

Emergency. SEC. 3. This act is necessary for the immediate preservation of the public peace, health and safety, and shall take effect immediately.

Passed the House March 3, 1921.

Passed the Senate March 9, 1921.

Approved by the Governor March 19, 1921.

CHAPTER 145.

[H. B. 305.]

PREVENTION OF FRAUD IN TRADING IN HAY, GRAIN AND OTHER PRODUCTS.

AN ACT for the prevention of fraud in the grain and hay trade and trade in grain and hay products, peas, beans, rice, soya beans, peanuts, copra, jute, raw rubber and similar articles, nitrates and other fertilizers, sulphur and other chemicals for the establishment and preservation of standards for grain, hay, grain and hay products, peas, beans, rice, soya beans, peanuts, copra, jute, raw rubber and other similar articles, nitrates and other fertilizers, sulphur and other chemicals; regulating warehousemen, shippers and buyers of such commodities; defining the duties of railroads; regulating track and elevator scales and track connections with industries; providing penalties for the violation thereof and amending sections 4, 8, 16, 22, 24, 25 and 29, chapter 189 of the Laws of 1919, and declaring an emergency.

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

SECTION 1. That section 4 of chapter 189 of the laws of 1919 be amended to read as follows:

Appointment
of deputies,
etc.

Section 4. The chief inspector, with the approval of the commission, shall appoint such number of deputies, inspectors, samplers and weighers, who shall be designated as inspectors, as may be necessary to properly and thoroughly inspect and weigh the commodities included in the provisions of this act and such other employees as may be necessary. One of such inspectors in each of the cities of Seattle, Ta-

coma, Spokane, Everett and Yakima and such other places as may be designated by the commission, shall be styled Chief Deputy Inspector. The chief deputy inspectors shall each give a surety company bond (the cost to be paid by the state) to the State of Washington in the sum of five thousand dollars (\$5,000.00) to be approved by the public service commission of Washington (hereinafter referred to as "commission") and the attorney general, conditioned upon the faithful discharge of their duties. Such chief deputies shall receive such salaries per annum as the commission may determine and necessary traveling expenses. Each of the other inspectors and bookkeepers shall give a surety company bond (the cost to be paid by the state) to the State of Washington in the sum of three thousand dollars (\$3,000.00) to be approved by the commission and the attorney general, conditioned upon the faithful discharge of his duties; the inspectors and other employees shall receive such salaries as the commission may determine. The chief deputy inspectors, inspectors, and other employees shall be required to take an oath to faithfully perform their duties.

SEC. 2. That section 8 of chapter 189 of the laws of 1919 be amended to read as follows:

Section 8. The cities of Seattle, Tacoma, Spokane, Everett and Yakima shall be provided with state inspection and weighing under this act. Such other cities and towns or districts where commodities included in the provisions of this act, are received or shipped by common carrier, and the shipments are such as would reasonably justify and render necessary the inspection and weighing thereof, may be designated by the commission as inspection points and be provided with state inspection and weighing: *Provided*, That the expenditure for the inspection and weighing at each of such points

designated by the commission shall not exceed the receipts of the fees at such place.

SEC. 3. That section 16 of chapter 189 of the Laws of 1919 be amended to read as follows:

Appeals from
inspector's
grading.

Section 16. In case any owner, consignee or shipper of any commodity included in the provisions of this act, or his agent or broker, or any public or terminal warehouseman shall be aggrieved at the grading of such commodity, such aggrieved person may appeal to the commission from such decision within thirty days from the date of certificate by giving notice of appeal, and paying a fee to be fixed by the commission, which shall be retained if the decision appealed is sustained. Such notice of appeal may be given by a letter or other written notice by commission stating that such party appeals from the decision of the inspector and specifying the initials, number and designation of vehicle or the name of the ship in which such commodity was contained when inspected and graded.

Notice to
parties in-
terested.

The party taking such appeal shall also file with the commission a list containing the names and addresses of all parties interested in the subject matter of the appeal. It shall be the duty of the commission, upon receiving such notice and list of interested parties, to immediately notify the parties interested of the time and place designated by it for a hearing and at such time and place, which shall be within twenty days from the date of receiving such notice, hold a hearing and inquire into the reasonableness and correctness of such original grading and such evidence shall be received, as the parties thereto may desire to offer. After such hearing the commission shall make such order affirming or modifying the grade so established by the inspector as the facts may justify.

Appeals to
Federal
grain super-
visor.

If the grading of any grain for which federal standards have been fixed and the same adopted as

official state standards, has not been the subject of a hearing in accordance with paragraph one of this section, any interested party, who is aggrieved with the grading of such grain, may, with the approval of the Secretary of the U. S. Department of Agriculture, appeal to the federal grain supervisor of the supervision district in which the State of Washington may be located. Such federal grain supervisor shall confer with the chief inspector or his deputies and any other interested party and shall make such tests as he may deem necessary to determine the correct grade of the grain in question.

The federal grain supervisor shall issue, or cause to be issued, a Federal Grade Certificate to all interested parties, which shall state the grade of the grain as determined by such tests, also number of the inspector's certificate, which is superseded by the Federal Appeal Grade Certificate and the following statement "This certificate is issued pursuant to the United States Grain Standards Act of Section Sixteen, Chapter 189, Laws of Washington 1919." Such Federal Appeal Grade Certificate shall be *prima facie* evidence of the correct grade of the grain in any court in the State of Washington. The federal supervisor shall charge and assess and cause to be collected for each such appeal a fee of three dollars (\$3.00), which shall be paid to the commission and the same shall be refunded if the appeal is sustained.

SEC. 4. That section 22 of chapter 189 of the Laws of 1919 be amended to read as follows:

Section 22. Every public warehouseman shall receive for storage and shipment, so far as the capacity of his warehouse will permit, all grain, hay and any commodity included in the provisions of this act, in a warehouse for this purpose, in suitable condition for storage, tendered him in the usual course of business, without discrimination of any kind. A ware-

Duty to
store.

Warehouse
receipts.

house receipt in form prescribed by law, consecutively numbered, shall be issued and delivered to the owner or his representative immediately upon receipt of each load or parcel of grain, hay, or other commodity, as he may demand, giving the true and correct grade and weight thereof: *Provided*, That upon request of the owner, grain, hay or other commodity shall be put in a special pile without grading, and if grain, hay or other commodity have been wet or damaged it shall be received and piled in a special pile, with a distinguishing mark, which shall be shown on the receipt for the same and given for the number of sacks only, or bales. The failure to issue, when requested, said receipt shall be subject to a penalty, as hereinafter provided.

Approval of plans to change or build warehouse or mill.

If any public or terminal warehouseman or association desires to remodel, change or alter or construct a new public or terminal warehouse or mill, in whole or in part, it shall first prepare plans and specifications setting forth in detail all of the proposed changes, and submit the same to the commission for its approval, and when said commission has approved the plans it shall issue a permit to the interested party asking for same. The commission's interest in the proposed construction is primary in that part affecting the receiving and discharging of grain, hay and other commodities, both as to weighing and inspecting same, and providing safeguards for the employees of the state.

SEC. 5. That section 24 of chapter 189 of the Laws of 1919 be amended to read as follows:

Annual and special reports of warehousemen.

Section 24. On June 30th of each year every warehouseman shall make a report, under oath, to the commission, on blanks or forms prepared by it, showing the total number of sacks and weight of each kind of grain and other commodities and bales and weight of hay, received and shipped from each warehouse licensed under this act, and also: the

amount of outstanding storage receipts on said date, and a statement of the amount of grain, hay and other commodities on hand to cover the same. The commission may also require special reports from such warehouseman at such times as the commission may deem expedient. The commission may cause every such warehouse and business thereof and the mode of conducting the same to be inspected by one or more of its members or by its authorized agent whenever proper, and the property, books, records, accounts, papers and proceedings of every such warehouseman shall at all times during business hours be subject to such inspection.

SEC. 6. That section 25 of chapter 189 of the Laws of 1919 be amended to read as follows:

Section 25. Whenever required by the commission, every railroad company shall construct and maintain at each station and siding in this state, suitable facilities for the purpose of loading bulk grain, hay or other commodities direct from wagons into cars for shipment. The commission may require an increase in such facilities or additional facilities such as will protect products being loaded from damage by rain or sun whenever it deems it necessary for the protection of the farm products and to facilitate loading. Whenever hay is inspected at shipping points, a certificate shall be issued giving the date of inspection, the point shipped from, the number and the initial of the car, the kind, grade and condition of the hay, the number of bales, and signed by the inspector fixing the grades and making the inspection; such certificate to be issued in triplicate. The original certificate shall be given to the shipper and shall be by him attached to and forwarded with and as a part of the bill of lading; the duplicate shall be sent to the main office for its files,

Loading facilities.

Inspection of hay at shipping point.

and the triplicate to be retained in the files of the inspector.

SEC. 7. That section 29 of chapter 189 of the Laws of 1919 be amended to read as follows:

Section 29. Any railroad delivering grain or hay in cars at any of the places provided with state inspection under this act shall provide convenient and suitable side tracks and loading facilities at such places as the commission may designate, on which all cars of grain or hay delivered by them shall, upon arrival, be set and arranged convenient for inspection, and after inspection such railroad company shall promptly distribute all such cars of grain and hay and set them at the proper place or places to be unloaded as designated by the consignor or consignee. Such railroad company shall provide at such place or places as the commission may designate suitable track scales for weighing cars of grain or hay. Such scales shall be under the control of the commission. It shall be the duty of the commission to require the railroad company to correct all scales so provided as often as may be necessary to insure the correct weighing of grain or hay. Whenever scales have been installed by any railroad company as above provided such scales shall be used in weighing all grain or hay received over the line of such railway and it shall be the duty of the railroad company to weigh cars loaded with grain, hay or other commodities included in the provisions of this act, while loaded and to reweigh the car when the load has been removed therefrom. Failure or neglect to carry out the provisions of this act by any railroad company shall subject it to a fine of not less than twenty-five (\$25.00) nor more than one hundred dollars (\$100.00) for each offense: *Provided*, That if any terminal warehouse in inspection cities are provided with proper scales and weighing facilities, the Chief Inspector or his deputy may weigh the

Side tracks.

Track scales.

Penalty for violations.

grain upon the scales so provided. The commission at least once each year cause to be examined, tested and corrected all scales used in weighing grain or hay in any of the cities designated as inspection points in this act or such places as may be hereinafter designated, and after such scale is tested, if found to be correct and in good condition, to seal the weights with a seal provided for that purpose and issue to the owner or proprietor a certificate authorizing the use of such scales for weighing grain or hay for the ensuing year, unless sooner revoked by the commission. If such scales be found to be inaccurate or unfit for use, the commission shall notify the party operating or using them, and the party thus notified shall, at his own expense, thoroughly repair the same before attempting to use them, and until thus repaired to the satisfaction of the commission, the certificate of such party shall be suspended or revoked, in the discretion of the commission. The party receiving such certificate shall pay to the commission a reasonable fee for such inspection and certificate to be fixed by the commission, which sum shall be paid into the state treasury. It shall be the duty of the said commission to see the provisions of this section are strictly enforced.

Inspection of
scales in
cities.

SEC. 8. When the director of agriculture shall be appointed, qualify, assume and exercise the duties of his office, under the provisions of chapter 7 of the laws of 1921, he shall, through and by means of the division of agriculture, exercise all the powers and perform all the duties by this act vested in, and required to be performed by, the Public service Commission of Washington.

Exercise of
powers and
duties con-
ferred.

SEC. 9. This act is necessary for the immediate preservation of the public peace, health and safety, and for the support of the state government and

Emergency.

its existing institutions, and shall take effect immediately.

Passed the House March 5, 1921.

Passed the Senate March 9, 1921.

Approved by the Governor March 19, 1921.

CHAPTER 146.

[H. B. 192.]

DIKING DISTRICTS.

AN ACT relating to diking districts, and amending sections 1946-1, 1946-2, 1946-3, 1946-6 and 1946-21 Pierce's Code.

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

SECTION 1. That section 1946-1 Pierce's Code be amended to read as follows:

Section 1946-1. Any portion of a county requiring diking may be organized into a diking district, and when so organized, such district, and the board of commissioners hereinafter provided for, shall have and possess the power herein conferred or that may hereafter be conferred by law upon such district and board of commissioners, and said district shall be known and designated as diking district No..... (here insert number) of the county of..... (here insert the name of county) of the State of Washington, and shall have the right to sue and be sued by and in the name of its board of commissioners hereinafter provided for, and shall have perpetual succession, and shall adopt and use a seal. The commissioners hereinafter provided for, and their successors in office, shall, from the time of the organization of such diking district, have the power, and it shall be their duty, to manage and conduct the business and affairs of the district; make and

Organization
of, author-
ized.