warrants.

Provisions
not appli-
cable, when.

SEC. 7. This act shall not apply to any judge during any unexpired term to which he shall have

been elected or appointed at the time this act take[s] effect, or to any judge who may hereafter be elected or appointed for a term that has not expired when this act takes effect, unless he shall within sixty days after this act takes effect, or within sixty days after his appointment, file with the treasurer and state auditor a written notice and declaration that he desires to take advantage of this act and consents that 2½% of his monthly salary may thereafter from a specified date be deducted from any salary payable to him from the state treasury; and from and after the specified date he shall be entitled to the benefits of this act if otherwise qualified. On and after the dates specified in said notice and declaration, it shall be the duty of the state auditor to deduct from the monthly salary of the judge, or portion thereof payable from the state treasury, a sum equivalent to 2½% of his total salary and to withdraw from the general fund of the state treasury a sum equivalent to the amount of such deductions, which withdrawals and deductions shall be made on or before the tenth day of the month and shall be based on the salaries of the preceding calendar month. All withdrawals and deductions and salary payments made under this section shall be made and disposed of in the same manner that is provided for deductions, withdrawals and salary payments in section 6 hereof.

SEC. 8. Whenever the treasurer shall estimate that the balance of cash remaining in the Judges' Retirement Fund, together with the estimated receipts for the remainder of the fiscal year, will exceed the estimated disbursements for the remainder of such year in the sum of one thousand dollars (\$1,000) or more, he shall invest such excess in such bonds as are by law authorized for the investment of the permanent school funds of the state. Whenever it shall appear to the treasurer that the cash

Investment
of excess.

remaining in said fund, together with the estimated receipts for the remainder of the fiscal year, will not meet the estimated disbursements as they shall fall due, it shall be his duty to sell so many of any bonds belonging to said fund as will produce cash sufficient for that purpose, and to deposit the proceeds of such sale in said fund.

Appropriation.

SEC. 9. For the purpose of carrying out the provisions of this act, there is hereby appropriated from the general fund in the state treasury for the biennium ending March thirty-first, 1939, the sum of ten thousand dollars (\$10,000.00), or so much thereof as may be necessary, not, however, to exceed deductions from judges' salaries made under the provisions of this act.

Partial invalidity.

SEC. 10. If any section or provision of this act shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of the act as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

Passed the Senate March 2, 1937.

Passed the House March 7, 1937.

Approved by the Governor March 22, 1937.

CHAPTER 230.

[S. B. 336.]

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 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 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 April 1, 1937, and ending March 31, 1939, except as otherwise provided, 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 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, including salaries of state examiners. "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 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: *And provided further*, "Operations."
Scrip books.

Officers and employees, subsistence and lodging.

That allowances made for subsistence and lodging for elective or appointive officers and employees while away from their domicile on state business shall equal actual expenses incurred therefor, but shall not exceed four and no/100 dollars (\$4.00) per diem for meals and lodging: *And provided further*, That the sole compensation for personal automobiles used in connection with state business shall not exceed five cents (5¢) per mile.

Compensation for use of personal automobiles.

Supervisor of budget to prepare estimate of revenues quarterly.

SEC. 2. The director of finance, budget and business, through the supervisor of budget, shall on April 1, 1937, and quarterly thereafter prepare an estimate of revenues on hand and to become available and the condition of all funds during the ensuing quarterly period and transmit the same to the governor and to the other state elective officials to enable them to properly forecast and plan their operations for the ensuing quarter. It is hereby declared to be the purpose hereof that the operations of the several departments of state government shall be conducted and kept as nearly as practicable upon a cash basis.

Cash basis.

Appropriation.

SEC. 3. 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 officers, and for the purchase and improvement of land and construction of buildings, and improvements for the various state institutions, and for emergencies, and for refunds, 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 hereinbelow designated and mentioned and hereinafter expressed, for the fiscal biennium beginning

April 1, 1937, and ending March 31, 1939, except as otherwise provided:

FROM THE GENERAL FUND.

FOR THE GOVERNOR'S OFFICE:		Governor.
Salaries, wages and operations....	\$45,000.00	
Investigation and emergency purposes, to be distributed on vouchers approved by the governor	16,000.00	
Extradition expenses (including deficiencies)	13,000.00	
Total	<hr/>	\$74,000.00
FOR THE GOVERNOR'S MANSION:		Governor's mansion.
Maintenance and furnishings of every kind to be distributed on vouchers approved by the Governor		12,000.00
FOR THE LIEUTENANT GOVERNOR:		Lieutenant Governor.
Salary of the Lieutenant Governor	\$2,400.00	
Other salaries and wages.....	1,200.00	
Operations	1,200.00	
Total	<hr/>	\$4,800.00
FOR THE SECRETARY OF STATE:		Secretary of State.
Salaries and wages.....	\$75,000.00	
Operations	35,000.00	
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 of the Secretary of State).....	70,000.00	
Bureau of Statistics and Immigration:		
Salaries and wages.....	2,500.00	
Operations	7,500.00	
Total	<hr/>	\$190,000.00
FOR THE STATE TREASURER:		State Treasurer.
Salaries and wages.....	\$62,000.00	
Operations	19,400.00	
Total	<hr/>	\$81,400.00

FROM THE MOTOR VEHICLE FUND.

Salaries and wages.....	\$25,000.00	
Operations	5,650.00	
Total	<hr/>	\$30,650.00

FROM THE FISHERIES FUND.

Salaries and wages.....	\$15,500.00	
Operations	7,115.00	
Total	<u> </u>	\$22,615.00

FROM THE GENERAL FUND.

State Auditor.

FOR THE STATE AUDITOR:

Salaries and wages.....	\$45,000.00	
Operations	7,500.00	
Special printing.....	3,000.00	
Departmental Audits:		
Salaries and wages.....	2,500.00	
Operations	3,000.00	
Total	<u> </u>	\$61,000.00

Vetoed. {

FROM THE MOTOR VEHICLE FUND.

Salaries and wages.....	\$20,000.00	
Operations	6,000.00	
Audit, Department of Highways:		
Salaries and wages.....	7,500.00	
Operations	1,500.00	
Total	<u> </u>	\$35,000.00

FROM THE EMERGENCY RELIEF FUND.

Salaries and wages.....	\$18,000.00	
Audit, Department of Public Welfare:		
Salaries and wages.....	23,000.00	
Operations	10,450.00	
Total	<u> </u>	\$51,450.00

Vetoed. {

FROM THE GENERAL FUND.

Division of municipal corporations.

Division of Municipal Corporations:

Salaries and wages.....	\$22,000.00	
Operations	5,725.00	
Total	<u> </u>	\$27,725.00

Attorney General.

FOR THE ATTORNEY GENERAL:

Salaries and wages.....	\$95,000.00	
Operations	18,500.00	
Printing briefs, court costs, and expenses of litigation in Federal Courts, other than salaries and wages	40,000.00	
Indexing Session Laws.....	450.00	
Total	<u> </u>	\$153,950.00

FROM THE CURRENT SCHOOL FUND.

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION:		Superintendent of Public Instruction.
Salaries and wages.....	\$70,500.00	
Operations	28,600.00	
To publish the Washington State Manual and other publications required by law.....	8,000.00	
Total	<u> </u>	\$107,100.00

FROM THE GENERAL FUND.

STATE LIBRARY:		State Library.
Salaries, wages and operations....		\$35,900.00
FOR THE COMMISSIONER OF PUBLIC LANDS:		Commissioner of Public Lands.
Salaries and wages.....	\$164,000.00	
Operations	60,000.00	
Audit by Division of Budget.....	10,000.00	
Total	<u> </u>	\$234,000.00
FOR THE INSURANCE COMMISSIONER:		Insurance Commissioner.
Salaries and wages.....	\$150,000.00	
Operations	45,000.00	
Total	<u> </u>	\$195,000.00
FOR LEGISLATIVE EXPENSE:		Legislative expenses.
Printing, indexing, binding and editing Session Laws, Senate and House Journals, other legislative printing, and binding public documents of the Twenty-fifth Session	\$15,000.00	
Indexing Senate and House Journals	700.00	} Vetoed.
Total .....	<u> </u>		$15,700.00
FOR THE SUPREME COURT:		Supreme court.
Salaries and wages.....	\$200,000.00	
Operations	12,000.00	
Total	<u> </u>	\$212,000.00
FOR THE SUPREME COURT REPORTER:		Supreme court reporter.
Salaries and wages.....	\$17,000.00	
Operations	7,325.00	
Total	<u> </u>	\$24,325.00
FOR THE STATE LAW LIBRARY:		State Law Library.
Salaries and wages.....	\$15,750.00	
Operations	12,235.00	
Total	<u> </u>	\$27,985.00

Judicial Council.	FOR THE JUDICIAL COUNCIL:		
	Salaries and wages.....	\$1,800.00	
	Operations	1,800.00	
	Total	<u> </u>	\$3,600.00
Uniform Law Commission.	FOR THE UNIFORM LAW COMMISSION:		
	Operations		\$500.00
Superior Court Judges.	FOR THE SUPERIOR COURT JUDGES:		
	Salaries and wages.....	\$263,000.00	
	Expenses, Judges in Joint Districts	5,700.00	
	Total	<u> </u>	\$268,700.00
Association of Superior Court Judges.	FOR THE ASSOCIATION OF SUPERIOR COURT JUDGES:		
	Operations		\$1,650.00

FROM THE STATE ATHLETIC FUND.

Athletic Commission.	FOR THE STATE ATHLETIC COMMISSION:		
	Salaries and wages.....	\$5,645.00	
	Operations	3,455.00	
	Total	<u> </u>	\$9,100.00

FROM THE GENERAL FUND.

Certification Librarians.	FOR THE STATE BOARD FOR THE CERTIFICATION OF LIBRARIANS:		
	Operations		\$400.00

FROM THE CURRENT SCHOOL FUND.

State Board of Education.	FOR THE STATE BOARD OF EDUCATION:		
	Salaries and wages.....	\$10,135.00	
	Operations	2,350.00	
	Total	<u> </u>	\$12,485.00
Vocational Education.	FOR THE STATE BOARD FOR VOCATIONAL EDUCATION:		
	Salaries and wages.....	\$20,135.00	
	Operations	7,075.00	
	To secure Federal Vocational Rehabilitation Fund (expenditures not to exceed amounts expended from appropriation for Civilian Vocational Rehabilitation).....	47,044.76	
	Total	<u> </u>	\$74,254.76

FROM THE UNITED STATES VOCATIONAL EDUCATION FUND.

To be expended in accordance with the provisions of Acts of Congress approved February 23,

1917, and February 5, 1929, and acts amendatory or supplementary thereto, providing for the promotion and development of vocational education	\$519,472.90	
To be expended in accordance with the provisions of Act of Congress approved June 2, 1920, and subsequent amendments, providing for civilian vocational rehabilitation	47,044.76	
Total	_____	\$566,517.66

FROM THE GENERAL FUND.

FOR THE STATE BOARD OF PHARMACY:		Board of Pharmacy.
Salaries and wages.....	\$8,750.00	
Operations	6,060.00	
Total	_____	\$14,810.00

FROM THE PUGET SOUND PILOTAGE FUND.

FOR THE STATE BOARD OF PILOTAGE COMMISSIONERS:		Pilotage Commissioners.
Salaries and wages.....	\$1,200.00	
Operations	2,300.00	
Total	_____	\$3,500.00

FROM THE GENERAL FUND.

FOR THE BOARD OF PRISONS, TERMS AND PAROLES:		Board of Prisons, Terms and Parole.
Salaries and wages.....	\$82,000.00	
Operations	34,590.00	
Total	_____	\$116,590.00
FOR THE STATE CAPITOL COMMITTEE:		Capitol Committee.
Salaries and wages.....	\$7,500.00	
Operations	2,500.00	
Total	_____	\$10,000.00
FOR THE STATE FINANCE COMMITTEE:		Finance Committee.
Salaries and wages.....	\$1,200.00	
Operations	150.00	
Total	_____	\$1,350.00

FROM THE PARKS AND PARKWAY FUND.

FOR THE STATE PARKS COMMITTEE:		State Park Committee.
Salaries, wages and operations (<i>Provided</i> , That the expenditures herefrom shall not exceed receipts to the Parks and Parkway Fund)		\$100,000.00

FROM THE MILLERSYLVANIA PARK CURRENT FUND.

State Park Committee.	Improvement, maintenance and up- keep of Millersylvania Park.....	\$400.00
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FROM THE GENERAL FUND.

State Forest Board.	FOR THE STATE FOREST BOARD: Salaries, wages and operations....	\$250.00
Planning Council.	FOR THE WASHINGTON STATE PLANNING COUNCIL: Salaries and wages.....	\$25,000.00
	Operations	7,650.00
	Total	\$32,650.00

FROM THE TEACHERS' RETIREMENT FUND.

Teachers' Retirement Fund.	FOR THE BOARD OF TRUSTEES OF THE STATE TEACHERS' RETIREMENT FUND: Salaries and wages.....	\$14,000.00
	Operations	2,645.00
	For the payment of annuities, awards and refunds as provided by law.....	499,196.00
	Total	\$515,841.00

FROM THE GENERAL FUND.

Agriculture.	FOR THE DEPARTMENT OF AGRICULTURE: Salaries and wages.....	\$175,000.00
	Operations	113,350.00
Vetoed.	Food and Drugs Division: Salaries, wages and operations..	40,000.00
	Eradication of bovine tuberculosis (including deficiencies).....	35,000.00
State Fair.	Washington State Fair: Salaries, wages and operations..	5,000.00
	Total	\$368,350.00

FROM THE GRAIN AND HAY INSPECTION FUND.

Grain and Hay Inspec- tion Fund.	Salaries and wages.....	\$200,000.00
	Operations	35,000.00
	Grain Warehouse Inspection: Salaries and wages.....	12,000.00
	Operations	8,000.00
	(Expenditures not to exceed fees heretofore or hereafter col- lected)	
	Total	\$255,000.00

FROM THE COMMISSION MERCHANTS' FUND.

Salaries and wages.....	\$10,000.00	} Vetoed.
Operations	6,350.00	
(Expenditures not to exceed fees heretofore or hereafter col- lected)		
Total	<u>16,350.00</u>	

FROM THE GENERAL FUND.

FOR THE DEPARTMENT OF
CONSERVATION AND
DEVELOPMENT:

Conservation
and De-
velopment.

Salaries and wages.....	\$71,400.00	
Operations	25,750.00	
Forestry Division:		
Salaries and wages.....	150,000.00	
Operations	50,000.00	
Total	<u>200,000.00</u>	
Total		\$297,150.00

FROM THE RECLAMATION REVOLVING FUND.

Reclamation Division:

Reclamation
Columbia
Basin.

Salaries and wages.....	\$7,420.00
Operations	3,695.00
Columbia Basin operations.....	20,000.00
Hydrographical Survey.....	20,000.00
Topographical Survey.....	25,000.00
Underground Water Survey.....	5,000.00
River Surveys.....	10,000.00

To finance, refinance and purchase
bonds of irrigation, diking and
drainage districts as provided by
law

Finance and
purchase
bonds.

500,000.00	
Total	<u>\$591,115.00</u>

FROM THE GENERAL FUND.

FOR THE DEPARTMENT OF FINANCE,
BUDGET AND BUSINESS:
General office including Division of
Public Institutions and Division
of Purchasing:

Finance,
Budget and
Business.

Salaries and wages.....	\$128,000.00	
Operations	18,750.00	
Division of Banking:		
Salaries and wages.....	75,560.00	
Operations	23,000.00	
Division of Budget:		
Salaries and wages.....	60,000.00	
Operations	13,500.00	

Banking.

Budget.

Savings and Loan.	Division of Savings and Loan		
	Associations:		
	Salaries and wages.....	37,500.00	
	Operations	14,500.00	
Capitol Bldg. Grounds.	Capitol Building and Grounds:		
	Salaries and wages.....	200,000.00	
	Operations	140,000.00	
Parole, transportation and Deportation.	Parole, Transportation and Deportation:		
	Deportation:		
	Salaries and wages.....	42,000.00	
	Operations	47,700.00	
	Total	—————	\$800,510.00

FROM THE FISHERIES FUND.

Fisheries.	FOR THE DEPARTMENT OF FISHERIES:		
	Salaries and wages.....	\$228,520.00	
	Operations	123,280.00	
	Biological Research and Stream Improvement	50,000.00	
	Total	—————	\$401,800.00

FROM THE OYSTER RESERVE FUND.

Salaries, wages and operations....	\$11,870.00
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FROM THE LEWIS RIVER HATCHERY FUND.

Salaries and wages.....	\$21,045.60	
Operations	18,954.40	
Total	—————	\$40,000.00

FROM THE GAME FUND.

Game.	FOR THE DEPARTMENT OF GAME:		
	Salaries and wages.....	\$626,923.00	
	Operations	440,506.00	
	Bounties on Predatory Animals (Expenditures not to exceed receipts from sale of big game seals)	50,000.00	
	(Provided, That no warrants shall be issued in excess of cash actually on hand and available for expenditure in the Game Fund)		
	Total	—————	\$1,117,429.00

FROM THE GENERAL FUND.

Health.	FOR THE DEPARTMENT OF HEALTH:		
	Salaries and wages.....	\$120,000.00	
	Operations	65,407.00	

For Public Health Work (Expenditures not to exceed amounts received and credited to General Fund from the Federal Government for Public Health Work) . . .	\$356,000.00	Public Health Work.
Total	_____	\$541,407.00
FOR THE DEPARTMENT OF LABOR AND INDUSTRIES:		
Salaries and wages	\$360,000.00	Labor and Industries.
Operations	130,000.00	
Total	_____	\$490,000.00
FROM THE MEDICAL AID FUND.		
Salaries and wages	\$285,000.00	
Operations	80,000.00	
Claims and awards and other expenses provided by law	2,000,000.00	
Total	_____	\$2,365,000.00
FROM THE ACCIDENT FUND.		
Claims and awards and other expenses provided by law		\$8,000,000.00
FROM THE GENERAL FUND.		
FOR THE DEPARTMENT OF LICENSES:		
Salaries and wages	\$101,066.00	Licenses.
Operations	79,295.00	
Total	_____	\$180,361.00
FROM THE MOTOR VEHICLE FUND.		
Salaries and wages	\$221,660.00	
Operations (including deficiencies)	318,000.00	
Liquid fuel tax refunds	2,800,000.00	
Total	_____	\$3,339,660.00
FROM THE GENERAL FUND.		
FOR THE MILITARY DEPARTMENT:		
Salaries and wages	\$184,765.00	Military Department.
Operations	147,089.00	
Uniform allowance	25,000.00	
Retained pay	50,000.00	
Total	_____	\$406,854.00
FROM THE PUBLIC SERVICE REVOLVING FUND.		
FOR THE DEPARTMENT OF PUBLIC SERVICE:		
Salaries and wages	\$417,000.00	Public Service.
Operations	210,000.00	

Public Service.

For preparing, printing and publishing Uniform Truck Tariff, salaries, wages and operations (receipts from sale of tariff to be deposited in the State Treasury to the credit of the Public Service Revolving Fund)..... \$83,000.00
 (Expenditures not to exceed 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 \$710,000.00

FROM THE EMERGENCY RELIEF FUND, UNTIL EXHAUSTED, BALANCE FROM THE GENERAL FUND.

FOR THE DEPARTMENT OF PUBLIC WELFARE:

Salaries and wages.....\$2,658,000.00
 Operations 736,000.00
 Social Security, including Old Age Assistance, General Assistance and Child Welfare.....40,000,000.00
 Total \$43,394,000.00

Vetoed.

FROM THE GENERAL FUND.

FOR THE WASHINGTON STATE PATROL:

Salaries and wages..... \$420,000.00
 Operations 395,175.00
 Total \$815,175.00

FROM THE MOTOR VEHICLE FUND.

Salaries, wages and operations..... \$100,000.00

FROM THE GENERAL FUND.

Tax Commission.

FOR THE TAX COMMISSION OF THE STATE OF WASHINGTON:

General Office:
 Salaries and wages..... \$99,400.00
 Operations 21,650.00
 Administration of Revenue Act of 1935:
 Salaries and wages..... 616,720.00
 Operations 215,000.00

Inheritance Tax and Escheat		Inheritance Tax and Escheat Division.
Division:		
Salaries and wages.....	42,000.00	
Operations	8,900.00	
Refunds of taxes, costs, penalties and interest as provided by chapter 191, Laws of 1933, and chapter 180, Laws of 1935, and all laws amendatory thereto.....	2,000,000.00	
Total	<u> </u>	\$3,003,670.00

FROM THE MOTOR VEHICLE FUND.

FOR THE DEPARTMENT OF HIGHWAYS:		Highways.
Office of Director of Highways:		
Salaries and wages.....	\$223,220.00	
Operations	112,415.00	
District Offices:		
Salaries and wages.....	264,780.00	
Operations	134,435.00	
Refunds on plans and specifications	4,000.00	
Total	<u> </u>	\$738,850.00

FROM THE GENERAL FUND.

FOR THE DEPARTMENT OF FINANCE,		Finance.
BUDGET AND BUSINESS:		
State School for the Blind:		
Salaries and wages.....	\$77,550.00	
Operations	48,840.00	
Total	<u> </u>	\$126,390.00
State Custodial School:		Custodial School.
Salaries and wages.....	\$257,280.00	
Operations	327,275.00	
Total	<u> </u>	\$584,555.00
State School for the Deaf:		School for the Deaf.
Salaries and wages.....	\$79,000.00	
Operations	60,300.00	
Total	<u> </u>	\$139,300.00
Eastern State Hospital:		Eastern State Hospital.
Salaries and wages.....	\$434,250.00	
Operations	429,650.00	
Total	<u> </u>	\$863,900.00
State School for Girls:		School for Girls.
Salaries and wages.....	\$57,020.00	
Operations	58,250.00	
Total	<u> </u>	\$115,270.00

Northern State Hospital.	Northern State Hospital:		
	Salaries and wages.....	\$423,780.00	
	Operations	397,100.00	
	Total	<u> </u>	\$820,880.00

Penitentiary.	Washington State Penitentiary:		
	Salaries and wages.....	\$198,760.00	
	Operations	510,430.00	
	Total	<u> </u>	\$709,190.00

FROM THE PENITENTIARY REVOLVING FUND.

Industrial Operations:			
Salaries and wages.....	\$52,140.00		
Operations	331,820.00		
New industries.....	50,000.00		
Total	<u> </u>		\$433,960.00

FROM THE GENERAL FUND.

Reformatory.	Washington State Reformatory:		
	Salaries and wages.....	\$94,943.00	
	Operations	231,000.00	
	Total	<u> </u>	\$325,943.00

FROM THE REFORMATORY REVOLVING FUND.

Industrial Operations:			
Salaries and wages.....	\$25,404.00		
Operations	68,595.00		
Total	<u> </u>		\$93,999.00

FROM THE GENERAL FUND.

Soldiers' Home and Colony.	State Soldiers' Home and Colony:		
	Salaries and wages.....	\$71,057.50	
	Operations	109,360.00	
	Total	<u> </u>	\$180,417.50

Training School.	State Training School:		
	Salaries and wages.....	\$81,610.00	
	Operations	112,350.00	
	Total	<u> </u>	\$193,960.00

Washington Veterans' Home.	Washington Veterans' Home:		
	Salaries and wages.....	\$127,763.50	
	Operations	208,150.00	
	Total	<u> </u>	\$335,913.50

Western State Hospital.	Western State Hospital:		
	Salaries and wages.....	\$518,640.00	
	Operations	540,650.00	
	Total	<u> </u>	\$1,059,290.00

FROM THE UNIVERSITY OF WASHINGTON FUND.

FOR THE UNIVERSITY OF WASHINGTON:

University of
Washington.

Salaries and wages.....	\$3,754,014.00	
Operations	533,014.00	
Total	—————	\$4,287,028.00

FROM THE WASHINGTON STATE COLLEGE FUND.

FOR THE STATE COLLEGE OF

State
College of
Washington.

WASHINGTON:

Salaries and wages.....	\$1,404,007.00	
Operations	525,162.00	
Total	—————	\$1,929,169.00

Agricultural Experiment Stations:

Salaries, wages and operations..	\$302,922.13
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(Provided, That expenditures herefrom be allocated as follows:

Main Experiment Station, Pullman and Walla Walla.....	\$64,545.00
Western Washington Experiment Station, Puyallup....	146,228.00
Irrigation Branch Station, Prosser...	37,752.00
Wenatchee Fruit Laboratory, Wenatchee	30,732.13
Adams Branch Station, Lind	14,306.00
Cranberry-Blueberry Laboratory, Long Beach.....	9,359.00)

Agricultural Extension:

Salaries and wages.....	\$59,000.00
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FOR THE STATE COLLEGE OF

State
College of
Washington.

WASHINGTON:

From the Morrill Fund.....	\$102,700.00
From the Federal Experiment Station Fund.....	\$185,670.00
From the Federal Cooperative Agricultural Extension Fund....	\$238,520.00

To be expended in accordance with the purposes, terms, provisions and conditions of the respective Acts of Congress for the endowment and granting of money to Agricultural Colleges and Experiment Stations.....

————— \$526,890.00

Bellingham State Normal School.	FOR THE BELLINGHAM STATE NORMAL SCHOOL:		
	From the Normal School		
	Current Fund.....	\$29,250.00	
	From the Bellingham		
	Normal School Fund.	450,750.00	
	Salaries and wages.....	\$420,000.00	
	Operations	60,000.00	
	Total		\$480,000.00
Cheney State Normal School.	FOR THE CHENEY STATE NORMAL SCHOOL:		
	From the Normal School		
	Current Fund.....	\$29,250.00	
	From the Cheney Nor- mal School Fund.....	418,775.00	
	Salaries and wages.....	\$386,000.00	
	Operations	62,025.00	
	Total		448,025.00
Ellensburg State Normal School.	FOR THE ELLENSBURG STATE NORMAL SCHOOL:		
	From the Normal School		
	Current Fund.....	\$29,250.00	
	From the Ellensburg		
	Normal School Fund.	362,750.00	
	Salaries and wages.....	\$342,000.00	
	Operations	50,000.00	
	Total		\$392,000.00
	FOR CAPITAL OUTLAYS AND MAJOR REPAIRS:		
	To be expended independently of, or in conjunction with funds al- located by the Federal, County or Municipal Governments or Agencies or in conjunction with funds allocated for unemploy- ment relief: <i>Provided</i> , That the following appropriations shall become available only upon written approval of the Gover- nor:		
Capitol Committee.	FOR THE STATE CAPITOL COMMITTEE:		
	From the General		
	Fund	\$300,000.00	
	From the Capitol Build- ing Construction		
	Fund	165,000.00	
	Construction of additional unit to the capitol group, including preparation of site and re- moval of old buildings.....	\$465,000.00	

FROM THE CAPITOL BUILDING CONSTRUCTION FUND.

FOR THE STATE CAPITOL COMMITTEE:

Capitol
Committee.

Completion of soldiers' monument	\$20,000.00
Purchase of land adjoining capitol group	6,500.00
Revision of roadways and walks...	24,000.00
Landscaping Public Lands-Social Security Building grounds...	2,000.00
Furnishings, Public Lands-Social Security Building	25,000.00

FROM THE GENERAL FUND.

Portrait of the Honorable Roland H. Hartley.....	400.00
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FOR THE DEPARTMENT OF

Agriculture.

AGRICULTURE:

Washington State Fair:	
4-H Club building and equipment	25,000.00

FOR THE DEPARTMENT OF FINANCE,
BUDGET AND BUSINESS:

Finance,
Budget and
Business.

Cleaning and alteration of capitol group buildings, and equipment.	23,500.00
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State School for the Blind:

State School
for the
Blind.

Converting old power house into garage and storage rooms, painting exterior and interior and repairing roofs.....	7,500.00
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State Custodial School:

Custodial
School.

Painting interior and exterior of buildings	8,000.00
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Laundry extension and replacements	18,500.00
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Construction of buildings and alterations	16,200.00
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State School for the Deaf:

School for
the Deaf.

Remodeling auditorium for additional class-rooms and construction of combination gymnasium and chapel.....	60,000.00
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Eastern State Hospital:

Eastern State
Hospital.

Grading, paving and entrance gates	18,000.00
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Hospital equipment.....	7,000.00
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Extension of water and sewer systems	8,200.00
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Construction of wards, demolition, replacement, sheds and equipment	203,200.00
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School for Girls.	State School for Girls: Install stokers, renew furnaces and other repairs.....	\$2,500.00
	Replacing floors, factory, basement and storerooms.....	2,000.00
	Repairs to railroad spur, including renewal of bridge.....	1,200.00
Northern State Hospital.	Northern State Hospital: Hoods for main kitchen.....	2,000.00
	Utility equipment and replacements	124,600.00
	Construction of wards, nurses' quarters, barns and sheds....	82,750.00
Penitentiary.	Washington State Penitentiary: Extension of septic tank and enlarging sewer lines.....	10,500.00
	Superintendent's residence and furnishings, remodeling and extending chapel.....	60,000.00
	Deep well pump with motor and switch	7,500.00
Washington Veterans' Home.	Washington Veterans' Home: Replacing covering main heating lines, water storage pipe and fittings, clearing and removing stumps, grading, seeding and installing markers and sprinkling system in cemetery....	18,500.00
	Completion of combination building, kitchen, dining rooms and assembly hall.....	40,000.00
Western State Hospital.	Western State Hospital: Grading and paving.....	10,000.00
	Hospital equipment.....	7,000.00
	Elevator, extension water supply, storage, lines, and equipment..	32,500.00
	Construction and alterations, wards and other structures, and equipment.....	346,500.00

FROM THE FISHERIES FUND.

Fisheries.	FOR THE DEPARTMENT OF FISHERIES: Capital outlays and major repairs	\$50,000.00
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FROM THE GAME FUND.

Game.	FOR THE DEPARTMENT OF GAME: Capital outlays and major repairs	75,150.00
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FROM THE GENERAL FUND.

FOR THE MILITARY DEPARTMENT:

Capital outlays, major repairs and
betterments to armories..... \$710,000.00

Military
Department.

FROM THE MOTOR VEHICLE FUND.

FOR THE DEPARTMENT OF HIGHWAYS:

Testing laboratory, site and equip-
ment 72,807.00
Capital outlays and major repairs 194,940.00 {Vetoed.

Highways.

FROM THE UNIVERSITY OF WASHINGTON
BUILDING FUND.

FOR THE UNIVERSITY OF WASHINGTON:

Additions to and/or remodeling of
laboratories, recitation and ser-
vice buildings and equipment... 735,000.00

University of
Washington.

FROM THE STATE COLLEGE OF WASHINGTON
BUILDING FUND.

FOR THE STATE COLLEGE OF
WASHINGTON:

Capital outlays, repairs, better-
ments and equipment..... 185,763.00

State
College of
Washington.

FROM THE GENERAL FUND.

FOR THE BELLINGHAM STATE
NORMAL SCHOOL:

Capital outlays, major repairs and
betterments 35,000.00

Bellingham
State Normal
School.

FOR THE CHENEY STATE NORMAL
SCHOOL:

Library building, additional boiler
capacity and purchase of land.. 235,000.00

Cheney State
Normal
School.

FROM THE CHENEY NORMAL SCHOOL FUND

Addition to heating plant..... 2,500.00
Paving, curbing and sidewalks.... 6,000.00

FROM THE GENERAL FUND.

FOR THE ELLENSBURG STATE NORMAL
SCHOOL:

Training school building and
equipment \$204,500.00

Reroofing administration building,
installing boiler, lockers and pur-
chase of land..... 12,000.00

Ellensburg
State Normal
School.

Total capital outlays and major
repairs \$4,204,210.00

Capitol Building Construction Fund. FROM THE CAPITOL BUILDING CONSTRUCTION FUND.
For bond retirement and interest. \$537,500.00

FROM THE GENERAL FUND.

Care of graves Spanish War Veterans. For care of graves, Spanish War veterans \$200.00
Court costs, insanity cases. For court costs in insanity cases (including deficiencies) \$5,000.00
Criminal cost bills. For criminal cost bills (including deficiencies) \$55,000.00

FROM THE CURRENT SCHOOL FUND.

Current School Fund. To carry out the provisions of section 4935, Rem. Comp. Stat. \$30,500,000.00

FROM THE GENERAL FUND.

Emergency purposes. For the payment of warrants drawn for emergency purposes approved during the biennium April 1, 1937, to March 31, 1939, pursuant to section 10, chapter 9, Laws of 1925, as amended by section 6, chapter 162, Laws of 1929. \$250,000.00
Firemen's Relief Fund. For distribution to "Firemen's Relief and Pension Funds" as provided by chapter 39, Laws of 1935. \$225,000.00

FROM THE FOREST RESERVE FUND.

Forest Reserve Fund. For distribution of monies received from the Federal government from forest reserves as provided by chapter 185, Laws of 1907. \$175,000.00

FROM THE GENERAL OBLIGATION BONDS OF 1933 RETIREMENT FUND.

Bond retirement and interest. For bond retirement and interest. \$1,581,805.00

FROM THE HARBOR IMPROVEMENT FUND.

Harbor Improvement Fund. For distribution in accordance with chapters 168, 169 and 170, Laws of 1913, based on receipts. \$125,000.00

FROM THE GENERAL FUND.

Tuberculosis Hospitals. For tuberculosis hospitals. \$400,000.00

FROM THE VETERANS' COMPENSATION BOND RETIREMENT FUND.

Veterans' Compensation Bond Retirement Fund. For bond retirement and interest. \$944,000.00

FROM THE VOLUNTEER FIREMEN'S RELIEF AND
COMPENSATION FUND.

For claims, awards and other ex- penses allowed by law (including deficiencies)		Volunteer Firemen's Relief Fund.
	\$100,000.00	

FROM THE GENERAL FUND.

FOR THE WASHINGTON STATE HISTORICAL SOCIETY:		Washington State Histori- cal Society.
Salaries and wages.....	\$12,600.00	
Operations	2,400.00	
Total	<hr/>	\$15,000.00
FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY:		Eastern Washington Historical Society.
Salaries, wages and operations....	\$10,000.00	

FROM THE HIGHWAY EQUIPMENT FUND.

To reimburse the Motor Vehicle Fund for amount advanced to create the Highway Equipment Fund from appropriation by chapter 183, Laws of 1935.....		Motor Ve- hicle Fund, reimburse- ment.
	\$250,000.00	

FROM THE GRAIN AND HAY INSPECTION FUND.

To reimburse the General Fund for expenditures made from the Gen- eral Fund in excess of receipts for hay and grain inspection service..		General Fund, reim- bursement.
	\$32,729.06	

FROM THE GENERAL FUND.

FOR THE SECRETARY OF STATE:		Secretary of State.
Deficiency, initiative, referendum and constitutional amendments (emergency approved November 19, 1936).....	\$5,871.87	
FOR THE SUPREME COURT REPORTER:		Supreme Court Reporter.
Deficiency, operations (emergency approved November 19, 1936)...	\$675.00	
FOR THE JUDICIAL COUNCIL:		Judicial Council.
Deficiency, operations (emergency approved November 19, 1936)...	\$500.00	
FOR THE STATE BOARD FOR THE CERTIFICATION OF LIBRARIANS:		Board for Certification of Librarians.
Deficiency, operations (emergency approved November 19, 1936)...	\$200.00	

Board of Prison, Terms and Paroles.	FOR THE BOARD OF PRISON, TERMS AND PAROLES: Deficiency, salaries and wages (emergency approved December 13, 1935)	\$8,000.00
State Forest Board.	FOR THE STATE FOREST BOARD: Deficiency, salaries, wages and op- erations (emergency approved December 2, 1935).....	\$200.00
Planning Council.	FOR THE STATE PLANNING COUNCIL: Deficiency, salaries, wages and op- erations (emergencies approved November 4, 1935, and December 3, 1935)	\$21,500.00
Finance, Budget and Business. Eastern State Hospital.	FOR THE DEPARTMENT OF FINANCE, BUDGET AND BUSINESS: Eastern State Hospital: Deficiency, construction of dorm- itories, barns and sheds (emer- gencies approved April 14, 1936, and November 5, 1936) ..	\$30,000.00
School for Girls.	State School for Girls: Deficiency, erecting classroom building (emergency approved August 29, 1935).....	\$8,000.00
Health.	FOR THE DEPARTMENT OF HEALTH: Deficiency, mattress inspection (emergencies approved August 7, 1935, and December 31, 1935)...	\$9,500.00
Military Department.	FOR THE MILITARY DEPARTMENT: Deficiency, salaries, wages and op- erations (emergencies approved March 17, 1936, and November 19, 1936).....	\$110,000.00
State Patrol.	FOR THE WASHINGTON STATE PATROL: Deficiency, salaries, wages and op- erations (emergency approved March 28, 1935).....	\$4,907.45
Presidential Electors.	FOR PRESIDENTIAL ELECTORS: Deficiency (emergency approved December 18, 1936).....	\$51.60
FROM THE FISHERIES FUND.		
State Treasurer.	FOR THE STATE TREASURER: Deficiency, operations (to reim- burse the General Fund Account emergency approved February 13, 1936).....	\$2,000.00

FROM THE STATE COLLEGE OF WASHINGTON
BUILDING FUND.

FOR THE STATE COLLEGE OF
WASHINGTON:

State
College of
Washington.

Deficiency, construction of addition
to laboratory building at Puyal-
lup (to reimburse the General
Fund Account emergency ap-
proved June 19, 1936)..... \$5,000.00

FROM THE VOLUNTEER FIREMEN'S RELIEF AND
COMPENSATION FUND.

Deficiency, claims and awards (to
reimburse the General Fund Ac-
count emergency approved Oc-
tober 22, 1936)..... \$1,000.00

SEC. 4. 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.

Effective
immediately.

Passed the Senate February 25, 1937.

Passed the House March 2, 1937.

Approved by the Governor March 22, 1937, with
the exception of certain items which are vetoed.

CHAPTER 231.

[H. B. 700.]

SUPPLEMENTAL APPROPRIATIONS.

AN ACT making appropriations for the purchase 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, and for deficiencies and for emergencies, including deficiencies and appropriation of revolving funds, and for purposes specified in certain acts of Congress, and for miscellaneous purposes designated for the fiscal biennium beginning April 1, 1937, and ending March 31, 1939, except as otherwise provided, and providing this act shall take effect immediately.

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

"Capital
outlay."

SECTION 1. The words "capital outlay" whenever used in this act, shall mean and include the purchase and improvement of land and erection of buildings, including necessary salaries and wages incident thereto.

"Salaries
and wages."

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, including salaries of state examiners.

"Opera-
tions."

The word "operations" whenever used in this act, shall mean and include necessary traveling expenses of officers and employees, and all expenses necessary for 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

Scrip books.

payment for future delivery: *And provided further*, That allowances made for subsistence and lodging for elective or appointive officers and employees while away from their domicile on state business shall equal actual expenses incurred therefor, but shall not exceed four dollars (\$4.00) per diem for meals and lodging: *And provided further*, That the sole compensation for personal automobiles used in connection with state business shall not exceed five cents (5c) per mile.

Officers and employees, subsistence and lodging.

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 and improvement of land and construction of building[s], 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 fiscal biennium beginning April 1, 1937, and ending March 31, 1939, except as otherwise provided:

Appropriation.

FROM THE GENERAL FUND.

FOR THE DEPARTMENT OF FINANCE, BUDGET AND BUSINESS:

EASTERN STATE HOSPITAL:

Ward building, remodeling and alterations. \$123,581.26

NORTHERN STATE HOSPITAL:

Receiving wards, alterations and equipment \$53,435.96

STATE SOLDIERS' HOME AND COLONY:

Power house, replace boilers, installations of mechanical stokers, replacing steam lines and recovering..... \$28,931.24

Barracks, office and employees' dormitories \$61,085.76

WASHINGTON VETERANS' HOME:

Fireproof building to replace frame building \$86,388.80

Financ., Budget and Business.

Eastern State Hospital.

Northern State Hospital.

Soldiers' Home and Colony.

Washington Veterans' Home.

Western
State
Hospital.

WESTERN STATE HOSPITAL:

Capital outlays, betterments and major
repairs \$156,432.96

FROM THE PENITENTIARY REVOLVING FUND

Penitentiary.

WASHINGTON STATE PENITENTIARY:

Wall enclosing new power house..... \$10,000.00
(Being the reappropriation of the unex-
pended balances of appropriations made
for like purposes by chapter 183, Laws
of 1935)

FROM THE GENERAL FUND.

Cheney State
Normal
School.

FOR THE CHENEY STATE NORMAL SCHOOL:

Training school building and equipment..... \$134,872.79
(Being the reappropriation of the unex-
pended balance of appropriation made for
like purposes by chapter 183, Laws of 1935)

Ellensburg
State Nor-
mal School.

FOR THE ELLENSBURG STATE NORMAL SCHOOL:

Furnishings and seating equipment in audi-
torium \$23,950.00
Shops, classrooms and auditorium..... \$55,564.32
(Being the reappropriation of the unexpended
[unexpended] balances of appropriations
made for like purposes by chapter 183,
Laws of 1935)

Historical
Society.

FOR THE WASHINGTON STATE HISTORICAL SOCIETY:

Completion of front of building, work room
and upper story..... \$24,589.72
Furniture and fixtures for added rooms..... \$3,000.00
(Being the reappropriation of the unex-
pended balances of appropriations made for
like purposes by chapter 183, Laws of 1935)

FROM THE EMERGENCY RELIEF FUND.

Welfare.

FOR THE DEPARTMENT OF PUBLIC WELFARE:

Grants-in-aid \$598,812.51
(Being the reappropriation of the unex-
pended balances of grants and allotments
made from the appropriation and reappro-
priation to the Department of Public Wel-
fare by chapter 118, Laws of 1935).

FROM THE COLLEGE FUND.

State
College of
Washington.

FOR THE STATE COLLEGE OF WASHINGTON:

Classroom, laboratory, gymnasium building or
buildings \$23,839.59
(Being a reappropriation of the unexpended
balance of an appropriation of \$150,000.00)

made by the Legislature of 1935 for the same purpose. This building is still in process of construction)

FROM THE GENERAL FUND.

FOR THE RELIEF OF THE FOLLOWING INDIVIDUALS, FIRMS AND CORPORATIONS:

	Relief.
HOWARD J. ATWELL, to validate General Fund Warrant No. 23868, drawn in favor Howard J. Atwell for balance of salary as Superior Court Judge for the month of March, 1935, for which there was insufficient appropriation to cover.....	Howard J. Atwell. \$116.77
BURROUGHS ADDING MACHINE Co., supplies purchased by state treasurer in previous biennium	Burroughs Adding Machine Co. \$2.25
EDIPHONE Co., supplies purchased by Department of Agriculture in previous biennium..	Ediphone Co. \$9.80
LOUIS FROHLIN, refund of bank dividends escheated to Permanent School Fund.....	Louis Frohlin. \$31.20
MOLLIE GIBBS GRAFTON, bank dividends escheated to State Permanent School Fund..	Mollie Gibbs Grafton. \$49.80
E. L. GRAY, damage to automobile incurred in a collision with a truck belonging to the National Guard of Washington July 23, 1935	E. L. Gray. \$75.75
H. & M. RIBBON & CARBON Co., supplies purchased by Inheritance Tax and Escheat Division in previous biennium.....	H. & M. Ribbon & Carbon Co. \$4.70
ELSIE M. HOWARD, compensation for the loss by death of claimant's son, Charles E. Howard, a member of Washington National Guard	Elsie M. Howard. \$1,000.00
EVA KUHN, EXECUTRIX, refund of notary fee paid by Louis H. Kuhn.....	Eva Kuhn. \$10.00
MINNIE A. MILLER, bank dividends escheated to State Permanent School Fund.....	Minnie A. Miller. \$21.21
O. E. HUE, reimbursement for damages to truck resulting from a collision with a truck of the Washington National Guard.....	O. E. Hue. \$286.60
V. A. KRONQUIST, repairs to Antlers Service Station, Tacoma, Washington, alleged to have been necessary as the result of a collision involving a truck belonging to the Washington National Guard.....	V. A. Kronquist. \$100.00
MRS. EUGENE A. LEBEDEFF, damages to automobile suffered in collision with Field Artillery equipment near Fort Lawton July 4, 1931.....	Mrs. Eugene A. Lebedeff. \$12.00

Lowman & Hanford Co.	LOWMAN & HANFORD Co., supplies purchased by Director of Agriculture in previous biennium	\$3.15
Pac. Tel. & Tel. Co.	PACIFIC TELEPHONE & TELEGRAPH COMPANY, services furnished Tax Commission in previous biennium	\$11.55
Harry Papajohn.	HARRY PAPAJOHN, bank dividends escheated to State Permanent School Fund.....	\$70.44
Publix Garage.	PUBLIX GARAGE, repair of broken Neon sign alleged to have been caused by a member of the Washington National Guard.....	\$6.00
Roslyn-Cascade Coal Co.	ROSLYN-CASCADE COAL COMPANY, refund of mine inspection fee.....	\$8.00
Sacred Heart Hosp.	SACRED HEART HOSPITAL, hospitalization and care of Harold B. Thoreson, janitor of the State Armory at Spokane, Washington, by Director of Health.....	\$44.64
S. L. Savidge, Inc.	S. L. SAVIDGE, INC., auto purchased in previous biennium	\$637.25
J. W. Smith.	J. W. SMITH, reimbursement for hospital and medical attention required in connection with injuries received in December, 1930, in the Bellingham Armory.....	\$105.00
Spokane Medical & Surgical Clinic.	SPOKANE MEDICAL AND SURGICAL CLINIC, services rendered Harold B. Thoreson, janitor of the State Armory at Spokane, Washington.....	\$130.00
Standard Oil Co.	STANDARD OIL COMPANY, gasoline purchased by State Treasurer in previous biennium.....	\$2.89
Standard Oil Co.	STANDARD OIL COMPANY, gasoline purchased by Department of Health in previous biennium	\$2.00
Maurice Thompson.	MAURICE THOMPSON, ADJUTANT-GENERAL, reimbursement for personal payment on bond..	\$500.00
Frank J. Tuson.	FRANK J. TUSON, compensation for injuries received June 24, 1932, while acting as a member of Battery E, 146 Field Artillery..	\$250.00
United Pac. Ins. Co.	UNITED PACIFIC INSURANCE Co., cost of appeal bond <i>in re</i> : Charles Greenough, <i>et al.</i> , vs. State of Washington, Spokane County No. 94816, Supreme Court No. 25398.....	\$71.40
B. O. Woods.	B. O. WOODS, refund of fee for basic science examination	\$10.00
Mrs. Olger Fuhr.	MRS. OLGER FUHR, overpayment for maintenance of inmate of Western State Hospital.	\$2.57
Edw. P. Leonard, Inc.	EDW. P. LEONARD, INC., supplies purchased in previous biennium by Department of Finance, Budget and Business.....	\$3.34
Washington Machinery Depot.	WASHINGTON MACHINERY DEPOT, supplies purchased in previous biennium by Department of Finance, Budget and Business.....	\$2.50

SIX ROBBLESS, INC., supplies purchased in previous biennium by Department of Finance, Budget and Business.....	\$4.05	Six Robbless, Inc.
PACIFIC FRUIT & PRODUCE COMPANY, supplies purchased in previous biennium by Department of Finance, Budget and Business.....	\$31.18	Pac. Fruit & Produce Co.
BORDEN'S PRODUCE COMPANY, INC., supplies purchased in previous biennium by Department of Finance, Budget and Business.....	\$248.40	Borden's Produce Co., Inc.
ASSOCIATED OIL Co., supplies purchased in previous biennium by Department of Finance, Budget and Business.....	\$10.95	Associated Oil Co.
BORDEN'S PRODUCE COMPANY, INC., supplies [purchased] in previous biennium by Department of Finance, Budget and Business.....	\$41.40	Borden's Produce Co., Inc.
ASSOCIATED OIL Co., supplies purchased in previous biennium by Department of Finance, Budget and Business.....	\$13.00	Associated Oil Co.
J. C. PENNY Co., supplies purchased in previous biennium by Department of Finance, Budget and Business.....	\$2.07	J. C. Penney Co.
SHELL OIL Co., supplies purchased in previous biennium by Department of Finance, Budget and Business.....	\$8.25	Shell Oil Co.
UNDERWOOD ELLIOTT FISHER Co., supplies purchased in previous biennium by Department of Finance, Budget and Business.....	\$27.75	Underwood Elliott Fisher Co.
MRS. F. H. JACKSON, expense account in previous biennium as an employee of Department of Finance, Budget and Business.....	\$40.70	Mrs. F. H. Jackson.
EXCHANGE LUMBER COMPANY, supplies purchased in previous biennium by Department of Finance, Budget and Business.....	\$338.50	Exchange Lumber Co.
DEPARTMENT OF LABOR AND INDUSTRIES, assessments for the previous biennium against Department of Finance, Budget and Business.....	\$20.65	Dept. Labor & Industries.
HENRY KLEINBERG, INC., balance due on hay contract in previous biennium with Department of Finance, Budget and Business.....	\$216.26	Henry Kleinberg, Inc.
HENRY KLEINBERG, INC., balance due on hay contract in previous biennium with Department of Finance, Budget and Business.....	\$53.59	Henry Kleinberg, Inc.
LOWMAN & HANFORD Co., supplies purchased in previous biennium by Department of Finance, Budget and Business.....	\$3.15	Lowman & Hanford Co.
LOWMAN & HANFORD Co., supplies purchased in previous biennium by Department of Finance, Budget and Business.....	\$15.05	Lowman & Hanford Co.

Lowman & Hanford Co.	LOWMAN & HANFORD Co., supplies purchased in previous biennium by Department of Finance, Budget and Business.....	\$2.70
Seattle Lighting Fixture Co.	SEATTLE LIGHTING FIXTURE Co., supplies purchased in previous biennium by Department of Finance, Budget and Business.....	\$87.10
Schwabacher Hdw. Co.	SCHWABACHER HARDWARE Co., supplies purchased in previous biennium by Department of Finance, Budget and Business.....	\$71.00
Western Union Tel. Co.	WESTERN UNION TELEGRAPH Co., supplies purchased in previous biennium by Department of Finance, Budget and Business.....	\$2.47
Vetoed. {	OLIVER BRESSAN, compensation for personal injuries received in industry.....	\$500.00
Mountain Meadow Nursery.	MOUNTAIN MEADOW NURSERY, in full settlement for nursery stock furnished state institutions	\$5,000.00
Upper Columbia Valley Power Co.	UPPER COLUMBIA VALLEY POWER COMPANY, refund of corporation license fee.....	\$20.00
P. M. O'Brien	P. M. O'BRIEN, damages to automobile caused by state truck operated by an employee of the Department of Finance, Budget and Business	\$6.50
E. S. Horton.	E. S. HORTON, compensation for injuries sustained as engineer in state power house at Olympia, Washington.....	\$110.50
Albert Meyers.	ALBERT MEYERS, in full settlement for injuries resulting in paralysis incurred in line of duty as Assistant Sergeant-at-Arms of the House of Representatives, 1935 session of the Legislature.....	\$1,000.00
Dr. E. C. Ruge.	DR. E. C. RUGE, for costs and expenses in defending suit against State of Washington, in which Ruge and wife were codefendants..	\$140.20
Oscar Tetrick.	OSCAR TETRICK, as administrator of the estate of Henry Cornwell, for overpayment of inheritance tax.....	\$87.88
Peoples' Water & Gas Co.	THE PEOPLES' WATER AND GAS COMPANY OF VANCOUVER, WASHINGTON, for changing pipe line across property of State School for the Blind	\$351.32
Vetoed. {	PEND OREILLE COUNTY, for loss of 1931 taxes on property escheated to the state subsequent to their assessment, but prior to collection..	\$82.72
	MAY RIPLEY, personal injuries suffered while on duty as an employee of the Department of Finance, Budget and Business.....	\$200.00
Seattle Repertory Playhouse.	SEATTLE REPERTORY PLAYHOUSE, refund of corporation license fees.....	\$152.55

WASHINGTON STATE PATROL, sundry claims for Washington State Patrol, for services and materials furnished in previous biennium, total	\$1,141.10	Washington State Patrol.
WASHINGTON STATE PATROL, sundry expense claims of Washington State patrolmen incurred in previous biennium, total	\$1,018.57	Washington State Patrol.
WASHINGTON STATE PATROL, sundry expense claims of Washington State patrolmen incurred in previous biennium, total	\$855.81	Washington State Patrol.
MRS. WHITNEY C. CLOSE, adjusted compensation for the death of her husband, an officer of the Washington National Guard, killed in line of duty	\$500.00	Mrs. Whitney C. Close.
MRS. GEORGE E. HALLETT, in compensation for the death of her husband, an officer of the Washington National Guard, killed in line of duty	\$500.00	Mrs. George E. Hallett.
TREASURER OF WHATCOM COUNTY, 1933 general taxes and interest on certain tract of land in Whatcom County lying in section 33, township 38, range 3 east, which were unpaid at the time the property was escheated to the State of Washington	\$8.63	Treasurer Whatcom County.
TREASURER OF WHATCOM COUNTY, 1935 general taxes and interest on lots 36-38, block 2, George A. Jenkins Addition to Whatcom, which were unpaid at the time of sale to the State of Washington	\$259.02	Treasurer Whatcom County.
SYVER SYVERSON, refund of bank dividends escheated to the Permanent School Funds ...	\$187.60	Syver Syverson.
ROBERT E. L. KNAPP, EXECUTOR, of the estate of Chester A. Morton, deceased, refund of inheritance tax	\$17.75	Robert E. L. Knapp.
HENRY F. HANKE, for damages to car stolen by inmate of Washington State Training School	\$75.00	Henry F. Hanke.
MRS. ALICE JANES, for damages to building caused by fire started by inmates of State Custodial School at Medical Lake	\$2,000.00	Mrs. Alice Janes.
LYDIA MAGNUSON, damages to building caused by fire started by inmates of State Custodial School at Medical Lake	\$1,331.50	Lydia Magnuson.
EVER BLY, JR., damages to personal property caused by fire started by inmates of State Custodial School at Medical Lake	\$5,500.00	Ever Bly, Jr.
H. H. COGSWELL, for damages to building caused by fire started by inmates of State Custodial School at Medical Lake	\$2,100.00	H. H. Cogswell.

L. A. Cathcart.	L. A. CATHCART, ADMINISTRATOR, of the estate of Mary L. Woodin, deceased, refund for overpayment of inheritance taxes.....	\$138.75
F. S. Norton.	F. S. NORTON, to reimburse him for monies paid to Commissioner of Public Lands in purchase of second-class tide lands to which the state did not have title.....	\$803.03
Mrs. Leevan Smith.	MRS. LEEVAN SMITH, to reimburse her for monies paid to Commissioner of Public Lands for purchase of shore lands on Cow Lake to which the state did not have title..	\$160.65
Peter S. Espeth.	PETER S. ESPETH, to reimburse him for monies paid to Commissioner of Public Lands for purchase of shore lands on Cow Lake to which the state did not have title.....	\$252.49
M. D. Swift.	M. D. SWIFT, to reimburse him for monies paid to Commissioner of Public Lands for purchase of shore lands on Cow Lake to which the state did not have title.....	\$149.00
Lavada Dodgen.	LAVADA DODGEN, reimbursement for monies paid to Commissioner of Public Lands for purchase of shore lands on Cow Lake to which the state did not have title.....	\$63.74
John McGuire.	JOHN MCGUIRE, reparation and restitution for wrongful confinement in county jail at Tacoma, Pierce county, Washington, and for impairment of health arising out of his arrest and confinement for a crime committed and confessed by another.....	\$400.00
A. K. Victor.	A. K. VICTOR, for injuries sustained in line of duty as doorman of the House of Representatives, 1937 session, in attempting to eject an unruly member of the House.....	\$100.00
Treasurer King County.	THE TREASURER OF KING COUNTY, taxes on lots 47 and 48, block 1, Wheeler's Addition to the City of Seattle escheated to the state.....	\$37.76
Tieton Water Users' Ass'n.	TIETON WATER USERS' ASSOCIATION, water charges on state land, Yakima county.....	\$2,900.14
Treasurer Thurston County.	THE TREASURER OF THURSTON COUNTY, 1933-1934 taxes on first-class tide lands adjoining state capitol lands.....	\$815.02

FROM THE GENERAL FUND.

Vetoed.

LLOYD T. BURNS, to reimburse him for monies expended for transportation, hospital and treatment not paid by Department of Labor and Industries for the reason that the treatment was received outside the State of Washington	\$2,155.00
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FROM THE STATE ATHLETIC FUND.

PACIFIC TELEPHONE & TELEGRAPH Co., for service in February and March, 1935.....	\$11.10	Pac. Tel. & Tel. Co.
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FROM THE CURRENT SCHOOL FUND.

THE TREASURER OF WALLA WALLA COUNTY, for refund of fines remitted to the state in error	\$412.00	Treasurer Walla Walla County.
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FROM THE FISHERIES FUND.

FRED M. BOND, for costs in re: State of Washington <i>ex rel.</i> B. M. Brennan, Director of Fisheries vs. Superior Court of Pacific County, No. 26429.....	\$67.90	Fred M. Bond.
BOOTH FISHERIES CORPORATION, refund, tax on fish caught in waters outside the jurisdiction of the State of Washington.....	\$824.65	Booth Fisheries Corporation.
CHASE FISH Co., refund of tax on fish caught in waters outside the jurisdiction of the State of Washington.....	\$477.10	Chase Fish Co.
CLARENCE J. COLEMAN, fees and costs in re: State <i>ex rel.</i> Steve Bacich vs. Harry C. Huse	\$48.40	Clarence J. Coleman.
I. KARI, refund on tax on fish caught in waters outside the jurisdiction of the State of Washington	\$767.69	I. Kari.
MCCALLUM-LEGAZ FISH Co., refund on tax on fish caught in waters outside the jurisdiction of the State of Washington.....	\$885.50	McCallum-Legaz Fish Co.
NEAH BAY FISH Co., refund on tax on fish caught in waters outside the jurisdiction of the State of Washington.....	\$1,212.49	Neah Bay Fish Co.
NEW ENGLAND FISH Co., refund on tax on fish caught in waters outside the jurisdiction of the State of Washington.....	\$959.08	New England Fish Co.
GEORGE PANAGAKIS, refund on tax on fish caught in waters outside the jurisdiction of the State of Washington.....	\$10.00	George Panagakis.
SHELL OIL Co., for gasoline purchased in previous biennium.....	\$5.92	Shell Oil Co.

FROM THE GAME FUND.

STANDARD OIL Co., for supplies furnished Department of Game in the previous biennium	\$60.40	Standard Oil Co.
GRAYSON AND BROWN, refund for unused fishing and hunting licenses for the year 1932, purchased from the Auditor of King county	\$20.00	Grayson & Brown.
EDDIE BAUERS, refund for unused fishing and hunting licenses for the year 1932, purchased from the Auditor of King county...	\$69.00	Eddie Bauers.

Vetoed.	}	BEN F. TAPLIN, Clerk of Asotin county, reimbursement for loss of state game license funds suffered in burglary December 28, 1935	\$20.00.
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FROM THE LIQUOR REVOLVING FUND.

Raymond M. Perrin.	RAYMOND M. PERRIN, compensation for injuries received in service of Washington State Liquor Control Board.....	\$2,000.00
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FROM THE MEDICAL AID FUND.

Mike Donahue.	MIKE DONAHUE, expense account re claim vs. the Department of Labor and Industries for period February 27, 1933 to March 23, 1933	\$41.06
E. L. Smythe, M. D.	E. L. SMYTHE, M. D., services rendered to Department of Labor and Industries in previous biennium.....	\$5.00
R. S. Stryker, M. D.	R. S. STRYKER, M. D., services rendered to Department of Labor and Industries in previous biennium.....	\$32.00
Washington Hospital Association.	WASHINGTON HOSPITAL ASSOCIATION, services rendered Department of Labor and Industries in previous biennium.....	\$12.00

FROM THE MOTOR VEHICLE FUND.

Roy C. Duncan.	ROY C. DUNCAN, damages to property caused by certain highway construction.....	\$122.50
Gabel & Gabel.	GABEL & GABEL, L. C. Smith typewriter stolen while in possession of State Highway Department on rental.....	\$40.00
Ralph O. Hatch.	RALPH O. HATCH, damages to person and automobile suffered in collision with state highway equipment.....	\$355.21
Lowman & Hanford Co.	LOWMAN & HANFORD Co., supplies purchased by Department of Licenses in previous biennium	\$3.13
Lumberman's Mercantile Co.	LUMBERMAN'S MERCANTILE Co., supplies purchased by Department of Highways in previous biennium.....	\$142.67
E. L. Mewhirter.	E. L. MEWHIRTER, damages to automobile suffered in collision with state highway equipment	\$47.36
A. W. Meyers	A. W. MEYERS, damages to property on account of fire near state rock crusher between Colfax and Pullman.....	\$260.00
Pac. Coast Stamp Works.	PACIFIC COAST STAMP WORKS, supplies in previous biennium by Department of Licenses.	\$3.00

PACIFIC TELEPHONE & TELEGRAPH Co., damages to telephone lines caused by being accidentally struck by state highway equipment	\$137.56	Pac. Tel. & Tel. Co.
REXALL DRUG Co., supplies purchased in previous biennium by Department of Licenses.	.49	Rexall Drug Co.
L. I. SMITH, damages to automobile suffered in collision with state highway equipment....	\$25.00	L. I. Smith.
SPRING FLAT TELEPHONE Co., damages to telephone lines caused by rock blast by employees of Department of Highways.....	\$67.11	Spring Flat Tel. Co.
SWIFT & Co., refund of truck license fees paid in error in 1934 and 1935.....	\$911.10	Swift & Co.
UNITED STATES GOVERNMENT, damage to mail collection box in Aberdeen caused by being struck by automobile driven by employee of the Department of Highways.....	\$4.70	U. S. Government.
UNITED STATES GOVERNMENT, damage to automobile suffered in collision with state highway equipment.....	\$30.00	U. S. Government.
I. F. WYLES, damage to automobile suffered in collision with state highway equipment....	\$185.25	I. F. Wyles.
STANDARD OIL Co. OF CALIFORNIA, repairs to tank car U. T. L. X. 55154 on account of damage by fire from state-owned oil heater September 11, 1936.....	\$20.15	Standard Oil Co. of Cal.
CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILWAY Co., repairs to tank car U. T. L. X. 55154 on account of damage by fire from state-owned oil heater September 11, 1936.	\$7.64	Chicago, Milw. St. Paul & Pac. Ry. Co.
F. G. FOSTER Co., materials and supplies furnished Department of Highways in previous biennium	\$47.51	F. G. Foster Co.
J. R. SIMPSON MOTOR Co., supplies and services furnished Department of Highways in previous biennium	\$31.20	J. R. Simpson Motor Co.
STANDARD OIL Co., OF CALIFORNIA, supplies furnished Department of Highways in previous biennium	\$44.20	Standard Oil Co. of Cal.
STANDARD OIL Co., OF CALIFORNIA, supplies furnished Department of Highways in previous biennium	\$31.73	Standard Oil Co. of Cal.
STANDARD OIL COMPANY OF CALIFORNIA, underpayment on gasoline due to delivery in less than minimum quantities to Department of Highways	\$15.04	Standard Oil Co. of Cal.
STANDARD OIL Co. OF CALIFORNIA, supplies furnished Department of Highways in previous biennium	\$14.39	Standard Oil Co. of Cal.

Standard Oil Co. of Cal.	STANDARD OIL CO. OF CALIFORNIA, supplies furnished Department of Highways in previous biennium	\$17.53
Norman F. Hall Co.	NORMAN F. HALL Co., supplies furnished Department of Highways in previous biennium	\$13.45
Westinghouse Electric and Mfg. Co.	WESTINGHOUSE ELECTRIC AND MANUFACTURING Co., discount taken in error on purchase in previous biennium.....	\$5.09
Seattle Hdw. Co.	SEATTLE HARDWARE Co., supplies purchased by Department of Highways in previous biennium	\$5.10
Feenaughty Mch. Co.	FEENAUGHTY MACHINERY Co., underpayment of parts and supplies purchased by the Department of Highways in previous biennium	\$17.72
Edw. P. Leonard, Inc.	EDW. P. LEONARD, INC., parts and supplies purchased by Department of Highways in previous biennium.....	\$17.90
C. F. Pease Co.	C. F. PEASE Co., supplies purchased by Department of Highways in previous biennium...	\$10.49
Allis Chalmers Mfg. Co.	ALLIS CHALMERS MANUFACTURING Co., supplies and parts purchased by Department of Highways in previous biennium.....	\$27.81
O. H. Olson.	O. H. OLSON, Public Printer, supplies purchased by Department of Highways in previous biennium	\$3.70
O. H. Olson.	O. H. OLSON, Public Printer, printing supplies purchased by Department of Highways in previous biennium.....	\$54.43
Gray Line Tours, Inc.	GRAY LINE TOURS, INC., refund of motor vehicle license fees.....	\$276.00
Treasurer Clark County.	TREASURER, CLARK COUNTY, delinquent taxes and interest accruing against lot 1, block 1 and lot 1, block 2, Creston Addition to the City of Vancouver, prior to purchase by State Highway Department.....	\$1.12
Frank Kamla.	FRANK KAMLA, refund of motor vehicle license fee	\$3.00
John P. Lind.	JOHN P. LIND, damages to automobile suffered in collision with state highway equipment...	\$78.53
Treas. Okanogan Co.	TREASURER, OKANOGAN COUNTY, delinquent taxes and interest accruing against lots 1 and 2, block 4, original town of Tonasket, and lots 1 and 2, block 4, first addition to the town of Tonasket, prior to purchase by the State Department of Highways.....	\$19.11
Vetoed.	BEN F. TAPLIN, Clerk of Asotin county, reimbursement for loss of state auto license funds suffered in burglary on December 28, 1935	\$396.00

LEE O. BROWN, for refund of gas tax paid.....	\$30.00	Lee O. Brown.
HARRY A. DONALDSON, compensation for injuries caused by running into barricade maintained by State Highway Department.....	\$500.00	Harry A. Donaldson.
MARION N. DONALDSON, for accident caused by running into barricade maintained by State Highway Department.....	\$500.00	Marion N. Donaldson.
WEBB TRACTOR AND EQUIPMENT COMPANY, supplies purchased in previous biennium.....	\$26.45	Webb Tractor & Equip. Co.
PACIFIC REALTY COMPANY, for funds advanced to purchase right-of-way for portion of Pacific Highway (State Road No. 1) through the City of Bellingham.....	\$2,626.65	Pac. Realty Co.
PAUL HAIR AND MARY ALICE HAIR AND THEIR MINOR SON, for personal injuries sustained in accident with state highway road grader.	\$864.45	Paul Hair and Mary Alice Hair.
PACIFIC STATES LUMBER COMPANY, refund of motor fuel tax on non-taxable gasoline....	\$91.50	Pac. States Lbr. Co.
MRS. GRACE ST. CLAIRE, Ellensburg, Washington, payment for building burned while being used as storage room for paint supplies of the State Highway Department....	\$250.00	Mrs. Grace St. Claire.
J. H. PRESTON, refund of motor vehicle license fee	\$3.00	J. H. Preston.

FROM THE PARKS AND PARKWAY FUND.

SHELL OIL COMPANY, supplies purchased by State Parks Committee in previous biennium	\$14.20	Shell Oil Co.
CITY OF BLAINE, WASHINGTON, light and water service furnished State Parks Committee in previous biennium.....	\$9.00	City of Blaine, Washington.
ALDRICH MOTORS, repairs and parts furnished State Parks Committee in previous biennium	\$188.03	Alórich Motors.
TREASURER OF MASON COUNTY, taxes and interest on real property conveyed by gift to State Parks Committee.....	\$121.37	Treasurer Mason County.

FROM THE PENITENTIARY REVOLVING FUND.

NORTHERN PACIFIC RAILWAY COMPANY, services purchased in previous biennium by Department of Finance, Budget and Business.....	\$1.20	Northern Pac. Ry. Co.
NORTHERN PACIFIC RAILWAY COMPANY, services purchased in previous biennium by Department of Finance, Budget and Business.....	\$32.22	Northern Pac. Ry. Co.

FROM THE PUBLIC SERVICE REVOLVING FUND.

West Coast Power Co.	WEST COAST POWER Co., refund of special case cost assessments.....	\$6,034.47
Metaline Falls Light & Water Co.	METALINE FALLS LIGHT & WATER Co., reimbursement for special case cost assessments paid to Department of Public Service.....	\$304.42
George L. Williams.	GEORGE L. WILLIAMS, refund of compensation carrier fees	\$10.00
Valley Milk Transportation Co., Inc.	VALLEY MILK TRANSPORTATION COMPANY, INC., one half the court costs in re: State of Washington <i>ex rel.</i> Olympic Peninsula Motor Freight Company, et al., vs. Valley Milk Transportation Company, et al., Thurston County No. 15541.....	\$94.25
Vera H. Livingston.	VERA H. LIVINGSTON, refund of application fee for passenger certificate.....	\$25.00
Walter Warner.	WALTER WARNER, witness fees and expenses incurred in previous biennium.....	\$9.30
North Central Chevrolet Co.	NORTH CENTRAL CHEVROLET COMPANY, supplies and services furnished in previous biennium	\$28.22

FROM THE GENERAL FUND.

Vetoed. {	ROYAL DEVELOPMENT COMPANY, refund of corporation license fees.....	\$500.00
	UNITED PACIFIC INSURANCE Co., refund of corporation license fees.....	\$282.50
Insurance Commissioner.	FOR THE INSURANCE COMMISSIONER: To carry out the provisions of House Bill No. 227	\$12,000.00
Vetoed. {	FOR THE EMERGENCY RELIEF FUND: To reimburse the Emergency Relief Fund for money taken from said fund to complete the new Public Lands and Social Security Building	\$281,025.00
	FOR WHITE SHIELD HOME OF TACOMA, WASHINGTON	\$2,000.00
	FOR THE STATE PARKS COMMITTEE: Capital outlay for purchase of land for addition to existing state parks.....	\$15,000.00

FROM THE MOTOR VEHICLE FUND.

Martin, W. J. and John Halleran.	FOR THE RELIEF OF THE FOLLOWING INDIVIDUALS, FIRMS AND CORPORATIONS: MARTIN HALLERAN, W. J. HALLERAN AND JOHN L. HALLERAN, a copartnership, doing business as Halleran Brothers, to repay forfeited bid deposit check on certain highway construction	\$500.00
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FROM THE GENERAL FUND.

FOR JUDGMENTS:

CASHMERE FRUIT GROWERS UNION, judgment for costs in re: Cashmere Fruit Growers Union, et al., vs. Harold H. Henneford, et al., as State Tax Commission, Thurston county No. 15604, less offset by reason of judgment in re: Yakima Fruit Growers Association et al., vs. State Tax Commission, Thurston county No. 16311.....	\$50.22	Cashmere Fruit Growers Union.
YAKIMA COUNTY HORTICULTURAL UNION, judgment for costs in re: Cashmere Fruit Growers' Union, et al., vs. Harold H. Henneford, et al., as State Tax Commission, Thurston county No. 15604, less offset by reason of judgment in re: Yakima Fruit Growers Association, et al., vs. State Tax Commission, Thurston county No. 16311.....	\$37.69	Yakima County Horticultural Union.
YAKIMA FRUIT GROWERS ASSOCIATION, judgment for costs in re: Cashmere Fruit Growers Union, et al., vs. Harold H. Henneford, et al., as State Tax Commission, Thurston county No. 15604, less offset by reason of judgment in re: Yakima Fruit Growers Association, et al., vs. State Tax Commission, Thurston county No. 16311.....	\$64.23	Yakima Fruit Growers Association.
WILLIAM M. CULLITON, judgment for costs in re: William M. Culliton and Helen Ainsworth Culliton, his wife, vs. Samuel H. Chase and T. S. Hedges, comprising the State Tax Commission, Thurston county No. 14888.....	\$51.70	William M. Culliton.
McKALES, INC., judgment for costs in re: McKales, Inc., et al., vs. Samuel H. Chase and T. S. Hedges, comprising the State Tax Commission, Thurston county No. 14897...	\$131.00	McKales, Inc.
WILLIAM G. GRAVES, judgment and costs in re: William G. Graves, vs. State of Washington, Thurston county No. 14723.....	\$2,521.00	William G. Graves.
AUSTIN E. GRIFFITHS, JR., judgment for costs in re: Austin E. Griffiths, Jr., Albert Bertotti and R. W. Keller, Thurston county No. 15551.....	\$1,540.00	Austin E. Griffiths, Jr.
GEORGE A. JENSEN, et al., judgment for costs in re: Geo. A. Jensen, et al., vs. H. H. Henneford, et al., as Tax Commission of Washington, Thurston county No. 16182.....	\$117.90	George A. Jensen.

A. Kristofer- son, Inc.	A. KRISTOFERSON, Inc., judgment for costs in re: A. Kristoferson, Inc., a corporation, vs. Walter J. Robinson, etc., Thurston county No. 16020.....	\$21.00
Western Dairy Prod- ucts Co.	WESTERN DAIRY PRODUCTS Co., judgment for costs in re: A. Kristoferson, Inc., a corpora- tion, vs. Walter J. Robinson, etc., Thurston county No. 16020.....	\$13.00
Arthur A. Wagner.	ARTHUR A. WAGNER, judgment for costs in re: A. Kristoferson, Inc., a corporation, vs. Walter J. Robinson, etc., Thurston county No. 16020.....	\$13.00
Austin E. Griffiths, Jr.	AUSTIN E. GRIFFITHS, JR., judgment for costs in re: A. Kristoferson, Inc., a corporation, vs. Walter J. Robinson, etc., Thurston county No. 16020.....	\$13.00
Matson Co.	MATSON COMPANY, judgment for costs in re: State of Washington and Walter J. Robin- son, Director of Agriculture, vs. Matson Company, Yakima County Superior Court No. 28006, Supreme Court No. 25703.....	\$109.87
North- western National Insurance Co	NORTHWESTERN NATIONAL INSURANCE Co., judg- ment for costs in re: Northwestern National Insurance Co., vs. William A. Sullivan, Thurston county No. 15430.....	\$263.20
James E. Trygstad.	JAMES E. TRYGSTAD, judgment for costs in re: James E. Trygstad and Gladys Ione Tryg- stad, his wife, vs. State of Washington, Jefferson county No. 4628.....	\$29.00
Northwest- ern Imp. Co.	NORTHWESTERN IMPROVEMENT COMPANY, judg- ment for costs in re: Northwestern Im- provement Company, vs. State Tax Commis- sion, Thurston county No. 16156.....	\$72.00
Weyer- haeuser Timber Co.	WEYERHAEUSER TIMBER COMPANY, judgment for costs in re: State ex rel. Weyerhaeuser Timber Co., a corporation, vs. State Tax Commission, Thurston county No. 16816....	\$27.40
Senja Decker.	SENJA DECKER, judgment for costs in re: Senja Decker, vs. State of Washington, et al.....	\$1,500.00
E. R. and Elbert E. Lindsay.	E. R. LINDSAY AND ELBERT E. LINDSAY, judg- ment for costs in re: Spokane County Cause No. 25867.....	\$103.25
Weyer- haeuser Timber Co.	WEYERHAEUSER TIMBER COMPANY, judgment for costs in re: State of Washington ex rel. Weyerhaeuser Timber Company, vs. State Tax Commission, et al., Supreme Court No. 26441	\$138.55

FROM THE FISHERIES FUND.

BOOTH FISHERIES CORPORATION, et al., judgment for costs in re: Booth Fisheries Corporation, et al., vs. Otto Case, Treasurer of the State of Washington, Thurston county No. 15706.	Booth Fisheries Corporation.	\$108.65
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FROM THE MOTOR VEHICLE FUND.

MILO BOLAND, judgment and costs in re: claim of Milo Boland against the State of Washington, No. 15903 Thurston county.....	Milo Boland.	\$619.40
TELANDER CONSTRUCTION Co., judgment and costs in re: Telander Construction Co., vs. State of Washington, Thurston county No. 15466	Telander Const. Co.	\$3,521.00

FROM THE PUBLIC SERVICE REVOLVING FUND.

NORTHERN PACIFIC RAILWAY COMPANY, judgment for costs in re: Northern Pacific Railway Company, et al., vs. State Department of Public Works, U. S. District Court for the Western District, Southern Division, No. 456	N.P. Ry. Co.	\$542.82
CHICAGO, MILWAUKEE, ST. PAUL & PACIFIC RAILROAD COMPANY, judgment for costs in re: Northern Pacific Railway Company, et al., vs. State Department of Public Works, U. S. District Court for the Western District, Southern Division, No. 456.....	C. M. St. P. & Pac. Railroad Co.	\$607.35
GREAT NORTHERN RAILWAY COMPANY, judgment for costs in re: Northern Pacific Railway Company, et al., vs. State Department of Public Works, U. S. District Court for the Western District, Southern Division, No. 456	G. N. Ry. Co.	\$495.60
OREGON-WASHINGTON RAILROAD & NAVIGATION COMPANY, judgment for costs in re: Northern Pacific Railway Company, et al., vs. State Department of Public Works, U. S. District Court for the Western District, Southern Division, No. 456.....	O-W. Railroad & Nav. Co.	\$125.50
INTERSTATE POWER & LIGHT Co., judgment for costs in re: State of Washington, vs. Interstate Power & Light Co., Thurston county No. 15874.....	Interstate Power & Light Co.	\$84.49
ADOLPH J. JOHNSON, et al., judgment for costs in re: Adolph J. Johnson, vs. State of Washington, et al., Thurston county No. 16466...	Adolph J. Johnson.	\$237.06
NORTHWESTERN ELECTRIC Co., judgment for costs in re: State of Washington, vs. Northwestern Electric Co., Thurston county No. 15943	Northwestern Elec. Co.	\$114.20

O-W. Tel. Co.	OREGON-WASHINGTON TELEPHONE Co., judgment for costs in re: State of Washington, vs. Oregon-Washington Telephone Co., Thurston county No. 16005.....	\$127.07
O-W. Water Service Co.	OREGON-WASHINGTON WATER SERVICE Co., judgment for costs in re: State ex rel. Oregon-Washington Water Service Co., vs. Department of Public Works, et al., Thurston county No. 15583.....	\$257.55
O-W. Water Service Co.	OREGON-WASHINGTON WATER SERVICE Co., judgment for costs in re: State ex rel. Oregon-Washington Water Service Co., vs. Department of Public Works, et al., Thurston county No. 15597.....	\$244.10
P. S. P. & Light Co.	PUGET SOUND POWER & LIGHT Co., judgment for costs in re: State of Washington, vs. Puget Sound Power & Light Co., Thurston county No. 15942.....	\$13.00
P. S. P. & Light Co.	PUGET SOUND POWER & LIGHT Co., judgment for costs in re: State of Washington, vs. Puget Sound Power & Light Co., Thurston county No. 15878.....	\$387.25
N. P. Ry. Co.	NORTHERN PACIFIC RAILWAY COMPANY, judgment for costs in re: Department of Public Works, vs. Northern Pacific Railway Company, Thurston county No. 14629.....	\$90.90

FROM THE GENERAL FUND.

FOR LOCAL IMPROVEMENT AND DISTRICT ASSESSMENTS:

Treasurer City of Seattle.	TREASURER, CITY OF SEATTLE, Local Improvement Assessments on state land lying in Improvement District No. 5373, Ordinance No. 64980.....	\$5,758.98
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FROM THE MOTOR VEHICLE FUND.

Treasurer Benton County.	TREASURER, BENTON COUNTY, Local Improvement Drainage Assessments against state land lying in District No. 2, section 20, township 9, range 24.....	\$16.42
Treasurer Benton County.	TREASURER, BENTON COUNTY, Drainage Assessments against state land lying in District No. 9.....	\$45.81
Treasurer Benton County.	TREASURER, BENTON COUNTY, Drainage Assessments against state land lying in District No. 12, section 30, township 9, range 29....	\$223.96

FROM THE PARKS AND PARKWAY FUND.

TREASURER, WHATCOM COUNTY, 1935 assessments against state land in Drainage District No. 7, being part of Peace Arch State Park	\$14.91	Treasurer Whatcom County.
TREASURER, THURSTON COUNTY, for Hopkins Drainage District assessment against state-owned land in NW ¼ of SW ¼, section 26, twp. 17 N., range 2 W.....	\$91.97	Treasurer Thurston County.

FROM THE GENERAL FUND.

FOR THE LADIES OF THE GRAND ARMY OF THE REPUBLIC HOME AT PUYALLUP, WASHINGTON, (payable quarterly).....	\$3,000.00	Ladies of the G. A. R. Home.
FOR THE DEPARTMENT OF FINANCE, BUDGET AND BUSINESS:		Finance, Budget & Business.
To creat a revolving fund for the purchase and distribution of supplies in accordance with section 38, chapter 7, Laws of 1921, payment for such supplies, including handling charges, to be made to the Director of Finance, Budget and Business for credit to the revolving fund herein created.....	\$10,000.00	
EASTERN STATE HOSPITAL:		Eastern State Hospital.
Purchase of land.....	\$1,000.00	
DIVISION OF SAVINGS AND LOAN ASSOCIATIONS:		} Vetoed.
To carry out the provisions of Senate Bill 350..	\$2,000.00	
FOR THE DEPARTMENT OF LICENSES:		Licenses.
To carry out the provisions of Substitute Senate Bill No. 73 and Senate Bill No. 287, salaries, wages and operations.....	\$25,000.00	
FOR THE DEPARTMENT OF LABOR AND INDUSTRIES:		Labor & Industries.
For industrial insurance and medical aid premiums in connection with construction payrolls at Western State Hospital for previous biennium	\$3,425.87	
FOR THE MILITARY DEPARTMENT OF THE STATE OF WASHINGTON:		} Vetoed.
To be expended for equipment for the Administration Building of the Aviation Unit of the Washington National Guard at Felts Field, Spokane, Washington.....	\$1,200.00	
FOR THE STATE PARKS COMMITTEE:		State Park Committee.
Salaries, wages and operations,	\$50,000.00	

Agriculture.	FOR THE DEPARTMENT OF AGRICULTURE: For destruction of predatory animals (to match funds of Federal Department of Agriculture to be expended under U. S. Biological Survey)	\$20,000.00
Finance Committee.	FOR THE STATE FINANCE COMMITTEE: To carry out provisions of chapters 76, 77, 90 and 91, Laws of 1935, salaries, wages and operations	\$1,500.00
Legislative expenses.	FOR LEGISLATIVE EXPENSE: Printing, indexing, binding and editing Session Laws, Senate and House Journals, other Legislative printing, and binding public documents of the Twenty-Fifth Session \$5,000.00 Indexing Senate and House Journals 1,000.00 Total	\$6,000.00
FROM THE REFORMATORY REVOLVING FUND.		
Finance, Budget & Business.	FOR THE DEPARTMENT OF FINANCE, BUDGET AND BUSINESS: To carry out the provisions of chapter 173, Laws of 1935.....	\$50,000.00
Reformatory.	WASHINGTON STATE REFORMATORY: For new industries, salaries, wages and operations	\$25,000.00
	For permanent wall, construction and replacement, industrial dormitory.....	\$25,000.00
FROM THE FISHERIES FUND.		
Fisheries.	FOR THE DEPARTMENT OF FISHERIES: To be expended pursuant to provisions of section 5748 of Remington's Revised Statutes..	\$10,000.00
	For the propagation and food of shell fish. The monies herein appropriated shall be expended only in conjunction with monies made available by the Federal government and then only to the amount equal to that furnished by the Federal government.....	\$250,000.00
FROM THE HIGHWAY SAFETY FUND.		
Licenses and Highways.	FOR THE DEPARTMENT OF LICENSES AND THE DEPARTMENT OF HIGHWAYS: To carry out the provisions of Senate Bills No. 147 and 148, salaries, wages and operations	\$750,000.00
Washington State Patrol.	FOR THE WASHINGTON STATE PATROL: Salaries and wages.....	\$420,000.00
	Operations	330,000.00
	Total	\$750,000.00

FROM THE GENERAL FUND.

Salaries, wages and operations..... \$165,175.00

FROM THE CAPITOL BUILDING CONSTRUCTION FUND.

FOR THE STATE CAPITOL COMMITTEE:

Capitol Committee.

For the purchase of materials and expense in cooperation with Federal project for mural paintings in State Capitol Buildings..... \$20,000.00

FROM THE GENERAL FUND.

FOR THE RELIEF OF THE FOLLOWING INDIVIDUALS, FIRMS AND CORPORATIONS:

A. K. VICTOR, injuries sustained in line of duty as doorman at 1937 session of the Legislature \$400.00

J. G. GRUVER, of Kelso, former auditor of Cowlitz county, to reimburse him for money lost in performance of his duties through failure of First National Bank of Kelso in 1931.... \$800.00

} Vetoed.

FROM THE GAME FUND.

C. E. MCFARLAND, pheasants obtained by State Game Department..... \$196.00

C. E. McFarland.

FROM THE PUBLIC SERVICE REVOLVING FUND.

FRED J. OSTERMAN, injuries received in performance of official duty as valuation engineer for Department of Public Service..... \$1,000.00

Fred J. Osterman.

FROM THE MOTOR VEHICLE FUND.

NORBERT SHIELDS, personal injuries and property damage sustained in accident with State Highway truck..... \$425.00

Norbert Shields.

FROM THE FISHERIES FUND.

E. M. BENN, reimbursement for loss of personal belongings while employed in State Fisheries Department doing patrol duty..... \$93.50

E. M. Benn.

FROM THE GENERAL FUND.

FOR THE LIEUTENANT GOVERNOR:

Operations \$1,200.00

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION:

For curriculum studies to become available upon the approval and direction of the State Board of Education..... \$10,000.00

} Vetoed.

E. O. BELCH, compensation for injuries sustained through negligence of the State Highway Department..... \$100.00

FROM THE GENERAL FUND.

Finance, Budget & Business.	FOR THE DEPARTMENT OF FINANCE, BUDGET AND BUSINESS: Construction, equipment and operation of a sanitarium at Soap Lake for the treatment of ex-service men afflicted with Buergers disease	\$60,000.00
	(This appropriation shall be expended with written approval of the Govern- nor in cooperation with funds fur- nished by the Federal government.)	
Guaranty Trust Co.	GUARANTY TRUST COMPANY, account money errone- ously demanded by Supervisor of Inheritance and Escheat Division.....	\$548.44
Vetoed.	WILLIAM PETER AND JAMES PETER, for monies es- cheated to the state by order of the Superior Court of King county.....	\$1,793.34
Military Department.	FOR THE MILITARY DEPARTMENT: Creating a fund to provide medical aid and compensation for enlisted men of the Na- tional Guard injured in line of duty.....	\$6,000.00
Union Service Stations, Inc.	UNION SERVICE STATIONS, INC., account overpay- ment of license fee.....	\$170.50
Secretary of State.	FOR THE SECRETARY OF STATE: Salaries and wages.....	\$6,000.00
Payment of Tide Land Certificates.	For the payment of unpaid principal, or propor- tionate parts thereof, of Tide Land Certificates issued under the provisions of chapter XCIX of the Session Laws of 1893 (sections 9603 to 9612 Remington's Revised Statutes both inclu- sive) and numbered 742, 743, 744, 745, 753, 754, 755, 756, 767, 843, 844, 856, 873, 874, 879, 883, 886, and 889, which are a lien against unsold state-owned Seattle tide lands.....	\$16,007.62
State Treasurer.	FOR THE STATE TREASURER: Salaries, wages and operations.....	\$10,000.00

FROM THE MOTOR VEHICLE FUND.

Ira L. Judd.	IRA L. JUDD, for loss of Marchant Calculating Ma- chine, No. H-8-38577, while in use by Highway Department	\$160.15
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FROM THE MEDICAL AID FUND.

Roy G. Gates.	ROY G. GATES, account of injuries sustained June 25, 1923.....	\$1,000.00
John Meyers.	JOHN MEYERS, account of injuries sustained Oc- tober 18, 1934.....	\$750.00

FROM THE GAME FUND.

MARK EDWARD KLOBUCHER AND OPAL KLOBUCHER, as guardian of the person and estate of Mark Edward Klobucher, account of injuries caused by the negligence of an agent of the Game Department of the State of Washington.....	\$1,000.00	Mark Edward Klobucher and Opal Klobucher.
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FROM THE GENERAL FUND.

FOR TUBERCULOSIS HOSPITALS:

To carry out the provisions of Senate Bill No. 234	\$65,000.00	} Vetoed.
To carry out the provisions of Senate Bill No. 232	\$35,000.00	

SUNDRY MUNICIPALITIES, for Local Improvement Assessments against state-owned land as follows:

FOR THE TREASURER OF THE CITY OF SEATTLE:		Treasurer City of Seattle.
Local Improvement Districts Nos. 12502, 21303, 21498, 47618, 2657, 2805, 2903, 2994, 3036, 3089, 3138, 3169, 3183, 3240, 3403, 3592, 3605, 3618, 3764, 3795, 4477, 4483, 4486, 4515, 4532, 4533, 4858, 4988, 5137, 5203 and 5374.....	\$8,034.34	
FOR THE TREASURER OF BENTON COUNTY:		Treasurer Benton County.
Priest Rapids Irrigation District.....	\$3,254.22	
FOR THE TREASURER OF SPOKANE COUNTY:		Treasurer Spokane County.
Local Improvement District No. 14.....	\$51.71	
FOR THE TREASURER OF COWLITZ COUNTY:		Treasurer Cowlitz County.
Diking Districts Nos. 5, 11 and 15.....	\$2,828.30	
FOR THE TREASURER OF GRAYS HARBOR COUNTY:		Treasurer Grays Harbor County.
Drainage District No. 4 and Weed District No. 1.....	\$932.37	
FOR THE TREASURER OF KITTITAS COUNTY:		Treasurer Kittitas County.
Kittitas Reclamation District.....	\$766.60	
FOR THE TREASURER OF KLINKITAT COUNTY:		Treasurer Klickitat County.
White Salmon Irrigation District.....	\$189.68	
FOR THE TREASURER OF OKANOGAN COUNTY:		Treasurer Okanogan County.
Whitestone and Wolf Creek Reclamation Districts	\$4,110.41	
FOR THE TREASURER OF PACIFIC COUNTY:		Treasurer Pacific County.
Diking District No. 1.....	\$11.57	
FOR THE TREASURER OF PEND OREILLE COUNTY:		Treasurer Pend Oreille County.
Diking District No. 2.....	\$20.20	
FOR THE TREASURER OF SKAGIT COUNTY:		Treasurer Skagit County.
Diking Districts Nos. 1, 5 and 15 and Drainage Districts Nos. 14 and 15.....	\$268.35	
FOR THE TREASURER OF SNOHOMISH COUNTY:		Treasurer Snohomish County.
Diking District No. 5.....	\$381.91	

Treasurer Stevens County.	FOR THE TREASURER OF STEVENS COUNTY: Fruitland Irrigation District	\$1,237.42
Treasurer Wahkiakum County.	FOR THE TREASURER OF WAHKIAKUM COUNTY: Diking District No. 1 and Diking Improvement District No. 4	\$4,783.11
Vetoed. {	FOR THE TREASURER OF WHATCOM COUNTY: Drainage District No. 7	\$14.91
Treasurer King County.	FOR THE TREASURER OF KING COUNTY: Commercial Waterway District No. 1	\$58.27
Treasurer Snohomish County.	FOR THE TREASURER OF SNOHOMISH COUNTY: Alderwood Water District	\$1,364.76
Treasurer Yakima County.	FOR THE TREASURER OF YAKIMA COUNTY: Drainage District No. 32 and Yakima-Benton Irrigation District	\$466.39
State School Equalization Fund.	FOR TRANSFER TO THE STATE SCHOOL EQUALIZATION FUND: <i>Provided</i> , That transfers hereunder shall be made from time to time as the Governor may direct, based on funds being available	\$3,000,000.00
Vetoed. {	FOR TRANSFER TO THE STATE TEACHERS' RETIREMENT FUND: (Such transfers to be made from time to time and in such amounts as the Governor shall determine)	\$350,000.00
Licenses.	FOR THE DEPARTMENT OF LICENSES: To carry out the provisions of Senate Bill No. 349	\$12,000.00
	FOR THE DEPARTMENT OF LICENSES: To carry out the provisions of Senate Bill No. 77: <i>Provided</i> , That expenditures herefrom shall not exceed fees heretofore or hereafter collected	\$10,000.00
State Forest Board.	FOR THE STATE FOREST BOARD: To pay Thurston county taxes on property heretofore conveyed to the state	\$1,054.17
State Auditor.	FOR THE STATE AUDITOR: Salaries, wages and operations	\$10,000.00
Legislative expenses.	FOR LEGISLATIVE EXPENSE: For purpose of paying the expenses of the 25th Legislature of the State of Washington	\$3,000.00
Commissioner of Public Lands.	FOR THE COMMISSIONER OF PUBLIC LANDS: For surveying and platting tide lands adjacent to Port Townsend	\$500.00
Ross Vennir.	FOR JUDGMENTS: Ross Vennir, judgment for costs in case of State, vs. Ross Vennir, reported in 159 Wash. 58, assigned to Edward M. Connelly	\$176.71

William Raum, judgment for costs in the case of State, vs. William Raum, reported in 172 Wash. 680, assigned to Edward M. Connelly	\$193.45	William Raum.
FOR THE DEPARTMENT OF FINANCE, BUDGET AND BUSINESS:		Finance, Budget & Business.
Salaries and wages.....	\$7,000.00	
FOR CAPITOL BUILDINGS AND GROUNDS:		Capitol buildings and grounds.
Salaries and wages.....	\$11,000.00	
FOR WASHINGTON VETERANS' HOME:		Washington Veterans' Home.
Salaries and wages.....	\$18,000.00	
FOR STATE SOLDIERS' HOME:		State Soldiers' Home.
Salaries and wages.....	\$9,000.00	
FOR STATE SCHOOL FOR THE BLIND:		School for the Blind.
Salaries and wages.....	\$4,500.00	
FOR STATE SCHOOL FOR THE DEAF:		School for the Deaf.
Salaries and wages.....	\$1,700.00	
FOR STATE CUSTODIAL SCHOOL:		Custodial School.
Salaries and wages.....	\$10,000.00	
FOR WESTERN STATE HOSPITAL:		Western State Hospital.
Salaries and wages.....	\$12,500.00	
FOR EASTERN STATE HOSPITAL:		Eastern State Hospital.
Salaries and wages.....	\$8,500.00	
FOR NORTHERN STATE HOSPITAL:		Northern State Hospital.
Salaries and wages.....	\$12,500.00	
FOR WASHINGTON STATE PENITENTIARY:		Penitentiary.
Salaries and wages.....	\$21,000.00	
FOR WASHINGTON STATE REFORMATORY:		Reformatory.
Salaries and wages.....	\$9,000.00	
FROM THE MOTOR VEHICLE FUND.		
FOR THE DEPARTMENT OF HIGHWAYS:		Highways.
For improvement of Washington Street in the City of Olympia from Legion Way to Seventh Avenue.....	\$3,500.00	
FOR THE DEPARTMENT OF LICENSES:		} Vetoed.
Liquid fuel tax refunds.....	\$300,000.00	
FOR CHARLES MEDOWCRAFT:		Charles Medowcraft.
Refund of motor vehicle license fee.....	\$16.00	
FROM THE MEDICAL AID FUND.		
ARTHUR WERNER, compensation for injuries sustained in accident in line of duty while employed as traffic officer for Pierce county....	\$750.00	Arthur Werner.
FOR THE DEPARTMENT OF LABOR AND INDUSTRIES:		} Vetoed.
Salaries and wages.....	\$10,000.00	

Effective
immediately.

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 11, 1937.

Passed the Senate March 11, 1937.

Approved by the Governor March 22, 1937, with the exception of certain items which are vetoed.

AUTHENTICATION.

I, Ernest N. Hutchinson, Secretary of State of the State of Washington, do hereby certify that I have caused to be carefully compared the foregoing published laws passed by the Twenty-fifth Legislative Session of the State of Washington, held from January 11, 1937, until March 11, 1937, 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 [], in each case as provided by law.

In Testimony Whereof, I have hereunto set my hand and affixed hereto the seal of the State of Washington.

Dated at Olympia, Washington, this 27th day of May, 1937.

ERNEST N. HUTCHINSON,
Secretary of State.



JOINT AND CONCURRENT RESOLUTIONS OF THE SENATE AND HOUSE

(Minor Resolutions and Memorials, of no public importance,
are not printed herein.)

SENATE JOINT RESOLUTION NO. 5

Providing for the submission to the electors of the state of a constitutional amendment amending section 1 of article VII, of the Constitution of the State of Washington, relating to taxation.

Be It Resolved, By the Senate and House of Representatives 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, 1938, there shall be submitted to the qualified electors of this state for their approval and ratification, or rejection, an amendment to section 1 of article VII of the Constitution of the State of Washington, so that the same shall, when amended, read as follows:

Section 1. The power of taxation shall never be suspended, surrendered or contracted away. All taxes shall be uniform upon the same class of property within the territorial limits of the authority levying the tax and shall be levied and collected for public purposes only. The word "property" as used herein shall mean and include everything, whether tangible or intangible, subject to ownership. All real estate shall constitute one class: *Provided*, That the Legislature may tax mines and mineral resources and lands devoted to reforestation by either a yield tax or an ad valorem tax at such rate as it may fix, or by both. Such property as the Legislature may by general laws provide shall be exempt from taxation. Property of the United States and of the state, counties, school districts and other municipal corporations, and credits secured by property actually taxed in this state, not exceeding in value the value of such property, shall be exempt from taxation. The Legislature

shall have power, by appropriate legislation, to exempt personal property to the amount of three hundred dollars (\$300.00) for each head of a family liable to assessment and taxation under the provisions of the laws of this state of which the individual is the actual bona fide owner. Nothing contained in this section shall be construed to prevent the enactment of a graduated net income tax law.

And Be It Further Resolved, That the secretary of state shall cause the foregoing constitutional amendment to be published at least three months next preceding the election in a weekly newspaper in every county where a newspaper is published throughout the state.

Passed the Senate March 2, 1937.

Passed the House March 9, 1937.

SUBSTITUTE SENATE JOINT MEMORIAL NO. 4

To the Honorable President of the United States and the Secretary of State.

WHEREAS, commercial fishing in close proximity to the coast of the Territory of Alaska will definitely diminish the run of fish to their natural spawning grounds in the rivers and streams which flow from the Territory of Alaska into the Pacific Ocean thereby endangering if not entirely destroying future salmon industry; and

WHEREAS, an international treaty or trade agreement between the governments of the United States and the Empire of Japan to define and make clear the mutual obligations which must be brought into existence for the permanent future protection of the salmon runs would avert this danger;

Now, Therefore, We, your Memorialists, the Senate and House of Representatives of the State of Washington in legislative session assembled, pray that such treaty as will protect the future salmon runs, thereby safeguard-

ing the basic industry of Alaska and strengthening the friendly relations between the two nations, be negotiated without extended delay between the United States government and the government of the Empire of Japan.

Passed the Senate February 9, 1937.

Passed the House February 17, 1937.

SENATE JOINT MEMORIAL NO. 7

To the Honorable Franklin D. Roosevelt, President of the United States, the Senate and House of Representatives of the United States in Congress assembled:

We, your Memorialists, the Senate and House of Representatives of the State of Washington in legislative session assembled, most respectfully represent and petition your honorable body as follows:

WHEREAS, the State of Washington was admitted to the Union under the provisions of an act of the Congress of the United States approved February 22, 1889, being 25th Statutes 676, and

WHEREAS, section 10 of said act provides that upon admission of the State of Washington into the Union, sections 16 and 36 in each township, and where such sections or any parts thereof had been sold or otherwise disposed of, other lands equivalent thereto, were granted to the said state to provide a fund for the support of the common schools, and

WHEREAS, sections 12, 16 and 17 of said act provide for grants of land to the State of Washington for the purpose of erecting public buildings at the capitol for legislative, administrative, executive, judicial purposes and for the maintenance of institutions of higher learning and for charitable, educational, penal and reformatory institutions, and

WHEREAS, section 19 of said act provides that all lands granted in quantity or as indemnity shall be selected from

the surveyed, unreserved and unappropriated public lands of the United States within the limits of said state, and

WHEREAS, in said State of Washington a loss to an extent of approximately 150,000 acres has been suffered by the school and other grants by reason of previous entry, fractional townships, mature losses, inclusion within established federal reserves, and the inability of the State to obtain any suitable land to complete the direct grants or for indemnity for such losses, and

WHEREAS, by reason of the failure of the United States government to survey lands within the state prior to the dates of their inclusion within national reserves, because in recent years no Federal domain land of any value has been available for selection and because of the recent reservation of all lands in the public domain pursuant to presidential proclamation of February 5, 1935, it has been impossible for the State to satisfy the said grants by regular selection or indemnity provisions under said act approved February 2, 1889; and

WHEREAS, your honorable body has before it a bill designated as H. R. No. 11424, providing for a payment of \$6,750,000.00 to the State of Washington as full satisfaction for the deficiency in the said grants, and the said bill further provides that upon payment to the said State of Washington of said amount a release would be granted in favor of the United States of America of any further claim for land grants.

Therefore, Your Memorialists do most earnestly pray, that the Congress of the United States approve and pass said bill, H. R. No. 11424 forthwith, in order that the grants to the State of Washington for the support of common schools, institutions of higher learning, and charitable, educational, penal and reformatory institutions may be completely consummated.

And your memorialists will ever pray.

Passed the Senate February 3, 1937.

Passed the House February 24, 1937.

SENATE JOINT MEMORIAL NO. 9

To the Honorable Franklin D. Roosevelt, the President of the United States, and to the Senate and House of Representatives of the United States in Congress assembled:

We, your Memorialists, the Senate and House of Representatives of the State of Washington, in legislative session assembled, most respectfully petition you as follows:

WHEREAS, since the enactment of the Harrison Narcotic Law in 1914 and especially the creation of the Federal Narcotic Bureau Regulation of 1919, prohibiting ambulatory treatment of addicts for addiction, by registered physicians, the illicit traffic in narcotic drugs has grown to enormous proportions; and

WHEREAS, to supply this great number of addicted citizens, there has been established an industry in the smuggling and illicit peddling of these narcotic drugs whose monetary income yearly equals that of some of our leading industries; and

WHEREAS, this illicit peddling has become the greatest source of creation of new addicts among our people; and

WHEREAS, our physicians, through fear of arrest and ruination, due to the Federal Narcotic Bureau Regulation prohibiting ambulatory treatment, will have little or nothing to do with addicts or their addiction; and

WHEREAS, definite figures are not now available nor have they been since the survey made by the United States Congress in 1919, which gave the number of addicted citizens in this country to be one million, though the Federal Narcotic Bureau now estimates that there is only one hundred thousand addicted citizens in the United States, of which 350 are residents of the State of Washington; and

WHEREAS, a survey made under the direction and supervision of officials of our State now finds that there is ten times the number of addicts in our State as is estimated and stated by the Federal Narcotic Bureau; now

Therefore, We, your Memorialists, pray that a survey under the supervision and direction of the United States Public Health Service be authorized and conducted immediately to determine the number of addicted citizens in this country and the recommendation of a method of care and treatment of curable addicts and a plan for dispensing drugs to incurable addicts.

Passed the Senate February 16, 1937.

Passed the House February 24, 1937.

SENATE JOINT MEMORIAL NO. 12

To the Honorable Franklin D. Roosevelt, President of the United States:

We, the Senate and House of Representatives of the State of Washington, in legislative session assembled, enthusiastically approve your long range six-year program of public works for the benefit of our people, and especially your proposal to complete the Grand Coulee High Dam power and reclamation project.

We respectfully invite your attention and ask your personal aid in securing an appropriation at this session of Congress of not less than fifteen million dollars (\$15,000,000), as recommended by the Bureau of Reclamation for the uninterrupted progress of this great work.

Passed the Senate February 5, 1937.

Passed the House February 8, 1937.

HOUSE JOINT MEMORIAL NO. 7

To the Honorable, the Senate and the House of Representatives of the United States of America in Congress assembled:

We, your Memorialists, the Senate and House of Representatives of the State of Washington in legislative session assembled, respectfully petition your honorable body as follows:

WHEREAS, without regard to geographical location, the prosperity of the business and industry of the United States is dependent upon a self-sustaining and prosperous agriculture, the development of which is one of the most vital problems confronting this nation; and

WHEREAS, this nation as a whole must depend, at an ever increasing rate, upon a continued and sound development of its fertile and irrigable arid lands wherever situated for a large part of its present and a much larger part of its future requirements of those crops particularly adapted to irrigable land production and of which there is no national problem of unexportable surplus; and

WHEREAS, the Pacific West is not now self-supporting in agricultural products required for food and the rapid increase in population on the Pacific Coast, especially in the larger cities, is making it imperative that additional land be made productive for the raising of necessary food products; and

WHEREAS, it has been conclusively demonstrated within recent years that the Federal policy of national reclamation is sound; that it is as vital to the national welfare as flood control and other recognized Federal projects; that the initial financing of reclamation projects by the Federal government is not a gift of Federal funds to a section of the country but rather a temporary and sound loan certain to be repaid; that the financing of these projects by the arid land states is impossible because of small taxable values due largely to huge holdings

of lands within their borders by the Federal government; and that the development of these reclamation projects create new wealth and business for every section of the nation; and

WHEREAS, a failure on the part of the Congress of the United States to continue the national reclamation program and the development of reclamation projects would cause a tremendous financial loss to the Federal Government represented in uncompleted reclamation projects now under construction; would make impossible any balanced solution of the problem of agriculture and proper land use; and would leave this nation with an imminent shortage of a type of land most adapted to growing specialized crops required by and consumed in every part of the United States;

Be It Resolved, That the Senate and the House of Representatives of the State of Washington in legislative session assembled hereby respectfully petitions your honorable body to enact at the earliest possible moment such legislation as may be necessary and proper for the continuance as a permanent Federal policy of the national reclamation program and the development of reclamation projects approved by the Federal Bureau of Reclamation, and

Be It Further Resolved, That copies of this memorial be sent to the President of the United States, the President of the United States Senate, the Speaker of the House of Representatives of the United States, and to each member of the United States Senate and House of Representatives from the State of Washington.

Passed the House January 21, 1937.

Passed the Senate February 10, 1937.

HOUSE JOINT MEMORIAL NO. 8

To the Honorable Senate and House of Representatives of the United States of America, in Congress assembled:

We, your Memorialists, the Senate and the House of Representatives of the State of Washington, in legislative session assembled, most respectfully represent and petition your honorable body as follows:

WHEREAS, recognizing the imperative need for the early development of the Grand Coulee power and reclamation project, we urge our congressional and senatorial delegation in the Congress of the United States to use every effort to secure necessary appropriation for the Grand Coulee project so that the work may be continued without delay. A discontinuance of the present work would result in demoralization of the splendid organization built up by the Federal Reclamation Service, would throw out of employment thousands of our citizens and would be a distinct discouragement to the orderly development of the Pacific Northwest.

In the past year many people from the drought area of the central west have come to our state seeking homes. These people are farmers, honest, industrious and trained in agriculture. We believe that the Columbia Basin lands will be needed by the people of the nation as soon as they are available. These lands of necessity must be developed slowly, unit by unit, as they are needed for the production of farm products; and,

WHEREAS, this great project is of such national importance that any interruption of the work would be regarded in the nature of a tragedy;

Therefore, We urge Congress to appropriate sufficient money to finish the present contract and provide funds for a new contract, so that the work may continue through the years 1937 and 1938.

Passed the House January 21, 1937.

Passed the Senate February 10, 1937.

HOUSE JOINT MEMORIAL NO. 18

To the Honorable Franklin D. Roosevelt, President of the United States, and to the Honorable Senate and House of Representatives of the United States in Congress assembled:

We, your Memorialists, the Senate and House of Representatives of the State of Washington, in legislative session assembled, most respectfully represent and petition as follows:

WHEREAS, the Public Works Administration Authorization is due to expire on June 13th of this year, and

WHEREAS, the Public Works Administration Authorization has been the source of all the irrigation money in recent years, and

WHEREAS, projects calling for four hundred and fifty million dollars (\$450,000,000.00) have been approved and are ready for immediate construction and building by the Public Works Administration Act, and

WHEREAS, the Coulee Dam project and the Rosa Irrigation project cannot be carried on to completion without the aid of the Public Works Administration Authorization, and

WHEREAS, the State of Washington will suffer a great loss unless the Coulee Dam project and the Rosa Irrigation project can be carried on to completion,

Now, Therefore, Be It Resolved, By the Senate and the House of Representatives of the State of Washington in legislative session assembled that we urge the President and the Congress of the United States to approve and pass the extension of the Public Works Administration Act, or suitable substitute therefor, and

Be It Further Resolved, That copies of this memorial be immediately transmitted to the Honorable President, Franklin D. Roosevelt, and to all members of the Senate and House of Representatives of the United States from the State of Washington.

Passed the House February 5, 1937.

Passed the Senate February 18, 1937.

HOUSE JOINT MEMORIAL NO. 22

To the Honorable Franklin D. Roosevelt, President of the United States; the Senate and the House of Representatives of the United States of America in Congress assembled:

We, your Memorialists, the Senate and the House of Representatives of the State of Washington, in legislative session assembled, most respectfully represent and petition the President of the United States and the Senate and House of Representatives of the United States as follows:

WHEREAS, the President of the United States has recommended to Congress the enactment of legislation, urgently needed but long delayed, concerning the retirement and appointment of Justices of the Supreme Court and specific reforms in our entire Federal judicial system; and,

WHEREAS, your Memorialists wholeheartedly and unqualifiedly approve and endorse the recommendations of the President and commend him for his constructive and forward looking analysis of these much needed reforms in our courts and judicial systems;

Now, Therefore, Be It Resolved, By the Senate and the House of Representatives of the State of Washington in legislative session assembled that we urge upon the National Congress to enact the proper and necessary laws to put into effect the recommendations of the President contained in his message of February, 1937.

Passed the House February 11, 1937.

Passed the Senate March 4, 1937.

**INITIATIVE AND REFERENDUM MEASURES FILED WITH
THE SECRETARY OF STATE AND THE
DISPOSITION THEREOF.**

INITIATIVE MEASURE NO. 1 (State Wide Prohibition)—Refiled as Initiative Measure No. 3 (q. v.).

INITIATIVE MEASURE NO. 2 (Eight Hour Law)—Refiled as Initiative Measure No. 5 (q. v.).

INITIATIVE MEASURE NO. 3 (State Wide Prohibition)—Submitted to the people November 3, 1914; passed.

INITIATIVE MEASURE NO. 4 (Drugless Healers)—No petition filed.

INITIATIVE MEASURE NO. 5 (Eight Hour Law)—No petition filed. See Initiative Measure No. 13, covering same subject.

INITIATIVE MEASURE NO. 6 (Blue Sky Law)—Submitted to the people November 3, 1914; failed to pass.

INITIATIVE MEASURE NO. 7 (Abolishing Bureau of Inspection)—Submitted to the people November 3, 1914; failed to pass.

INITIATIVE MEASURE NO. 8 (Abolishing Employment Offices)—Submitted to the people November 3, 1914; passed.

INITIATIVE MEASURE NO. 9 (First Aid to Injured)—Submitted to the people November 3, 1914; failed to pass.

INITIATIVE MEASURE NO. 10 (Convict Labor Road Measure)—Submitted to the people November 3, 1914; failed to pass.

INITIATIVE MEASURE NO. 11 (Fish Code)—Petition failed.

INITIATIVE MEASURE NO. 12 (Abolishing Tax Commission)—Petition failed.

INITIATIVE MEASURE NO. 13 (Eight Hour)—Submitted to the people November 3, 1914; failed to pass.

INITIATIVE MEASURE NO. 14 (Reapportionment)—No petition filed.

INITIATIVE MEASURE NO. 15 (Fundamental Reform Act)—No petition filed.

INITIATIVE MEASURE NO. 16 (Reapportionment)—No petition filed.

INITIATIVE MEASURE NO. 17 (State Road Measure)—No petition filed.

INITIATIVE MEASURE NO. 18 (Brewers' Hotel Bill)—Submitted to the people November 7, 1916; failed to pass.

INITIATIVE MEASURE NO. 19 (Non-Partisan Election and Presidential Primary)—No petition filed.

INITIATIVE MEASURE NO. 20 (First Aid)—No petition filed.

- INITIATIVE MEASURE NO. 21 (Home Rule)—No petition filed.
- INITIATIVE MEASURE NO. 22 (Fisheries Code)—No petition filed.
- INITIATIVE MEASURE NO. 23 (Politicians' Code)—No petition filed.
- INITIATIVE MEASURE NO. 24 (Brewers' Bill)—Submitted to the people November 7, 1916; failed to pass.
- INITIATIVE MEASURE NO. 25 (Repealing Chapter 2, Laws 1915, known as Initiative Measure No. 3)—No petition filed.
- INITIATIVE MEASURE NO. 26 (Making the State a Prohibition District)—No petition filed.
- INITIATIVE MEASURE NO. 27 (Repealing Chapter 57, Laws 1915)—No petition filed.
- INITIATIVE MEASURE NO. 28 (Non-Partisan Elections)—No petition filed.
- INITIATIVE MEASURE NO. 29 (Capitol Removal Bill)—No petition filed.
- INITIATIVE MEASURE NO. 30 (Eight Hour Law)—No petition filed.
- INITIATIVE MEASURE NO. 31 (Municipal Marketing Measure)—No petition filed.
- INITIATIVE MEASURE NO. 32 (Picketing Measure)—No petition filed.
- INITIATIVE MEASURE NO. 33 (Non-Partisan Elections and Presidential Primary)—No petition filed.
- INITIATIVE MEASURE NO. 34 (Relating to Salmon Fishing)—No petition filed.
- INITIATIVE MEASURE NO. 35 (Repealing Chapter 174, Laws 1919)—Insufficient number of signatures on petition; failed.
- INITIATIVE MEASURE NO. 36 (Municipal Marketing Measure)—No petition filed.
- INITIATIVE MEASURE NO. 37 (Relating to Ownership of Land by Aliens)—No petition filed.
- INITIATIVE MEASURE NO. 38 (Repealing Chapter 209, Laws 1907)—No petition filed.
- INITIATIVE MEASURE NO. 39 (Repealing Chapter 138, Laws 1913)—No petition filed.
- INITIATIVE MEASURE NO. 40 (Repealing Chapter 174, Laws 1921)—Submitted to the people November 7, 1922; passed.
- INITIATIVE MEASURE NO. 41 (Non-Partisan Elections)—No petition filed.

- INITIATIVE MEASURE NO. 42 (Workmen's Compensation Measure)—Same as Initiative Measure No. 47; no petition filed.
- INITIATIVE MEASURE NO. 43 (Relating to Injunctions in Labor Disputes)—No petition filed.
- INITIATIVE MEASURE NO. 44 (Relating to Municipal Ownership)—No petition filed.
- INITIATIVE MEASURE NO. 45 (Reapportionment)—No petition filed.
- INITIATIVE MEASURE NO. 46 ("30-10" School Plan)—Submitted to the people November 7, 1922; failed to pass.
- INITIATIVE MEASURE NO. 47 (Workmen's Compensation Measure)—No petition filed.
- INITIATIVE MEASURE NO. 48 (Compulsory School Attendance)—No petition filed.
- INITIATIVE MEASURE NO. 49 (Compulsory School Attendance)—Submitted to the people November 4, 1924; failed to pass.
- INITIATIVE MEASURE NO. 50 (Limitation of Taxation)—Submitted to the people November 4, 1924; failed to pass.
- INITIATIVE MEASURE NO. 51 (Pertaining to Salmon Fishing)—No petition filed.
- INITIATIVE MEASURE NO. 52 (Electric Power Measure)—Submitted to the people November 4, 1924; failed to pass.
- INITIATIVE MEASURE NO. 53 (Relating to Sanipractic)—No petition filed.
- INITIATIVE MEASURE NO. 54 (State commission to license and regulate horse-racing, pool-selling, etc.—Pari-mutuel Measure)—No petition filed.
- INITIATIVE MEASURE NO. 55 (Prohibiting use of purse seines, fish traps, fish wheels, etc.)—No petition filed.
- INITIATIVE MEASURE NO. 56—(Re-districting state for legislative purposes)—Refiled as Initiative Measure No. 57 (q. v.).
- INITIATIVE MEASURE NO. 57 (Re-districting state for legislative purposes)—Submitted to the people November 4, 1930; passed.
- INITIATIVE MEASURE NO. 58 (Permanent Registration)—Filed January 9, 1932. Submitted to the people November 8, 1932; passed.
- INITIATIVE MEASURE NO. 59 (Tax Free Homes)—Filed January 9, 1932. No petition filed.
- INITIATIVE MEASURE NO. 60 (Licensing of Mercantile Establishments)—Filed January 9, 1932. No petition filed.
- INITIATIVE MEASURE NO. 61 (Relating to Intoxicating Liquors)—Filed January 9, 1932. Submitted to the people November 8, 1932; passed.

- INITIATIVE MEASURE NO. 62 (Creating Department of Game)—
Filed January 9, 1932. Submitted to the people November 8,
1932; passed.
- INITIATIVE MEASURE NO. 63 (Exemption of Homes from Taxa-
tion)—Filed January 9, 1932. No petition filed.
- INITIATIVE MEASURE NO. 64 (Limits Tax Levy on Real and Per-
sonal 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)—No petition filed.
- INITIATIVE MEASURE NO. 72 (Distribution of Highway Funds)—
No petition filed.
- INITIATIVE MEASURE NO. 73 (Catching of Fish)—No petition
filed.
- INITIATIVE MEASURE NO. 74 (Tax Free Homes)—No petition
filed.
- INITIATIVE MEASURE NO. 75 (Unemployment Insurance)—No
petition filed.
- INITIATIVE MEASURE NO. 76 (Tax Free Homes)—No petition
filed.
- INITIATIVE MEASURE NO. 77 (Fish Traps and Fishing Regula-
tions)—Submitted to the people November 6, 1934; passed.
- INITIATIVE MEASURE NO. 78 (Distribution of Highway Funds)
—No petition filed.
- INITIATIVE MEASURE NO. 79 (Liquor Control)—No petition filed.
- INITIATIVE MEASURE NO. 80 (Liquor Control)—No petition filed.
- INITIATIVE MEASURE NO. 81 (Liquor Control)—No petition filed.
- INITIATIVE MEASURE NO. 82 (Fishing Regulations)—No petition
filed.

- INITIATIVE MEASURE NO. 83 (State Sale of Gasoline)—No petition filed.
- INITIATIVE MEASURE NO. 84 (Blanket Primary)—No petition filed.
- INITIATIVE MEASURE NO. 85 (State Fire Insurance)—No petition filed.
- INITIATIVE MEASURE NO. 86 (State Fire Insurance)—No petition filed.
- INITIATIVE MEASURE NO. 87 (Workmen's Compensation)—No petition filed.
- INITIATIVE MEASURE NO. 88 (Liquor Control)—No petition filed.
- INITIATIVE MEASURE NO. 89 (One Man Grand Jury)—No petition filed.
- INITIATIVE MEASURE NO. 90 (Criminal Appeals)—No petition filed.
- INITIATIVE MEASURE NO. 91 (Regulating Motor Carriers)—No petition filed.
- INITIATIVE MEASURE NO. 92 (Regulating Motor Carriers)—No petition filed.
- INITIATIVE MEASURE NO. 93 (Distribution of Highway Funds)
Insufficient number of signatures on petition; failed.
- INITIATIVE MEASURE NO. 94 (40 Mill Tax Limit)—Submitted to people November 6, 1934; passed.
- INITIATIVE MEASURE NO. 95 (Liquor Control)—No petition filed.
- INITIATIVE MEASURE NO. 96 (Repeal of Business Occupation Tax)—No petition filed.
- INITIATIVE MEASURE NO. 97 (Dog Racing)—Insufficient number of signatures on petition; failed.
- INITIATIVE MEASURE NO. 98 (Business and Occupation Tax)—No petition filed.
- INITIATIVE MEASURE NO. 99 (Distribution of Highway Funds)—No petition filed.
- INITIATIVE MEASURE NO. 100 (40 Mill Tax Limit)—No petition filed.
- INITIATIVE MEASURE NO. 101 (Civil Service)—Submitted to the people November 3, 1936; failed to pass.
- INITIATIVE MEASURE NO. 102 (Creating "State Government Bank" Department)—No petition filed.
- INITIATIVE MEASURE NO. 103 (Old Age Pension)—No petition filed.
- INITIATIVE MEASURE NO. 104 (Tax on Gasoline)—No petition filed.

- INITIATIVE MEASURE NO. 105 (Relating to Gill Nets)—No petition filed.
- INITIATIVE MEASURE NO. 106 (Voter's Identification Certificate)—No petition filed.
- INITIATIVE MEASURE NO. 107 (Tax on Gasoline)—No petition filed.
- INITIATIVE MEASURE NO. 108 (40 Mill Tax Limit)—No petition filed.
- INITIATIVE MEASURE NO. 109 (Admission of Sick to Hospitals)—No petition filed.
- INITIATIVE MEASURE NO. 110 (Annuity for Crippled and Blind)—No petition filed.
- INITIATIVE MEASURE NO. 111 (Admission of Sick to Hospitals)—No petition filed.
- INITIATIVE MEASURE NO. 112 (Abolishing Compulsory Military Training)—No petition filed.
- INITIATIVE MEASURE NO. 113 (Tax on Gasoline)—No petition filed.
- INITIATIVE MEASURE NO. 114 (40 Mill Tax Limit)—Submitted to the people November 3, 1936; passed.
- INITIATIVE MEASURE NO. 115 (Old Age Pension)—Submitted to the people November 3, 1936; failed to pass.
- INITIATIVE MEASURE NO. 116 (Tax on Gasoline)—No petition filed.
- INITIATIVE MEASURE NO. 117 (Production for Use)—No petition filed.
- INITIATIVE MEASURE NO. 118 (Liens for Labor)—No petition filed.
- INITIATIVE MEASURE NO. 119 (Production for Use)—Submitted to the people November 3, 1936; failed to pass.
- INITIATIVE MEASURE NO. 120 (Tax on Gasoline)—No petition filed.
- INITIATIVE MEASURE NO. 121 (Beer on Sunday)—No petition filed.
- INITIATIVE MEASURE NO. 122 (Pertaining to Bribery and Grafting)—No petition filed.

REFERENDUM MEASURES

- REFERENDUM MEASURE NO. 1 (Teachers' Retirement Fund)—Submitted to the people November 3, 1914; failed to pass.
- REFERENDUM MEASURE NO. 2 (Quincy Valley Irrigation Measure)—Submitted to the people November 3, 1914; failed to pass.
- REFERENDUM MEASURE NO. 3 (Chapter 54, Laws 1915, Relating to Initiative and Referendum)—Submitted to the people November 7, 1916; failed to pass.
- REFERENDUM MEASURE NO. 4 (Chapter 55, Laws 1915, Recall of Elective Public Officers)—Submitted to the people November 7, 1916; failed to pass.
- REFERENDUM MEASURE NO. 5 (Chapter 52, Laws 1915, Party Conventions Act)—Submitted to the people November 7, 1916; failed to pass.
- REFERENDUM MEASURE NO. 6 (Chapter 181, Laws 1915, Anti-Picketing)—Submitted to the people November 7, 1916; failed to pass.
- REFERENDUM MEASURE NO. 7 (Chapter 178, Laws 1915, Certificate of Necessity Act)—Submitted to the people November 7, 1916; failed to pass.
- REFERENDUM MEASURE NO. 8 (Chapter 46, Laws 1915, Port Commission)—Submitted to the people November 7, 1916; failed to pass.
- REFERENDUM MEASURE NO. 9 (Chapter 49, Laws 1915, Budget System)—Submitted to the people November 7, 1916; failed to pass.
- REFERENDUM MEASURE NO. 10 (Chapter 19, Laws 1917, Bone Dry Law)—Submitted to the people November 5, 1918; passed.
- REFERENDUM MEASURE NO. 11 (Chapter 167, Laws 1917, Capitol Building Fund Bonds)—No petition filed.
- REFERENDUM MEASURE NO. 12 (Chapter 59, Laws 1921, Certificate of Necessity)—Submitted to the people November 7, 1922; failed to pass.
- REFERENDUM MEASURE NO. 13 (Chapter 175, Laws 1921, Physical Examination of School Children)—Submitted to the people November 7, 1922; failed to pass.
- REFERENDUM MEASURE NO. 14 (Chapter 177, Laws 1921, Primary Nominations and Registration)—Submitted to the people November 7, 1922; failed to pass.
- REFERENDUM MEASURE NO. 15 (Chapter 176, Laws 1921, Party Conventions)—Submitted to the people November 7, 1922; failed to pass.

- REFERENDUM MEASURE NO. 16 (Chapter 22, Laws 1923, Butter Substitutes)—Submitted to the people November 4, 1924; failed to pass.
- REFERENDUM MEASURE NO. 17 (Chapter 115, Laws 1929, creating Department of Highways)—No petition filed.
- REFERENDUM MEASURE NO. 18 (Chapter 51, Laws 1933, Cities and Towns: Electric Energy)—Submitted to the people November 6, 1934; passed.
- REFERENDUM MEASURE NO. 19 (Chapter 55, Laws 1933, Horse Racing)—No petition filed.
- REFERENDUM MEASURE NO. 20 (Chapter 18, Laws 1935, Regulating Pilots)—No petition filed.
- REFERENDUM MEASURE NO. 21 (Chapter 26, Laws 1935, Blanket Primary Ballot)—No petition filed.

INITIATIVE MEASURES TO THE LEGISLATURE

- INITIATIVE TO THE LEGISLATURE NO. 1 (District Power Measure)—Rejected by the legislature—Submitted to the people November 4, 1930; passed.
- INITIATIVE TO THE LEGISLATURE NO. 2 (Blanket Primary Ballot)—Passed by the Legislature February 21, 1935.
- INITIATIVE TO THE LEGISLATURE NO. 3 (Tax Free Homes)—No petition filed.
- INITIATIVE TO THE LEGISLATURE NO. 4 (Unemployment Insurance)—No petition filed.
- INITIATIVE TO THE LEGISLATURE NO. 5 (Prohibiting Fishing with Purse Seines)—Insufficient number of signatures on petition; failed.

REFERENDUM BILLS

- REFERENDUM BILL NO. 1 (Chapter 99, Laws 1919, State System Trunk Line Highways)—Submitted to the people November 2, 1920; failed to pass.
- REFERENDUM BILL NO. 2 (Chapter 1, Laws Extraordinary Session, 1920, Soldiers' Equalized Compensation)—Submitted to the people November 2, 1920; passed.
- REFERENDUM BILL NO. 3 (Chapter 87, Laws 1923, Electric Power Bill)—Submitted to the people November 4, 1924; failed to pass.
- REFERENDUM BILL NO. 4 (Chapter 164, Laws 1935, Flood Control; Creating Sinking Fund)—Submitted to the people November 3, 1936; failed to pass.

CONSTITUTIONAL AMENDMENTS

- No. 1. To Section 5 of Article XVI. Re: Permanent School Fund. Adopted November, 1894.
- No. 2. To Section 1 of Article VI. Re: Qualification of Electors. Adopted November, 1896.
- No. 3. To Section 2 of Article VII. Re: Uniform Rates of Taxation. Adopted November 1900.
- No. 4. To Section 11 of Article I. Re: Religious Freedom. Adopted November, 1904.
- No. 5. To Section 1 of Article VI. Re: Equal Suffrage. Adopted November, 1910.
- No. 6. To Section 10 of Article III. Re: Succession in office of Governor. Adopted November, 1910.
- No. 7. To Section 1 of Article II. Re: Initiative and Referendum. Adopted November, 1912.
- No. 8. To Sections 33 and 34 of Article I. Re: Recall. Adopted November, 1912.
- No. 9. To Section 16 of Article I. Re: Taking of Private Property. Adopted November, 1922.
- No. 10. To Section 22 of Article I. Re: Right of Appeal. Adopted November, 1922.
- No. 11. To Section 4 of Article VIII. Re: Appropriations. Adopted November, 1922.
- No. 12. To Section 5 of Article XI. Re: Consolidation of County Offices. Adopted November, 1924.
- No. 13. To Section 15 of Article II. Re: Vacancies in the Legislature. Adopted November, 1930.
- No. 14. To Article VII. Re: Revenue and Taxation. Adopted November, 1930.
- No. 15. To Section 1 of Article XV. Re: Harbors and Harbor Areas. Adopted November, 1932.

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