

SEC. 14. Nothing contained in any of the provisions of this act shall apply to any offense committed or act done at any time before the date when this act shall take effect. Such an offense shall be punished according to, and such act shall be governed by, the provisions of law existing when it is done or committed, in the same manner as if this act had not been passed. Act not retroactive.

SEC. 15. 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 of any part thereof not adjudged invalid or unconstitutional. Unconstitutionality of any part.

SEC. 16. This act is necessary for the preservation of the public peace, health and safety and shall take effect immediately. Emergency.

Passed the House January 23, 1923.

Passed the Senate February 20, 1923.

Approved by the Governor March 3, 1923.

CHAPTER 48.

[H. B. 111.]

GRAIN AND HAY INSPECTION.

AN ACT relating to state grades for hay, and amending Section 6989 of Remington's Compiled Statutes.

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

SECTION 1. That Section 6989 of Remington's Compiled Statutes be amended to read as follows: Amends Rem. Comp. Stat. § 6989; Pierce's Code § 2653.

Section 6989. The director of the department of agriculture shall fix and establish standard grades to apply to all grain and hay, bought or handled by the public or terminal warehouses, or bought according to state grades in this state. The director shall Standard grades.

Other
commodities.

Fees.

Hearing.

adopt as state grade standards all grades for grain now or hereafter established by the United States Department of Agriculture. Standards for grain not provided for by the United States Department of Agriculture, and standards for hay shall be established or changed only after a public hearing notice thereof to be given by publication in three newspapers of the state, at least ten days prior to such hearing. The director may authorize the weighing and grading, upon request of any interested party, of commodities of commerce, other than grain or hay, such as grain or hay products, rice, beans and other similar articles, nitrates and other fertilizers, sulphur and other chemicals used in the arts or in manufacturing, when same are received from or delivered to any rail or water carrier in the state in commercial transportation, and may authorize the certification of the weights and grades thereof. Fees for such service, sufficient to cover the cost thereof, shall be fixed by the director. Grades may be established or changed by the director and rules and regulations governing warehousemen be promulgated after a public hearing, notice thereof to be given by publication once each week for two successive weeks in at least three newspapers of general circulation in the state, two of which, at least, shall be in eastern Washington. All interested persons desiring to be heard shall be permitted to give testimony and such other witnesses may be subpoenaed as the director may deem necessary, which witnesses shall be entitled to the same fees and mileage as are provided for witnesses in civil actions. The director shall after such hearing, make and issue reasonable rules and regulations governing the dockage which shall be made on inferior grades and in all executory contracts thereafter entered into where the price or amount to be paid therefor depends upon terminal weight or grade, such rules and regulations shall con-

trol the dockage in so far as the same affects the price to be paid, and such rules and regulations shall become part of the contract of sale unless expressly agreed to the contrary in such executory contract.

It shall be the duty of the chief inspector, immediately after the establishment of grades for grain, hay, grain and hay products and peas, and the promulgation of rules and regulations fixing dockage, as herein provided, to supply each public and terminal warehouseman, which the records in his office show is then or thereafter engaged in operating such warehouses, with a copy of such grades, rules and regulations. It shall be the duty of every public or terminal warehouseman to keep such copy on file in a convenient place in every such warehouse and, if an office is maintained in connection with such warehouse, a copy of such grades, rules and regulations shall be kept on file in such office and a placard notice posted in a conspicuous place in every such warehouse and such office, reading as follows: "A Copy of Washington Grades, Rules and Regulations is on File Here for Information of Interested Parties."

Chief
inspector.

Every such warehouseman shall exhibit such copy of grades, rules and regulations to any interested party applying therefor at any such warehouse or office and permit such interested party to examine and consult such copy. In all contracts hereinafter entered into for the sale of unscoured wheat, pertaining to the classes soft red winter, common white, and white club wheat, under the official grain standards of the United States department of agriculture, and under rules adopted in Washington by the public service commission where the price or amount to be paid depends upon the weight or grade, no discount or differential shall be made on account of test weight per bushel if the grain delivered under said contract weighs not less than 58 pounds to the meas-

Ware-
houseman.

Unscoured
wheat.

Grades.

ured bushel: *Provided, however,* That the grain so delivered grades number two or better under the standards above described. For wheat weighing in excess of 59 pounds to the measured bushel and grades number two or better, there shall be paid a premium over the price at country point for said grade at a rate of not less than eight-tenths of one per cent for each pound test weight over the minimum of said grade when test weight is the determining factor and in case of delivery on contract of grain of lower grade on account of test weight per bushel the discount or differential shall be at a rate not to exceed eight-tenths of one per cent of the price for said grade at country point for each pound test below the minimum test weight for the grade on which the contract is based unless the test weight be below 55 and at a rate not to exceed one and six-tenths per cent of the price at country point for each pound test below 55 down to and including wheat having a test weight of 51 pounds per measured bushel. The discount on mixed wheat may not exceed two per cent below the purchase price paid at country point for the same grade of the class of wheat which predominates in the mixture. Said discounts, together with the rules and regulations above provided, shall become part of every contract of sale of wheat of the classes named.

Passed the House February 10, 1923.

Passed the Senate February 21, 1923.

Approved by the Governor March 5, 1923.