

SESSION LAWS
OF THE
STATE OF WASHINGTON

TWENTY-SEVENTH SESSION

Convened January 13, Adjourned March 13

1941

COMPILED IN CHAPTERS

Under the Direction of BELLE REEVES, Secretary of
State, and Including An Act Passed by the People
at the General Election Held on November 5,
1940, Under the Initiative Provision
of the State Constitution.

MARGINAL NOTES AND INDEX

By
SMITH TROY
Attorney General

PUBLISHED BY AUTHORITY

EXPLANATORY

The Twenty-seventh Legislature of the State of Washington convened at 12 o'clock noon, January 13, 1941 (being the second Monday in January), and adjourned *sine die* March 13, 1941.

All acts passed by the session, approved by the Governor, take effect ninety days after adjournment, or 12 o'clock, midnight, June 11, 1941, except relief bills, appropriations and other acts in which emergencies have been declared, or acts in which the effective date has been postponed.

BELLE REEVES,
Secretary of State.

LAWS OF WASHINGTON

PASSED AT THE

Twenty-Seventh Regular Session

1941

CHAPTER 1.

[INITIATIVE MEASURE 141.]

(BALLOT TITLE.)

OLD AGE ASSISTANCE: SENIOR CITIZENS GRANTS ACT.

("AN ACT providing a minimum of \$40 monthly to senior citizens over the age of 65 years; defining incomes; naming eligibility; conforming state and federal matching funds and age limit; providing for age and length of residence; providing for the investigation of applicants by either the Department of Social Security or other department designated by the legislature; providing for a fair hearing before the director and for appeals to the courts and introduction of new testimony; providing for burial expenses and other care; making all records confidential; abolishing liens on property; repealing all other acts in conflict herewith.")

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

SECTION 1. TITLE. This act shall be known, and title.
may be cited as the "Senior Citizens Grants Act."

SEC. 2. DECLARATION OF INTENT. On no other Intent.
issue are the people of the State of Washington, as well as our nation, as united as they are in recognition of the economic and social necessity of returning to our Senior Citizens, the fathers and mothers of our country, part of the wealth which their labor helped to create.

It is simple justice that our government, which owes its industrial construction, its farms, its factories, its entire capital wealth, in fact, to the labor of

Intent.

its pioneers, should provide as an obligation and not as charity, some measure of security to the pioneers.

Although a uniform national pension of prosperity proportions, based on the principles embodied in the Townsend and General Welfare Bills, awarded as a matter of right, not need, is the only adequate and just kind of a pension, until such a pension is won it still remains the duty of the State of Washington at least to take full advantage of the maximum in matching funds that the Federal Government is willing to provide under the Federal Social Security Act, for those without resources and income.

It is therefore hereby declared to be the intention of this measure to provide for Washington's Senior Citizens over sixty-five as liberally as is possible under the terms of the Federal Social Security Act for securing matching funds.

Definitions.

SEC. 3. DEFINITIONS. (a) "Applicant" shall mean any person applying for a Senior Citizen Grant under the provisions of this act.

(b) "Recipient" shall mean any person receiving a Senior Citizen grant.

(c) "Grant" or "Senior Citizen Grant" shall mean the funds, federal and/or state made available to recipients under the terms of this act.

(d) "Senior Citizens" shall mean a person eligible for a grant under the terms of this act, and shall not be construed as limiting eligibility for grants to citizens of the United States or the State of Washington.

(e) "Department" shall mean the Department of Social Security or any other agency or department which may hereinafter be designated to administer the provisions of this act.

(f) "Director" shall mean the administrative head of the department, whether an individual or a board.

(g) "Income" shall mean regular or recurrent ^{Income.} gains in cash or kind, excepting therefrom:

- (1) The value of the use or occupancy of the premises in which the applicant resides.
- (2) Foodstuffs, livestock, fuel, light or water produced by or donated to applicant or applicant's family exclusively for the use of applicant or applicant's family.
- (3) Casual gifts in cash which do not exceed \$100 in any one year.
- (4) Casual gifts in kind which do not exceed \$100 in any one year.
- (5) The proceeds from the sale of property which is not a resource, provided such proceeds are used for the purchase of property which is not a resource.

(h) "Resources" shall mean any property which ^{Resources.} the applicant owns legally or beneficially, excepting therefrom:

- (1) The ability of relatives or friends of the applicant to contribute to the support of the applicant.
- (2) Insurance policies, the cash surrender value of which does not exceed \$500.
- (3) The homestead, home or place of residence of applicant or the spouse of applicant.
- (4) Intangible property or personal property, the cash value of which does not exceed \$200.
- (5) The personal effects of the applicant, including clothing, furniture, household equipment and motor vehicle.
- (6) Foodstuffs, livestock, fuel, light or water produced by the applicant, applicant's spouse or family, exclusively for the use of applicant or applicant's family.

Eligibility.

SEC. 4. ELIGIBILITY. Senior Citizen Grants shall be awarded to any person who is without resources and who:

Age.

(a) Has attained the age of sixty-five.

Income.

(b) Has a yearly income which is less than \$480 and a monthly income which is less than \$40: *Provided*, That if Federal contributions to Senior Citizen Grants are made payable in excess of \$20 per month any applicant shall be eligible whose yearly income is less than twenty-four times the maximum monthly Federal contribution, or whose monthly income is less than twice the maximum monthly Federal contribution.

Residence.

(c) Has been a resident of the State of Washington for at least five years within the last ten.

(d) Is not at the time of making application a permanent inmate of a public institution of a custodial, correctional or curative character.

(e) Has not made a voluntary assignment or transfer of property or cash for the purpose of qualifying for a Senior Citizen Grant.

Manner of payment.

SEC. 5. HOW AND WHEN GRANTS SHALL BE PAID. Senior Citizen Grants shall be awarded:

Minimum uniform payments.

(a) To each eligible applicant sixty-five years of age or over in the sum of not less than \$40 per month on a uniform state-wide basis, minus the income of applicant from other sources: *Provided*, That in the event Federal matching funds shall be available in excess of \$20 per month per person, the grants shall be increased to not less than twice that amount, minus the income of applicant from other sources.

Federal matching funds.

(b) If the Federal government lowers the age limit at which matching funds will be granted for old age grants, then and in that event the state shall award Senior Citizen Grants of at least twice the maximum Federal funds available per person per month to all eligible above the age as established by

the Federal government, such grants to be awarded on the terms and conditions as provided for in section 5, subsection (a).

(c) Upon approval of an application, the grant shall be paid as of the date of application.

Grant paid immediately.

SEC. 6. APPLICATIONS. Application for Senior Citizen Grants shall be made to the department, or an authorized agency of the department. An applicant may apply in person or the application may be made by another in his behalf. Such application may be made in writing or reduced to writing upon standard forms prescribed and furnished by the department and a copy of his application shall be furnished to each applicant at the time of application.

Applications for grant.

An inmate of an institution of a curative, correctional or custodial character may make application while in such institution and if found otherwise eligible shall be given one month's grant immediately preceding his departure from such institution.

Inmates payment.

SEC. 7. INVESTIGATION. Whenever the department or an authorized agency thereof receives an application for a grant, an investigation and record shall be promptly made of the facts supporting the application. The department shall be required to approve or deny the application within thirty days after the filing thereof and shall immediately notify the applicant in writing of its decision. The failure of the department to notify the applicant of its decision within thirty days after the date of filing the application shall constitute a denial of said application.

Investigation. Record.

Action within thirty days.

SEC. 8. FAIR HEARINGS ON GRIEVANCES. Any applicant feeling himself aggrieved by the decision of the department or an authorized agency of the department, shall have the right to a fair hearing, to be conducted by the director of the department or by a duly appointed, qualified and acting supervisor thereof, or by an examiner especially appointed by

Hearings by Director.

the director for such purpose. The hearing shall be conducted in the county in which the appellant resides, and a transcript of the testimony shall be made and included in the record, the costs of which shall be borne by the department. A copy of this transcript shall be given the appellant.

Transcript made.

Copy to appellant.

Notice of appeal.

Any appellant who desires a fair hearing shall within sixty days after receiving notice of the decision of the department or an authorized agency of the department file with the director a notice of appeal from the decision. It shall be the duty of the department upon receipt of such notice to set a date for the fair hearing, such date to be not more than thirty days after receipt of notice. The department shall notify the appellant of the time and place of said hearing at least five days prior to the date thereof, either by registered mail or by personal service upon said appellant.

Notice of hearing.

Attorney may examine record.

At any time after the filing of the notice of appeal with the director, any appellant or attorney, or authorized agents of the appellant shall have the right of access to, and can examine any files and records of the department in the case on appeal.

Notice of decision.

It shall be the duty of the department within thirty days after the date of the hearing to notify the appellant of the decision of the director and the failure to so notify the appellant shall constitute an affirmation of the decision of the department.

Appeal to Superior Court.

SEC. 9. COURT APPEALS. In the event the applicant feels himself aggrieved by the decision rendered in the hearing provided for in the foregoing section, he shall have the right to appeal to the Superior Court of the county of his legal residence, which appeal shall be taken by a notice filed with the clerk of the court and served upon the director either by registered mail or by personal service within sixty (60) days after the decision of the department has been affirmed or modified as provided in the forego-

Notice of appeal.

Time limit.

ing section. Upon receipt of the notice of appeal, the clerk of the Superior Court shall immediately docket the cause for trial and no filing fee shall be collected of the applicant.

Within ten (10) days after being served with a notice of appeal, the director of the Social Security Department shall file with the clerk of the court the record of the case on appeal, and no further pleadings shall be necessary to bring the appeal to issue.

The applicant and the director shall have the right to present any additional evidence which the court shall deem competent, relevant or material to the case. The Superior Court shall decide the case on the record, and on any evidence introduced before it. The court may affirm, modify or reverse the decision of the director and fix the amount of assistance to which the applicant shall be entitled under this act. Either party may appeal from the decision of the Superior Court or the Supreme Court of the state, which appeal shall be taken and conducted in the manner provided by law or by the rules of court applicable to civil appeals: *Provided, however,* That no bond shall be required on any appeal under this act. In the event that either the Superior Court or the Supreme Court renders a decision in favor of the applicant, said applicant shall be entitled to reasonable attorney's fees and costs. If a decision of the director or of the court is made in favor of an applicant who has appealed, assistance shall be paid from the time of application.

SEC. 10. RULES AND REGULATIONS. The department is hereby authorized to make rules and regulations not inconsistent with the provisions of this act to the end that Senior Citizen Grants may be administered uniformly throughout the state, and that the spirit and purpose of this act may be complied with. Such rules and regulations shall be filed with the Secretary of State thirty (30) days before their

No filing fee.

Director to file record.

Additional evidence.

Judgment.

Appeal to Supreme Court.

No appeal bond.

Attorneys fees for applicant.

Department authorized to make rules.

Rules filed with Secretary of State.

effective date, and copies shall be available to the public upon request.

Proof of age and residence.

SEC. 11. AGE AND LENGTH OF RESIDENCE VERIFICATION. Proof of age and length of residence in state of any applicant may be established as provided by the rules and regulations of the department: *Provided*, That if an applicant is unable to establish proof of age or length of residence in state by any other method he may make a statement under oath of his age on the date of application or of the length of his residence in the state, before any judge of the Superior Court or any justice of the Supreme Court of the State of Washington, and such statement shall constitute sufficient proof of age of applicant or of the length of residence in the state: *Provided, however*, That any applicant who shall wilfully make a false statement as to his age or length of residence in the state under oath before a judge of the Superior Court or a justice of the Supreme Court, as provided above, shall be guilty of a felony.

False statement a felony.

Liens on property prohibited.

SEC. 12. LIENS ON PROPERTY PROHIBITED. Senior Citizen Grants given to an applicant under the provisions of this act shall not be recoverable as a debt due the state, except where such funds have been received by the applicant contrary to the provisions of this act, or by fraud or deceit. Any claims which have accrued or which shall in the future accrue under the provisions of chapters 25 and 216 of the Laws of 1939 are hereby renounced and declared to be null and void.

Claims void.

Burial expenses.

SEC. 13. BURIAL EXPENSES. Upon the death of any recipient under this act, funeral expenses in the sum of \$100 shall be paid by the department.

Copy of law given upon request.

SEC. 14. COPY OF LAW TO BE DISTRIBUTED. A copy of all laws relating to the application and granting of Senior Citizen Grants shall be given to each applicant upon application.

SEC. 15. **ADDITIONAL CARE.** In addition to Senior Citizen Grants, the department shall provide for those eligible medical, dental, surgical, optical, hospital and nursing care by a doctor of recipient's own choosing; and shall also provide artificial limbs, eyes, hearing aids and other needed appliances.

Department to furnish additional care.

SEC. 16. **GRANTS NOT ASSIGNABLE NOR SUBJECT TO EXECUTION.** Grants awarded 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 bankruptcy or insolvency law.

Grants not assignable or subject to execution.

SEC. 17. **VIOLATION OR ATTEMPTED VIOLATION A FELONY.** Any violation, or attempted violation or evasion of the provisions of this act by any official or employe of the department or of its agencies shall constitute a felony and shall disqualify such official or employe from further employment in the department or any of its agencies.

Violation of act a felony.

SEC. 18. **APPROPRIATIONS.** The legislature shall levy such additional taxes and appropriate from the general fund such additional taxes as may be necessary to pay the grants provided under this act.

Appropriations.

SEC. 19. **ADMINISTRATION.** Sufficient administrative staff shall be hired to carry out in an efficient manner, and under the merit system, the provisions of this act. All employes, including home visitors, shall be state employes, and as such shall be covered by the state minimum wage law.

Administrative staff.

SEC. 20. **RECORDS CONFIDENTIAL.** All applications and income records concerning any applicant shall be confidential and shall be open to inspection only by persons duly authorized by the state or the United States in connection with their official duties: *Provided*, That this shall not be construed as interfering with the right of applicant, or his attorney or author-

Records to be confidential.

ized agent, from examining such records when applicant's case is on appeal, as provided above.

Partial in-
validity.

SEC. 21. UNCONSTITUTIONALITY OF ONE SECTION SHALL NOT AFFECT OTHERS. If any portion, section or clause of this act shall for any reason be declared unconstitutional, invalid or not in accordance with the provisions of the Federal Social Security Act, such adjudication shall not affect the remainder of the act.

Repeals all
acts in
conflict.

SEC. 22. REPEALING ACT IN CONFLICT. All acts or parts of acts in conflict herewith are hereby repealed.

Effective im-
mediately.

SEC. 23. This act is necessary for the preservation of the public peace, health and safety, the support of the state government and its existing institutions.

Filed in the office of the Secretary of State January 11, 1940.

Passed by vote of the people November 5, 1940, at the general election.

Proclamation signed by the Governor December 5, 1940.

CHAPTER 2.

[S. B. 1.]

LEGISLATIVE EXPENSES.

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 actual and necessary expenses of the Twenty-seventh 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 of the State of Washington, 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 except legislative printing of the Twenty-seventh Legislature of the State of Washington, convening January 13, 1941. Appropriation.

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

Passed the Senate January 16, 1941.

Passed the House January 16, 1941.

Approved by the Governor January 17, 1941.

CHAPTER 3.

[S. B. 2.]

LEGISLATIVE PRINTING.

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-seventh 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 Appropriation.

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-seventh Session of the Legislature, convened January 13, 1941, or either branch thereof.

Effective immediately.

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

Passed the Senate January 13, 1941.

Passed the House January 16, 1941.

Approved by the Governor January 18, 1941.

CHAPTER 4.

[S. B. 4.]

LEGISLATORS' SUBSISTENCE EXPENSES.

AN ACT appropriating the sum of forty thousand dollars (\$40,000.00), or so much thereof as may be necessary, for the actual and necessary expenses of the members of the Legislature for lodging and subsistence actually incurred and paid by them while absent from their places of residence in the service of the state and declaring an emergency.

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

Appropriation.

SECTION 1. That there is hereby appropriated out of the general fund of the State of Washington the sum of forty thousand dollars (\$40,000.00), for the actual and necessary expenses of the members of the Legislature, actually expended by them for subsistence and lodging while absent from their usual places of residence in the service of the state, at a rate not exceeding five dollars (\$5.00) per day, to be evidenced by vouchers with the necessary receipts showing such expenditures.

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

Passed the Senate January 15, 1941.

Passed the House January 16, 1941.

Approved by the Governor January 21, 1941.

CHAPTER 5.

[H. B. 257.]

STATE LIBRARY COMMISSION.

AN ACT creating a State Library Commission and prescribing its powers and duties.

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

SECTION 1. A State Library Commission is hereby created which shall consist of the Superintendent of Public Instruction, who shall be ex-officio chairman of said commission and four (4) commissioners appointed by the Governor, one of whom shall be a library trustee at the time of appointment and one a certified librarian actually engaged in library work at the time of appointment. The first appointments shall be for terms of one (1), two (2), three (3) and four (4) years respectively, and thereafter one commissioner shall be appointed each year to serve for a four (4) year term. Vacancies shall be filled by appointments for the unexpired terms. Each commissioner shall serve without salary or other compensation for his services, but necessary expenses, not exceeding five hundred dollars (\$500) per annum for the entire commission, shall be paid from the general funds appropriated and available for the use of the state library.

Library Commission created.

Appointment by Governor.

Terms of office.

Vacancies.

Expenses paid.

SEC. 2. The State Library Commission hereby created shall have the power and it shall be its duty Duties of Commission.

to exercise all the powers and perform all the duties relating to the state library now vested in the Superintendent of Public Instruction by chapter 159 of the Laws of 1929.

Passed the House March 6, 1939.

Passed the Senate March 5, 1939.

Vetoed by the Governor March 17, 1939.

Passed by the House notwithstanding the Governor's veto, January 29, 1941. Yeas 79, nays 18.

S. R. HOLCOMB,
Chief Clerk of the House.

Passed by the Senate notwithstanding the Governor's veto, January 30, 1941. Yeas 35, nays 7.

JAMES M. TAYLOR, JR.,
Secretary of the Senate.

CHAPTER 6.

[H. B. 75.]

DEVELOPMENT OF COUNTY LANDS.

AN ACT relating to the development of latent resources of county owned or leased lands and repealing chapter LXXIII, Laws of 1888 (sections 8866 to 8882 inclusive, Remington's Revised Statutes; sections 3792 to 3808 inclusive, Pierce's Code).

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

SECTION 1. Chapter LXXIII, Laws of Washington Territory of 1888 (sections 8866 to 8882 inclusive, Remington's Revised Statutes; sections 3792 to 3808 inclusive, Pierce's Code), is repealed.

Passed the House February 3, 1941.

Passed by the Senate February 12, 1941.

Approved by the Governor February 15, 1941.

Statutes
repealed.

CHAPTER 7.

[H. B. 37.]

VALIDATION OF INDEBTEDNESS OF PORT DISTRICTS.

AN ACT relating to the validation of the indebtedness of port districts of the State of Washington having an assessed valuation of less than three million dollars (\$3,000,000) incurred prior to the effective date of this act, and for the funding or refunding of such indebtedness or other valid indebtedness of such port districts.

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

SECTION 1. Any indebtedness heretofore contracted by the board of commissioners of any port district of the State of Washington having an assessed valuation of less than three million dollars (\$3,000,000) without an election authorizing the same, for and on behalf of the port district for port district purposes, in any amount (together with all other port district indebtedness, contracted by the board of commissioners without an election authorizing the same, existing as of the date or dates of the contracting of the indebtedness first referred to herein) not in excess of one and one-half per centum (1½%) of the value of the taxable property therein but exceeding (together with the said other and additional indebtedness above referred to) the amount of indebtedness permitted to be incurred by port districts without an election authorizing the same under the statutes of Washington, is hereby validated: *Provided*, That before any such validation shall become effectual as to any specific indebtedness of any such port district, the board of commissioners thereof shall investigate the incurring of all such indebtedness and the issuance of the bonds, warrants, or other instruments evidencing such indebtedness, and shall be required to find, determine, and declare therefrom, by and in a resolution

Indebtedness
validated.

Limitations.

Investigation
and
resolution.

adopted by said board, that the indebtedness in question has been contracted and incurred for port district purposes and that such indebtedness constitutes a proper and equitable charge against such port district, and that it constitutes the valid indebtedness of the port district; whereupon such indebtedness shall be the valid and legal indebtedness of such port district.

SEC. 2. The board of commissioners of any port district of the State of Washington shall have the right and power to fund or to refund any of its outstanding indebtedness and accrued interest thereon, including any indebtedness which shall be validated hereunder, by the issuance of funding or refunding bonds, whenever, in the judgment of the board by resolution thereof duly adopted and declared, it shall have been found, determined, and declared by said board that the proposed funding or refunding of such indebtedness will inure to the benefit and credit of the port district and that such funding or refunding will result in a reduction of the indebtedness amount or in the rate of interest borne thereby: *Provided, however,* That no bonds for such funding or refunding shall be issued until authorized by a majority vote of the voters of such port district, voting at a general or special election called therefor (which shall be held as other elections are held within port districts).

SEC. 3. Such funding or refunding bonds shall be the general bonds of the district issuing the same, payable out of and from annual taxes upon all the taxable property within the port district levied and collected as are other port district taxes. Such bonds shall run for a period of not exceeding twenty (20) years from date thereof, and shall mature and be payable on the amortization plan prescribed by section 1 of chapter 151 of the Laws of 1923: *Provided,*

Power to fund and refund.

Bonds to be authorized by election.

Bonds to be general obligation of Port District.

however, That any such bonds may be issued to mature commencing at the end of the first year after date thereof, and the foregoing amortization plan may be departed from when, in view of other taxation and financial burdens of any such port district, it shall be to the advantage of the port district and of the owners of the property therein, in the judgment of the board of commissioners thereof, to depart from such amortization plan; and said bonds or any part thereof maturing on or after ten (10) years from date thereof may be made redeemable on any interest payment date prior to their dates of fixed maturity, at the option of the port district, upon such prior notice thereof as shall be determined by resolution of said board and as expressed upon the face of the bonds thus subjected to the right of prior redemption. The board of commissioners shall have the right to apply to the payment of said bonds and to the prior redemption thereof any other moneys or funds belonging to said port district which are legally available for such purpose.

Maturity and amortization.

Redemption.

Redemption with other legal funds.

SEC. 4. Such funding or refunding bonds shall bear interest at a rate not in excess of five per centum (5%) per annum as may be fixed by the board after the sale of said bonds, or, in the event of the issuance thereof by exchange, prior to such exchange; and the form of said bonds and interest coupons which shall be attached thereto, their execution, and said bonds in all other respects, shall be as permitted by law and as provided by resolution of said board. Funding or refunding bonds may be issued by way of sale, or by exchange of such funding or refunding bonds for the warrants, bonds, or other instruments evidencing the indebtedness thus to be funded or refunded: *Provided*, That such funding or refunding bonds thus issued after sale thereof, or by exchange thereof, shall not exceed, in

Interest rate of bonds.

Bonds may be sold or exchanged.

principal amount, the principal and interest of the indebtedness thereby funded or refunded, and the funding or refunding bonds shall bear a lower rate of interest than the rate of interest borne by the indebtedness funded or refunded thereby and not in excess of five per centum (5%) per annum.

Indebtedness validated by three-fifths vote.

SEC. 5. Port district indebtedness heretofore incurred by any port district of the State of Washington having an assessed valuation of less than three million dollars (\$3,000,000) in an amount in excess of one and one-half per centum (1½%) of the value of the taxable property within any such port district but not exceeding five per centum (5%) of such value, may be validated by a vote of three-fifths of the voters of such port district, voting on the proposition of the validation of such indebtedness and assenting thereto at a general or special election held within such port district (as other elections are held within port districts), at which election the proposition of such validation shall be submitted; and thereupon any such indebtedness thus validated, or any other valid indebtedness of the port district, may be funded or refunded, under the provisions of this act, subject to all the foregoing requirements affecting funding and refunding bonds.

Special election may be held by notice.

SEC. 6. A special election for the submission of any proposition of issuing bonds for funding or refunding such indebtedness or of indebtedness validation may be held at any time fixed by the board of commissioners and any special or general election held under the provisions of this act shall be ordered and called and notice thereof given and said election in all other respects had as provided by existing law. If, at said election, the validation of any such indebtedness shall be assented to by three-fifths of the voters within said port district voting at any such election, said indebtedness shall be and become a valid indebtedness of the port district.

SEC. 7. This act shall not apply to any indebtedness incurred by any port district after the effective date of this act. Not to apply to future indebtedness.

Passed the House February 3, 1941.

Passed the Senate February 12, 1941.

Approved by the Governor February 17, 1941.

CHAPTER 8.

[H. B. 64.]

LICENSING TAKING OF FOOD FISH WITH JIGGERS.

AN ACT relating to the taking of food fish; providing a license for taking them by jiggers; amending section 72, chapter 31, Laws of 1915 (section 5724 of Remington's Revised Statutes); adding a new section thereto to be known as section 72a.

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

SECTION 1. Section 72, chapter 31, Laws of 1915 (section 5724 of Remington's Revised Statutes) is hereby amended to read as follows: Amendments.

Section 72. It shall be unlawful to shoot, gaff, snag or snare any food fish in any of the waters of the state: *Provided*, That nothing in this section shall prohibit the fishing for bottom fish, such as codfish, excluding sturgeon in the salt waters of this state, with an appliance commonly known as a jigger to have no more than two hooks attached. Unlawful to shoot, etc. food fish.
Exceptions.

SEC. 2. A new section is hereby added, to be known as section 72a to read as follows: New section added.

Section 72a. Any person fishing with a jigger for commercial purposes shall pay a license fee of three dollars (\$3.00) per year to the Director of Fisheries of this state. Commercial license fee.

Limitation
of catch.

SEC. 3. No person except those holding commercial licenses shall take or catch more than 50 pounds and one fish in any one day in the manner provided for in this act.

Passed the House February 13, 1941.

Passed the Senate February 12, 1941.

Approved by the Governor February 17, 1941.

CHAPTER 9.

[S. B. 88.]

OPERATION OF FERRY SERVICE AT TACOMA NARROWS.

AN ACT ratifying the acts of the State Department of Highways in connection with the operation and maintenance of ferry service at Tacoma Narrows due to the collapse of the Tacoma Narrows Bridge; providing for payment of revenue to the State Treasurer for the credit of the motor vehicle fund; making an appropriation, and declaring an emergency.

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

Acts of
Hiway Dept.
ratified.

SECTION 1. All of the acts of the Department of Highways of the State of Washington, done and performed in connection with the operation and maintenance of ferry service at the Tacoma Narrows after the collapse of the Tacoma Narrows Bridge, are hereby ratified.

Hiway Dept.
authorized
to operate
ferries.

SEC. 2. The Department of Highways is hereby authorized to continue to operate said ferries and pay the revenue derived therefrom to the State Treasurer for the credit of the Motor Vehicle Fund.

Appropriation.

SEC. 3. There is hereby appropriated out of the Motor Vehicle Fund the sum of \$74,000, or so much thereof as may be necessary, for the purpose of carrying out the provisions of this act for the balance of the biennium ending March 31, 1941.

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

Passed the Senate January 31, 1941.

Passed the House February 13, 1941.

Approved by the Governor February 18, 1941.

CHAPTER 10.

[H. B. 81.]

AUTHORIZING TAX REFUNDS.

AN ACT authorizing the Pierce County Treasurer to make refunds.

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

SECTION 1. The Treasurer of Pierce county is hereby authorized to refund to all taxpayers not already reimbursed, all moneys in his possession derived from the thirty-mill levy for school district number 340, which levy was approved by the voters on August 6, 1938, and later nullified by court action. Pierce Co. Treas. authorized to make refund.

Passed the House February 13, 1941.

Passed the Senate February 12, 1941.

Approved by the Governor February 20, 1941.

CHAPTER 11.

[H. B. 169.]

PLANT DISEASE AND INSECT CONTROL.

AN ACT relating to the control and eradication of incipient or emergency outbreaks of insect pests or plant diseases, including pear psylla, in the State of Washington, making an appropriation and declaring an emergency.

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

Director of
Agriculture
authorized
to control
plant disease.

SECTION 1. The Director of Agriculture of the State of Washington, and the Supervisor of Horticulture of the Department of Agriculture of the State of Washington, in cooperation with the Secretary of Agriculture of the United States and such agencies as he may designate, are authorized and directed to apply such methods as may be necessary for the control of incipient or emergency outbreaks of insect pests or plant diseases, including the pear psylla.

To provide
funds.

The Director of Agriculture, acting by and through the Supervisor of Horticulture of the State of Washington, shall provide such funds, labors, materials and supplies as are necessary to secure the cooperation of the federal government for the control and eradication of incipient outbreaks of pests and diseases, including the pear psylla.

Appropriation.

SEC. 2. There is hereby appropriated the sum of two hundred thousand (\$200,000) dollars, or so much thereof as may be necessary, from the general fund of the state treasury for the Department of Agriculture, to be used by the Division of Horticulture for the control and eradication of incipient or emergency outbreaks of insect pests or plant diseases, including the pear psylla.

Effective immediately.

SEC. 3. This act is necessary for the preservation of the peace, health and safety of this state and the

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

Passed the House February 13, 1941.

Passed the Senate February 19, 1941.

Approved by the Governor February 24, 1941.

CHAPTER 12.

[S. B. 51.]

SCHOOL DISTRICT ELECTIONS.

AN ACT relating to school district elections and providing for the qualifications of electors.

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

SECTION 1. The qualifications of electors at all school elections of districts of any class shall be the same as at a general state or county election. Only those electors residing within the district shall be entitled to vote, and an elector may vote only at the polling place designated by the board of directors for the precinct in which the elector resides.

Qualifications of school electors.

SEC. 2. All acts and parts of acts in conflict herewith are hereby repealed. } Vetoed.

Passed the Senate February 3, 1941.

Passed the House February 14, 1941.

Approved by the Governor February 21, 1941, with the exception of section 2, which is vetoed.

CHAPTER 13.

[H. B. 357.]

EXEMPTION FROM AD VALOREM TAXES.

AN ACT relating to taxation; exempting from ad valorem taxation all real and personal property owned and acquired by municipal corporations of adjoining states and used exclusively for airport purposes; and declaring that this act shall take effect immediately.

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

Property of municipalities of adjoining states used as airport exempt from ad valorem tax.

SECTION 1. All property, whether real or personal, belonging exclusively to any municipal corporation in an adjoining state legally empowered by the laws of such adjoining state to acquire and hold property within this state, and which property is used primarily for airport purposes and other facilities for landing, terminals, housing, repair and care of dirigibles, airplanes and seaplanes for the aerial transportation of persons, property or mail, or in the armed forces of the United States, and upon which property there is expended funds by the federal, county or state agencies, or upon which funds are allocated by the federal government agencies on national defense projects, is hereby exempted from ad valorem taxation.

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 19, 1941.

Passed the Senate February 21, 1941.

Approved by the Governor February 24, 1941.

CHAPTER 14.

[H. B. 530.]

LEGISLATIVE EXPENSES.

AN ACT appropriating the sum of seventy-one thousand dollars (\$71,000.00), or so much thereof as may be necessary for the actual and necessary expenses of the Twenty-seventh 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 of the State of Washington, the sum of seventy-one thousand dollars (\$71,000.00), or so much thereof as may be necessary to be used for the purpose of paying the expenses except legislative printing of the Twenty-seventh Legislature of the State of Washington, convening January 13, 1941.

Appropriation for legislative printing.

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

Effective immediately.

Passed the House February 25, 1941.

Passed the Senate February 25, 1941.

Approved by the Governor February 25, 1941.

CHAPTER 15.

[H. B. 83.]

REGULATION OF MUTUAL SAVINGS BANKS.

AN ACT relating to and regulating mutual savings banks, and amending certain acts and repealing certain acts relating thereto.

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

Amend-
ments.

SECTION 1. That section 16 of chapter 175 of the Laws of 1915 (section 3345 of Remington's Revised Statutes) be amended to read as follows:

System of
accounting
to comply
with actual
facts.

Section 16. (1) No bank shall by any system of accounting, or any device of bookkeeping, directly or indirectly, enter any of its assets upon its books in the name of any other individual, partnership, unincorporated association, or corporation, or under any title or designation that is not in accordance with the actual facts.

Assets
to be entered
at actual cost.

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

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

Property to be carried at actual cost.

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

Bank to conform to orders of Bank Supervisor.

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

Property carried at cost plus improvement.

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

Appraisal to be made within six months.

(6) No such bank shall enter or carry on its books any asset which shall have been disallowed by the Supervisor of Banking or the trustees of such bank or any debt owing to it which shall have remained due without prosecution and upon which no interest shall have been paid for more than one

No asset disallowed by supervisor to be carried.

Supervisor
may fix
value.

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

Amend-
ments.

SEC. 2. That section 17 of chapter 175 of the Laws of 1915, as amended by section 1 of chapter 123 of the Laws of 1929 (section 3346, Remington's Revised Statutes), be amended to read as follows:

Limitation
of deposit.

Section 17. When the aggregate amount of deposits and dividends to the credit of any depositor, including in such aggregate all deposits and dividends credited to the depositor as trustee or beneficiary of any voluntary and revocable trust and all deposits and dividends credited to the depositor and another, or others, in either joint or several form, is seven thousand five hundred dollars (\$7500.00) or more, such aggregate shall not be increased by the receipt from the depositor of any further deposit but may be increased by the crediting of dividends or by the consolidation of savings banks having common depositors. Additional accounts may, however, be maintained in the name of a parent as trustee for a dependent or minor child, or in the name of a child as trustee for a dependent parent, but not more than five hundred dollars (\$500.00) shall be deposited to any such additional account during any six months period; and additional accounts may be maintained by a person, society, or corporation as administrator, executor, guardian, or trustee under a will, if the deposits

Parent may
deposit as
trustee for
child.

Limitation.

therein are directed to be made by a court of competent jurisdiction.

Every such bank may further limit the aggregate amount which an individual or any corporation or society may have to his or its credit to such sum as such bank may deem expedient to receive; and may in its discretion refuse to receive a deposit, or may at any time return all or any part of any deposits or require the withdrawal of any dividend.

Bank may limit deposit or require withdrawal.

SEC. 3. That section 23 of chapter 175 of the Laws of 1915 (section 3352 of Remington's Revised Statutes) be amended to read as follows:

Amendments.

Section 23. (1) Gross Earnings. Every savings bank shall close its books, for the purpose of computing its net earnings, at the end of any period for which a dividend is to be paid, and in no event less frequently than semi-annually. To determine the amount of gross earnings of a savings bank during any dividend period the following items may be included:

Bank to close books to determine gross earnings.

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

Items included in earnings.

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

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

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

(e) Amounts recovered on assets previously charged off, and any amounts allowed by the Supervisor of Banking on account of assets previously

disallowed by him; and other amounts allowed by its board of trustees on assets previously disallowed by it.

(f) Such other items as the Supervisor of Banking, in his discretion and upon his written consent, may permit to be included.

Net earnings.

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

Items deducted.

(a) All expenses paid or incurred, both ordinary and extraordinary, in the transaction of its business, the collection of its debts and the management of its affairs, less expenses incurred and interest accrued upon its debts deducted at the last previous calculation of net earnings for dividend purposes.

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

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

(d) Any losses that may have been sustained by it in the computation of such losses there shall be included all deductions from the book value of assets made pursuant to the directions of the board of trustees or by reason of the disallowance of assets by the Supervisor of Banking.

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

Amendments.

SEC. 4. That section 24 of chapter 175 of the Laws of 1915, as amended by section 3 of chapter 123 of the Laws of 1929 (section 3353 of Remington's Revised Statutes), be amended to read as follows:

Guaranty fund.

Section 24. (1) If at the close of any dividend period the guaranty fund of any savings bank be less than ten per centum of the amount due to de-

positors, there shall be deducted from its net earnings and credited to its guaranty fund not less than five per centum of its net earnings for such period.

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

Dividends available.

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

Guaranty fund computed on total.

SEC. 5. That section 38 of chapter 175 of the Laws of 1915 (section 3367 of Remington's Revised Statutes) be amended to read as follows:

Amendments.

Section 38. The trustees of every savings bank, by a committee of not less than three of their number, on or before the first days of January and July in each year, shall fully examine the records and affairs of such savings bank for the purpose of determining its financial condition. The trustees may employ such assistants as they deem necessary in making the examination prescribed by this section. A report of each such examination shall be presented to the board of trustees at a regular meeting within thirty days after the completion of the same, and shall be filed in the records of such savings bank.

Trustees to determine financial condition semi-annually.

Report.

SEC. 6. That section 3a of chapter 74 of the Laws of 1929, added thereto by section 1 of chapter 10 of the Laws of 1935 and as amended by section 1 of chapter 33 of the Laws of 1939 (section 3381-3a

Amendments.

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

Investment
of funds.

Section 3a. A mutual savings bank may invest its funds:

Loans
insurable
by F.H.A.

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

Mortgages
insurable
by F.H.A.

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

Other loans
insured or
guaranteed
by U. S. or
agency.

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

Obligations
of N. M. A.

(d) In capital stock, notes, bonds, debentures or other such obligations of any National Mortgage Association.

Loans
secured
by U. S.
contracts.

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

Limitation
by other law
not to apply.

No law of this state prescribing the nature, amount or form of security or requiring security upon which loans or advances of credit may be made or prescribing or limiting interest rates upon loans or advances of credit, or prescribing or limiting the period for which loans or advances of credit may be made shall be deemed to apply to loans, advances of credit or purchases made pursuant to the foregoing paragraphs (a), (b), (c), (d), and (e).

SEC. 7. That section 6 of chapter 74 of the Laws of 1929, as amended by section 3 of chapter 95 of the Laws of 1937 (section 3381-6 of Remington's Revised Statutes), be amended to read as follows:

Amend-
ments.

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, water district or other municipal corporation in the State of Washington issued pursuant to law and for the payment of which the faith and credit of such municipality, county or district is pledged and taxes are leviable upon all taxable property within its limits.

May invest
funds in
valid mun-
icipal
obligations.

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

May invest
in public
utility bonds.

Limitations.

SEC. 8. That section 8a of chapter 74 of the Laws of 1929, added thereto by section 6 of chapter 95 of the Laws of 1937 (section 3381-8a of Remington's Revised Statutes), be amended to read as follows:

Amend-
ments.

Section 8a. A mutual savings bank may invest its funds in the water revenue or electric revenue bonds of any incorporated city situated in the United States: *Provided*, The city has a population as shown by the last decennial Federal census of at least forty-five thousand inhabitants, and the entire revenue of the city's water or electric system less maintenance and operating costs is irrevocably pledged to the payment of the interest and principal of the bonds.

May invest
in revenue
bonds of
cities of over
45,000 popu-
lation.

Limitations.

SEC. 9. That sections 22 and 43 of chapter 175 of the Laws of 1915 (section 3351 and 3372 of Rem-

Statutes
repealed.

ington's Revised Statutes) be and the same are hereby repealed.

Passed the House January 31, 1941.

Passed the Senate February 19, 1941.

Approved by the Governor February 25, 1941.

CHAPTER 16.

[H. B. 84.]

LIABILITY OF BANK AND TRUST COMPANY SHAREHOLDERS.

AN ACT relating to the liability of shareholders of banks and trust companies for the debts and obligations of such banks and trust companies and providing for the placing of the liability of shareholders of banks and trust companies organized under the laws of this state for the debts and obligations of such corporations upon a basis of equality with the liability of shareholders of national banking associations for the debts and obligations of such associations under the laws of the United States; providing for the amendment of section 35, chapter 80, Laws of 1917 (section 3242 of Remington's Revised Statutes); providing for the amendment of section 1, chapter 80, Laws of 1911 (section 3824 of Remington's Revised Statutes); and repealing all laws in conflict herewith.

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

Amend-
ments.

SECTION 1. That section 35 of chapter 80 of the Laws of 1917 (section 3242 of Remington's Revised Statutes) is amended to read as follows:

Liability of
stockholders.

Section 35. (a) The stockholders of every bank and trust company shall be individually and personally liable, equally and ratably, and not one for another, for all contracts, debts and engagements of such corporation accruing while they remain as stockholders, to the extent of the amount of their stock therein at the par value thereof, in addition to the amount invested in such shares. Persons holding

stock as executors, administrators, guardians or trustees, if such relation of trust shall appear in the stock certificate and on the books of the corporation, or as collateral security or in pledge, shall not be personally liable as stockholders, but the assets and funds in the hands of such trustees constituting the trust shall be liable to the same extent as the testator, intestate, ward, or person interested in such funds would be, if living or competent to act, and the person pledging such stock shall be deemed a stockholder and liable under this section. Such liability may be enforced by the examiner as soon after taking possession of any bank or trust company as in his judgment the same may be necessary. The failure of the stockholders of any bank or trust company immediately upon possession being taken by the examiner to make good all impairment of its assets shall be conclusive evidence that the enforcement of double liability is necessary.

Executors
etc. not
personally
liable on
stock.

Assets of
trust liable.

Pledgor of
stock
deemed
stockholder.

Examiner to
enforce
liability.

(b) The additional liability imposed by sub-section (a) hereof and by Remington's Revised Statutes, section 3824, upon shareholders in banks and trust companies shall not be imposed upon such shareholders with respect to shares in any bank or trust company which are issued after this act takes effect by a bank or trust company which shall provide and furnish, either through membership in the Federal Deposit Insurance Corporation, or through membership in any other instrumentality of the Government of the United States, insurance or security for the payment of the debts and obligations of such banking corporation or trust company equivalent to that required by the laws of the United States to be furnished and provided by national banking associations.

Additional
liability not
imposed on
new insured
shares.

(c) The additional liability heretofore imposed by sub-section (a) hereof, and by Remington's Revised Statutes, section 3824, and any like liability

Additional liability on existing shares to cease.

Bank to furnish insurance.

Notice to be published.

Laws in conflict repealed.

imposed by any law of this state enacted prior to the passage of this act, upon shareholders in banks or trust companies with respect to their shares, and the additional liability imposed by the Constitution upon such shareholders, with respect to their shares, and any contractual obligation upon such shareholders for such additional liability arising by virtue of the provisions of such laws and the existence of such shares, shall cease on December 13, 1941, with respect to all shareholders and all shares issued by any bank or trust company which shall be transacting the business of banking on December 13, 1941, and shall provide and furnish, either through membership in the Federal Deposit Insurance Corporation, or through membership in any other instrumentality of the Government of the United States, insurance or security for the payment of the debts and obligations of such banking corporation equivalent to that required by the laws of the United States to be furnished and provided by national banking associations, if not less than five months prior to said date, such bank or trust company shall have caused notice of such prospective termination of liability to be published in a newspaper published in the city, town, or county in which such bank or trust company is located, and if no newspaper is published in such city, town or county, then in a newspaper of general circulation therein. If the bank or trust company fails to give such notice as and when provided herein, a termination of such additional liability may thereafter be accomplished as of the date five months subsequent to publication in the manner above provided.

SEC. 2. All other laws, or parts of laws, in conflict herewith are hereby repealed.

Passed the House January 31, 1941.

Passed the Senate February 19, 1941.

Approved by the Governor February 26, 1941.

CHAPTER 17.

[H. B. 207.]

PORT DISTRICT ELECTIONS.

AN ACT relating to port districts comprising an area less than the entire county; relating to district elections therein; and amending chapter 133, Laws of 1935 (section 9691 A-1, Remington's Revised Statutes), and declaring an emergency.

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

SECTION 1. That section 1, chapter 133, Laws of 1935 (section 9691 A-1, Remington's Revised Statutes) be amended to read as follows: Amendments.

Section 1. In every port district comprising an area less than the entire county in which it is located, except port districts in class A and first class counties, all elections for the election of port commissioners shall be held at the same time as the general biennial election is held in such county: *Provided*, That in such districts located solely on navigable streams elections shall be held at such times and for such purposes as the port commission may by resolution prescribe, subject to the limitations and pursuant to the requirements of chapter 92, Laws of 1911, as amended: *And provided further*, That if the petition for the organization of such port district so requests, the first election of commissioners may be held at a special election which shall be called and held in the manner provided by law for special organization elections for such port districts. Election biennially.
Exception.
First election may be special.

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. Effective immediately.

Passed by the House February 11, 1941.

Passed by the Senate February 19, 1941.

Approved by the Governor February 27, 1941.

CHAPTER 18.

[H. B. 158.]

CITY, COUNTY AND TOWN DEPOSITORIES.

AN ACT relating to the safekeeping of bonds and securities pledged to any city, county or town by depositories of public funds; providing for the designation of a trustee for the safe keeping thereof; amending section 1, chapter 186 Laws of 1929 (Remington's Revised Statutes, section 5574-1).

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

Amend-
ments.

SECTION 1. That section 1, chapter 186 Laws of 1929 (section 5574-1 of Remington's Revised Statutes) be amended to read as follows:

Municipality
to designate
trustee for
security of
depository.

Section 5574-1. Any depository of city, county or town funds having bonds or securities pledged by it to such city, county or town as security for public funds deposited or to be deposited with it, may, by written notice, require the treasurer of such city, county or town to designate a trust company or bank exercising trust powers and located within the State of Washington as a trustee for the safe keeping of such bonds and securities, or any such depository of county funds may elect by the giving of written notice to the treasurer of such county to designate a trust company or bank exercising trust powers located without the state as trustee under the terms and provisions of this act for the safe keeping of such bonds and securities: *Provided*, Such trust company or bank so designated and located without the state shall have a combined actual paid up capital and surplus of not less than one million dollars (\$1,000,000); *And provided further*, That the identity of such trustee, the terms of the agreement between such trustee and the depository, and the char-

Notice to
County
Treas.

Qualification
of trustee.

Trust terms
to be ap-
proved by
treasurer.

acter of the bonds or securities pledged, shall all be subject to the approval of the County Treasurer.

Passed by the House February 6, 1941.

Passed by the Senate February 19, 1941.

Approved by the Governor February 27, 1941.

CHAPTER 19.

[H. B. 159.]

INDUSTRIAL LOAN COMPANIES.

AN ACT relating to industrial loan companies; and amending sections 1, 7, 8, 9, 12 and 15 of chapter 172 of the Laws of 1923, as amended by chapter 186 of the Laws of 1925, Extraordinary Session, and chapter 95 of the Laws of 1939, (section 3862-1, 3862-7, 3862-8, 3862-9, 3862-12 and 3862-15, Remington's Revised Statutes).

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

SECTION 1. Section 1 of chapter 172, Laws of 1923, as amended by section 1 of chapter 186, Laws of 1925, Extraordinary Session, (section 3862-1 of Remington's Revised Statutes) is amended to read as follows: Amendments.

Section 1. (a) The term "industrial loan company" as used in this act means any corporation formed under the provisions of this act for the purpose of conducting business in the manner outlined herein. Definition.

(b) The name of every such corporation shall terminate with the words "Industrial Loan Company." Name to be used.

(c) After the passage and approval of this act, no person, firm or corporation conducting a business not in the form and of a character similar to that authorized by this act shall have or continue to use Restriction.

for a part of its title or corporate name any combination of the words "Industrial" and "Loan."

Amendments.

SEC. 2. Section 7 of chapter 172 of the Laws of 1923 as amended by section 3 of chapter 186, Laws of 1925, Extraordinary Session, and section 1 of chapter 95 of the Laws of 1939 (section 3862-7 of Remington's Revised Statutes) is amended to read as follows:

Capital stock limitations.

Section 7. (a) The capital stock of any corporation incorporated under the provisions of this act shall be not less than twenty-five thousand dollars in any city having a population of one hundred thousand inhabitants, or less, according to the last official census; and shall be not less than fifty thousand dollars in any city having a population in excess of one hundred thousand inhabitants according to the last official census. The capital stock of any such corporation shall be divided into shares of the par value of one hundred dollars each. No corporation organized hereunder shall create more than one class of stock.

One class of stock.
May amend articles.

(b) Any Industrial Loan Company may increase or decrease its capital stock or otherwise amend its articles of incorporation, in any manner not inconsistent with the provisions of this act, by a vote of the stockholders representing two-thirds of its capital at any regular meeting, or special meeting called for that purpose in the manner prescribed by its by-laws: *Provided*, That notice of a meeting to increase or decrease capital stock shall first be published once a week for four weekly issues in a newspaper published in the place in which such corporation is located, or if there be no newspaper published in such place, then in some newspaper published in the same county. The notice shall state the purpose of the meeting, the amount of the present capital of the Industrial Loan Company and the proposed new capital. A certificate of the fact and the terms of the amendment shall be executed by a majority of

Vote necessary.

Notice of meeting.

Notice to state purpose.

Certificate to be executed.

the directors and filed as required herein for articles of incorporation. No increase of capital stock shall be valid until twenty-five per cent of the amount thereof shall have been subscribed and actually paid in and a certificate of increase received from the Supervisor of Banking. Not less than one-twelfth of the balance of the authorized increase shall be paid in cash to the corporation within thirty days from the date the increase is authorized, and each thirty days thereafter until fully paid. No reduction of the capital stock shall be made to an amount less than is required for capital, nor be valid, nor warrant the cancellation of stock certificates until such reduction has been approved by said Supervisor of Banking.

Limitations.

Supervisor to issue certificate.

Increase to be paid within one year.

No reduction until approved by Supervisor.

SEC. 3. Section 8 of chapter 172 of the Laws of 1923 as amended by section 4 of chapter 186 of the Laws of 1925, Extraordinary Session, and section 2, chapter 95, Laws of 1939 (section 3862-8 of Remington's Revised Statutes) is amended to read as follows:

Amendments.

Section 8. Every corporation under the provisions of this act shall have power:

Powers.

(a) To lend money and to deduct interest therefor in advance at the rate of ten per cent per annum, or less; to agree with the borrower for the payment of an aggregate amount for expenses incurred and services rendered in connection with the investigation of the character and circumstances of the borrower and the security offered in connection with his loan, and for servicing and maintaining the said loan and security, which amount shall not in any event exceed an initial charge of two dollars on a loan under one hundred dollars or a maximum of two per cent of any loan of one hundred dollars or more, and which initial charge may be deducted from said loan in advance, and a charge of fifty cents per month to be collected monthly during the actual period that said loan or any part thereof remain unpaid; to require

To lend money at 10 per cent.

Charge for services.

Limitations of charges.

Require borrower to purchase investment certificate.

the borrower to purchase simultaneously with the loan transaction, or otherwise, and pledge as security therefor, an investment certificate of the character described in subdivision (b) of this section, in an amount not exceeding one-fifth more than the amount of the loan made. Upon maturity of the note, the borrower may, at his option, surrender the investment certificate. No additional charge shall be made except to reimburse the corporation for money actually expended to any public officer, for filing and recording any instrument securing such loan or in connection therewith. No charge shall be collected unless a loan shall have been made.

Charge for recording.

May sell investment certificates.

(b) Subject to the limitations provided in this act, to sell or negotiate written evidences of debt, to be known as "investment certificates," for the payment of money by the corporation at any time, and bearing interest, as therein designated, and to receive payment therefor in full or in installments; to charge a penalty of five cents or less on each dollar of such installment payments delinquent one full week or more. No interest shall be collected on delinquent instalments. No certificate or securities of any nature shall be sold at a price in excess of the actual book value of the certificate or securities sold. The issuance of written evidences of debt authorized by this subdivision shall be subject to the provisions of section 20, chapter 172, Laws of 1923 (section 3862-20 Remington's Revised Statutes).

Maximum penalty on delinquent installments.

Certificates to comply with law.

To borrow money.

(c) To borrow money and to sell and negotiate for cash its promissory notes. Nothing contained in this subdivision or in subdivision (b) of this section shall be construed as authorizing the corporation to receive deposits or to issue certificates of deposit or to create any liability due on demand.

To establish branches.

(d) To establish branches subject to the approval and authority of the Supervisor of Banking.

(e) Conferred upon corporations by section 3803-11 of Remington's Revised Statutes.

SEC. 4. Section 9 of chapter 172 of the Laws of 1923 as amended by section 5 of chapter 186, Laws of 1925, Extraordinary Session, and section 3 of chapter 95, Laws of 1939 (section 3862-9 of Remington's Revised Statutes) is amended to read as follows:

Section 9. No corporation under the provisions of this act shall:

(a) Make any loan, on the security of makers, co-makers, endorsers, sureties or guarantors, for a longer period than two years from the date thereof.

(b) Hold at any one time the primary obligation, or obligations of any person, firm or corporation, for more than two per cent of the amount of the paid-up capital and surplus of such industrial loan company.

(c) Hold at any one time the obligation or obligations of persons, firms, or corporations purchased from any person, firm or corporation in excess of twenty per cent of the aggregate paid-up capital and surplus of such industrial loan company.

(d) Make any loans secured by chattel mortgage for a longer period than two years from the date thereof.

(e) Make any loan or discount on the security of its own capital stock, or be the purchaser or holder of any such shares, unless such security or purchase shall be necessary to prevent loss upon a debt previously contracted in good faith. Stock so purchased or acquired shall be sold at public or private sale or otherwise disposed of within ninety days from the time of its purchase or acquisition.

(f) Invest any of its funds, otherwise than as herein authorized, except in such investments as are by law legal investments for commercial banks.

(g) Make any loan or discount, nor shall any officer or employee thereof on behalf of such corpo-

Amendments.

Restrictions.

Time limit for loans.

Limits of loans.

Limits of purchase.

Time limit of chattel mortgage.

Not to loan on own stock.

Exception.

Limits of investments.

Not to loan to officer or employee.

ration, make any loan or discount directly or indirectly to any director, officer or employee of such corporation.

Limits of notes outstanding.

(h) Have outstanding at any time its promissory notes or other evidences of debt in an aggregate sum in excess of three times the aggregate amount of its paid-up capital and surplus, exclusive of investment certificates hypothecated with the corporation issuing them.

No surrender charge.

(i) Exact a surrender charge on investment certificates issued by the corporation.

Depository.

(j) Deposit any of its funds with any other moneyed corporation, unless such corporation has been designated as such depository by a vote of the majority of the directors or the executive committee, exclusive of any director who is an officer, director or trustee of the depository so designated.

Limits of loan on real estate.

(k) Make any loan or discount secured by real estate for an amount in excess of seventy-five per cent of the value of such real estate and improvements, including all prior liens against the same.

Limits of investment certificates.

(l) Have outstanding at any time investment certificates issued in the name of any one person, firm or corporation for an amount in excess of two and one-half per cent of its paid-up capital and surplus.

Limits of pledges.

(m) Pledge or hypothecate any of its securities to any creditor except that it may borrow and rediscount an amount not to exceed in the aggregate three times the amount of the paid-up capital and surplus thereof, and may pledge as security for amounts borrowed assets of the corporation not exceeding one and one-half times the amount borrowed and may pledge as security for amounts rediscounted assets of the corporation not exceeding one-half the amount rediscounted.

Amendments.

SEC. 5. Section 12 of chapter 172 of the Laws of 1923 as amended by section 7 of chapter 186, Laws of 1925, Extraordinary Session (section 3862-12 of Rem-

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

Section 12. The directors of every corporation under the provisions of this act, may at certain times and in such manner as its by-laws prescribe, after providing for all expenses, interest and taxes due, declare and pay such dividends to the stockholders of such corporation as may be appropriated for that purpose under its by-laws.

May declare dividends.

SEC. 6. Section 15 of chapter 172, Laws of 1923 (section 3862-15 of Remington's Revised Statutes) is amended to read as follows:

Amendments.

Section 15. (a) It shall be the duty of the Supervisor of Banking, his deputy, or examiner, without previous notice to visit each corporation under the provisions of this act, 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; any willful false swearing in any examination shall be perjury.

Duty of Supervisor to examine condition.

(b) The Supervisor of Banking is hereby authorized and empowered to make such general rules and regulations and such specific rulings, demands, and findings as may be necessary for the proper conduct of such business and the enforcement of this act, in addition hereto and not inconsistent herewith.

Supervisor to make rules.

(c) The industrial loan company shall keep and use in its business such books, accounts, and records as will enable the Supervisor of Banking to determine whether such industrial loan company is complying with the provisions of this act and with the rules and regulations lawfully made by the Supervisor of Banking hereunder. Every industrial loan

Company to keep records.

company shall preserve such books, accounts, and records for at least two (2) years after making the final entry recorded therein.

Company not to advertise misleading matter.

(d) No industrial loan company shall advertise, print, display, publish, distribute, or broadcast or cause or permit to be advertised, printed, displayed, published, distributed, or broadcast, in any manner whatsoever, any statement or representation with regard to the rates, terms or conditions for the lending of money which is false, misleading, or deceptive. The Supervisor of Banking may order any industrial loan company to desist from any conduct which he shall find to be a violation of the foregoing provisions.

Supervisor may make order.

Company may appeal.

(e) Whenever the Supervisor of Banking shall make any findings or shall issue any specific order or demand, then such industrial loan company thereby affected may, within thirty (30) days from date of service of notice, appeal to the Superior Court of the State of Washington for Thurston county. The appeal shall be perfected by filing it, together with proof of service, with the clerk of the Superior Court of Thurston county. The Supervisor of Banking shall, within fifteen (15) days after the date of filing of such notice of appeal, make and certify a transcript of the evidence and all of the records and papers on file in his office relating to the order appealed from, and the Supervisor of Banking shall forthwith file the same in the office of the clerk of said Superior Court. The reasonable costs of preparing of such transcripts shall be assessed by the court as part of the costs. A trial shall be had in said Superior Court de novo. The industrial loan company shall be deemed the plaintiff and the State of Washington the defendant. Each party shall be entitled to subpoena witnesses and produce evidence to sustain the findings and order or demand of the supervisor. Either party may appeal from the judg-

Transcript to be filed.

Costs.

Trial de novo.

Either party may appeal.

ment of said Superior Court of the State of Washington as in other civil actions.

Passed the House February 6, 1941.

Passed the Senate February 19, 1941.

Approved by the Governor February 27, 1941.

CHAPTER 20.

[H. B. 181]

HORTICULTURAL PESTS.

AN ACT relating to horticultural pests; providing for horticultural boards, charging state and county officials and the Superior Court with certain duties; authorizing the Director of Agriculture to establish necessary rules and regulations; amending section 2 of chapter 71 of the Laws of 1937 (section 2849-2 of Remington's Revised Statutes; section 2717-B of Pierce's Code), and declaring an emergency.

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

SECTION 1. It is hereby declared to be the purpose of the legislature to provide facilities whereby infested horticultural property that is a menace to adjacent properties may be abated or the infestation removed with the least possible delay. Purpose.

SEC. 2. The term "nuisance" whenever used in this act shall be and include any plants, produce or property upon which may be found any pest or diseases recognized under section 5, chapter 37, Laws of 1923 (section 2843 of Remington's Revised Statutes; section 2711 of Pierce's Code), which pest, pests or disease is found on any property in commercial area as herein defined and which pest, pests or disease is a source of infestation to other properties. Definitions.

SEC. 3. Any property or properties upon which are located any pest, pests or disease as recognized

Property
nuisance
per se.

under section 5, chapter 37, Laws of 1923 (section 2843 of Remington's Revised Statutes; section 2711 of Pierce's Code), that will or is likely to cause damage or infestation to other properties are hereby defined as a "nuisance per se."

Commercial
area.

SEC. 4. The term "commercial area" when used in this act shall be any district where any horticultural product is being produced to the extent that any producer is dependent in part or in whole upon that horticultural product or products for a livelihood.

Inspector to
investigate
and report.

SEC. 5. In the event that a horticultural inspector, after examination of any premises or property as provided in section 10, chapter 166, Laws of 1915, as amended (section 2847 of Remington's Revised Statutes; section 2715 of Pierce's Code), finds such premises or property infested, he shall immediately report said findings in writing to the horticultural inspector-at-large in his district. Said written report shall state the disease and/or infestation found, an estimate of the amount thereof, and whether in his opinion the said disease or infestation is or will be a nuisance. Upon receipt of said report, the inspector-at-large shall forthwith appoint some person who is engaged in the growing of a horticultural product that could become infested from the alleged infested premises and who resides within three (3) miles of said infested premises, and said appointed person, together with either the inspector-at-large or some person delegated by him from his department, shall forthwith appoint a third person who is likewise engaged in the growing of an agricultural product that could become infested from the infestation upon the infested premises, which persons shall be known as an inspection board. It shall be the duty of said inspection board to forthwith examine said infested premises aforementioned in such a manner as to be able to determine whether the same or any part thereof is infested with any of the pest, pests or dis-

Inspection
board of 3 to
examine.

eases set forth in section 5, chapter 37, Laws of 1923 (section 2843 of Remington's Revised Statutes; section 2711 of Pierce's Code).

SEC. 6. Said inspection board shall make a report of the inspection of said premises, which shall state: (1) whether or not said premises or any part thereof is infested; (2) if infested, the nature of the infestation and the amount thereof; (3) if infested, whether the same constitutes a nuisance as in this act provided.

Inspection board to report.

Contents of report.

SEC. 7. Said report shall be in writing and signed by a majority of the board under oath before a notary public or any officer authorized to take an oath under the laws of this state. Said written report shall be forthwith handed to the inspector-at-large. The members of the inspection board shall be compensated at the rate of four dollars (\$4.00) per day to be paid from the county current expense budget of the county horticultural department. Said inspection board shall have the same rights and be authorized and empowered to enter upon any premises at any time for the purpose of performing its duties to the same extent as is provided for the Director of Agriculture, the assistant director and all horticultural inspectors in section 10, chapter 166, Laws of 1915, as amended (section 2847 of Remington's Revised Statutes; section 2715 of Pierce's Code).

Compensation of board.

Power of board.

SEC. 8. If and in the event the report of the inspection board finds that plants, produce or property upon said premises are infested and constitute a nuisance, said inspector-at-large shall forthwith transmit said findings of the inspector and the report of the inspection board to the Prosecuting Attorney of the county wherein such property is situated. Said Prosecuting Attorney shall, within five (5) days thereafter, present to the Superior Court a petition signed and verified by him in the manner and form now required for signing and verifying a complaint

Report to Prosecuting Attorney.

Petition to court.

Contents of
petition.

Proceedings.

Amend-
ments.

Notice to
owner.

Contents of
notice.

Notice by
publication.

in a civil action. Said petition shall describe with reasonable certainty the property or premises sought to be declared a nuisance, the name of the owner or owners, encumbrancers, or other persons 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 5 of this act; sections 10 and 11, chapter 166, Laws of 1915, as amended (sections 2847 and 2849 of Remington's Revised Statutes; sections 2715 and 2717 of Pierce's Code), and praying that the court enter an order declaring such premises or property a public nuisance and directing the immediate destruction of such plants, products or property upon said premises. There shall be attached thereto as an exhibit and as a part of said petition the report of the inspection board.

SEC. 9. Section 2, chapter 71, Laws of 1937 (section 2849-2 of Remington's Revised Statutes; section 2717-B of Pierce's Code), is hereby amended to read as follows:

Section 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, owners, encumbrancer, or otherwise interested therein, at least five (5) days prior to the time designated in such notice for the presentation of such petition. Such notice shall be worded as nearly as possible in the manner now provided by law for the service of summons in civil actions: *Provided*, In the event service is had by publication, the period of publication required hereunder shall be shortened to two weekly publications in a newspaper published or of general circulation within the county, and such service by publication shall be deemed complete upon the ex-

piration of fifteen (15) 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, which shall be filed with the clerk of such Superior Court before or at the time of the presentation of such petition.

SEC. 10. Upon the hearing of said petition by the Superior Court, said court shall, if notice has been given as provided in section 9 of this act, and the inspection board report states that said premises are infested and constitute a nuisance, such report shall be accepted as prima facie evidence and if there is no showing that said inspection board acted in a capricious, arbitrary, unfair manner, said court shall accept the recommendation of said inspection board and shall forthwith decree said plants, produce or property upon said premises to be a nuisance and order the inspector-at-large of the district in which said property is located, and the Board of County Commissioners of said county to forthwith destroy the plants, produce or property located upon said premises, and upon said destruction shall tax the costs thereof, as well as the costs of any proceedings had hereunder against the parties defendant in said petition.

Hearing and judgment.

SEC. 11. If appeal is taken from a decision of the Superior Court rendered in pursuance of this act, the court shall require of the appellant a bond in an amount sufficient to cover possible damages to neighboring properties due to delay in carrying out the order of the court, and in no event shall such bond be less than one thousand dollars (\$1,000).

Appeal by defendant.

Appeal bond.

SEC. 12. Notice of appeal from the decision of the Superior Court shall be filed not later than ten (10) days after the issuance of the order by the Superior Court to destroy the infested property or abate the source of infestation involved in the suit.

Notice of appeal.

Director
may issue
proclama-
tion.

SEC. 13. Whenever the Director of Agriculture determines that a particular pest cannot be eradicated or effectively controlled by recognized ordinary means, or that it is impractical to eradicate or control such pest without the destruction in whole or in part of uninfected or uninfested host plants, the director may issue a proclamation determining and setting out the host free period or host free district, or both, describing the host or hosts and the district wherein planting, growing, cultivating or maintenance in any manner of any plants or products capable of continuing the particular pests is prohibited during a specified period of time and until the menace therefrom no longer exists.

Unlawful
to dump
infested
product.

SEC. 14. It shall be illegal for any property owner to permit the piling or dumping, or for any person or persons to pile or dump any infested product on properties where the dumping of the infested products might constitute a menace or source of infestation to growers of horticultural products.

Director
to pro-
mulgate
rules.

SEC. 15. The Director of Agriculture is hereby authorized to promulgate and adopt such rules and regulations as are necessary or will facilitate the carrying out of the provisions of this and of other horticultural laws, which he is directed and authorized to administer or enforce.

Partial
invalidity
of act.

SEC. 16. If any section, portion 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 to be invalid or unconstitutional: *Provided*, That if any provision in this act superseding or invalidating existing laws on the same subject is adjudged unconstitutional, such superseded or invalidated provisions will thereby be automatically restored to full force and effect.

Effective im-
mediately.

SEC. 17. This act is necessary for the preservation of the peace, health and safety of this state and

the support of the state government of the State of Washington and its existing institutions and shall take effect immediately.

Passed the House February 20, 1941.

Passed the Senate February 19, 1941.

Approved by the Governor February 27, 1941.

CHAPTER 21.

[S. B. 169.]

AIRPORTS AND AIRPORT SITES.

AN ACT relating to airports and airport sites; empowering cities, towns, counties and port districts to acquire, maintain, and operate such facilities, either alone or in conjunction with other municipalities and to condemn property for such purposes; repealing chapter 3, Laws of 1933, Extraordinary Session (section 905-1, 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. Any city, town, port district or county is hereby authorized and empowered by and through their appropriate corporate authorities to acquire, maintain and operate, within or without the boundaries of the counties in which such city, town or port district is situated, sites and other facilities for landings, terminals, housing, repair and care of dirigibles, airplanes, and seaplanes, and seaplanes for the aerial transportation of persons, property and mail or for use of military and naval aircraft, either jointly with another city, town, port district, county, the State of Washington, or the United States of America or severally, and the same is hereby declared to be a municipal purpose and a public use.

Municipalities may acquire airports.

SEC. 2. Such municipalities may also acquire by purchase, condemnation or lease, lands and other

Power of eminent domain.

May grant
or give
property for
public use.

property for said purpose and dispose of such lands and other property, including property acquired by tax foreclosure proceedings, by sale or gift for public use to any city, town, port district, county, the State of Washington or the United States of America. Any city, town, port district and county is hereby empowered to acquire lands and other property for said purpose by the exercise of the power of eminent domain under the procedure that is or shall be provided by law for the condemnation and appropriation of private property for any of their respective corporate uses, and no property shall be exempt from such condemnation, appropriation or disposition by reason of the same having been or being dedicated, appropriated, or otherwise held to public use: *Provided, however,* That nothing in this act shall authorize or entitle any city, town, port district or county to acquire by eminent domain any site or other facilities for landings, terminals, housing, repair and care of dirigibles, airplanes, and seaplanes for aerial transportation of persons, property, mail or military or naval aircraft, now or hereafter owned by any other city, town, port district or county.

Restrictions.

May appropriate
money to
acquire.

SEC. 3. Any city, town, port district or county is authorized and empowered by and through their corporate authorities to appropriate sums of money and pay the same to any other city, town, port district or county, or deed and convey property already owned to such city, town, port district or county, for use in acquiring and maintaining sites and other facilities for landings, terminals, housing, repair and care of dirigibles, airplanes and seaplanes for the aerial transportation of persons, property, mail or military and naval aircraft and need not require consideration other than the benefit which may be derived by the city, town, port district or county on account of the use therefor and development of such property for said purposes.

SEC. 4. All acts of any such municipality in the exercise or attempted exercise of any powers herein conferred are hereby ratified and confirmed. The provisions of this act shall be cumulative and nothing herein contained shall abridge or limit the powers of the city, town, port district or county under existing law. Acts ratified.

SEC. 5. Chapter 3, Laws of 1933, Extraordinary Session (section 905-1, Remington's Revised Statutes) is hereby repealed. Law repealed.

SEC. 6. This act is necessary for the preservation of the peace, health and safety of this state and to the promotion of the national defense and shall take effect immediately. Effective immediately.

Passed the Senate February 15, 1941.

Passed the House February 20, 1941.

Approved by the Governor February 27, 1941.

CHAPTER 22.

[H. B. 42.]

PURCHASE AND SALE OF POWDER AND EXPLOSIVES.

AN ACT relating to the purchase and sale by the state and counties of powder and other explosives for land clearing and road building and to penalties for violations, and repealing chapter 157, Laws of 1919 (sections 3028 to 3035 inclusive of Remington's Revised Statutes; sections 98-18r to 98-18y inclusive of Pierce's Code).

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

SECTION 1. Chapter 157, Laws of 1919 (sections 3028 to 3035 inclusive of Remington's Revised Statutes; sections 98-18r to 98-18y inclusive of Pierce's Code), is repealed. Laws repealed.

Passed the House February 3, 1941.

Passed the Senate February 26, 1941.

Approved by the Governor March 1, 1941.

CHAPTER 23.

[H. B. 43.]

NAME OF PROSECUTING ATTORNEY CHANGED.

AN ACT relating to changing the title of the office of Prosecuting Attorney and County Attorney to District Attorney and repealing chapter 100, Laws of 1937 (sections 113-1 to 113-3 inclusive, Remington's Revised Statutes; sections 115-1 to 115-4 inclusive, Pierce's Code).

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

Laws
repealed.

SECTION 1. Chapter 100, Laws of 1937 (sections 113-1 to 113-3 inclusive, Remington's Revised Statutes; sections 115-1 to 115-4 inclusive, Pierce's Code), is repealed.

Passed the House January 29, 1941.

Passed the Senate February 26, 1941.

Approved by the Governor March 1, 1941.

CHAPTER 24.

[H. B. 46.]

TRIALS IN CRIMINAL CASES.

AN ACT relating to trials in criminal cases and repealing section 1085, Code of Washington Territory, 1881 (section 2144 Remington's Revised Statutes; section 9371 Pierce's Code).

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

Laws
repealed.

SECTION 1. Section 1085, Code of Washington Territory, 1881 (section 2144 Remington's Revised Statutes; section 9371 Pierce's Code), is repealed.

Passed the House January 30, 1941.

Passed the Senate February 26, 1941.

Approved by the Governor March 1, 1941.

CHAPTER 25.

[S. B. 81.]

QUALIFICATIONS OF APPOINTIVE OFFICERS AND
EMPLOYEES OF CITIES AND TOWNS.

AN ACT relating to residential qualifications of appointive officers and employees of cities and towns; and repealing all acts and parts of acts in conflict therewith.

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

SECTION 1. Any city or town may by ordinance of its legislative authority determine whether there shall be any residential qualifications for any or all of its appointive officials or employees, and in event such legislative authority does not fix any residential qualifications for any of such officials or employees, there shall be none: *Provided*, This act shall not authorize a city or town to change any residential qualifications prescribed in any city charter for any appointive official or employee.

Cities and towns to determine qualifications of appointees.

SEC. 2. All acts and parts of acts in conflict herewith are hereby repealed.

All conflicting acts repealed.

Passed the Senate February 6, 1941.

Passed the House February 26, 1941.

Approved by the Governor March 1, 1941.

CHAPTER 26.

[S. B. 85.]

CLASSIFYING COUNTIES BY POPULATION.

AN ACT classifying counties by population, and amending section 1 of chapter 136 of the Laws of 1933 (section 4200-1a of Remington's Revised Statutes).

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

Amendment. SECTION 1. Section 1 chapter 136 of the Laws of 1933 (section 4200-1a of Remington's Revised Statutes) is amended to read as follows:

Classification of counties. Section 1. The several counties of the state are hereby classified by population as follows:

Class A. Counties containing a population of 210,000 or more shall belong to and be known as class A counties;

First class. Counties containing a population of 125,000 and less than 210,000 shall belong to and be known as counties of the first class;

Second class. Counties containing a population of 70,000 and less than 125,000 shall belong to and be known as counties of the second class;

Third class. Counties containing a population of 40,000 and less than 70,000 shall belong to and be known as counties of the third class;

Fourth class. Counties containing a population of 18,000 and less than 40,000 shall belong to and be known as counties of the fourth class;

Fifth class. Counties containing a population of 12,000 and less than 18,000 shall belong to and be known as counties of the fifth class;

Sixth class. Counties containing a population of 8,000 and less than 12,000 shall belong to and be known as counties of the sixth class;

Seventh class. Counties containing a population of 5,000 and less than 8,000 shall belong to and be known as counties of the seventh class;

Counties containing a population of 3,300 and less than 5,000 shall belong to and be known as counties of the eighth class; Eighth class.

Counties containing a population of less than 3,300 shall belong to and be known as counties of the ninth class. Ninth class.

Passed the Senate February 6, 1941.

Passed the House February 26, 1941.

Approved by the Governor March 3, 1941.

CHAPTER 27.

[S. B. 117.]

EXPENDITURES OF FOURTH CLASS CITIES AND TOWNS.

AN ACT relating to fourth class cities and towns; regulating expenditures thereof, and amending section 4, chapter 61, Laws of 1929 to provide for emergency expenditures.

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

SECTION 1. That section 4, chapter 61, Laws of 1929 (section 11232 of Remington's Revised Statutes, section 890-24 Pierce's Code) be amended to read as follows: Amendment.

Section 4. It shall be unlawful for any city or town council, or any public officer or employee of any city of the fourth class, or town, except as hereinafter provided, to contract any indebtedness or incur any liability in behalf of their or his city or town during any current fiscal year more than two per cent in excess of the revenues provided for such year at the public hearing held as required by the preceding section unless authorized by a majority vote of the electors of the city or town, at a general or special election, and any indebtedness contracted or liability incurred in violation hereof shall be void, Limit of expenditures.

Not to
change debt
limits.

but nothing herein contained shall be held to modify or change the limitations prescribed by any law limiting the debts of any such city or town to an amount based on a percentage of the assessed valuation thereof.

May adopt
ordinance
declaring
emergency.

Unanimous
vote of the
council.

Taxpayer
may be
heard.

Emergency
defined.

When a public emergency other than those specifically described hereinafter and which could not reasonably have been foreseen at the time of making the estimate required in section 1 hereof (section 11229, Remington's Revised Statutes; section 890-21 Pierce's Code), shall require the expenditure of money not provided for in the estimate, the city or town council shall, before it may make any expenditure therefor, in excess of the two per cent hereinabove provided for, adopt an ordinance stating the facts constituting the emergency and the estimated amount of money required to meet it and declaring that an emergency exists: *Provided*, That such ordinance shall not be voted on until one week shall have elapsed after its introduction and that it shall require the unanimous vote of the members of the council present and the approval of the mayor: *Provided, further*, That any taxpayer may appear at such meeting for passing on such ordinance and be heard for or against the adoption thereof. Upon the happening of any emergency caused by fire, flood, explosion, storm, earthquake, epidemic, riot or insurrection, or for the immediate preservation of order or public health, or for the restoration to a condition of usefulness of any public property the usefulness of which has been destroyed by accident, or for the relief of a stricken community overtaken by calamity, or in settlement of approved claims for personal injuries or property damages, exclusive of claims arising from the operation of any public utility owned by the city or town, or to meet mandatory expenditures required by laws enacted since the last estimate was adopted, the city or town council

may, upon the adoption by the unanimous vote of the members present of an ordinance stating the facts constituting the emergency and the estimated amount required to meet it, make the expenditures therefor without further notice or hearing. All emergency expenditures shall be paid for by the issuance of emergency warrants. Emergency warrants shall be paid from any moneys on hand in the city or town treasury in the fund properly chargeable with such expenditure, and the city or town treasurer is hereby authorized and directed to pay such warrants out of any such moneys. If at any time there shall be insufficient money on hand to pay any emergency warrant, such warrant shall be registered, bear interest and be called in the same manner as other city or town warrants. The city or town council shall include in the next succeeding annual estimate the total amount of emergency warrants issued during the preceding fiscal year and shall include in their tax levies a levy sufficient to pay any of said emergency warrants remaining unpaid and to reimburse any fund or funds out of which the same may have been paid.

May make expenditures for emergencies.

Emergency warrants.

Warrants to be registered.

To levy taxes to pay emergency warrants.

Passed the Senate February 4, 1941.

Passed the House February 26, 1941.

Approved by the Governor March 3, 1941.

CHAPTER 28.

[H. B. 47.]

WASHINGTON STATE REFORMATORY FOR WOMEN.

AN ACT relating to the Washington State Reformatory for women and repealing chapter 249, Laws of 1927 (sections 10298-1 to 10298-17 inclusive, Remington's Revised Statutes; sections 6779-11 to 6779-27 inclusive, Pierce's Code).

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

Statutes repealed.

SECTION 1. Chapter 249, Laws of 1927 (sections 10298-1 to 10298-17 inclusive, Remington's Revised Statutes; sections 6779-11 to 6779-27 inclusive, Pierce's Code), is repealed.

Passed the House February 12, 1941.

Passed the Senate February 26, 1941.

Approved by the Governor March 3, 1941.

CHAPTER 29.

[H. B. 48.]

ADDITIONAL JUDGES IN CLASS A COUNTIES.

AN ACT relating to the Superior Court of the State of Washington in class A counties; providing for the appointment, election and compensation of additional judges thereof, and repealing chapter 59, Laws of 1933.

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

Statutes repealed.

SECTION 1. Chapter 59, Laws of 1933, is repealed.

Passed the House January 30, 1941.

Passed the Senate February 26, 1941.

Approved by the Governor March 3, 1941.

CHAPTER 30.

[H. B. 94.]

COSTS IN CRIMINAL CASES.

AN ACT relating to the collection of costs in certain criminal cases and repealing section 12, page 425, Laws of 1863.

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

SECTION 1. Section 12, page 425, Session Laws of 1863, is hereby repealed. Statutes repealed.

Passed the House Februray 3, 1941.

Passed the Senate February 26, 1941.

Approved by the Governor March 3, 1941.

CHAPTER 31.

[H. B. 226.]

PRACTICE OF CHIROPODY.

AN ACT defining the practice of chiropody and amending section 1, chapter 120, Laws of 1921 (section 10074, Remington's Revised Statutes).

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

SECTION 1. That section 1, chapter 120, Laws of 1921 (section 10074 of Remington's Revised Statutes) be and the same is hereby amended to read as follows: Amendments.

Section 1. For the purposes of this act the practice of chiropody is defined to be the diagnosis and the medical, surgical, mechanical, manipulative and electrical treatment of ailments of the human foot, excepting amputation of the foot or toes or the administration of an anesthetic other than local

and excepting treatment of systemic conditions or the results and complications thereof.

Passed the House February 18, 1941.

Passed the Senate February 26, 1941.

Approved by the Governor March 3, 1941.

CHAPTER 32.

[H. B. 187.]

REAL AND PERSONAL PROPERTY TAXES.

AN ACT relating to revenue and taxation; affecting the powers and duties of County Treasurers; defining certain notices to be given by them; and amending section 2, chapter 121, Laws of 1937, as amended by section 41, chapter 206, Laws of 1939 (section 11245, Remington's Revised Statutes).

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

Amendments. SECTION 1. Section 2, chapter 121, Laws of 1937 as amended by section 41, chapter 206, Laws of 1939 (section 11245, Remington's Revised Statutes) is hereby amended to read as follows:

Real and personal tax register.

Section 2. 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 rolls, 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

Record of delinquencies.

Publication of notice of receipt of tax rolls.

of taxes thereon, on and after the fifteenth day of February. The Treasurer shall 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: *Provided*, That the term "tax payer" as used in this section shall mean any person charged, or whose property is charged, with property tax; and the person to be notified is that person whose name appears on the tax roll herein mentioned: *Provided, further*, That if no name so appears the person to be notified is that person shown by the Treasurer's tax rolls or duplicate tax receipts of any preceding year as the payer of the tax last paid on the property in question.

Personal
notice to
tax-payer.

County
Treasurer
sole
collector.

Definition.

Passed the House February 12, 1941.

Passed the Senate February 26, 1941.

Approved by the Governor March 3, 1941.

CHAPTER 33.

[H. B. 234.]

FOREIGN CORPORATIONS.

AN Act relating to foreign corporations; repealing sections 2479 to 2486, Code of 1881; chapter 147, Laws of 1925, Extraordinary Session, "An act relating to foreign corporations", Laws of 1889-90, pages 288 to 291, chapter 46, Laws of 1909, chapter LVIII (58), Laws of 1899, chapter 63, Laws of 1933, (sections 3836-5½, and 3852 to 3862, inclusive, Remington's Revised Statutes).

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

Statutes
repealed.

SECTION 1. Sections 2479 to 2486, Code of 1881, chapter 147, Laws of 1925, Extraordinary Session, "An Act relating to foreign corporations", Laws of 1889-90, pages 288 to 291, chapter 46, Laws of 1909, chapter LVIII (58), Laws of 1899, chapter 63, Laws of 1933, (sections 3836-5½, and 3852 to 3862, inclusive, Remington's Revised Statutes) are hereby repealed.

Passed the House February 12, 1941.

Passed the Senate February 26, 1941.

Approved by the Governor March 3, 1941.

CHAPTER 34.

[H. B. 235.]

MOTOR FUEL INVESTIGATING COMMITTEE.

AN ACT relating to a committee to investigate the motor fuel and motor lubricant business and repealing chapter 205, Laws of 1937 (sections 9965-11 to 9965-15 inclusive, Remington's Revised Statutes).

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

SECTION 1. Chapter 205, Laws of 1937 (sections 9965-11 to 9965-15 inclusive, Remington's Revised Statutes) is hereby repealed. Statutes repealed.

Passed the House February 13, 1941.

Passed the Senate February 26, 1941.

Approved by the Governor March 3, 1941.

CHAPTER 35.

[H. B. 237.]

SALE OF DAMAGED TIMBER.

AN ACT relating to sale of timber damaged by storm on January 29, 1921, located on state lands in Clallam and Jefferson counties, and repealing chapter 76, Laws of 1921 (sections 7860 to 7865, inclusive, Remington's Revised Statutes).

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

SECTION 1. Chapter 76, Laws of 1921 (sections 7860 to 7865, inclusive, Remington's Revised Statutes) is hereby repealed. Statutes repealed.

Passed the House February 12, 1941.

Passed the Senate February 26, 1941.

Approved by the Governor March 3, 1941.

CHAPTER 36.

[H. B. 236.]

TRANSPORTATION BY MOTOR VEHICLES.

AN ACT relating to transportation of property by motor vehicles; providing for and continuing a commission to determine fair and proper motor vehicle tax rates and repealing sections 38, 39, 40, 41 and 42 of chapter 184, Laws of 1935, as amended by sections 24, 25, 26 and 27 of chapter 166 of the Laws of 1937 (sections 6382-38 to 6382-42 inclusive, Remington's Revised Statutes).

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

Statutes
repealed.

SECTION 1. Sections 38, 39, 40, 41 and 42 of chapter 184, Laws of 1935, as amended by sections 24, 25, 26 and 27 of chapter 166, Laws of 1937 (sections 6382-38 to 6382-42 inclusive, Remington's Revised Statutes) are hereby repealed.

Passed the House February 12, 1941.

Passed the Senate February 26, 1941.

Approved by the Governor March 3, 1941.

CHAPTER 37.

[H. B. 317.]

PACIFIC NORTHWEST CENTENNIAL EXPOSITION.

AN ACT relating to the Pacific Northwest Centennial Exposition to be held in Seattle in 1942; and repealing chapter 218 of the Laws of 1939.

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

Statutes
repealed.

SECTION 1. Chapter 218 of the Laws of 1939 is hereby repealed.

Passed the House February 17, 1941.

Passed the Senate February 26, 1941.

Approved by the Governor March 3, 1941.

CHAPTER 38.

[H. B. 86.]

BANKS AND TRUST COMPANIES.

AN ACT relating to banks and trust companies and authorizing them to pledge or hypothecate assets to secure deposits of bankruptcy funds.

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

SECTION 1. Any bank or trust company, designated as a depository for the money of estates under the statutes of the United States pertaining to bankrupts, may pledge or hypothecate any of its securities or assets in order to qualify as such depository for funds deposited by a trustee or receiver in bankruptcy appointed by any court of the United States or any referee thereof. Said pledge or hypothecation may be in such amount or such manner as may be from time to time required by statutes of the United States or rules made in pursuance thereof.

Bank may
pledge assets
to qualify as
depository
for bank-
ruptcy funds.

Passed the House January 31, 1941.

Passed the Senate February 26, 1941.

Approved by the Governor March 4, 1941.

CHAPTER 39.

[H. B. 120.]

IRRIGATION, DIKING, AND DRAINAGE DISTRICTS.

AN ACT relating to irrigation, diking and drainage districts; defining the powers and duties of the Director of Conservation and Development and of such districts, with reference to investments made by the state in aid thereof; providing for the cancellation of assessments, and taxes levied upon the irrigation system of such districts, and on the irrigable lands in such districts; amending sections 2 and 4 of chapter 121, Session Laws of 1929, (sections 7530-41 and 7530-43, Remington's Revised Statutes of Washington) and section 3 of chapter 121, Session Laws of 1929 as amended by section 1 of chapter 43, Session Laws of 1931 (section 7530-42 Remington's Revised Statutes of Washington), and adding a new section to chapter 121 of the Session Laws of 1929 to be designated as section 5a; and declaring that this act shall take effect immediately.

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

Amend-
ments.

SECTION 1. That section 2 of chapter 121, Session Laws 1929, (section 7530-41, Remington's Revised Statutes of Washington), be amended to read as follows:

Director
may extend
payment of
bonds.

Section 2. Whenever the state shall now or hereafter own, the entire issue of the bonds of any irrigation, diking or drainage district, and in the judgment of the Director of Conservation and Development such district is, or will be, unable to meet its obligations to the state as they mature, and in the judgment of the Director of Conservation and Development the investment of the state can be made more secure by extending, without refunding, the time of payment of any or all said bonds and/or appurtenant interest coupons, or by the exchange of the bonds held by the state for refunding bonds of such district issued as in the manner provided by law at the same or a lower rate of interest and/or for a longer term, or by the cancellation of a portion of the bonds held by the state and/or interest ac-

May ex-
change for
refunding
bonds.

May cancel
bonds or
interest due.

crued thereon, and the exchange of the remaining bonds held by the state for the refunding bonds of the district issued in the manner provided by law at the same or a lower rate of interest and/or for the same or a longer term, the Director of Conservation and Development shall be and is hereby authorized and empowered to enter into contract with the district so extending the time of payment of said bonds and/or appurtenant interest coupons, without refunding, or to so exchange the bonds held by the state for such refunding bonds or to cancel a portion of the bonds held by the state and/or interest accrued thereon, and exchange the remaining bonds held by the state for such refunding bonds as in his judgment will be for the best interest of the state.

Director to enter into contract with district.

SEC. 2. That section 4, of chapter 121, Session Laws 1929, (section 7530-43, Remington's Revised Statutes of Washington), be amended to read as follows:

Amendments.

Section 4. Whenever the Department of Conservation and Development shall have heretofore entered, or shall hereafter enter, into a contract with an irrigation, diking or drainage district and shall have expended moneys under said contract, and said district shall be indebted to the state for the moneys so expended, and in the judgment of the Director of Conservation and Development said district shall have not received benefits equal to the amount of said indebtedness, the Director of Conservation and Development shall be and is hereby authorized and empowered to settle and compromise the claim of the state against said district upon such terms and for such an amount as he shall deem fair and just to the state and the district.

Director may settle or compromise at discretion.

SEC. 3. That section 3 of chapter 121, Session Laws 1929, as amended by section 1 of chapter 43, Session Laws 1931, (section 7530-42, Remington's

Amendments.

Revised Statutes of Washington), be amended to read as follows:

Director empowered to extend payment.

May exchange for refunding bonds.

Director to enter into contract with district.

Section 3. Whenever the state shall, now or hereafter, own a portion of the bonds of any irrigation, diking or drainage district, and in the judgment of the Director of Conservation and Development such district is, or will be, unable to meet its obligations as they mature, and in the judgment of the Director of Conservation and Development the investment of the state can be made more secure by extending, without refunding, the time of payment of any or all said bonds and/or appurtenant interest coupons or by exchanging the bonds held by the state for the refunding bonds of the district issued in the manner provided by law at the same or a lower rate of interest and/or for a longer term, or by the cancellation of a portion of the bonds held by the state and/or interest accrued thereon, and the exchange of the remaining bonds held by the state for the refunding bonds of the district issued in the manner provided by law at the same or a lower rate of interest and/or for a longer term, the Director of Conservation and Development shall be and is hereby authorized and empowered to enter into contract with the district so extending the time of payment of said bonds and/or appurtenant interest coupons, without refunding, or to so exchange the bonds held by the state for such refunding bonds or to cancel a portion of the bonds held by the state and/or interest accrued thereon, and exchange the remaining bonds held by the state for such refunding bonds as in his judgment will be for the best interest of the state: *Provided*, That the holders of at least ninety per cent of all the other bonds of said district shall make and execute the same arrangement with the district: *And provided further*, That when, in addition to owning a portion of the first issue of bonds of any such irrigation, diking or drain-

age district, the state also owns all the outstanding second issue of bonds of such district, the Director of Conservation and Development shall be and he is hereby authorized and empowered to surrender and cancel said second issue of bonds held by the state upon whatsoever terms and conditions he shall deem to the best interest of the state: *And provided further*, That whenever those holding at least ninety per cent of all other bonds of such district and/or other evidences of indebtedness are willing to release their existing obligations against said district and to substitute therefor a contract to pay such existing indebtedness in whole or in part from the proceeds of the sale of lands owned by the district at the time of such settlement, or acquired by the district through levies then existing, the Director of Conservation and Development shall be and he is hereby authorized and empowered to cancel the bonds held by the state upon whatsoever terms that he shall deem most beneficial for the state, or if deemed beneficial to the state, he may release the state's bonds and join with the other holders in the above mentioned contract for the sale of the district land as hereinbefore stated: *And provided further*, That the Director of Conservation and Development be and he is hereby authorized to accept in any settlement made under this act, refunding bonds of any irrigation district that may be issued in accordance with chapter 120 of the Session Laws of 1929 of the State of Washington or any amendment thereto, and he is hereby authorized, when in his judgment it is to the interest of the state, to participate in the refunding of bonds of an irrigation district held under said chapter 120, or any amendment thereto.

Director
may cancel
second issue
bonds.

Director
may cancel
bonds upon
sale of lands.

May join
other bond
holders.

SEC. 4. That there is hereby added to chapter 121, Session Laws 1929, a new section to be known as section 5a and to read as follows:

Added
section.

Section 5a. Any irrigation, diking or drainage district now or hereafter coming within the provisions of this act shall be and it is hereby authorized and empowered to enter into contracts, issue evidences of indebtedness and otherwise carry out on its part the provisions of this act.

Effective immediately.

SEC. 5. This act is necessary for the preservation of existing institutions and public welfare and shall take effect immediately.

Passed the House February 7, 1941.

Passed the Senate February 26, 1941.

Approved by the Governor March 4, 1941.

CHAPTER 40.

[H. B. 103.]

CLASSIFICATION OF INSURANCE.

AN ACT relating to insurance, providing for the classification of certain insurance as motor vehicle insurance, and providing certain requirements for accident and health insurance policies, and making certain provisions for the incorporation of insurance companies, and amending chapter 49 of the Laws of 1911, by adding thereto a new section to be known as section 83-A, and amending section 187-A, chapter 49, Laws of 1911, added by section 2 of chapter 124, Laws of 1929, and amending section 85 of chapter 49 of the Laws of 1911, as amended.

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

Amendment adding new section.

SECTION 1. That chapter 49 of the Laws of 1911, as amended, the same being sections 7032 to 7298 inclusive of Remington's Revised Statutes, be amended by adding thereto a new section to be known as section 83-A to read as follows:

Section 83-A. Insurance against the hazard of injury or death to person or persons, caused by accident, while operating, driving, riding in, entering,

alighting from, adjusting, repairing, cranking, or being struck or run down by a motor vehicle, when such insurance is written in connection with a policy of motor vehicle insurance, shall be classified as motor vehicle insurance.

Motor vehicle insurance defined.

SEC. 2. That section 187-A of chapter 49 of the Laws of 1911 added by section 2 of chapter 124 of the Laws of 1929 (section 7234 of Remington's Revised Statutes; section 3131-2A of Pierce's Code), be amended to read as follows:

Amendments.

Section 187-A. No policy of insurance against loss or damage from the sickness, or the bodily injury or death of the insured by accident shall be issued or delivered in this state (1) unless the entire money and other consideration therefor are expressed in the policy; nor (2) unless the time at which the insurance thereunder takes effect and terminates is stated in a portion of the policy preceding its execution by the insurer; nor (3) unless every printed portion thereof and of any endorsements or attached papers shall be plainly printed in type of which the face shall be not smaller than ten-point; nor (4) unless a brief description thereof be printed on its first page and on its filing back in type of which the face shall be not smaller than fourteen point; nor (5) unless the exceptions of the policy be printed with the same prominence as the benefits to which they apply: *Provided, however,* That any portion of such policy which purports, by reason of the circumstances under which a loss is incurred, to reduce any indemnity promised therein to an amount less than that provided for the same loss occurring under ordinary circumstances, shall be printed in bold face type and with greater prominence than any other portion of the text of the policy.

Health and accident insurance restrictions.

Entire consideration expressed.

Term stated.

Policy and endorsements to be plainly printed.

Description plainly printed.

Exceptions same as benefits.

Exceptions reducing benefits in bold face type.

SEC. 3. Section 85 of chapter 49 of the Laws of 1911, as amended by section 1 of chapter 107 of the

Amendments.

Amendments.

Laws of the Extraordinary Session of 1925 and as amended by section 1 of chapter 142 of the Laws of 1931 (section 7130 of Remington's Revised Statutes; section 2992 of Pierce's Code), is hereby amended to read as follows:

Requisites for insurance corporations.

Section 85. The following number of citizens of the United States, two-thirds of which number shall be residents of the State of Washington, may incorporate a company as follows: For a stock company, not less than five; for a mutual company, not less than ten; for an organization on the plan known as "Lloyds," not less than twenty; for an organization of "Inter-Insurers," not less than twenty-five; for one or more of the purposes specified in section 7128 by making and subscribing written articles of incorporation in quadruplicate and acknowledging the same before an officer authorized to take acknowledgments of deeds, and after having the same approved by the commissioner, by filing one of such articles in the office of the Secretary of State, another in the office of the Insurance Commissioner, another in the office of the Auditor of the county in which the principal office of the company is to be located, and retaining the fourth in the possession of the company, which articles shall state:

Stock.

Mutual.

Lloyds.

Inter-Insurers.

Articles in quadruplicate.

Approval by commissioner.

Contents of articles.

Incorporators.

Name.

Object.

Stock value.

First. The names and addresses of the incorporators.

Second. The name of the company.

Third. (a) The object for which the company is formed; (b) whether it is a stock or mutual company, and if a mutual company, whether it will insure on the cash premium or assessment plan; (c) the class or classes of risks wherein it will make insurance, according to the divisions made in this act.

Fourth. (a) If a stock company, the amount of the capital stock, the number of shares and the par value thereof which shall be not less than ten dollars

each; (b) if it be a mutual company, the minimum and maximum liability of its members or policyholders for the payment of losses occurring under its policies, which liability shall be not less than two nor more than six times the amount of the premium usually charged by solvent stock insurance companies for insuring like or similar risks for the same term, and if that premium is not known, then the premium used shall be according to either the "Dean" schedule or the "Universal Mercantile" schedule for fire risks, and such schedule for other class or classes of risks as may be approved by the commissioner.

Liability of members.

Limits.

Schedule.

Fifth. The time of its existence.

Period of existence.

Sixth. The number of trustees or directors, which shall not be less than five, and their names and addresses, who shall manage the affairs of the company for such length of time, not less than two nor more than six months as may be designated in such articles of incorporation.

Number of trustees or directors.

Seventh. The name of the city or town in which the principal place of business of the company is to be located in this state, and in what country or countries it intends to transact business.

Principal place of business.

Territory.

Amendments may be made to the articles of incorporation of a stock company, by a majority vote of its trustees or directors, and the vote or written assent of two-thirds of the capital stock of the company, and, if a mutual company, by the majority vote of its trustees or directors and the vote or written assent of two-thirds of the members or policy holders of such company, so as to include any provision authorized by this act, or so as to extend the period of its duration for a further definite time or perpetually. If the written assent of two-thirds of the capital stock of a stock company, or members or policy holders of a mutual company has not been obtained, then the vote of the said stock, or of said

Amendment of articles.

Requisite vote.

members may be taken, at any regular meeting of the stockholders or members called for that purpose in the manner provided in the by-laws of such company for special meetings of stockholders or members.

Certification
of amend-
ments.

The president and secretary of said company shall certify said amendments in quadruplicate under the seal of said company to be correct, and shall file and keep the same as in the case of original articles of incorporation and from the time of filing said amendments such company shall have the same powers, and the stockholders thereof shall be subject to the same liabilities as if said amendment had been embraced in the original articles of incorporation. A policy holder in a mutual insurance company has the same character of interest and occupies the same relation to the company as the stock holder has and occupies to a stock insurance company.

Status of
amendments.

Act not to
cure defects.

Nothing in this section shall be construed to cure or amend any defect existing in any articles of incorporation in that such articles did not set forth the matter required to make the same valid at the time of filing, nor to cure or amend any defect in the execution thereof.

Limitations
on name.

No such company shall take the name of a domestic company theretofore organized, nor that of an alien or foreign company admitted to this state, nor one so nearly resembling that or either as to be misleading. The expenses of incorporation and organization, including the placing of the capital stock of any such company incorporated after January 1, 1911, shall not exceed seven and one-half per centum of the par value of the stock actually sold.

Limitations
of organiza-
tion expense.

Passed the House February 12, 1941.

Passed the Senate February 26, 1941.

Approved by the Governor March 4, 1941.

CHAPTER 41.

[H. B. 85.]

INVESTMENT OF TRUST FUNDS.

AN ACT relating to and regulating investment of funds held in trust by corporations doing a trust business and repealing sections 3255, 3255a, 3255b, 3255c, 3255d, 3255e, 3255f, 3255g, 3255h, 3255i, 3255j, 3255k, 3255l, 3255m, 3255n, 3255o, 3255p, 3255q, 3255r, 3255s and 3255t, Remington's Revised Statutes.

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

SECTION 1. A corporation doing a trust business may invest funds held in trust in the securities and in the manner hereinafter in this act specified and not otherwise.

Investments authorized.

SEC. 2. Trust funds may be invested in:

(a) Bonds, notes or other securities constituting the direct and general obligation of any instrumentalities of the United States, the interest and principal of which is unconditionally guaranteed by the United States. Discount on non-interest bearing securities of the United States such as savings bonds may be accrued and treated the same as income.

Guaranteed United States obligations.

(b) Notes or bonds secured by mortgage insured by the Federal Housing Administration, in obligations of National Mortgage Association and in debentures issued by the Federal Housing Administration.

U. S. insured mortgage bonds and notes.

SEC. 3. Trust funds may be invested in bonds or notes which are the direct and general obligation of the Dominion of Canada, or the payment of which, both principal and interest, is unconditionally guaranteed by the Dominion of Canada: *Provided*, That said obligations are payable in legal funds of the United States at some place within the United States.

Guaranteed obligations of Canada.

Restrictions.

SEC. 4. Trust funds may be invested in the following obligations of the State of Washington and

State and
municipal
obligations.

certain political subdivisions thereof: *Provided*, That the body issuing the securities named in this section has not within ten years immediately preceding the investment of trust funds in such securities made default in the payment of either principal or interest of any of its obligations described in this section for a longer period than ninety (90) days: *And provided further*, That payment by way of compromise of a reduced amount of the principal of such obligations shall be considered a default.

Restrictions.

Default
defined.

State general
bonds and
warrants.

(a) Direct and general obligation bonds and warrants of the State of Washington.

General
obligations
of municip-
alities.

(b) Direct and general obligation bonds and warrants of any city, town, county, school district, port district or other political subdivision in the State of Washington, having the power to levy general taxes, which are payable from general ad valorem taxes without limit as to rate or amount.

Water
revenue
bonds.

(c) Water revenue bonds and warrants payable at a definite time, of any city of the first, second or third class of the State of Washington for the payment of which a sufficient amount of the revenues of the city's water system, over and above all maintenance and operation costs, is irrevocably pledged.

Light and
power
revenue
bonds.

(d) Light and power revenue bonds of any city of the first or second class in this state for the payment of which a sufficient amount of the revenues of the city's light and power system, over and above all maintenance and operation costs, has been irrevocably pledged.

Pledge.

Miscel-
laneous in-
vestments.

SEC. 5. Trust funds may be invested in the following obligations: *Provided*, That the body issuing the securities named in this section has not within ten (10) years immediately preceding the investment of trust funds in such securities made default in the payment of either principal or interest of any of its obligations described in this section for a longer period than ninety (90) days: *And pro-*

Restrictions.

vided further, That payment by way of compromise of a reduced amount of the principal of such obligations shall be considered a default.

Default defined.

(a) Direct and general obligations of the various states of the United States, where the state has power to levy general taxes and such obligations are payable from general ad valorem taxes without limit as to rate or amount.

General obligations of other states.

(b) Direct and general obligations of any political subdivision of any state other than the State of Washington, where such political subdivision has a population according to the 1940 Census of not less than 20,000, and has full power to levy general taxes, and such obligations are payable from general ad valorem taxes without limit as to rate or amount: *Provided*, That in municipalities in the States of Idaho and Oregon, it shall be sufficient if a county has 5,000 population and any other political subdivision 1,500 population according to the 1940 census.

General obligations of municipality of other states.

Restrictions.

Exceptions for Idaho and Oregon.

SEC. 6. Trust funds may be invested in loans evidenced by notes signed by the borrower, secured by first mortgages on real estate within the State of Washington, subject to the following restrictions:

First mortgages on real estate within state.

(1) The borrower shall furnish either—

Restrictions.

(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

Abstract approved by attorney.

(b) A policy of title insurance; or

Title insurance.

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

Certificate of ownership.

No mortgage loan shall be made except upon written application signed by the applicant nor except upon a written appraisal of the security by a

Written application and appraisal.

competent appraiser, to be kept with the mortgage papers.

Minimum value and income.

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, special assessments and insurance premiums.

Maximum loan value.

No such mortgage loan shall be for an amount greater than sixty per cent (60%) of the value of such real estate, including improvements: *Provided*, No mortgage loan shall be made in excess of fifty per cent (50%) of the appraised value of the security

Restrictions.

unless its terms require the payment of principal and interest in annual, semi-annual, quarterly or monthly payments at a rate which if continued would repay the loan in full in not more than twenty (20) years: *And provided further*, That any mortgage loan not so amortized shall not be for a longer period than five (5) years.

Maximum term.

Restrictions.

Insurance provisions.

The mortgage shall contain provisions requiring the mortgagor to maintain insurance on the buildings on the mortgaged premises to such reasonable amount as shall be stipulated in the mortgage.

Loans on real estate to be improved.

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 deemed first mortgage.

A mortgage on real estate shall be deemed a first mortgage within the meaning of this section, even though (1) there is outstanding upon the real estate a lease to which the mortgage is subject where a majority of the trust investment committee or executive committee of the mortgagee deems a lease advantageous to the owner of the mortgaged property

Subject to lease.

and the mortgagee in case of foreclosure can compel the application upon the mortgage debt of substantially all of the rents thereafter to accrue; and/or (2) there are outstanding non-delinquent taxes or special assessments or both, and the sum of the taxes and assessments and the amount of the loan does not exceed the limits herein specified.

Mortgagee can compel application of rents upon foreclosure.

Subject to taxes and assessments.

SEC. 7. Trust funds may be invested in railroad obligations as provided in this section.

Railroad obligations.

(1) Obligations issued, assumed or guaranteed as to principal and interest by endorsement, or so guaranteed which guaranty has been assumed; or

To be guaranteed.

(2) Obligations for the payment of the principal and interest of which a railroad corporation such as is described in this section is obligated under the terms of a lease made or assumed; or

Obligations under lease.

(3) Equipment trust obligations in respect of which liability has been incurred.

Equipment.

All such obligations to be issued by a railroad corporation incorporated under the laws of the United States, or any state thereof, and owning and operating within the United States not less than five hundred miles of standard-gauge railroad line, exclusive of sidings, or if the mileage so owned shall be less than five hundred miles, the railroad operating revenues from the operation of all railroad operated by it, including such revenues from the operation of all railroad controlled through ownership of all (except directors' qualifying shares) of the voting stock of the owning corporation, shall have been not less than ten million dollars each year for at least five of the six fiscal years next preceding such investment: *Provided, however,*

Requisites of company.

Revenue limitations.

(1) That in each year for at least five of the six fiscal years, and in the last fiscal year, next preceding such investment, the amount of income of such railroad corporation, available for its fixed charges, as hereinafter defined, shall have been not less than

Ratio of
income to
fixed charges.

one and one-half times such fixed charges as hereinafter defined; (2) that in each year for at least five of the six fiscal years next preceding such investment, such railroad corporation shall have paid dividends in cash upon its capital stock equivalent to at least one-fourth of such fixed charges, or if such railroad corporation shall not have paid such dividends, that the amount of income available for such fixed charges shall have been not less than one and one-half times such fixed charges for at least nine of the ten fiscal years, and in the last fiscal year, next preceding such investment; (3) that at no time within such period of six years such railroad corporation shall have failed regularly and punctually to pay the matured principal and interest on its mortgage and funded indebtedness; and (4) that the security, if any, for such obligations shall be property wholly or in part within the United States and which obligation shall be:

Ratio of
dividends to
fixed charges.

Not in
default on
indebtedness.

Property
in U. S.

Secured
bonds.

(a) Fixed interest-bearing bonds secured by direct mortgage on railroad owned or operated by such railroad corporation; or

Secured
bonds on
terminal
property.

(b) Bonds secured by first mortgage upon terminal, depot or tunnel property, including lands, buildings and appurtenances, used in the service of transportation by one or more such railroad corporations: *Provided*, That such bonds be the direct obligation of, or that payment of principal and interest thereof be guaranteed by endorsement by, or guaranteed by endorsement which guaranty has been assumed by, one or more such railroad corporations; or

Restrictions.

Equipment
obligations.

(c) Equipment trust obligations, comprising bonds, notes and certificates, issued in connection with the purchase for use on railroads of new standard-gauge rolling stock through the medium of an equipment trust agreement, and which obligations, so long as any thereof shall be outstanding

and unpaid or unprovided for, shall be secured by an instrument (1) vesting title to such equipment in a trustee free of encumbrance, or (2) creating a first lien on such equipment, or, pending such vesting of title, by the deposit of cash in trust to an amount equal to the face amount of such obligations issued in respect of such equipment title to which is not yet so vested: *Provided further*, That the maximum amount of such obligations so issuable shall not exceed eighty per centum (80%) of the cost of such equipment: *And provided further*, That the owner, purchaser or lessee, or the owners, purchasers or lessees, of such equipment shall be obligated by the terms of such obligations or of such instrument (a) to maintain such equipment in proper repair; (b) to replace any thereof that may be destroyed or released with other equipment of equal value, or, if released in connection with a sale thereof to deposit the proceeds of such sale in trust for the benefit of the holders of such obligations pending replacement of such equipment; (c) to pay any and all taxes or other governmental charges that may be required by law to be paid upon such equipment; (d) to pay, in accordance with the provisions of such obligations or of such instrument, to holders, or to such trustee for the benefit of holders, of such obligations the amount of interest due thereon or of the dividends payable in respect thereof; and (e) to pay the amount of the entire issue of such obligations in such annual or semi-annual installments each year throughout a period of not exceeding fifteen years from the first date of issue of any thereof that the amount of the respective unmatured installments at any time outstanding shall be approximately equal: *Provided further*, That unless the owner, purchaser or lessee of such equipment or one or more of such owners, purchasers, or lessees

Restrictions.

Title or first lien.

Loan not to exceed 80% of cost.

Maintenance of equipment.

To deposit proceeds of sale.

Pay all taxes.

Pay all interest or dividends.

To pay entire obligation in 15 years.

Obligations to be guaranteed. shall be such railroad corporation as is described in and meets the requirements of this section preceding paragraph (a), such obligations shall be guaranteed by endorsement as to principal and as to interest or dividends by such railroad corporations; or

Secured bonds under trust agreement. (d) Bonds of such railroad corporation secured by irrevocable pledge as collateral under a trust agreement of other railroad bonds having a maturity not earlier than the bonds that they secure and of a total face amount not less than the total face amount of the bonds that they secure; or

Mortgage bonds. (e) Fixed interest-bearing mortgage bonds other than those described in paragraphs (a) or (b) hereof, income mortgage bonds, collateral trust bonds or obligations other than those described in

Unsecured bonds guaranteed. paragraph (d) hereof, or unsecured bonds or obligations, issued, assumed or guaranteed as to principal and interest by endorsement by, or so guaranteed which guaranty has been assumed by, such

Restrictions. railroad corporation: *Provided*, That in each year for at least five of the six fiscal years, and in the last fiscal year, next preceding such investment (a) the amount of income of such railroad corporation available for its fixed charges, as hereinafter defined, shall have been not less than twice the sum of (1) such fixed charges, as hereinafter defined, and (2) full interest on such income mortgage bonds, if any, and (b) the net income of which after such deductions shall have been not less than ten million dollars, and which railroad corporation shall have made the dividend and principal and interest payments hereinbefore required.

Income for fixed charges. The amount of income available for fixed charges shall be the amount obtained by deducting from a gross income all items deductible in ascertaining net income other than contingent income interest and those constituting fixed charges. Fixed

charges shall be: rent for leased roads, miscellaneous rents, fixed interest on funded debt, interest on unfunded debt and amortization of discount on funded debt.

Definition:
fixed charges.

Accounting terms used in the preceding paragraph shall be deemed to refer to those used in the accounting reports prescribed by the accounting regulations for common carriers subject to the provisions of the interstate commerce act. If the interstate commerce commission shall prescribe accounting regulations wherein shall be defined the term income available for fixed charges and the term fixed charges, the definitions thereof as so prescribed shall be taken and used in lieu of the definitions set forth in the preceding paragraph of this section for all purposes hereof.

Terms construction.

I. C. C. may
define terms.

For all purposes of this section, the revenues, earnings, income and fixed charges of, and dividends paid by, any railroad corporation all or substantially all of the railroad lines of which shall have been acquired, through merger, consolidation, conveyance or lease, by another railroad corporation and shall remain in its possession shall be deemed to be revenues, earnings, income and fixed charges of, and dividends paid by the latter corporation.

Revenues
defined.

Street railroad corporations shall not be considered railroad corporations within the meaning of this section.

Street Rail-
ways not
included.

SEC. 8. Trust funds may be invested in bonds of any corporation which at the time of such investment is incorporated under the laws of the United States or any state thereof, or the District of Columbia, and transacting the business of supplying electrical energy, or artificial gas or natural gas purchased from another corporation and supplied in substitution for, or in mixture with, artificial gas, for light, heat, power and other purposes, or trans-

May invest
in electric
or gas
corporation.

U. S. and
District of
Columbia.

Restrictions. acting any or all of such business, provided at least seventy-five per centum (75%) of the gross operating revenues of any such corporation are derived from such business, and not more than fifteen per centum (15%) of the gross operating [revenues] are derived from any one kind of business other than supplying electricity or gas or electricity and gas; and provided such corporation is subject to regulation by a public service commission or public utility commission, or other similar regulatory body duly established by the laws of the United States or the states in which such corporation operates, subject to the following conditions:

Necessary franchises. (a) Such corporation shall have all franchises necessary to operate in territory in which at least seventy-five per centum (75%) of its gross income is earned, which franchises shall either be indeterminate permits or agreements with, or subject to the jurisdiction of a public service commission, or other duly constituted regulatory body, or shall extend at least five years beyond the maturity of such bonds.

Requisites.

Ratio of paid-up stock to debt. (b) The outstanding full paid capital stock of such 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, however,* That in case of a corporation having non-par value shares, the amount of capital which such shares represent shall be the capital as shown by the books of the corporation.

Financial condition of corporation. (c) Such corporation shall have been in existence for a period of not less than eight fiscal years and at no time within such period of eight fiscal years next preceding the date of such investment shall said 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, to-

gether 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.

(d) For a period of five fiscal years next preceding such investment the net earnings of such 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 any such corporation shall have averaged per year not less than one million dollars, and such corporations shall have for each such year either earned an amount available for dividends or paid in dividends an amount equal to four per centum (4%) upon a sum equivalent to two-thirds of its funded debt.

Minimum of net earnings.

Ratio of net earnings to interest charges.

Annual minimum revenues.

Amount available for dividends.

(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 such 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.

Revenues to be consolidated on merged corporations.

(f) The gross operating revenues and expenses of a corporation for the purposes of this section shall be respectively the total amount earned from

Revenues and expenses defined.

the operation of, and the total expense of maintaining and operating, all property owned and operated by or leased and operated by such corporations, as determined by the system of accounts prescribed by the public service commission, or public utility commission or other similar regulatory body having jurisdiction in the matter. 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 stock or stocks of such subsidiary companies are pledged as part security for the mortgage debt of the principal company.

System of accounts prescribed by commission.

Revenues and expenses of subsidiaries may be included.

Net earnings defined.

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 income from securities and miscellaneous sources but not, however, to exceed fifteen per centum (15%) of said balance. The term funded debt shall be construed to mean all interest-bearing debt maturing more than one year from date of issue.

Funded debt define.

Limitation of bond issue.

Security.

(g) Such bonds must be part of an issue of not less than one million dollars and must be mortgage bonds secured by a first or refunding mortgage secured by property owned and operated by the corporation issuing or assuming them, or must be underlying mortgage bonds secured by property owned and operated by the corporations issuing or assuming them, provided that such bonds are to be refunded by a junior mortgage providing for their retirement, and provided the bonds under such junior mortgage comply with the requirements of this section and that such underlying mortgage is

either a closed mortgage or remains open solely for the issue of additional bonds which are to be pledged under such junior mortgage. The aggregate principal amount of bonds secured by such first or refunding mortgage plus the principal amount of all the underlying outstanding bonds shall not exceed sixty per centum (60%) of the value of the physical property owned as shown by the books of the corporation and subject to the lien of such mortgage or mortgages securing the total mortgage debt and provided further that if a refunding mortgage, it must provide for the retirement on or before the date of their maturity of all bonds secured by prior liens on the property.

Maximum
loan ratio.

SEC. 9. Trust funds may be invested in bonds of any corporation which at the time of such investment is incorporated under the laws of the United States, or any state thereof, or the District of Columbia, and authorized to engage, and engaging, in the business of furnishing telephone service in the United States, and provided such corporation is subject to regulation by the interstate commerce 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:

May invest
in bonds of
telephone
corporations.

Company to
be subject to
regulation.

(a) Such corporation shall have been in existence for a period of not less than eight fiscal years and at no time within such period of eight fiscal years next preceding the date of such investment shall said 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

Requisites
of company.

Financial
condition.

portion of its property was acquired by consolidation, merger or purchase shall be considered together in determining the required period.

Ratio of stock to debt.

(b) The outstanding full paid capital stock of such corporation shall at the time of such 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.

Ratio of net income to interest charges.

(c) For a period of five fiscal years next preceding such investment the net earnings of such 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 any such corporation shall have averaged per year not less than five million dollars, and such corporation shall have for each of said years either earned an amount available for dividends or paid in dividends an amount equal to four per centum (4%) upon all its outstanding capital stock.

Minimum revenues.

Minimum dividends.

Minimum bond issue.

Requisites.

Ratio of debt to value of property.

(d) Such bonds must be part of an issue of not less than five 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 (60%) of the value of the property, real and personal owned absolutely and subject to the lien of such mortgage; and provided further that if a refunding mortgage, it must provide for the retirement of all bonds secured by prior liens on the property. Not more than thirty-three and one-third per centum ($33\frac{1}{3}\%$) of the property required as security for such 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.

(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 such 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 earning 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.

Income of merged companies to be consolidated.

(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 such corporation, as determined by the system of accounts prescribed by the interstate commerce commission or the public service commission, or public utility commission, or other similar federal or state regulatory body having jurisdiction in the matter.

Revenues and expenses defined.

System of accounts by commission.

(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 said balance its income from securities and miscellaneous sources but not, however, to exceed fifteen per centum (15%) of said balance. The term funded debt shall be construed to mean all in-

Net earnings defined.

Funded debt defined.

terest-bearing debt maturing more than one year from date of issue.

May invest in industrial corporations.

SEC. 10. Trust funds may be invested in secured or unsecured obligations of industrial corporations, incorporated under the laws of the United States, or any state thereof, or the District of Columbia, subject to the following restrictions:

(a) As shown by the published balance sheet of the corporation for the last fiscal year immediately preceding the date of the investment

Minimum assets requirements.

(1) The total assets of the corporation after accrued depreciation and depletion shall have been not less than one hundred million dollars; and

Working capital to equal total debt.

(2) The working capital (net current assets) of the corporation shall have been at least equal to the total of the secured and unsecured funded debt of the corporation.

(b) As shown by the published annual income accounts of the corporation

Ratio between net earnings and fixed charges.

(1) The net earnings of the corporation after depreciation and depletion, for a period of five fiscal years immediately preceding the date of the purchase, shall have averaged three times total fixed charges; and

(2) In the latest of such five fiscal years the net earnings shall have been at least two times total fixed charges:

(3) *Provided*, That if the corporation shall not have had fixed charges in one or more of the five fiscal years immediately preceding the date of purchase, the coverage ratio of fixed charges for such years, as hereinabove required, shall be determined, for the purposes of this section, by assuming such fixed charges to be the same as at the date of purchase.

(c) The unsecured obligations of such corporation shall not qualify under this act if

(1) The total secured funded debt of the corporation is greater than ten per centum (10%) of the total unsecured funded debt of the corporation; or

Restrictions.

(2) If the agreement under which the unsecured obligations of the corporation to be purchased shall permit the creation of mortgage debt maturing after one year without the said unsecured obligations being equally secured except in the case of the creation of mortgage debt for the purchase or acquisition of new properties.

(d) The term funded debt shall be construed to mean all interest-bearing debt maturing more than one year from date of issue.

Funded debt defined.

SEC. 11. A corporation doing a trust business may hold during the life of the trust, all property real and/or personal, received by it into the trust from any source, through [though] such property be not legal for the investment of trust funds, in the same manner and upon the same conditions as if such property were legal for the investment of trust funds, unless the instrument creating the trust specifically provides to the contrary: *Provided further*, That any investment of trust funds made under this act or any prior act, which was a legal investment at the time the same was made shall be considered as and remain a legal investment.

Trust Company may hold property from any source.

Exception.

Prior investment remains legal.

SEC. 12. A corporation doing a trust business may invest and deposit trust funds in savings accounts in banks, trust companies, mutual savings banks, or national banking associations, including the bank or trust company acting as trustee, to the extent that such deposits are insured by the Federal Deposit Insurance Corporation or in savings share or investment share accounts of any savings and loan association, wherever located, to the extent that such share accounts are insured by the Federal Savings and Loan Insurance Corporation.

May invest in or deposit in banks where deposits insured.

Insured savings and loan association.

May invest as provided in trust agreement.

SEC. 13. A corporation doing a trust business may invest funds held in trust under an instrument creating such trust, in any manner and/or in any investment and/or in any class of investments authorized by such instrument, whether or not the same be otherwise eligible for the investment of trust funds.

Trustee may invest generally in authorized securities.

SEC. 14. If the instrument creating the trust authorizes the corporation doing a trust business in its discretion to invest trust funds in such securities as the trustee may determine or words to that effect, the trustee may, in the exercise of such discretion, invest the trust funds in any securities in this act authorized or in any other securities or form of property including common and preferred stocks or in improved real estate, that it shall deem advantageous to the beneficiaries of such trust unless the instrument creating the trust specifically provides to the contrary.

May exchange securities authorized.

SEC. 15. A corporation doing a trust business may exchange investments in the securities of any corporation held by it in trust, which investments are authorized to be held or made under the other provisions of this act, for investments in any reorganized, consolidated, successor or merged corporation, or holding company, and may exercise any option granted in respect of any such investments for the conversion of the same into other investments in such reorganized, consolidated, successor or merged corporation or holding company, and may exercise any rights to subscribe to additional investments in respect of investments so held by it in trust, whether or not such new investments received in exchange or by reason of the exercise of any option or rights as above described, are eligible for the investment of trust funds, and such new investments may be held in the same manner and upon the same conditions as if they were eligible

for the investment of trust funds, unless the instrument creating the trust specifically provides to the contrary.

SEC. 16. Nothing in this act contained shall be construed as authorizing any corporation doing a trust business, to invest any funds held in trust, in any bonds, mortgages, notes or other securities, during any default in payment of either principal or interest thereof, except as provided by section fifteen hereof. Restrictions.

SEC. 17. Unless the instrument creating the trust expressly provides to the contrary, a corporation doing a trust business may not buy or sell investments from or to itself or any affiliated or subsidiary company or association. May not deal with self or subsidiary.

SEC. 18. It shall be the duty of any corporation doing a trust business which shall invest trust funds as in this act provided to retain in its possession such circulars, letters or other data that it may have acquired for the purpose of establishing that the securities it has purchased comply with the requirements of this act. Duty to keep record to establish validity of securities.

SEC. 19. Sections 3255, 3255a, 3255b, 3255c, 3255d, 3255e, 3255f, 3255g, 3255h, 3255i, 3255j, 3255k, 3255l, 3255m, 3255n, as amended by Chapter 61, Session Laws of 1939 (sections 3255o, 3255p, 3255q, 3255r, 3255s, 3255t of Remington's Revised Statutes), and all other acts or parts of acts in conflict herewith, are hereby repealed. Statutes repealed.

Passed the House February 26, 1941.

Passed the Senate February 19, 1941.

Approved by the Governor March 4, 1941.

CHAPTER 42.

[H. B. 66.]

POWERS AND DUTIES OF SCHOOL DIRECTORS.

AN ACT relating to education; prescribing the powers and duties of boards of directors of school districts, and amending section 1, chapter 131, Laws of 1939 (section 4776 of Remington's Revised Statutes).

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

- Amendments. SECTION 1. That section 1, chapter 131, Laws of 1939 (section 4776 of Remington's Revised Statutes), be amended to read as follows:
- Powers of school board. Section 1. Every board of directors, unless otherwise specially provided by law, shall have power and it shall be its duty:
- To employ and discharge teachers. First: To employ for not more than one year, and for sufficient cause to discharge teachers, and to fix, alter, allow and order paid their salaries and compensation. The directors, except in districts of the first class, shall make with each teacher employed by them a written or printed contract, which shall be in conformity with the laws of this state, and every such contract shall be made in duplicate, one copy of which shall be retained by the school district clerk, and the other shall be delivered to the teacher after having been approved and registered by the County Superintendent as by law required. Every teacher, principal, supervisor or superintendent holding a position as such with a school district, whose employment contract is not to be renewed by the district for the next ensuing term shall be notified in writing on or before April 15th preceding the commencement of such term of the decision of the board of directors not to renew his or her employment and the reason or reasons therefor, and if such notification is not timely given by the district, the teacher, principal, supervisor or superintendent
- To make written contracts.
- Contracts to be approved and registered.
- Notice of non-renewal of contract to teacher.

entitled thereto shall be conclusively presumed to have been reemployed by the district for the next ensuing term upon contractual terms identical with those which would have prevailed if his or her employment had actually been renewed by the board of directors for such ensuing term: *Provided*, That in union high school districts said written notification shall be given on or before April 30th preceding the commencement of the next ensuing term.

Presumption
of re-em-
ployment.

Second: To enforce the rules and regulations prescribed by the Superintendent of Public Instruction and the State Board of Education for the government of schools, pupils and teachers, and to enforce the course of study lawfully prescribed for the schools of their districts.

Enforce rules
and study
course.

Third: To rent, repair, furnish and insure school houses, to employ janitors, laborers and mechanics.

Maintain
school
houses.

Fourth: To cause all school houses to be properly heated, lighted and ventilated, and to cause all school premises to be maintained in a cleanly and sanitary condition.

Light, heat
and ventila-
tion.

Fifth: To purchase personal property in the name of the district and to receive, lease, issue and hold for their districts any real or personal property.

Purchase
and hold
property.

Sixth: To suspend or expel pupils from school who refuse to obey the rules thereof, and they shall exclude from school all children under six (6) years of age.

Discipline
pupils.

Minimum
age limit.

Seventh: To provide free text books and supplies to be loaned to the pupils of the school, when in their judgment the best interests of their district will be subserved thereby, and to prescribe such rules and regulations as they shall deem necessary to preserve such books and supplies from unnecessary damage, also to provide for the expenditure of a reasonable amount for suitable commencement exercises.

Provide free
text books
and make
rules.

Require pupils to be furnished authorized text books.

Eighth: To require all pupils to be furnished with such books as may have been adopted by the lawful authority of this state, as a condition to membership in the schools.

Exclude immoral publications.

Ninth: To exclude from schools and school libraries all books, tracts, papers and other publications of an immoral or pernicious tendency.

Permit general use of schools under rules.

Tenth: To authorize the school room to be used for summer or night schools, or for public, literary, scientific, religious, political, mechanical and agricultural meetings, under such regulations as the board of directors may adopt.

Provide transportation.

Eleventh: To provide and pay for transportation of children to and from school whether such children live within or without the district when in their judgment the best interests of their district will be subserved thereby, but the directors shall not be compelled to transport any pupil living within two (2) miles of the school house. When children are transported from one school district to another the board of directors of the respective districts may enter into a written contract providing for a division of the cost of such transportation between the districts. Whenever any school children are transported by the school district in its own motor vehicles and by its own employees, the board shall have power to provide insurance to protect the district against loss by reason of theft, fire or property damage to the motor vehicle, and to protect the district against loss by reason of liability of the district to persons from the operation of such motor vehicle; and, in event the transportation of the children is arranged for by contract of the district with some person, the board shall have power to require such contractor to procure liability, property, collision or other insurance for the motor vehicle used in such transportation.

Limitations.

Motor vehicle insurance.

Twelfth: To establish and maintain night schools. Establish night schools.

Thirteenth: To make arrangements for free instruction in lip reading to adults handicapped by defective hearing whenever in its judgment such instruction appears to be in the best interests of the school district and adults concerned: *Provided*, That in the apportionment of the current school fund each district maintaining such classes for free instruction in lip reading shall be credited with one full day's attendance for each day's attendance of two hours or more. Instruction to adult deaf.
Apportionment for adult deaf.

Passed the House February 4, 1941.

Passed the Senate February 26, 1941.

Approved by the Governor March 5, 1941.

CHAPTER 43.

[H. B. 165.]

STATE FOREST LANDS.

AN ACT relating to the acquiring, seeding, reforestation and administration of lands for state forests; providing for the issuance and disposition of \$100,000 of utility bonds therefor; and amending section 2 of chapter 104 of the Laws of 1937, as amended by section 1 of chapter 106 of the Laws of 1939 (section 5812-11 of Remington's Revised Statutes; section 2578-18 Pierce's Code).

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

SECTION 1. That section 2 of chapter 104 of the Laws of 1937 as amended by section 1 of chapter 106 of the Laws of 1939 (section 5812-11 of Remington's Revised Statutes; section 2578-18 of Pierce's Code), be amended to read as follows: Amendments.

Section 2. For the purpose of acquiring, seeding, reforestation and administering land for forests and Reforestation of state land.

May issue
utility bonds
to finance.

Limitations.

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 one hundred thousand dollars (\$100,000) in principal during the biennium expiring March 31, 1943: *Provided, however,* That no sum in excess of one dollar (\$1) 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) per acre be paid or allowed either in cash, bonds, or otherwise, for any lands adequately restocked with young growth.

Passed the House February 6, 1941.

Passed the Senate February 26, 1941.

Approved by the Governor March 5, 1941.

CHAPTER 44.

[H. B. 172.]

STATE CAPITOL HISTORICAL ASSOCIATION.

AN ACT relating to the State Capitol Historical Association; creating it a trustee of the state for certain purposes; designating certain buildings and grounds for the purpose of housing state museum at the state capital; creating a board of trustees and setting out their powers and duties.

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

Creation and
purpose.

SECTION 1. The State Capitol Historical Association, a corporation existing under and by virtue of the laws of the State of Washington, be, and the same is hereby, created a trustee of the State of Washington for the intent and purposes hereinafter mentioned:

Duties of
association.

1. It shall be the duty of the said association to collect books, maps, charts, papers, relics and other

materials illustrative of the history of this state, and, in particular, of the progress and development of the territorial capitol [capital] and the state capitol at Olympia;

2. To procure from pioneers authentic narratives of the experiences and of incidents relating to the early settlement of this state;

Procure narratives.

3. To shelf, store and safely keep such books, maps, charts, papers, relics and other historical material now or hereafter to come into its possession, at the State Capitol Historical Museum;

Keep in museum.

4. To catalog the collections of said association for the convenient reference of persons having occasion to consult the same;

Catalogue for reference.

5. To keep the museum display rooms open at reasonable hours for the reception of citizens and visitors, without charge.

Museum open without charge.

SEC. 2. The books, maps, charts, papers, relics and other historical material now or hereafter acquired by said association shall be held by said association perpetually in trust for the use and benefit of the people of the State of Washington and shall be housed at the State Capitol Museum.

Property held in trust for state.

SEC. 3. The building and grounds designated as Block 2, Grainger's Addition to the City of Olympia, County of Thurston, acquired by the state under Senate Joint Resolution No. 18, Session of 1939, is hereby designated a part of the state capitol, to be known as the State Capitol Historical Museum. This structure is to be used for purposes of housing said historical relics, documents and material as are now owned by the state and housed at the state capitol, and also such additional historical relics, documents and material which shall hereafter be acquired by the state for addition to the State Capitol Historical Museum, and also such historical collections which are now owned or shall hereafter be acquired by the State Capitol Historical Association.

Location of museum.

Name.

Ex officio
trustees.

SEC. 4. The Governor, the Secretary of State, and the State Superintendent of Public Instruction shall be ex officio members of the board of trustees of said State Capitol Historical Association, and as such are hereby authorized and empowered to vote upon all questions coming before such board for its action.

Curator to
be appointed.

SEC. 5. There shall be appointed by the State Capitol Historical Association, with the consent of the Governor, a person to be designated as curator of the State Capitol Museum, whose duties shall be:

Duties.

Arrange
collection.

1. To designate arrangements and locations of the various collections and historical material in the State Capitol Museum;

Charge of
museum.

2. To be in charge when the State Capitol Museum is open for citizens and visitors;

Report to
legislature.

3. To prepare a biennial report to the state legislature on the progress of development of the State Capitol Museum.

Passed the House February 7, 1941.

Passed the Senate February 26, 1941.

Approved by the Governor March 5, 1941.

CHAPTER 45.

[S. B. 3.]

PORT DISTRICT ELECTIONS.

AN ACT relating to Port Districts, elections therein, the officers thereof, and the term of office, and amending sections 9691-1 and 9691-2 of Remington's Revised Statutes of Washington.

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

Amendments.

SECTION 1. That section 9691-1 of Remington's Revised Statutes of Washington be amended to read as follows:

Section 9691-1. In every port district the boundaries of which are coextensive with the county in which it is located, all elections for Port Commissioners shall be held at the same time as the general biennial election is held in such county: *Provided*, That if the petition for organization of such port districts so requests, the first election of commissioners may be held at a special election, which shall be called and held in the manner provided by law for special organization elections for such port districts.

County port
district
elections.

General
biennial
election.

First election
may be
special.

SEC. 2. That section 9691-2 of Remington's Revised Statutes of Washington be amended to read as follows:

Amendments

Section 9691-2. In every such port district the term of office of each Port Commissioner shall be six years and until his successor is elected and qualified, and one Port Commissioner shall be elected at the time of the general biennial election in each even-numbered year for the term of six years from the first day of January following his election: *Provided*, That in any such district hereafter organized the candidate residing in the first commissioner's district receiving the highest number of votes in the port district at the election organizing the district shall hold office until the expiration of six years after the first day of January following his election if such election is at a general biennial election, and if such election is at a special election he shall hold office until the expiration of six years after the first day of January, following the next succeeding general biennial election; the candidate residing in the second commissioner district receiving the highest number of votes in the port district at such election shall hold office until the expiration of four years from the first day of January following his election if such election is at a general biennial election, and if such election is at a special election he shall hold office until the expiration of

Term of
office.

Terms of
first com-
missioners.

Commis-
sioners in
first class
counties.

Time of
election.

Commis-
sioners in
Class A
counties.

Time of
election.

four years after the first day of January following the next succeeding general biennial election; and the candidate residing in the third commissioner district receiving the highest number of votes in the port district at such election shall hold office until the expiration of two years after the first day of January following his election if such election is at a general biennial election, and if such election is at a special election he shall hold office until the expiration of two years after the first day of January following the next succeeding general biennial election. In all port districts in first class counties, the boundaries of which are coextensive with the counties in which they are located, there shall be a Port Commissioner elected at the general biennial election held in 1942 from Commissioner's District No. 2 and at the general biennial election in 1944 a commissioner from Commissioner's District No. 1, and at the general biennial election in 1946 a commissioner from Commissioner's District No. 3. Port Commissioners holding office at the time this act takes effect shall continue in office until their successors are elected and qualified. In all port districts in Class A counties, the boundaries of which are coextensive with the counties in which they are located, there shall be a Port Commissioner elected at the general biennial election held in 1942 from Commissioner's District No. 1 and at the general biennial election in 1944 a commissioner from Commissioner's District No. 3, and at the general biennial election in 1946 a commissioner from Commissioner's District No. 2. Port commissioners holding office at the time this act takes effect shall continue in office until their successors are elected and qualified.

Passed the Senate February 3, 1941.

Passed the House February 26, 1941.

Approved by the Governor March 5, 1941.

CHAPTER 46.

[H. B. 133.]

COMPENSATION OF PROSECUTING ATTORNEYS
AND DEPUTIES.

AN ACT fixing the compensation of Prosecuting Attorneys in class A counties and counties of the first class, prohibiting the private practice of law by such Prosecuting Attorneys and their deputies, and providing that this act shall be effective for the term of office commencing the second Monday of January, 1943, A. D., and thereafter.

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

SECTION 1. The salaries of Prosecuting Attorneys in class A counties and counties of the first class shall be as follows: Class A counties, fifty-five hundred dollars (\$5500) per year; counties of the first class, forty-eight hundred dollars (\$4800) per year.

Salaries of Prosecuting Attorneys in Class A counties.

In first class counties.

SEC. 2. Neither Prosecuting Attorneys of class A counties and counties of the first class nor their deputies shall engage in the private practice of law.

Private practice prohibited.

SEC. 3. This act shall be effective for the term of office commencing the second Monday in January, 1943, A. D., and thereafter.

Act effective.

Passed the House February 27, 1941.

Passed the Senate February 26, 1941.

Approved by the Governor March 6, 1941.

CHAPTER 47.

[H. B. 231.]

PRACTICE OF LAW.

AN ACT relating to the practice of law and repealing sections 1, 2, 3, 6, 7, 8, 9, 10, 11, 13, 16, 17, 18, 19, 20, 21 and 22 of chapter 126, Laws of 1921, (sections 139-1, 139-2, 139-3, 139-6, 139-7, 139-8, 139-9, 139-10, 139-11, 139-13, 139-16, 139-17, 139-18, 139-19, 139-20, 139-21 and 139-22, Remington's Revised Statutes).

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

Statutes
repealed.

SECTION 1. Section[s] 1, 2, 3, 6, 7, 8, 9, 10, 11, 13, 16, 17, 18, 19, 20, 21 and 22 of chapter 126, Laws of 1921, (sections 139-1, 139-2, 139-3, 139-6, 139-7, 139-8, 139-9, 139-10, 139-11, 139-13, 139-16, 139-17, 139-18, 139-19, 139-20, 139-21 and 139-22, Remington's Revised Statutes), are hereby repealed.

Passed the House February 27, 1941.

Passed the Senate February 26, 1941.

Approved by the Governor March 6, 1941.

CHAPTER 48.

[H. B. 313.]

AGRICULTURAL FAIRS.

AN ACT relating to fairs; providing for the financing thereof; creating a fair fund in the custody of the State Treasurer; amending sections 2, 5, and 6 of chapter 200 of the Laws of 1939, and section 9 of chapter 55 of the Laws of 1933, as amended by section 30 of chapter 182 of the Laws of 1935; and repealing sections 3 and 7 of chapter 200 of the Laws of 1939.

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

SECTION 1. Section 2 of chapter 200 of the Laws of 1939 is hereby amended to read as follows: Amendments.

Section 2. For the purposes of this act, all agricultural fairs held in the State of Washington wherein 4-H Club or Smith-Hughes students participate shall be divided into classes A, B, C and D. Agriculture fairs classified.

A class A fair is one which has been in existence for two or more years and has had 4-H Club, Smith-Hughes student, and general competition among persons from five or more counties for two or more years. Requisites.
Class A.

A class B fair is a fair which is open to all exhibitors in the county wherein said fair is held and which has sponsored classifications for 4-H Club work or Smith-Hughes vocational work for two or more years but which does not fall within the description of a class A fair. Class B.

A class C fair is a fair which has for two or more years been open to competition among all 4-H Club and Smith-Hughes vocational students in a particular county, but which has not had general open competition. Class C.

A class D fair is one which has either open competition or boys' and girls' 4-H Club or Smith-Hughes vocational competition, or all of these, but wherein said competition is restricted to an area smaller than a county, of which there may be several in one county. Class D.

Amendments. SEC. 2. Section 5 of chapter 200 of the Laws of 1939 is hereby amended to read as follows:

Yakima fair class A. Section 5. Yakima is hereby designated as a site for an annual state 4-H Club fair, and said state 4-H fair shall be designated and shall participate in this act as a class A fair.

Amendments. SEC. 3. Section 6 of chapter 200 of the Laws of 1939 is hereby amended to read as follows:

Purpose. Section 6. For the purpose of encouraging 4-H Club and Smith-Hughes work at county and community fairs and other fairs where such competition is permitted, provision is hereby made that the board of trustees of any agricultural fair, which offers prizes for the products and articles displayed by 4-H boys' and girls' clubs and/or Smith-Hughes vocational training students, may apply to the Director of Agriculture of the State of Washington for an amount of money as herein set out. It shall be the duty of the Director of Agriculture to allot annually to the participating fairs and to issue vouchers to be paid by the State Treasurer out of the "fair fund" hereinafter referred to, in the following amounts: Among the class A fairs, forty per cent (40%) of the amount in the fair fund shall be paid pro rata; twenty five per cent (25%) of the amount in the fair fund paid pro rata among the class B fairs; twenty per cent (20%) of the amount in said fund shall be paid pro rata among the class C fairs; and ten per cent (10%) of the amount in said fund shall be paid pro rata among the class D fairs, but said payment shall not exceed fifty per cent (50%) of the total value of premiums or prizes awarded by any such class D fair. Any money remaining in such fund shall be disbursed by the Director of Agriculture by making an additional payment to such fairs as he may deem necessary and appropriate for the continued development and operation of said fairs. The division and payment

Trustees may apply for assistance.

Director to allot funds.

Fair fund.

Ratio. Class A.

Class B.

Class C.

Class D.

Maximum limit.

Remaining funds may be disbursed.

of said fund shall occur at such times as the Director of Agriculture shall fix.

SEC. 4. Section 9 of chapter 55 of the Laws of 1933, as amended by section 30 of chapter 182 of the Laws of 1935 (section 8312-9 of Rem. Rev. Stat.) is hereby amended to read as follows: Amendments.

Section 9. In addition to the license fees required by this act, the licensee shall pay to the Racing Commission five (5) per centum of the gross receipts of all pari-mutuel machines at each race meet, which sums shall be paid daily to the Racing Commission. All sums paid to the commission, together with all sums collected for license fees under the provisions of this act, shall be disposed of by the commission as follows: Twenty (20) per centum thereof shall be paid to and retained by the commission for the payment of the salary of its members; of its secretary, and the salaries of all other clerical, office, and other help employed by the commission, together with all expenses in connection with the carrying out of the provisions of this act, except that no payment need be made for office accommodations furnished by the state: *Provided, however,* That no salary, wages, expenses or compensation of any kind shall be paid by the State of Washington for, or in connection with the work of the commission in carrying out the provisions of this act; of the remaining eighty (80) per centum of all sums collected by the commission sixty-two and one half (62½) per centum shall, on the next business day following the receipt thereof, be paid to the State Treasurer, and by him placed in the general fund of the state treasury. The remaining seventeen and one half (17½) per centum shall, on said next business day, be paid to the State Treasurer, who is hereby made ex officio treasurer of a fund to be known as the "fair fund," which fund shall be maintained as a separate and independent fund outside

Racing fees.
Amount.
Disposition of fees.
Salaries and expenses of commission.
No salaries or expenses to be paid by State.
Amount to general fund.
Amount to fair fund.

Fair fund
available to
Director of
Agriculture.

of the state treasury, which fund is hereby made available to the Director of Agriculture for the sole purpose of assisting fairs in the manner provided in section 6 of chapter 200 of the Laws of 1939, as amended. Any monies collected or paid to the commission under the terms of this act, and not expended at the time of making its report to the legislature, shall be paid to the Treasurer and be placed in the general fund of the state treasury.

Remaining
funds to gen-
eral fund.

Director to
make rules
for fairs.

SEC. 5. The Director of Agriculture may make rules and regulations as to the method by which the trustees or other authority in charge thereof may make a fair a participant under the terms of chapter 200 of the Laws of 1939, and the Director of Agriculture may further make rules and regulations governing the accounting to be made by participating fairs.

Statute
repealed.

SEC. 6. Sections 3 and 7 of chapter 200 of the Laws of 1939 are hereby repealed.

Passed the House February 27, 1941.

Passed the Senate February 26, 1941.

Approved by the Governor March 6, 1941.

CHAPTER 49.

[S. B. 87.]

CITY TAX FOR PARK PURPOSES.

AN ACT relating to and authorizing city councils of cities of the second, third and fourth class to levy a tax for the purpose of acquiring, improving and maintaining parks, and amending section 3, chapter 228, Laws of 1907, to permit the levy in an amount within levy limits provided by law.

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

SECTION 1. That section 3, chapter 228, Laws of 1907, as amended (sec. 662 of Pierce's Code; sec. 9201, Remington's Revised Statutes) be amended to read as follows: Amendments.

Section 3. City councils of cities of the second, third and fourth class are hereby authorized and empowered to levy a tax in such an amount as the city council or commission shall determine and fix for the purpose of acquiring, maintaining and improving any park or parks: *Provided*, That the amount of such levy shall be made within the limits and as authorized by law. That the proceeds of such levy shall be paid into a special fund, to be known as the park fund, and disbursement of such fund shall be provided for by ordinance. Cities may levy tax for parks.

Limitations.

Park fund.

Passed the Senate February 26, 1941.

Passed the House February 26, 1941.

Approved by the Governor March 6, 1941.

CHAPTER 50.

[S. B. 102.]

POWERS AND DUTIES OF THE ATTORNEY GENERAL.

AN ACT relating to the powers and duties of the Attorney General; providing for the legal representation of the State of Washington and departments, commissions, boards, agencies, and administrative tribunals thereof and providing for the appointment of certain personnel therein, excepting certain state agencies; repealing all acts or parts of acts in conflict herewith; and declaring an emergency.

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

Additional powers for Attorney General.

Duties.

Represent State and officials.

All legal matters.

Exception.

To employ or discharge attorneys.

Fix compensation.

SECTION 1. In addition to the powers and duties now given the Attorney General of the State of Washington by law, he shall also have the power, and it shall be his duty, to represent the State of Washington and all officials, departments, boards, commissions and agencies of the State of Washington in the courts and before all administrative tribunals or bodies of any nature in all legal or quasi legal matters, hearings or proceedings, and to advise all officials, departments, boards, commissions or agencies of the State of Washington in all matters involving legal or quasi legal questions, except where it is otherwise provided by law to be the duty of the Prosecuting Attorney of any county; and it shall be the duty of the Attorney General of the State of Washington, and he shall have the power, to employ or discharge sufficient attorneys and clerks to transact for the State of Washington, its departments, officials, boards, commissions and agencies, all business of a legal or quasi legal nature, except where it is provided by law to be the duty of the judge of any court, or the Prosecuting Attorney of any county, and the Attorney General shall fix the salary and compensation for all such attorneys and employees, and in the event such attorneys or employees are assigned to any department, board

or commission, such department, board or commission shall pay the salary or compensation of such persons, as fixed by the Attorney General, not exceeding the funds made available to the department by law for legal services.

Department attorneys assigned.

Compensation from department.

SEC. 2. No officer, official, director, administrative agency, board or commission of the State of Washington, other than the Attorney General, shall employ, appoint, or retain in employment any attorney for any administrative body, department, commission, agency, or tribunal or any other person to act as attorney in any legal or quasi legal capacity in the exercise of any of the powers or performance of any of the duties set forth in this act, except where it is provided by law to be the duty of the judge of any court or the Prosecuting Attorney of any county to employ or appoint such persons.

No other official to appoint attorney.

Exception.

SEC. 3. The Attorney General shall have the power to employ from time to time such skilled experts, scientists, technicians or other specially qualified persons as he may deem necessary to aid him in preparing for the trial of actions.

May employ experts.

SEC. 4. This act shall not apply to the administration of the Judicial Council, the State Law Library, the law school of the University of Washington, or the administration of the state bar act by the Washington State Bar Association, as provided in chapter 126, Laws of 1921 and chapter 94, Laws of 1933.

Exceptions.

SEC. 5. If any section, 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, clause, sentence or phrase were omitted.

Partial invalidity.

SEC. 6. 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 February 25, 1941.

Passed the House March 1, 1941.

Approved by the Governor March 8, 1941.

CHAPTER 51.

[S. B. 137.]

OLYMPIC NATIONAL PARK.

AN ACT relating to the Olympic National Park; saving to the state the right to control certain highways therein; and amending section 1, chapter 170, Laws of 1939 (section 8110-1, Remington's Revised Statutes (Supp.); section 7121-31 of Pierce's Code); and declaring an emergency.

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

Amendments. SECTION 1. Section 1, chapter 170, Laws of 1939 (section 8110-1, Remington's Revised Statutes (Supp.); section 7121-31 of Pierce's Code), is amended to read as follows:

Olympic National Park ceded to U. S. SECTION 1. Exclusive jurisdiction shall be, and the same is hereby ceded to the United States over and within all the territory that is now included in that tract of land in the State of Washington, set aside for the purposes of a national park, and known as the Olympic National Park; saving, however, to the said state, the right to serve civil and criminal process within the limits of the aforesaid park, in suits or prosecutions for or on account of rights acquired, obligations incurred or crimes committed in said state, but outside of said park; and saving further to the said state the right to tax persons and corporations, their franchises and property on the lands included in said park: *Provided, however,* This jurisdiction shall not vest until the United States, through the proper officer, notifies the Gov-

Rights reserved.

Right to tax.

Notification of acceptance.

error of this state that they assume police or military jurisdiction over said park.

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

Passed the Senate March 1, 1941.

Passed the House February 28, 1941.

Approved by the Governor March 8, 1941.

CHAPTER 52.

[H. B. 35.]

INTEREST COUPONS ON BONDS OF COUNTIES AND MUNICIPALITIES.

AN ACT relating to interest coupons on bonds issued by counties, cities, towns and school districts.

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

SECTION 1. On all bonds hereafter issued by any county, city, town or school district, the printed, engraved or lithographed facsimile signatures of the officers required by law to sign the interest coupons thereon shall be a sufficient signature on such coupons. Signature on coupons.

Passed the House January 29, 1941.

Passed the Senate March 5, 1941.

Approved by the Governor March 8, 1941.

CHAPTER 53.

[H. B. 108.]

TRANSPORTATION OF CHILDREN ATTENDING
PRIVATE SCHOOLS.

AN ACT relating to the health, welfare and safety of children attending elementary schools and high school in accordance with the laws of this state; and providing for the transportation of school children attending private or parochial schools in all cases wherein provision for transportation of children attending public schools has been made.

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

Intent.

SECTION 1. It is hereby declared to be the intent and the finding of the Legislature of the State of Washington that it is a matter of paramount concern to this state to provide an opportunity and adequate facility to every child of school age, in every school district within the State of Washington, to obtain and procure an education in the primary schools and high schools of this state, and it is also of vital importance to the State of Washington to avoid and minimize the multiple accidents and traffic hazards to which children of school age are subjected upon the roads and highways of the state, and to promote the health, welfare and safety of the children attending elementary schools and high schools in accordance with the laws of this state.

Provide education.

Avoid physical hazards.

Transportation to pupils of private schools.

SEC. 2. Whenever any district school board shall, pursuant to any laws of the State of Washington, provide transportation for pupils attending public schools, all children attending any private or parochial school under the compulsory school attendance laws of this state shall, where said private or parochial school is along or near the route designated by said board, be entitled equally to the same rights, benefits and privileges as to transportation

as are so provided for by such district school board for pupils attending public schools.

Passed the House February 20, 1941.

Passed the Senate March 5, 1941.

Approved by the Governor March 8, 1941.

CHAPTER 54.

[S. B. 178.]

HOUSING FOR THOSE ENGAGED IN DEFENSE ACTIVITIES.

AN ACT to authorize housing authorities to undertake the development or administration of projects to assure the availability of safe and sanitary dwellings for persons engaged in national defense activities who would not otherwise be able to secure such dwellings within the vicinity thereof; to limit the initiation of the development of such projects until December 31, 1943; to authorize housing authorities to cooperate with or act as agent of the federal government in the development and administration of such projects of the federal government, to acquire or lease such projects and to sell certain projects to the federal government; to authorize public bodies to assist such projects of housing authorities and of the federal government; to make obligations issued for such projects of housing authorities legal investments and security for deposits; to declare valid all bonds, notes and obligations of housing authorities issued for projects heretofore undertaken to assure the availability of safe and sanitary dwellings for persons engaged in national defense activities; to make payments for services, works and improvements, and to declare an emergency.

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

SECTION 1. It is hereby found and declared that the national defense program involves large increases in the military forces and personnel in this state, a great increase in the number of workers in already established manufacturing centers and the bringing of a large number of workers and their

Purpose.

families to new centers of defense industries in the state; that there is an acute shortage of safe and sanitary dwellings available to such persons and their families in this state which impedes the national defense program; that it is imperative that action be taken immediately to assure the availability of safe and sanitary dwellings for such persons to enable the rapid expansion of national defense activities in this state and to avoid a large labor turnover in defense industries which would seriously hamper their production; that the provisions hereinafter enacted are necessary to assure the availability of safe and sanitary dwellings for persons engaged in national defense activities which otherwise would not be provided at this time; and that such provisions are for the public use and purpose of facilitating the national defense program in this state. It is further declared to be the purpose of this act to authorize housing authorities to do any and all things necessary or desirable to secure the financial aid of the Federal Government, or to cooperate with or act as agent of the Federal Government, in the expeditious development and the administration of projects to assure the availability when needed of safe and sanitary dwellings for persons engaged in national defense activities.

Aid to
national
defense.

Defense
workers
defined.

SEC. 2. (a) Persons engaged in national defense activities, as used in this act, shall include: enlisted men in the military and naval services of the United States and employees of the war and navy departments assigned to duty at military or naval reservations, posts or bases; and workers engaged or to be engaged in industries connected with and essential to the national defense program; and shall include the families of the aforesaid persons who are living with them.

Persons of
low income
defined.

(b) Persons of low income, as used in this act, shall mean persons or families who lack the amount

of income which is necessary (as determined by the housing authority undertaking the housing project) to enable them, without financial assistance, to live in decent, safe and sanitary dwellings, without overcrowding.

(c) Development as used in this act, shall mean any and all undertakings necessary for the planning, land acquisition, demolition, financing, construction or equipment in connection with a project (including the negotiation or award of contracts therefor), and shall include the acquisition of any project (in whole or in part) from the federal government.

Development defined.

(d) Administration, as used in this act, shall mean any and all undertakings necessary for management, operation or maintenance, in connection with any project, and shall include the leasing of any project (in whole or in part) from the Federal Government.

Administration defined.

(e) Federal Government, as used in this act, shall mean the United States of America or any agency or instrumentality, corporate or otherwise, of the United States of America.

Federal Government defined.

(f) The development of a project shall be deemed to be initiated, within the meaning of this act, if a housing authority has issued any bonds, notes or other obligations with respect to financing the development of such project of the authority, or has contracted with the Federal Government with respect to the exercise of powers hereunder in the development of such project of the Federal Government for which an allocation of funds has been made prior to December 31, 1943.

Commencement of project.

(g) Housing authority, as used in this act, shall mean any housing authority established or hereafter established pursuant to the Housing Authorities Law, chapter 23, Laws of 1939, and any amendments thereto.

Housing authority defined.

Housing authority to develop projects.

SEC. 3. Any housing authority may undertake the development and administration of projects to assure the availability of safe and sanitary dwellings for persons engaged in national defense activities whom the housing authority determines would not otherwise be able to secure safe and sanitary dwellings within the vicinity thereof, but no housing authority shall initiate the development of any such project pursuant to this act after December 31, 1943.

Limit of act.

Powers of housing authority.

SEC. 4. In the ownership, development or administration of such projects, a housing authority shall have all the rights, powers, privileges and immunities that such authority has under any provision of law relating to the ownership, development or administration of slum clearance and housing projects for persons of low income, in the same manner as though all the provisions of law applicable to slum clearance and housing projects for persons of low income were applicable to projects developed or administered to assure the availability of safe and sanitary dwellings for persons engaged in national defense activities as provided in this act, and housing projects developed or administered hereunder shall constitute housing projects under the Housing Authorities Law, chapter 23, Laws of 1939, as that term is used therein: *Provided*, That during the period (herein called the "national defense period") that a housing authority finds (which finding shall be conclusive in any suit, action or proceeding) that within its area of operation (as defined in the Housing Authorities Law), or any part thereof, there is an acute shortage of safe and sanitary dwellings which impedes the national defense program in this state and that the necessary safe and sanitary dwellings would not otherwise be provided when needed for persons engaged in national defense activities, any project developed or administered by such hous-

Slum clearance.

National defense period.

Shortage of dwellings.

Condition impeding program.

ing authority (or by any housing authority cooperating with it) in such area pursuant to this act, with the financial aid of the Federal Government (or as agent for the Federal Government as hereinafter provided), shall not be subject to the limitations provided in section 9 and section 10 of the Housing Authorities Law: *And provided further*, That, during the national defense period, a housing authority may make payments in such amounts as it finds necessary or desirable for any services, facilities, works, privileges or improvements furnished for or in connection with any such projects. After the national defense period, any such projects owned and administered by a housing authority shall be administered for the purposes and in accordance with the provisions of the Housing Authorities Law.

Limitations not applicable during defense period.

SEC. 5. A housing authority may exercise any or all of its powers for the purpose of cooperating with, or acting as agent for, the Federal Government in the development or administration of projects by the Federal Government to assure the availability of safe and sanitary dwellings for persons engaged in national defense activities and may undertake the development or administration of any such project for the Federal Government. In order to assure the availability of safe and sanitary housing for persons engaged in national defense activities, a housing authority may sell (in whole or in part) to the Federal Government any housing project developed for persons of low income but not yet occupied by such persons; such sale shall be at such price and upon such terms as the housing authority shall prescribe and shall include provision for the satisfaction of all debts and liabilities of the authority relating to such project.

To cooperate with government.

May sell to government.

SEC. 6. Any state public body, as defined in the Housing Cooperation Law, chapter 24, Laws of 1939, and any amendments thereto shall have the same

Defense powers same as clearance.

rights and powers to cooperate with housing authorities, or with the Federal Government, with respect to the development or administration of projects to assure the availability of safe and sanitary dwellings for persons engaged in national defense activities that such state public body has pursuant to such law for the purpose of assisting the development or administration of slum clearance or housing projects for persons of low income.

Housing obligations to be security for public deposits.

SEC. 7. Bonds or other obligations issued by a housing authority for a project developed or administered pursuant to this act shall be security for public deposits and legal investments to the same extent and for the same persons, institutions, associations, corporations, bodies and officers as bonds or other obligations issued pursuant to the Housing Authorities Law for the development of a slum clearance or housing project for persons of low income.

Prior obligations validated.

SEC. 8. All bonds, notes, contracts, agreements and obligations of housing authorities heretofore issued or entered into relating to financing or undertaking (including cooperating with or acting as agent of the Federal Government in) the development or administration of any project to assure the availability of safe and sanitary dwellings for persons engaged in national defense activities, are hereby validated and declared legal in all respects, notwithstanding any defect or irregularity therein or any want of statutory authority.

Independent authorization.

SEC. 9. This act shall constitute an independent authorization for a housing authority to undertake the development or administration of projects to assure the availability of safe and sanitary dwellings for persons engaged in national defense activities as provided in this act and for a housing authority to cooperate with, or act as agent for, the

Federal Government in the development or administration of similar projects by the Federal Government. In acting under this authorization, a housing authority shall not be subject to any limitations, restrictions or requirements of other laws (except those relating to land acquisition) prescribing the procedure or action to be taken in the development or administration of any public works, including slum clearance and housing projects for persons of low income or undertakings or projects of municipal or public corporations or political subdivisions or agencies of the state. A housing authority may do any and all things necessary or desirable to cooperate with, or act as agent for, the Federal Government, or to secure financial aid, in the expeditious development or in the administration of projects to assure the availability of safe and sanitary dwellings for persons engaged in national defense activities and to effectuate the purposes of this act.

No restrictions.

Exception.

May do necessary things.

SEC. 10. The powers conferred by this act shall be in addition and supplemental to the powers conferred by any other law, and nothing contained herein shall be construed as limiting any other powers of a housing authority.

Powers supplement other laws.

SEC. 11. Notwithstanding any other evidence of legislative intent it is hereby declared to be the controlling legislative intent that if any provision of this act, or the application thereof to any persons or circumstances, is held invalid, the remainder of the act and the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

Partial invalidity.

SEC. 12. 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 February 19, 1941.

Passed the House March 5, 1941.

Approved by the Governor March 10, 1941.

CHAPTER 55.

[S. B. 200.]

WITHDRAWAL OF TERRITORY FROM WATER DISTRICTS.

AN ACT relating to water districts for public supply systems; providing for the withdrawal from water districts of territory included therein and specifying the conditions upon which withdrawal may be made.

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

Territory within water district may be withdrawn.

Petition. Contents.

Signatures.

For welfare of district.

SECTION 1. Territory within an established water district for public supply systems may be withdrawn therefrom in the following manner and upon the following conditions: The petition for withdrawal shall be in writing and shall designate the boundaries of the territory proposed to be withdrawn from the district and shall be signed by at least twenty-five per cent (25%) of the qualified electors residing within the territory so designated who are qualified electors on the date of filing such petition. The petition shall set forth that the territory proposed to be withdrawn is of such location or character that water cannot be furnished to it by such water district at reasonable cost, and shall further set forth that the withdrawal of such territory will be of benefit to such territory and conducive to the general welfare of the balance of the district.

Petition to be filed with County Auditor.

Auditor to examine and certify.

SEC. 2. The petition for withdrawal shall be filed with the County Auditor of the county in which such water district is located, and after such filing no person having signed such petition shall be allowed to withdraw his name therefrom. Within ten (10) days after such filing, the County Auditor shall examine the signatures thereon and certify to the sufficiency or insufficiency thereof and for such purpose the County Auditor shall have access to all appropriate registration books in the possession of

the officers of any incorporated city or town within the water district. If such petition be found by the County Auditor to contain sufficient signatures, he shall transmit the same, together with his certificate of sufficiency attached thereto, to the commissioners of the water district.

Transmit to water district commissioners.

SEC. 3. In the event there are no qualified electors residing within the territory proposed to be withdrawn, then the petition for withdrawal may be signed by such persons as appear of record to own at least a majority of the acreage within such territory, in which event the petition shall also state the total number of acres and the names of all record owners of the land within such territory. The petition so signed shall be filed with the commissioners of the water district, and after such filing no person having signed the same shall be allowed to withdraw his name.

Petition may be signed by majority of owners.

Names not to be withdrawn from petition.

SEC. 4. Upon receipt by the commissioners of the water district of any petition and certificate of sufficiency of the County Auditor, or in case the petition be one signed by land owners as provided by section 3, and the commissioners are satisfied as to the sufficiency of the signatures thereon, then and in either of such events, such commissioners shall at a regular or special meeting fix a date for hearing on such petition and cause notice to be given that such petition has been filed, stating the time and place of the meeting of the commissioners at which such petition will be heard and setting forth the boundaries of the territory proposed to be withdrawn. Such notice shall be published for at least two (2) weeks in two (2) successive issues of a weekly newspaper printed and published in the county in which such water district is located and of general circulation throughout such district and in case no such newspaper is printed or published in such county, then in some newspaper of general

Commissioners to fix date for hearing.

Notice to be published.

circulation in said county and water district. Any additional notice of such hearing may be given as the commissioners may by resolution direct.

Additional notice.

SEC. 5. The petition for withdrawal shall be heard at the time and place specified in such notice or the hearing may be adjourned from time to time, not exceeding one (1) month in all, and any person may appear at such hearing and make objections to the withdrawal of such territory or to the proposed boundary lines thereof. Upon final hearing on the petition for withdrawal, the commissioners of the water district shall make such changes in the proposed boundary lines as they deem to be proper, except that no changes in the boundary lines shall be made by the commissioners to include lands not within the boundaries of the territory as described in such petition. In establishing and defining such boundaries the commissioners shall exclude any property which is then being furnished with water by said water district or which is included in any distribution system the construction of which has been duly authorized or which is included within any duly established local improvement district or utility local improvement district, and the territory as finally established and defined must be substantial in area and consist of adjoining or contiguous properties. The said commissioners shall thereupon make and by resolution adopt findings of fact as to the following questions:

Hearing may be continued.

Final hearing.

Commissioners to make proper changes.

No changes made unless included in petition.

To establish new boundaries.

Restrictions.

Adopt resolution.

Questions to be found in resolution.

Benefit.

General welfare.

(1) Is the territory as so established and defined of such location or character that water cannot be furnished to it by such water district at reasonable cost?

(2) Would the withdrawal of such territory be of benefit to such territory?

(3) Would such withdrawal be conducive to the general welfare of the balance of the district?

(4) Does it appear that such territory was im-
providently included within such water district at
the time of the establishment thereof or annexation
thereto? Such findings shall be entered in the
records of the water district, together with any
recommendations the said commissioners may by
resolution adopt.

Findings
part of
record.

SEC. 6. Within ten (10) days after such final
hearing the commissioners of such water district
shall transmit to the County Commissioners of the
county in which such water district is located the
said petition for withdrawal together with a copy
of the findings and recommendations of the com-
missioners of the water district certified by the sec-
retary of such water district to be a true and correct
copy of such findings and recommendations as the
same appear on the records of such water district.

Must trans-
mit to Co.
Commis-
sioners.

Recommen-
dations.

SEC. 7. Upon receipt of such petition and certi-
fied copy the County Commissioners at a regular or
special meeting shall fix a time and place for hear-
ing thereon and shall cause to be published for at
least two (2) weeks in two (2) successive issues of
a weekly newspaper printed and published in said
county and in general circulation throughout the
said water district, and in case no newspaper is
printed or published in said county, then in some
newspaper of general circulation in said county and
water district, a notice that such petition has been
presented to the County Commissioners stating the
time and place of the hearing thereon, setting forth
the boundaries of the territory proposed to be with-
drawn as such boundaries are established and de-
fined in the findings or recommendations of the
commissioners of the water district.

To fix time
for further
hearing.

Publication
of notice.

Contents
of notice.

SEC. 8. Such petition shall be heard at the time
and place specified in such notice, or the hearing may
be adjourned from time to time, not exceeding

Hearing may
be continued.

one (1) month in all, and any person may appear at such hearing and make objections to the withdrawal of such territory. Upon final hearing on such petition the said County Commissioners shall thereupon make, enter and by resolution adopt their findings of fact on the questions above set forth. If such findings of fact answer said questions affirmatively, and if they are the same as the findings made by the water district commissioners, then the County Commissioners shall by resolution declare that such territory be withdrawn from such water district, and thereupon such territory shall be withdrawn and excluded from such water district the same as if it had never been included therein except for the lien of taxes as hereinafter set forth, provided, that the boundaries of the territory withdrawn shall be the boundaries established and defined by the said water district commissioners and shall not be altered or changed by the County Commissioners unless the unanimous consent of the water district commissioners be given in writing to any such alteration or change.

Objections may be made at hearing.

Resolution on findings.

Final resolution fixing boundaries.

Boundaries not to be altered.

Exception.

Negative findings petition deemed denied.

To call special election.

Question on ballot.

SEC. 9. If the said findings of the County Commissioners answer any of such questions of fact in the negative, or if any of the findings of the County Commissioners are not the same as the findings of the water district commissioners upon the same question, then in either of such events, the petition for withdrawal shall be deemed denied. Thereupon, and in such event, the said County Commissioners shall by resolution cause a special election to be held not less than thirty (30) days or more than sixty (60) days from the date of the final hearing of the said County Commissioners upon the said petition for withdrawal, at which election the proposition expressed on the ballots shall be substantially as follows:

“Shall the territory established and defined by the water district commissioners at their meeting

held on the (insert date of final hearing of water district commissioners upon the petition for withdrawal) be withdrawn from water district (naming it).

YES NO

SEC. 10. The County Commissioners shall cause notice of such election to be posted and published in the same manner provided by law for the posting and publication of notice of elections to annex territory to water districts. The territory described in such notice shall be that established and defined by the water district commissioners as above provided. All qualified voters residing within such water district shall have the right to vote at such election. If a majority of the votes cast at such election favor the withdrawal from the water district of such territory, then within ten (10) days after the official canvass of such election the said County Commissioners shall by resolution establish that such territory has been withdrawn, and such territory shall thereupon be withdrawn and excluded from such water district the same as if it had never been included therein except for the lien of any taxes as hereinafter set forth.

Notice of election.

Electors of district may vote.

Majority needed.

Official canvass.

Final resolution after election.

SEC. 11. Any and all taxes or assessments levied or assessed against property located in territory withdrawn from a water district shall remain a lien and be collectible as by law provided when such taxes or assessments are levied or assessed prior to such withdrawal or when such levies or assessments are duly made to provide revenue for the payment of general obligations or general obligation bonds of the water district duly incurred or issued prior to such withdrawal.

Existing taxes remain a lien.

Passed the Senate February 27, 1941.

Passed the House March 6, 1941.

Approved by the Governor March 10, 1941.

CHAPTER 56.

[H. B. 30.]

AGRICULTURAL SEED REGULATION.

AN ACT to regulate the labeling, sale and the offering or the exposing for sale, and the inspection, grading and certification of growing crops of agricultural and vegetable seeds; to prevent misrepresentation thereof; to repeal all laws in conflict with this act.

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

Title.

SECTION 1. This act shall be cited as "The Washington State Seed Law."

SEC. 2. When used in this act, terms shall apply as herein defined.

Definitions.

SEC. 3. "Person" shall include an individual, partnership, corporation, company, society, or association.

SEC. 4. "Director" means the Director of Agriculture of the State of Washington and his authorized deputies or agents.

SEC. 5. "Agricultural seeds" include the seeds of grass, forage, cereal and fibre crops and any other kinds of seeds commonly recognized within this state as agricultural, field, or turf seeds, and mixtures of such seeds.

SEC. 6. "Vegetable seeds" include the seeds of those crops which are grown in gardens or on truck farms and are generally known and sold under the name of vegetable seeds in this state.

SEC. 7. "Certified seed" shall include seeds which have been inspected in the field and after harvest, and have been graded and certified by the Director as complying with the rules and regulations adopted and promulgated under the provisions of this act.

SEC. 8. "Weed seeds" include the seeds of all plants generally recognized as weeds within this state.

SEC. 9. "Noxious-weed seeds" include two classes, Noxious-weed seeds. "primary noxious-weed seeds" and "secondary noxious-weed seeds" as hereinafter defined.

SEC. 10. "Primary noxious-weed seeds" are the Primary. seeds of perennial weeds such as not only reproduce by seed, but also spread by underground roots or stems, and which, when established, are highly destructive and difficult to control in this state by ordinary good cultural practice, and shall include, subject to additions or subtractions, by the Director as herein provided, the seeds of quack grass Named. (*Agropyron repens*), Canada Thistle (*Cirsium arvense*), Bindweed (*Convolvulus arvensis* and *Convolvulus sepium*), perennial sow thistle (*Sonchus arvensis*), Hoary cress or White Top (*Lepidium draba*, *Lepidium repens*, and *Hymenophysa pubescens*), Yellow Toadflax (*Linaria vulgaris*), Russian knapweed (*Centaurea picris*), Blue Flowering lettuce (*Lactuca pulchella*), Leafy spurge (*Euphorbia esula*), Camelthorn (*Alhagi Pseudalhagi*), Austrian field cress (*Radicula austriaca*), and Perennial pepgrass (*Lepidium latifolium*).

SEC. 11. "Secondary noxious-weed seeds" are Secondary. the seeds of such weeds as are very objectionable in fields, lawns, or gardens of this state, but can be controlled by good cultural practice, and shall include, Named. subject to additions or subtractions by the Director as herein prescribed, seeds of Alkali mallow (*Sida hederacea*), Corn cockle (*Agrostemma githago*), Docks (*Rumex species*), St. Johnswort (*Hypericum perforatum*), Dodder (*Cuscuta species*), Fanweed (*Thlaspi arvense*), Poverty weed (*Iva axillaris*), Wild mustard (*Brassica species*), Plantain (*Plantago species*), and Perennial ground cherry (*Physalis subglabrata*).

Director
may add or
subtract
from list.

SEC. 12. The Director may add to or subtract from the list of noxious-weed seeds whenever he finds that such additions or subtractions are within the respective definitions as herein set out. All licensed seed dealers within the state shall be notified of any additions to or subtractions from the lists of weeds at least thirty (30) days before the change becomes effective.

Dealers to be
notified.

Labeling.

SEC. 13. "Labeling" includes all labels, and other written, printed or graphic representations, in any form whatsoever, accompanying and pertaining to any seed whether in bulk or in containers, and includes invoices.

SEC. 14. "Advertisement" means all representations, other than those on the label, disseminated in any manner or by any means, relating to seed within the scope of this act.

Each con-
tainer to
contain label.

SEC. 15. Each container of agricultural or vegetable seed which is sold, offered for sale, or exposed for sale, within this state for sowing purposes shall bear thereon or have attached thereto in a conspicuous place a plainly written or printed label or tag in the English language, giving the information as hereinafter required.

Label
contents.

SEC. 16. Labels or tags for agricultural seeds shall give—

(1) Commonly accepted name of (a) kind, or (b) kind and variety, or (c) kind and type of each agricultural seed component in excess of five per cent of the whole, and the percentage by weight of each in the order of its predominance. Where more than one component is required to be named, the word "mixture" or the word "mixed" shall be shown conspicuously on the label.

(2) Lot number or other lot identification.

(3) Origin, if known, of alfalfa, red clover, and field corn (except hybrid corn). If the origin is unknown, that fact shall be stated.

- (4) Percentage by weight of all weed seeds. Weed seeds.
- (5) The name and approximate number of each kind of secondary noxious weed seed, per pound in groups (A), (B) and (C), when present singly or collectively in excess of: Name and ratio of weed seeds.
 - (A) One seed or bulblet in each 10 grams of *Agrostis* spp., *Poa* spp., Bermuda grass, timothy, orchard grass, fescues (except meadow fescue), alsike and white clover, reed canary grass, and other agricultural seeds of similar size and weight, or mixtures within this group. In grass seed.
 - (B) One seed or bulblet in each 25 grams of ryegrass, meadow fescue, millet, alfalfa, red clover, sweet clovers, lespedezas, smooth brome, crimson clover, *Brassica* spp., flax, *Agropyron* spp., and other agricultural seeds of similar size and weight, or mixtures within this group, or of this group with (A). In hay seed.
 - (C) One seed or bulblet in each 100 grams of wheat, oats, rye, barley, buckwheat, sorghums, vetches, and other agricultural seeds of a size and weight similar to or greater than those within this group, or any mixtures within this group. All determinations of noxious-weed seeds are subject to tolerances and methods of determination prescribed in the rules and regulations issued under the authority of this act. In cereal grains.
- (6) Percentage by weight of agricultural seeds other than those required to be named on the label. Percentage of other agricultural seeds.
- (7) Percentage by weight of inert matter. Inert matter.
- (8) For each named agricultural seed (a) percentage of germination, exclusive of hard seed, (b) percentage of hard seed, if present, and (c) the calendar month and year the test was completed to determine such percentages. Following (a) and (b) the additional statement "total germination and hard seed" may be stated as such, if desired. Germination.
Hard seed.
Date of test.

Name of
seller.

(9) Name and address of the person who labeled said seed, or who sells, offers or exposes said seed for sale within this state.

Labels for
vegetable
seeds.

SEC. 17. The labels or tags for vegetable seeds shall give—

Contents.

- (1) The name of kind and variety of seed.
- (2) For seeds which germinate less than the standard last established by the Director under this act.
 - (A) Percentage of germination, exclusive of hard seed.
 - (B) Percentage of hard seed, if present.
 - (C) The calendar month and year the test was completed to determine such percentages.
 - (D) The words "below standard."
- (3) The name and number per pound of secondary noxious-weed seeds.
- (4) The name and address of the person who labeled said seed, or who sells, offers, or exposes said seed for sale within this state.

Unlawful
acts.

SEC. 18. It shall be unlawful for any person to sell, offer for sale or expose for sale any agricultural or vegetable seed within this state—

Test to be
made within
9 months.

(1) Unless the test to determine the percentage of germination required by sections 16 and 17 shall have been completed within a 9-months' period, exclusive of the calendar month in which the test was completed, immediately prior to sale, exposure for sale, or offering for sale or transportation.

False
labeling.

(2) Not labeled in accordance with the provisions of this act, or having a false or misleading labeling.

Misleading
advertisement.

(3) Pertaining to which there has been a false or misleading advertisement.

Containing
weed seeds.

(4) Containing primary noxious-weed seeds subject to tolerances and methods of determination prescribed in the rules and regulations under this act.

SEC. 19. It shall be unlawful for any person within this state— Unlawful acts.

(1) To detach, alter, deface, or destroy any label provided for in this act, or the rules and regulations made and promulgated thereunder, or to alter or substitute seed, in a manner that may defeat the purposes of this act. To alter or detach label.

(2) To disseminate any false or misleading advertisement concerning agricultural or vegetable seed in any manner or by any means. Misleading advertising.

(3) To hinder or obstruct in any way any authorized person in the performance of his duties under this act. To hinder official.

(4) To fail to comply with a "stop-sale" order. Stop-sale order.

SEC. 20. (a) The provisions of sections 15 to 19, inclusive, do not apply— Exceptions.

(1) To seed or grain not intended for sowing purposes.

(2) To seed in storage, in, or consigned to, a seed cleaning or processing establishment for cleaning or processing: *Provided*, That any labeling or other representation which may be made with respect to the unclean seed shall be subject to this act.

SEC. 21. No person shall be subject to the penalties of this act, for having sold, offered or exposed for sale in this state any agricultural or vegetable seeds, which were incorrectly labeled or misrepresented as to kind, variety, type or origin of seeds which cannot be identified by examination thereof, if he has obtained and does produce for inspection an invoice or a declaration from a seller or grower within the jurisdiction of the courts of this state, giving kind, or kind and variety, or kind and type, and origin, if required, and if he has taken such other precautions as may be necessary to insure the identity to be that stated. Person not liable who takes necessary precautions.

Screenings
may be
destroyed.

SEC. 22. All screenings and other materials removed in the cleaning or processing of agricultural, turf and vegetable seeds which shall contain noxious-weed seeds as defined in sections 10 and 11 of this act are hereby declared to be a menace to agriculture, and by agreement with the owner may be destroyed. If said screenings and other materials containing noxious-weed seeds are not so destroyed, it shall be unlawful to sell, offer or expose for sale, or to give away or use said screenings or other materials for planting or for feeding purposes in Washington: *Provided, however,* That said screenings and other materials may be ground or treated in a manner or by a method, approved by the Director, that will destroy the viability of all noxious-weed seeds contained therein to the fullest extent practicable and to the degree that farm lands cannot be reinfested by feeding said screenings to farm animals, and after such grinding or treatment shall have been done the said ground or treated screenings and other materials may be sold, offered or exposed for sale or may be used for feeding purposes in Washington.

Screenings
not to be fed
or sold.

Screenings
may be used
if treated.

Screenings
may be
moved upon
permit.

SEC. 23. Screenings and other materials containing noxious-weed seeds and not ground or treated may be moved under permit issued by the Director in accordance with rules and regulations established by the Director, to the farm of the owner or to another cleaning or processing plant for further cleaning and/or processing: *Provided, however,* That before any such screenings not so ground or treated may be removed to any place in Washington, every container of such screenings shall be labeled, "Screenings containing noxious-weed seeds. Unfit for planting or feeding purposes in Washington" in accordance with rules and regulations to be established by the Director.

Screenings
in transit
to be labeled
noxious.

SEC. 24. It shall be the duty of the Director to enforce and carry out the provisions of the act and to sample, inspect, make analysis of, and test agricultural and vegetable seeds transported, sold, offered or exposed for sale within this state for sowing purposes, at such time and place and to such extent as he may deem necessary to determine whether said agricultural or vegetable seeds are in compliance with the provisions of this act, and to notify promptly the person who transported, sold, offered or exposed the seed for sale, of any violation of this act or the rules and regulations issued under it.

Duties of the Director of Agriculture.

Seed tested.

Notify person of violation.

SEC. 25. The Director shall adopt and publish rules and regulations governing the methods of sampling, inspecting, analyzing, testing, and examining agricultural and vegetable seed, and the tolerances to be followed in the administration of this act, which insofar as local conditions permit, shall be in general accord with officially prescribed practice in interstate commerce, and such other rules and regulations as may be necessary to secure the efficient enforcement of this act.

Shall adopt and publish rules.

Methods of testing.

SEC. 26. For the purpose of carrying out the provisions of this act, the Director is authorized—

Authority.

(1) To enter upon any public or private premises during regular business hours in order to have access to seeds subject to the act and the rules and regulations thereunder.

To enter and have access to private premises.

(2) To issue and enforce a written or printed stop-sale order to the owner or custodian of any lot of agricultural or vegetable seed which the Director finds or has reason to suspect is in violation of any of the provisions of this act, which stop-sale order shall prohibit further sale of such seed until such officer has evidence that the law has been complied with. No stop-sale order shall be issued or attached to any lot of seed without first giving the

To issue orders.

Owner to have opportunity to comply.

owner or custodian of such seed an opportunity to comply with the law or to withdraw the seed from sale. In respect to seeds which have been denied sale as provided in this paragraph, the owner or custodian of such seeds shall have the right to appeal from such order to a court of competent jurisdiction, praying for a judgment as to the justification of said order and for the discharge of such seed from the order prohibiting the sale in accordance with the findings of the court. The provisions of this paragraph shall not be construed as limiting the right of the enforcement officer to proceed as authorized by other sections of this act.

Owner may appeal.

Maintain testing facilities.

SEC. 27. The Director is authorized (a) to establish and maintain or make provision for seed testing facilities, to employ qualified persons, and to incur such expenses as may be necessary to comply with these provisions; and

Fix and collect charges for tests.

(b) to make or provide for making purity and germination tests of seeds for farmers and dealers on request; to prescribe rules and regulations governing such testing; and to fix and collect charges for the tests made and pay the same to the Director of Agriculture; and

(c) to cooperate with the United States Department of Agriculture in seed law enforcement.

Any person may submit samples for testing.

SEC. 28. Any citizen or firm of this state shall have the privilege of submitting to the Director of Agriculture, samples of agricultural and vegetable seeds for purity analyses and germination tests subject to such rules and regulations as may be adopted by said Director of Agriculture: *Provided*, That the Director of Agriculture may by such regulations fix the maximum number of samples that may be tested free of charge for any one person in any one period of time and fix charges for testing samples submitted in excess of those tested free of charge.

SEC. 29. Any lot of agricultural or vegetable seed not in compliance with the provisions of this act shall be subject to seizure on complaint of the Director of Agriculture to a court of competent jurisdiction in the area in which the seed is located. In the event that the court finds the seed to be in such violation of the act and orders the condemnation of said seed, it shall be denatured, processed, destroyed, relabeled, or otherwise disposed of in compliance with the laws of this state: *Provided*, That in no instance shall such disposition of said seed be ordered by the court without first having given the claimant an opportunity to apply to the court for the release of said seed or permission to process or relabel it to bring it into compliance with the act.

Unlawful seed may be seized.

Owner to have opportunity to comply.

SEC. 30. Every violation of the provisions of this act shall be deemed a misdemeanor punishable by a fine not exceeding one hundred dollars (\$100) for the first offense and not exceeding two hundred fifty dollars (\$250) for each subsequent similar offense.

Penalty for violation.

Subsequent violations.

SEC. 31. When the Director shall find that any person has violated any of the provisions of this act, he or his duly authorized agent or agents may institute proceedings in the court of competent jurisdiction in the area in which the violation occurred, to have such person convicted therefor; or the Director may file with the Attorney General, with the view of prosecution, such evidence as may be deemed necessary. No prosecution under this act shall be instituted without first having given the defendant an opportunity to appear before the Director or his duly authorized agent to introduce evidence either in person or by agent or attorney at a private hearing. If, after such hearing, or without such hearing in case the defendant or his agent or attorney fails or refuses to appear, the

Director may institute action.

Attorney General may represent.

Owner to have opportunity to appear before action.

Director is of the opinion that the evidence warrants prosecution, he shall proceed as herein provided.

Duty of
Prosecuting
Attorney or
Attorney
General.

SEC. 32. It shall be the duty of the Prosecuting Attorney or the Attorney General, as the case may be, to institute proceedings at once against the person charged with a violation of this act if in his judgment the information submitted warrants such action.

Director may
publish
evidence.

SEC. 33. After judgment by the court in any case arising under this act, the Director shall publish any information pertinent to the issuance of the judgment by the court in such media as he may designate from time to time.

Dealers to
obtain
license.

SEC. 34. It shall be unlawful for any person, firm or corporation to engage in, conduct, or carry on the business of selling, dealing in or importing into this state for sale or distribution any agricultural or vegetable seeds, without first having obtained from the Director of Agriculture and having in force a license so to do. A separate license shall be obtained for each regular place of business. The license fee for each place of business shall be ten dollars (\$10).

License fee.

Exception.

SEC. 35. No license shall be required from merchants selling only seeds in sealed packages of eight (8) ounces or less and which have been packed and sealed by seedsmen licensed by the Director when the package bears the name and address of the licensee. All licenses shall bear the date of issue and shall expire on the thirty-first day of December next following the date of issue. The Director may publish from time to time, in bulletins or reports, a list of those licensed under this act.

Director to
make rules.

SEC. 36. The Director of Agriculture shall have the power and it shall be his duty to adopt, promulgate and enforce rules and regulations for the

inspection, grading and certification of growing crops of agricultural or vegetable seed grown in this state, and to inspect, grade and certify the same at the request of the grower, and to fix and collect fees for such inspection, grading and certification, and to pay the same into the state treasury.

SEC. 37. 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 regulations adopted and promulgated by the Director of Agriculture of this state.

Unlawful acts.

Imported seed to comply with regulations.

SEC. 38. All moneys collected under the provisions of this act shall be paid into the state treasury and shall be expended exclusively for necessary expenses under this act.

Moneys collected used for expenses.

SEC. 39. Chapter 145 of the Laws of 1919 (section 6976 Rem. Rev. Stat.; section 113-1 Pierce's Code) and chapter 183 of the Laws of 1919 (sections 2810, 2811, 2812, 2813, 2814, 2815, 2816, 2817, 2818, 2819, 2820, 2821, 2822, 2823, 2824, 2825, and 2826 Rem. Rev. Stat.; sections 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 112-a, 112-b and 112-c Pierce's Code), as amended by chapter 153 of the Laws of 1921 (sections 2814, 2816, 2818, 2819, 2822, 2823, 2825, 2827, and 2828 Rem. Rev. Stat.; sections 103, 105, 107, 108, 111, 112, 112-b, 112-d, 112-e Pierce's Code), as amended by chapter 55 of the Laws of 1923 (sections 6977-a, 6977-b and 6977-c Rem. Rev. Stat.; sections 113-3, 113-4, and 113-5 Pierce's Code), as amended by chapter 137 of the Laws of 1923 (sections 2810, 2818, 2819, 2820, 2825, 2827 and 2828 Rem. Rev. Stat.; sections 99, 107, 108, 109, 112-b, 112-d, 112-3 Pierce's Code), as amended by chapter 46 of the Extraordinary Session of 1933 (section 2811-1 Rem. Rev. Stat.; section 100-11 Pierce's Code), as amended by chapter 140 of the Session Laws of 1935 (sections 2818, 2819, 2825, 2827 and 2828-1 Rem. Rev. Stat.; sections 107, 108, 112-b, 112-d and 113-a Pierce's Code), as amended by chapter 49 of the Laws of 1937 (section 6977-b Rem. Rev. Stat.; section 113-4 Pierce's Code), are hereby repealed.

Statutes
repealed.

Effective
date.

SEC. 40. This act is necessary for the support of the state government and its existing institutions and shall take effect April 1, 1941.

Passed the House March 6, 1941.

Passed the Senate March 5, 1941.

Approved by the Governor March 10, 1941.

CHAPTER 57.

[H. B. 105.]

CONTRACTS OF THIRD AND FOURTH CLASS CITIES.

AN ACT relating to third and fourth class cities, and prohibiting officers thereof from having any interest in contracts thereof, or in the doing of any work, or the furnishing of any material or supplies therefor; and amending section 32, chapter 184, Laws of 1915, and section 176, chapter VII, Laws of 1889-90, to make such provisions inapplicable in certain cases.

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

SECTION 1. That section 32, chapter 184, Laws of 1915 (section 9146 of Remington's Revised Statutes; section 815 of Pierce's Code), be amended to read as follows:

Amendments.

Section 32. No officer of such city shall be interested, directly or indirectly, in any contract with such city, or with any of the officers thereof, in their official capacity, or in doing any work or furnishing any supplies for the use of such city or its officers in their official capacity; and any claim for compensation for work done, or supplies or materials furnished, in which any such officer is interested, shall be void, and if audited and allowed, shall not be paid by the treasurer. Any person who is resident agent for, or local dealer in, the goods and supplies of any person, firm or corporation furnishing such goods and supplies for the use of such city, or to any officer thereof in his official capacity, or to any contractor for use in the performance of any contract with such city, shall be ineligible to hold office in said city; and any officer of such city who shall be resident agent for, or local dealer in, the goods and supplies of any person, firm or corporation, furnishing such goods and supplies for the use of such city, or to any officer thereof in his official capacity, or to any contractor for use in the per-

Officials not to contract with city.

Claims void.

Contractor not to hold office.

formance of any contract with such city, shall be deemed to be interested as contemplated herein. The provisions of this section shall not apply to any contract or any work, or the purchase of any material, goods or supplies when the expenditure thereof is one hundred dollars (\$100), or less, in any calendar month. Any willful violation of the provisions of this section shall be a ground for removal from office, and shall be deemed a misdemeanor, and punished as such.

Amendments. SEC. 2. That section 176, chapter VII, Laws of 1889-90 (section 9194 of Remington's Revised Statutes; section 855 of Pierce's Code), be amended to read as follows:

Section 176. No officer of such town shall be interested directly or indirectly in any contract with such town or with any of the officers thereof, in their official capacity, nor in doing any work nor furnishing any supplies for the use of such town, or its officers in their official capacity; and any claim for compensation for work done or supplies or material furnished in which any such officer is interested shall be void, and if audited and allowed, shall not be paid by the treasurer. The provisions of this section shall not apply to any contract or the purchase of any material or supplies when the expenditure therefor is fifty dollars (\$50), or less, in any calendar month. Any willful violation of the provisions of this section shall be a ground for removal from office, and shall be deemed a misdemeanor and punished as such.

Passed the House March 5, 1941.

Passed the Senate March 5, 1941.

Approved by the Governor March 10, 1941.

Official not to perform services or furnish supplies.

Claim void.

Exception.

Penalty.

CHAPTER 58.

[H. B. 65.]

RENEWAL OF GRANT TO P. J. McGOWAN & SONS.

AN ACT granting to P. J. McGowan & Sons, a corporation, its successors and assigns, a renewal of the right and privilege to maintain and use certain wharves and buildings upon a portion of Holman waterway in front of the town of Ilwaco.

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

SECTION 1. There is hereby granted to P. J. McGowan & Sons, a corporation, its successors and assigns, a renewal for the right and privilege, for a period of ten years from and after the fourteenth day of March, 1943, to maintain certain wharves and buildings, constructed under the provisions of chapter 106 of the Laws of 1903, upon a strip or portion of the east half of the Holman waterway, eighty (80) feet wide and four hundred (400) feet long, beginning at a point on the east half of the said waterway fourteen hundred (1400) feet southerly from the point of intersection of the United States government meander line and the east line of said waterway and extending towards the inner harbor line, according to the official plat of the tide lands and inner harbor line in front of the town of Ilwaco, on file in the county of Pacific, State of Washington, and to conduct on the said described premises all the operations necessary for the catching, canning, packing and preserving of salmon and other fish and food products.

Renewal of
grant for
docks and
factory.

Passed the House February 7, 1941.

Passed the Senate March 5, 1941.

Approved by the Governor March 12, 1941.

CHAPTER 59.

[H. B. 70.]

APPROPRIATION FOR RELIEF OF VETERANS.

AN ACT relating to the relief of soldiers, sailors and marines of the disabled American veterans and their families; and making 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 five thousand dollars (\$5000) 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.

Assistance of disabled veterans.

Funds for rehabilitation 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.

Passed the House February 14, 1941.

Passed the Senate March 5, 1941.

Approved by the Governor March 12, 1941.

CHAPTER 60.

[H. B. 92.]

AUTHORIZING CUMULATIVE RESERVE FUNDS FOR CITIES OR TOWNS.

AN ACT relating to cities and towns; authorizing the establishment of cumulative reserve funds for specified municipal purposes and the levy of a tax therefor; and repealing all acts and parts of acts in conflict herewith.

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

SECTION 1. Any city or town is hereby authorized to establish by ordinance a cumulative reserve fund for any municipal purpose, including that of buying any specified supplies, material or equipment, or the construction, alteration or repair of any public building or work, or the making of any public improvement. The ordinance shall designate the fund as "Cumulative Reserve Fund for (naming purpose for which fund is to be accumulated and expended)". The moneys in said fund may be allowed to accumulate from year to year until the legislative authority of the city or town shall determine to expend the moneys in the fund for the purpose specified: *Provided*, That any moneys in said fund shall never be expended for any other purpose than that specified, without an approving vote by a majority of the electors of the city or town at a general or special election voting on a proposal submitted to the electors to allow other specified uses to be made of said fund.

Cities authorized to create reserve fund.

Designate purpose.

Cumulative.

Expenditure restricted to purpose.

SEC. 2. An item for said cumulative reserve fund may be included in the city or town's annual budget or estimate of amounts required to meet public expense for the ensuing year and a tax levy made within the limits and as authorized by law for said item; and said item and levy may be repeated from year to year until, in the judgment of the legislative

May levy to establish fund.

Within limits.

body of the city or town, the amount required for the specified purpose has been raised or accumulated. Any moneys in said fund at the end of the fiscal year shall not lapse nor shall the same be a surplus available or which may be used for any other purpose than that specified, except as herein provided.

Conflicting
laws
repealed.

SEC. 3. All acts and parts of acts in conflict herewith are hereby repealed.

Passed the House February 6, 1941.

Passed the Senate March 5, 1941.

Approved by the Governor March 12, 1941.

CHAPTER 61.

[H. B. 170.]

INDEMNITIES FOR SLAUGHTER OF DISEASED ANIMALS.

AN ACT relating to the Department of Agriculture; making an appropriation for the payment of indemnities in the eradication of bovine tuberculosis and bang's disease; and for the production or purchase of certain biologics for the control and eradication of certain animal diseases; and for the payment of salaries and operating expenses of veterinarians for animal disease control and eradication, for the period beginning with the approval of this act and ending March 31, 1943, and declaring an emergency.

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

Purpose.

SECTION 1. The following sums, or as much thereof as shall severally be found necessary, are hereby appropriated out of the general fund of the state treasury for the payment of indemnities to the owners of cattle slaughtered in the eradication of bovine tuberculosis, para-tuberculosis and bang's disease, and for the employment of veterinary inspectors including salaries and operating expenses,

Indemnity
for deceased
animals.

and for the production or purchase of biological products to be used in the control and eradication of animal diseases for the fiscal biennium ending March 31, 1943, incurred in the eradication of bovine tuberculosis, para-tuberculosis and bang's disease. For biennium.

| | | |
|---|--------------|----------------|
| For bovine tuberculosis and para-tuberculosis indemnities | \$ 20,000.00 | Appropriation. |
| For bang's disease indemnities | 195,000.00 | |
| For employment of veterinary inspectors including salaries and operating expenses | 75,000.00 | |
| For the production or purchase of biological products including vaccines for bang's disease control and eradication | 7,500.00 | |

SEC. 2. This act is necessary for the immediate preservation of 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 House February 14, 1941.

Passed the Senate March 5, 1941.

Approved by the Governor March 12, 1941.

CHAPTER 62.

[H. B. 397.]

APPROPRIATION FOR TEMPORARY PUBLICATION OF SESSION LAWS.

AN ACT appropriating the sum of thirty-five hundred dollars (\$3,500.00), or so much thereof as may be necessary for the temporary publication of Session Laws of the 27th Session of the Washington State 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 thirty-five hundred dollars (\$3,500.00), or so much thereof as may be necessary, for the printing and mailing of the temporary publication of the Session Laws of the 27th Session of the Washington State Legislature.

Purpose.

Effective immediately.

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 February 27, 1941.

Passed the Senate March 5, 1941.

Approved by the Governor March 12, 1941.

CHAPTER 63.

[H. B. 300.]

PREVENTION OF FOREST FIRES.

AN ACT for the protection of forests and prevention and suppression of fires; providing for the closing of logging operations during abnormal forest fire weather; and amending section 1 of chapter 152 of the Laws of 1937 (section 5794 of Remington's Revised Statutes.)

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

SECTION 1. That section 1 of chapter 152 of the Laws of 1937 (section 5794 of Remington's Revised Statutes) be amended to read as follows:

Amendments.

Section 1. It shall be unlawful for anyone to operate within one-quarter ($\frac{1}{4}$) of one (1) mile of any forest area during the closed season:

Unlawful acts.

(a) Any spark-emitting railroad logging locomotive, logging or farming engine or boiler or any spark-emitting locomotive, without such railroad or logging locomotive being equipped with and uses a safe and suitable device for arresting sparks, a suitable power pump of not less than 3"x2"x3" with discharge air chamber, or equivalent pump, three hundred (300) feet of hose not less than one (1) inch in diameter equipped with a standard nozzle, three (3) axes, six (6) shovels, one (1) five (5) gallon hand pump, two (2) bucking saws and six (6) mattocks or the serviceable equivalent 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: *Provided*, That no such railroad locomotive, logging locomotive, logging or other engine or boiler shall be operated by anyone without being equipped with adequate device to prevent the escape of fire or live coals or other burning substance from all ash pans, and all fire boxes, except when ash pans or fire boxes are

Engine equipped to prevent fire.

Spark arrester.

Pump and equipment.

Donkey
equipment.

being cleaned when not in motion. Any donkey boiler, when equipped to operate without the use of exhaust steam within the stack, and without any artificial means of creating a forced draught, shall not require a spark arrestor;

Other
engine
equipment.

(b) Any gasoline or diesel yarding, skidding, or loading engine, unless such yarding, skidding, or loading engine is provided with two (2) chemical fire extinguishers of not less than one-half ($\frac{1}{2}$) gallon capacity each, three (3) axes, six (6) shovels, one (1) five (5) gallon hand pump, two (2) bucking saws, and six (6) mattocks or the serviceable equivalent to such tools. The hand equipment must be kept in a sealed box ready for instant use on or adjacent to such yarding, skidding, or loading engines;

Tractor
equipment.

(c) Any tractor, unless such tractor is equipped with a chemical fire extinguisher of not less than one (1) quart capacity;

(d) Any truck hauling forest products from any forest area, unless such truck is equipped with a chemical fire extinguisher of not less than one (1) quart capacity, one (1) axe and one (1) shovel;

Gas engine
equipment.

(e) Any gasoline or diesel engine, unless such engine has the exhaust pipe outlet pointed upward to a minimum angle of forty-five (45) degrees from the horizontal or is equipped with a suitable device for arresting sparks.

Locomotives
equipped
with
sprinkler.

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.

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 employ patrolmen for such purpose and the railroad company concerned shall be liable for the expense of the same to be collected in a civil suit brought by the state against said railroad company.

Common carrier trains to be followed by speeder patrol.

Equipment.

Company liable for patrol expense.

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.

Logging engine followed by patrol in hazardous area.

Patrol equipment.

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.

Passed the House February 20, 1941.

Passed the Senate March 5, 1941.

Approved by the Governor March 12, 1941.

CHAPTER 64.

[S. B. 98.]

JURISDICTION OF CONSTABLES IN CLASS "A" COUNTIES.

AN ACT relating to constables in class "A" counties; limiting their right to make arrests under certain circumstances, and amending section 1 of chapter 138 of the Laws of 1935 (section 7560-1 of Remington's Revised Statutes).

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

Amendments.

SECTION 1. Section 1 of chapter 138 of the Laws of 1935 (section 7560-1 of Remington's Revised Statutes) is amended to read as follows:

Jurisdiction of constable in Class A County.

Section 1. In a class "A" county no constable shall have jurisdiction to serve a warrant for any criminal offense committed outside of the boundaries of his precinct or to serve a search warrant for the seizure of property located outside his precinct, nor shall he as such make any arrests or detain any person or persons for any violation of any law or laws concerning motor vehicles and the operation thereof, except when serving a warrant duly issued by the justice of the peace upon a complaint regularly filed with the justice of the peace.

Not to make arrests for motor vehicle violations, except on warrant.

Passed the Senate February 11, 1941.

Passed the House March 5, 1941.

Approved by the Governor March 12, 1941.

CHAPTER 65.

[S. B. 176.]

RURAL FREE PUBLIC LIBRARIES.

AN ACT relating to free public libraries; providing for rural county library districts, providing revenue and creating boards therefor, prescribing their powers and duties, and amending sections 2, 3, 4, 5, 7, 8, 9 and 10 of chapter 119, Laws of 1935 as amended by sections 1 and 3 of chapter 108, Laws of 1939 (sections 8226-2, 8226-3, 8226-4, 8226-5, 8226-7, 8226-8, 8226-9 and 8226-10, Remington's Revised Statutes); adding thereto one new section to be known as section 4a; and repealing section 6 of chapter 119, Laws of 1935 (section 8226-6, Remington's Revised Statutes).

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

SECTION 1. Section 2 of chapter 119, Laws of 1935 (section 8226-2, Remington's Revised Statutes) is amended to read as follows: Amendments.

Section 2. As used in this act, unless the context requires a different meaning (1) "governmental unit" means any county, city, town, rural county library district, or school district, except a union high school district; (2) "legislative body" means the body authorized to determine the amount of taxes to be levied in a governmental unit; in rural county library districts the legislative body shall be the board of library trustees of the district; (3) "library" means a free public library supported in whole or in part with money derived from taxation; and (4) "regional library" means a free public library maintained by two or more counties or other governmental units; and (5) "rural county library district" means a library serving all the area of a county not included within the area of incorporated cities and towns. Definitions.

SEC. 2. Section 3 of chapter 119, Laws of 1935 (section 8226-3, Remington's Revised Statutes) is amended to read as follows: Amendments.

Power to
maintain
library.

Section 3. Any governmental unit has power to establish and maintain a library, either by itself or in cooperation with one or more other governmental units.

Amendments.

SEC. 3 Section 4 of chapter 119, Laws of 1935 (section 8226-4, Remington's Revised Statutes) is amended to read as follows:

Procedure to
establish.

Section 4. A library may be established in any county, city, town, or school district, except a union high school district, either (1) by its legislative body of its own initiative; or (2) upon the petition of one hundred (100) tax payers of such a governmental unit, the legislative body shall submit to a vote of the qualified electors thereof, at the next municipal or special election held therein (in the case of a city, town, or school district) or the next general election or special election held therein (in the case of a county), the question whether a library shall be established; and if a majority of the electors voting on the question vote in favor of the establishment of a library, the legislative body shall forthwith establish one.

Petition.

Election.

Amendments.

SEC. 4. Chapter 119, Laws of 1935, is amended by adding thereto a new section to be known as section 4a to read as follows:

Rural free
library
districts
authorized.

Section 4a. Rural county library districts are hereby authorized for the purpose of giving free public library service to their residents. Such districts shall include all areas of the county outside incorporated cities and towns. A rural county library district may be established by a majority vote of the people voting on the proposition in the district. The procedure for the establishment of such a rural county library district shall be as follows:

Procedure.

Petition.

(1) Petitions signed by at least one hundred (100) tax paying citizens of the county, outside of the area of incorporated cities and towns, asking that the

question: "Shall a rural county library district be established?" shall be filed with the board of county commissioners. (2) The board of county commissioners, after having determined that the petition was signed by the requisite number of qualified petitioners, shall place the proposition for the establishment of a rural county library district on the ballot for the vote of the people of the county, outside incorporated cities and towns, at the next succeeding general or special election. (3) If a majority of the electors voting on the proposition vote in favor of the establishment of a rural county library district, the board of county commissioners shall forthwith declare it established. After the board of county commissioners has declared a rural county library district established, it shall appoint a board of library trustees as is provided in section 8 hereof and provide funds for the establishment and maintenance of library service for the district by making a tax levy on the property in the district of not more than two (2) mills per annum and thereafter shall levy a tax upon said district sufficient for the library service as is required by the budget submitted to the board of county commissioners by the board of library trustees. Such levies shall be a part of the general tax roll and shall be collected as a part of the general taxes against the property in the district. It shall be the duty of the county treasurer of the county in which any rural county library district is created under this act to receive and disburse all district revenues and to collect all taxes levied under this act.

Election.

Appoint
board.Tax levy to
maintain.Duty of Co.
Treasurer.

A rural county library district shall be a public corporation with such powers as are necessary to carry out its functions and for taxation purposes shall have the power vested in municipal corporations for such purposes.

District a
public
corporation.

Amendments.

SEC. 5. Section 5 of chapter 119, Laws of 1935 (section 8226-5, Remington's Revised Statutes) is amended to read as follows:

Two or more counties may establish regional library.

Section 5. Two (2) or more counties, or other governmental units, by action of their legislative bodies, may join in establishing and maintaining a regional library under the terms of a contract to which all will agree. The expenses of the regional library shall be apportioned between or among the contracting parties concerned on such basis as shall be agreed upon in the contract. The treasurer of one of the governmental units, as shall be provided in the contract, shall have the custody of the funds of the regional library; and the treasurers of the other governmental units concerned shall transfer quarterly to him all moneys collected for free public library purposes in their respective governmental units. If the legislative body of any governmental unit decides to withdraw from a regional library contract, the governmental unit withdrawing shall be entitled to a division of the property on the basis of its contributions.

Treasurer.

May withdraw from contract.

Dissolution and division.

Amendments.

SEC. 6. Section 7 of chapter 119, Laws of 1935 (section 8226-7, Remington's Revised Statutes) is amended to read as follows:

May contract for service from existing library.

Section 7. Instead of establishing or maintaining an independent library, the legislative body of any governmental unit authorized to maintain a library shall have power to contract to receive library service from an existing library, the board of trustees of which shall have reciprocal power to contract to render the service with the consent of the legislative body of its governmental unit. Such a contract shall require that the existing library perform all the functions of a library within the governmental unit wanting service. In like manner a legislative body may contract for library service from a library not owned by a public corporation but maintained

for free public use: *Provided*, That such a library be subject to inspection by the state librarian and be certified by him as maintaining a proper standard. Any school district may contract for school library service from any existing library, such service to be paid for from funds available to the school district for library purposes.

Inspection.

SEC. 7. Section 8 of chapter 119, Laws of 1935, as amended by section 1 of chapter 108, Laws of 1939 (section 8226-8 of Remington's Revised Statutes), is amended to read as follows:

Amendments.

Section 8. The management and control of a library shall be vested in a board of five (5) trustees. In cities and towns the trustees shall be appointed by the mayor with the consent of the legislative body. In counties and rural county library districts they shall be appointed by the board of county commissioners. In a regional library district they shall be appointed by the joint action of the legislative bodies concerned. In school districts they shall be elected by the voters in the manner in which school directors are elected. The first appointments or elections shall be for terms of one (1), two (2), three (3), four (4), and five (5) years respectively, and thereafter a trustee shall be appointed or elected annually to serve for five (5) years. Vacancies shall be filled for unexpired terms as soon as possible in the manner in which members of the board are regularly chosen: *Provided*, That where the library is a school district public library, the remaining members of the board of trustees shall fill such vacancies by appointment, for terms to expire at the next regular election of library trustees. A library trustee shall not receive a salary or other compensation for services as trustee, but necessary expenses actually incurred shall be paid from the library funds. A library trustee in the case of a city or town may be removed only by vote of the

Power vested in board of trustees.

Appointment.

Terms of trustees.

Vacancies.

No compensation except expenses for trustees.

Removal of trustee.

legislative body. A library trustee of a school district public library may be removed only by a majority vote of the other trustees. A trustee of a county library or a rural county library district library may be removed by the county commissioners after a public hearing upon a written complaint stating the ground for removal, which complaint, with a notice of the time and place of hearing, shall have been served upon the trustee at least fifteen (15) days before the hearing.

Procedure.

Amendments.

SEC. 8. Section 9 of chapter 119, Laws of 1935 (section 8226-9, Remington's Revised Statutes) is amended to read as follows:

Duties of Trustees.

Section 9. The trustees, immediately after their appointment or election, shall meet and organize by the election of such officers as they deem necessary.

Organization.

Adopt rules.

They shall (1) adopt such by-laws, rules, and regulations for their own guidance and for the government of the library as they deem expedient; (2) have the supervision, care, and custody of all property of the library, including the rooms or buildings constructed, leased, or set apart therefor; (3) employ a librarian, and upon his recommendation employ such other assistants as may be necessary, all in accordance with the provisions of section 11 of this act, prescribe their duties, fix their compensation, and remove them for cause; (4) submit annually to the legislative body a budget containing estimates in detail of the amount of money necessary for the library for the ensuing year; except that in a rural county library district the board of library trustees shall prepare its budget, certify the same and deliver it to the board of county commissioners in ample time for it to make the tax levies for the purpose of the district; (5) have exclusive control of the finances of the library; (6) accept such gifts of money or property for library purposes as they deem

Custody of property.

Employ librarian.

Submit annual budget.

Exclusive control.

expedient; (7) lease or purchase land for library buildings; (8) lease, purchase, or erect an appropriate building or buildings for library purposes, and acquire such other property as may be needed therefor; (9) purchase books, periodicals, maps, and supplies for the library; and (10) do all other acts necessary for the orderly and efficient management and control of the library.

Purchase and hold property.

SEC. 9. Section 10 of chapter 119, Laws of 1935, as amended by section 3, chapter 108, Laws of 1939 (section 8226-10 of Remington's Revised Statutes), is amended to read as follows:

Amendments.

Section 10. After a library shall have been established or library service contracted for, the legislative body of the governmental unit for which the library was established or the service engaged, shall appropriate money annually for the support of the library: *Provided*, That with respect to a school district public library it shall not be necessary for the school board of the district in which said library is located to make an appropriation of the moneys derived from the levy provided in section 9a of this act, but all such moneys shall at all times be available for the use of said library. All funds for the library, whether derived from taxation or otherwise, shall be in the custody of the treasurer of the governmental unit, and shall be designated by him in some manner for identification, and shall not be used for any but library purposes. The board of trustees shall have the exclusive control of expenditures for library purposes subject to any examination of accounts required by the state and money shall be paid for library purposes only upon vouchers of the board of trustees, without further audit. The board shall not make expenditures or incur indebtedness in any year in excess of the amount of money appropriated and/or available for library purposes.

Appropriation for support.

Treasurer custodian of all funds.

Trustees to make all expenditures.

Limits.

Statute
repealed.

SEC. 10. Section 6 of chapter 119, Laws of 1935 (section 8226-6, Remington's Revised Statutes) is hereby repealed.

Passed the Senate March 6, 1941.

Passed the House March 5, 1941.

Approved by the Governor March 12, 1941.

CHAPTER 66.

[S. B. 16.]

LEASING OF STATE LAND TO THE UNITED STATES FOR DEFENSE PURPOSES.

AN ACT providing for the leasing of state lands to the United States for defense purposes, and declaring an emergency.

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

State lands
may be
leased for
defense.

SECTION 1. State lands may be leased to the United States for national defense purposes at the fair rental value thereof as determined by the Commissioner of Public Lands, for a period of five years or less. Such leases may be made without competitive bidding at public auction and without payment in advance by the United States government of the first year's rental. Such leases otherwise shall be negotiated and arranged in the same manner as other leases of state lands.

Effective im-
mediately.

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 February 7, 1941.

Passed the House March 6, 1941.

Approved by the Governor March 12, 1941.

CHAPTER 67.

[S. B. 91.]

McKAY MEMORIAL RESEARCH HOSPITAL.

AN ACT providing for hospitalization and care of indigent persons at McKay memorial research hospital, and amending sections 2, 4, 6, and 7, chapter 46, Laws of 1939 (sections 6130-32, 6130-34, 6130-36, and 6130-37, respectively, of 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 46, Laws of 1939 (section 6130-32 of Remington's Revised Statutes), be amended to read as follows:

Amendments.

Section 2. A public institution is hereby established at Soap Lake, Washington, to be known as the McKay Memorial Research Hospital, for the treatment and care of persons afflicted with Buerger's disease, and for experimental and scientific study of such disease and the medicinal and curative properties of the waters of Soap Lake, and for general hospital care and treatment of indigent citizens of the State of Washington entitled to such service at public expense, to the extent that hospital facilities may be available for general hospital care and treatment under such rules and regulations as shall be prescribed by the department.

Public hospital established.

Treatment of Buerger's disease.

SEC. 2. That section 4, chapter 46, Laws of 1939 (section 6130-34 of Remington's Revised Statutes), be amended to read as follows:

Amendments.

Section 4. The facilities of said institution for care and treatment of Buerger's patients shall be available, first, to bona fide residents of the State of Washington, and thereafter to the extent that facilities may be available and adequate for such patients to residents of other states and territories on such

Available to residents and others.

Conditions.

terms and under such rules and regulations as in this act provided for.

Amend-
ments.

SEC. 3. That section 6, chapter 46, Laws of 1939 (section 6130-36 of Remington's Revised Statutes), be amended to read as follows:

Cost to be
fixed by
department.

Section 6. Patients admitted for treatment and hospitalization shall pay to the department the cost of treatment and service as provided under rules and regulations adopted by the department. In determining such cost, the director shall include all salaries, wages and other current operating charges including replacements and additions to equipment and routine maintenance of plant and facilities: *Provided*, The director may, and he is authorized to, adopt temporary fee schedules to be effective during the biennial period ending March 31, 1943: *And provided further*, That no charges shall be made to a veteran or wife or widow of a veteran afflicted with Buegers disease who was a citizen and resident of the state prior to 1935.

No charge
to veterans
or widows.

Amend-
ments.

SEC. 4. That section 7, chapter 46, Laws of 1939 (section 6130-37 of Remington's Revised Statutes), be amended to read as follows:

U. S. or
others may
contract to
care for
patients.

Section 7. The United States or any of its agencies, the State of Washington or any department or legal subdivision thereof, any other state or territory or legal subdivision thereof, or any person, corporation, association or voluntary association which may wish to provide for the care of persons afflicted with Buegers disease in the institution and pay the cost of treatment and care as in this act provided may do so under such terms, rules and regulations as may be prescribed by the director, and the department is hereby empowered to enter into appropriate contracts on behalf of the State of Washington for such services including general hospital care and treatment of indigent

Terms to be
fixed by
department.

citizens of the State of Washington entitled to such service at public expense.

SEC. 5. This act is necessary for the immediate preservation of public peace, health and safety and shall take effect immediately. Effective immediately.

Passed the Senate February 6, 1941.

Passed the House March 7, 1941.

Approved by the Governor March 12, 1941.

CHAPTER 68.

[H. B. 3.]

STREET LIGHTING BY WATER DISTRICTS.

AN ACT relating to water districts and providing for the acquiring, construction, maintenance, operation, and development of street lighting systems thereby.

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

SECTION 1. In addition to the powers now given water districts by law, they shall also have power to acquire, construct, maintain, operate, and develop street lighting systems in the same manner as provided by law for the doing thereof in connection with water supply systems. Water districts may maintain street lighting systems.

Passed the House February 6, 1941.

Passed the Senate March 5, 1941.

Approved by the Governor March 13, 1941.

CHAPTER 69.

[S. B. 185.]

RURAL HOUSING.

AN ACT authorizing housing authorities created for counties to provide housing for farmers of low income, amending chapter 23, Laws of 1939, by adding thereto three new sections to follow section 23, to be known as sections 23a, 23b, and 23c and declaring an emergency.

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

Amendment
adding new
section.

SECTION 1. Chapter 23, Laws of 1939, is amended by adding thereto a new section to follow section 23, to be known as section 23a (section 6889-23a, Remington's Revised Statutes; section 2746-123a Pierce's Code) which shall read as follows:

Rural
housing
projects.

Power of
authority.

Section 23a. RURAL HOUSING PROJECTS. Housing authorities created for counties are specifically empowered and authorized to borrow money, accept grants and exercise their other powers to provide housing for farmers of low income as herein defined. In providing such housing, such housing authorities shall not be subject to the tenant selection limitations provided in clause (c) of section 10 of the Housing Authorities Law, chapter 23, Laws of 1939, (section 6889-10, Remington's Revised Statutes; section 2746-110, Pierce's Code). In connection with such projects, such housing authorities may enter into such leases or purchase agreements, accept such conveyances and rent or sell dwellings forming part of such projects to or for farmers of low income, as such housing authority deems necessary in order to assure the achievement of the objectives of this act. Such leases, agreements or conveyances may include such covenants as the housing authority deems appropriate regarding such dwellings and the tracts of land described in any such instrument, which covenants shall be deemed to run with the

Limitations
not applic-
able to rural
projects.

May rent or
sell to
farmers of
low income.

land where the housing authority deems it necessary and the parties to such instrument so stipulate. Nothing contained in this section shall be construed as limiting any other powers of any housing authority.

SEC. 2. Chapter 23, Laws of 1939, is amended by adding thereto a new section to follow section 23 and section 23a, to be known as 23b (section 6889-23b, Remington's Revised Statutes; section 2746-123b, Pierce's Code) which shall read as follows:

Amendment
by adding
new section.

Section 23b. HOUSING APPLICATIONS BY FARMERS. The owner of any farm operated, or worked upon, by farmers of low income in need of safe and sanitary housing may file an application with a housing authority of a county requesting that it provide for a safe and sanitary dwelling or dwellings for occupancy by such farmers of low income. Such applications shall be received and examined by housing authorities in connection with the formulation of projects or programs to provide housing for farmers of low income.

Application
by farmers
with low
income.

SEC. 3. Chapter 23, Laws of 1939, is amended by adding thereto a new section to follow section 23, section 23a and section 23b, to be known as section 23c (section 6889-23c, Remington's Revised Statutes; section 2746-123c, Pierce's Code) which shall read as follows:

Amendment
by adding
new section.

Section 23c. FARMERS OF LOW INCOME. "Farmers of low income" shall mean persons or families who at the time of their admission to occupancy in a dwelling of a housing authority: (1) live under unsafe or insanitary housing conditions; (2) derive their principal income from operating or working upon a farm; and (3) had an aggregate average annual net income for the three years preceding their admission that was less than the amount determined by the housing authority to be necessary,

Definition:
Farmers of
low income.

Requisites.

within its area of operation, to enable them, without financial assistance, to obtain decent, safe and sanitary housing, without overcrowding.

Powers
additional
to any
other law.

SEC. 4. The powers conferred by this act shall be in addition and supplemental to the powers conferred by any other law, and nothing contained herein shall be construed as limiting any other powers of any housing authority.

Partial
invalidity.

SEC. 5. Notwithstanding any other evidence of legislative intent it is hereby declared to be the controlling legislative intent that if any provision of this act, or the application thereof to any person or circumstances, is held invalid, the remainder of the act and the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

Effective
immediately.

SEC. 6. 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 February 20, 1941.

Passed the House March 7, 1941.

Approved by the Governor March 14, 1941.

CHAPTER 70.

[H. B. 50.]

FIRE PROTECTION DISTRICTS.

AN ACT relating to the creation, government and maintenance of fire-protection districts outside of cities and towns; providing for the elimination of fire hazards, a procedure for annexation of contiguous territory; authorizing districts to contract with others; increasing limitation of indebtedness, and amending sections 1, 10, 16, 17, 20, 38 and 39 of chapter 34 of the Laws of 1939 (sections 5654-101, 5654-110, 5654-116, 5654-117, 5654-120, 5654-138 and 5654-139 of Remington's Revised Statutes) and adding thereto a new section to be known as section 16a.

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

SECTION 1. Section 1 of chapter 34 of the Laws of 1939 (section 5654-101 of Remington's Revised Statutes) be amended to read as follows:

Amendments.

Section 1. Fire-protection districts for the elimination of fire hazards adjacent to structures and for the protection of life and property from fire in territories outside of incorporated cities and towns are hereby authorized to be established as in this act provided.

Fire-protection districts authorized.

SEC. 2. Section 10 of chapter 34 of the Laws of 1939 (section 5654-110 of Remington's Revised Statutes) be amended to read as follows:

Amendments.

Section 10. If it is found upon examination of certificate of the canvassing officials that three-fifths (3/5) of all the votes cast at said election were cast for the proposition "..... County Fire Protection District No. Yes," the Board of County Commissioners shall by resolution entered in the minutes of its proceedings, declare such territory duly organized as a fire-protection district under the name theretofore designated and shall declare the three candidates receiving the highest

Three-fifths vote necessary.

First commissioners.

number of votes for Fire Commissioners the duly elected first Fire Commissioners of said district.

Amendment by adding new section.

SEC. 3. Section 16 of chapter 34 of the Laws of 1939 (section 5654-116 of Remington's Revised Statutes) be amended by adding thereto a new section, to be known as section 16a, to read as follows:

Additional territory may be annexed.

Section 16a. Any territory contiguous to a fire-protection district and not within the boundaries of an incorporated city or town or other fire-protection district may be annexed to such fire-protection district, for the purpose of obtaining fire fighting protection or prevention facilities, by petition of fifteen per cent of the qualified registered electors residing within the territory proposed to be annexed. Such petition shall be filed with the Fire Commissioners of the fire-protection district and if the said Fire Commissioners shall concur in the said petition they shall then file such petition with the County Auditor who shall within thirty (30) days from the date of filing such petition examine the signatures thereof and certify to the sufficiency or insufficiency thereof. After the County Auditor shall have certified to the sufficiency of the petition, the proceedings thereafter by the Board of County Commissioners and the rights and powers and duties of petitioners and objectors and the election and canvass thereof shall be the same as in the original proceedings to form a fire-protection district: *Provided, however,* That the special election shall be held only within the boundaries of the territory proposed to be annexed to said fire-protection district. Upon the entry of the order of the Board of County Commissioners incorporating such contiguous territory with such existing fire-protection districts, said territory shall become subject to the indebtedness, bonded or otherwise, of said existing district in like manner as the territory of said district. Should such petition be signed by all of the qualified registered elec-

Petition by 15 per cent of voters.

Filed with commissioners.

Auditor to certify.

Procedure same as original district.

Such special election only within new territory.

New territory subject to indebtedness.

tors residing within the territory proposed to be annexed, and should the Fire Commissioners concur therein, an election in such territory and a hearing on such petition shall be dispensed with and the Board of County Commissioners shall enter its order incorporating such territory within the said existing fire-protection district.

No election when all voters sign.

SEC. 4. Section 20 of chapter 34 of the Laws of 1939 (section 5654-120 of Remington's Revised Statutes) be amended to read as follows:

Amendments.

Section 20. Any fire-protection district organized under this act shall have authority

District authority.

(1) To lease, own, maintain, operate and provide fire engines and all other necessary or proper apparatus, instrumentalities, machinery and equipment for the prevention and extinguishment of fires;

Own and maintain fire equipment.

(2) To lease, own, maintain and operate real property, improvements and fixtures thereon suitable and convenient for housing, repairing and caring for fire fighting equipment;

Own and maintain quarters for equipment.

(3) To enter into contract with any incorporated city or town whereby such city or town shall furnish fire-prevention and fire extinguishment service to the districts and the inhabitants thereof under the provisions of this act upon such terms as the board of directors of the district shall determine. To contract with another county fire-protection district, or with any town, city or municipal corporation or governmental agency or private person or persons to consolidate or cooperate for mutual fire fighting protection and prevention purposes; or, for mutual fire fighting, protection and prevention purposes only, may annex or become annexed to any incorporated city or town of the third or fourth class or governmental agency already provided with fire fighting and protection equipment and fire-protection service upon terms which may be mutually agreed upon. Any city, town, municipal corpora-

May contract with cities for service.

May contract with other district.

May annex to towns.

Cities
authorized
to make
contracts.

tion or governmental agency may contract with a county fire-protection district established and maintained under the provisions of this act for the purpose of affording such district fire fighting and protection equipment and service or fire prevention facilities, and in so contracting the district, city, town, municipal corporation or other governmental agency shall be deemed for all purposes to act within its governmental capacity. Any county fire-protection district established and maintained under the provisions of this act, or any city, town, municipal corporation or other governmental agency is hereby authorized to contract with any person, firm or corporation for the purpose of affording fire fighting, protection or fire prevention facilities to such person, firm or corporation and such contractual relation shall be deemed for all purposes to be within the governmental power of such rural fire-protection district, city, town, municipal corporation or other governmental agency.

(4) To do all things and perform all acts not otherwise prohibited by law.

Amend-
ments.

SEC. 5. Section 39 of chapter 34 of the Laws of 1939 (section 5654-139 of Remington's Revised Statutes) be amended to read as follows:

Fire Com-
missioners
may levy
taxes.

Section 39. The Board of Fire Commissioners shall have no authority to contract indebtedness in any year in excess of the aggregate amount of the currently levied taxes except as herein specifically provided, and the annual levy for general district purposes exclusive of levies for local improvement districts shall not exceed four (4) mills, except, that in Class A counties, such levy shall not exceed two (2) mills.

Limits.

Amend-
ments.

SEC. 6. Section 17 of chapter 34 of the Laws of 1939 (section 5654-117 of Remington's Revised Statutes) be amended to read as follows:

L. I. D.
authorized
by district.

Section 17. Such fire-protection districts shall have authority to create local improvement districts

to include any or all of the lands within the fire-protection district, to provide for the levy and collection of special taxes against the respective lands benefited and to issue evidences of indebtedness chargeable against said lands as in this act provided; and to issue and sell evidences of term indebtedness of the district and to make provisions for the payment thereof; but such districts shall have no authority to issue and sell any evidence of indebtedness of any kind or nature with a fixed maturity for a term longer than six (6) years from the date of the issuance and sale thereof.

Levy and collection of taxes.

Time limit of indebtedness.

SEC. 7. Section 38 of chapter 34 of the Laws of 1939 (section 5654-138 of Remington's Revised Statutes) be amended to read as follows:

Amendments.

Section 38. The Board of Fire Commissioners of the district shall have authority to contract indebtedness and evidence the same by the issuance and sale at par plus accrued interest not exceeding six per cent (6%) per annum of coupon warrants of the district in such form as the Board shall determine. Such warrants shall be payable at such time or times as the Board shall provide not longer than six (6) years from the date thereof. Such coupon warrants shall be payable to bearer, shall have interest coupons attached providing for the payment of interest semi-annually on the first day of January and of July, and the issuance thereof shall be recorded in the office of the County Treasurer in a book kept for that purpose. All outstanding district warrants of every kind shall outlaw and become void after six (6) years from the maturity date thereof where money shall be available in the proper fund of the district within that time for their payment.

Authority to contract indebtedness and issue coupon warrants.

Warrants registered.

Warrants may be outlawed.

Passed the House March 5, 1941.

Passed the Senate March 5, 1941.

Approved by the Governor March 18, 1941.

CHAPTER 71.

[H. B. 288.]

LICENSING AND REGULATION OF VETERINARIANS.

AN ACT defining and regulating the practice of veterinary medicine, surgery and dentistry; providing for the creation of a board of examiners and defining the duties thereof, providing for the examination and licensing of veterinarians, providing for the suspension and revocation of licenses, providing for an annual renewal of licenses and the payment of annual license renewal fees, extending the right to practice to practitioners of other states, fixing fees, prescribing penalties and repealing chapter 124 of the Laws of 1907 as amended by chapter 79, Laws of 1913, (sections 10040-10055, Remington's Revised Statutes).

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

Definition
of veterin-
arians.

SECTION 1. Any person shall be regarded as practicing veterinary medicine, surgery and dentistry within the meaning of this chapter who shall, within this state, (a) by advertisement, or by any notice, sign, or other indication, or by a statement written, printed or oral, in public or private, made, done, or procured by himself or herself, or any other, at his or her request, for him or her, represent, claim, announce, make known or pretend his or her ability or willingness to diagnose or prognose or treat diseases, deformities, defects, wounds, or injuries of animals; (b) or who shall so advertise, make known, represent or claim his or her ability and willingness to prescribe or administer any drug, medicine, treatment, method or practice, or to perform any operation, manipulation, or apply any apparatus or appliance for cure, amelioration, correction or reduction or modification of any animal disease, deformity, defect, wound, or injury, for hire, fee, compensation, or reward, promised, offered, expected, received, or accepted directly or indirectly; (c) or who shall within this state diagnose or prognose any animal diseases, deformities, defects,

wounds or injuries, for hire, fee, reward, or compensation promised, offered, expected, received, or accepted directly or indirectly; (d) or who shall within this state prescribe or administer any drug, medicine, treatment, method or practice, or perform any operation, or manipulation, or apply any apparatus or appliance for the cure, amelioration, alleviation, correction, or modification of any animal disease, deformity, defect, wound, or injury, for hire, fee, compensation, or reward, promised, offered, expected, received or accepted directly or indirectly.

Definitions.

SEC. 2. It shall be unlawful for any person to practice the profession of veterinary medicine, surgery, or dentistry in this state, who shall not have complied with the provisions of this chapter.

Unlawful not to comply with act.

SEC. 3. A board of examiners to consist of three (3) practicing veterinarians, to be known as the Washington State Board of Veterinary Examiners, shall be appointed from time to time by the Governor, upon the request of the Director of Licenses. The Governor shall certify to the Director of Licenses the names of those appointed to said board. No person shall be eligible for such appointment unless he is an actual resident of the state in active practice of veterinary medicine, surgery and dentistry, has been for a period of five (5) years or more legally licensed to practice veterinary medicine, surgery and dentistry in this state.

Veterinary examiners.

Appointment by Governor.

Qualifications of examiners.

SEC. 4. It shall be the duty of the board to prepare examination questions, conduct examinations, and grade the answers of applicants.

Duties of board.

SEC. 5. Each member of the board shall receive ten dollars (\$10) per day for each day spent in conducting the examination and in going to and returning from the place of examination, and his actual and necessary traveling expenses.

Compensation of members.

Veterinarian
must be
licensed.

SEC. 6. No person, unless registered or licensed to practice veterinary medicine, surgery and dentistry in this state at the time this act shall become operative, shall begin the practice of veterinary medicine, surgery and dentistry without first applying for and obtaining a license for such purpose from the Director. In order to procure a license to practice veterinary medicine, surgery and dentistry in the State of Washington, the applicant for such license shall file his application at least fifteen (15) days prior to date of examination upon a form furnished by the Director of Licenses, which, in addition to the fee provided by this act, shall be accompanied by satisfactory evidence that he is at least twenty-one (21) years of age and of good moral character, and by a diploma from some legally chartered veterinary college or veterinary department of any university or agricultural college, recognized by the American Veterinary Medical Association, evidencing the fact that the applicant has been in actual attendance at the lectures, instruction and examinations for a period of at least four (4) academic years of thirty-two (32) to thirty-six (36) weeks each. Said application shall be signed by the applicant and sworn to by him before some person authorized to administer oaths. When such application and the accompanying evidence are found satisfactory, the Director shall notify the applicant to appear before the board for the next examination: *Provided, however,* That the Director of Licenses must deny the application of every applicant who has been guilty of unprofessional conduct within the two (2) years immediately preceding date of application for license.

Procedure.

Application.

Qualifica-
tions.

Sufficiency.
Notice to be
examined.

Unprofes-
sional con-
duct bars
applicant.

Time for
examina-
tions.

SEC. 7. Examinations for license to practice veterinary medicine, surgery and dentistry shall be held in June of each year, and at such other times and places as the Director may authorize and direct.

Said examination, which shall be conducted in the English language, shall be, in whole or in part, in writing on the following subjects: Veterinary anatomy, surgery, obstetrics, pathology, chemistry, hygiene, veterinary diagnosis, materia medica, therapeutics, parasitology, physiology, sanitary medicine, and such other subjects which are ordinarily included in the curricula of veterinary colleges, as the board may prescribe.

Examination.

Subjects.

SEC. 8. Examinations on each such subject shall consist of not less than ten (10) questions, answers to which shall be marked upon a scale of zero to ten (10). All applicants must obtain not less than an average grade of seventy-five per cent (75%). All examinations provided for in this act shall be conducted by the board under fair and wholly impartial methods and subject to such rules and regulations as the Director may establish.

Average grade.

SEC. 9. The board shall certify to the Director the names of all applicants who have successfully passed an examination and are entitled to a license to practice veterinary medicine, surgery and dentistry. The Director shall thereupon issue a license to practice veterinary medicine, surgery and dentistry to such applicant.

Board to certify those passing.

Director to issue license.

SEC. 10. Any applicant who shall fail to secure the required grade in his first examination shall be entitled to take a second examination within one (1) year without additional fee. After the expiration of one (1) year, such applicant shall pay the regular fee.

May retake upon failure.

SEC. 11. Any person who shall make application for examination, as provided by section 4 of this act, and whose application is found satisfactory by the Director, may be given a temporary certificate to practice veterinary medicine, surgery and dentistry until the date of the next succeeding examina-

May be granted temporary license.

tion and no longer. Such temporary certificate must be surrendered at time of such examination and no more than one (1) temporary certificate may be issued to any applicant.

Reciprocity.

Qualifications.

Further power of Director.

License may be suspended.

SEC. 12. Any person who has been lawfully licensed to practice veterinary medicine, surgery, and dentistry in another state or territory which has and maintains a standard for the practice of veterinary medicine, surgery and dentistry which is substantially the same as that maintained in this state, and who has been lawfully and continuously engaged in the practice of veterinary medicine, surgery and dentistry for two (2) years or more immediately before filing his application to practice in this state and who shall submit to the Director a duly attested certificate from the examining board of the state or territory in which he is registered, certifying to the fact of his registration and of his being a person of good moral character and of professional attainments, may upon the payment of the fee as provided herein, be granted a license to practice veterinary medicine, surgery and dentistry in this state, without being required to take an examination: *Provided, however,* That no license shall be issued to any applicant, unless the state or territory from which such certificate has been granted to such applicant shall have extended a like privilege to engage in the practice of veterinary medicine, surgery and dentistry within its own borders to veterinarians heretofore and hereafter licensed by this state, and removing to such other state: *And provided further,* That the Director of Licenses shall have power to enter into reciprocal relations with other states whose requirements are substantially the same as those provided herein.

SEC. 13. The license of any person heretofore or hereafter granted to practice veterinary medicine, surgery and dentistry in this state may be suspended

for a certain period of time or revoked, in the manner provided by section 103, chapter 7 of the Laws of 1921, (section 10861, Remington's Revised Statutes) for any of the following causes, which shall be deemed to be unprofessional conduct within the meaning of this act:

Causes.

(a) The employment of fraud, misrepresentation or deception in obtaining such license.

(b) Conviction of a crime involving moral turpitude.

(c) Chronic inebrity or habitual use of drugs.

(d) Fraud in representation as to skill or ability.

(e) Use of untruthful or improbable statements in advertisements, publicity material or interviews.

(f) Distribution of alcohol or drugs for any other than legitimate purposes.

(g) Personation of another licensed practitioner.

(h) Violation or attempting to violate, directly or indirectly, any of the provisions of this act.

SEC. 14. In all proceedings having for their purpose the revocation or suspension of a license to practice veterinary medicine, surgery and dentistry, the holder of such license shall be given twenty (20) days notice in writing by the Director, which said notice shall specify the offense or offenses against this act with which said accused person is charged, and said notice shall also give the day and place where the hearing is to be held, which place of hearing shall be in the city of Olympia unless a different place shall be fixed by the Director of Licenses. The Director shall have the power to issue subpoenas to compel the attendance of witnesses, or the production of books or documents. The accused person shall have opportunity to make his defense, and may have issued such subpoenas as he may desire. Subpoenas shall be served in the same manner as civil cases in the Superior Court. Witnesses shall testify under oath, administered by the Director. Testi-

Notice to holder of license.

To specify offense.

Hearing.

Power to subpoena.

Testimony
in writing.

Committee
to make
findings.

Order of
revocation
to be in
writing.

Contents.

Suspended
person may
appeal.

Superior
Court to
try de novo.

Further
appeal.

Veterina-
rians to
register
annually.

Failure to
register.

Penalty.

mony shall be taken in writing, and may be taken by deposition under such rules as the director may prescribe. The committee shall hear and determine the charges and shall make findings and conclusions upon the evidence produced, and shall file the same in the Director's office, together with a transcript of all the evidence, a duplicate copy of which shall be served upon the accused. The revocation or suspension of a license to practice shall be in writing signed by the Director, stating the grounds upon which such order is based.

SEC. 15. Any person feeling himself aggrieved by an order of the Director shall have the right to appeal from such order within fifteen (15) days after a copy of such order is served upon him, to the Superior Court of any county, which court shall hear such matter de novo. An appeal shall lie to the Supreme Court of the state from the judgment of said Superior Court in the same manner as provided by law in other civil cases.

SEC. 16. Each person now qualified to practice veterinary medicine, surgery and dentistry in this state or who shall hereafter be licensed to engage in such practice, shall register with the Director of Licenses annually and pay the annual renewal registration fee provided hereinafter on or before the first day of July of each year, and thereafter the license of such person shall be renewed for such calendar year.

SEC. 17. Any failure, neglect or refusal on the part of any person duly licensed to practice veterinary medicine, surgery and dentistry by said Director, to register and pay the annual registration fee to the Director on or before July 1st of each year shall render the license invalid, and it shall not be reinstated except upon written application therefor to the Director and payment of a penalty of ten dol-

lars (\$10), together with all delinquent annual license renewal fees.

SEC. 18. Every person holding a license under the provisions of this act shall conspicuously display it in his principal place of business, together with the annual renewal license certificate. Display license.

SEC. 19. The following fees shall be charged by the Director of Licenses: Fees.

(a) For a license to practice veterinary medicine, surgery and dentistry issued upon an examination given by the examining board, twenty-five dollars (\$25). Examination.

(b) For a license to practice veterinary medicine, surgery and dentistry issued upon the basis of a license issued in another state, fifty dollars (\$50). Reciprocity.

(c) For the annual renewal of a license to practice veterinary medicine, surgery and dentistry, five dollars (\$5). Annual renewal.

SEC. 20. Nothing in this act shall be construed to apply to commissioned veterinarians in the United States Army, to veterinarians employed by the United States Bureau of Animal Industry, to any owner of livestock from personally treating his own animals, to the castrating and dehorning of cattle, to the castrating and docking of sheep, to the castrating of swine or to the caponizing of poultry. Not to apply to U. S. employees.
Person may treat own animals.
Limits.

SEC. 21. The term "board" used in this act shall mean the Washington state board of veterinary examiners; the term "committee" shall mean a committee selected in the manner provided in section 103, chapter 7 of the Laws of 1921, (section 10861, Remington's Revised Statutes) and for the purposes named therein; and the term "Director" shall mean the Director of Licenses of the State of Washington. Definition.

SEC. 22. It shall be unlawful for any person to append any veterinary title to his name, without having been authorized so to do legally, or to assume Unlawful to use title without authority.

or advertise any veterinary title in such manner as to convey the impression that he is a lawful practitioner of veterinary medicine, surgery and dentistry.

False diploma a felony.

SEC. 23. Any person filing or attempting to file, as his own, the diploma or license of another shall be deemed guilty of a felony, and upon conviction thereof, shall be subject to such fine and imprisonment as is made and provided by the statutes of this state for the crime of forgery.

Violation of act, penalty.

SEC. 24. Violation of any of the provisions of this act, or of any rule or regulation made pursuant thereto, shall constitute a misdemeanor and punishable by fine of not less than fifty dollars (\$50).

Partial invalidity.

SEC. 25. Should any section of this act, or any portion of any section be for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act.

Statutes repealed.

SEC. 26. Chapter 124, Laws of 1907, as amended by chapter 79, Laws of 1913, (sections 10040 to 10055, Remington's Revised Statutes), is hereby repealed.

Passed the House February 24, 1941.

Passed the Senate March 5, 1941.

Approved by the Governor March 18, 1941.

CHAPTER 72.

[H. B. 111.]

REBATE OF WAGES.

AN ACT relating to labor; declaring the rebating of wages, underpayment of agreed wages and certain deductions from wages to be unlawful; providing penalties; and amending section 1 of chapter 195 of the Laws of 1939.

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

SECTION 1. Section 1 of chapter 195 of the Laws of 1939 (section 7612-21 of Remington's Revised Statutes, supplement; section 3552-31 of Pierce's Code) is hereby amended to read as follows: Amend-ments.

Section 1. Any employer or officer, vice-principal or agent of any employer, whether said employer be in private business or an elected public official, who

(1) Shall collect or receive from any employee a rebate of any part of wages theretofore paid by such employer to such employee; or Employer not to receive rebate of wages paid.

(2) Wilfully and with intent to deprive the employee of any part of his wages, shall pay any employee a lower wage than the wage such employer is obligated to pay such employee by any statute, ordinance, or contract; or Not to lower lawful scale.

(3) Shall wilfully make or cause another to make any false entry in any employer's books or records purporting to show the payment of more wages to an employee than such employee received; or False entries prohibited.

(4) Being an employer or a person charged with the duty of keeping any employer's books or records shall wilfully fail or cause another to fail to show openly and clearly in due course in such employer's books and records any rebate of or deduction from any employee's wages; or Books must show rebate if any.

False
receipt.

(5) Shall wilfully receive or accept from any employee any false receipt for wages;

Penalty.

Shall be guilty of a misdemeanor.

Passed the House February 20, 1941.

Passed the Senate March 10, 1941.

Approved by the Governor March 18, 1941.

CHAPTER 73.

[H. B. 128.]

MUTUAL FIRE INSURANCE COMPANIES.

AN ACT relating to domestic mutual fire insurance companies and authorizing a mutual fire insurance company doing business exclusively with members of a fraternal society to insure corporations, associations, and partnerships controlled by members of such society.

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

Mutual fire
companies
may insure
sponsored
corporations.

SECTION 1. Any domestic mutual fire insurance company, doing business on the assessment plan and composed exclusively of the members of a specified fraternal society, may also insure corporations, associations, and partnerships sponsored by such society and operated for the benefit of its members.

Passed the House February 18, 1941

Passed the Senate March 10, 1941.

Approved by the Governor March 18, 1941.

CHAPTER 74.

[H. B. 216.]

POWERS OF CITIES OF THE FOURTH CLASS.

AN ACT relating to the powers of cities of the fourth class and granting them the right to acquire, own and operate cemeteries either within or without the limits of said city, and amending section 1 of chapter 207 of the Laws of 1927 (section 9175 of Remington's Revised Statutes).

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

SECTION 1. That section 1 of chapter 207 of the Laws of 1927 (section 9175 of Remington's Revised Statutes) be amended to read as follows: Amendments.

Section 1. The council of said town shall have power: Powers.

1. To pass ordinances not in conflict with the constitution and laws of this state, or of the United States;

2. To purchase, lease or receive such real estate and personal property as may be necessary or proper for municipal purposes, and to control, dispose of and convey the same for the benefit of the town; the towns whose population shall be between 1250 and 1350 according to the 1940 Federal census shall have the power to acquire, own, and hold real estate for cemetery purposes either within or without the corporate limits, to sell and dispose of such real estate, to plat or replat such real estate into cemetery lots and to sell and dispose of any and all lots therein, and to operate, improve and maintain the same as a cemetery: *Provided*, That they shall not have the power to sell or convey any portion of any water front; Purchase and hold property.

Purchase property for cemetery purposes.

3. To contract for supplying the town with water for municipal purposes, or to acquire, construct, repair and manage pumps, aqueducts, reservoirs, or other works necessary or proper for Contract for water supply.

supplying water for use of such town or its inhabitants, or for irrigating purposes therein;

Build
bridges and
streets.

4. To establish, build and repair bridges; to establish, lay out, alter, widen, extend, keep open, improve, and repair streets, sidewalks, alleys, squares and other public highways and places within the town, and to drain, sprinkle and light the same; to remove all obstructions therefrom; to establish the grades thereof; to grade, pave, plank, macadamize, gravel and curb the same, in whole or in part, and to construct gutters, culverts, sidewalks and crosswalks therein, or on any part thereof; to cause to be planted, set out and cultivated trees therein, and generally to manage and control all such highways and places;

Construct
and main-
tain sewers.

5. To establish, construct and maintain drains and sewers, and shall have power to compel all property owners on streets along which sewers shall have been constructed to make proper connections therewith, and to use the same for proper purposes when such property is improved by the erection thereon of a building or buildings; and in case the owners of such improved property on such streets shall fail to make such connections within the time fixed by such council, they may cause such connections to be made, and to assess against the property in front of which such connections are made the costs and expenses thereof;

Compel
connection.

Provide fire
apparatus.

6. To provide fire engines and all other necessary or proper apparatus for the prevention and extinguishment of fires;

Collect
dog tax.

7. To impose and collect an annual license not exceeding two dollars on every dog allowed to run at large within the limits of the town, and to provide for the killing of all dogs found at large and not duly licensed;

Levy taxes.

8. To levy and collect annually a property tax, for the payment of current expenses, not exceeding

fifteen mills on the dollar; a tax for the payment of indebtedness (if any indebtedness exists) not exceeding six mills on the dollar of the assessed value of all real and personal property within such town: *Provided*, That if the qualified electors of any such town shall, at a special election to be held for that purpose, vote in favor of a larger levy for the payment of current expenses than fifteen mills on the dollar of assessed valuation, such larger levy for such purposes may be made accordingly;

Tax for
indebted-
ness.

9. To license, for purposes of regulation and revenue, all and every kind of business, authorized by law and transacted and carried on in such town; and all shows, exhibitions and lawful games carried on therein and within one mile of the corporate limits thereof; to fix the rate of license tax upon the same, and to provide for the collection of the same, by suit or otherwise; to regulate, restrain, or prohibit the running at large of any and all domestic animals within the city limits, or any part or parts thereof, and to regulate the keeping of such animals within any part of the city; to establish, maintain and regulate a common pound for estrays, and to appoint a pound-keeper, who shall be paid out of the fines and fees imposed on, and collected from, the owners of any impounded stock;

License
business.

Establish
animal
pound.

10. To improve the rivers and streams flowing through such town or adjoining the same; to widen, straighten and deepen the channels thereof, and to remove obstructions therefrom; to prevent the pollution of streams or water running through such town, and for this purpose shall have jurisdiction for two miles in either direction; to improve the water front of the town, and to construct and maintain embankments and other works to protect such town from overflow;

Improve
streams.

Maintain
buildings.

11. To erect and maintain buildings for municipal purposes;

Permit
utilities.

12. To permit, under such restrictions as they may deem proper, the laying of railroad track and the running of cars drawn by horses, steam, electricity or other power thereon; and the laying of gas and water pipes in the public streets; and to construct and maintain and to permit the construction and maintenance of telegraph, telephone and electric lines therein; and to grant and extend to any person, firm or corporation, both public and private, under such terms and conditions and for such purposes as it may see fit, franchises, permits and rights of way to construct, maintain and operate surface, underground and aerial tramways, and other means of conveyance, over, above, across, upon and along its streets, highways and alleys;

Punish for
immoral
acts.

13. To punish the keepers and inmates and lessors of houses of ill fame, and keepers and lessors of gambling houses and rooms and other places where gambling is carried on or permitted, gamblers and keepers of gambling tables;

Penalize for
violation of
ordinances.

14. To impose fines, penalties and forfeitures for any and all violations of ordinances, and for any breach or violation of any ordinance, to fix the penalty by fine or imprisonment, or both; but no such fine shall exceed three hundred dollars, nor the term of imprisonment exceed three months;

May work
prisoners.

15. To cause all persons imprisoned for violation of any ordinance to labor on the streets or other public property or works within the town;

To enact
ordinances.

16. To make all such ordinances, by-laws, rules, regulations and resolutions not inconsistent with the constitution and laws of the State of Washington, as may be deemed expedient to maintain the peace, good government and welfare of the town and its trade, commerce and manufacturers, and to

do and perform any and all other acts and things necessary or proper to carry out the provisions of this chapter.

Passed the House February 14, 1941.

Passed the Senate March 10, 1941.

Approved by the Governor March 18, 1941.

CHAPTER 75.

[H. B. 265.]

SEWER EXTENSIONS.

AN ACT relating to sewers in cities and towns; and authorizing connections therewith from property located outside the city or town.

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

SECTION 1. Any city or town is hereby authorized to permit connections with any of its sewers, either directly or indirectly, from property beyond the city or town limits, such connections to be made on such terms, conditions and payments as shall be prescribed by ordinance, and which may, if required by the city or town, be evidenced by a written agreement between the city or town and the owner of the property to be served by the connecting sewer. If any such agreement is made and filed with the County Auditor of the county in which said property is located, the same shall constitute a covenant running with the land and the agreements and covenants therein shall be binding on the owner and all persons subsequently acquiring any right, title or interest in or to said property. In the event the terms and conditions are not kept and performed, or the payments made, as required,

Municipality may permit sewer connections from property outside corporate limits.

Agreement to be filed with County Auditor.

May disconnect for breach.

the city or town may disconnect the sewer and for that purpose may at any time enter upon any public street or road or upon said property.

Passed the House February 24, 1941.

Passed the Senate March 11, 1941.

Approved by the Governor March 18, 1941.

CHAPTER 76.

[H. B. 575.]

3% SALES AND COMPENSATING TAXES.

AN ACT imposing an excise tax on retail sales of tangible personal property and services and on the privilege of using certain tangible personal property within this state and providing for the collection thereof, authorizing the Tax Commission to make certain rules and regulations with respect thereto, providing the form of returns to be made, amending sections 16, 21, 22, 23 and 31, chapter 180, Laws of 1935, as heretofore amended, and declaring that this act shall take effect immediately.

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

Purpose.

SECTION 1. Initiative Measure No. 141 approved by the people at the general election of November 5, 1940, provides for greatly increased grants and other benefits to citizens over the age of 65 years. To obtain funds necessary to meet this mandate of the people and to carry on all other state functions, it becomes essential for the state to provide a practical and adequate means for raising substantial additional revenues. It is recognized that the only practical and adequate source of revenue to meet these financial requirements is either a graduated personal net income tax or an increased retail sales tax and compensating tax. While under existing constitutional provisions the retail sales tax and compensating tax may be increased, it is not

known whether a graduated personal net income tax enacted at this legislative session would be declared constitutional by the courts without a validating constitutional amendment. For the purpose of assuring the adoption of a valid method of providing such increased revenue and at the same time allowing the people to decide which type of taxation they prefer, it is hereby declared to be the purpose of this act that from and after its effective date, the retail sales tax and compensating tax shall be 3%, but shall be reduced to 2% upon the enactment and judicial approval of a graduated personal net income tax law.

May be reduced to 2% upon approval of income tax law.

SEC. 2. Section 16, chapter 180, Laws of 1935, as amended by section 10, chapter 225, Laws of 1939, (section 8370-16, Remington's Revised Statutes), be and the same hereby is amended to read as follows:

Amendments.

Section 16. From and after the 1st day of May 1941, there is hereby levied and there shall be collected a tax on each retail sale in this state equal to three per cent of the selling price. The tax imposed under this title shall apply to the retail sale of intoxicating liquor by the Washington state liquor stores: *Provided*, That the rate of tax herein imposed shall be reduced from 3% to 2% on the first day of the odd numbered month following a judicial determination by the Supreme Court of this state that a law imposing a graduated personal net income tax enacted by this state is valid.

3% retail sales tax levied.

Proviso.

SEC. 3. Section 21, chapter 180, Laws of 1935, as amended by section 11, chapter 225, Laws of 1939, (section 8370-21, Remington's Revised Statutes), be and the same hereby is amended to read as follows:

Amendments.

Section 21. The tax hereby imposed shall be paid by the buyer to the seller, and it shall be the

Tax to be paid by buyer.

Duty of seller to collect.

How paid.

Tokens.

Amount collected in trust for state.

Penalty for misappropriation.

Refusal to collect a misdemeanor.

Amendments.

Powers of Tax Commission.

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 upon sales amounting to thirty cents or more and by token to be issued by the Tax Commission upon sales amounting to twenty-nine cents or less. The tax required by this title, to be collected by the seller, shall be deemed to be held in trust by the seller until paid to the Tax Commission, and any seller who appropriates or converts the tax collected to his own use or to any use other than the payment of the tax provided herein to the extent that the money required to be collected is not available for payment on the due date as prescribed in this act shall be guilty of a misdemeanor and punished in the manner prescribed by law. 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, whether such failure be the result of his own acts or the result of acts or conditions beyond his control, he shall, nevertheless, 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 seller who fails or refuses to collect the tax as required under this title with intent to violate the provisions of this act or to gain some advantage or benefit, either direct or indirect, and any buyer who refuses to pay any tax due under this title shall be guilty of a misdemeanor and punishable in the manner prescribed by law.

SEC. 4. Section 22, chapter 180, Laws of 1935, (section 8370-22, Remington's Revised Statutes), be and the same hereby is amended to read as follows:

Section 22. The Tax Commission shall have the power to adopt rules and regulations prescribing

methods and schedules for the collection of the tax required to be collected by the seller from the buyer under this title. The methods and schedules prescribed shall be adopted so as to eliminate fractions of one cent upon sales amounting to thirty cents or more and to provide for the use of tokens upon sales amounting to twenty-nine cents or less and so that the aggregate collections of all taxes by the seller shall, as far as practicable, equal the amount of tax imposed by this title. Such schedules may provide that no tax need be collected from the buyer upon sales below a stated sum and may be amended from time to time to accomplish the purposes set forth herein. The Tax Commission is hereby authorized to procure, make available and sell to buyers tokens which shall be accepted by sellers in the payment of tax imposed by this title upon sales amounting to twenty-nine cents or less. Tax tokens shall be issued by the Tax Commission in such denominations as the commission may deem necessary to enable buyers to pay, as nearly as possible, the amount of tax herein imposed upon sales amounting to twenty-nine cents or less.

To make rules and schedules.

To have tokens available.

The Tax Commission shall have the power to require that persons making retail sales amounting to twenty-nine cents or less shall purchase and keep on hand tokens for the purpose of supplying buyers therewith.

Sellers to have tokens on hand.

SEC. 5. Section 23, chapter 180, Laws of 1935, (section 8370-23, Remington's Revised Statutes), be and the same hereby is amended to read as follows:

Amendments.

Section 23. Each seller, on or before the fifteenth day of the month succeeding the end of each bi-monthly period, shall make out a return for the preceding bi-monthly period, upon forms to be provided by the Tax Commission, setting forth the

Sellers to make bi-monthly return.

Tax accrued
to be paid
by seller.

amount of all sales, non-taxable sales, all taxable sales, the amount of tax thereon, and such other information as the Tax Commission may require, sign and transmit the same to the Tax Commission. The Tax Commission may, in its discretion, require annual returns from any taxpayer, setting forth such additional information as it may deem necessary to correctly determine tax liability. The tax accrued under the provisions of this title, whether or not collected from the buyer, shall be paid by the seller to the Tax Commission in bi-monthly installments at the time of transmitting the return above provided for. Remittances in the amount of the tax accrued may be made in the form provided in section 191 of this act: *Provided, however,* That the Commission shall have full power to provide, by regulation, methods by which tokens shall be redeemed, accepted, transmitted or cancelled in satisfaction of tax imposed under the provisions of this title.

Amend-
ments.

Sec. 6. Section 31, chapter 180, Laws of 1935, as amended by section 14, chapter 225, Laws of 1939, (section 8370-31, Remington's Revised Statutes), be and the same hereby is amended to read as follows:

Excise tax
levied.

Section 31. From and after the 1st day of May, 1941, 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 ended or until such article has become commingled with the general mass of property of this state. This tax shall apply to the use of every

article of tangible personal property except as hereinafter provided, irrespective of whether the article or similar articles are manufactured within the State of Washington or are available for purchase within the State of Washington, and irrespective of any other condition. Such tax shall be levied and collected in an amount equal to the value of the article used by the taxpayer multiplied by the rate of three per cent: *Provided, however,* That the rate of tax herein imposed shall be reduced from 3% to 2% on the first day of the odd numbered month following a judicial determination by the Supreme Court of this state that a law imposing a graduated personal net income tax enacted by this state is valid.

3 per cent.

To be reduced upon validity of income tax law.

SEC. 7. If either of the provisos contained in sections 16 and 31 of chapter 180, Laws of 1935, as amended by sections 2 and 6 of this act, should for any reason be declared unconstitutional or otherwise invalid, then both of such provisos shall become inoperative. However, except as otherwise provided in this section, an adjudication of the invalidity of any section, part of a section, paragraph, sentence, clause or word of this act shall not affect, impair or invalidate the remainder of this act.

Part/al invalidity.

SEC. 8. Sections 3, 4, 5 and 7 of this act shall become effective from and after the 1st day of May, 1941.

Part of act effective May 1st, 1941.

SEC. 9. 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, except as provided in section 8 hereof, shall take effect immediately.

Effective immediately.

Passed the House March 12, 1941.

Passed the Senate March 11, 1941.

Approved by the Governor March 17, 1941.

CHAPTER 77.

[S. B. 15.]

LIABILITY FOR DOG BITES.

AN ACT providing for the recovery of damages by persons bitten by dogs and creating a liability of the owner of such dog.

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

Owner of
dogs liable
for damages.

SECTION 1. The owner of any dog which shall bite any person while such person is in or on a public place or lawfully in or on a private place including the property of the owner of such dog, shall be liable for such damages as may be suffered by the person bitten, regardless of the former viciousness of such dog or the owner's knowledge of such viciousness.

Construc-
tion.

SEC. 2. A person is lawfully upon the private property of such owner within the meaning of this act when he is on such property in the performance of any duty imposed upon him by the laws of the State of Washington or of the United States or the ordinances of any municipality in which such property is situated.

Defense.

SEC. 3. Proof of provocation of the attack by the injured person shall be a complete defense to an action for damages.

Passed the Senate March 10, 1941.

Passed the House March 10, 1941.

Approved by the Governor March 18, 1941.

CHAPTER 78.

[S. B. 24.]

PROHIBITING PURCHASING LIQUOR FOR MINORS.

AN ACT prohibiting persons accepting or furnishing liquor to minors and defining penalties for violations thereof.

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

SECTION 1. Any person who invites a minor into a public place where liquor is sold and treats, gives or purchases liquor for such minor, or permits a minor to treat, give or purchase liquor for him; or holds out such minor to be over the age of twenty-one (21) years to the owner of the liquor establishment shall be guilty of a misdemeanor.

Person prohibited from giving liquor to minor.

Penalty.

Passed the Senate February 27, 1941.

Passed the House March 10, 1941.

Approved by the Governor March 18, 1941.

CHAPTER 79.

[S. B. 56.]

CERTAIN REAL ESTATE CONTRACTS TAXABLE.

AN ACT relating to taxation, regulating the assessment, levy and collection of taxes, prescribing penalties for violations thereof, establishing rules of evidence in certain cases, and repealing certain acts or parts of acts relating to the assessment, levy and collection of taxes, and amending section 33, chapter 130 of the Laws of Washington, 1925, Ex. Ses., being section 11133 of Remington's Revised Statutes.

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

SECTION 1. That section 33, chapter 130 of the Laws of Washington, 1925, Ex. Ses., being section 11133 of Remington's Revised Statutes, be amended to read as follows:

Amendments.

Section 33. A contract for the purchase of real property belonging to the United States, the state, or any county or municipality, shall for purposes

Contract on realty taxable as personal property.

Deed not to be delivered until taxes fully paid.

Not subject to exemption.

of taxation be considered as personal property of the person holding the same, and no deed of the property described in such contract shall ever be executed and delivered by the state or any county or municipality until all taxes assessed against such contract and local assessments assessed against the land described therein are fully paid: *Provided*, That said contract shall be subject to taxation from the date of said contract and the same shall not be subject to claim of exemption from taxation as other personal property.

Passed the Senate February 14, 1941.

Passed the House March 10, 1941.

Approved by the Governor March 18, 1941.

CHAPTER 80.

[S. B. 113.]

DONATIONS TO MUNICIPALITIES.

AN ACT authorizing cities and towns to accept, receive and use money and property donated, devised or bequeathed.

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

Municipalities may receive gifts.

SECTION 1. Any city or town shall have power by ordinance of its city council or commission, as the case may be, to accept and receive in behalf of the city or town, any money or property donated, devised or bequeathed to the city or town, and carry out the terms of the donation, devise or bequest, if within the powers granted to cities or towns by law, or in the absence of such terms, to expend or use the same for such municipal purpose as shall be determined by the city council or commission.

Passed the Senate February 14, 1941.

Passed the House March 10, 1941.

Approved by the Governor March 18, 1941.

CHAPTER 81.

[S. B. 27.]

VENUE OF ACTIONS.

AN ACT relating to venue in court actions; amending section 48 of the Code of 1881 (section 205 of Remington's Revised Statutes).

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

SECTION 1. Section 48 of the Code of 1881 (section 205 of Remington's Revised Statutes) is amended to read as follows: Amend-
ments.

Section 205. Actions for the following causes shall be tried in the county where the cause, or some part thereof, arose: Venue.

1. For the recovery of a penalty or forfeiture imposed by statute; Penalties.

2. Against a public officer, or person specially appointed to execute his duties, for an act done by him in virtue of his office, or against a person who, by his command or in his aid, shall do anything touching the duties of such officer; Against
public
officers.

3. For the recovery of damages arising from a motor vehicle accident; but in a cause arising because of motor vehicle accident plaintiff shall have the option of suing either in the county in which the cause of action or some part thereof arose, or in the county in which the defendant resides, or if there be more than one defendant, where some one of the defendants resides, at the time of the commencement of the action. For damages
in county
where
accident
occurs.

Passed the Senate February 7, 1941.

Passed the House March 11, 1941.

Approved by the Governor March 18, 1941.

CHAPTER 82.

[S. B. 28.]

JUDICIAL NOTICE OF FOREIGN LAWS.

AN ACT relating to judicial notice of foreign laws.

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

Judicial
notice of
foreign
laws.

SECTION 1. Every Court of this state shall take judicial notice of the Constitution, common law, civil law, and statutes of every state, territory and other jurisdiction of the United States.

Court may
inform
itself.

SEC. 2. The Court may inform itself of such laws in such manner as it may deem proper, and the Court may call upon counsel to aid it in obtaining such information.

Court to
determine
law.

SEC. 3. The determination of such laws shall be made by the Court and not by the jury and shall be reviewable.

Construc-
tion.

SEC. 4. This act shall not be construed to relieve any party of the duty of hereafter pleading such laws where required under the law and practice of this state immediately prior to the enactment hereof.

Other laws
not subject
to act.

SEC. 5. The law of any jurisdiction other than a state, territory or other jurisdiction of the United States shall be an issue for the Court, but shall not be subject to the foregoing provisions concerning judicial notice.

Interpreta-
tion.

SEC. 6. This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

Citation.

SEC. 7. The act may be cited as the "Uniform Judicial Notice of Foreign Laws Act."

Passed the Senate February 7, 1941.

Passed the House March 11, 1941.

Approved by the Governor March 18, 1941.

CHAPTER 83.

[S. B. 89.]

DUTIES OF GUARDIANS OF ESTATES.

AN ACT relating to the duties and liabilities of guardians of estates and amending section 205, chapter 156 of the Laws of 1917 (section 1575 of Remington's Revised Statutes; section 9907 of Pierce's Code).

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

SECTION 1. Section 205, chapter 156 of the Laws of 1917 (section 1575 of Remington's Revised Statutes; section 9907 of Pierce's Code) is hereby amended to read as follows:

Amendments.

Section 205. It shall be the duty of the guardian of any estate:

Duties of guardians.

(1) To make out and file, within three months after his appointment, a full inventory, verified by oath, of the real and personal estate of his ward, with the value of the same, and failing so to do, it shall be the duty of the court to remove him and appoint a successor.

Inventory to be filed.

(2) To manage the estate for the best interest of his ward.

Interest of ward.

(3) To render on oath to the proper court an account of his receipts and of his expenditures, with vouchers therefor, at least once in every two years, and whenever cited to do so, and failing so to do, he shall receive no allowances for his services, and be liable to said ward on his bond in damages for the costs, disbursements and reasonable attorney's fees incurred in any proceeding brought against him to enforce or establish the rights of the ward, not exceeding ten per cent of the whole amount of the estate, both real and personal, in his hands belonging to such ward.

To make account to court.

Penalty for failing to account.

To account at end of trust.

(4) At the expiration of his trust fully to account for and pay over to the proper person all the estate of said ward remaining in his hands.

To pay debts and collect demands.

(5) To pay all just debts due from such ward out of the estate in his hands, and to collect all debts and demands due such ward, and in case of doubtful debts, to compound the same, and to appear for and defend, all suits against such ward.

To provide for education of ward.

(6) When any ward has no father or mother, or such father or mother is unable or fails to educate such ward, it shall be the duty of his guardian to provide for him such education as the amount of his estate may justify.

Passed the Senate February 10, 1941.

Passed the House March 11, 1941.

Approved by the Governor March 18, 1941.

CHAPTER 84.

[S. B. 120.]

AUTHORIZING RECONVEYANCES TO COUNTIES BY STATE FOREST BOARD.

AN ACT relating to forestry, forest lands, the acquisition and transfer thereof and the powers of the State Forest Board and the officers of the several counties relative thereto.

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

SECTION 1. That whenever any county shall have acquired by tax foreclosure, or otherwise, lands within the classification of section 1 of chapter 172 of the Laws of 1937 (section 5812-3, Remington's Revised Statutes; section 2578-10b, Pierce's Code) and shall have thereafter contracted to sell such lands to bona fide purchasers before the same may have been selected as forest lands by the State Forest Board, and has heretofore deeded or shall

hereafter deed because of inadvertence or oversight such lands to the state or to the State Forest Board to be held under section 1 of chapter 126 of the Laws of 1935 (section 5812-3b, Remington's Revised Statutes; section 2578-10b, Pierce's Code) or any amendment thereof; the State Forest Board upon being furnished with a certified copy of such contract of sale on file in such county and a certificate of the County Treasurer showing said contract to be in good standing in every particular and that all due payments and taxes have been made thereon, and upon receipt of a certified copy of a resolution of the board of County Commissioners of such county requesting the reconveyance to the county of such lands, is hereby authorized to reconvey such lands to such county by quitclaim deed executed by the chairman and secretary of said board: *Provided*, Such reconveyance of lands heretofore acquired by the state or State Forest Board be made within one year from the taking effect of this act and such reconveyance of lands hereafter so acquired by [be] made within one year from the conveyance thereof to the state or State Forest Board.

State
authorized
to reconvey
lands inad-
vertently
conveyed.

Restrictions.

Passed the Senate February 13, 1941.

Passed the House March 12, 1941.

Approved by the Governor March 18, 1941.

CHAPTER 85.

[H. B. 91]

JUSTICES OF THE PEACE OF CITIES OF THE FIRST CLASS.

AN ACT relating to Justices of the Peace; providing for the appointment thereof as Police Judges, to be designated as Municipal Judges, in cities of the first class; authorizing an additional Municipal Judge, Clerk and Court-room therein, and the necessary expenditures in connection therewith, and amending section 2, chapter LXXXV (85), Laws of 1899, accordingly.

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

Amendments.

SECTION 1. That section 2, chapter LXXXV (85), Laws of 1899 (section 8992 of Remington's Revised Statutes; section 9474 of Pierce's Code), be amended to read as follows:

Mayor to appoint Justice of the Peace as Police Judge.

Section 2. The mayor of each city of the first class shall, within ten days after the Justices of the Peace are elected at the quadrennial election appoint one of the Justices of the Peace elected thereat as Police Justice or Police Judge, who shall be designated as Municipal Judge of such city, and who shall, before entering upon the duties of his office as Municipal Judge, give such additional bond for the faithful performance of his duties as the legislative authority of such city may by ordinance direct. Any such city may by ordinance provide for one additional municipal judge appointive in like manner as above provided, and who, upon appointment and qualification, shall enjoy all the powers and perform all the duties imposed upon Police Judges by law, and who shall, before entering upon the duties of Municipal Judge, give such bond for the faithful performance of his duties as Municipal Judge as the legislative authority of such city may by ordinance direct.

Designated as Municipal Judge.

May appoint an additional Judge.

Judge may appoint Clerk.

Such additional Municipal Judge may appoint a Clerk who shall be paid such salary out of the funds

of such city as may be provided by ordinance thereof. A suitable place for holding court by such additional Municipal Judge shall be provided and maintained by the city. The salary of such additional Municipal Judge shall be fixed by ordinance and paid wholly by the city in equal monthly installments in addition to his salary as Justice of the Peace.

City to provide court room.

This amendment is intended to authorize cities of the first class to expedite the handling of traffic offense cases under the laws thereof, and the Mayor of any such city, in making appointments of Municipal Judge, shall designate which of the Municipal Judges shall be primarily responsible for the handling of city traffic cases, the trial of which in such cities shall, so far as practicable, be segregated from other municipal court trials.

Purpose to expedite traffic cases.

Passed the House February 5, 1941.

Passed the Senate March 12, 1941.

Approved by the Governor March 19, 1941.

CHAPTER 86.

[H. B. 148.]

COSTS ON APPEAL.

AN ACT relating to costs on appeal and amending section 29 of chapter LXI (61), Laws of 1893 (section 1744 of Remington's Revised Statutes; section 7329, Pierce's Code).

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

SECTION 1. That section 29 of chapter LXI (61), Laws of 1893 (section 1744 of Remington's Revised Statutes; section 7329, Pierce's Code), be amended to read as follows:

Amendments.

Section 29. Costs shall be allowed in the Supreme Court, irrespective of any costs to be taxed in the case in the court below, to the prevailing party

Costs in the Supreme Court to prevailing party.

Costs
enumerated.

in the Supreme Court, on any appeal in any civil action or proceeding or any applications for any original writs, other than writs of habeas corpus as follows: The fees of the Clerk of the Supreme Court paid by the prevailing party, the fees of the Clerk of the Court below for preparing, certifying and sending up the records on appeal, or any supplementary record, paid by the prevailing party, and twenty-five dollars attorneys' fees, besides his necessary disbursements for the printing of briefs, and any sum actually paid or incurred by the prevailing party as stenographer's fees, not exceeding ten cents a folio, for making a transcript of the evidence or any part thereof included in the bill of exceptions or statement of facts; but when the judgment of the court below shall be affirmed in part and reversed in part, or affirmed as to some of the parties and reversed as to others, or modified, the costs shall be in the discretion of the court, and when the judgment is reversed and a new trial ordered, the Court may in its discretion direct that costs of the prevailing party shall abide the result of the action. When in the opinion of the Supreme Court a brief of the prevailing party shall be unnecessarily long, or improper in substance, the court may in its discretion order the disallowance as costs of any part or the whole of the disbursements for printing the same.

Exceptions.

Passed the House February 6, 1941.

Passed the Senate March 12, 1941.

Approved by the Governor March 19, 1941.

CHAPTER 87.

[H. B. 238.]

DISSOLUTION OF CERTAIN MUNICIPAL CORPORATIONS.

AN ACT providing for dissolution of municipal corporations having a governing body, other than cities, towns, counties, and townships, including port, school, independent highway, water, fire protection and all other districts of similar organization and excepting therefrom public utility, local improvement, diking, drainage and irrigation districts; and providing procedure for their dissolution.

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

SECTION 1. The following words and terms shall, whenever used in this act, have the meaning set forth in this section: Definitions.

(a) The term "district" as used herein, shall include all municipal corporations having a governing body, other than cities, towns, counties, and townships, such as port, school, independent highway, water, fire protection, and all other districts of similar organization, but shall not include local improvement districts, diking, drainage and irrigation districts, nor public utility districts. District.

(b) The words "board of commissioners," as used herein, shall mean the governing authority of any district as defined in section (a) of this act. Board of commissioners.

SEC. 2. For the purpose of dissolution of a district, a petition for an order of dissolution signed by the majority of the Board of Commissioners, or other governing authority of such district shall be presented to the Superior Court of the county in which the Board of Commissioners is situated. Petition for dissolution.

SEC. 3. Upon the filing of such petition for an order of dissolution, the Superior Court shall enter an order setting the same for hearing at a date not less than thirty (30) days from the date of filing, and the Clerk of the Court of said county shall give Time for hearing.

Notice published.

notice of such hearing by publication in a newspaper of general circulation in the county in which the district is located once a week for three (3) successive weeks, and by posting in three (3) public places in the county in which the district is located at least twenty-one (21) days before said hearing.

Notice posted.

At least one (1) notice shall be posted in the district. The notices shall set forth the filing of the petition, its purpose and the date and place of the hearing thereon.

Order of court.

SEC. 4. After said hearing the court shall enter its order dissolving or refusing to dissolve said district. A finding that the best interests of all persons concerned will be served by the proposed dissolution shall be essential to an order of dissolution. If the Court find that such district is solvent, the Court shall order the sale of such assets, other than cash, by the Sheriff of the county in which the board is situated, in the manner provided by law for the sale of property on execution.

Findings.

Proceeds of sale credited to school district.

SEC. 5. The proceeds of the sale, together with moneys on hand in the treasury of the district, shall after payment of all costs and expenses, be paid to the treasurer of the same county and placed to the credit of the school district, or districts, in which such district is situated.

Finding of insolvency.

SEC. 6. Upon a finding of insolvency the Court shall then determine the indebtedness of the district, the creditors thereof and their claims. The Court shall then set a date and a place for a second hearing, which hearing shall be not less than sixty (60) days nor more than one hundred twenty (120) days from the hearing as provided in section 3 of this act.

Proceedings.

Purpose of hearing.

The purpose of such hearing shall be to determine ways and means of retiring the established indebtedness of the district and paying all costs and

expenses of proceedings hereunder. Such ways and means may include the levy of assessments against the property in the district as provided in section 8 of this act.

SEC. 7. The Clerk shall give notice of the second hearing by publication in a newspaper of general circulation in the county in which the district is located once a week for three (3) successive weeks, and by posting in three (3) public places in the county in which the district is located at least twenty-one (21) days before the hearing, and shall give such other notice to creditors and other interested parties as the Court may deem necessary or advisable. At least one (1) notice shall be posted in the district. The notices shall set forth the filing of the petition, its purpose, the finding of the Court on the petition, the date and place of the second hearing and the purpose of the hearing as stated in section 6 of this act.

Manner of notice.

SEC. 8. At the second hearing the court shall have authority to order the sale of any district property. If the proceeds of such sale together with any cash remaining on hand to the credit of the district are insufficient to retire such indebtedness together with all costs and expenses, the Court shall have authority to order the Board of Commissioners to levy assessments in the manner provided by law against the property in the district in amounts sufficient to retire said indebtedness and pay the costs and expenses. At such hearing any property owner within the district may appear and be heard for or against such levy.

Proceedings at insolvency hearing.

Court may order levy for debts.

SEC. 9. After the indebtedness of the district has been settled or paid, the Court shall determine whether the best interests of all persons concerned will be served by the proposed dissolution and shall make a finding thereon. The Court shall then enter

Final order.

its order dissolving or refusing to dissolve said district.

Cost of proceedings to be paid.

SEC. 10. In all proceedings brought under this act the Court shall make provision for the costs and expenses of proceedings hereunder and for the payment of the same.

Partial invalidity.

SEC. 11. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

Intention of act.

SEC. 12. This act is intended to authorize the dissolution of all types of municipal corporations having governing bodies, other than those excepted from the application of this act, in cases where the occasion or reason for continued existence of such corporation has ceased, or where the best interests of all persons concerned would be served by such dissolution, and shall be liberally construed to effect such intent.

To be liberally construed.

Passed the House March 11, 1941.

Passed the Senate March 10, 1941.

Approved by the Governor March 19, 1941.

CHAPTER 88.

[H. B. 267.]

CLERKS OF CERTAIN CITIES AND TOWNS.

AN ACT relating to certain cities and towns, and the powers of clerks thereof.

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

SECTION 1. The Clerk, or Deputy Clerk, of any second class city or any city or town having a commission form of government, under chapter 116 of the Laws of 1911, in addition to any other powers or duties vested by law, shall have the power, and it shall be his duty, without charge or collection of fees, to take acknowledgements and administer oaths required by law on all claims and demands against a city or town of which he is Clerk or Deputy Clerk.

City Clerks to administer oaths of claimants without costs.

Passed the House February 14, 1941.

Passed the Senate March 12, 1941.

Approved by the Governor March 19, 1941.

CHAPTER 89.

[H. B. 202]

ACTIONS IN JUSTICE COURTS.

AN ACT relating to the authority, jurisdiction, and venue of actions before Justices of the Peace and pleadings in Justices' Court, and amending sections 1709 and 1702 of the Code of 1881, and section 1 of chapter XL (40) of the Laws of 1899 as amended by section 1 of chapter LXV (65) of the Laws of 1901 and chapter 53 of the Laws of 1925, Extraordinary Session and section 1 of chapter 75 of the Laws of 1929 and chapter 36 of the Laws of 1935, and section 2 of chapter LXV (65) of the Laws of 1901 as amended by section 4 of chapter 75 of the Laws of 1929 (sections 43, 47, 1756 and 1757 of Remington's Revised Statutes).

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

Amendments.

SECTION 1. Section 1709 of the Code of 1881 (section 43 of Remington's Revised Statutes) is amended to read as follows:

Justice courts vested with powers of courts of record.

Section 1709. Every Justice of the Peace elected in any city or town in this state is hereby authorized to hold a court for the trial of all actions in the next section enumerated, to hear, try, and determine the same according to law; and for that purpose, where no special provision is otherwise made by law, such court shall be vested with all the necessary powers which are possessed by Courts of record in this state; and all laws of a general nature shall apply to such Justice's Court, as far as the same may be applicable, and not inconsistent with the provisions of this chapter.

Amendments.

SEC. 2. Section 1702 of the Code of 1881 (section 47 of Remington's Revised Statutes) is amended to read as follows:

Jurisdiction.

Section 1702. The jurisdiction of Justices of the Peace elected in pursuance of the provisions of this act shall be co-extensive with the limits of the county in which they are elected or appointed.

SEC. 3. Section 1 of chapter XL (40) of the Laws of 1899 as amended by section 1 of chapter LXV (65) of the Laws of 1901 and chapter 53 of the Laws of 1925, Extraordinary Session and section 1 of chapter 75 of the Laws of 1929 and chapter 36 of the Laws of 1935 (section 1756 of Remington's Revised Statutes) is amended to read as follows:

Amend-
ments.

Section 1. All civil actions commenced in a Justice Court against a defendant, or defendants, residing in a city or town of more than one thousand inhabitants shall be brought in a Justice Court in the city or town in which one or more of the defendants reside. In all other cases the action shall be commenced in either of the nearest two (2) incorporated cities or towns, or before a Justice of the Peace of the county seat of the county.

Venue of
civil actions.

SEC. 4. Section 2 of chapter LXV (65) of the Laws of 1901 as amended by section 4 of chapter 75 of the Laws of 1929 (section 1757 of Remington's Revised Statutes) is amended to read as follows:

Amend-
ments.

Section 2. The jurisdiction of Justices of the Peace in all civil actions, except as provided in the foregoing sections of this act, shall be co-extensive with the limits of the county in which they are elected or appointed, and no other or greater, but every Justice of the Peace shall continue to perform all the duties of his office in the city or town for which he was elected or appointed, during his continuance in office.

Jurisdiction.

Passed the House February 27, 1941.

Passed the Senate March 12, 1941.

Approved by the Governor March 19, 1941.

CHAPTER 90.

[H. B. 297.]

LOCAL IMPROVEMENT DISTRICTS.

AN ACT relating to local improvements in cities and towns, and amending section 13, chapter 98, Laws of 1911, as amended, to unite in one proceeding disconnected improvements without property owners' petition.

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

Amendments.

SECTION 1. That section 13, chapter 98, Laws of 1911 (section 9365 of Remington's Revised Statutes; section 1001 of Pierce's Code), as amended, be amended to read as follows:

To establish L. I. D.

Section 13. Every ordinance ordering any improvement mentioned in this act, payment for which shall be made in whole or in part by special assessments, shall establish a local improvement district to be called "Local Improvement District No.....," which district shall embrace as near as may be all the property specially benefited by such improvement.

Territorial limits of district.

Except in the cases herein otherwise specifically provided for, and unless otherwise provided in the ordinance ordering such improvement, such district shall include all the property between the termini of said improvement abutting upon, adjacent, vicinal or proximate to the street, avenue, lane, alley, boulevard, park drive, parkway, public place or square proposed to be improved to a distance back from the marginal lines thereof to the center line of the blocks facing or abutting thereon: *Provided*, That in any case such distance back shall be at least ninety (90) feet: *And provided, further*, That in case of unplatted property, the distance back shall be the same distance as that included in the assessment of the platted lands immediately adjacent thereto. All property included within such limits of such local

Unplatted property.

improvement district shall be considered and held to be the property and to be all the property specially benefited by such local improvement, and shall be the property to be assessed to pay the cost and expense thereof or such part thereof as may be chargeable against the property specially benefited by such improvement, which cost and expense shall be assessed upon all of said property so benefited in accordance to the special benefits conferred on such property in proportion to area and distance back from the marginal line of the street or other public way or area improved.

Property deemed benefited.

Said local improvement district shall, for the purpose of ascertaining the amount to be assessed against such separate lot, tract, parcel of land or other property within said district be divided into subdivisions or zones paralleling the margin of the street, avenue, lane, alley, boulevard, park drive or parkway, public place or square to be improved, said subdivisions to be numbered respectively first, second, third, fourth, and fifth. The first subdivision shall include all the lands within the district lying between the street margins and lines drawn parallel therewith and thirty (30) feet therefrom. The second subdivision shall include all lands within the district lying between lines drawn parallel with and thirty (30) feet and sixty (60) feet respectively from said margins. The third subdivision shall include all lands within the district lying between lines drawn parallel with and sixty (60) feet and ninety (90) feet respectively from such street margins. The fourth subdivision shall include all lands, if any, within the district lying between lines drawn parallel with and ninety (90) feet and one hundred twenty (120) feet respectively from said street margins. The fifth subdivision shall include all lands, if any, within the district lying between a line drawn parallel with and one hundred twenty (120) feet

Method of assessment.

Divisions.

First.

Second.

Third.

Fourth.

Fifth.

from said street margin and the outer limit of said local improvement district as hereinbefore described.

Rate of
assessment.

Ratio of
divisions.

Assessment
roll.

Include
adjacent
streets.

The rate of assessment per square foot in each subdivision shall be fixed on the basis that the special benefits conferred on a square foot of land in subdivisions first, second, third, fourth, and fifth, respectively, are related to each other as are the numbers 45, 25, 10, and 5, respectively, and shall be ascertained in the following manner: The products of the number of square feet in subdivisions first, second, third, fourth and fifth respectively, and the numbers 45, 25, 20, 10, and 5, respectively, shall be ascertained, and their sum taken, which sum shall be divided into the total cost and expense of such improvement. The products of the resultant quotient and the numbers 45, 25, 20, 10, and 5, respectively, shall be the separate rate of assessment per square foot for subdivisions first, second, third, fourth, and fifth, respectively. The total assessment thus ascertained against each separate lot, tract, parcel of land, or other property within such district shall be entered upon the assessment roll as to the amount to be levied and assessed against each such separate lot, tract, parcel of land, or other property. Each local improvement district may include adjoining, vicinal or neighboring streets, avenues and alleys, even though the improvement thus made is not connected or continuous: *Provided*, That the cost and expense of each continuous unit of the improvement shall be ascertained separately, as near as may be, and the assessment rates shall be computed on the basis of said cost and expense in each said unit.

Passed the House February 14, 1941.

Passed the Senate March 11, 1941.

Approved by the Governor March 19, 1941.

CHAPTER 91.

[H. B. 303.]

OFFICERS OF FOURTH CLASS CITIES AND TOWNS.

AN ACT relating to fourth-class cities and the officers thereof; and amending section 144 of chapter VII (7), Laws of 1889-90, as amended, to provide for nominations for election of officers in such cities.

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

SECTION 1. That section 144 of chapter VII (7), Laws of 1889-90 (section 9165 of Remington's Revised Statutes; section 827 of Pierce's Code), as amended, be amended to read as follows: Amendments.

Section 144. The Mayor, members of the Council and Treasurer shall be elected by the qualified electors of said town at the general municipal election to be held therein on the first Tuesday after the first Monday in December in each year. The Treasurer shall hold office for the period of one year from and after the second Tuesday in January next succeeding the date of such election and until his successor is elected and qualified. The Mayor and members of the Council shall hold office for the period of two years from and after the second Tuesday in January next succeeding the day of such election and until their successors are elected and qualified: *Provided*, That the first council elected under the provisions of this act shall at their first meeting so classify themselves by lot as that three of their number shall go out of office at the expiration of one year and two at the expiration of two years. The Mayor shall appoint a Marshal, Police Justice and Clerk. The City Council may provide by ordinance for the appointment by the Mayor of an Attorney, Poundmaster, Superintendent of Streets, a Civil Engineer and such police and other subordinate officers as in the judgment of the City Council may be deemed necessary Election of city officials.

Term of election.

Term of Treasurer.

Term of Mayor and Councilmen.

Rotation.

Mayor to appoint officials.

Ordinance
to fix
compensa-
tion.

Terms of
appointive
officials.

Caucus
may
nominate
candidates.

Notice of
caucus.

and may by ordinance fix their compensation. No appointment of any officer provided for herein shall be subject to confirmation by the City Council. All officers appointed by the Mayor as provided for in this act shall hold office during his pleasure.

Any such city is authorized by ordinance of its City Council to provide for the nomination of candidates to be elected at the general city election by a caucus to be held therein. Notice of such caucus shall be given by posting and publication at least ten (10) days prior to the date fixed for the holding thereof, and the caucus shall be held, in such manner as shall be determined by ordinance of the City Council.

Passed the House March 3, 1941.

Passed the Senate March 12, 1941.

Approved by the Governor March 19, 1941.

CHAPTER 92.

[H. B. 308.]

PRACTICE OF DENTISTRY.

AN ACT relating to the practice of dentistry; providing for the examination and licensing of dentists and amending sections 2, 4, 5 and 25 of chapter 112 of the Laws of 1935 (sections 10031-2, 10031-4, 10031-5 and 10031-25 of Remington's Revised Statutes of Washington).

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

Amend-
ments.

SECTION 1. That section 2 of chapter 112 of the Laws of 1935 (section 10031-2 of Remington's Revised Statutes of Washington) be amended to read as follows:

Board of
Examiners
created.

Section 2. A Board of Examiners to consist of three practicing dentists to be known as the Washington State Board of Dental Examiners is hereby

created, whose duty it shall be to carry out the purposes and enforce the provisions of this act as hereinafter specified. The members of the board shall be appointed by the Governor from a list of five or more names submitted by the Washington State component of the American Dental Association for each vacancy to be filled, and at the time of their appointment upon said board must be actual residents of the state in active practice of dentistry or dental surgery as hereinafter defined and must have been for a period of five years or more legally licensed to practice dentistry or dental surgery in this state and must be citizens of the United States. The members of the present board shall hold their positions until the expiration of their several terms and until their successors are appointed and qualified. No person shall be eligible to appointment on said board who is in any way connected with or interested in any dental college or dental department of any institution of learning. The term of office of each member of the board shall be three years and the term of one member of the board shall expire each year. In case of a vacancy occurring on said board, such vacancy shall be filled by the Governor as herein provided and the appointee shall hold office for the remainder of the term of the retiring member.

Duties.

Appointment
by Governor.

Residence.

Qualifica-
tions.

Restrictions.

Term of
office.

Vacancy.

SEC. 2. That section 4 of chapter 112 of the Laws of 1935 (section 10031-4 of Remington's Revised Statutes of Washington) be amended to read as follows:

Amend-
ments.

Section 4. No person, unless previously registered or licensed to practice dentistry in this state at the time this act shall become operative, shall begin the practice of dentistry or dental surgery, or any branches thereof, without first applying for and obtaining a license for such purpose from the Director. In order to procure a license to practice

Dentists
must be
licensed.

Form and
contents of
application.

dentistry in the State of Washington, the applicant for such license shall file his application in the manner provided by law, on forms furnished by the Director of Licenses, and shall therein state his name, age, place of residence, the name of the school or schools attended by such applicant, the period of such attendance and the date of his graduation, if said applicant is a graduate from such school or schools. Said application shall be signed by the applicant and sworn to by him before some person authorized to administer oaths, and shall be accompanied by testimonials of the applicant's moral character and proof of his school attendance and graduation from a dental college approved by the board and shall furnish a recent photograph, duly identified and attested. Each applicant shall pay a fee of twenty-five dollars (\$25.00) which shall accompany his application. When such application and the accompanying proof are found satisfactory, the Director shall notify the applicant to appear before the board for examination at a time and place to be fixed by the Director. Examination shall be made in writing in all theoretic subjects, both theoretic and practical examinations shall be of a character to give a fair test of the qualifications of the applicant to practice dentistry or dental surgery. The examination papers, which shall be in the English language, and all grading thereon, and the grading of the practical work, shall be deemed public documents, and preserved for a period of not less than two years after the board shall have made and published its decisions thereon. All examinations provided for in this act shall be conducted by the board under fair and wholly impartial methods.

License
fee.

Examina-
tions.

Applicant
failing
may be
reexamined.

Any applicant who shall fail to make the required grade in his first examination shall be entitled to a second examination before the expiration of one year at a time to be appointed by the Director, and

a fee of fifteen dollars (\$15.00) shall be required for said second examination. If said applicant shall fail to pass said second examination, he will not be permitted to take any further examination until he shall have attended and successfully passed the examinations of the senior year of a dental college approved by the board.

Fee for second examination.

Further examination restrictions.

SEC. 3. That section 25 of chapter 112 of the Laws of 1935 (section 10031-25 of Remington's Revised Statutes of Washington) be amended to read as follows:

Amendments.

Section 25. Nothing in this act shall prevent a legally qualified and licensed physician and surgeon from extracting teeth or performing oral surgery or a legal practitioner of another state from making a clinical demonstration before a medical or dental society or at a convention approved by the Washington State Medical or Dental Association nor shall this act prevent students from practicing or performing dental operations under the supervision of competent instructors in any reputable dental college.

Licensed physician may perform oral surgery.

Clinical demonstrations.

Students.

Passed the House March 10, 1941.

Passed the Senate March 10, 1941.

Approved by the Governor March 19, 1941.

CHAPTER 93.

[H. B. 386.]

PROVIDING FOR DRAFTING PUBLIC SERVICE CODE.

AN ACT requiring the drafting and compilation of a complete code of the public service laws by the Department of Public Service with the advice and assistance of the Attorney General and directing the reporting of the same to the 1943 session.

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

Public
Service code
to be drafted.

SECTION 1. The Department of Public Service, with the advice and assistance of the Attorney General, is hereby directed to draft and compile a full and complete code of all statutes relating to its powers and duties and present a report of the same, with any suggestions for improvements, to the 1943 session of the Legislature during its first week of session.

Passed the House February 19, 1941.

Passed the Senate March 12, 1941.

Approved by the Governor March 19, 1941.

CHAPTER 94.

[H. B. 398.]

BOUNDARY LINES OF STATE LANDS IN CLALLAM
AND JEFFERSON COUNTIES.

AN ACT relating to the establishment of boundary lines between state lands and the beds of streams, lakes and tidal waters and other lands contiguous thereto within the area in Clallam and Jefferson counties known as the Olympic Federal Public Works Project No. 723; providing for agreements as to such boundary lines; and declaring when this act shall take effect.

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

SECTION 1. By reason of shifting of water courses and change of location of bodies of water, and apparent errors in surveys, there is doubt as to the true boundary lines between state lands and contiguous or adjacent lands under ownership by others than the State of Washington, and between the old or new beds of streams, lakes, and tidal waters and lands contiguous or adjacent thereto, within the area in Clallam and Jefferson counties included in the Olympic Federal Works Project No. 723. The Commissioner of Public Lands by and with the consent of the Governor and the Attorney General is hereby authorized to enter into agreements in writing with the owners of, or other parties in interest to, such contiguous or adjacent lands or with the United States for the purpose of establishing by mutual consent the true boundary lines between such state lands or such beds and the lands contiguous or adjacent thereto, or for the purpose of agreeing upon the distribution of the compensation to be made by the United States for the taking of such lands or beds by purchase or condemnation. In the exercise of the authority herein granted, the Commissioner of Public Lands, on behalf of the State of Washington, may conclusively disclaim any interest by the state in or to such lands or beds.

Purpose.

May
establish
boundaries
by agree-
ment.Disclaimer
by State.

Approval.

No such agreement shall be effective or binding upon the State of Washington until approved by the Governor and the Attorney General.

State authorized to compromise condemnations.

SEC. 2. Upon execution of such agreements the Attorney General is authorized on behalf of the State of Washington to enter into stipulations based thereon in condemnation proceedings now pending or hereinafter instituted by the United States.

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 House March 4, 1941.

Passed the Senate March 11, 1941.

Approved by the Governor March 19, 1941.

CHAPTER 95.

[H. B. 502.]

DISABILITY COMPENSATION FOR WASHINGTON STATE PATROL.

AN ACT relating to the Washington State Patrol; authorizing the chief of the Washington State Patrol to relieve from active duty certain officers who have been injured or have become incapacitated during official service, providing that this act shall be effective until March 31, 1943, and amending section 1, chapter 78, Laws of 1939 (section 6362-62, Remington's Revised Statutes), and repealing section 3, chapter 78, Laws of 1939 (section 6362-64, Remington's Revised Statutes), and declaring that this act shall take effect April 1, 1941.

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

Amendments.

SECTION 1. Section 1, chapter 78, Laws of 1939 (section 6362-62, Remington's Revised Statutes), is amended to read as follows:

Section 1. From and after the effective date of this act and until March 31, 1943, the chief of the

Washington State Patrol is hereby authorized to relieve from active duty Washington State Patrol officers who, while in performance of their official duties, have been injured or have become incapacitated, or may hereafter be injured or become incapacitated, to such an extent as to be physically or mentally incapable of active service.

May relieve
incapacitated
patrolmen.

SEC. 2. Section 3, chapter 78, Laws of 1939 (section 6362-64, Remington's Revised Statutes), is hereby repealed.

Statutes
repealed.

SEC. 3. This act is necessary for the support of the state government and its existing public institutions and shall take effect April 1, 1941.

Effective
date.

Passed the House March 5, 1941.

Passed the Senate March 11, 1941.

Approved by the Governor March 19, 1941.

CHAPTER 96.

[H. B. 532.]

AUTHORIZING USE OF FIRE FIGHTING EQUIPMENT AND PERSONNEL OUTSIDE THE BOUNDARIES OF MUNICIPALITIES.

AN ACT authorizing municipal corporations to permit their fire equipment to be used outside the corporate boundaries of such municipality; and providing that firemen who are injured on such duty shall not be deprived of benefits.

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

SECTION 1. Any municipal corporation which owns, operates or maintains fire apparatus and equipment may permit, under conditions prescribed by the governing body of such corporation, such

Cities may
operate fire
equipment
outside
limits.

equipment and the personnel operating the same to go outside of the corporate limits of such municipality for the purpose of extinguishing or aiding in the extinguishing or control of fires: *Provided*, That any use made of such equipment or personnel under the authority of this act shall be deemed an exercise of a governmental function of such municipal corporation.

Duty outside
limits con-
sidered act
for city.

SEC. 2. Whenever any fireman engages in any duty outside the territorial limits of such municipality as provided in this act, such duty shall be considered as part of his duty as fireman for such municipality, and any fireman who is injured while engaged in such duties outside the corporate limits of such municipality shall be entitled to the same benefits that he or his family would be entitled to receive should he have been injured while on duty within the corporate limits of such municipality.

Passed the House March 8, 1941.

Passed the Senate March 12, 1941.

Approved by the Governor March 19, 1941.

CHAPTER 97.

[S. B. 41.]

STATE TEACHERS' RETIREMENT SYSTEM.

AN ACT relating to the operation of the State Teachers' Retirement System; amending section 1 of chapter 86 of the Laws of 1939 (section 4995-1 of Remington's Revised Statutes), section 3 of chapter 221 of the Laws of 1937 (section 4995-3 of Remington's Revised Statutes), and sections 4, 5, 6, 7, and 8 of chapter 86 of the Laws of 1939 (sections 4995-4, 4995-5, 4995-6, 4995-7, and 4995-8 of Remington's Revised Statutes); and repealing chapter 40 of the Laws of 1939 (section 4995-4b of Remington's Revised Statutes) and section 3 of chapter 86 of the Laws of 1939 (section 4995-4a of Remington's Revised Statutes).

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

SECTION 1. That section 1 of chapter 86 of the Laws of 1939 (section 4995-1 of Remington's Revised Statutes) be amended to read as follows: Amendments.

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: Definitions.

(1) "Accumulated Contributions" shall mean the sum of all regular contributions and prior service contributions, together with regular interest thereon;

(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;

(3a) "Annuity" shall mean annual payments for life derived from the accumulated contributions of a member;

(3b) "Disability Allowance" shall mean monthly payments during disability as provided in section 8, paragraph 7;

(4) "Annuity Guarantee Allowance" shall mean funds taken from the pension fund to make up the

Definitions.

difference between forty dollars (\$40) per month and the sum of the pension allowance and annuity earned;

(5) "Beneficiary" shall mean any person in receipt of a pension, an annuity, a retirement allowance or other benefit as provided by this act;

(6) "Board of Trustees" shall mean the board provided for in section 3 of this act to administer the retirement system;

(7) "Contract" shall mean any agreement to render service as a teacher or non-certificated employee, between a teacher or non-certificated employee and a Board of Directors or Superintendent or other employer authorized to employ teachers or non-certificated employees for and in the public schools of this state or of its educational institutions;

(8) "Creditable Service" shall mean prior service plus membership service for which credit is allowed as provided in section 5 of this act;

(9) "Earnable Compensation" shall mean the full rate of compensation that would be payable to a teacher or non-certificated employee 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 (\$2,000) 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;

(10) "Fiscal year" shall mean a calendar year which shall begin July 1 and end June 30 of the following year;

(11) "Employer" shall mean the State of Washington, the school district, or other agency of and within the state by which a teacher or non-certificated employee is paid;

(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; Definitions.

(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;

(14) "Medical Director" shall mean the physician provided for in section 3 of this act;

(15) "Member" shall mean any teacher or non-certificated employee 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 or non-certificated employee rendered while a member of the retirement system;

(17) "Pensions" shall mean annual payments for life derived from money appropriated by the Legislature, and from gifts and bequests, and any other funds hereafter set over to the pension fund, 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;

(17a) "Pension Reserve" shall mean the fund established by appropriations made by the Legislature to the pension fund of the retirement system to liquidate the accrued liabilities of the retirement system on the date it became effective, and to establish and maintain a reserve fund for payment of pensions under this act;

(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;

(19) "Prior Service Contribution" shall mean contribution made by Class B members as members

Definitions. of any local fund or of the former state fund, credited as provided in paragraph 6 of section 7; or contribution of Class A members, 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;

(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, the Eastern Washington College of Education, Central Washington College of Education, Western Washington College of Education, State School for the Blind, State School for the Deaf, Washington State Training School, State School for Girls, State Custodial School at Medical Lake, Western Washington State Custodial School at Buckley, and the Washington State Reformatory at Monroe;

(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;

(22) "Regular Interest" shall mean the interest actually earned throughout the current school year;

(23) "Retirement" shall mean withdrawal from active service with a retirement allowance granted under the provision of this act;

(24) "Retirement Allowance" shall mean the sum of the annuity and the pension or any optional benefits payable in lieu thereof;

(25) "Retirement System" shall mean the Washington State Teachers' Retirement System, provided for in this act;

(26) "Service" shall mean service as a teacher or non-certificated employee as described in sub-

division (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; Definitions.

(27a) 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;

(27b) The words "non-certificated employee" used in this act shall be held and construed to mean and include any person employed in the public schools of the state holding a position not requiring a teaching certificate for such position: *Provided*, That Clerks of school districts shall be considered employees for the purpose of this act;

(28) The masculine pronoun shall include both sexes.

SEC. 2. That section 3 of chapter 221 of the Laws of 1937 (section 4995-3 of Remington's Revised Statutes) be amended to read as follows:

Amend-
ments.

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 the Board of Trustees shall be the State Superintendent of Public Instruction, ex officio, the State Insurance Commissioner, ex officio, and five (5) members of the retirement system to be chosen by the State Board of Educa-

Administra-
tion by
board.

Personnel
of board.

Terms of
appointive
members.

tion for a term of three (3) years, and at least two (2) of said members shall be classroom teachers.

Appointment
of successors.

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: *Provided*, That when the terms of the present members have expired the vacancies shall be filled by the State Board of Education for terms of three (3) years: *Provided, further*,

Method of
appointment
and
rotation.

That on or before July 1, 1941, a fourth member shall be appointed by the State Board of Education, such member to be a classroom teacher, and such term to end July 1, 1943, and thereafter the State Board of Education shall fill the vacancy for a term of three (3) years; and that a fifth member shall be appointed by the State Board of Education on or before July 1, 1941, for a term to end July 1, 1944; and thereafter the State Board of Education shall fill the vacancy for a term of three (3) years;

Vacancies.

(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;

No compen-
sation for
board ex-
cept
expenses.

(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;

Members to
take oath
of office.

(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;

(5) Each trustee shall be entitled to one (1) vote in the board. Four (4) favorable votes shall be necessary for a decision by the trustees at any meeting of the board;

Majority of four necessary for decision.

(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;

Board to make rules.

(7) The Board of Trustees shall elect from its membership a chairman and shall by a majority vote of all of its members appoint a Secretary-Manager who shall not be a member of the board. It shall engage such acturial [actuarial], legal and medical services as are needed. The Secretary-Manager shall engage, upon authorization of the Board of Trustees, such clerical and technical services as shall be required to transact the business of the retirement system. The compensation of all persons engaged or authorized 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;

Organization of board.

Appointment of Secretary.

Duties.

Compensation of employees to be fixed by board.

(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;

Board to keep statistics.

(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

Keep record of proceedings.

Publish report.

sheet showing the financial condition of the system by means of an actuarial valuation of the assets and liabilities of the retirement system;

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 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;

Emergency
employment.

Medical
Director.

(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;

Duties.

Actuary.

(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;

Duties.

(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;

Board to adopt tables and certify rates.

(14) In the year 1938, and at least once in each five (5) year period thereafter, the actuary shall 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.

Rate to be determined from mortality tables.

SEC. 3. That section 4 of chapter 86 of the Laws of 1939 (section 4995-4 of Remington's Revised Statutes) be amended to read as follows:

Amendments.

Section 4. The membership of the retirement system shall be composed of all teachers and non-certificated employees in the public schools of the State of Washington, the Eastern Washington College of Education, Central Washington College of Education, Western Washington College of Education, State School for the Blind, State School for the Deaf, Washington State Training School, State School for Girls, State Custodial School at Medical Lake, Western Washington State Custodial School at Buckley, and the Washington State Reformatory at Monroe: *Provided*, That any teacher who held a valid teacher's contract for the year ending June 30, 1938, entitling him to teach within the State of Washington and who filed a written statement declaring his

Membership. Teachers and non-certificated employees. Public schools.

Public colleges.

State institutions.

Exception.

May declare
not to
become
member.

desire not to become a member of the retirement system, in accordance with the provisions of section 4 of chapter 221, Laws of 1937, and has never cancelled or withdrawn such written declaration not to become a member as provided in said section, shall not be included as a member hereof: *Provided, further,* That all non-certificated employees of the public schools of the State of Washington, the Colleges of Education, and the schools for correction or special instruction conducted by the State of Washington, who are employed when this act takes effect or employed subsequent thereto may file a written statement declaring their desire not to become members of the retirement system. Such declaration must be filed within one year after this act takes effect, or within one year after a new non-certificated employee becomes employed subsequent to the date this act becomes effective. When such written statement is approved by the Board of Trustees, such non-certificated employee shall thereafter be excluded from membership in the retirement system.

Declaration
to be made
within one
year.

Approval
by board.

Membership
classification.

Members who have not served in a public school of the State of Washington or the institutions enumerated in subdivision (20), section 1, prior to the date the law permitting them to become members became operative, shall be Class A members.

Class A.

Members who were members of a local fund or of the former state fund on the date this law becomes operative shall be Class B members.

Class B.

Class C.

All other members shall be Class C members.

Non-
certificated
employee
same as
teacher.

A non-certificated employee shall be entitled to prior service credit on the same basis as a Class C teacher who was eligible under a local fund or the former state fund, as provided in paragraph (4), subdivision (b), of section 6; and before such member shall be entitled to retire on a retirement allowance he shall comply with the same requirements as provided in the act for Class C teachers, excepting

the requirements in respect to the character of the service rendered.

Should any member in a period of six (6) consecutive years after last becoming a member, be unemployed as a teacher or non-certificated employee 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, for any reason except for retirement, interest on accumulated contributions shall cease: *Provided, further*, That all unclaimed accumulated contributions of teachers or non-certificated employees whose memberships have ceased shall, after the expiration of ten (10) years thereafter remain in the annuity reserve fund and become an integral part thereof.

Membership may cease.

Conditions.

Thirty year service retains membership.

Interest ceases with non-membership.

Unclaimed funds to escheat after ten years.

SEC. 4. That section 5 of chapter 86 of the Laws of 1939 (section 4995-5 of Remington's Revised Statutes) be amended to read as follows:

Amendments.

Section 5. (1) Under such rules and regulations as the Board of Trustees shall adopt, each teacher or non-certificated employee, upon becoming a member of the retirement system shall file with the Board of Trustees a detailed statement of all services as a teacher or non-certificated employee 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

Member to file statement of status.

Military or
defense
member to
get credit
for time.

service certificate to the applicant for such prior service: *Provided, further,* That any member who serves the United States as a member of its military, naval or air service, or in any capacity under the Federal Defense Service, may receive credit for such service upon presenting satisfactory proof and contributing to the annuity fund, either in a lump sum or installments, such amounts as shall be determined by the Board of Trustees;

Credit for
school term.

(2) Service rendered for the entire school term in any district or public educational institution 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;

Construction.

Board to
issue prior
service
certificate.

As soon as practicable after the filing of such statements of service the Board of Trustees shall determine the number of years of service with which an 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 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

Maximum
service
outside state.

fifteen (15) years of such service shall be credited to a Class B member, or to a Class C member;

Provided, still further, That any member who leaves the State of Washington after becoming a member of the retirement system may, upon being reemployed in the public schools of this state, be credited with membership service in an amount which, when added to the out-state credit for prior service, shall not exceed the total amount of out-state service credit provided for above: *Provided, also,* That satisfactory proof of such service rendered elsewhere during the interim period, as a teacher or non-certificated employee, as defined in this act, shall be furnished to the Board of Trustees, and contributions to the annuity fund shall be made for such credit in the same amount, either in a lump sum or in installments approved by the Board of Trustees, as would have been made had the member rendered such service in the State of Washington during the interim period.

Contributions to be made for interim period.

Provided, still further, That the Board of Trustees may, at its discretion, allow credit for leave of absence for professional preparation to a member taking such leave of absence subsequent to last becoming a member, upon satisfactory proof of such leave of absence and the payment of contributions to the annuity fund in such an amount, either in a lump sum or in installments approved by the Board of Trustees, as would have been paid had such member been employed regularly in the public schools of this state: *Provided, also,* That not more than two such leaves of absence may be granted to any member, and not more than one such leave may be granted in any ten-year period of service;

Allow credit for leave of absence.

Contributions.

Limit of leaves.

(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

Certificate conclusive evidence.

May
modify.

one (1) year of the date of the issuance of modification of such certificate request the Board of Trustees to modify or correct his prior service certificate.

Certificate
void when
membership
ceases.

When membership ceases, such prior service certificate shall become void. Should membership cease, a teacher or non-certificated employee, when

May regain
status.

he again becomes a member, 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;

Creditable
service.

(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.

Amend-
ments.

SEC. 5. That section 6 of chapter 86 of the Laws of 1939 (section 4995-6 of Remington's Revised Statutes) be amended to read as follows:

Assets to be
credited
to funds.

SECTION 6. All the assets of the retirement system shall be credited according to the purpose for which they are held to one of five funds, namely, the annuity fund, the pension fund, the pension reserve fund, the disability reserve fund, and the expense fund;

Office to be
provided by
State.

(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 capital;

Board to
make
estimate of
pension
fund.

(2) It shall be the duty of the Board of Trustees at its regular meeting in July of each year preceding the regular session of the Legislature to prepare an estimate of the total disbursements from the pension fund of the retirement system for the period included in the ensuing biennium beginning on April first following the date of the submission of

said report. Said estimate shall include payments for retirement pensions as provided for herein, also all disbursements provided for in subsection (7) of section 7 as herein set forth, and an amount calculated upon accepted tables for the purpose of establishing and maintaining a pension reserve fund as provided in subsection (17a) of section 1, above. The secretary of the board shall submit all of the same to the Governor with a showing of the total amount needed for the biennium to insure the full satisfaction of the aforesaid awards and compensations. Said amount shall be appropriated by the Legislature to the pension fund of the retirement system. After this appropriation has been made to the pension fund of the retirement system, the Board of Trustees shall transfer to the pension reserve fund the amount provided for such transfer.

Contents of estimate.

To submit to Governor.

Legislature to make 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 member whose salary every year from the time said member began service under the provisions of this act to age sixty (60) years is twelve hundred dollars (\$1,200), which, when deducted from each payment of his prospective earnable compensation prior to the attainment of age sixty (60) and accumulated with regular interest until his attainment of such age shall be computed to provide at that time an annuity of twenty-five dollars (\$25) per month for the remainder of his life; such proportion shall be the basis of contribution of all members regardless of salary.

Annuity fund.

Contents.

Actuary to determine contribution.

Basis.

(b) It shall be the duty of the County Superintendent of Schools of each county in the state, the

Duty of
School
Superintend-
ents.

Notice to
board of all
teachers.

Contents.

To notify
employee
of this law.

Board to
notify
County
Auditor of
rate of con-
tribution.

Maximum
rate of con-
tribution.

Proviso.

City Superintendent of each district of the first class 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 and non-certificated employee employed in each district in his county or city or institution or department, the address of each teacher or non-certificated employee, the date when the employment begins, the number of contracted months, the length of the regular school term, and the annual salary of each employee; and each employer shall report to the Board of Trustees on the fifth day of each succeeding month during the school year, any change in the personnel under his employ; and shall notify each employee 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;

The Board of Trustees, at such intervals as they may determine, shall certify to the County Auditor or other officer authorized to issue salary warrants to teachers and non-certificated employees, the rate or amount of each member's contribution to the annuity fund, and such officer shall cause to be deducted from the salary of each member of the retirement system the rate or amount so certified at the designated intervals: *Provided*, That not more than eight per cent (8%) of the annual earnable compensation of a member may be deducted for the annuity fund: *Provided, further*, That any member who shall accept the actuarial equivalent in lieu of the full amount provided in the last proviso of

section 8, paragraph (1), subdivision (a), shall have his rate of deduction reduced to 5% of his annual earnable compensation.

It shall be the duty of the officer authorized to issue salary warrants to teachers or non-certificated employees, on or before the tenth day of such months as are designated by the Board of Trustees to be deduction months, to draw warrants payable out of the appropriate funds in favor of the State Treasurer, covering the amounts of deductions made from the salaries of members of the retirement system and forthwith remit said warrants to the Board of Trustees of the retirement system, accompanied by a report giving the names of the members 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. Such warrants shall be registered in the office of the state teachers retirement system and forthwith remitted to the State Treasurer, together with a detailed report segregating cash and registered warrants. Upon the presentation of such warrants the State Treasurer and County Treasurer shall transfer the amount thereof from the appropriate 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;

(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 dis-

Contributions to be deducted from salaries.

Pay to State Treasurer.

Report.

State Treasurer to credit system.

Deductions to be made without qualification.

Deductions to be credited to members account.

charge 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 each of said amounts shall be paid into said annuity fund and shall be credited to the individual account of the member from whose compensation said deductions were made: *Provided*, That at the close 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. At the same time the Board of Trustees shall allow regular interest on each member's balance in the annuity fund at the beginning of the last fiscal year: *Provided, further*, That no interest shall be allowed on any accumulated contributions withdrawn during that fiscal year;

Pro rata deductions made for expense.

Interest to be allowed.

Member to deposit contribution upon re-entry.

(d) In addition to the contributions deducted from compensation as hereinbefore provided, a member who re-enters the retirement system, and who previously withdrew his accumulated contributions shall re-deposit 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.

Purpose.

Appropriations.

Gifts.

(4) (a) The pension fund shall be the fund in which shall be deposited the appropriations made by the Legislature for the purpose of creating, establishing and maintaining a fund from which pensions may be paid to members of the retirement system in accordance with the terms and provisions of this act and in the manner set out herein, and all gifts and bequests intended for the benefit of such pension fund, and any other funds hereinafter set over to

the pension fund and contributions from members as provided in this act;

(b) Any person 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 or non-certificated employee 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 requirements 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 or non-certificated employee 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 prior service credits shall be at least equal to the amount of the interest due on the prior service contribu-

Contributions by Class C members.

Interest.

Compliance plus member in Class B.

Contributions by Class B members.

Interest.

Payments to be credited to members account.

Lump sum or installments.

Amount of initial payment.

tions 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: *Provided further*, That any Class A member who wishes credit for prior service shall pay to the pension fund the contributions with four per cent (4%) compound interest which he would have paid to the former State Teachers' Retirement Fund of Washington, had he been a member of said fund when said service was rendered;

Payments to be made by Class A for credit.

Interest.

Disability reserve fund.

(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: *Provided*, That no deduction shall be made for the disability reserve fund from the salary of a member who has thirty (30) years or more of creditable service and has attained age sixty (60) years.

Actuary to determine disability benefits.

Deductions for disability 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.

SEC. 6. That section 7 of chapter 86 of the Laws of 1939 (section 4995-7 of Remington's Revised Statutes) be amended to read as follows:

Section 7. (1) The Board of Trustees shall hold regular meetings on the first Monday of January, April, July and October of each year, and may hold as many other meetings as may be found necessary to properly transact the business of the retirement system. Special meetings may be called by the chairman of the board either on his own initiative or at the request in writing of four (4) other members of the Board of Trustees. At each regular meeting the Board of Trustees shall authorize payment of retirement allowances, disability allowances, 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 allowances shall be paid quarterly, and disability allowances shall be paid monthly;

(2) The Board of Trustees at the close of each fiscal year shall allow regular interest on the balance at the beginning of the current fiscal year in each of the funds with the exception of the expense fund and the pension fund. The amounts so allowed shall be payable from interest and other earnings on the monies of the retirement system.

(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 speci-

Amendments.

Meetings of Board.

Special meetings, how called.

Duties at meetings.

Two members to sign vouchers.

Payment of allowances.

Interest to be allowed.

Exceptions.

State Treasurer to be custodian of all funds.

Voucher to authorize warrants.

men 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;

No trustee or employee shall have interest in profits of funds.

(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;

Board to transfer existing assets.

(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 Boards 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;

Appraisal.

Credit to member accounts.

Member may withdraw existing credits.

Use of 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 fund 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;

To pay allowances.

Pensions.

(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;

Annuities.

Withdrawals.

(9) The Board of Trustees shall use the assets of the disability reserve fund to pay disability allowances under the provisions of this act;

Disability.

(10) At the close of each fiscal year the Board of Trustees shall estimate the expenses of the retirement system for the ensuing year and allocate said expenses to the annuity fund, disability reserve fund, and the pension fund on the basis of the cost of operating and transacting the business of those funds for that year, and shall deduct from said funds sufficient amounts to defray such expenses, and shall deposit the same in the expense fund: *Provided*, That the deductions from the annuity fund shall be made pro rata from the annuity contributions of the members of the retirement system during the year just closed;

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

Board to be trustee of funds.

To invest funds.

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.

Restrictions.

Amendments.

SEC. 7. That section 8 of chapter 86 of the Laws of 1939 (section 4995-8 of Remington's Revised Statutes) be amended to read as follows:

Minimum membership for benefits.

Section 8. (1) With the provision that no member of the retirement system can retire and receive a retirement allowance until he shall have been a member of the former state or a local fund, or of the retirement system, or both together, for a period of at least five (5) years, and with the further provision that separation from service subsequent to the filing of the application shall not render the application invalid;

Retirement age and service.

(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 mem-

Annuity and pension.

ber's contributions together with the pension here-
 inbefore 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: *Pro-*
vided, 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;

Minimum
 benefits.

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 re-
 tirement 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;

Retirement
 allowance
 for Class B
 and C.

Maximum.

Contribu-
 tions.

(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 re-
 tirement and a pension consisting of as many thir-
 tieths (not to exceed thirty-thirtieths) of twenty
 dollars (\$20.00) per month as he has years of cred-
 ited service;

Members
 may retire
 at age 60.

Retirement
 allowances.

(d) Any member who completes all other re-
 quirements for retirement on a retirement allowance
 but who has not attained age sixty (60) years, may
 retire on a retirement allowance which is the ac-

Members
 may retire
 before 60 by
 meeting all
 require-
 ments.

tuarial equivalent at his age of a retirement allowance at age sixty (60) years;

Upon death, accumulation to be paid estate.

(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;

Member may withdraw annuity accumulation.

(3) Should a member cease to be a teacher or non-certificated employee 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;

Member may elect method of receiving benefits.

(4) With the provision that no optional selection shall be effective in case a beneficiary dies before he has received his first retirement allowance installment and that such beneficiary shall be considered as an active member 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:

Annuity to be paid estate in case of death.

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

May be paid to person designated.

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

May designate one-half annuity to person nominated.

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: *Provided, further*, That the Board of Trustees shall limit withdrawals of accumulated contributions to such sums as will not reduce the member's retirement allowance below forty dollars (\$40) per month;

Other methods.

Withdrawal limitations.

(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 the retirement system became 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, such allowances shall be pro rated.

Former members retired to receive same amount as before.

Disability allowances upon medical report.

Partial payments in case of insufficiency.

(6) Upon application of a member in service or of the employer any member may be retired by

Member
may be
retired for
disability
upon
application.

90 day
proviso.

Benefits
for 20 year
members.

Limit.

Option upon
continued
disability.

Transfer of
funds.

Statutes
repealed.

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;

(7) (a) If a member has less than twenty (20) years 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;

(b) 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.

SEC. 8. That chapter 40 of the Laws of 1939 (section 4995-4b of Remington's Revised Statutes) and section 3 of chapter 86 of the Laws of 1939 (section 4995-4a of Remington's Revised Statutes) be and the same are hereby repealed.

Passed the Senate February 13, 1941.

Passed the House March 10, 1941.

Approved by the Governor March 19, 1941.

CHAPTER 98.

[S. B. 60.]

SANITARY DISTRICTS FOR GARBAGE DISPOSAL.

AN ACT relating to garbage collection and disposal in all of the counties of the state, providing for the formation and operation of sanitary districts, defining the powers and duties of certain officers in relation thereto, imposing fees, and providing liens for the collection thereof, and amending section 1, chapter 155, Laws of 1933, being section 6010-1, Remington's Revised Statutes.

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

SECTION 1. That section 1, chapter 155, Laws of 1933, being section 6010-1, Remington's Revised Statutes, be and the same is hereby amended to read as follows:

Amend-
ments.

Section 1. Sanitary districts for the collection and disposal of garbage and other waste matter in territories outside of incorporated cities and towns are hereby authorized to be established in any county in this state, as in this act provided.

Rural
sanitary
districts
authorized.

Passed the Senate February 21, 1941.

Passed the House March 10, 1941.

Approved by the Governor March 19, 1941.

CHAPTER 99.

[S. B. 61.]

COUNTY BUDGET SYSTEM.

AN ACT relating to the budget system for making and controlling county estimates, providing for hearings thereon and the fixing of tax levies therefor and amending section 4 of chapter 164, Laws of 1923, being section 3997-4, Remington's Revised Statutes.

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

Amendments.

SECTION 1. That section 4, chapter 164, Laws of Washington, 1923, being section 3997-4, Remington's Revised Statutes, be and the same is hereby amended to read as follows:

Time for hearing on budget.

Section 4. On the first Monday in October in each year the County Commissioners shall meet at the time and place designated in said notice, whereat any taxpayer may appear and be heard for or against any part of such budget. Such hearings may be continued from day to day until concluded but not to exceed a total of five days. The officials in charge of the several offices, departments, services and institutions shall, at the time the estimates for their respective offices, departments, services or institutions are under consideration, be called in and appear before such hearing by the County Commissioners at the request of any taxpayer and may be questioned concerning such estimates by the commissioners or any taxpayer present.

Taxpayers may be heard.

Hearing may be continued.

Officials to be called.

Commissioners to fix budget by item.

Adopt resolution.

Copy to Director.

To fix levy.

Upon the conclusion of such hearing the county commissioners shall fix and determine each item of the budget separately and shall by resolution adopt the budget as so finally determined and enter the same in detail in the official minutes of the board, a copy of which budget shall be forwarded to the Division of Municipal Corporations.

The County Commissioners shall then fix the amount of the levies necessary to raise the amount of

the estimated expenditures as finally determined, less the total of the estimated revenues from sources other than taxation including: *Provided*, That the County Commissioners in determining "available surplus" may withhold and keep on hand in the County Current Expense Fund for working capital to maintain said fund on a cash basis such amounts of the Current Expense Fund surplus as shall equal thirty per cent (30%) of the last tax levy for said fund in Class A and First Class counties and fifty per cent (50%) of the last tax levy for said fund in all other counties; and such expenditures as are to be met from bond or warrant issues. All taxes shall be levied in specific sums and shall not exceed the amount specified in the preliminary budget.

Available surplus.

Class A and First Class counties.

Other counties.

Levy not to exceed preliminary budget.

Passed the Senate March 10, 1941.

Passed the House March 10, 1941.

Approved by the Governor March 19, 1941.

CHAPTER 100.

[S. B. 97.]

PROVIDING FOR CODIFICATION OF ELECTION LAWS.

AN ACT relating to election laws; providing for the complete revision and codification thereof, designating certain officers to prepare the same, and the method of preparation.

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

SECTION 1. For the purpose of securing a complete revision and codification of the laws of the state with reference to elections, the Attorney General is hereby directed to submit to the legislature, at its Regular Session of 1943, a complete revised code of election laws. Advanced copies of such revised code of election laws shall be submitted to every elected

Purpose.

Attorney General to revise election laws.

Copies to legislators.

member of the Senate and House of Representatives before November 15, 1942.

To consult
with Secre-
tary of State.

SEC. 2. In the preparation of said revised code of election laws, the Attorney General shall advise and consult with the Secretary of State.

Shall com-
plete revi-
sion and
make
recom-
mendations.

SEC. 3. When the Attorney General shall complete the revision of the election laws, he shall submit separately his recommendations concerning changes, amendments, and repeals of such statutes, and he shall make suggestions of new election laws which will in his opinion simplify election expression and procedure.

Passed the Senate February 3, 1941.

Passed the House March 10, 1941.

Approved by the Governor March 19, 1941.

CHAPTER 101.

[S. B. 100.]

EXPLOSIVES.

AN ACT requiring licenses of persons manufacturing, dealing in or possessing explosives, amending sections 11 and 12 of chapter 111 of the Laws of 1931 (sections 5440-11 and 5440-12, respectively, Remington's Revised Statutes); prescribing penalties; and declaring an emergency.

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

Amend-
ments.

SECTION 1. Section 11 of chapter 111 of the Laws of 1931 (section 5440-11, Remington's Revised Statutes) is amended to read as follows:

Manufac-
turer of
explosives.

Section 11. All persons engaged in the manufacture of explosives, or any process involving explosives, or where explosives are used as a component part in the manufacture of any article or device, on the date when this act takes effect, shall within sixty days thereafter, and all persons engaged

Duties.

ing in the manufacture of explosives, or any process involving explosives, or where explosives are used as a component part in the manufacture of any article or device after this act takes effect shall, before so engaging, make a report in writing, subscribed to by such person or his agent, to the Department of Labor and Industries, the report stating:

Make
report to
Dept. of
L. & I.

(1) Location of place of manufacture or processing,

Contents.

(2) Kind of explosives manufactured, processed or used,

(3) The name and address of the applicant,

(4) The reason for desiring to manufacture explosives,

(5) The applicant's citizenship, if the applicant is an individual,

(6) If the applicant is a partnership, the names and addresses of the partners, and their citizenship, and

(7) If the applicant is an association or corporation, the names and addresses of the officers and directors thereof, and their citizenship.

There shall be kept in the main office on the premises of each explosives plant a plan of said plant showing the location of all factory buildings and the distance they are located from other factory buildings where persons are employed and from magazines, and these plans shall at all times be open to inspection by duly authorized inspectors of the Department of Labor and Industries. The superintendent of each plant shall upon demand of said inspector furnish the following information:

Keep plan
of all
buildings.

Contents.

Duty of
superintend-
ent.

(a) The maximum amount and kind of explosive material which is or will be present in each building at one time.

Information
to be given
inspector.

(b) The nature and kind of work carried on in each building and whether or not said buildings are surrounded by natural or artificial barricades.

Department
to make
inspection.

The Department of Labor and Industries shall as soon as may be after receiving such report cause an inspection to be made of the explosives plant, and if found to be in accordance with sections 3 and 5 of this act, such department shall issue a license to the person applying therefor showing compliance with the provisions of this act, unless the department shall find that the applicant or the officers, agents or employees of the applicant are not sufficiently experienced in the manufacture of explosives, have been convicted of a crime involving moral turpitude, or are disloyal to the United States. Such license shall continue in full force and effect until surrendered or canceled, because of failure to comply with any of the conditions necessary for the granting of a license.

License to
issue.

Exceptions.

Amend-
ments.

SEC. 2. Section 12 of chapter 111 of the Laws of 1931 (section 5440-12, Remington's Revised Statutes) is amended to read as follows:

Person
keeping or
storing to
make report.

Section 12. All persons engaged in keeping or storing and all persons having in their possession explosives on the date when this act takes effect shall within sixty (60) days thereafter, and all persons engaging in keeping or storing explosives or coming into possession thereof after this act takes effect, shall before engaging in the keeping or storing of explosives or taking possession thereof, make a report in writing subscribed to by such person or his agent, to the Department of Labor and Industries stating:

Contents.

(1) The location of the magazine, if any, if then existing, or in case of a new magazine, the proposed location of such magazine.

(2) The kind of explosives that are kept or stored or possessed or intended to be kept or stored or possessed and the maximum quantity that is intended to be kept or stored or possessed thereat.

(3) The distance that such magazine is located or intended to be located from the nearest buildings, railroads and highways.

Contents of report.

(4) The name and address of the applicant.

(5) The reason for desiring to store or possess explosives.

(6) The citizenship of the applicant if the applicant is an individual.

(7) If the applicant is a partnership, the names and addresses of the partners and their citizenship.

(8) If the applicant is an association or corporation, the names and addresses of the officers and directors thereof and their citizenship.

The Department of Labor and Industries shall, as soon as may be after receiving such report, cause an inspection to be made of the magazine, if then constructed, and, in the case of a new magazine, as soon as may be after same is found to be constructed in accordance with the specification provided in section 9 of this act, such department shall determine the amount of explosives that may be kept and stored in such magazine by reference to the quantity and distance table set forth in section 3 of this act, and shall issue a license to the person applying therefor, unless the department shall find that such applicant is not sufficiently experienced in the handling of explosives, lacks suitable facilities therefor, has been convicted of a crime involving moral turpitude, or is disloyal to the United States. Said license shall set forth the maximum quantity of explosives that may be had, kept or stored by said person. Such certificate of compliance shall be valid until canceled for one or more of the causes hereinafter provided. Whenever by reason of change in the physical conditions surrounding said magazine at the time of the issuance of the license therefor, such as

Department to make inspection.

License to issue.

Exceptions.

Changes.

(a) The erection of buildings nearer said magazine,

Itemized.

Items
changed.

(b) The construction of railroads nearer said magazine, or

Opening of
highways
near
magazine.

(c) The opening for public travel of highways nearer said magazine, then the amounts of explosives which may be lawfully had, kept or stored in said magazine must be reduced to conform to such changed conditions in accordance with the quantity and distance table notwithstanding the license, and the Department of Labor and Industries shall modify or cancel such license in accordance with the changed conditions. Said license may also be canceled if the

Department
may modify,
cancel
license.

Department of Labor and Industries shall find that the applicant is keeping explosives for an unlawful purpose or is disloyal to the United States. Whenever any person to whom a license has been issued, keeps or stores in the magazine or has in his possession, any quantity of explosives in excess of the maximum amount set forth in said license, or whenever any person fails for thirty (30) days to pay the annual license fee hereinafter provided after the same becomes due, the department is authorized to cancel such license. Whenever a license is canceled by the department for any cause herein specified, the

Grounds
for
cancelling.

department shall notify the person to whom such license is issued of the fact of such cancelation and shall in said notice direct the removal of all explosives stored in said magazine within ten days from the giving of said notice, or, if the cause of cancelation be the failure to pay the annual license fee, or the fact that explosives are kept for an unlawful purpose, or the applicant is disloyal to the United States, the Department of Labor and Industries shall order such person to dispossess himself of said explosives within ten days from the giving of said notice. Failure to remove the explosives stored in said magazine or to dispossess oneself of the explosives as herein provided within the time specified in said notice shall constitute a violation of this act.

Procedure.

Failure to
comply a
violation.

SEC. 3. There is hereby inserted into chapter 111 of the Laws of 1931 a new section to be known as section 12 (a), to read as follows:

New section added.

Section 12 (a). Every person desiring to engage in the business of dealing in explosives shall apply to the Department of Labor and Industries for a license therefor. Said application shall state, among other things:

Every person wishing to engage must apply for license.

Application.

(1) The name and address of applicant;

Contents.

(2) The reason for desiring to engage in the business of dealing in explosives;

(3) Citizenship, if an individual applicant;

(4) If a partnership, the names and addresses of the partners and their citizenship; and

(5) If an association or corporation, the names and addresses of the officers and directors thereof and their citizenship.

The Department of Labor and Industries shall issue the license applied for unless the department finds that either the applicant or any of the officers, agents or employees of the applicant are not sufficiently experienced in the business of dealing in explosives, lack suitable facilities therefor, have been convicted of a crime involving moral turpitude, or are disloyal to the United States. Said license may be canceled for any cause that would prevent the initial issuance thereof.

Department may issue or deny license.

May be cancelled.

SEC. 4. If any manufacturer of explosives or dealer therein shall have shipped any explosives into another state, and the laws of such other state shall designate an officer or agency to regulate the possession, receipt or storage of explosives, and such officer or agency shall so require, such manufacturer shall, at least once each calendar month, file with such officer or agency of such other state a report giving the names of all purchasers and the amount and description of all explosives sold or delivered in such other

Manufacturer to comply with other laws for interstate trade.

Give report.

Dealers to
keep record.

Contents.

Records
open to
inspection.

state. Dealers in explosives shall keep a record of all explosives purchased or sold by them, which record shall include the name and address of each vendor and vendee, the date of each sale or purchase, and the amount and kind of explosives sold or purchased. Such records shall be open for inspection by the duly authorized agents of the Department of Labor and Industries and by all federal, state and local law enforcement officers at all times, and a copy of such record shall be furnished once each calendar month to the Department of Labor and Industries in such form as said department shall prescribe.

Dealer not
to sell to
unauthorized
person.

Penalty for
violation.

SEC. 5. No dealer shall sell, barter, give or dispose of explosives to any person who does not hold a license to possess explosives issued under the provisions of chapter 111 of the Laws of 1931, as amended. Any violation of this or the preceding section shall constitute a misdemeanor.

Effective
immediately.

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

Passed the Senate February 18, 1941.

Passed the House March 10, 1941.

Approved by the Governor March 19, 1941.

CHAPTER 102.

[S. B. 153.]

SCHOOL ELECTIONS.

AN ACT relating to school elections; authorizing an additional number of voting places, and amending section 1 of chapter 117 of the Laws of 1915, and section 3 (Sub.) chapter 13 of chapter 97 of the Laws of 1909, and declaring an emergency.

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

SECTION 1. Section 1 of chapter 117 of the Laws of 1915 (section 5021, Remington's Revised Statutes; section 5161 of Pierce's Code) is amended to read as follows:

Section 1. The election of School District Directors shall, except as otherwise provided by law, be held on the first Saturday in March of each year, at the district school house, if there be one, or if there be none, or more than one, then at a place to be designated by the Board of Directors: *Provided*, That if a petition signed by not less than twenty-five per cent of the legal voters in any district asking that the date of the next annual election therein be changed, shall be filed with the County Superintendent of Schools not less than twenty days before such election, said superintendent shall fix a date within the first seven days of March, other than a Saturday, for the holding of such election and forthwith notify the clerk thereof and such election shall then be held upon the date so fixed in the manner and upon the notice that other like elections are held. Special school elections shall be called and conducted in the manner provided for calling and conducting annual elections. For convenience of the voters any board of directors of the second and third class school districts may establish a number of voting places not to

Amend-
ments.School
district
elections.

Date.

Place.

Proviso.

Special
elections.Voting places
in second and
third class
districts.

exceed the number of county voting precincts in such district.

Amend-
ments.

SEC. 2. Section 3 of (Sub.) chapter 13 of chapter 97 of the Laws of 1909 (section 5023, Remington's Revised Statutes; section 5163 of Pierce's Code) is amended to read as follows:

Election
board to be
appointed.

Section 3. The board shall appoint two judges and one clerk who are qualified electors of the district for each voting place. Should such Board of Directors fail in this duty, then at the hour fixed for opening the polls the electors present shall select two electors to act as judges of the election and one elector to act as clerk of the election, and the three selected shall constitute the election board; and no election shall be held unless an election board is so constituted and qualified. The judges and clerk aforesaid shall, before entering upon the duties of their office, severally take and subscribe an oath or affirmation faithfully to discharge the duties as such officers of election, said oath or affirmation to be administered by any school officer or any other person authorized to administer oaths. The judges shall, before they commence receiving ballots, cause to be proclaimed aloud at the place of voting that the polls are now open.

Proviso.

Duties of
election
board.

Oath.

Effective
immediately.

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

Passed the Senate February 14, 1941.

Passed the House March 10, 1941.

Approved by the Governor March 19, 1941.

CHAPTER 103.

[S. B. 181.]

INSOLVENT CORPORATIONS.

AN ACT relating to insolvent corporations; defining preferences to creditors, providing for offsets, limiting the time in which actions for preferences may be commenced, modifying the trust fund doctrine, and amending section 57 of chapter 185 of the Laws of 1933 (section 3803-57, Remington's Revised Statutes), and repealing chapter 47 of the Laws of 1931 (sections 5831-1, 5831-2 and 5831-3, Remington's Revised Statutes).

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

SECTION 1. Words and terms used in this act shall be defined as follows: Definitions.

(a) "Receiver" means any receiver, trustee, common law assignee, or other liquidating officer of an insolvent corporation.

(b) "Date of application" means the date of filing with the Clerk of the Court of the petition or other application for the appointment of a receiver, pursuant to which application such appointment is made; or in case the appointment of a receiver is lawfully made without court proceedings, then it means the date on which the receiver is designated, elected or otherwise authorized to act as such.

(c) "Preference" means a judgment procured or suffered against itself by an insolvent corporation or a transfer of any of the property of such corporation, the effect of the enforcement of which judgment or transfer at the time it was procured, suffered, or made, would be to enable any one of the creditors of such corporation to obtain a greater percentage of his debt than any other creditor of the same class.

SEC. 2. If not otherwise limited by law, actions in the courts of this state by a receiver to recover preferences may be commenced at any time within but Limitation of actions by receiver.

not after six (6) months, from the date of application for the appointment of such receiver.

Preferences
avoided.

SEC. 3. Any preference made or suffered within four (4) months before the date of application for the appointment of a receiver may be avoided and the property or its value recovered by such receiver.

Limitations.

No preferences made or suffered prior to such four (4) months' period may be recovered, and all provisions of law or of the trust fund doctrine permitting recovery of any preference made beyond such four (4) months' period are hereby specifically superseded.

Set-off
against
preference.

SEC. 4. In any action by a receiver against a creditor to avoid and recover a preference such creditor may set off against the amount of such preference an amount equal to any credit or credits given by such creditor to the corporation within four (4) months prior to the date of application for the appointment of the receiver when such credit or credits were given in good faith without security of any kind for property which became a part of the assets of the corporation.

Preference to
attorney to
be examined.

SEC. 5. If a corporation shall directly or indirectly in contemplation of the appointment of a receiver of such corporation pay money or transfer property to an attorney or counselor at law, solicitor in equity, or proctor in admiralty for services to be rendered, the transaction shall be re-examined by the court on petition of the receiver of such corporation or any creditor and shall be held valid only to the extent of a reasonable amount to be determined by the court and any excess may be recovered by the receiver for the benefit of the creditors of such corporation.

Balance of
account
allowed.

SEC. 6. (a) In all cases of mutual debts or mutual credits between the corporation and a creditor the account shall be stated and one debt shall be

set off against the other, and the balance only shall be allowed or paid: *Provided*, That as against voidable preferences the only offsets shall be the credits specified in section 5 above. Proviso.

(b) A set-off or counter-claim shall not be allowed in favor of any debtor of the corporation which (1) is not provable against the corporation, or (2) was purchased by or transferred to him after the appointment of a receiver for such corporation, or within four (4) months before the date of application for the appointment of such receiver, with a view to such use and with knowledge or notice that such corporation was insolvent. Set-off must be provable.
Conditions.

SEC. 7. Section 57 of chapter 185 of the Laws of 1933 (section 3803-57, Remington's Revised Statutes) is amended to read as follows: Amendments.

Section 57. In a proceeding for dissolution subject to the supervision of the court, all questions in respect to proof, allowance, payment and priority of claims shall be governed by the same rules as are applicable in bankruptcy proceedings under the national bankruptcy act as in force at the time of the dissolution proceedings. Proceeding same as Federal act.

SEC. 8. Chapter 47 of the Laws of 1931 (sections 5831-1, 5831-2 and 5831-3, Remington's Revised Statutes) is hereby repealed. Statutes repealed.

Passed the Senate February 20, 1941.

Passed the House March 10, 1941.

Approved by the Governor March 19, 1941.

CHAPTER 104.

[S. S. B. 272.]

CONSERVATION OF SHELLFISH.

AN ACT relating to shellfishes; prohibiting the fishing therefor in certain waters until July 1, 1946; defining the duties of certain officers; providing for a certain license; and prescribing penalties.

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

Closed season
on shellfish.

Time.

Territory.

Boundaries
of closed
waters.

Purpose.

Preservation
of shellfish.

Private
oyster beds
excepted.

SECTION 1. It shall be unlawful to engage in commercial fishing with any fishing appliance or by any means whatsoever for shrimp and crabs until July 1, 1946, in the waters of Hood Canal, including the waters of Quilcene Bay and Dabob Bay, inland or inside of a line commencing at Hammond Point on Hood Head and then projected due east to the mainland; also in the waters of Puget Sound, inland or inside of the following described lines: Beginning at a point on the east side of Wholloch Bay near the entrance, said point being designated by a post set in the ground, painted white and marked "State Monument—Boundary Salmon Preserve"; thence due southwest to a point on Fox Island, said point being designated by a post set in the ground, painted white and marked "State Monument—Boundary Salmon Preserve"; thence following the shore line of Fox Island to Gibson Point; then due east to the mainland.

SEC. 2. The shellfishes in the waters and tidelands of the State Washington shall be preserved, protected and perpetuated, and to that end such shellfishes shall not be taken at such times or places, in such numbers or amounts, by such means or in such manner, as will impair the supply thereof: *Provided, however,* That nothing contained herein shall apply to privately owned or leased oyster beds or to the oysters grown thereon.

SEC. 3. The Director of Fisheries shall have the power to investigate the habits, supply, and economic uses of, and to classify, the shellfishes in the waters and tidelands of the State of Washington, and, from time to time, make, adopt, amend, and promulgate rules and regulations governing the taking thereof, (1) fixing the times when the taking of the several classes of, and all, shellfishes is prohibited, (2) fixing the numbers or amounts of the several classes of, and all, shellfishes that may be taken, (3) specifying and defining the places and waters in which the taking of the several classes of, and all, shellfishes is prohibited, and (4) defining, fixing, and prescribing the kinds of gear, appliances, or other means that may be used in taking the several classes of shellfishes, and the times, places and manner of using the same: *Provided, however,* That nothing herein contained shall apply to privately owned or leased oyster beds or to the oysters grown thereon.

Duties of
Director of
Fisheries.

Make rules.
Contents.

Private beds
excepted.

SEC. 4. All laws relating to the matters referred to in the last preceding section are hereby repealed as statutes, and are hereby constituted and declared to be operative and to remain in force as the rules and regulations of the Director of Fisheries, until such time as they or any of them are amended, modified, or revoked by the Director of Fisheries.

Existing laws
repealed.

Exception.

SEC. 5. Any person, firm or corporation owning or leasing any tidelands in the Puget Sound district that contains clams or mussels therein may, by paying to the State Treasurer on or before the first day of October of each year the sum of two dollars (\$2.00), obtain a clam farmer's license which will entitle the holder thereof to take or sell clams or mussels from any such tidelands owned or leased by such person, firm or corporation, from the first day of October of each year to the 31st day of March

May obtain
clam farmers
license.

Fee.

Season.

File location
map.

Containers
for sale to be
numbered.

Unlawful to
market
without
license.

Employees
to have
authority.

Penalty for
violation.

of the following year: *Provided, however,* That before the holder of the clam farmer's license may take or sell clams or mussels from any such tidelands such holder must file with the Director of Fisheries a location map of said tidelands made from an actual survey thereof. Upon receipt by the Director of Fisheries of such map he shall affix the serial number thereto which shall be the same number as the number of the license held by such clam farmer, and thereafter each and every package, sack or other container of clams or mussels marketed by the holder of said license must have affixed thereon the same serial number. It shall be unlawful for any person, firm or corporation owning or leasing any tidelands in the Puget Sound district to sell or market any clams or mussels grown upon such tidelands unless he, they, or it shall have taken out the clam farmer's license herein provided for. Every person employed by the holder of a clam farmer's license shall when digging clams or mussels have in his possession the written authority of such clam farmer, which authority shall be substantially in the following form: (1) it shall bear the number of the clam farmer's license, and (2) it shall bear the signature of the holder of the clam farmer's license.

SEC. 6. Anyone violating any of the provisions of this act or any of the rules and regulations of the Director of Fisheries shall be guilty of a misdemeanor.

Passed the Senate February 25, 1941.

Passed the House March 11, 1941.

Approved by the Governor March 19, 1941.

CHAPTER 105.

[S. B. 286.]

POISONING OF DOMESTIC ANIMALS OR
DOMESTIC BIRDS.

AN ACT relating to the poisoning of domestic animals and domestic birds; providing that it shall be unlawful for any person other than the owner, or certain other persons, to poison such animals or birds; regulating the sale of certain poisons; and defining crimes and providing penalties therefor.

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

SECTION 1. It shall be unlawful for any person to wilfully or maliciously poison any domestic animal or domestic bird: *Provided*, That the provisions of this section shall not apply to the killing by poison such animal or bird in a lawful and humane manner by the owner thereof, or by a duly authorized servant or agent of such owner, or by a person acting pursuant to instructions from a duly constituted public authority.

Unlawful to poison domestic animals or birds.

Exception.

SEC. 2. It shall be unlawful for any person other than a registered pharmacist to sell at retail or furnish to any person any strychnine: *Provided*, That nothing herein shall prohibit county, state or federal agents, in the course of their duties, from furnishing strychnine to any person. Every such registered pharmacist selling or furnishing such strychnine shall, before delivering the same, make or cause to be made an entry in a book kept for that purpose, stating the name and address of the purchaser, the quantity of strychnine purchased, the purpose for which it is represented by the purchaser to be required, and the name of the dispenser, such book to be always open for inspection by the proper authorities, and to be preserved for at least five (5) years after the last entry. If any such registered

Unlawful to sell strychnine.

Exception.

Duty of pharmacist.

Record kept.

pharmacist shall suspect that any person desiring to purchase strychnine intends to use the same for the purpose of poisoning unlawfully any domestic animal or domestic bird, he may refuse to sell to such person, but whether or not he makes such sale, he shall if he so suspects an intention to use the strychnine unlawfully, immediately notify the nearest peace officer, giving such officer a complete description of the person purchasing, or attempting to purchase, such strychnine.

Penalty. SEC. 3. Any person violating any of the provisions of this act shall be guilty of a gross misdemeanor.

Passed the Senate March 13, 1941.

Passed the House March 13, 1941.

Approved by the Governor March 19, 1941.

CHAPTER 106.

[S. B. 255.]

QUIT-CLAIM DEED BY STATE TO KITSAP COUNTY.

AN ACT authorizing and directing a conveyance by quit-claim deed in behalf of the State of Washington to Kitsap County of certain real estate for highway purposes, providing for a vacation of a public place along the Charleston tide lands, and declaring this act shall take effect April 1, 1941.

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

State to deed
to Kitsap
County for
highway.

SECTION 1. That 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 Kitsap County, which deed shall be attested by the Secretary of State and covering the following described real estate situate in Kitsap County, Washington, to be used for highway pur-

poses, and which real estate is now the property of the State of Washington:

A strip 20 feet wide along the East line of the North $\frac{1}{2}$ of Northeast $\frac{1}{4}$ of Southeast $\frac{1}{4}$ of Section 25, Township 24 North, Range 1 E. W. M.

SEC. 2. That public place shown on the amended map of Charleston tide lands in Kitsap County, filed in the office of the Commissioner of Public Lands on May 25, 1914, may be vacated, and the Governor is hereby authorized to do all things necessary to accomplish said vacation. To be vacated.

SEC. 3. This act shall take effect April 1, 1941.

Passed the Senate March 10, 1941.

Passed the House March 10, 1941.

Approved by the Governor March 19, 1941.

CHAPTER 107.

[S. B. 75.]

REGULATING BLASTING.

AN ACT relating to explosives, prohibiting blasting in inhabited localities without notice, between the dates of January 15 and June 15 of each year.

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

SECTION 1. Between the dates of January 15 and June 15 of each year it shall be unlawful for any person to do, or cause to be done, any blasting within fifteen hundred (1500) feet from any fur farm or commercial hatchery except in case of emergency without first giving to the person in charge of such farm or hatchery twenty-four (24) hours notice: *Provided, however,* That in the case of an established quarry and sand and gravel operations, and where it is necessary for blasting to be done continually, Unlawful to blast near hatchery.
Exception.

the notice required in this act may be made at the beginning of the period each year when blasting is to be done.

Passed the Senate March 10, 1941.

Passed the House March 10, 1941.

Approved by the Governor March 21, 1941.

CHAPTER 108.

[S. B. 118.]

OFFICERS OF CITIES OF THIRD AND FOURTH CLASS.

AN ACT relating to third and fourth class cities and the offices of Mayor, Attorney, Clerk and Treasurer thereof, and amending sections 1 and 2 of chapter 87 of the Laws of 1939 to provide for appointment instead of election of Attorneys and Clerks in fourth class cities.

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

Amend-
ments.

SECTION 1. That section 1 of chapter 87 of the Laws of 1939 be amended to read as follows:

Terms of
city officials.

Section 1. The terms of office of Mayor, Attorney, Clerk, and Treasurer in all cities of the third class and the term of office of the Mayor and Treasurer in all cities of the fourth class shall be four years, and until their successors are elected and qualified: *Provided*, That this act shall not affect the terms of office of any of such officials to which they have been elected or appointed at the time this act takes effect, but at the election next preceding the expiration of the terms of such officials a successor for such officials shall be elected for a four year term: *Provided further*, That at the first election of Treasurer after this act takes effect such official shall be elected for a two year term only, and at the election next preceding the expiration of such two year term a successor to such official shall be

Not to affect
existing
office.

Treasurer
exception.

elected for a four year term: *Provided, further,* That this act shall not affect cities operating under a commission form of government.

Not to affect commission form.

SEC. 2. That section 2 of chapter 87 of the Laws of 1939 be amended to read as follows:

Amendments.

Section 2. The Mayor of each fourth class city shall appoint a Clerk, and whenever the City Council of such city shall provide by ordinance for the appointment of an Attorney, the Mayor shall also appoint an Attorney; such appointees shall hold office at the pleasure of the Mayor, and the appointments shall not be subject to confirmation by the City Council.

Mayor to appoint officials.

Not subject to confirmation.

Any Clerk or Attorney elected under the provisions of this act or any Clerk or Attorney appointed to fill an unexpired term, whose term has not expired at the time this amendatory act takes effect, shall continue in office for the unexpired term and until his successor is appointed and qualified under the provisions of this amendatory act.

Not to affect existing offices.

Passed the Senate March 11, 1941.

Passed the House March 10, 1941.

Approved by the Governor March 21, 1941.

CHAPTER 109.

[S. B. 236.]

DISPOSITION OF OBSOLETE PUBLIC RECORDS.

AN ACT authorizing disposition of certain obsolete public records and creating a committee to select such records.

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

Director to
destroy obso-
lete records.

SECTION 1. The Director of Finance, Budget and Business, hereinafter referred to as the Director, is authorized, and it shall be his duty, to cause to be destroyed such public records more than fifteen years old as shall be determined to be of no further value either for administrative or historical purposes when authorized in writing by committee hereinafter created.

Other de-
partments to
furnish list.

SEC. 2. Upon the taking effect of this act all departments, commissions, and other agencies of the state government, shall prepare lists, upon blanks to be furnished by the Director, of records which, in the judgment of the executive officer of such departments, commissions, and agencies, are of no further administrative or historical value.

Committee
authorized.

SEC. 3. A committee composed of the Supervisor of the Division of Budget, the State Auditor, the Secretary of State, and the Attorney General, hereinafter referred to as the Committee, is hereby created and it shall be the duty of such Committee to determine what records shall be authorized to be destroyed. Authorization shall be by unanimous vote of the Committee entered upon authenticated list of records authorized to be destroyed. Copy of such authorization, accompanied by authenticated list, shall be filed as a public record in the office of the Secretary of State.

Duties.

Items to be
destroyed.

SEC. 4. Correspondence, exhibits, books, booklets, drawings, maps, or documents, unrelated to ac-

counting records shall, before they are ordered to be destroyed, be reviewed for the purpose of determining historical or administrative value by Advisory Committee consisting of the State Librarian, one representative of the History Department of the University of Washington, to be selected by the President of such institution, and one member from the History Department of the Washington State College, similarly selected. Such Advisory Committee shall make its recommendation in writing which shall become a part of the permanent record to be filed as a public document in the office of the Secretary of State.

List to be kept as record.

May maintain as historical.

Advisory Committee.

SEC. 5. Members of such Advisory Committee shall serve without additional salary but shall be entitled to actual traveling expense incurred incident to their services which shall be paid from appropriation made for the operation of capitol buildings and grounds.

No salary for committee.

Expenses.

SEC. 6. All departments, commissions, and other agencies of the state, shall cooperate and facilitate listing of records as provided for in section 2 of this act.

All departments to co-operate.

SEC. 7. The Director shall arrange for the destruction of records as directed by the Committee.

Destruction.

SEC. 8. In order to provide available space for the filing and storage of current county and city records, the various County Auditors and City Clerks in the State of Washington are hereby given the authority under the provisions set forth herein, to destroy by fire, the following old records: Warrants, vouchers, tax and other miscellaneous receipts, tax rolls and tax roll accounts, or any other old records that may be approved for destruction in writing, by the State Auditor through its Division of Municipal Corporations: *Provided*, That in no instance shall

Counties and cities authorized to destroy old records.

Items.

Approval by Auditor.

such records be destroyed until they are ten (10) years old.

Time for
destruction.

SEC. 9. County or city records so designated for disposal, must be destroyed during the course of the regular examination of such county or city, and under the supervision of the Division of Municipal Corporations and its examiner or examiners: *Provided*, That in no instance shall records be destroyed unless they have been audited and examined by the State Auditor, through its Division of Municipal Corporations and its examiners.

List to be
made.

SEC. 10. Before any such records are destroyed a complete list of all county records to be destroyed must be certified to by the County Auditor and filed with the Board of County Commissioners, and a copy thereof filed with the State Division of Municipal Corporations. Before any city records are destroyed a complete list of all such records must be certified to by the City Clerk, and filed with the City Council, or Commissioner of Finance, and a copy thereof filed with the State Division of Municipal Corporations.

Passed the Senate March 11, 1941.

Passed the House March 10, 1941.

Approved by the Governor March 21, 1941.

CHAPTER 110.

[S. B. 154.]

LEASING OF COUNTY LANDS.

AN ACT relating to the leasing of county property, apportioning the rentals, amending section 1, chapter LXXXVII, Laws of 1901 (section 4019, Remington's Revised Statutes) and amending section 1, chapter 162, Laws of 1913 (section 4022 of Remington's Revised Statutes) and declaring an emergency.

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

SECTION 1. Section 1, chapter LXXXVII, Laws of 1901 (section 4019, Remington's Revised Statutes) is hereby amended to read as follows:

Section 1. That the Board of County Commissioners of any county in this state, wherever it shall appear that it is for the best interests of such county and the people thereof, that any part, parcel or portion of the real property and its appurtenances to said county belonging, whether acquired for non-payment of taxes or in any other manner, should be leased for a year or term of years, are hereby authorized and empowered to lease such property under the limitations and restrictions and in the manner hereinafter provided.

Vetoed

SEC. 2. Section 1, chapter 162, Laws of 1913, designated therein as section 3854 of Remington & Ballinger's Annotated Codes and Statutes of Washington (section 4022, Remington's Revised Statutes), is hereby amended to read as follows:

Amendments.

Section 1. At the day and hour designated in such notice or at any subsequent time to which such meeting may be adjourned by said Board of County Commissioners, but not more than thirty days after the day and hour designated for the meeting in said published notice, the Board of County Commissioners may, at their discretion, lease the property in

Meeting.

Commission-
ers may
lease land.

Term of
lease.

Exception.

Property
suitable for
industrial
or public
purpose.

Term of
lease.

Lease
contents.

such notice described for a term of years and upon such terms and conditions as to the said Board of County Commissioners shall seem just and right in the premises; but for no longer term in any one instance than ten (10) years, and no renewal of a lease once executed and delivered shall be had, except by a re-leasing and re-letting of said property according to the terms and conditions of this act: *Provided*, That where a county owns property within or outside the corporate limits of any city or town or anywhere in the county suitable for municipal purposes, or for commercial buildings, or owns property suitable for manufacturing or industrial purposes or sites, or for military purposes, or for temporary or emergency housing, or for any requirement incidental to manufacturing, commercial, agricultural, housing, military or governmental purposes, the Board of County Commissioners may lease same for said purposes for any period not to exceed thirty-five years. Where property is leased for municipal purposes or for commercial buildings or manufacturing or industrial purposes the lessee therein shall prior to the execution of such lease file with said Board of County Commissioners general plans and specifications of the building or buildings to be erected thereon for such purposes. All leases when executed shall provide that the same shall be cancelled by failure of the lessee to construct such building or buildings or other improvements for such purposes within two years from date of such lease, and in case of failure so to do the lease and all improvements thereon, including the rentals paid, shall thereby be forfeited to the county. No change or modification of said plans shall be made unless same be first approved by the Board of County Commissioners. If at any time during the life of said lease the lessee shall fail to use the same for the purposes leased, without first obtaining permission

in writing from the Board of County Commissioners so to do, said lease shall be forfeited. Any lease made for a longer period than ten (10) years shall contain provisions requiring the lessee to permit the rentals for every five-year period thereafter, or part thereof, at the commencement of such period, to be re-adjusted and fixed by the Board of County Commissioners. In the event that the lessee and said Board of County Commissioners cannot agree upon the rentals for said five-year period, the lessee shall submit to have said disputed rentals for said subsequent period adjusted by arbitration. The lessee shall pick one arbitrator and the Board of County Commissioners one, and the two so chosen shall select a third. No board of arbitrators shall reduce the rentals below the sum fixed or agreed upon for the last preceding period. All buildings, factories or other improvements made upon property leased under this proviso shall belong to and become property of such county, unless otherwise stipulated, at the expiration of the lease. No lease so made shall be assigned without such assignment being first authorized by resolution of said Board of County Commissioners and the consent in writing of at least two (2) members of said Board endorsed on such lease and all leases when drawn shall contain this provision: *Provided, further,* This act shall not be construed to limit the power of the Board of County Commissioners to sell, lease, or by gift convey any property of the county to the United States government or any of its governmental agencies to be used for federal governmental purposes, as already provided, or which may be enacted by the Legislature of the State of Washington.

Lease may be adjusted as to rentals.

Arbitration.

Buildings to be property of county.

No assignment without authority.

Proviso.

SEC. 3. Whenever any real property acquired by the county for non-payment of taxes is leased, the rentals received shall be apportioned as follows: Ten (10) per centum shall be retained by the county

Apportionment of rentals.

for administrative purposes, and the balance shall be ratably divided and distributed to the various county, city, town and district funds based on the tax levies last imposed upon the property by the various taxing units, in the same manner as if the property were sold, as provided in section 11293, Remington's Revised Statutes.

Effective
immediately.

SEC. 4. This act is necessary for the support of the state government and shall take effect immediately.

Passed the Senate February 25, 1941.

Passed the House March 10, 1941.

Approved by the Governor March 21, 1941, with the exception of section 1, which is vetoed.

CHAPTER 111.

[S. B. 225.]

VALUATION OF LIFE INSURANCE POLICIES.

AN ACT relating to valuation of life insurance policies and amending section 92 of chapter 49 of the Laws of 1911 (section 7137 of Remington's Revised Statutes).

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

Amend-
ments.

SECTION 1. Section 92 of chapter 49 of the Laws of 1911 (section 7137 of Remington's Revised Statutes) is amended to read as follows:

Commis-
sioner to
value
policies.

Section 92. The Commissioner shall annually make valuation of all outstanding policies, additions thereto, unpaid dividends, and all other obligations of every life insurance company doing business in this state; and all such valuations made by him or his authority shall be according to the standard of valuation adopted by the company: *Provided*, That in either case the standard of valuation employed shall be stated in his annual report: *Provided*

further, That no such standard of valuation whether on the net level premium, preliminary term, or select and ultimate reserve basis, for policies issued after the passage of this act shall be less than that determined upon such basis according to the American Experience Table of Mortality with three and one-half per centum interest. The Commissioner may vary the standard of valuation in particular cases of invalid lives and other extra hazards: *Provided*, That same is on basis of at least three and one-half per centum, value policies in groups, use approximate average for fractions of a year, and assume as accurate the valuation of the department of insurance of any other state or country, if the insurance officer of such other state or country likewise accredits the valuation made by the Commissioner of this state: *Provided*, That when the preliminary term basis is used it shall not exceed one year.

Minimum standard.

Method.

The legal minimum standard for the valuation of annuities issued after January first, nineteen hundred and twelve, shall be "McClintock's Table of Mortality Among Annuitants," or the American Experience Table of Mortality, with interest at three and one-half per centum per annum, but annuities deferred ten or more years and written in connection with life or term insurance shall be valued in the same mortality table from which the consideration or premiums were computed, with interest not higher than three and one-half per centum per annum.

Basis of annuities.

The legal minimum standard for the valuation of industrial policies issued after the first day of January, nineteen hundred and twelve, shall be the American Experience Table of Mortality with interest at three and one-half per centum per annum: *Provided*, That any life insurance company may voluntarily value its industrial policies according

Basis of industrial policies.

to the "Standard Industrial Mortality Table" or the "Sub-Standard Industrial Mortality Table."

Companies
may value
policies.

Any life insurance company may voluntarily value its policies and contracts, or any class thereof on other tables of mortality with the same or lower rates of interest if the reserves created thereby are not less in the aggregate than those produced by the standards hereinbefore set forth: *Provided*, That no such standards, if adopted, shall be abandoned without the consent of the Commissioner first being obtained in writing.

Minimum.

Not to be
abandoned.

Passed the Senate February 20, 1941.

Passed the House March 10, 1941.

Approved by the Governor March 21, 1941.

CHAPTER 112.

[S. B. 174.]

REGULATING INSURANCE BY FRATERNAL BENEFIT SOCIETIES.

AN ACT relating to insurance; providing for and regulating the application of insurance laws with respect to fraternal benefit societies and amending section 235, chapter 49, Laws of 1911, as amended by section 1, chapter 114, Laws of 1931 and as amended by chapter 158, Laws of 1933 (section 7288, Remington's Revised Statutes; section 3117, Pierce's Code).

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

Amend-
ments.

SECTION 1. Section 235, chapter 49, Laws of 1911, as amended by section 1, chapter 114, Laws of 1931 and as amended by chapter 158, Laws of 1933 (section 7288 Remington's Revised Statutes; section 3117 Pierce's Code) is amended to read as follows:

Not to apply
to lodge
benefits.

Section 235. Nothing contained in this act shall be construed to affect or apply to grand or subordinate lodges of Masons, Odd Fellows, Improved Order of Red Men, Fraternal Order of Eagles, Loyal Order of Moose, or Knights of Pythias, exclusive of

the insurance department of the Supreme Lodge of Knights of Pythias, the Grand Aerie Fraternal Order of Eagles, and the Junior Order of United American Mechanics, exclusive of the beneficiary degree or insurance branch of the National Council Junior Order United American Mechanics, or societies which limit their membership to any one hazardous occupation, nor to similar societies which do not issue insurance certificates, nor to any association of local lodges of a society now doing business in this state which provides death benefits not exceeding three hundred dollars (\$300) to any one person, or disability benefit not exceeding three hundred dollars (\$300) in any one year to any one person, or both, nor to any contracts of reinsurance business on such plan in this state, nor to domestic societies which limit their membership to the employees of a particular city or town, designated firm, business house or corporation, nor to domestic lodges, orders or associations of a purely religious, charitable and benevolent description, which do not provide for a death benefit of more than one hundred dollars (\$100), or for disability benefits of more than one hundred and fifty dollars (\$150) to any one person in any one year: *Provided always*, That any such domestic order or society which has more than five hundred members, and provides for death or disability benefits, and any such domestic lodge, order or society which issues to any person a certificate providing for the payment of benefits, shall not be exempt by the provisions of this section, but shall comply with all the requirements of this article. The Commissioner may require from any society such information as will enable him to determine whether such society is exempt from the provisions of this article.

Limits.

Domestic societies.

Limits.

Commissioner may require information.

No society, which is exempt by the provisions of this section from the requirement of this article shall

Lodge not to compensate for new members.

give or allow or promise to give or allow, to any person any compensation for procuring new members.

Accident benefits included in act.

Any fraternal benefit society, heretofore organized and incorporated and operating within the definition set forth in section two hundred six, two hundred seven, and two hundred eight of this act, providing for benefits in case of death or disability resulting solely from accidents, but which does not obligate itself to pay death or sick benefits, may be licensed under the provisions of this act, and shall have all the privileges and shall be subject to all the provisions and regulations of this article, except that the provisions of this article requiring medical examinations, valuations of benefit certificates, and that the certificate shall specify the amount of benefits, shall not apply to such society.

Medical examinations excepted.

Not to affect existing organization.

SEC. 2. Nothing contained in this act shall affect the existence or operation of any association or corporation lawfully organized and operating in this state prior to February 1, 1941.

Passed the Senate March 3, 1941.

Passed the House March 10, 1941.

Approved by the Governor March 21, 1941.

CHAPTER 113.

[S. B. 177.]

PUBLIC OFFICE HOURS.

AN ACT relating to the hours when public offices shall be open for the transaction of business; repealing section 2 of chapter LVII (57), Laws of 1891 (section 73 (part), Remington's Revised Statutes) and chapter 177, Laws of 1909, as amended by chapter 35, Laws of 1917, as amended by section 1, chapter 73, Laws of 1937 (section 4033, Remington's Revised Statutes).

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

SECTION 1. All elective and appointive officers of this state and its political subdivisions shall keep their offices open for the transaction of business from nine (9) o'clock a. m. to five (5) o'clock p. m. of each business day, except that any such officer may, during the months of June, July, and August, open his office at eight (8) o'clock a. m. and close the same at four (4) o'clock p. m. On Saturday, such offices may be closed at one (1) o'clock p. m.

Business
hours of
public offices.

SEC. 2. Section 2 of chapter LVII (57), Laws of 1891 (section 73 (part), Remington's Revised Statutes) and chapter 177, Laws of 1909, as amended by chapter 35, Laws of 1917, as amended by section 1, chapter 73, Laws of 1937 (section 4033, Remington's Revised Statutes), are hereby repealed.

Statutes
repealed.

Passed the Senate February 25, 1941.

Passed the House March 10, 1941.

Approved by the Governor March 21, 1941.

CHAPTER 114.

[S. B. 160.]

ALLOWING REFERENDUM ON UTILITY FRANCHISE
GRANTS OF CITIES AND TOWNS.

AN ACT relating to the power of cities to grant certain utility franchises, and providing for a referendum, and declaring an emergency.

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

Franchises
for utility
subject to
referendum.

SECTION 1. All grants of franchises or rights for the conduct or distribution of electric energy, electric power, or electric light within any city or town of the State of Washington by the City Council or other legislative body or legislative authority thereof, whether granted by ordinance, resolution, or other form of grant, contract, permission or license, shall be subject to popular referendum under the general laws of this state heretofore or hereafter enacted, or as may be provided by the charter provisions, heretofore or hereafter adopted, of any such city or town.

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: *Provided*, That no petition for referendum may be filed after six months from the date of ordinance, resolution, or other form of grant, contract, permission, or license granting such franchise.

Limit for
filing.

Passed the Senate March 7, 1941.

Passed the House March 12, 1941.

Approved by the Governor March 21, 1941.

CHAPTER 115.

[S. B. 167.]

OFFICERS OF THIRD AND FOURTH CLASS CITIES.

AN ACT relating to third and fourth class cities and towns providing for reimbursement for expenses and payment of salaries of certain officials thereof, and amending section 7 of chapter 184 of the Laws of 1915, and section 147 of chapter VII (7) Laws of 1889-90.

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

SECTION 1. Section 7 of chapter 184 of the Laws of 1915 (section 9120 of Remington's Revised Statutes and section 790 of Pierce's Code) is amended to read as follows:

Amendments.

Section 7. The Mayor and the members of the City Council may be reimbursed for actual expenses incurred in the discharge of their official duties upon presentation of a claim therefor, after allowance and approval thereof by resolution of the City Council; and each City Councilman may be paid for attending council meetings an amount not exceeding five dollars (\$5.00) per meeting and for not more than two (2) council meetings each month, as the City Council may fix by ordinance. The Treasurer, Clerk, City Attorney and Health Officer shall severally receive, at stated times, a compensation, to be fixed by ordinance by the City Council, which compensation shall not be increased or diminished after their election, or during their several terms of office. Nothing herein contained shall be construed to prevent the City Council from fixing such several amounts of compensation, in the first instance, during the term of office of any such officer or after his election. The Mayor and other officers shall receive such compensation as may be fixed by the City Council at the time the estimates are made as provided by law.

Mayor and council may be compensated for expenses.

Limitations.

Other officers compensation.

May be fixed at any time.

Amend-
ments.

SEC. 2. Section 147 of chapter VII (7) of the Laws of 1889-90 (section 9168 of Remington's Revised Statutes and section 830 of Pierce's Code) is amended to read as follows:

Mayor and
council to be
compensated.

Section 147. The Mayor and members of the City Council may be reimbursed for actual expenses incurred in the discharge of their official duties upon presentation of a claim therefor, after allowance and approval thereof, by resolution of the City Council; and each of such officials may also be paid such salary, in an amount not exceeding three dollars (\$3.00) per meeting and for not more than two (2) Council meetings each month, as the City Council may fix by ordinance. The Clerk, Treasurer, Marshal and Police Justice shall severally receive, at stated times, a compensation, to be fixed by ordinance by the Council, which compensation shall not be increased or diminished after their election or during their several terms of office. Nothing herein contained shall be construed to prevent the Council from fixing such several amounts of compensation in the first instance, during the term of office of any such officer, or after his election. The compensation of all other officers shall be fixed from time to time by the Council.

Limits.

Other
officials com-
pensation.

Passed the Senate March 13, 1941.

Passed the House March 11, 1941.

Approved by the Governor March 21, 1941.

CHAPTER 116.

[S. B. 173.]

MAXIMUM GROSS WEIGHT OF MOTOR VEHICLES.

AN ACT relating to the maximum gross weight of vehicles and providing for penalties for violations and amending sections 49, 50 and 51 of chapter 189, Session Laws of 1937 (sections 6360-49, 6360-50 and 6360-51 Remington's Revised Statutes, respectively).

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

SECTION 1. Section 49 of chapter 189, Session Laws of 1937 (section 6360-49, Remington's Revised Statutes) is amended to read as follows: Amendments.

Section 49. It shall be unlawful for any person 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 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 an overall length in excess of thirty-five (35) feet. *Provided*, This length limitation shall not apply until January 1, 1939, to any vehicle or combination of vehicles in excess of such lengths without load and licensed in this state and lawfully operated upon the public highways of this state at the time of the taking effect of this act. Said length limitations 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 but in respect to night transportation every such vehicle and load thereon shall be equipped with a sufficient number of clearance lamps on both sides and marker lamps Length limit.
Combination.
Exceptions.
Equipment.

upon the extreme ends of any projecting load to clearly mark the dimensions of such load.

Limit of combination.

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 (2) vehicles. For the purposes of this section the addition of another axle to the tractor of a truck tractor-semi-trailer combination in such a way that it supports a proportional share of the load of the semi-trailer shall not be deemed a separate vehicle but for all purposes shall be considered a part of the truck tractor.

Construction.

Extension limit.

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.

Front.

Rear.

No vehicle shall be operated upon the public highways of this state with any part of the permanent structure or load extending in excess of fifteen (15) feet beyond the center of the last axle of such vehicle.

Amendments.

SEC. 2. Section 50 of chapter 189, Session Laws of 1937 (section 6360-50 of Remington's Revised Statutes) is amended to read as follows:

Axle weight limit.

Section 50. (a) It shall be unlawful to operate any vehicle upon the public highways of this state with a gross weight upon any one (1) axle thereof in excess of eighteen thousand (18,000) pounds.

One axle.

Trailer.

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.

Two axle.

It shall be unlawful to operate any vehicle upon the public highways of this state supported upon two (2) axles with a gross weight including load in excess of twenty-eight thousand (28,000) 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;

Gross load limit.

(b) The maximum axle and gross weights specified in subsection (a) above shall be subject to the braking requirements set up for the service brakes upon any motor vehicle or combination of vehicles set forth in section 34, chapter 189, Session Laws of 1937;

Brake requirements.

(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 purpose 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;

Pressure limit on highway.

Method of tire measurement.

(d) Subject to the maximum axle and gross weights 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 equals $750(L + 40)$ in which L represents the overall distance in feet between the first axle and the last axle of such vehicle or combination of vehicles.

Formula.

(e) Subject to the maximum axle and gross weights specified in subsection (a) above, it shall be unlawful to operate any motor vehicle or combination of vehicles where the distance between the first axle and the last axle of any group of axles of such vehicle or combination of vehicles is eighteen (18) feet or less with a gross weight including load upon such group of axles in excess of that determined by the following formula: Total gross weight, including load, in pounds equals $650(L + 40)$, in which L represents the distance in feet between the first axle and the last axle of the group of axles under consideration: *Provided, however,* That this formula shall not apply to any vehicle or combination of vehicles legally in operation at the time of the effective date of this act.

Formula.

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) or more than twenty-five dollars (\$25); upon second conviction thereof shall be fined not less than twenty-five dollars (\$25) or more than fifty dollars (\$50), 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 not to exceed thirty (30) days; upon a third or subsequent conviction shall be fined not less than fifty dollars (\$50) or more than one hundred dollars (\$100), 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 the 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.

Duty of Court.

SEC. 3. Section 51 of chapter 189, Session Laws of 1937 (section 6360-51, Remington's Revised Statutes) is amended to read as follows:

Amend-
ments.

Section 51. It shall be unlawful to operate any vehicle with a wheelbase between any two axles thereof of less than three (3) feet, six (6) inches.

Minimum
wheel base.

For the purposes of this section, wheelbase shall be measured upon a straight line from center to center of the vehicle axles designated.

Passed the Senate March 13, 1941.

Passed the House March 11, 1941.

Approved by the Governor March 21, 1941.

CHAPTER 117.

[S. B. 199.]

DEED TO GREAT NORTHERN RAILWAY COMPANY.

AN ACT authorizing and directing the conveyance of certain real estate by quit-claim deeds in behalf of the State of Washington to the Great Northern Railway Company.

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 the Great Northern Railway Company, which deed shall be attested by the Secretary of State, conveying the following described real estate situate in Douglas County, Washington, which real estate is now the property of the State of Washington under jurisdiction of the Commissioner of Public Lands, and which, under agreement dated July 1, 1924, between the said State of Washington and the said Great Northern Railway Company, is to be conveyed to said company in exchange for railroad property which was conveyed to the State of Washington by easement dated July

State to deed
to G. N. Ry.

Real estate in
Douglas Co.

Property
under
agreement.

26, 1927, for right of way purposes on the Columbia River to Rock Island section of Primary State Highway No. 10:

Description.

All that portion of the shore lands and bed of the Columbia River in section 4 and in government lot 1 of section 9, township 21 north, range 22 east, Willamette Meridian, Douglas County, Washington, that lies northeasterly of a line 200.0 feet southwesterly from and parallel to the center line of the main track of the railway of the Great Northern Railway Company, as now located, constructed, and operated, said center line being more particularly described as follows, to-wit:

Commencing at the southeast corner of said section 9, thence westerly along the south boundary thereof 2867.0 feet to an intersection with said center line of main track and the true point of beginning of this description; thence northeasterly along a tangent making a northeasterly included angle of $75^{\circ} 53'$ with said south boundary for a distance of 563.8 feet; thence along a $3^{\circ} 00'$ curve to the left 400.0 feet; thence tangent 297.5 feet; thence along a $2^{\circ} 30'$ curve to the right 310.0 feet; thence tangent 1780.2 feet; thence along a talbot spiral curve to the left through an angle of $2^{\circ} 42'$ a distance of 180.0 feet; thence along a $3^{\circ} 00'$ curve to the left 870.0 feet; thence along a talbot spiral curve to the left through an angle of $2^{\circ} 42'$ a distance of 180.0 feet; thence tangent 367.6 feet; thence along a talbot spiral curve to the right through an angle of $2^{\circ} 42'$ a distance of 180.00 feet; thence along a $3^{\circ} 00'$ curve to the right 220.5 feet; thence along a talbot spiral curve to the right through an angle of $2^{\circ} 42'$ a distance of 180.0 feet; thence tangent 354.8 feet; thence along a talbot spiral curve to the left through an angle of $2^{\circ} 42'$ a distance of 180.0 feet; thence along a $3^{\circ} 00'$ curve to the left 325.5 feet; thence along a talbot spiral curve to the left through an angle of 2°

42' a distance of 180.0 feet; thence tangent 834.7 feet; thence along a talbot spiral curve to the left through an angle of $2^{\circ} 15'$ a distance of 150.0 feet; thence along a $3^{\circ} 00'$ curve to the left 645.5 feet; thence along a talbot spiral curve to the left through an angle of $2^{\circ} 15'$ a distance of 150.0 feet; thence tangent 170.2 feet; thence along a talbot spiral curve to the right through an angle of $2^{\circ} 15'$ a distance of 150.0 feet; thence along a $3^{\circ} 00'$ curve to the right 547.2 feet; thence along a talbot spiral curve to the right through an angle of $2^{\circ} 15'$ a distance of 150.0 feet; thence tangent 153.9 feet; thence along a talbot spiral curve to the left through an angle of $2^{\circ} 15'$ a distance of 150.0 feet; thence along a $3^{\circ} 00'$ curve to the left 221.1 feet; thence along a talbot spiral curve to the left through an angle of $2^{\circ} 15'$ a distance of 150.0 feet; thence tangent 467.6 feet; thence along a talbot spiral curve to the left through an angle of $2^{\circ} 42'$ a distance of 180.0 feet; thence along a $3^{\circ} 00'$ curve to the left 481.1 feet; thence along a talbot spiral curve to the left through an angle of $2^{\circ} 42'$ a distance of 180.0 feet; thence tangent 495.8 feet to an intersection with the north boundary of section 5, said township and range (the last described course making a southeasterly included angle of $28^{\circ} 59'$ with said north boundary) at a point distant 1349.75 feet westerly from the northeast corner of said section 5 measured along said north boundary, said intersection being the end of this description.

SEC. 2. 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 the Great Northern Railway Company, which deed shall be attested by the Secretary of State, conveying the following described real estate situate in Chelan County, Washington, which real estate, described in a certain tripartite agreement dated April 14th, 1936, between the State of Wash-

Chelan
County.

Consideration.

ington, County of Chelan and the Great Northern Railway Company, is a part of the consideration for an easement granted by the said railway company for a right of way for the highway known at present as Primary State Highway No. 10 in said Chelan County:

Description.

A strip, or piece of land, being 40 feet wide, adjoining the right of way of the main track of the railway of the Great Northern Railway Company in government lot 1 of section 10, township 26 north, range 21 east, Willamette Meridian, the northerly boundary of said strip, or piece of land, being coincident with the southerly boundary of said main track right of way and being also 50 feet distant southerly from and parallel to the existing location of said main track, said strip, or piece of land, extending from the east boundary of said section 10 southwesterly 935 feet, more or less, to a line at right angles to said main track at survey station 1309+98.3 thereof, situated in the County of Chelan and the State of Washington, and containing 0.84 of an acre, more or less.

Passed the Senate February 13, 1941.

Passed the House March 12, 1941.

Approved by the Governor March 21, 1941.

CHAPTER 118.

[S. B. 274.]

TAXATION OF CERTAIN MECHANICAL DEVICES.

AN ACT relating to taxation; imposing a tax with respect to persons engaging in business as operators of certain mechanical devices and providing for the collection and enforcement thereof; adding a new title to chapter 180, Laws of 1935, to be known as Title XIII, and amending section 187 of chapter 180, Laws of 1935, as amended by section 16, chapter 227, Laws of 1937 (section 8370-187, Remington's Revised Statutes); and declaring an emergency whereby the act is to take effect immediately.

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

SECTION 1. That chapter 180, Laws of 1935, as amended by chapters 191 and 227, Laws of 1937, and chapter 225, Laws of 1939 (sections 8370-1 to 8370-220, inclusive, Remington's Revised Statutes) be and the same is hereby amended by adding thereto a new title after Title XII to be designated Title XIII, reading as follows:

Amendments.

Title XIII. Tax on certain Mechanical Devices.

Title.

Section 96. From and after the first day of May, 1941, there is hereby levied and there shall be collected from every person a tax for the act or privilege of engaging in business as an operator of certain mechanical devices irrespective of whether such activity shall be legal or illegal under the laws of this state or any subdivision thereof: *Provided, however,* Nothing in this act shall be construed to legalize any activity now or hereafter declared to be in violation of the laws of this state or any subdivision thereof, but the illegality of any such activity shall not be a defense or bar to the collection of any tax imposed thereon by this act. Such tax shall be measured by the application of rates against the gross operating income of the business as follows:

Tax on mechanical device levied.

Fixed on per cent of gross income.

(a) Upon every person engaging within this state in business as an operator of any pinball ma-

Description
of machine.

chine, iron claw machine, travelling crane or other similar mechanical device wherein the element of skill or a combination of the elements of chance and skill is involved in determining a pay out to the player, as to such persons the amount of tax on such business shall be equal to the gross operating income of the business multiplied by the rate of ten per cent;

10 per cent of
gross income.

20 per cent
on chance
only.

(b) Upon every person engaging within this state in business as an operator of any mechanical device wherein only the element of chance determines a pay-out to the player, as to such persons the amount of tax on such business shall be equal to the gross operating income of the business multiplied by the rate of twenty per cent.

Definitions.

Section 97. For the purposes of this title, unless otherwise required by the context:

(a) The word "operator" as used herein means the person to whom gross operating income accrues as a result of the operation of the mechanical devices described herein whether such person is the owner or lessee thereof.

(b) The term "gross operating income" means the gross amount paid in by every player during each calendar month, less the amount of gross pay-outs made to such players, but without any deduction for amounts paid out to persons on whose premises the mechanical device is located or amounts paid out for any other purposes whatsoever.

(c) The term "pay-out," as used herein, means any cash payment automatically returned to a player by the mechanical device, or any cash, merchandise or thing of value won by or given to the player by or on behalf of the operator.

(d) The word "player," as used herein, means the person to whom a pay-out accrues.

(e) The meaning ascribed to words and phrases

under Titles II and III of this act, where applicable, shall apply equally in respect to this title.

Section 98. In addition to the duty of the taxpayer to keep books and records as imposed by section 190, it shall also be the duty of every person who, for a percentage of any portion of the gross operating income, permits the operation upon his premises of the mechanical devices described herein, to keep and preserve, for a period of one year, suitable records to reflect the name of the operator and a description of such devices, the gross operating income therefrom and such other information as the Tax Commission may by general regulation require, which records shall be open to examination at any time by the Tax Commission or its duly authorized agent. In the event any such person shall fail to keep such records, he shall thereupon become liable for all tax due hereunder as an operator of such mechanical device.

Duty to keep records of income.

Records open to Tax Commission.

Section 99. The taxes imposed hereunder shall be due and payable in bi-monthly installments and remittance therefor shall be made on or before the fifteenth day of each odd-numbered month of each calendar year next succeeding the end of the bi-monthly period in which the tax accrued. The taxpayer, on or before said fifteenth day of said month, shall make out and sign a return, upon such forms and setting forth such information as the Tax Commission may require, showing the amount of the tax for which he is liable for the preceding bi-monthly period and transmit the same to the Tax Commission, together with a remittance for said amount in the form required in Title XVIII of this act. The Tax Commission may, in its discretion, require sworn returns from any taxpayer, setting forth such additional information as it may deem necessary to correctly determine tax liability.

Tax payable bi-monthly.

To make return.

Tax in
addition to
any other.

Section 100. Gross operating income taxable under the provisions of this title shall not be taxable under the provisions of Title II of this act, but the tax imposed by this title shall be in addition to any other tax to which the taxpayer may be subject under the laws of this state or any subdivision thereof. The state does not by this title preempt the field of imposing taxes or license fees with respect to mechanical devices hereby taxed, and this title shall not be construed to bar counties and incorporated cities or towns from regulating or prohibiting the operation of any such mechanical devices.

Cities may
regulate.

Section 101. All of the provisions contained in Title XVIII of this act shall have full force and application with respect to taxes imposed under the provisions of this title.

Effective
immediately.

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

Passed the Senate March 13, 1941.

Passed the House March 12, 1941.

Approved by the Governor March 21, 1941.

CHAPTER 119.

[S. B. 262.]

TAXATION OF CERTAIN GIFTS.

AN ACT relating to revenue and taxation; providing for the levying and collection of an excise tax on the privilege of transferring property by gift, providing for penalties, and providing that this act shall take effect immediately.

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

Gift tax.

SECTION 1. (a) For year 1941 and each calendar year thereafter a tax, computed as provided in this act, shall be imposed upon the privilege of transfer-

ring property by gift during such calendar years, by any individual resident or non-resident of the State of Washington; which tax shall apply whether the transfer is in trust or otherwise, whether the gift is direct or indirect, and whether the property is real or personal, tangible or intangible; as to residents of this state, the tax shall apply to the transfer by gift of any property whatsoever, excepting only property, real or tangible personal permanently located outside this state; but, in the case of a non-resident, shall apply to a transfer only if the property is real or tangible personal, permanently located within the State of Washington; the tax shall not apply to a transfer made on or before the effective date of this act.

All property
in state.

(b) In case of a transfer of community property, real or personal, tangible or intangible, by one spouse or by both spouses to a person other than a member of the community, two gifts shall be deemed to have been made, one by each spouse and each for one-half of the whole value of the property transferred.

Community
property,
how trans-
ferred.

(c) The tax shall not apply to a transfer of property in trust where the power to revest in the donor title to such property is vested in the donor, either alone or in conjunction with any person not having a substantial adverse interest in the disposition of such property or the income therefrom, but the relinquishment or termination of such power (other than the donor's death) shall be considered to be a transfer by the donor by gift of the property subject to such power, and any payment of the income therefrom to a beneficiary other than the donor shall be considered to be a transfer by the donor of such income by gift.

Exception.

SEC. 2. A gift tax shall be imposed on the aggregate total of all net gifts for each calendar year and all prior years subject to this act at the following

Classification.

A. Rate.

rates: Class A. Any gift made to or for the use or benefit of a grandfather, grandmother, father, mother, husband, wife, child, or step-child, or any lineal descendant of the donor is hereby denominated as Class A. On any amount passing to Class A, the tax shall be ninety per cent (90%) of the amount of a tax computed at the following rates: on any amount up to and including \$25,000, 1%; on any amount in excess of \$25,000 up to and including \$50,000, 2%; on any amount in excess of \$50,000 up to and including \$100,000, 4%; on any amount in excess of \$100,000 up to and including \$200,000, 7%; on any amount in excess of \$200,000 up to and including \$500,000, 9%; on any amount in excess of \$500,000, 10%: *Provided*, That there shall be exempt \$10,000 of any amount passing to Class A, which exemption shall be taken from the first \$25,000.

Exemption.

B. Rate.

Class B. Any gift made to or for the use or benefit of a brother or sister is denominated Class B. On any amount passing to Class B the tax shall be ninety per cent (90%) of the amount of a tax computed at the following rates: on any amount up to and including \$5,000, 3%; on any amount in excess of \$5,000 up to and including \$10,000, 4%; on any amount in excess of \$10,000 up to and including \$30,000, 7%; on any amount in excess of \$30,000 up to and including \$50,000, 10%; on any amount in excess of \$50,000 up to and including \$100,000, 15%; on any amount in excess of \$100,000, 20%: *Provided*, That there shall be exempt \$1,000 of any amount passing to Class B, which exemption shall be taken from the first \$5,000.

Exemption.

C. Rate.

Class C. Any gift to or for the use or benefit of any person or body politic or corporate other than mentioned in Class A and Class B herein, is hereby denominated Class C. On any amount passing to Class C the tax shall be ninety per cent (90%) of

the amount of tax computed at the following rates: **Rate.**
 on any amount up to and including \$10,000, 10%;
 on any amount in excess of \$10,000 up to and including \$25,000, 15%; on any amount in excess of \$25,000 up to and including \$50,000, 20%; on any amount in excess of \$50,000, 25%.

Any gift of any property or income therefrom passing in trust shall be classified and taxed in accordance with relationship of the cestui que trust. **Trust property passing included.**

In each calendar year a deduction shall be allowed from the gross tax as computed under this section in an amount equal to the total of all gift taxes previously paid to the State of Washington by the taxpayer on gifts subject to this act. **Deductions.**

SEC. 3. Where property is transferred for less than an adequate and full consideration in money or money's worth, the amount by which the value of the property exceeded the value of the consideration, in money or money's worth, for the purpose of the tax imposed by this act, shall be deemed a gift, and shall be included in computing the amount of gifts made during the calendar year. **True value considered.**

SEC. 4. (a) The term "net gifts" means the total amount of gifts made during the calendar year, less the deductions provided in section 5; **Definition.**

(b) In the case of gifts made to any person or body politic or corporate by the donor during any calendar year, the first three thousand (\$3,000) dollars of such gifts to such person or body politic or corporate shall not, for the purpose of this act, be included in the total amount of gifts made during such year. **Exemption.**

SEC. 5. In computing net gifts for any calendar year there shall be allowed as deductions in case of a resident or non-resident of the State of Washington, the amount of all gifts made during the year of property situated within or under the juris- **Deductions.**

Charitable
gifts
deducted.

diction of the State of Washington when the same are for one of the following charitable purposes, namely, the relief of the aged, indigent and poor people, maintenance of sick or maimed, the support or education of orphans or indigent children, and all gifts made to the United States of America, to the State of Washington, or to any county, incorporated city or town or school district therein, or to any public park or playground within the State of Washington, whether municipal or otherwise, and all gifts made to any municipal corporation within the State of Washington for eleemosynary, charitable, educational or philanthropic purposes, and all gifts made to schools and colleges in the state supported in whole or in part by gifts, endowments or charity, the entire income of which said school or college, after paying the expenses thereof, is devoted to the purposes of such institution and which is open to all persons upon equal terms, and any property in this state which has been given is hereby declared to be exempt from the payment of such tax: *Provided*, That all such gifts be limited for use within the State of Washington: *Provided further*, That all such gifts, for such purposes which pass out of the State of Washington to a corporation, society, institution or association organized or existing under the laws of a territory or state of the United States (other than Washington) shall be exempt if at the date of making such gift the said state or territory under the laws of which such corporation, society, institution or association was organized or existing did not impose a gift tax of any character in respect of property transferred for such purposes to a corporation, society, institution or association organized or existing under the laws of this state, or if at the date of making such gift the laws of the state or territory under which such corporation, society, institution or association organized

Provisos.

Gifts passing
outside state.

or existing contained a reciprocal provision under which a gift for such purpose to a corporation, society, institution or association organized or existing under the laws of another state or territory were exempted from gift taxes of every character if such other state or territory allowed a similar exemption for such purpose to such a corporation, society, institution or association organized or existing under the laws of another state or territory; and all gifts made to or for the use of (a) any religious or non-sectarian organization or association, organized and conducted primarily and chiefly for religious purposes and not for profit, where such religious or non-sectarian organization or association is supported in whole or in part by gifts, endowments or charity, and where the entire income of such religious or non-sectarian organization or association, after paying the expenses thereof, is devoted wholly to the use of such organization or association, or for the educational, benevolent, protective or social departments growing out of, or related to, the religious work of such organization or association, (b) any corporation or association organized and existing under the laws of the State of Washington primarily and chiefly for educational, artistic or scientific purposes and for the maintenance and exhibition of scientific, artistic or historical collections for the benefit of the general public and not for profit, shall be exempt from the payment of a gift tax: *Provided*, That all such gifts be limited for use within the State of Washington: *Provided, further*, That all such gifts to such religious or non-sectarian organization or association which pass out of the State of Washington to such religious or non-sectarian organization or association organized or existing or hereafter organized under the laws of a territory or state of the United States (other than Washington) shall be exempt if at the date of making such gift

Deductions.

Religious
non-profit
purpose.

Education.

Proviso.

the said state or territory under the laws of which such religious or non-sectarian organization or association was organized or existing did not impose a gift tax of any character in respect of property transferred to such a religious or non-sectarian organization or association organized or existing under the laws of this state, or if at the date of making such gift the laws of the state or territory under which such religious or non-sectarian organization or association was organized or existing contained a reciprocal provision under which a gift to such a religious or non-sectarian organization or association organized or existing under the laws of another state or territory were exempted from gift taxes of every character if such other state or territory allowed a similar exemption to such a religious or non-sectarian organization or association organized or existing under the laws of another state or territory.

Gift in property to be computed as fair value.

Commission to determine.

Appeal.

SEC. 6. If the gift is made in property other than money, the amount thereof shall be its true and fair value in money, less any encumbrance thereon at the time such gift is made, and such value shall be determined by the Tax Commission, and any party in interest may, within thirty days, appeal to the Superior Court from such determination. If the gift is made by transfer of property in trust or otherwise and constitutes a present or future interest less than a fee simple interest therein, the value thereof shall be computed in the same manner as provided by statute for the determination of inheritance taxes on like interests at the time the gift is made.

Donor to make sworn return.

Contents of return.

SEC. 7. (a) Any individual who within the calendar year of 1941 or any calendar year thereafter makes any transfers by gift (except those which under section 4 are not to be included in the total amount of gifts for such year) shall make a return under oath in duplicate. The return shall set forth (1) each gift made during the calendar year

which under section 4 is to be included in computing net gifts; (2) the deductions claimed and allowable under section 5; (3) the net gifts for each of the preceding calendar years; and (4) such further information as may be required by regulations made pursuant to law;

(b) The return shall be filed on or before the fifteenth day of March following the close of the calendar year in which the gift is made with the Tax Commission of the State of Washington. When filed.

SEC. 8. (a) BY DONOR. Every person liable to any tax imposed by this act or for the collection thereof, shall keep such records, render under oath such statements, make such returns, and comply with such rules and regulations, as the Tax Commission may from time to time prescribe; Donor to keep record.

(b) Whenever it is necessary in the judgment of the Tax Commission it may require any person, by notice served upon him, to make a return, render under oath such statements, or keep such records, as the Tax Commission deems sufficient to show whether or not such person is liable to tax under this act. Further requirements.

SEC. 9. (a) The tax imposed by this act shall be paid by the donor on or before the fifteenth day of March following the close of the calendar year in which the gift is made. Date tax due.

(b) All moneys to be paid under this act shall be paid to the State Treasurer. Paid to State Treasurer.

SEC. 10. The tax imposed by this act is a lien on any personal property embraced in a gift from the time the gift is made and until ten years after the time the tax becomes delinquent. The lien hereby imposed shall be subordinate to the lien of a mortgage or pledge of any part mortgaged or pledged by the donee or his successor in interest to a bona fide mortgagee or pledgee; and any part of the per- Tax is lien upon gift.
Lien subordinate to mortgage.

Bona fide sale divests lien.

After sale lien attaches to all property of donee.

Lien subordinate to mortgage.

May file lien notice if tax not paid.

Tax is lien upon real estate.

Commission may release.

sonal property, embraced in a gift, which is sold by the donee or his successor in interest to a bona fide purchaser for an adequate and full consideration in money or money's worth is divested of the lien hereby imposed and, in lieu thereof, the lien shall attach to all property of the donee (including after-acquired property), except any part thereof sold by the donee or his successor in interest to a bona fide purchaser for an adequate and full consideration in money or money's worth, and such lien shall be subordinate to the lien of a mortgage or pledge of any part of such property mortgaged or pledged by the donee or his successor in interest to a bona fide mortgagee or pledgee.

SEC. 10-a. In any case in which any tax, interest, or penalty imposed by this act is not paid when due, the Tax Commission may file for record in the office of the County Auditor of any county a certificate giving the name of the donor and the donee or either of them and the amount of taxes, interest and penalties due. From the time of the recording of any such certificate the amount of the tax, interest and penalties therein set forth shall constitute a lien upon any real property then owned or thereafter acquired by any donor or donee named in such certificate located in the county in which said certificate is recorded, which lien shall have the same force, effect and priority as a lien created by the recording of a judgment. Said lien shall continue, however, for ten years after the time the tax becomes delinquent or until the tax is paid, the property sold for the non-payment thereof until the lien is released or otherwise extinguished.

SEC. 10-b. If the Tax Commission is satisfied that the gift tax liability of any person has been provided for or will be provided for or that no gift tax liability exists, it may issue its certificate releasing

any property of such person from the lien imposed by this act.

SEC. 11. As soon as practicable after the return is filed the Tax Commission shall examine it and shall determine the correct amount of the tax.

Commission to examine return.

SEC. 12. As used in this act in respect of the tax imposed by this act the term "deficiency" means:

Definition. "Deficiency".

(a) The amount by which the tax imposed by this act exceeds the amount shown as the tax by the donor upon his return; but the amount so shown on the return shall first be increased by the amounts previously assessed (or collected without assessment) as a deficiency, and decreased by the amounts previously abated, refunded, or otherwise repaid in respect of such tax; or

(b) If no amount is shown as the tax by the donor upon his return, or if no return is made by the donor, then the amount by which the tax exceeds the amount previously assessed (or collected without assessment) as a deficiency; but such amounts previously assessed, or collected without assessment shall first be decreased by the amount previously abated, refunded, or otherwise repaid in respect of such tax.

SEC. 13. (a) If the Tax Commission determines that there is a deficiency in respect to the tax imposed by this act, it is authorized to send notice of such deficiency to the donor by registered mail. Within thirty days after such notice is mailed the donor may have the decision of the Tax Commission reviewed by filing a petition in the Superior Court for Thurston County, Washington, for determination of the deficiency. No assessment of a deficiency in respect to the tax imposed by this act, and no distraint or proceeding in court for its collection shall be made, begun or prosecuted until such notice has been mailed to the donor, nor until the expiration of

Notice of deficiency.

Court review.

No distraint until notice.

such thirty days; nor if a petition be filed with the superior court for review until the decision has become final;

Court review
is final.

(b) If the donor files a petition for review, the entire amount redetermined as a deficiency by the decision of the court shall become final and shall be assessed and shall be paid upon notice and demand from the Tax Commission. No part of the amount determined as a deficiency by the Tax Commission, but disallowed as such by the decision of the court, shall be assessed or collected by distraint or by proceedings in court without assessment;

Donor must
pay unless
reviewed.

(c) If the donor does not file a petition for review as provided herein within the time prescribed, the deficiency, notice of which has been mailed to the donor, shall be assessed and shall be paid upon notice and demand of the Tax Commission;

Donor may
waive re-
strictions.

(d) The donor shall at any time have the right, by a signed notice in writing filed with the Tax Commission, to waive the restrictions provided herein on the assessment and collection of the whole or any part of the deficiency;

Commission
to redeter-
mine.

(e) The Tax Commission shall have jurisdiction to redetermine the correct amount of the deficiency even if the amount so redetermined is greater than the amount of the deficiency, notice of which has been mailed to the donor, and to determine whether any additional amount or addition to the tax should be assessed, if claim therefor is asserted by the Tax Commission at or before the hearing or rehearing;

Restrictions.

(f) If the Tax Commission has mailed to the donor notice of a deficiency as provided herein, and the donor files a petition with the Tax Commission within the time prescribed, the Tax Commission shall have no right to determine any additional deficiency in respect to the calendar year, except in the case of fraud, and except as provided in this section, relating to assertion of greater deficiencies before the

Tax Commission, or the making of jeopardy assessments. If the donor is notified that, on account of a mathematical error appearing upon the face of the return, an amount of tax in excess of that shown upon the return is due, and that an assessment of the tax has been or will be made on the basis of what would have been the correct amount of tax but for the mathematical error, such notice shall not be considered (for the purposes of this act) as a notice of a deficiency, and the donor shall have no right to file a petition with the Tax Commission based on such notice, nor shall such assessment or collection be prohibited by the provisions hereof;

Notice of error in computation.

(g) The Tax Commission in redetermining a deficiency in respect to any calendar year shall consider such facts with relation to the taxes for other calendar years as may be necessary correctly to determine the amount of such deficiency, but in so doing shall have no jurisdiction to determine whether the tax for any other calendar year has been overpaid or underpaid;

Commission limited to calendar year.

(h) For the purposes of this act the decision of the superior court shall be final unless there is an appeal taken to the supreme court;

Appeal to Supreme Court.

(i) Where it is shown to the satisfaction of the Tax Commission that the payment of the deficiency upon the date prescribed for the payment thereof, will result in undue hardship to the donor, the Tax Commission, except where the deficiency is due to negligence, to intentional disregard of the rules and regulations, or to fraud with intent to evade the tax, may grant an extension for the payment of such deficiency or any part thereof, for a period not in excess of six months. If an extension is granted, the Tax Commission may require the donor to furnish a bond in such amount, not exceeding double the amount of the deficiency, and with such sureties as the Tax Commission deems necessary conditioned upon the

Commission may grant extension.

Limit.

May require bond.

payment of the deficiency in accordance with the terms of the extension;

Notice mailed to donor sufficient.

(j) In the absence of notice to the Tax Commission of the existence of a fiduciary relationship notice of a deficiency in respect of the tax imposed by this act, if mailed to the donor at his last known address, shall be sufficient for the purposes of this act even if such donor is deceased, or is under a legal disability.

May assess deficiency immediately if in jeopardy.

SEC. 14. (a) If the Tax Commission believes that the assessment or collection of a deficiency will be jeopardized by delay, it shall immediately assess such deficiency (together with all interest, additional amounts or additions to the tax provided for by law) and notice and demand shall be made by the Tax Commission for the payment thereof;

Notice.

(b) If the jeopardy assessment is made before any notice in respect of the tax to which the jeopardy assessment relates has been mailed, then the Tax Commission shall mail a notice within sixty days after the making of the assessment;

(c) The jeopardy assessment may be made in respect of a deficiency greater or less than that notice of which has been mailed to the donor, despite the provisions of this act prohibiting the determination of additional deficiencies, and whether or not the donor has theretofore filed a petition with the superior court;

Donor may obtain stay.

(d) When a jeopardy assessment has been made, the donor, within ten days after notice and demand for the payment of the amount of the assessment, may obtain a stay of collection of the whole or any part of the amount of the assessment by filing with the Tax Commission a bond in such amount, not exceeding double the amount as to which the stay is desired, and with such sureties as the Tax Commission deems necessary, conditioned upon the payment of so much of the amount, the collection of which is stayed by the bond, as is not abated by a decision of

the Superior Court which has become final, together with interest thereon as provided herein;

(e) If the bond is given before the donor has filed his petition with the Superior Court the bond shall contain a further condition that if a petition is not filed within the period provided in this act, then the amount, the collection of which is stayed by the bond, will be paid on notice and demand at any time after the expiration of such period, together with interest thereon at the rate of six per cent per annum from the date of the jeopardy notice and demand to the date of notice and demand under this sub-section;

Bond provisions.

(f) Upon the filing of the bond the collection of so much of the amount assessed as is covered by the bond shall be stayed. The donor shall have the right to waive such stay at any time in respect of the whole or any part of the amount covered by the bond, and if as a result of such waiver any part of the amount covered by the bond is paid, then the bond shall, at the request of the donor, be proportionately reduced. If the Tax Commission determines that the amount assessed is greater than the amount which should have been assessed then when the decision of the Superior Court is rendered the bond shall, at the request of the donor, be proportionately reduced;

Bond stays collection.

(g) When the petition has been filed with the Superior Court and when the amount which should have been assessed has been determined by a decision of the court which has become final, then any unpaid portion, the collection of which has been stayed by the bond, shall be collected as part of the tax upon notice and demand from the Collector, and any remaining portion of the assessment shall be abated. If the amount already collected exceeds the amount determined as the amount which should have been assessed, such excess shall be credited or refunded by the State of Washington. If the amount determined as the amount which should have been

After judgment collection made upon demand.

Over-assessment refunded.

Under-assessment collected upon demand.

assessed is greater than the amount actually assessed, then the difference shall be assessed and shall be collected as part of the tax upon notice and demand from the Tax Commission.

Vetoed.

SEC. 15. Claims in abatement may be filed in respect of any assessment in respect of any tax imposed by this act.

Assessment to be made within one year.

SEC. 16. (a) Except as otherwise herein provided, the amount of taxes imposed by this act shall be assessed within one year after the return is filed, and no proceeding in court without assessment for the collection of such taxes shall be begun after the expiration of three years after the return was filed;

Limitation for collection.

In case of fraud collection made without assessment.

(b) In the case of false or fraudulent return with intent to evade tax or of failure to file return the tax may be assessed or a proceeding in court for the collection of such tax may be begun without assessment at any time;

Limitation where assessment made.

(c) Where the assessment of any tax imposed by this act has been made within the statutory period of limitation properly applicable thereto such tax may be collected by distraint or by a proceeding in court, but only if begun (1) within six years after the assessment of the tax, or (2) prior to the expiration of any period for collection agreed upon in writing by the Tax Commission and the donor.

Commencement of limitations.

SEC. 17. The running of the statute of limitations provided herein on the making of assessments and the beginning of distraint or a proceeding in court for collection, in respect of any deficiency, shall (after the mailing of notice) be suspended for the period during which the Tax Commission is prohibited from making the assessment or beginning distraint or a proceeding in court, and for sixty days thereafter.

SEC. 18. In case of any failure to make and file a return required by this act, within the time prescribed by law or by the Tax Commission in pursu-

ance of law, twenty-five per cent of the tax shall be added to the tax, except that when a return is filed after such time and it is shown that the failure to file it was not due to willful neglect no such addition shall be made to the tax. The amount so added to any tax shall be collected at the same time and in the same manner and as a part of the tax unless the tax has been paid before the discovery of the neglect, in which case the amount so added shall be collected in the same manner as the tax.

Penalty for failure to make return.

SEC. 19. (a) If any part of any deficiency is due to negligence or intentional disregard of rules and regulations but without intent to defraud, five per cent of the total amount of the deficiency (in addition to such deficiency) shall be assessed, collected, and paid in the same manner as if it were a deficiency, except that the provisions relating to interest on deficiencies shall not be applicable;

Penalty for negligence without fraud.

(b) If any part of any deficiency is due to fraud with intent to evade the tax, then fifty per cent of the total amount of the deficiency (in addition to such deficiency) shall be so assessed and collected, and paid.

Penalty for fraud.

SEC. 20. (a) If the time for payment of the amount determined as the tax by the donor is extended under the authority of this act, there shall be collected as a part of such amount interest thereon at the rate of six per cent per annum from the date when such payment should have been made if no extension had been granted, until the expiration of the period of the extension;

Interest to be paid for extension period.

(b) In case an extension for the payment of a deficiency is granted, there shall be collected as a part of the tax, interest on the part of the deficiency the time for payment of which is so extended, at the rate of six per cent per annum for the period of extension, and no other interest shall be collected on such part of the deficiency for such period.

Interest
collectible
as tax.

SEC. 21. Interest upon the amount determined as a deficiency shall be assessed at the same time as the deficiency, shall be paid upon notice and demand from the Tax Commission, and shall be collected as a part of the tax, at the rate of six per cent per annum from the due date of the tax to the date the deficiency is assessed, or, in case of waiver under section 13 (d) of this act, to the thirtieth day after the filing of such waiver or the date the deficiency is assessed, whichever is the earlier.

Interest on
jeopardy
assessment.

SEC. 22. In the case of the amount collected under section 14 (d) there shall be collected at the same time as such amount, and as a part of the tax, interest at the rate of six per cent per annum upon such amount from the date of the jeopardy notice and demand to the date of notice and demand under section 14 (g), or, in case of the amount collected in excess of the amount of the jeopardy assessment, interest as provided in section 21.

Interest on
delinquent
payment.

SEC. 23. (a) Where the amount determined by the donor as the tax imposed by this act, or any part of such amount, is not paid on the due date of the tax, there shall be collected as a part of the tax, interest, upon the unpaid amount at the rate of one per cent per month from the due date until it is paid;

(b) Where an extension of time for payment of the amount so determined as the tax by the donor has been granted, and the amount the time for payment of which has been extended, and the interest thereon determined under section 20 (a), is not paid in full prior to the expiration of the period of the extension, then, in lieu of the interest provided for in paragraph (a) of this section, interest at the rate of one per cent per month shall be collected on such unpaid amount from the date of the expiration of the period of the extension until it is paid;

(c) Where a deficiency, or any interest assessed in connection therewith under section 21 or any addi-

tion to the tax provided for in this act, is not paid in full within ten days from the date of notice and demand from the Tax Commission, there shall be collected as part of the tax, interest upon the unpaid amount at the rate of one per cent a month from the date of such notice and demand until it is paid;

Interest on delinquent payments.

(d) If a bond is filed, as provided in section 14 of this act, the provisions of paragraph (a) of this sub-section shall not apply to the amount covered by the bond;

(e) If the part of the deficiency, the time for payment of which is extended as provided in section 13 (i) is not paid in accordance with the terms of the extensions, there shall be collected, as a part of the tax, interest on such amount at the rate of one per cent per month for the period from the time fixed by the terms of the extension for its payment until it is paid, and no other interest shall be collected on such unpaid amount for such period;

(f) If the amount included in the notice and demand from the Tax Commission under section 14 (g) is not paid in full within ten days after such notice and demand, then there shall be collected, as part of the tax, interest upon the unpaid amount at the rate of one per cent a month from the date of such notice and demand until it is paid.

SEC. 24. Any person required under this act to pay any tax or required by law or regulations made under authority thereof to make a return, keep any records, or supply any information, for the purpose of the computation, assessment, or collection of any tax imposed by this act who fraudulently fails to pay such tax, make such return, keep such records, or supply such information, or who fraudulently attempts in any manner to evade or defeat any tax imposed by this act, or the payment thereof at the time or times required by law or regulations shall, in addition to other penalties provided by law, be guilty of

Violations.

Penalties.

a misdemeanor, and upon conviction thereof, be fined not more than \$1,000 or imprisoned for not more than one year, or both, together with the costs of prosecution.

Liabilities to be paid as deficiency.

Sec. 25. (a) The amount of the following liabilities shall, except as hereinafter provided, be assessed, collected and paid in the same manner and subject to the same provisions and limitations as in the case of a deficiency in the tax imposed by this act (including the provisions in case of delinquency in payment after notice and demand, the provisions authorizing distraint and proceedings in court for collection, and the provisions prohibiting claims and suits for refunds):

Transferee of property.

(1) The liability, at law or in equity, of a transferee of property of a donor, in respect to the tax (including interest, additional amounts, and additions to the tax provided by law) imposed by this act;

Fiduciary.

(2) The liability of a fiduciary in respect of the payment of any such tax from the estate of the donor;

Any such liability may be either as to the amount of tax shown on the return or as to any deficiency in tax;

Limitation of assessment.

(b) The period of limitation for assessment of any such liability of a transferee or fiduciary shall be as follows:

(1) Within one year after the expiration of the period of limitation for assessment against the donor;

(2) If a court proceeding against the donor for the collection of the tax has been begun within the period provided in paragraph (1), then within one year after return of execution in such proceedings;

(c) For the purpose of this section, if the donor is deceased, the period of limitation for assessment against the donor shall be the period that would be in effect had the death not occurred;

(d) The running of the statute of limitations upon the assessment of the liability of a transferee or fiduciary shall, after mailing of the notice under section 13 (a) to the transferee or fiduciary, be suspended for the period during which the Tax Commission is prohibited from making the assessment in respect of the liability of the transferee or fiduciary (and in any event, if a proceeding in respect of the liability is placed on the docket of the superior court, until the decision of the court becomes final, and for sixty days thereafter);

Commence-
ment of
limitation.

(e) No suit shall be maintained in any court for the purpose of restraining the assessment or collection of (1) the amount of the liability, at law or in equity of a transferee of property of a donor in respect of any gift tax, or (2) the amount of the liability of a fiduciary under this act, in respect of any such tax;

No suit to
restrain
collection.

(f) As used in this section, the term "transferee" includes donee, heir, legatee, devisee, and distributee;

Definition.

(g) In the absence of notice to the Tax Commission under section 26 (b) of the existence of a fiduciary relationship, notice of liability enforceable under this section in respect of a tax imposed by this act, if mailed to the person subject to the liability at his last known address, shall be sufficient for the purposes of this act even if such person is deceased, or is under legal disability, or, in the case of a corporation, has terminated its existence.

Notice
mailed
sufficient.

SEC. 26. (a) Upon notice to the Tax Commission that any person is acting in a fiduciary capacity such fiduciary shall assume the powers, rights, duties and privileges of the donor in respect of a tax imposed by this act (except as otherwise specifically provided and except that the tax shall be collected from the estate of the donor), until notice is given that the fiduciary capacity has terminated;

Fiduciary
to assume
powers of
donor.

(b) Upon notice to the Tax Commission that any

Fiduciary
to assume
powers after
notice.

person is acting in a fiduciary capacity for a person subject to the liability of the tax imposed under this act, the said fiduciary shall assume on behalf of such person, the powers, rights, duties, and all the privileges of such person (except, however, that the liability shall be collected from the estate of such person), until notice is given that the fiduciary capacity has terminated;

Notice.

(c) Notice shall be given in accordance with the regulations prescribed by the Tax Commission.

Overpay-
ment to be
refunded.

SEC. 27. (a) Where there has been an overpayment of any tax imposed by this act, the amount of such overpayment shall be credited against any gift tax then due from the taxpayer, and any balance shall be refunded by the State of Washington to the taxpayer;

Limitation
on refund.

(b) Limitation on Allowance. (1) No such credit or refund shall be allowed or made after two years from the time the tax was paid, unless before the expiration of such period a claim therefor is filed by the taxpayer;

Limit of
refund.

(2) The amount of the credit or refund shall not exceed the portion of the tax paid during the three years immediately preceding the filing of the claim, or if no claim was filed, then during the three years immediately preceding the allowance of the credit or refund;

No refund
after defici-
ency notice.

(c) If the Tax Commission has mailed to the taxpayer a notice of deficiency under section 13 (a) and if the taxpayer files a petition with the Superior Court within the time prescribed in such section, no credit or refund in respect of the tax for the calendar year in respect of which the Tax Commission has determined the deficiency shall be allowed or made and no suit by the taxpayer for the recovering of any part of such tax shall be instituted in any court except:

Exceptions.

(1) As to the over payments determined by a decision of the court which has become final; and

(2) As to any amount collected in excess of an

amount computed in accordance with the decision of the court which has become final; and

(3) As to any amount collected after the period of limitation upon the beginning of distraint or a proceeding in court for collection has expired; but in any such claim for credit or refund or in any such suit for refund the decision of the court which has become final, as to whether such period has expired before the notice of deficiency was mailed, shall be conclusive;

(d) If the court finds that there is no deficiency and further finds that the taxpayer has made an overpayment of tax in respect of the taxable year in respect of which the Tax Commission determined the deficiency, the court shall have jurisdiction to determine the amount of such over payment, and such amount shall, when the decision of the court has become final, be credited or refunded to the taxpayer. No such credit or refund shall be made of any portion of the tax paid more than three years before the filing of the claim or the filing of the petition, whichever is earlier.

Refund by
order of
court.

SEC. 28. The Tax Commission shall prescribe and publish all needful rules and regulations for the enforcement of this act.

Commission
to make
rules.

SEC. 29. The term "calendar year" indicates only the calendar year 1941 and succeeding calendar years, and, in the case of the calendar year 1941, includes only the portion of such year after the date of the enactment of this act.

Calendar
year.

SEC. 30. This act may be cited as the "Gift Tax Act of 1941."

Citation.

SEC. 31. 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 February 27, 1941.

Passed the House March 11, 1941.

Approved by the Governor March 21, 1941, with the exception of section 15, which is vetoed.

CHAPTER 120.

[S. B. 268.]

TAXATION OF FORESTS AND FOREST LANDS.

AN ACT relating to the taxation of forest land and the forest crops growing thereon and authorizing the deferment of the payment of taxes on such crops, defining the powers and duties of certain state and local officers in connection therewith, prescribing penalties, declaring certain acts to be gross misdemeanors and providing when this act shall take effect.

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

Definitions.

SECTION 1. For the purposes of this act, unless otherwise indicated by the context:

(1) The word "commission" means the Tax Commission of the State of Washington;

(2) The term "forest crop" means the merchantable timber growing upon forest land;

(3) The term "forest land" means all land heretofore or hereafter acquired by private ownership held or to be held chiefly for forest crop production, and not classified or eligible for classification as reforestation land under chapter 40, Laws of 1931; but does not include wood lots of forty acres or less situated upon or owned in conjunction with or adjacent to lands devoted primarily to farming;

(4) The word "harvesting" means removal for sale or use;

(5) The term "legal description" or "description" means government subdivision, recorded plat or description by metes and bounds;

(6) The term "merchantable timber" means all wood growth capable of being marketed commercially;

(7) The words "person" and "owner" mean and include persons, firms, co-partnerships, associations or corporations.

SEC. 2. For the purpose of taxation, all forest crops shall be deemed to be personal property whether owned separately from or in conjunction with the ownership of the land and all forest land shall be deemed to be real property. Forest land shall be assessed and taxed under the provisions of law pertaining to the assessment and taxation of real property. The basis of assessment shall be fifty per centum (50%) of the true and fair value of the land in money, which shall be taken to be that value which would remain if the forest crop were entirely harvested. All forest crops shall be assessed and taxed as personal property, but there shall be no distraint for any such taxes until five (5) years after delinquency thereof. Forest crops upon forest lands, as hereinafter classified, shall be assessed and taxed only as in this act provided.

Timber deemed personal property.

Forest land deemed realty.

Basis of assessment.

No distraint for 5 years.

SEC. 3. Upon the taking effect of this act it shall be the duty of the Assessor of each county in the state, having within it any forest lands, to classify such lands for the purpose of applying the provisions of this act. Such classification shall be made upon the verified petition of the owner giving a full and complete legal description of his land, the approximate stand of timber by cruise or count and such other information as may assist the Assessor in determining whether the property shall be classified as forest land. If no verified petition is filed by the owner, the Assessor may classify the property upon the basis of such facts as are available to him, but he shall not classify the property of any owner who objects to having his property classified and refuses to accept the benefits of this act. He shall prepare a list of all forest lands within his county so classified, containing a legal description of each tract or parcel, the name and address of the owner, the cruise or approximate stand of timber and such other information as may be rele-

Duty of County Assessor.

Classification.

Requirements.

Prepare list.

Approximate cruise.

List in
triplicate.

Owner may
appeal from
classification.

Procedure.

Hearings.

Commission
to make final
order.

Order
reviewable.

To alter list
annually.

vant to the purposes of this act. Such list shall be made in triplicate and one copy forwarded to the Commission and one furnished to the County Treasurer. After completing his classification, the Assessor shall notify each owner or petitioner by mail that his land has been classified as forest land or that the Assessor has refused to classify a petitioner's land as forest land and the owner, petitioner or any person having a lien on or a contract for the purchase of said property, may thereupon, if dissatisfied with the determination of the Assessor, appeal to the Commission by mailing to or filing with the Commission within ten (10) days after receipt of the notice a statement in writing that he appeals from the action of the County Assessor. The Commission shall fix a time for hearing not less than twenty (20) nor more than sixty (60) days from the date of receipt of the notice of appeal at which objections to the classification or the failure of the Assessor to classify may be heard. Such hearing may be held at Olympia or, if the Commission so elects, at the county seat of the county where the land is located, and may be conducted by an agent or appointee of the Commission who shall prepare a transcript of the testimony and submit the same, together with his recommendation, to the Commission for final order. The Commission in its order shall have the right to add to or eliminate from the Assessor's classification such land described in the petition as in its judgment properly should or should not be classified as forest land. One copy of the Commission's order shall be mailed to the Assessor and one copy to the owner or appellant and said order shall be reviewable by certiorari as provided by law. The Assessor shall annually thereafter, in a similar manner and under similar procedure, make such additions to or eliminations from the list of forest lands within his county as he may deem proper.

SEC. 4. For the assessment year 1941, and annually thereafter, at the time of listing personal property, the County Assessor of each county having within it any classified forest lands shall proceed to assess all forest crops upon the lands so classified, the basis of assessment to be fifty per centum (50%) of the true and fair value of such forest crops in money: *Provided*, That subsequent to the assessment year 1942 or the first assessment year following classification in the case of forest crops classified after the beginning of the assessment year 1942, the County Assessor shall list and assess classified forest crops every year. Permanent forest assessment rolls shall be prepared by the County Assessor, in form prescribed by the Commission, containing vertical columns for the consecutive entry from year to year of "assessed valuation," "total tax," "current tax," "deferred tax," "cumulative deferred taxes," "interest" and "total currently payable." Above the vertical columns shall be space for the listing of the name of the owner, a description of the forest crop and the legal description of the underlying forest land. One such roll may be used for all contiguous lands in common ownership in the same taxing district. After computing and extending the total tax against forest crops classified under this act, based upon his assessment thereof for the year in question, the Assessor shall extend in the "current tax" column the amount of tax against forest crop upon such legal description which is currently to be paid and shall extend in the "deferred tax" column the amount of such tax the payment of which is to be deferred under the provisions of this act, and he shall also compute and extend in the proper columns the amount of cumulative deferred taxes, interest chargeable thereon and the total sum currently payable. For the assessment year 1942, in the

Assessment,
personal
property.

Basis.

Make list
every year.Permanent
assessment
rolls.

Contents.

| | |
|--|---|
| Assessment rolls forms. | <p>case of forest crops theretofore classified, and for the first assessment year following classification, in the case of forest crops classified after the beginning of the assessment year 1942, the current tax to be extended in the column headed "current tax" shall be the total tax diminished by an amount equal to seven and one-half (7½) per centum thereof and the deferred tax to be extended in the column headed "deferred tax" shall be the amount by which the total tax is thus diminished, and for each succeeding year up to and including the assessment year 1951, or the tenth year after classification, as the case may be, the total tax as annually levied and extended shall be successively diminished by an amount equal to an additional seven and one-half per centum (7½%) thereof in order to arrive at the current tax and deferred tax for each respective year. After the assessment year 1951, or the tenth year after classification, as the case may be, there shall be no further diminution of tax and the current tax shall be twenty-five per centum (25%) and the deferred tax seventy-five per centum (75%), respectively, of the total tax for each year: <i>Provided</i>, That the cumulative total of deferred taxes to be extended against any description in any year prior to the beginning of harvesting shall in no event exceed twenty-five per centum (25%) of the assessed valuation of the forest crop on such description and, whenever in any such year the theretofore accumulated total of deferred taxes plus the amount of annual deferred tax computed on the basis of the percentages above set forth exceeds such twenty-five per centum (25%) of assessed valuation, the annual deferred tax to be currently extended in the "deferred tax" column shall be the amount only, if any, by which such twenty-five per centum (25%) of assessed valuation of the property exceeds the theretofore accumulated deferred taxes.</p> |
| Basis of computation. | |
| Deferred tax extended from year to year. | |
| Diminishing rate. | |
| No diminution after ten years. | |
| Permanent basis. | |
| Proviso. | |

Upon completion of the forest assessment rolls and at the time his other assessment rolls are transmitted, the County Assessor shall, for the first year after classification of forest lands under this act, transmit duplicate forest assessment rolls to the County Auditor, who shall in turn transmit the same to the County Treasurer for collection. The County Treasurer shall post the tax and interest currently payable to his segregation register, return one duplicate of the forest assessment rolls to the County Assessor for assessment purposes during the next year and retain the other as his permanent tax roll and record of forest taxes levied under this act. For each succeeding year the forest assessment rolls shall be made singly and be similarly transmitted and upon receipt thereof the County Treasurer shall post the amount currently payable to his segregation register and all amounts as extended thereon by the Assessor to his permanent tax roll and record of forest taxes, returning the forest assessment roll to the County Assessor for next year's assessment purposes.

Assessor to transmit rolls.

Treasurer to post.

SEC. 5. The current tax including accrued interest on deferred taxes shall be collected under the provisions of the general revenue laws applicable to the collection of personal property taxes and shall be subject to the same penalties provided by said laws for delinquency in payment, but there shall be no distraint for such tax until five (5) years after delinquency in payment thereof. The principal of the deferred tax shall accumulate from year to year and shall draw simple interest at the rate of three (3) per centum per annum from the time when such tax would have been payable except for the provisions of this act. The interest on the deferred taxes shall be added to and become part of a taxpayer's current tax and shall be payable annually at the same time and in the

Current tax and interest on deferred tax collected annually.

Interest rate on deferred tax.

same manner and shall be subject to the same rebates and penalties as the current tax against the same description. Deferred tax interest shall when collected be distributed to the same taxing district funds as are entitled to share in current tax collections. Nothing in this act shall be construed to prevent an owner of forest land from paying the deferred tax upon the forest crop at the time of paying the current tax. Deferment of taxes under this act shall in no wise impair the lien thereof against the forest land or crop but the same shall remain a valid and subsisting lien until paid. If an owner of forest crops upon forest lands classified under this act fails to pay or cause to be paid the current tax and deferred tax interest against the forest crop upon any description, plus the interest thereon, and the taxes assessed against the forest land underlying such forest crop, plus the interest thereon, within five (5) years from the date of delinquency thereof, the privilege of further deferment of taxes against such forest crop shall be immediately withdrawn and the cumulative deferred taxes then standing against the particular description upon the County Treasurer's permanent record shall become immediately due and payable and shall be included by the County Treasurer in any distraint proceeding against the forest crop and any proceeding for the foreclosure of certificates of delinquency against the underlying forest land.

Owner may pay deferred tax.

Delinquency for 5 years grounds for cancelling deferment.

After delinquency may distraint or foreclose.

Must obtain permit before cutting timber.

SEC. 6. Any person desiring to harvest the forest crop upon any lands classified under this act shall before commencing such harvesting obtain from the County Treasurer of the county in which such forest crop is situated a harvesting permit. Said permit shall be issued by the Treasurer on written application therefor, stating the name of the applicant and the legal description or descriptions upon which harvesting is proposed to be con-

ducted. Before such permit shall be issued the applicant shall pay or cause to be paid in full all taxes then due and payable against the particular description or descriptions covered by the application, including all taxes plus interest thereon, if any, against the forest land; all current taxes and deferred tax interest plus interest thereon, if any, against the forest crop; and the cumulative deferred taxes then standing against such description or descriptions upon the County Treasurer's permanent record. Deferred taxes are hereby declared to be due and payable against any legal description at the time the harvesting permit is applied for. Each harvesting permit shall explicitly state the legal description or descriptions upon which harvesting is thereby permitted. It shall be unlawful for any person to harvest any forest crop upon forest lands classified under this act without first having secured a harvesting permit under this section.

All taxes due to be paid before permit issued.

SEC. 7. Each such permittee shall, on or before January 15th of each year, report under oath, to the County Treasurer who issued the harvesting permit, the total acreage by description harvested during the preceding calendar year on the authority of each permit theretofore issued. If the report shows, or investigation by the County Treasurer independently of such report discloses, that the acreage actually harvested exceeds that covered by the permit, there shall be added to the cumulative deferred taxes standing on the Treasurer's record against the legal description containing such excess acreage a penalty of ten per centum (10%) thereof, which penalty shall for all purposes become a part of such tax. In case harvesting under a permit is completed before the end of the calendar year, the report required by this section shall be made to the County Treasurer with fifteen (15) days after

Report annually amount of acreage harvested.

Penalty for exceeding permit.

completion of harvesting, but in all other respects the provisions of this section shall apply.

Distribution
of tax by
Treasurer.

SEC. 8. Whenever deferred taxes are collected by the County Treasurer, he shall distribute the same, so far as possible, to the various funds existing at the date the deferred taxes would have become due and payable except for the provisions of this act, in accordance with the levies in effect as of said date. In the event any fund existent at that time has in the meantime been abolished by law and its obligations fully liquidated, its proportion of the tax shall be credited to the County Current Expense Fund. Any advancements between funds shall upon such payment be properly adjusted. Deferred taxes under this act shall be considered an asset against which a county or other taxing district, to whose credit such taxes stand, may for corporate purposes borrow money to the extent of fifty per centum (50%) thereof, and such borrowing shall not be construed as increasing the net indebtedness of the county or other taxing district. Obligations secured by taxes deferred under this act shall be a legal investment for state funds, including the permanent school fund, any higher educational funds and the accident fund. Deferred taxes under this act shall not be considered as delinquent state taxes for the purpose of the State Auditor's certification of such taxes for the seventh preceding year under section 71, chapter 130, Laws Extraordinary Session 1925, it being the intent of this act that the state shall carry its proportion of the deferred taxes the same as counties or other taxing districts until the same are actually collected. Each County Treasurer shall on or before January 15th of each year certify to the State Auditor the amount of the state's portion of the total of forest taxes deferred in his county in the preceding fiscal year and the State Auditor shall

County may
borrow on
deferred tax.

Deferred
tax not
considered
delinquent.

Treasurer
to report
to State
Auditor.

carry such amount as a charge against the county until such cumulative deferred forest taxes are collected as in this act provided.

SEC. 9. From and after the assessment date, all deferred taxes under this act shall be and constitute a lien prior to all other liens against the description of forest crop specifically assessed therefor, and against the description of forest land which underlies the forest crop specifically assessed, and shall also be and constitute a lien against any other harvested or unharvested forest crop belonging to the owner of said taxed property when so assessed. Any transfer of ownership of the forest crop specifically assessed or of the underlying forest land shall not divest or in any wise impair the lien of the deferred taxes against such crop or against the forest land.

Deferred tax
a prior lien.

SEC. 10. Every person who harvests any forest crop without obtaining the permit required by this act or any permittee who wilfully or knowingly violates any provision of section 6 or section 7 of this act shall be guilty of a gross misdemeanor.

Penalty for
violation.

SEC. 11. All acts and parts of acts in conflict with the provisions hereof are hereby repealed but such repeal shall not abate or invalidate any proceedings, whether pending or not, for the collection of taxes upon timber or timber lands levied before the taking effect of this act.

Conflicting
laws re-
pealed.

SEC. 12. If any section, clause or part of this act shall be adjudged to be invalid or unconstitutional for any reason, such adjudication shall not affect the remaining portions of the act.

Partial
invalidity.

SEC. 13. 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 February 26, 1941.

Passed the House March 12, 1941.

Approved by the Governor March 21, 1941.

CHAPTER 121.

[S. B. 280.]

DEED TO HEIRS OF HELEN A. CLAPP, DECEASED.

AN ACT authorizing and directing a conveyance of certain real estate by quit claim deed in behalf of the State of Washington to the heir or heirs of the estate of Helen A. Clapp, deceased.

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

Governor
authorized to
execute deed.

SECTION 1. That 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 the heir or heirs of the estate of Helen A. Clapp, deceased, as may be shown by certified copy of court order, which deed shall be attested by the Secretary of State, covering the following described real estate, situate in Jefferson County, Washington, which real estate was conveyed to State of Washington by said Helen A. Clapp, deceased, by deed dated July 21st, 1925, and recorded in Book 1 of Right of Way Deeds, at page 323, records of Jefferson County, Washington, for the purposes of right of way for State Road No. 9 (now Primary State Highway No. 9), but which real estate was never used for purposes intended due to a revision of location, and is now abandoned.

Description.

A tract of land containing 1.83 acres, more or less, in lots 6 and 7, section 33, township 27 north, range 12 West, W. M., more particularly described as follows:

Commencing at the southeast corner of said section 33 and running south 89° 50' west, a distance of 1153.4 feet along the southerly boundary line of said section 33 to an intersection with the center line of Primary State Highway No. 9, or Olympic Highway; thence turning an angle of 87° 20' to the right and running north 2° 50' west, for a distance of 2236.8 feet to the westerly right of way line of the present existing Primary State Highway No.

9; thence continuing north $2^{\circ} 50'$ west, for a distance of 1003.3 feet on the center line of a right of way heretofore acquired for highway purposes, but never constructed, to a point of curve; thence on the arc of a curve to the left, with a radius of 573.0 feet, for a distance of 73.0 feet to an intersection with the easterly boundary line of lot 7, said section 33, and the true point of beginning of this description;

Thence turning an angle of $10^{\circ} 08'$ to the right from a line tangent to the arc of said curve and running due north for a distance of 163.7 feet along the easterly boundary line of said lot 7, to an intersection with the northeasterly right of way line; thence turning an angle of $25^{\circ} 08'$ to the left to a line tangent to the arc of a curve; thence on the arc of a curve to the left, with a radius of 623.0 feet, for a distance of 166.4 feet; thence north $40^{\circ} 26'$ west, a distance of 332.0 feet to an intersection with the southeasterly bank of the Hoh River; thence in a southwesterly direction along the southwesterly bank of said Hoh River for a distance of 100.1 feet to an intersection with the southwesterly right of way line; thence south $40^{\circ} 26'$ east, a distance of 338.0 feet; thence on the arc of a curve to the right with a radius of 523.0 feet, for a distance of 343.2 feet; thence south $2^{\circ} 50'$ east, for a distance of 842.6 feet to an intersection with the easterly boundary line of lot 6, said section 33; thence turning an angle of $177^{\circ} 10'$ to the left and running due north for a distance of 916.5 feet along the easterly boundary line of lots 6 and 7, said section 33, to an intersection with the center line of Primary State Highway No. 9, and the true point of beginning.

Passed the Senate February 28, 1941.

Passed the House March 12, 1941.

Approved by the Governor March 21, 1941.

CHAPTER 122.

[S. B. 282.]

UNIFORM MOTOR VEHICLE SAFETY RESPONSIBILITY
ACT.

AN ACT relating to the giving of proof of financial responsibility by operators of motor vehicles, providing penalties for certain offenses, and amending sections 3, 8, 9, 10, 12, 13, 14, 15, 17, 18, 19, 22, 30 and 32 of chapter 158, Laws of 1939, (sections 6600-103, 6600-108, 6600-109, 6600-110, 6600-112, 6600-113, 6600-114, 6600-115, 6600-117, 6600-118, 6600-119, 6600-122, 6600-130, and 6600-132, Remington's Revised Statutes) repealing section 28 of chapter 158, Laws of 1939 (section 6600-128, Remington's Revised Statutes).

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

Amend-
ments.

SECTION 1. Section 3 of chapter 158, Laws of 1939 (section 6600-103 of Remington's Revised Statutes) is amended to read as follows:

Definitions.

Section 3. (a) "Persons." Every natural person, firm, copartnership, association or corporation.

(b) "Operator." Every person who is in actual physical control of a motor vehicle upon a public highway.

(c) "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.

(d) "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.

SEC. 2. Section 8 of chapter 158, Laws of 1939 (section 6600-108 of Remington's Revised Statutes) is amended to read as follows: Amendments.

Section 8. **PROOF REQUIRED UPON CERTAIN CONVICTIONS.** (a) The motor vehicle operator's license of any person shall be suspended forthwith without notice or hearing by the Director whenever such person shall by final order or judgment have been convicted of or shall have pleaded guilty to or shall have forfeited any bail or collateral deposited to secure his appearance for trial as defendant (where such forfeiture shall not have been vacated) for any offense hereafter committed which requires suspension or revocation of the licenses of such person in this state, or any offense in any other state which, if committed in this state, would require suspension or revocation of the licenses of such person in this state. Proof of conviction.
Operator's license suspended.

(b) Such operator's license shall remain suspended and shall not at any time thereafter be renewed, nor shall any such license be thereafter issued to such person, including any such person not previously licensed who shall by final order or judgment have been convicted of, pleaded guilty to or forfeited any bail or collateral deposited to secure his appearance for trial, where such forfeiture shall have not have been vacated, for any such offense or for operating a motor vehicle upon the public highways without being licensed to do so until he shall have given proof of his ability to respond in damages for any liability thereafter incurred, resulting from the ownership, maintenance, use or operation thereafter of a motor vehicle, for personal injury to or death of any one person in the amount of at least \$5,000, and, subject to the aforesaid limit for any one person injured or killed, of at least \$10,000 for personal injury to or death of two or more persons in any one accident, and Ability to respond in damages.
Limitations.

for damage to property in the amount of at least \$1,000 resulting from any one accident.

Amend-
ments.

SEC. 3. Section 9 of chapter 158, Laws of 1939 (section 6600-109 of Remington's Revised Statutes) is amended to read as follows:

Proof
required.

Section 9. PROOF REQUIRED IN THE EVENT OF CERTAIN JUDGMENTS. The motor vehicle operator's license shall (except as provided in section 12) be forthwith suspended by the Director upon receiving from the court in which rendered a certificate, in the form prescribed by the Director, showing that such person failed to satisfy within thirty (30) days any judgment which shall have become final by expiration without appeal within the time in which appeal might have been perfected, or by final affirmance on appeal, rendered against him by a court of competent jurisdiction in this state or in any other state, or in any District Court of the United States, for damages in any amount on account of personal injury, including death, or damage to property in excess of \$100.00, resulting from the ownership, maintenance, use or operation of a motor vehicle.

License
suspended.

Minimum
limitation of
judgment.

Amend-
ments.

SEC. 4. Section 10 of chapter 158, Laws of 1939 (section 6600-110 of Remington's Revised Statutes) is amended to read as follows:

Suspension
effective un-
til judgment
satisfied.

Section 10. SUSPENSION EFFECTIVE UNTIL JUDGMENT SATISFIED AND PROOF GIVEN OF FINANCIAL RESPONSIBILITY. Such operator's license shall remain so suspended and shall (except as provided in section 12) not be renewed, nor shall any such license be issued to such person (including any such person not previously licensed) while any such judgment remains unstayed, unsatisfied and subsisting nor until every such judgment is satisfied or discharged, except that a discharge in bankruptcy shall not be deemed a satisfaction of such judgment, and until the said person gives proof of his ability to respond in damages as required in this act, for

Bankruptcy
not to satisfy.

future accidents. If, after such proof has been given, any other such judgment shall be recovered against such person resulting from an event occurring before such proof was given but after this act shall take effect, such license shall again be and remain suspended, and no other such license shall be issued to such person while any such judgment remains unsatisfied and subsisting, as aforesaid.

SEC. 5. Section 12 of chapter 158, Laws of 1939 (section 6600-112 of Remington's Revised Statutes) is amended to read as follows:

Amend-
ments.

Section 12. SUSPENSION WAIVED UPON PAYMENT OF JUDGMENT IN INSTALLMENTS. (a) A judgment debtor to whom this act applies may, for the sole purpose of giving authority to the Director to authorize the judgment debtor to operate a motor vehicle thereafter, on due notice to the judgment creditor, apply to the court in which the trial judgment was obtained for the privilege of paying such judgment in installments, and the court, in its discretion and without prejudice to any other legal remedies which the judgment creditor may have, may so order, fixing the amounts and times of payment of the installments. While the judgment debtor is not in default in payments of such installments, the Director, upon his giving proof of ability to respond in damages for future accidents, as herein provided, shall restore his license; but such license shall be suspended, as herein provided, if the judgment debtor has failed to comply with the terms of the court order.

Suspension
waived.

Conditions.

(b) Nothing in this act shall be construed as authority for reinstatement or re-issue of an operator's license by the Director to any operator, whose operator's license has been suspended or revoked by order of any court as a result of violation of any other law of this state, until the expiration of the period for which such operator's license has been suspended or revoked.

Proviso.

Suspension
additional.

(c) The suspension or revocation of the operator's license provided for in this act shall be in addition to and independent of the suspension or revocation of the operator's license by any court as a penalty for violation of any other law of this state.

Amend-
ments.

SEC. 6. Section 13 of chapter 158, Laws of 1939 (section 6600-113 of Remington's Revised Statutes) is amended to read as follows:

Courts to
make report.

Criminal
offenses.

Civil actions.

Section 13. DUTY OF COURTS TO REPORT CONVICTIONS AND JUDGMENTS. The clerk of a court or the judge of a court which has no clerk in which any person is convicted of any offense under the laws of this state which requires the Director to suspend or revoke the operator's license of any person shall, when such conviction has become final, or in such other event as stated in section 8 hereof, forthwith forward to the Director a certified record of any judgment for damages, the rendering and non-payment of which judgment requires the Director to suspend the operator's license in the name of the judgment debtor hereunder, such record to be forwarded to the Director immediately upon the expiration of 30 days after such judgment has become final and when such judgment has not been stayed or satisfied within the amounts specified in this act, as shown by the records of the court.

Amend-
ments.

SEC. 7. Section 14 of chapter 158, Laws of 1939 (section 6600-114 of Remington's Revised Statutes) is amended to read as follows:

Successive
judgments.

Director to
suspend un-
less proof of
liability
given.

Section 14. REQUIRED SUSPENSION AND PROOF UPON SECOND JUDGMENT NOT SATISFIED. Whenever, after one judgment is satisfied and proof of ability to respond in damages is given as herein required, another such judgment is rendered against the judgment debtor for any accident occurring prior to the date of the giving of said proof and such person fails to satisfy the latter judgment within the amounts specified herein within 30 days after the same be-

comes final, then the Director shall again suspend the operator's license of such judgment debtor and shall not renew the same and shall not issue to him any operator's license while such latter judgment remains in effect and unsatisfied within the amounts specified herein.

License to remain suspended until judgment satisfied.

SEC. 8. Section 15 of chapter 158, Laws of 1939 (section 6600-115 of Remington's Revised Statutes) is amended to read as follows:

Amendments.

Section 15. ACTION AGAINST NON-RESIDENT. (a) All of the provisions of this act shall apply to any person who is not a resident of this state, and if such non-resident has been convicted of any offense which would require the suspension or revocation of the license of a resident or if such non-resident has failed to satisfy a judgment within 30 days after the same became final, which would require suspension or revocation hereunder in respect to a resident, then in either such event such non-resident shall not operate any motor vehicle in this state nor shall any motor vehicle owned by him be operated within this state by any person and the Director shall not issue to such non-resident any operator's license unless and until such non-resident shall give proof of his ability to respond in damages for future accidents and shall satisfy any such judgment, all as required with respect to a resident of this state.

Provisions to apply to non-residents.

Non-resident to give proof of ability to respond.

(b) The Director shall transmit a certified copy of any record of any such conviction of a non-resident to the motor vehicle commissioner or state officer performing the functions of a commissioner in the state in which such non-resident resides and shall likewise forward to such officer a certified record of any unsatisfied judgment rendered against such non-resident which requires suspension or revocation of such non-resident's driving privileges in this state.

Duty of Director.

Forward transcript of record to other state.

SEC. 9. Section 17 of chapter 158, Laws of 1939 (section 6600-117 of Remington's Revised Statutes) is amended to read as follows:

Amendments.

Operator to
surrender
license.

Conditions.

Person fail-
ing to surren-
der license
guilty.

Penalty.

Amend-
ments.

Proof of
ability to
respond.

Certificate
of insurance.

Require-
ments.

Section 17. SURRENDER OF LICENSE. Any operator whose operator's license has been suspended as herein provided, or whose policy of insurance, or bond, when same is required under this act, shall have been cancelled or terminated, or who shall neglect to furnish other evidence of ability to respond in damages upon request of the Director shall immediately return to the Director his operator's license. If any person shall wilfully fail to return to the Director the operator's license the Director shall forthwith direct any peace officer to secure possession thereof and to return the same to the office of the Director. Any person wilfully failing to return such operator's license shall be guilty of a misdemeanor and upon conviction shall be fined not less than one hundred dollars (\$100.00), nor more than one thousand dollars (\$1,000.00), or imprisoned in the county jail for not to exceed ninety (90) days, and such penalty shall be in addition to any penalty imposed for any violation of the motor vehicle laws of this state.

SEC. 10. Section 18 of chapter 158, Laws of 1939 (section 6600-118 of Remington's Revised Statutes) is amended to read as follows:

Section 18. ESTABLISHMENT OF PROOF. Proof of ability to respond in damages, when required under this act, may be evidenced by any of the following:

(a) The written certificate or certificates of any insurance carrier duly authorized to do business within this state, that it has issued to or for the benefit of the person named therein a motor vehicle liability policy or policies in the form hereinafter prescribed, which, at the date of the certificate or certificates, are in full force and effect, and designating therein by explicit description or by other adequate reference, all motor vehicles to which the policy or policies apply. The Director shall not accept any certificate or certificates unless the same shall specify the name, address, and the business, if any, of the

insured, the kind of insurance afforded by the policy, the premium charged therefor, the policy period, and the limits of liability, nor unless the same shall cover all motor vehicles then registered in this state in the name of the person furnishing such proof. Said certificate or certificates shall certify that the motor vehicle liability policies therein cited shall not be cancelled or expire except as hereinafter provided, and that every motor vehicle liability policy therein cited complies with the requirements of this act. The issuance of a certificate to serve as proof of ability to respond in damages under this act shall be conclusive evidence that every motor vehicle liability policy therein cited fully conforms to all the requirements of this act.

Require-
ments of
policy.

If such person be a non-resident, a certificate as aforesaid, of any insurance carrier authorized to transact business in the state in which the motor vehicle or motor vehicles described in such certificate is registered, or if none be described, then in the state in which the insured resides, shall be accepted if such carrier shall (1) execute a power of attorney authorizing the Director to accept service of notice or process in any action arising out of a motor vehicle accident in this state, and (2) duly adopt a resolution providing that its policies shall be deemed to be varied to comply with the law of this state relating to the terms of motor vehicle liability policies issued therein, and (3) agree to accept as final and binding any final judgment duly rendered in any action arising out of a motor vehicle accident in any court of competent jurisdiction in this state. If any foreign insurance carrier which has qualified to furnish proof of ability to respond in damages as hereinbefore required defaults in any of said undertakings or agreements, the Director shall not thereafter accept any certificate of said carrier, whether theretofore filed or thereafter tendered, as proof of ability to re-

Policy of
non-resident.

Require-
ments.

Notice of
cancellation
of policy.

spond in damages so long as such default continues.

When an insurance carrier has certified a motor vehicle liability policy under this act, it shall give ten (10) days written notice to the Director before cancellation of such policy and the policy shall continue in full force and effect until the date of cancellation specified in such notice, unless it expires before that date.

Bond to be
approved by
Superior
Court.

(b) A bond executed by the person giving such proof and by a surety company duly authorized to do business in this state, or by the person giving such proof and by two individual sureties, each having clear title to real estate within this state in the amount of such bond, which real estate shall be scheduled therein, and the Director shall not accept any such real estate bond unless it is first approved by a judge of the Superior Court of the State of Washington.

Require-
ments of
bond.

(c) The Director shall not accept any such bond unless it is conditioned for payments in amounts and under the same circumstances as would be required in a motor vehicle liability policy furnished by the person giving such proof under this act.

Bond to stand
for prior
acts.

(d) No such bond shall be cancelled unless 10 days prior written notice of cancellation is given the Director but cancellation of such bond shall not prevent recovery thereon with respect to any right or cause of action arising prior to the date of cancellation.

Bond on real
estate to be
recorded.

(e) Before any said real estate bond is accepted by the Director it shall be recorded as other instruments affecting real property in the county or counties wherein any real estate described therein is located. Any liability covered by the conditions of said bond shall constitute a lien upon such real estate effective as of the date said bond is so recorded.

(f) If a judgment is rendered against the principal of any such surety or real estate bond upon a

liability covered by the conditions of such bond and such judgment is not satisfied within 30 days after it becomes final, then the judgment creditor may, for his own use and benefit and at his sole expense, bring an action or actions in the name of the state against the company or persons who executed such bond including an action or proceeding to foreclose any lien that may exist upon the real estate of a person who has executed such bond, which foreclosure action shall be brought in like manner and subject to all the provisions of law applicable to an action to foreclose a mortgage upon real estate.

Judgment creditor may sue on bond in name of state.

Procedure.

(g) The certificate of the State Treasurer that the person therein has deposited with him a sum of money or collateral for money approved by him in the amounts as specified in sections 8 and 9 of this act. The State Treasurer shall accept any such deposits and issue a certificate therefor, and the Director shall accept such certificate if accompanied by evidence that there are no unsatisfied judgments against the depositor registered in the office of the County Clerk of the county where the depositor resides.

Certificate of State Treasurer.

Deposit.

SEC. 11. Section 19 of chapter 158, Laws of 1939 (section 6600-119 of Remington's Revised Statutes) is amended to read as follows:

Amendments.

Section 19. IF PROOF FAILS DIRECTOR MAY REQUIRE OTHER PROOF. Whenever any evidence of proof of ability to respond in damages filed under the provisions of this act no longer fulfills the purposes for which required, the Director shall, for the purposes of this act, require other evidence of ability to respond in damages as required by this act, and shall suspend the operator's license pending such proof.

Director to require other proof upon failure of first.

SEC. 12. Section 22 of chapter 158, Laws of 1939 (section 6600-122 of Remington's Revised Statutes) is amended to read as follows:

Amendments.

Director to furnish record of ability to respond.

Section 22. **DIRECTOR TO FURNISH RECORD OF PROOF.** The Director shall furnish any person who may have been injured in person or property by any motor vehicle, upon written request, with all information of record in his office pertaining to the evidence of the ability of any operator of any motor vehicle to respond in damages. The Director shall collect for each such report the sum of one dollar (\$1.00).

Fee.

Amendments.

SEC. 13. Section 30 of chapter 158, Laws of 1939 (section 6600-130 of Remington's Revised Statutes) is amended to read as follows:

Director may release proof.

Section 30. **WHEN DIRECTOR MAY RELEASE PROOF.**
 (1) The Director shall, upon request, cancel any bond or return any certificate of insurance, or the Director shall direct and the State Treasurer shall return to the person entitled thereto any money or collateral, deposited pursuant to this act as proof of ability to respond in damages, or waive the requirement of filing proof of ability to respond in damages in any of the following events:

Conditions.

(a) At any time after three years from the date such proof was required: *Provided*, That the person on whose behalf such proof was given has not, during the three years period immediately preceding the request, been convicted of any offense referred to in section 8;

No convictions for three years.

Death of person.

(b) In the event of the death of the person on whose behalf such proof was filed, or the permanent incapacity of such person to operate a motor vehicle;

Person will not operate car for one year.

(c) Upon the filing with the Director by the person on whose behalf such proof of financial responsibility was furnished of an affidavit that he does not own and will not operate any motor vehicle in this state for a period of one year or longer;

Surrender of license.

(d) In the event the person who has given proof of ability to respond in damages surrenders his operator's license;

(e) Upon the bona fide removal to another state, or country of the person on whose behalf such proof was filed:

Bona fide removal to other state.

Provided, however, That no action for damages is pending against such person on whose behalf such proof of financial responsibility was furnished and no judgment against such person is outstanding and unsatisfied in respect to personal injury, or in respect to damage to property resulting from the ownership, maintenance, use or operation hereafter of a motor vehicle: *And provided, also,* That no notice has been filed with the Director of an accident involving such person occurring within the three month period immediately preceding such request resulting from the use or operation of a motor vehicle. An affidavit of the applicant under this section shall be sufficient evidence of the facts in the absence of evidence to the contrary in the records of the Director.

Proviso.

Pending actions excepted.

Evidence.

Whenever any person to whom proof has been surrendered, as provided in this section, applies for an operator's license within a period of three (3) years from the date proof of financial responsibility was originally required any such application shall be refused unless the applicant shall reestablish such proof for the remainder of such period.

Must re-establish responsibility for new license.

SEC. 14. Section 32 of chapter 158, Laws of 1939 (section 6600-132 of Remington's Revised Statutes) is amended to read as follows:

Amendments.

Section 32. OPERATING WITHOUT GIVING PROOF WHEN PROOF REQUIRED. Any person whose operator's license or other privilege to operate a motor vehicle has been suspended or revoked and restoration thereof or issuance of a new license is contingent upon the furnishing of proof of ability to respond in damages and who during such suspension or revocation or, in the absence of full authorization from the Director, drives any motor vehicle upon any highway shall be punished by imprisonment for not less

Operation without license a crime.

Punishment. than two (2) days nor more than six (6) months and there may be imposed in addition thereto a fine of not more than Five Hundred Dollars (\$500.00).

Statute repealed. SEC. 15. Section 28 of chapter 158, Laws of 1939 (section 6600-128 of Remington's Revised Statutes) is hereby repealed.

Passed the Senate March 8, 1941.

Passed the House March 12, 1941.

Approved by the Governor March 21, 1941.

CHAPTER 123.

[S. B. 284.]

COOPERATIVE MANAGEMENT OF FOREST LANDS.

AN ACT relating to the cooperative management of State Forest Board lands and state granted lands with national forest and private timber lands in a sustained yield management unit, amending chapter 130 of the Laws of 1939, and adding thereto two new sections.

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

Amendments. SECTION 1. That section 1 of chapter 130 of the Laws of 1939 be amended to read as follows:

State may enter into co-operative agreement with others. Section 1. The State Forest Board with regard to State Forest Board lands, and the Commissioner of Public Lands with regard to state granted lands, are hereby authorized to enter into cooperative agreements with the United States of America, Indian tribes, and private owners of timber land providing for co-ordinated forest management, including time, rate and method of cutting timber and method of silvicultural practice on a sustained yield unit. Wherever applicable in this act, it shall be understood that the State Forest Board shall have complete authority over State Forest Board lands and the Commissioner of Public Lands complete authority over state granted land.

SEC. 2. That chapter 130 of the Laws of 1939 be amended by adding thereto a new section to be known as section 3-A to read as follows:

Amendment
by addition.

Section 3-A. The private contracting party or parties shall enjoy the right of easement over State Forest Board lands and state granted lands included under said cooperative agreement for railway, road and other uses necessary to the carrying out of the agreement. This easement shall be only for the life of the cooperative agreement and shall be granted without charge with the provision that payment shall be made for all merchantable timber cut, removed or damaged in the use of such easement, payment to be based on the contract stumpage price for timber of like value and species and to be made within thirty (30) days from date of cutting, removal and/or damage of such timber and appraisal thereof by the Commissioner of Public Lands and the State Forest Board.

Contracting
party to have
easement.

Term of
easement.

SEC. 3. That chapter 130 of the Laws of 1939 be amended by adding thereto a new section to be known as section 6-A to read as follows:

Amendment
by addition.

Section 6-A. No transfer or assignment by the purchaser shall be valid unless the transferee or assignee is acceptable to the Commissioner of Public Lands and the State Forest Board and the transfer or assignment approved by them in writing.

Not to assign
without
approval.

SEC. 4. That section 7 of chapter 130 of the Laws of 1939 be amended to read as follows:

Amend-
ments.

Section 7. The purchaser shall, at the time of executing the contract, deliver a performance bond or sureties acceptable in regard to terms and amount to the Commissioner of Public Lands and the State Forest Board, but such performance bond or sureties shall not exceed ten (10) per cent of the estimated value of the timber purchased computed at the stumpage price and at no time shall exceed a total of fifty thousand dollars (\$50,000.00). The pur-

Purchaser
to deliver
performance
bond.

Maximum
amount.

Cancellation upon failure to comply.

chaser shall also be required to make a cash deposit equal to twenty per cent (20%) of the estimated value of the timber purchased, computed at the stumpage bid. Upon failure of the purchaser to comply with the terms of the contract, the performance bond or sureties may be forfeited to the state upon order of the Forest Board or the Commissioner of Public Lands.

Timber cut not to exceed deposit.

At no time shall the amount due the state for timber actually cut and removed exceed the amount of the deposit as hereinabove set forth. The amount of the deposit shall be returned to the purchaser upon completion and full compliance with the contract by the purchaser, or it may, at the discretion of the purchaser, be applied on final payment on the contract.

Passed the Senate March 3, 1941.

Passed the House March 12, 1941.

Approved by the Governor March 21, 1941.

CHAPTER 124.

[S. B. 288.]

CREDITS ON INHERITANCE TAXES FOR GIFT TAXES.

AN ACT relating to revenue and taxation; providing for credits on inheritance taxes where gift taxes have been paid; providing for exemptions; providing for application of section 1 to pending cases; providing for the amendment of chapter 180 of the Laws of 1935, as amended, by adding thereto new sections to be known as section 104 (a) and section 106 (a); declaring an emergency and that this act shall take effect immediately.

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

Amendment by addition.

SECTION 1. Chapter 180 of the Laws of 1935, as amended, is amended by adding a new section to be known as section 104 (a) to read as follows:

Section 104. (a) Nothing in this act shall be construed as imposing a tax upon any transfer, as de-

fined in this act, of intangibles, however used or held, whether in trust or otherwise, by any person, or by reason of the death of any person who at the time of his death was domiciled in a territory or state of the United States other than the State of Washington. The provisions of this section shall apply to all cases subject to the provisions thereof, whether the death occurred prior to the passage of this act or subsequent thereto.

Act not to apply to non-residents.

SEC. 2. Chapter 180 of the Laws of 1935, as amended, is amended by adding a new section to be known as section 106 (a) to read as follows:

Amendment by addition.

Section 106. (a) In case any gift tax has been imposed upon any gift by the State of Washington under any gift tax act, and the property which was the subject of the gift is required to be included, upon the death of the donor, as a part of his estate, then there shall be credited against and applied in reduction of the inheritance taxes which would otherwise be chargeable against the heirs and the estate of such decedent an amount equal to the principal of the tax paid with respect to such gift.

Gift tax to be credited upon inheritance tax.

SEC. 3. 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.

Effective immediately.

Passed the Senate February 27, 1941.

Passed the House March 12, 1941.

Approved by the Governor March 21, 1941.

CHAPTER 125.

[S. B. 291.]

PRIVILEGE TAX ON CRABS.

AN ACT providing for a privilege tax on crabs; prescribing the duties of certain officers, defining offenses, providing penalties and creating a lien on canneries, packing plants, scows, boats and their fishing equipment for such taxes and fees, and declaring that this act shall take effect March 31, 1941.

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

Tax to be levied. SECTION 1. There shall be paid to the Treasurer of the State of Washington by every person, firm or corporation engaged in packing and/or canning crabs within the districts of Columbia River, Puget Sound, Willapa Harbor and Grays Harbor for the privilege of engaging in packing and/or canning crabs within said districts the sums herein mentioned which shall be in addition to the license fees provided by law upon all crabs received or purchased for canning or canned by such persons, firms or corporations within said districts as follows:

Packing or canning.

Territory.

In addition to license fees.

Rate of tax. On all crabs, fifteen cents (15c) 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.

Tax on processing. There shall be paid to the Treasurer of the State of Washington by every person, firm or corporation operating within the districts of Columbia River, Puget Sound, Willapa Harbor and Grays Harbor as a curer, freezer, broker, wholesaler or retail dealer of crabs for the privilege of operating within the said districts as a curer, freezer, broker, wholesaler or retail dealer of crabs the sums herein mentioned which shall be in addition to the license fees provided by law upon all crabs handled by such person, firm or corporation as follows:

In addition to license fees.

Rate of tax. On all crabs, four cents (4c) per dozen.

The privilege fees herein provided for shall be collected but once and shall be collected from the licensee first handling such crabs either as packer, canner, curer, freezer, broker, buyer, 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.

Tax to be collected from first operator.

The privilege fees herein provided for 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 crabs 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 crabs received.

Date of payment of tax.

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 crabs.

Tax to 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 such privilege fees.

State to make rules.

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.

Unlawful acts.

The privilege fees herein provided for shall be paid on all crabs handled regardless of where taken or caught, it being the intention that every person,

Fees to be paid on all operations.

Intention. firm or corporation operating as a packer, canner,
Privilege fee. curer, freezer, broker, buyer, wholesaler or retail
dealer of crabs shall pay the fees herein provided
for the privilege of operating as a packer, canner,
curer, freezer, broker, buyer, wholesaler or retail
dealer of crabs.

Penalty for violation. Any person, firm or corporation violating any of
the provisions of this act shall be guilty of a mis-
demeanor and upon conviction thereof shall be fined
not less than two hundred fifty dollars (\$250) nor
more than one thousand dollars (\$1,000), or im-
prisonment in the county jail for not less than thirty
(30) days nor more than six (6) months, or by both
such fine and imprisonment.

Justice of Peace to have concurrent jurisdiction. Every justice of the peace shall have jurisdiction
concurrent with the superior court of all misde-
meanors committed in violation of this act and to
impose any punishment in this act provided for
such offenses.

Effective date. SEC. 2. This act is necessary for the support of
the state government and its existing public insti-
tutions and shall take effect March 31, 1941.

Passed the Senate March 1, 1941.

Passed the House March 11, 1941.

Approved by the Governor March 21, 1941.

CHAPTER 126.

[S. B. 301.]

OPEN SEASON ON GAME.

AN ACT relating to the powers and duties of the State Game Commission and the Director of Game, and amending section 26, chapter 178, Laws of the Extraordinary Session of 1925, as last amended by section 28, chapter 3, Laws of 1933 (section 5880, Remington's Revised Statutes).

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

SECTION 1. Section 26, chapter 178, Laws of the Extraordinary Session of 1925, as last amended by section 28, chapter 3, Laws of 1933 (section 5880, Remington's Revised Statutes) is amended to read as follows:

Amend-
ments.

Section 26. The Director of Game, by and with the consent and approval in writing of a majority of the membership of the State Game Commission, shall have the power to entirely close, or to shorten to such time as he may deem advisable the open season fixed by statute or by any rule or regulation of the State Game Commission for any or all game animals, fur-bearing animals, game birds or game fish within the respective game areas and throughout the state and after such season has been closed or shortened as aforesaid, to re-open the same for all or any portion of the time fixed by statute or any rule or regulation of the State Game Commission which he may deem advisable and shall have the authority to fix daily, weekly, or season bag limit on any or all game animals, fur-bearing animals, game birds or game fish within any game area or areas or throughout the state.

Director to
fix season.

Approval.

Whenever the Director of Game shall find that game animals have increased in numbers in any locality of the State of Washington to such an extent that such animals are damaging public or pri-

vate property, or over-grazing their range, the State Game Commission is hereby authorized to provide for and establish a special hunting season, and shall designate the area and the number and sex of the animals that may be killed by a licensed hunter therein, and shall promulgate necessary rules and regulations and determine by lot the number of hunters that may hunt within such area and the conditions and requirements incident thereto: *Provided*, That said drawing by lot shall be open only to holders of big game seals who have not killed an elk or deer in the regular season immediately preceding the special season so established: *And provided further*, That the said drawing shall take place at the city hall of the town nearest the area to be opened, and that notice of the establishing of such special hunting season and such drawing shall be given in the manner provided for the publishing of orders opening or closing seasons.

Written order to be filed.

The exercise of power herein granted to close or re-open regular or special seasons or fix bag limits shall be by a written order signed by the Director of Game and filed in the office of the State Game Commission and in the office of the Auditor of any county affected by the order.

Passed the Senate February 28, 1941.

Passed the House March 11, 1941.

Approved by the Governor March 21, 1941.

CHAPTER 127.

[S. B. 312.]

USE FUEL TAX ACT.

AN ACT to provide an excise tax on the use of fuel as defined herein to propel motor vehicles on the highways in the State of Washington; to provide for the issuance of permits to users of such fuel; the registration of sellers of such fuel; for the levy, assessment, collection, payment and disposition of such tax; to provide for the keeping of records by users and sellers of such fuel; to provide for the administration and enforcement of this act and for the disposition of the revenues derived therefrom; providing penalties for violation of the provisions of this act; defining certain words, terms and phrases used in the act; and repealing section 6, chapter 58 of the Laws of 1933 (section 8327-6 of Remington's Revised Statutes).

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

SECTION 1. This act shall be known and may be cited as the "Use Fuel Tax Act of 1941." Citation.

SEC. 2. The following words, terms and phrases when used in this act have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning.

(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. Definitions.

(b) "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.

(c) "Fuel" means any combustible gas, liquid or material of a kind used in an internal combustion engine for the generation of power to propel a motor vehicle except motor vehicle fuel as defined in sec-

Definitions.

tion 1 of chapter 58, Laws of 1933, as amended by section 1 of chapter 177, Laws of 1939 (section 8327-1 of Remington's Revised Statutes).

(d) "Internal combustion engine" shall include a diesel engine and any other engine operated by internal expansion.

(e) "Person". Every natural person, firm, partnership, association or private or public corporation.

(f) "Use" as a verb, means to receive into any receptacle on a motor vehicle, fuel consumed in propelling such motor vehicle on the highways within the State of Washington; except that if such fuel is received into such receptacle outside the taxing jurisdiction of this state, "use" as a verb, means to consume in propelling such motor vehicle on the highways within this state; "use" as a noun, means the act of using.

(g) "User" means any person who uses fuel.

(h) "Director." The Director of Licenses, State of Washington, or his duly authorized deputy or representative.

Rate of tax.

SEC. 3. From and after the effective date of this act, in addition to other taxes now provided by law, there is hereby imposed and levied an excise tax at the rate of five cents (5¢) per gallon on the use of fuel by any user thereof.

User must have permit.

SEC. 4. After the effective date of this act, it shall be unlawful for any person to use fuel within this state unless a use fuel tax permit shall have been issued to him as provided herein and shall not have been revoked. Applications for such permits must be made to the Director upon forms prescribed by him and shall set forth such information as he may require. On receipt of such an application, the Director shall issue to the applicant a use fuel tax permit authorizing such applicant to use fuel within this state. Such permit shall be valid only for the

Contents.

person in whose name it is issued and shall be valid until revoked or cancelled.

An emblem shall be displayed as prescribed by the Director in a conspicuous place on each motor vehicle in connection with which fuel is used. Each such emblem shall be issued without charge by the Director upon application by a user holding an unrevoked use fuel tax permit, shall show the number of such permit and shall identify the motor vehicle with respect to which it is issued.

Emblem displayed.

Sec. 5. The Director shall have power to revoke the permit issued under the provisions of section 4 hereof of any person who fails to comply with the provisions of this act or any rule or regulation adopted hereunder. Before revoking any such permit the Director shall serve written notice on such person ordering him to appear before the Director at a time not less than ten (10) days after such service and show cause why such permit should not be revoked. Such notice shall be served in the manner prescribed by section 17 hereof. A new permit shall not be issued to a person whose permit has been revoked, unless it appears to the satisfaction of the Director that such person will comply with the provisions of this act and the rules and regulations adopted hereunder.

Director has power to revoke.

Notice to user.

In the event any person to whom a permit has been issued pursuant to section 4 hereof shall cease using fuel within this state, such person shall immediately request in writing that the Director cancel such permit. On receipt of such request the Director shall cancel such permit. In the event any person shall cease using fuel within this state in connection with a motor vehicle with respect to which an emblem has been issued pursuant to section 4 hereof but shall continue using fuel within this state in connection with another motor vehicle or other

Request for cancellation.

Notice of use in other vehicle.

motor vehicles, such person shall immediately notify the Director.

To return emblem upon revocation.

Any person whose permit has been revoked or cancelled shall return to the Director each emblem issued with respect to the motor vehicle in connection with which such person has ceased using fuel within this state.

Tax payments.

SEC. 6. The excise tax imposed hereunder with respect to the use of fuel during any calendar month shall be due and payable on or before the fifteenth day of the immediately succeeding calendar month.

Filing report.

SEC. 7. Each user shall on or before the fifteenth day of the month following the effective date of this act, and on or before the fifteenth day of each and every month thereafter, file with the Director of Licenses a report showing the amount of fuel used during the immediately preceding calendar month by such user and such other information as the Director may require for the purposes of this act.

Contents.

Such reports shall be made under oath on forms prescribed, prepared and furnished by the Director of Licenses. Each such report shall be accompanied by a remittance payable to the Treasurer of the State of Washington for the amount of tax due and payable hereunder.

Remittance.

Posting presumption of receipt.

SEC. 8. When any application, report, notice or payment required to be made to any officer, agent, or employee of the state under the provisions of this act has been deposited in the United States mail addressed to such officer, agent, or employee, it shall be deemed to have been received by him on the date such application, report, notice or payment was deposited in the United States mail. It shall be presumed until the contrary is established that the date shown by the post office cancellation mark on the envelope containing the application, report, notice or payment is the date it was deposited in the United States mail.

SEC. 9. Any person failing to pay any tax, except taxes assessed under the provisions of sections 17 and 18 hereof, within the time prescribed by this act shall pay in addition to such tax a penalty of ten per cent (10%) of the amount thereof, plus interest on the amount of such tax at the rate of one-half of one per cent ($\frac{1}{2}$ of 1%) per month, or fraction thereof, from the date such tax became due and payable until the date of payment.

Penalty for non-payment.

SEC. 10. Before registering any motor vehicle under the provisions of chapter 188, Laws of 1937, or any amendments thereto or substitute therefor, the Director shall ascertain from the applicant for such registration whether the motor vehicle sought to be registered is propelled by a fuel the use of which is subject to the tax hereby imposed. If it shall be so ascertained that any motor vehicle is so propelled, the Director shall not complete such registration until the applicant therefor has established to the satisfaction of the Director that such applicant is the holder of a valid use fuel tax permit issued to him pursuant to section 4 hereof.

Information given to Director.

Registration.

SEC. 11. The tax, including any penalty and interest hereby imposed, shall constitute a lien upon, and shall have the effect of an execution duly levied against, any motor vehicle in connection with which the taxable use is made, attaching at the time of such use. Such lien shall not be removed until such tax has been paid or the motor vehicle subject to such lien has been sold in payment of such tax, and shall be paramount to all private liens or encumbrances of whatever character upon such motor vehicle and to the rights of any conditional vendor or any other holder of the legal title in or to such motor vehicle.

Tax is lien upon vehicle.

SEC. 12. In the event the ownership of a motor vehicle subject to the lien provided for by section

No transfer
of title until
lien satisfied.

11 hereof is transferred, whether by operation of law or otherwise, no registration card or certificate of title with respect to such motor vehicle shall be issued by the Director under the provisions of chapter 188, Laws of 1937, or any amendments thereto or substitute therefor, to the transferee or person otherwise entitled thereto until after the Director has determined that such lien has been removed.

Creditor of
user notified
of delin-
quency.

SEC. 13. In the event any user is delinquent in the payment of any obligation imposed hereunder, the Director may give notice of the amount of such delinquency by registered mail to all persons having in their possession or under their control any credits or other personal property belonging to such user, or owing any debts to such user, at the time of the receipt by them of such notice, and thereafter any person so notified shall neither transfer nor make other disposition of such credits, personal property or debts until the Director shall have consented to a transfer or other disposition or until twenty (20) days shall have elapsed from and after the receipt of such notice. All persons so notified must, within five (5) days after the receipt of such notice, advise the Director of any and all such credits, personal property or debts in their possession, under their control or owing by them, as the case may be.

Duty.

Answer of
creditor to
notice.

Director may
require
pledge for
security.

SEC. 13-a. The Director, whenever he deems it necessary to insure compliance with any provision of this act or any rule or regulation prescribed and adopted under this act, may require any person subject to the excise tax imposed hereunder to deposit with the Treasurer of the State of Washington such security as the Director may determine. Such security may be sold by the Director at public sale if it becomes necessary so to do in order to recover any amount due hereunder. Such notice of sale may be served upon the person who deposited such security personally or by mail in the same manner

Security may
be sold to
satisfy lien.

as prescribed for service of notice by the provisions of section 17 hereof. Upon any such sale, the surplus, if any, above the amount due hereunder shall be returned to the person who deposited the security.

SEC. 14. Whenever any user shall be delinquent in the payment of any obligation imposed hereunder, and such delinquency continues after notice and demand for payment by the Director, the Director shall proceed to collect the amount due from the user in the following manner: The Director shall seize any motor vehicle subject to the lien of said excise tax, penalty and interest, provided for by section 11 hereof and thereafter sell it at public auction to pay such obligation and any and all costs that may have been incurred on account of such seizure and sale. Notice of such intended sale and the time and place thereof shall be given to such delinquent user and to all persons appearing of record to have an interest in such motor vehicle. Such notice shall be given in writing at least ten (10) days before the date set for the sale by enclosing it in an envelope addressed to such user at his address as the same appears in the records of the Director and, in the case of any person appearing of record to have an interest in such motor vehicle, addressed to such person at his last known residence or place of business, and depositing such envelope in the United States mail, postage prepaid. In addition such notice shall be published for at least ten (10) days before the date set for such sale in a newspaper of general circulation published in the county in which the motor vehicle seized is to be sold. If there is no newspaper of general circulation in such county, such notice shall be posted in three (3) public places in such county for said period of ten (10) days. Such notice shall contain a description of the motor vehicle to be sold, together with a statement of the amount due hereunder, the name of the

Method of collection of delinquency.

May seize vehicle.

Notice of sale.

Publication of notice of sale.

Contents.

user and the further statement that unless such amount is paid on or before the time fixed in such notice such motor vehicle will be sold in accordance with law and such notice.

Sale
procedure.

The Director shall then proceed to sell the motor vehicle in accordance with the law and said notice, and shall deliver to the purchaser a bill of sale which shall vest title in the purchaser. If upon any such sale the moneys received shall exceed the amount due to the state hereunder from the delinquent user, the excess shall be returned to such user and his receipt obtained therefor. If any person having an interest in or lien upon the motor vehicle has filed with the Director prior to such sale notice of such interest or lien, the Director shall withhold payment of any such excess to such user pending a determination of the rights of the respective parties thereto by a court of competent jurisdiction. If for any reason the receipt of such user shall not be available, the Director shall deposit such excess with the State Treasurer as trustee for such user, his heirs, successors, or assigns.

Surplus.

Attorney
General may
commence
action.

SEC. 15. Whenever any user shall be delinquent in the payment of any obligation hereunder, the Director may transmit notice of such delinquency to the Attorney General who shall at once proceed to collect by appropriate legal action the amount due the state from such user. In any suit brought to enforce the rights of the state hereunder, a certificate by the Director showing the delinquency shall be *prima facie* evidence of the amount of the obligation, of the delinquency thereof and of compliance by the Director with all provisions of this act relating to such obligation.

Remedies
cumulative.

SEC. 16. The foregoing remedies of the state shall be cumulative and no action taken by the Director shall be construed to be an election on the part of the state or any of its officers to pursue any remedy

hereunder to the exclusion of any other remedy for which provision is made in this act.

SEC. 17. If the Director is not satisfied with the report filed or amount of tax paid to the state by any user, the Director is hereby authorized and empowered to make an additional assessment of tax due from such user based upon any information available to the Director. Every such additional assessment shall bear interest at the rate of one-half of one per cent ($\frac{1}{2}$ of 1%) per month, or a fraction thereof, from the fifteenth day after the close of the month or months, as the case may be, for which the additional assessment is imposed until paid. If any part of the deficiency for which the additional assessment is imposed is found to have been occasioned by negligence or intentional disregard of this act or rules and regulations adopted hereunder, a penalty of ten per cent (10%) of the amount of the additional assessment may be added thereto. If any part of the deficiency for which the additional assessment is imposed is found to have been occasioned by fraud or an intent to evade this act or rules and regulations adopted hereunder, a penalty of twenty-five per cent (25%) of the amount of the additional assessment shall be added thereto in addition to any ten per cent (10%) penalty above provided for in this section. The Director shall give to the user written notice of such additional assessment. Such notice may be served personally or by mail; if by mail, service shall be made by depositing such notice in the United States mail, postage prepaid, addressed to the user at his address as the same appears in the records of the Director.

Director may investigate.

May make proper assessment.

Penalty for deficiency.

Increase for fraud.

Procedure for additional assessment.

SEC. 18. If any user neglects or refuses to make a report as required by this act, the Director shall make an estimate, based upon the best information available to the Director, for the month or months with respect to which such user failed to make a

Director may make estimate upon failure to make report.

report, of the amount of fuel used by such user and, upon the basis of such estimate, compute and assess the tax due from such user hereunder. Every such assessment shall bear interest at the rate of one-half of one per cent ($\frac{1}{2}$ of 1%) per month, or fraction thereof, from the fifteenth day after the close of the month or months, as the case may be, for which such assessment is imposed until paid. There shall be added to every such assessment a penalty of twenty-five per cent (25%) of the amount thereof. If the neglect or refusal to make a report as required by this act is found to have been occasioned by fraud or an intent to evade this act or rules and regulations adopted hereunder, a penalty of twenty-five per cent (25%) of the amount of such assessment shall be added thereto in addition to the twenty-five per cent (25%) penalty above provided for in this section. The Director shall give to such user written notice of such assessment, the notice to be served in the manner prescribed by section 17 hereof.

Interest on
assessment.

Penalty.

Notice.

May make
jeopardy
assessment.

Notice.

May petition
for reassess-
ment.

SEC. 18-a. If the Director believes that the collection of any amount of excise tax imposed hereunder will be jeopardized by delay, he shall thereupon make a determination of the amount of excise tax due, noting that fact upon such determination and the amount of such excise tax shall be immediately due and payable. If the amount of the excise tax, interest and penalty specified in the jeopardy determination is not paid within ten (10) days after the service upon the user of notice of the determination, such determination becomes final, unless a petition for reassessment is filed within such ten (10) days, and the delinquency penalty and interest provided in sections 17 and 18 hereof shall attach to the amount of excise tax specified therein. The user against whom a jeopardy determination is made hereunder may petition for the reassessment thereof

as provided herein: *Provided, however,* That such petition for reassessment must be filed with the Director within ten (10) days after the service upon the user of notice of the determination: *And provided further,* That the user must within said ten-day period deposit with the Director such security as it may deem necessary to insure compliance with the provisions of this act. Such security may be sold by the Director in the manner provided herein.

Procedure.

SEC. 19. Any user against whom an assessment is made under the provisions of section 17 or section 18 hereof may petition for a reassessment thereof within fifteen (15) days after service upon the user of notice thereof. If such petition is not filed within said fifteen-day period, the amount of the assessment becomes final at the expiration thereof.

Assessment to become final if no petition.

If a petition for reassessment is filed within said fifteen-day period the Director shall reconsider the assessment and, if the user has so requested in his petition shall grant such user an oral hearing and give the user ten (10) days' notice of the time and place thereof. The Director shall have power to continue the hearing from time to time as may be necessary. The decision of the Director upon a petition for reassessment shall become final thirty (30) days after service upon the user of notice thereof.

Director to reconsider upon petition.

Hearing.

Every assessment made by the Director under the provisions of section 17 or section 18 hereof shall become due and payable at the time it becomes final and if not paid to the Director when due and payable there shall be added thereto a penalty of ten per cent (10%) of the amount of the tax.

Penalty if not paid when final.

Any notice required by this section shall be served in the manner prescribed by section 17 hereof.

Method of notice.

SEC. 20. Except in the case of a fraudulent report or neglect or refusal to make a report, every

Exception for fraud.

Limitation of action.

notice of additional tax proposed to be assessed hereunder shall be served on the user within three (3) years after the claimed erroneous report is filed.

Director to credit excess payments.

SEC. 21. If the Director determines any amount of tax, penalty or interest has been paid more than once or has been erroneously or illegally collected, the Director shall credit such amount against any amounts then due from the user under this act and shall refund any balance to the user, his successor, administrator or executor, but no such credit or refund shall be allowed unless a claim therefor is filed with the Director within three (3) years from the date of overpayment or, with respect to an assessment made under the provisions of section 17 or section 18 hereof, within six (6) months after such assessment becomes final, whichever period expires the later. Every such claim must be in writing and state the specific grounds upon which it is founded.

Limitation on refunds.**Contents of claim.****Failure to file claim constitutes waiver.****Notice of determination of claim.****Interest allowed on over-payment.****Computation.****Refund.**

Failure to file such claim within the time prescribed in this section shall constitute waiver of any and all demands against this state on account of overpayments hereunder. Within fifteen (15) days of allowing or disallowing any such claim in whole or in part, the Director shall serve notice of such action on the claimant, such service to be made in the manner prescribed by section 17 hereof.

Interest shall be computed, allowed and paid upon any overpayment of tax, penalty or interest, unless such overpayment was made intentionally or by reason of negligence, at the rate of one-half of one per cent ($\frac{1}{2}$ of 1%) per month, or fraction thereof, from the date of overpayment as follows:

(1) In the case of a refund, to a date preceding the date of the refund warrant by not more than thirty (30) days, such date to be determined by the Director.

(2) In the case of a credit, to the same date that interest is computed on the tax against which the credit is applied.

Credit.

SEC. 22. No suit or proceeding shall be maintained in any court for the recovery of any amount alleged to have been illegally collected unless a claim for refund or credit has been duly filed as provided in section 21 hereof.

Condition precedent.

Within ninety (90) days after service of notice of the Director's action upon such a claim, the claimant may bring an action against the State Treasurer on the grounds set forth in the claim in a court of competent jurisdiction in the County of Thurston for recovery of the whole or any part of the amount with respect to which such claim has been disallowed.

Claimant may bring action.

Jurisdiction.

If the Director fails to serve notice of action on any such claim within six (6) months after the claim is filed, the claimant may, prior to service of notice of the Director's action on such claim, consider the claim disallowed and bring action against the State Treasurer on the grounds set forth in such claim for the recovery of the whole or any part of the amount claimed.

Failure to bring an action within the time specified herein shall constitute a waiver of any and all demands against this state on account of any alleged overpayments hereunder.

Failure to bring action is waiver.

If in any such action judgment is rendered for the plaintiff, the amount of the judgment shall first be credited on any tax due from the plaintiff under this act, and the balance of the judgment shall be refunded to the plaintiff. In any such judgment, interest shall be allowed at the rate of six per cent (6%) per annum on the amount found to have been illegally collected from the date of payment of such amount to the date of allowance of credit on account of such judgment or to a date preceding the date of

Judgment applied to due tax first. Balance refunded.

Interest rate.

the refund warrant by not more than thirty (30) days, such date to be determined by the Director.

Claim cannot be assigned.

In no case shall any judgment be rendered in favor of the plaintiff in any action brought against the State Treasurer to recover any tax paid hereunder when such action is brought by or in the name of an assignee of the user paying such tax.

Dealer to have license.

SEC. 23. After the effective date of this act it shall be unlawful for any person to sell or otherwise distribute fuel in this state unless such person is the holder of an unrevoked license issued to him pursuant to this section. Application for such a license must be made to the Director of Licenses upon forms prescribed, prepared and furnished by him. No charge shall be made for such a license. The license shall be valid only for the person in whose name it is issued and shall be valid until revoked. The Director of Licenses shall have the power to revoke such a license issued to any person who fails to comply with the provisions of this act or any rule or regulation adopted hereunder, provided the procedure prescribed by the first paragraph of section 5 hereof is followed.

No charge for license.

Dealer and user to keep record.

SEC. 24. Every user and every person selling, distributing, storing, transporting or otherwise handling fuel, shall keep in this state such records, receipts, invoices and other pertinent papers in such form as the Director may require.

Director may examine records.

The Director is hereby authorized to examine during normal business hours the books, papers, records and equipment of any user or of any person selling, distributing, storing, transporting or otherwise handling fuel and to investigate the character of the disposition which any such user or such other person makes of fuel in order to determine whether all taxes due hereunder are being properly reported and paid.

The Director is hereby charged with the enforcement of the provisions of this act and is hereby authorized to prescribe, adopt and enforce rules and regulations relating to the administration and enforcement hereof.

Director charged with enforcement.

The Director may appoint accountants, auditors, investigators and such other expert and clerical assistants as he may from time to time deem necessary to enforce his powers and perform his duties under this act.

May appoint assistants.

SEC. 25. It shall be unlawful for the Director, or any person having an administrative duty under this act, to divulge or to make known in any manner whatever, the business affairs, operations, or information obtained by an investigation of records and equipment of any user or other person visited or examined in the discharge of official duty, or the amount or source of income, profits, losses, expenditures or any particular thereof, set forth or disclosed in any report, or to permit any report or copy thereof or any book containing any abstract or particulars thereof to be seen or examined by any person except as provided by law: *Provided, however,* That the Governor may authorize examination of such reports by other state officers, or by tax officers of another State or the Federal government if a reciprocal arrangement exists.

Records confidential.

Proviso.

SEC. 26. It shall be unlawful for any person to deliver fuel, which is to be consumed in propelling a motor vehicle in this state, into or place such fuel into, or cause such fuel to be delivered into or placed into, any receptacle on such motor vehicle from which receptacle such fuel can be supplied to propel such motor vehicle, unless an emblem is displayed on such motor vehicle as provided in section 4 hereof.

Vehicle to bear emblem.

SEC. 27. In addition to any other penalties provided for herein, any person who shall refuse or

Penalty for
fraudulent
report.

neglect to make any report required by the provisions of this act, who shall knowingly make, or aid or assist any other person in making, a false statement in any such report or in connection with any claim for refund filed under section 21 hereof, or who shall knowingly collect, or attempt to collect or cause to be repaid to himself or to any other person, any refund of any amount paid to the state hereunder without being entitled to the same, or who shall use fuel within this state without being the holder of a valid use fuel tax permit, or who shall otherwise violate any of the provisions of this act, shall upon conviction thereof, be punished by a fine of not more than one thousand dollars (\$1,000) or by imprisonment in the county jail for not more than six (6) months, or by both such fine and imprisonment.

Tax to be
transmitted
to Treasurer.

SEC. 28. All moneys collected by the Director of Licenses shall be transmitted forthwith to the State Treasurer, together with the statement showing from whence the moneys were derived and shall be by him credited to the motor vehicle fund. A duplicate of such statement shall be sent to the State Auditor.

Credit to
motor ve-
hicle fund.

Partial
invalidity.

SEC. 29. If any section, sub-section, sentence, clause 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, sub-section, sentence, clause or phrase were omitted.

Statutes
repealed.

SEC. 30. Section 6, chapter 58, Laws of Washington of 1933 (section 8327-6 of Remington's Revised Statutes), and all other acts and parts of acts in conflict with the provisions of this act are hereby repealed.

SEC. 31. This act is necessary for the support of state government and its existing public institutions and shall take effect July 1, 1941. Effective date.

Passed the Senate March 13, 1941.

Passed the House March 12, 1941.

Approved by the Governor March 21, 1941.

CHAPTER 128.

[S. B. 324.]

PUBLIC ASSISTANCE.

AN ACT relating to the care, service and assistance of needy persons; defining the duties of certain officers in regard thereto, providing that public assistance records shall be confidential, providing a fair hearing for certain persons, amending sections 3, 4, and 10, chapter 216, Laws of 1939 (sections 10,007-103a, 10,007-104a and 10,007-110a, Remington's Revised Statutes) and declaring an emergency.

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

SECTION 1. Section 3, chapter 216, Laws of 1939 (10,007-103a, Remington's Revised Statutes) is amended to read as follows: Amendments.

Section 3. The personnel required to carry out the provisions of this act shall be employed under a merit system plan of personnel administration which shall be established on such basis as to conform with the standards of the federal government with regard to personnel administration. The committee shall establish such rules and regulations as may be necessary to carry out the provisions of the merit system plan: *Provided*, That if the Department of Social Security is authorized or directed by law or the order of the Governor to join with one or more departments, boards, commissions or offices of state government in establishing a joint or general merit system, rules and regulations shall be Merit system for personnel

Basis.

Proviso.

May have uniform system in all departments.

Administration to be independent.

Social Security to conform to Federal system.

adopted by the board, commission, or agency administering such joint or general merit system which board, commission, or agency shall be independent of the departments, boards, commissions, or offices joining in such joint or general merit system: *Provided further*, That as to the Department of Social Security such rules and regulations shall conform to the requirements of the federal government with regard to personnel administration.

Amendments.

SEC. 2. Section 4, chapter 216, Laws of 1939 (10,007-104a, Remington's Revised Statutes) is amended to read as follows:

Counties to establish welfare department.

Administrator. Duties.

To furnish bond.

Section 4. The County Commissioners of each county in the state, in order to carry out their responsibility under this act shall establish a county welfare department which shall have full charge of administration of public assistance within the county. The welfare department shall be in charge of a County Administrator who shall be appointed by the County Commissioners in accordance with the rules and regulations of the merit system. Upon the appointment of the County Administrator, that officer shall have the power to, and shall, employ such assistants as may be necessary to carry out the provisions of this act, which employment shall be on the merit basis in accordance with the merit system rules and regulations. The County Administrator before qualifying shall furnish a surety bond in such amount as may be fixed by the committee, but not less than \$5,000, conditioned that the administrator will faithfully account for all money and property that may come into his possession or control.

Amendments.

SEC. 3. Section 10, chapter 216, Laws of 1939, (10,007-110a, Remington's Revised Statutes) is amended to read as follows:

Levy tax.

Section 10. Each county in the state shall levy annually a tax upon the assessed valuation of its

taxable property at a rate of not less than three mills for public assistance purposes. A sum equal to the amount so assessed, together with revenues accruing to the county from the administration of the public assistance program shall be deposited in the county current expense fund in an assistance account and shall be disbursed by warrant of the County Auditor upon a prescribed form authenticated by the County Administrator and approved by the Board of County Commissioners. Disbursements of moneys in such account shall be made primarily for general assistance purposes and shall conform to the uniform standards established as specified in this act. General assistance within the meaning of this section shall include hospital and institutional care, medical care and public health activities.

Assistance
account.

Method of
disburse-
ment.

In the event that any county in the state does not for general assistance purposes require the sum assessed as provided in this section, taken in conjunction with revenues accruing to the county from the administration of public assistance programs, it shall so report to the Department of Social Security, stating the amount of the over-plus or estimated over-plus, and the Director shall immediately bill the county for the return to the state of moneys theretofore allocated to the county and expended for Federal-aid assistance, in an amount equal to such over-plus or estimated over-plus. The Director shall certify the bill to the County Auditor who shall immediately issue a warrant against the county current expense fund and forward the same to the Director who shall transmit the warrant to the State Treasurer for deposit in the general fund.

Surplus to be
returned to
state.

SEC. 4. An applicant for or recipient of Federal aid assistance aggrieved because of a county department's decision or delay in making a decision shall be entitled to appeal to the Department of Social Security in the manner prescribed by the depart-

Appeal from
county
department.

County bound by department ruling.

ment and shall be afforded reasonable notice and opportunity for a fair hearing by the department. All decisions of the department made on appeal shall be final as to questions of fact and shall be binding upon and shall be complied with by the county department.

The department may, on its own motion, review individual cases and make determinations which shall be binding upon the county department. An applicant or recipient affected by such review shall upon request be afforded reasonable notice and opportunity for a fair hearing by the department.

Applicant may appeal to courts.

Any person aggrieved by the decision of the department may appeal to the Superior Courts by proceedings in certiorari.

Rule-making power of department.

SEC. 5. The rule-making power of the Department of Social Security shall include the power to establish and enforce reasonable rules and regulations governing the custody, use and preservation of the records, papers, files and communications of the State Department of Social Security and the County Welfare Departments. The use of such records, papers, files and communications by any other agency or department of government to which they may be furnished shall be limited to the purposes for which they are furnished. It shall be unlawful except for purposes directly connected with the administration of general assistance, old-age assistance, aid to the blind and aid to dependent children and in accordance with the rules and regulations of the State Department of Social Security for any person or persons to solicit, disclose, receive, make use of, or to authorize, knowingly permit, participate in, or acquiesce in the use of, any list, or names of, or any information concerning, persons applying for or receiving such assistance, directly or indirectly derived from the records, papers, files or communications of the state or county or subdivisions or

Unlawful to divulge information from records.

agencies thereof or acquired in the course of the performance of official duties.

SEC. 6. 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, 1941. Effective date.

Passed the Senate March 8, 1941.

Passed the House March 12, 1941.

Approved by the Governor March 21, 1941.

CHAPTER 129.

[S. B. 325.]

SERVICE TO CRIPPLED CHILDREN.

AN ACT relating to and providing for services to crippled children; describing the powers and duties of certain state officers in connection therewith; repealing section 7, chapter 114, Laws of 1937 (section 9992-107, Remington's Revised Statutes) and providing that this act shall take effect April 1, 1941.

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

SECTION 1. It shall be the duty of the Director of Health and he shall have the power to establish and administer a program of services for children who are crippled or who are suffering from physical 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; to supervise the administration of those services, included in the program, which are not administered directly by it; to extend and improve any such services, including those in existence on the effective date of this act; to cooperate with med-

Duty of Director of Health.

Service to crippled children.

Duties.

ical, 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 to 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.

To make rules.

SEC. 2. The Director of the State Board of Health shall be empowered to promulgate such rules and regulations as shall be necessary to effectuate and carry out the purposes of this act.

Statute repealed.

SEC. 3. Section 7, chapter 114, Laws of 1937 (section 9992-107, Remington's Revised Statutes) is hereby repealed.

Effective date.

SEC. 4. 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, 1941.

Passed the Senate March 8, 1941.

Passed the House March 12, 1941.

Approved by the Governor March 21, 1941.

CHAPTER 130.

[S. B. 335.]

APICULTURE.

AN ACT relating to apiculture; forbidding the importation of disease infected bees, or used apiculture supplies into this state, and declaring an emergency.

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

SECTION 1. A combless package of bees shall be construed to mean any bees packed for shipment into this state in packages which contain no honey, honey comb, brood comb, or appliances previously used on bees. Construction.

SEC. 2. It shall be unlawful to ship or deliver into this state any bees other than in combless packages, and all combless packages shall be accompanied by a certificate issued by an inspector in the state in which shipment originated showing that said combless packages were free from contagious bee diseases. Bees to be shipped in combless packages.
Certificate.

SEC. 3. It shall be unlawful to ship or deliver into this state any bees in hives, used bee supplies, used honey house equipment or other used apiary equipment: *Provided*, That nothing in this act shall be construed to prohibit shipment into this state of unused or new honey houses, apiary equipment or bee supplies. Unlawful to ship used equipment into state.

SEC. 4. Nothing in this act shall be construed to prohibit the shipment of honey into this state which is intended for human consumption and which complies with the provisions of chapter 199, Laws of 1939. Proviso.

SEC. 5. The Director of Agriculture may issue permits for the transportation into this state to *bona fide* residents of this state of bees in hives or on combs from persons who own apiaries which have Director may issue permit.

been established on permanent locations in an adjoining state not more than ten (10) miles from the border of this state for a period of not less than one year.

Penalty.

SEC. 6. Any person who violates any of the provisions of this act shall be guilty of a misdemeanor.

Effective immediately.

SEC. 7. 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 immediately.

Passed the Senate March 3, 1941.

Passed the House March 12, 1941.

Approved by the Governor March 21, 1941.

CHAPTER 131.

[S. B. 398.]

OFFICERS OF DRAINAGE DISTRICTS.

AN ACT relating to drainage districts; the election and terms of office of Commissioners thereof, and amending section 1, chapter 52, Laws of 1921 (section 4303, Remington's Revised Statutes; section 1947-6, Pierce's Code) and declaring an emergency.

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

Amendments.

SECTION 1. Section 1, chapter 52, Laws of 1921, (section 4303, Remington's Revised Statutes; section 1947-6, Pierce's Code) is amended to read as follows:

Election of Drainage Commissioners.

Section 1. A general election for the election of a Board of Drainage Commissioners of such district shall be held upon the first Tuesday after the first Monday in March, 1922, and annually thereafter. The term of office of Commissioners shall be for three years and until their successors are elected and qualified, but of the Commissioners elected at

Date.

Term of office.

the first election held under the provisions of this act the Commissioner receiving the highest number of votes shall hold office for three years. The Commissioner receiving the second highest number of votes shall hold office for two years, and the Commissioner receiving the third highest number of votes shall hold office for one year. The term of office shall begin on the first Monday of the following April. The Commissioners of such district shall by resolution passed at least thirty (30) days immediately preceding the date of election, determine the time of opening and closing the polls on such election date, which shall not be less than four hours, and shall fix in such resolution the compensation of judges, clerks and inspectors at such election, and if such resolution be not passed the election shall be held the same as the last preceding election, and otherwise such election shall be held in accordance with the general election laws of the State of Washington for the election of county and state officers, and the expenses thereof shall be defrayed by said district: *Provided*, That at least thirty days' notice immediately preceding any such general election shall be given thereof by the Board of Commissioners of such drainage district, by posting the same in four public places within said district. Said notice shall contain the names of two electors of said district as judges of said election and the name of one elector of said district as inspector thereof, the same to be chosen by said Board of Commissioners. Said Board of Commissioners shall be a canvassing board to canvass the vote of each election, and they shall meet the day following such election and canvass said votes and declare the result thereof and issue certificates of election.

First election. Rotation in office.

Resolution for election.

Contents.

In conformance with general election laws.

Notice of election.

Election board.

Commissioners to canvass vote.

Time of canvass.

SEC. 2. This act is necessary for the immediate support of the state government and of the existing

Effective immediately.

institutions of the state and shall take effect immediately.

Passed the Senate March 7, 1941.

Passed the House March 12, 1941.

Approved by the Governor March 21, 1941.

CHAPTER 132.

[S. B. 399.]

OFFICERS OF DIKING DISTRICTS.

AN ACT relating to diking districts; the election and terms of office of Commissioners thereof and amending section 4, chapter 146, Laws of 1921 (section 4242, Remington's Revised Statutes; section 1946-6, Pierce's Code) and declaring an emergency.

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

Amend-
ments.

SECTION 1. Section 4, chapter 146, Laws of 1921 (section 4242, Remington's Revised Statutes; section 1946-6, Pierce's Code) is amended to read as follows:

Election of
Dike Com-
missioners.

Section 4. A general election for the election of a Board of Dike Commissioners for such district shall be held upon the first Tuesday after the first Monday in March, 1916, and annually thereafter. The term of office of Commissioners shall be for three years and until their successors are elected and qualified, but of the Commissioners elected at the first election held under the provisions of this act the Commissioner receiving the highest number of votes shall hold office for three years. The Commissioner receiving the second highest number of votes shall hold office for two years, and the Commissioner receiving the third highest number of votes shall hold office for one year. The term of office shall begin on the first Monday of the following April. The Commissioners of such district shall by

Time.

Term of
office.

First
election.

Rotation in
office.

resolution passed at least thirty days immediately preceding the date of election, determine the time of opening and closing the polls on such election date, which shall not be less than four hours, and shall fix in such resolution the compensation of judges, clerks and inspectors at such election, and if such resolution be not passed the election shall be held the same as the last preceding election in said district, and otherwise such election shall be held in accordance with the general election laws of the State of Washington for the election of county and state officers, and the expenses thereof shall be defrayed by said district: *Provided*, That at least thirty days' notice immediately preceding any such general election shall be given thereof by the Board of Commissioners of such diking district, by posting the same in four public places within said district. Said notice shall contain the names of two electors of the county owning land in the district as judges of said election and the name of one elector of the county owning land in the district as inspector thereof, the same to be chosen by said Board of Commissioners. Said Board of Commissioners shall be a canvassing board to canvass the votes of each election, and they shall meet the day following such election and canvass said votes and declare the result thereof and issue certificates of election.

Resolution
for election.Compensation
for election
board.In conform-
ance with
general elec-
tion laws.

Notice.

Appointment
of election
board.Commis-
sioners to
canvass vote.Time of
canvass.Effective
immediately.

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

Passed the Senate March 7, 1941.

Passed the House March 12, 1941.

Approved by the Governor March 21, 1941.

CHAPTER 133.

[S. B. 400.]

POWERS OF DRAINAGE DISTRICTS.

AN ACT relating to the powers of drainage districts; and amending section 1, chapter 170, Laws of 1935 (section 4342-1, Remington's Revised Statutes), providing for additional powers of drainage districts, providing that this act shall take effect immediately.

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

Amend-
ments.

SECTION 1. Section 1, chapter 170, Laws of 1935 (section 4342-1, Remington's Revised Statutes) is amended to read as follows:

Powers of
Commis-
sioners.

Section 1. Whenever in the judgment of the Commissioners of any drainage district general benefits to the entire district will accrue therefrom, or the general plan for improvement as adopted by such district will be more fully or properly carried out thereby, the Board of Commissioners of such district is hereby given and granted authority and power to do the following things:

Construct
and maintain
ditches and
equipment.

(a) Straigten, widen, deepen, improve, or alter the course of or discontinue the use and maintenance of, or abandon any existing drains or ditches in said district, and when abandoned or discontinued, the right-of-way may be held or disposed of by said district in the discretion of the commissioners;

(b) Dig or construct any additional and auxiliary drains or ditches therein;

(c) Obtain, improve, or alter any existing reservoirs, spillways or outlets;

(d) Lease, acquire, build, or construct additional, new, or better reservoirs, spillways, and outlets;

(e) Lease, acquire, erect, build, or construct and operate any pumping plant and acquire equipment necessary therefor;

(f) Divert, dam, or carry off the waters of any stream or water endangering or damaging said district and protect against damage or flood from any waters whatsoever.

Provided, That in carrying out such powers, said Commissioners shall not be authorized under this act to tap new sources of water which have other outlets and do not endanger the system or property of such district. Restrictions.

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

Passed the Senate March 7, 1941.

Passed the House March 12, 1941.

Approved by the Governor March 21, 1941.

CHAPTER 134.

[S. B. 400.]

HIGHWAY ADVISORY COMMISSION.

AN ACT relating to state government; creating the Highway Advisory Commission and defining the powers and duties thereof.

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

SECTION 1. The performance of the functions of the Department of Highways requires not only continuous supervision of the details of administration, but also the determination, from time to time, of broad general policies. For the purpose of providing the Governor a means of obtaining the views and advice of representative citizens from various parts of the state on such broad general policies, there is hereby created a Highway Advisory Commission, hereinafter called the Commission, consisting of five members to be appointed by the Governor. Duties of Department of Highways.
Advisory Commission created.
Appointment by Governor.

Terms of
office.
Rotation.

SEC. 2. One member of said Commission shall be appointed for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years, and one for a term of five years from the first day of June, 1941, and at the expiration of the respective terms as herein designated all appointments shall be for terms of five years. No two members of said Commission shall, at the time of appointment or thereafter during their respective terms of office, be residents of the same Congressional District. 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 by the Governor for cause. They shall serve without compensation, but shall be reimbursed for expenses necessarily incurred in the performance of their duties, such reimbursement to be by warrants issued by the State Auditor chargeable to appropriations from the motor vehicle fund for salaries, wages and operations of the office of the Department of Highways and/or district offices of the Department of Highways, upon vouchers approved by the chairman of the Commission.

Residence of
Commissioners.

Vacancies.

Removable
for cause.

Expenses
paid.

Meetings.

Organization.

Adoption of
rules.

SEC. 3. Upon appointment, the members of the Commission shall meet at the state capitol and elect one of their number as chairman of the Commission for the ensuing year. The Commission shall adopt rules covering the time and place of its meetings, the manner of giving notice thereof, and the conduct of its meetings. The Director of Highways shall provide the Commission with a meeting place and such clerical assistance, supplies and facilities as the Commission may require in the performance of its powers and duties, and shall make available to the Commission all of the files, records, maps, reports and other data of the Department of Highways.

SEC. 4. The Commission shall have the power and it shall be its duty: Duties of Commission.

(a) To designate the particular projects, where the same are not specifically designated by law, on which it believes appropriations or reappropriations for location, right-of-way, engineering, improvement, construction and reconstruction of primary and secondary state highways, including the construction of bridges to form a part of primary or secondary state highways, and for all other proper primary and secondary state highway purposes, should be spent, and the amount which it believes should be expended from said appropriations or reappropriations on each of said projects recommended, which designations shall be advisory only. To designate projects.

(b) To approve or disapprove the determinations of the Director of Highways regarding the particular route to be followed by any new primary or secondary state highway hereinafter designated by law, or by any presently existing primary or secondary state highway for which a new or modified general route has been designated by law, which approval or disapproval shall be advisory only. Pass on routes for new roads.

(c) To approve or disapprove all maps, plans, specifications and directions prepared in connection with the construction, alteration, repair or improvement of any primary or secondary state highway, which approval or disapproval shall be advisory only. Pass upon plans.

(d) On request of the Governor, to submit recommendations regarding any and all matters pertaining to state highways and bridges, the construction, operation and maintenance thereof, and the administration of the Department of Highways. To submit recommendations.

Passed the Senate March 8, 1941.

Passed the House March 12, 1941.

Approved by the Governor March 21, 1941.

CHAPTER 135.

[S. B. 411.]

REMOVAL OF TIMBER FROM STATE LANDS.

AN ACT relating to the removal of timber from state lands in cases where the timber has been sold separately from the land and paid for; granting further time for the removal of such timber, and ratifying extensions of time for such removal heretofore made or attempted to be made by the Commissioner of Public Lands.

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

SECTION 1. In all cases where timber upon state lands has heretofore been sold, pursuant to the provisions of section 6667 of Remington's and Ballinger's Annotated Codes and Statutes of Washington or sections 7859, 7797-31 or 7797-33 of Remington's Revised Statutes of Washington, and the price for said timber has been fully paid to the State of Washington and such timber, or any part thereof, shall not have been removed, such timber may be removed by the purchaser or his successor in interest within a time not exceeding five (5) years from the effective date of this act upon the granting of an extension therefor by the Commissioner of Public Lands. Such extension shall only be granted where, in the judgment of the Commissioner of Public Lands, the purchaser is acting in good faith and endeavoring to remove such timber: *Provided, however,* Any and all such extensions shall provide and it shall be a condition for the right to remove any such timber, that there be paid annually into the state treasury the sum fixed by the Commissioner, not less than one dollar (\$1) nor more than two dollars (\$2) per acre, for each year of any and all extensions subsequent to the date of removal as fixed by the original contract of sale.

Extensions
may be
granted for
removal.

Fee for
extension.

Sec. 2. All extensions heretofore attempted to be made by the Commissioner of Public Lands for

the removal of timber from state lands, whether or not such extensions have or have not exceeded the time authorized by law, are hereby ratified: *Provided*, That nothing herein shall be held to ratify any extension in any case where the Commissioner of Public Lands has not made a finding of good faith on the part of the purchaser or in which extension provision has not been made for the annual payment per acre as provided in section 1 of this act.

Prior extensions ratified.

Proviso.

SEC. 3. The passage of this act shall not prevent the granting of any extension for the removal of timber from state lands in accordance with the provisions of section 7797-33 of Remington's Revised Statutes of Washington.

Extension under previous act in effect.

Passed the Senate March 8, 1941.

Passed the House March 12, 1941.

Approved by the Governor March 21, 1941.

CHAPTER 136.

[H. B. 63.]

PRIMARY STATE HIGHWAY NO. 11: COLUMBIA BASIN HIGHWAY.

AN ACT relating to Primary State Highway No. 11, or the Columbia Basin Highway, and amending section 11, chapter 190 of the Session Laws of 1937.

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

SECTION 1. That section 11, chapter 190 of the Session Laws of 1937 (Remington's Revised Statutes 6401-11), be amended to read as follows:

Amendments.

Section 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

Primary Highway No. 11, established.

Route.

by way of Connell, Lind, Ritzville, Sprague, and Cheney, to a junction with Primary State Road No. 2 in the vicinity west of Spokane.

Passed the House February 3, 1941.

Passed the Senate March 9, 1941.

Approved by the Governor March 21, 1941.

CHAPTER 137.

[H. B. 328.]

EXCHANGE AREA OR TERRITORIAL BOUNDARIES OF TELEPHONE COMPANIES.

AN ACT relating to telephone companies and granting the Department of Public Service power to prescribe exchange area boundaries and/or territorial boundaries for such companies; and providing a procedure for making effective the provisions of this act.

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

Department
may pre-
scribe
exchange
territory.

SECTION 1. The Department of Public Service is hereby granted the power to prescribe exchange area boundaries and/or territorial boundaries for telephone companies.

Authority
under exist-
ing laws.

SEC. 2. The Department in conducting hearings, promulgating rules, and otherwise proceeding to make effective the provisions of this act, shall be governed by, and shall have the powers provided in, chapter 117 of the Laws of 1911, as amended; all provisions as to review of the department's orders and appeals to the Supreme Court contained in said chapter 117 of the Laws of 1911, as amended, shall be available to all companies and parties affected by the Department's orders issued under authority of this act.

Passed the House February 27, 1941.

Passed the Senate March 10, 1941.

Approved by the Governor March 21, 1941.

CHAPTER 138.

[H. B. 275.]

PERMITTING CATTLE GUARDS ON COUNTY ROADS.

AN Act relating to county roads; prescribing powers of County Commissioners, permitting construction of cattle guards, and amending section 39, chapter 187, Laws of 1937.

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

SECTION 1. Section 39, chapter 187, Laws of 1937 (section 6450-39 of Remington's Revised Statutes), is hereby amended to read as follows: Amend-
ments.

Section 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, and may grant to any person, firm or corporation the right to build and maintain cattle guards across the entire right of way on any county road, under such regulations and conditions as said board 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. Cattle guards
may be per-
mitted on
county roads.

Passed the House February 17, 1941.

Passed the Senate March 9, 1941.

Approved by the Governor March 21, 1941.

CHAPTER 139.

[H. B. 332.]

FIRE PROTECTION OF STATE PROPERTY.

AN ACT authorizing the Director of Finance, Budget and Business to make payments to fire protection districts for fire protection of state owned property.

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

State to contribute to fire protection district.

SECTION 1. Wherever a fire protection district has been organized which includes within its area, or is adjacent to, state owned property, the Director of Finance, Budget and Business is authorized to arrange for and to make contributions to such district, by payment to the County Treasurer, of the county in which the district is located, such sum or sums as in his discretion may be equitable for the fire protection received by the State but in no event to exceed the amount such district would receive in revenue should such state property be on the tax rolls of such district.

Passed the House March 3, 1941.

Passed the Senate March 10, 1941.

Approved by the Governor March 21, 1941.

CHAPTER 140.

[H. B. 384.]

WASTE FOREST MATERIAL.

AN ACT relating to waste forest material, disposal and burning thereof, and the issuance of permits and certificates in connection therewith, and amending section 2 of chapter 223 of the Laws of 1927, as amended by section 2 of chapter 207 of the Laws of 1929 (section 5792-1 of Remington's Revised Statutes).

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

SECTION 1. That section 2 of chapter 223 of the Laws of 1927, as amended by section 2 of chapter 207 of the Laws of 1929 (section 5792-1 of Remington's Revised Statutes), be amended to read as follows:

Amendments.

Section 2. Whenever any fire hazard shall exist, or shall have been created by any logging or clearing operations, and whether the State Supervisor of Forestry shall have declared the same to be a fire hazard or not, and an effort shall have been made to remove or abate such fire hazard, an application may be made to the Supervisor of Forestry for a certificate of clearance.

May present application for clearance.

As soon as practicable after the receipt of such written request said State Supervisor shall cause the burned over area to be carefully inspected, and if it is found that the said waste and debris has been properly disposed of or the fire hazard abated, the said Supervisor shall issue a certificate of clearance in duplicate, one copy to be delivered to the applicant, and one copy to be retained in the records of his office. Each such certificate of clearance shall describe the slashing, chopping or other area on which the waste or other debris or fire hazard has been satisfactorily disposed of with reasonable accuracy, by subdivision, section, township and range, shall give the approximate acreage of the area to

Supervisor to inspect and issue certificate.

Certificate contents.

Certificate contents.

which the certificate applies, shall name the person, firm or corporation which created such slashing, chopping, waste material or fire hazard, if known, and name the person, firm or corporation by whom such burning was done, shall give the date on which such area was inspected and the name of the person making the inspection, and shall certify that in the opinion of the said inspector such waste forest material or debris has been properly disposed of and the fire hazard abated. Such certificate of clearance may be issued for any fraction or part of the area inspected when the inspector finds that only such fraction or part meets the requirements of satisfactory and legal disposition of such waste material or debris and of the abatement of such fire hazard.

May cover partial area.

May issue certificate where burning may destroy.

Whenever the State Supervisor of Forestry shall determine that the burning of any area will result in the destruction of seed trees and second growth and will be detrimental to the growth of a new forest crop, and that burning such area will create a greater fire hazard than already exists, he may issue a certificate of clearance for such areas: *Provided*, That the owner of any said areas shall supply adequate fire protection.

Proviso.

Presumption of certificate.

All such certificates of clearance shall be conclusive evidence of the satisfactory and legal disposition and abatement of the waste material and debris and the fire hazard created thereby to the extent in such certificate set forth; but any such certificate may be cancelled or set aside by the State Supervisor of Forestry for fraud or collusion in the procuring for issuance thereof.

Passed the House February 28, 1941.

Passed the Senate March 10, 1941.

Approved by the Governor March 21, 1941.

CHAPTER 141.

[H. B. 426.]

IRRIGATION DISTRICTS UNDER CONTRACT WITH
THE UNITED STATES.

AN ACT relating to irrigation districts under contract with the United States involving payments thereto for the development and operation of their respective projects; providing a day on or before which district assessments shall be paid, to be effective upon option of said districts; authorizing a discount for prompt payment of assessments; and prescribing the duties and powers of district and county officers with respect to the equalization, levy and collection of district assessments made under the provisions of the act; and providing that this act shall take effect immediately.

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

SECTION 1. At the option of the Board of Directors assessments of irrigation districts in this state under contract with the United States involving payments thereto for the development and operation of their respective projects shall be payable on or before December 31st of the year in which the assessment is levied and upon the resolution of the Board of Directors of the district to that effect, adopted and entered at a regular meeting thereof not later than the second Tuesday of September of the year in which the levy is made. Such resolution shall thereafter remain in full force and effect until revoked by the Board.

Date assessments to be paid.

Resolution date.

SEC. 2. In the event of the adoption and entering of such resolution by the Board of Directors, a person paying all or one half of the current district assessment against any tract of land on or before December 31st of the year in which said assessment is levied shall be entitled to a discount of ten per cent (10%) of said assessment if paid in full and ten per cent (10%) of one half of said assessment if one half

Discount if paid during year.

Discount.

only is paid. In the event one half of said assessment is paid on or before December 31st as aforesaid, the payer of the second half of said assessment shall be entitled to a discount of ten per cent (10%) of the amount of said second half of said assessment if the same is paid on or before May 31st, next following the December payment. No discount shall be made for payment of district assessments except as herein specifically provided.

Board to act as board of equalization.

SEC. 3. Said Board of Directors shall adopt and enter a resolution fixing the day, hour, and place when and where the Board will convene as a Board of Equalization to equalize the assessment roll and a copy of the resolution adopting December 31st as the day on or before which assessments shall be paid, together with a notice signed by the Secretary stating the day, hour, and place of the meeting of the Board of Equalization, shall be published for two consecutive weekly issues prior to the day of the convening of the Board of Equalization in some newspaper of general circulation in the district to be previously designated by the District Board.

Publication of resolution and notice.

Roll to be delivered to Treasurer.

SEC. 4. The officers of said district shall cause said assessments to be made, levied and equalized and the assessment roll and any parts thereof to be delivered to the proper County Treasurers on or before December 10th of said year and upon receipt of a certified copy of said resolution adopting December 31st as the day on or before which assessments shall be paid, the county officers charged with the collection of irrigation district assessments shall be authorized and it shall be their duty respectively to collect the same in accordance with the provisions of this act and of said resolution and to account for collections in the manner provided by the irrigation district law.

Date.

Duty to collect.

SEC. 5. Irrigation district assessments levied and becoming payable under the provisions of this act

shall be payable on and after December 10th next following the levy and except as in this act otherwise provided shall become delinquent, shall be collected by the same officials and lands charged with said assessments shall be sold when delinquent; all at the same times in the same manner with the same kind and length of notice and with the same force, effect, obligations, and privileges as provided by the irrigation district law generally for the collection of assessments, and for the sale and redemption of lands charged with delinquent district assessments.

Date payable.

Delinquency.

SEC. 6. Nothing in this act contained shall be held or construed to modify, abridge or extend any other law or provision thereof relating to irrigation district assessments or the collection thereof except as herein provided.

Does not
modify exist-
ing law.

SEC. 7. If any section, provision or part of this act shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of the act as a whole or of any section, provision, or part thereof not adjudged invalid or unconstitutional.

Partial
invalidity.

SEC. 8. This act is necessary for the immediate preservation of the public health and the support of the state government and its existing public institutions and shall take effect immediately.

Effective
immediately.

Passed the House February 28, 1941.

Passed the Senate March 11, 1941.

Approved by the Governor March 21, 1941.

CHAPTER 142.

[H. B. 427.]

FLOOD CONTROL, NAVIGATION, POWER DEVELOPMENT
AND RECLAMATION.

AN ACT relating to flood control, navigation, power development, and reclamation within the scope of certain Federal statutes; and amending section 1 of chapter 46, Session Laws of 1937, (section 4015-6 of Remington's Revised Statutes of Washington).

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

Amend-
ments.

SECTION 1. That section 1 of chapter 46, Session Laws of 1937, (section 4015-6 of Remington's Revised Statutes of Washington), be amended to read as follows:

General
welfare.

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, power development, or for use in connection with Federal projects within the scope of the Federal Reclamation Act of June 17, 1902, and of the Act of Congress of August 30, 1935, entitled "An act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," and Federal acts amendatory thereof and supplemental thereto, for the reclamation and irrigation of arid lands, 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, or for use in connection with such Federal projects as aforesaid for the reclamation and irrigation of arid lands. This property may be

County may
convey.

For flood
control.

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.

May deed
without
notice.

Passed the House February 28, 1941.

Passed the Senate March 11, 1941.

Approved by the Governor March 21, 1941.

CHAPTER 143.

[H. B. 51.]

FIRE PROTECTION BY IRRIGATION DISTRICTS.

AN ACT relating to irrigation districts; providing for acquisition, operation and maintenance of water mains and fire hydrants, and amending section 2 of chapter 138 of the Laws of 1923, as amended by section 1 of chapter 31 of the Laws of 1933 (section 7417-2 of Remington's Revised Statutes).

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

SECTION 1. Section 2 of chapter 138 of the Laws of 1923 (section 7417-2 of Remington's Revised Statutes) be amended to read as follows:

Amend-
ments.

Section 7417-2. Any irrigation district, operating and maintaining an irrigation system, in addition to other powers conferred by law, shall have authority:

Authority of
district.

1. To purchase, and sell electric power to the inhabitants of the irrigation district for the purposes of irrigation and domestic use, to acquire, construct and lease dams, canals, plants, transmission lines, and other power equipment and the necessary property and rights therefor and to operate, improve, repair and maintain the same, for the generation and transmission of electrical energy, used in the operation of pumping plants and irrigation systems of the district and to sell the surplus of any such electrical energy over and above the requirements of the

To purchase
and sell elec-
tric power.

Maintain
equipment.

May sell
surplus.

irrigation district, to municipalities, public and private corporations and individuals, on such terms and conditions as the Board of Directors shall determine: *Provided*, That no contract, entered into by such Board for the sale of electrical energy to continue for a period longer than ten years shall be binding on the district until ratified by a majority vote of the electors of the district at an election therein, called, held and canvassed for that purpose in the same manner as that provided by law for district bond elections.

Limit of
contract.

To construct
and maintain
water system.

2. To construct, repair, purchase, maintain or lease a system for the sale or lease of water to the owners of irrigated lands within the district for domestic purposes.

Drainage.

3. To construct, repair, operate and maintain a system of drains, as herein provided.

To assume
indebtedness.

4. To assume, as principal or guarantor, any indebtedness to the United States under the Federal reclamation laws, on account of district lands.

To install fire
prevention
system.

5. To acquire, install, and maintain as a part of the irrigation district's water system the necessary water mains and fire hydrants to make water available for fire fighting purposes; and in addition any such irrigation district shall have authority to repair, operate and maintain such hydrants and mains.

Construction
of act.

This section shall not be construed as in any manner abridging any other powers of an irrigation district conferred by law.

Passed the House March 12, 1941.

Passed the Senate March 11, 1941.

Approved by the Governor March 21, 1941.

CHAPTER 144.

[H. B. 67.]

DELINQUENT TAX CONTRACTS.

AN Act relating to taxation; authorizing installment contracts for the payment of delinquent real property taxes; prescribing powers and duties of County Treasurers in connection therewith and declaring an emergency; and amending section 1, chapter 104, Laws of 1939 (section 11273-14A, Remington's Revised Statutes).

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

SECTION 1. Section 1, chapter 104, Laws of 1939, (section 11273-14A, Remington's Revised Statutes) is amended to read as follows:

Section 1. At any time on or before the 30th day of November, 1941, 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 having a mortgage or other lien against such property, upon which one or more payments or installments of property taxes for 1935 or prior years are delinquent, a signed agreement, first, to pay before delinquency the current taxes upon such property payable in the year 1941 and each year thereafter, and, secondly, to pay in twenty semi-annual installments (a) the total delinquent taxes upon such property for 1935 and prior years plus (b) the total delinquent taxes upon such property for the years 1936, 1937, 1938 and 1940, if any, together with accrued interest thereon. Upon closing such a contract all other penalties and interest upon said delinquent taxes shall be suspended, providing said contract is fully carried out. 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

Amendments.

Treasurer to accept agreement to pay delinquent taxes.

Installments.

Provisions.

Penalties waived by closing contract.

Principal.

Interest.

Application
of payments.Interest
credited to
current
expense.Balance may
be paid at
any time.Delinquency
voids agree-
ment.Effective
immediately.

with the date of the agreement and continuing on the 30th day of each November and 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 the agreement. Payments made in accordance with the terms 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 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 an installment of taxes payable in the year 1941 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 proceedings as provided by law.

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

Passed the House March 11, 1941.

Passed the Senate March 10, 1941.

Approved by the Governor March 21, 1941.

CHAPTER 145.

[H. B. 132.]

INVESTMENTS OF THIRD CLASS CITIES.

AN ACT relating to cities of the third class; providing for investment of reserve funds and local improvement guaranty funds in their own bonds.

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

SECTION 1. Authority is hereby granted to the City Treasurer of any city of the third class when moneys have accumulated in its various reserve funds, to invest any portion of said funds in such city's own general obligation bonds, or in such city's own utility revenue bonds, by and with the consent of the Finance Committee of such city. The interest received from any such investments shall be accredited to any such reserve or utility fund so invested.

Authority granted to invest reserve funds in own general bonds.

SEC. 2. Authority is hereby granted to the City Treasurer of any city of the third class where a local improvement guaranty fund is maintained, to invest any portion of said local improvement guaranty fund in such city's own guaranteed local improvement bonds, by and with the consent of the Finance Committee of such city: *Provided*, That such bonds so purchased shall be the highest numbers of such bonds where the maturity date is alike in all bonds, and in an amount not to exceed ten per cent (10%) of the total issue of such bonds in any local improvement district: *Provided further*, That no such investment shall be made in an amount which will affect the ability of the local improvement guaranty fund to meet its obligations as they accrue. The interest received from such investments shall accrue to the credit of any such local improvement guaranty fund.

Authority granted to invest L. I. D. guaranty fund in L. I. D. bonds.

Restrictions.

Passed the House February 14, 1941.

Passed the Senate March 11, 1941.

Approved by the Governor March 21, 1941.

CHAPTER 146.

[H. B. 102.]

JUNIOR COLLEGES.

AN ACT relating to education; providing for the furthering of vocational and general education beyond the high school level; providing for the establishment and maintenance of Public Junior Colleges; providing for rules and regulations therefor; prescribing procedure therefor; making an appropriation; and declaring an emergency.

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

Public Junior
Colleges.

SECTION 1. Public Junior Colleges, as hereinafter defined, shall be established as part of the educational system of this state in accordance with the provisions of this act.

Defined.

SEC. 2. For the purposes of this act, Public Junior Colleges shall be defined as institutions offering courses of study above high school grade, organized into academic and vocational curricula of not more than two years in length.

State to es-
tablish rules.

SEC. 3. The State Board of Education and the State Board for Vocational Education shall establish standards and rules and regulations consistent with the provisions of this act, for the location, organization, curriculum (including both vocational and general education), and operation of Public Junior Colleges.

System of
organization.

SEC. 4. The procedure for the establishment of a Public Junior College shall be according to one of the following plans:

Petition state
to recognize
existing
college.

(a) Where a Junior College exists, the Board of Trustees of the Junior College may petition the State Board of Education to recognize and establish it as a Public Junior College, in accordance with the provisions of section 7 of this act.

(b) Where a Junior College exists, the Board of Trustees of the Junior College, acting jointly with

the Board or Boards of Directors of one or more high school districts served by the Junior College, may petition the State Board of Education to recognize and establish it as a Public Junior College. If the said petition is granted the Board or Boards of Directors of such high school district or districts shall thereafter constitute the Board of Trustees of the Public Junior College.

College and
joint H. S.
District may
petition state.

(c) In a community where a Junior College does not exist, one hundred qualified voters or the local School Board or Boards may petition the State Board of Education for the establishment and operation of a Public Junior College in their community, to be organized according to sub-section (a) or (b) of this section.

Establish-
ment by peti-
tion of voters.

SEC. 5. The State Board of Education, upon receipt of any application submitted under the provisions of section 4, shall pass upon its legality, and shall investigate the resources of the area to be served, taking into consideration the potential student body, whether or not the standards established under the provisions of section 3 can be fulfilled, and such other criteria or requirements as may seem proper to the Board, with due regard to the welfare of the state as a whole, as well as that of the area served. If in the opinion of the State Board of Education the resources of the area designated in the application warrant the establishment of a Public Junior College, the Board shall so certify to the Governor, who shall thereupon authorize necessary action to establish and put into operation a Public Junior College at the location specified in the application.

Duty of
State Board.

Investigate
and pass
upon appli-
cation.

Board may
certify to
Governor.

SEC. 6. The general government of each Public Junior College, except as otherwise provided in section 4 (b), shall be vested in a Board of five members, to be styled the Board of Trustees. These Trustees shall be appointed by the Governor, with

Government
of school in
Board.

Board
appointed by
Governor.

Consent of Senate.

the consent of the Senate, one for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years, one for a term of five years, and one annually thereafter for a term of five years. In case of vacancy, the appointment to fill the vacancy shall be for the unexpired term only. The members of the Board of Trustees shall reside in the area served by the Public Junior College concerned and shall receive no compensation for their duties, but may be reimbursed for actual expenses incurred therein.

Terms.

Rotation.

Vacancy.

Board to be paid expenses only.

Quorum of Board.

SEC. 7. A majority of each Board of Trustees shall constitute a quorum for the transaction of business. They shall elect one of their number as Chairman and shall designate the President of the Junior College to act as Secretary. They shall meet twice a year or as often as they are called together by the Chairman or by a majority of their number. Each Board of Trustees shall have power and it shall be their duty to:

Regular meetings.

Duties of Board.

Election of faculty.

(a) Elect for a period to be fixed by said Board a President, members of the faculty, and such other administrative officers and other employees as may be needed.

Discharge for cause.

(b) Discharge, for good and lawful reasons, any officer, faculty member, or employee.

Prescribe study courses.

(c) Prescribe courses of study in accordance with the regulations as established by the State Board of Education and the State Board for Vocational Education.

Purchase and maintain equipment.

(d) Purchase supplies, libraries, reference books, and other equipment.

Make rules.

(e) Make regulations governing the students enrolled in the institution.

Make report.

(f) Prepare and transmit to the Governor a biennial report on or before the first day of October next preceding each legislative year.

(g) Fix the duties of the President, the faculty, and other employees. Fix duties of faculty.

(h) Plan and supervise all provisions for the housing of the Junior College and its equipment. Provide housing.

(i) Perform all other lawful acts necessary to the administration and operation of the Junior College. Other acts.

SEC. 8. No member of the Board of Trustees or any president, faculty member, or other employee shall have any pecuniary interest in any purchase or expenditure for equipment or supplies for the Junior College. The penalty for such act shall be removal from office, or from employment by the Junior College. Board members not to have interest in contracts.

Penalty.

SEC. 9. The state shall provide for the maintenance of each public Junior College the sum of seventy-five dollars (\$75) per student per year for general education, and one hundred dollars (\$100) per student per year for vocational education, up to a maximum of ten thousand dollars (\$10,000) per year for any one Junior College. Not more than twelve Junior Colleges shall be organized under the provisions of this act. If funds are not available in any given year to pay the full amount the available funds shall be prorated. The manner of apportionment, and regulations therefor, shall be prescribed by the State Board of Education: *Provided, however,* That funds furnished by the state under the provisions of the act shall not be used to pay any of the existing indebtedness of any such Junior College or to pay any indebtedness incurred in refinancing any existing indebtedness. Maintenance allowance.

Maximum.

Limit of schools.

Apportionment by State Board.

SEC. 10. Subject to the approval of the State Board of Education, the Board of Trustees of each Public Junior College may prescribe uniform fees to be paid by the students enrolled in that Junior College, and enter into contracts with students for the payment of such fees. All such fees shall be pay- Trustees to fix student fees.

Fees used for operation.

able to the Treasurer of the Board of Trustees and shall be used as directed by the said Board of Trustees for operating expenses, in addition to the funds appropriated by the state; or for building or housing, or for permanent equipment.

Buildings and permanent equipment to be furnished by residents.

SEC. 11. It shall be the responsibility of the residents of the area served by a Public Junior College to provide and maintain suitable buildings and permanent equipment for that college. Necessary funds may be obtained in whole or in part from fees as provided in section 10, from donations, bequests or endowments, or in any other lawful manner.

Appropriation.

SEC. 12. There is hereby appropriated from the state general fund the sum of two hundred thousand dollars (\$200,000), or so much thereof as may be necessary to carry out the provisions of this act.

Partial invalidity.

SEC. 13. If any portion of this act shall be declared invalid, such declaration shall not affect the validity of any other part of the act.

Not to apply in counties having college.

SEC. 14. This act shall not apply in counties in which there is now a recognized institution of higher learning capable of offering courses of study above high school grades.

Effective date.

SEC. 15. 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 April 1, 1941.

Passed the House March 12, 1941.

Passed the Senate March 11, 1941.

Approved by the Governor March 21, 1941.

CHAPTER 147.

[H. B. 142.]

PUBLIC UTILITIES OF CITIES AND TOWNS.

AN ACT relating to public utilities of cities and towns; amending section 2, chapter 150, Laws of 1909, as amended, with respect to ratification by voters of ordinances relating to such utilities, and validating certain bonds and warrants issued therefor.

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

SECTION 1. That section 2, chapter 150, Laws of 1909, as amended, (section 9489 of Remington's Revised Statutes; section 1215 of Pierce's Code) be amended to read as follows: Amendments.

Section 2. Whenever the City Council or other corporate authorities of any such city or town shall deem it advisable that the city or town of which they are officers shall purchase, acquire or construct any public utility mentioned in section 1 hereof or make any additions and betterments thereto or extensions thereof, the common council or other corporate authorities shall provide therefor by ordinance, which shall specify and adopt the system or plan proposed, and declare the estimated cost thereof, as near as may be, and the same shall be submitted for ratification or rejection to the qualified voters of said city at the general or special election, except in the following cases where no submission shall be necessary: Cities and towns may have utility.

(1) When the work proposed is an addition to, or betterment of, or extension of, or an increased water supply for, existing waterworks, or an addition, betterment or extension of an existing system or plant of any other public utility mentioned in section 1 hereof, for which no general indebtedness is to be incurred by such city or town. Any unpaid bonds or warrants heretofore issued by any city or town in payment for any addition, betterment or extension Ordinance.
Submitted to vote.
Exceptions.
Betterments or extensions of existing systems.

Outstanding
revenue
bonds vali-
dated.

of an existing system or plant of any public utility mentioned in section 1 hereof, which bonds or warrants are not a general obligation of such city or town but are payable solely out of the revenues of such utility and which are of doubtful validity because such addition, betterment or extension was not authorized at an election of voters of such city or town, are hereby validated and ratified;

Where char-
ter provides
for acqui-
sition.

(2) Where in any charter of any city or town in the State of Washington heretofore or hereafter adopted by a vote of the people, an article or provision has been adopted authorizing the City Council or other corporate authorities of such city to provide by ordinance for acquiring, opening or operating any of said public utilities, for which no general indebtedness is to be incurred by such city or town; or

Sewage dis-
posal system
when danger
to health.

(3) When in the judgment of the City Council, or other corporate authority of any such city or town, the public health is being endangered by the discharge of raw or untreated sewage into any river or stream in this state, and the danger to the public health may be abated by the construction and maintenance of a sewage disposal plant or plants, for which no general indebtedness shall be incurred by such city or town responsible for such contamination.

Must be sub-
mitted to
vote if gen-
eral obliga-
tion incurred.

If a general indebtedness is to be incurred, the amount of such indebtedness and the terms thereof shall be included in 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 city or town voting at said election. If no general indebtedness is to be incurred such proposition may be adopted by a majority vote. Ten days' notice of such election shall be given in the newspaper doing the city or town printing, by publication in each issue of said paper during said time. Whenever a proposition has been adopted as aforesaid, or in the cases mentioned in subdivisions first, second and third of this section

Necessary
vote.

Notice of
election.

where no submission shall be necessary, the common council or other corporate authorities of such city or town shall have power to proceed forthwith to purchase, construct and acquire the public utility contemplated or to make additions, betterments and extensions thereto and to make payment therefor as hereinafter provided in section 3 and 4 hereof.

Procedure
when no
election.

Passed the House February 27, 1941.

Passed the Senate March 11, 1941.

Approved by the Governor March 21, 1941.

CHAPTER 148.

[H. B. 152.]

DISQUALIFICATION OF JUDGES OF SUPERIOR COURTS.
AN ACT relating to the disqualification of Judges of the Superior Courts, amending section 2 of chapter 145 of the Laws of 1927 (section 209-2 Remington's Revised Statutes).

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

SECTION 1. That section 2 of chapter 145 of the Laws of 1927, page 129 (section 209-2 of Remington's Revised Statutes), be amended to read as follows:

Amend-
ments.

Section 2. Any party to or any attorney appearing in any action or proceeding in a Superior Court, may establish such prejudice by motion, supported by affidavit that the Judge before whom the action is pending is prejudiced against such party or attorney, so that such party or attorney cannot, or believes that he cannot, have a fair and impartial trial before such Judge: *Provided*, That such motion and affidavit is filed and called to the attention of the Judge before he shall have made any ruling whatsoever in the case, either on the motion of the party making the affidavit, or on the motion of any other party to the action, of the hearing of which the party

Affidavit of
prejudice.

Proviso.

Exceptions.

making the affidavit has been given notice, and before the Judge presiding has made any order or ruling involving discretion, but the arrangement of the calendar, the setting of an action, motion or proceeding down for hearing or trial, the arraignment of the accused in a criminal action or the fixing of bail, shall not be construed as a ruling or order involving discretion within the meaning of this proviso; and in any event, in counties where there is but one resident Judge, such motion and affidavit shall be filed not later than the day on which the case is called to be set for trial: *And provided further*, That notwithstanding the filing of such motion and affidavit, if the parties shall, by stipulation in writing agree, such Judge may hear argument and rule upon any preliminary motions, demurrers, or other matter thereafter presented: *And provided, further*, That no party or attorney shall be permitted to make more than one such application in any action or proceeding under this act.

Limited to one motion.

Passed the House March 12, 1941.

Passed the Senate March 12, 1941.

Approved by the Governor March 21, 1941.

CHAPTER 149.

[H. B. 205.]

CODE COMMITTEE.

AN ACT to make uniform and perpetual the citations of laws of this state for all compilations and codifications thereof and declaring an emergency.

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

Code Committee created.

SECTION 1. The State Law Librarian, the Law Librarian of the University of Washington, and the Executive Secretary of the Judicial Council are

hereby created a Committee to perform the duties prescribed in this act.

SEC. 2. The said Committee shall, after collaboration with the publishers of the existing codes, determine upon and adopt a complete recompilation of the laws of this state in force of a general and permanent nature, and shall adopt a uniform and perpetual system for the numbering of the sections thereof.

Duties.

To compile uniform system.

SEC. 3. Hereafter the Secretary of State shall certify only the codes or compilations published with the section numbering adopted by the Committee.

Certificate of Secretary of State.

The code or codes, when so certified by the Secretary of State, shall be deemed and held to be official, as heretofore, and shall be prima facie evidence of the laws contained therein.

SEC. 4. The Legislature shall amend or repeal laws by code numbers. Laws amended shall refer to code numbers, and germane matter shall be incorporated in existing laws to prevent conflict and obey constitutional mandate.

Repeals and amendments by number.

SEC. 5. 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 House February 13, 1941.

Passed the Senate March 5, 1941.

Approved by the Governor March 21, 1941.

CHAPTER 150.

[H. B. 179.]

PUBLICATIONS AND DOCUMENTS OF THE STATE
OF WASHINGTON.

AN ACT relating to the publications and documents of the State of Washington and providing for the care, custody, distribution and sale thereof; repealing sections 7, 8, 9 and 10 of chapter 171 of the Laws of 1903 (sections 8217, 8218, 8219, 8220, 8221, 8222, 8223, 8224 and 8225 of Remington's Revised Statutes; sections 6552, 6553, 6554, 6555, 6555a, 6555b and 6555c of Pierce's Code); section 5 of chapter 167 of the Laws of 1905 (section 11072 of Remington's Revised Statutes; section 8687 of Pierce's Code); section 7 of chapter 84 of the Laws of 1919 (section 8253 of Remington's Revised Statutes; section 5512-7 of Pierce's Code); section 2 of chapter 94 of the Laws of the Extraordinary Session of 1925 (section 8254-2 of Remington's Revised Statutes; section 5512-10 of Pierce's Code).

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

Public Documents defined.

SECTION 1. The term "Public Documents" as used in this act shall include the publications and reports of all state officers, or of any commission or commissions, board or boards, council, committee, or institution, or of any person or persons authorized or required by law to publish or render reports.

Duty of Public Printer.

SEC. 2. It shall be the duty of the Public Printer to deliver to the State Librarian one hundred twenty-five (125) copies of each publication or report of every such state officer, commission or commissions, board or boards, council, committee, or institution, or of any person or persons authorized by law to print such publication. The Public Printer shall also retain two hundred (200) additional copies of all such publications which he shall arrange and bind in sets, each volume of which shall be adequately labeled and contain the title, "Washington Public Documents." The State Librarian is authorized and directed to make such distribution of each publication and of the sets of public documents as will in

Copies to be printed.

Distribution.

his judgment be most informative and beneficial to the state officers and public generally. The State Librarian is also authorized to make such exchanges thereof, within and without the state, as to him seems fit and proper.

May
exchange.

Every state publication, not printed by the Public Printer, whether in printed or mimeographed form, shall be deposited in triplicate with the State Library.

Other state
publications.

SEC. 3. The State Law Librarian shall receive from the Public Printer, whose duty it shall be to deliver to him, all bound volumes of the Session Laws, and the House and Senate Journals as the same are published. He shall also receive from the publisher of the Supreme Court Reports of the State of Washington such copies as are purchased by the Supreme Court for the use of the state.

Session Laws.

Legislative
Journals.

SEC. 4. Session Laws shall be distributed, sold and/or exchanged by the State Law Librarian as follows:

Distribution
of Session
Laws.

(a) Copies shall be given as follows: One to each United States Senator and Representative in Congress from this state; six to the Library of Congress; one to each United States executive department as defined by section 1, title 5, of the United States Code; three to the United States Supreme Court Library; three to the Library of the Circuit Court of Appeals of the Ninth Circuit; one to each United States District Court room within this state; one to each office and branch office of the United States District Attorneys in this state; one to each state official whose office is created by the Constitution; one to the Judge Advocate's office at Fort Lewis; one to each member of the Legislature, Session Law Indexer, Secretary and Assistant Secretary of the Senate, Chief Clerk and the Assistant Chief Clerk of the House of Representatives, the Minute Clerk and Sergeant-at-Arms of the two branches of the

Given to
public
officials.

Enumerated.

Legislature of the sessions of which they occupied the offices and positions mentioned; one copy each to the Olympia representatives of the Associated Press and the United Press; and two copies to the Law Library of Gonzaga University Law School.

Distribution
to state
officials.

(b) Copies, for official use only, shall be distributed as follows: One to each state department and to each division thereof; one to each state official whose office is created by the Constitution, except the Governor who shall receive three copies; one each to the Adjutant General, the State Historical Society, the State Bar Association, and to each state institution; one copy for each Assistant Attorney General who maintains his office in the Attorney General's suite, and one additional copy for his stenographer's room; one copy to each Prosecuting Attorney and one for each of his deputies.

Courts.

Libraries.

Schools.

Sufficient copies shall be furnished for the use of the Supreme Court and the State Law Library as from time to time are needed. Eight copies shall be distributed to the University of Washington Law Library; one copy each to the offices of the President and the Board of Regents of the University of Washington, the Dean of the University of Washington School of Law, and to the University of Washington Library; one copy to the library of each of the colleges of education (formerly called the normal schools); one copy each to the President of the Washington State College and to the Washington State College Library. Six copies shall be sent to the King County Law Library, and one copy to each of the County Law Libraries organized pursuant to law in the counties of the first, second and third class; one copy to each Public Library in cities of the first class, and one copy to the municipal reference branch of the Seattle Public Library.

At the convening of each session of the Legislature the State Law Librarian shall deliver to the Chief Clerk of the House of Representatives twenty

copies, and to the Secretary of State, ten copies, of the laws of the preceding general session and of any intervening session for the use of the Legislators during the ensuing session but which shall be returned to the State Law Library at the expiration of the Legislative session.

It shall be the duty of each County Auditor biennially to submit to the State Law Librarian a list of county officers, including the Prosecuting Attorney and his regular full-time deputies and the Justices of the Peace and Superior Court rooms regularly used by a Justice of the Peace or Superior Court Judge, and the correct number of bound copies of the Session Laws necessary for the official use only of such officers and court rooms will be sent, transportation collect, to said County Auditor who shall be responsible for the distribution thereof to the county officials entitled to receive them.

County officials.

(c) Surplus copies of the Session Laws shall be sold and delivered by the State Law Librarian, in which case the price of the bound volumes shall be four dollars (\$4.00) each for those of the general sessions, and two dollars (\$2.00) each for those of the special sessions when separately bound. All moneys received from the sale of such bound volumes of Session Laws shall be paid into the State Treasury for the general fund.

Librarian to sell surplus.

Cost.

(d) The State Law Librarian is authorized to exchange bound copies of the Session Laws for similar laws or legal materials of other states, territories and governments, and to make such other and further distribution of the bound volumes as in his judgment seems proper.

Exchange with other states.

SEC. 5. The House and Senate Journals shall be distributed and/or sold by the State Law Librarian as follows:

Legislative Journals.

(a) Sets shall be distributed as follows: One set to each member of the Legislature, Secretary and

Distribution.

State officials. Assistant Secretary of the Senate, Chief Clerk and Assistant to the Chief Clerk of the House of Representatives, and to each Minute Clerk and Sergeant-at-Arms of the two branches of the Legislature of which they occupy the offices and positions mentioned. One to each official whose office is created by the Constitution, and one to each state department director; three copies to the University of Washington Law Library; two copies to the University of Washington Library; one to the King County Law Library; one to the Washington State College Library; one to the library of each of the Colleges of Education (formerly called the normal schools); one to the Law Library of Gonzaga University Law School; and one to each free public library in the state which requests it.

Libraries.

Legislators. (b) A set of the House and Senate Journals of the preceding general session, and of any intervening special session, shall be placed on the desk of each Legislator for his use during the ensuing session, which shall be returned to the State Law Library at the expiration of the legislative session; and sufficient sets shall be retained for the use of the State Law Library.

Sale of surplus. (c) Surplus sets of the House and Senate Journals shall be sold and delivered by the State Law Librarian, in which case the price shall be fifteen dollars (\$15.00) for those of the general sessions, and ten dollars (\$10.00) for those of the special sessions, when separately bound, and the proceeds therefrom shall be paid to the State Treasurer for the general fund.

Cost.

Exchange with other states. (d) The State Law Librarian is authorized to exchange copies of the House and Senate Journals for similar journals of other states, territories, and/or governments, or for other legal materials, and to make such other and further distribution of them as in his judgment seems proper.

SEC. 6. The Supreme Court Reports shall be distributed by the State Law Librarian as follows:

Distribution
of Supreme
Court reports

(a) Each Supreme Court Judge is entitled to receive one copy of each volume containing an opinion signed by him.

Supreme
Court.

(b) The State Law Librarian shall retain forty-five copies for the benefit of the State Law Library and the Supreme Court and its subsidiary offices; he shall provide one copy each for the official use of the Attorney General and for each Assistant Attorney General maintaining his office in the Attorney General's suite; three copies for the office of Prosecuting Attorney, in class A counties; two copies for such office in first class counties, and one copy for each other Prosecuting Attorney; one for each United States District Court room and every Superior Court room in this state if regularly used by a Judge of such courts; one copy for the use of each state department maintaining a separate office at the state capitol; one copy to the Division of Budget, and one copy to the Division of Inheritance Tax and Escheats; one copy each to the United States Supreme Court, to the United States District Attorney's offices at Seattle and Spokane, to the office of the United States Attorney General, the Library of the Circuit Court of Appeals of the Ninth Circuit, the Seattle Public Library, the Tacoma Public Library, the Spokane Public Library, the University of Washington Library, and the Washington State College Library; three copies to the Library of Congress; and, for educational purposes, twelve copies to the University of Washington Law Library and two copies to the Gonzaga University Law School Library; six copies to the King County Law Library; and one copy to each County Law Library organized pursuant to law in counties of the first, second and third class.

Law Library.

Court
officials.

(c) The State Law Librarian is likewise authorized to exchange copies of the Supreme Court

Exchange
with other
states.

Reports for similar reports of other states, territories, and/or governments, or for other legal materials, and to make such other and further distribution as in his judgment seems proper.

Purchase by
Supreme
Court.

SEC. 7. On the publication of each volume of reports the Supreme Court must purchase for the use of the state, from the publisher to whom the contract is awarded, three hundred copies of said volume, and such additional copies as the court may deem to be necessary, at the price named in the contract, and deliver the same to the Law Librarian of the State Law Library, who shall distribute same as required by the provisions of section 6 of this act.

Law Librarian to
distribute.

Statutes
repealed.

SEC. 8. That sections 7, 8, 9 and 10 of chapter 171 of the Laws of 1903 (sections 8217, 8218, 8219, 8220, 8221, 8222, 8223, 8224, and 8225 of Remington's Revised Statutes; sections 6552, 6553, 6554, 6555, 6555a, 6555b and 6555c of Pierce's Code); section 5 of chapter 167 of the Laws of 1905 (section 11072 of Remington's Revised Statutes; section 8687 of Pierce's Code); section 7 of chapter 84 of the Laws of 1919 (section 8253 of Remington's Revised Statutes; section 5512-7 of Pierce's Code); and section 2 of chapter 94 of the Laws of the Extraordinary Session of 1925 (section 8254-2 of Remington's Revised Statutes; section 5512-10 of Pierce's Code); together with all other acts or parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed.

Passed the House February 6, 1941.

Passed the Senate March 11, 1941.

Approved by the Governor March 21, 1941.

CHAPTER 151.

[H. B. 197.]

COUNSEL FOR INDIGENT PERSONS ACCUSED OF CRIME.

AN ACT relating to the payment of counsel for the accused in a criminal case who by reason of poverty is unable to employ same, and amending section 53 of chapter 249 of the Laws of 1909 (section 2305 of Remington's Revised Statutes).

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

SECTION 1. Section 53 of chapter 249 of the Laws of 1909 (section 2305 of Remington's Revised Statutes) is hereby amended to read as follows: Amend-
ments.

Section 53. Whenever a defendant shall be arraigned upon the charge that he has committed any felony, and shall request the Court to appoint counsel to assist in his defense, and shall by his own oath or such other proof as may be required satisfy the Court that he is unable, by reason of poverty, to procure counsel, the Court shall appoint counsel, not exceeding two, for such defendant, to be paid upon its order by the county in which such proceeding is had, compensation not exceeding twenty-five dollars (\$25) per day for each counsel, for the number of days such counsel is actually employed in Court upon the trial and twenty-five dollars (\$25) for services in preparing for trial or plea. Appointment
of counsel for
indigents.

Compensa-
tion.

Passed the House February 6, 1941.

Passed the Senate March 12, 1941.

Approved by the Governor March 21, 1941.

CHAPTER 152.

[H. B. 245.]

RE-ASSESSMENT AND RE-TAXATION OF PROPERTY.

AN ACT relating to revenue and taxation, providing for the re-assessment and re-taxation of property, and amending section 2, chapter 106, Laws of 1931.

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

Amend-
ments.

SECTION 1. That section 2 of chapter 106 of Laws of 1931 (section 11302 of Remington's Revised Statutes) be amended to read as follows:

Reassessment
of taxes paid
under
protest.

Section 2. Whenever it is alleged in any protest accompanying the payment of taxes heretofore or hereafter filed with any county or state board or officer, or in any petition or complaint heretofore or hereafter served or filed in any Court for or on behalf of such taxpayer that any error in taxation has occurred in the assessment or taxation, or re-assessment or re-taxation, heretofore or hereafter made of any property taxable in this state, and that such assessment or re-assessment or tax is excessive or void in whole or in part, such property may forthwith, in the manner provided in this act, be re-listed, re-valued, re-assessed and re-taxed for the year or years in the assessment and taxation, or re-assessment and re-taxation, of which such error or errors in taxation are so alleged to have been made. One or more re-assessments shall not exhaust the assessing officials' power to re-assess, where authority to make a further re-assessment is given by judicial decree.

Passed the House February 21, 1941.

Passed the Senate March 13, 1941.

Approved by the Governor March 21, 1941.

CHAPTER 153.

[H. B. 247.]

EXCISE TAX ON PRIVATE MOTOR VEHICLES.

AN ACT amending chapter 228, Laws of 1937, entitled "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" by adding thereto a new section to be known as section 12-A.

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

SECTION 1. That there is hereby added to chapter 228 of the Laws of 1937 (sections 6312-101 to 6312-114 inclusive, of Remington's Revised Statutes) a new section to be known and designated as section 12-A to read as follows:

Amendment
by addition.

Section 12-A. Any duties required by this chapter to be performed by the County Auditor may be performed by any other person designated by the State Director of Licenses and authorized by said Director to receive motor vehicle license fees.

Duties of
Director of
Licenses.

Passed the House February 21, 1941.

Passed the Senate March 13, 1941.

Approved by the Governor March 21, 1941.

CHAPTER 154.

[H. B. 249.]

LIMITATIONS ON TAX REFUNDS.

AN ACT relating to revenue and taxation; limiting the time within which petitions for the refund of taxes claimed to be erroneous or excessive may be filed with the County Assessor or otherwise; amending section 5, chapter 16, Laws of 1939.

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

Amend-
ments.

SECTION 1. That section 5, chapter 16, Laws of 1939 (section 11241-5 of Remington's Revised Statutes) be amended to read as follows:

Limitation
of action.

Section 5. No petition for cancellation or reduction of assessment or correction of tax-rolls and the refund of taxes based thereon under this act shall be considered if the amount of claimed erroneous or excess tax for any year involved in such petition exceeds the sum of \$200 and after December 31, 1941, no such petition shall be considered unless filed within three years after the year in which the challenged tax became payable or purported to become payable.

Passed the House February 21, 1941.

Passed the Senate March 12, 1941.

Approved by the Governor March 21, 1941.

CHAPTER 155.

[H. B. 250.]

TAXATION OF LUMBER AND SAWLOGS.

AN ACT relating to the situs of assessment and taxation of lumber and sawlogs and amending section 13, chapter 130, Laws of 1925 Extraordinary Session, as amended by section 12, chapter 206, Laws of 1939.

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

SECTION 1. That section 13, chapter 130, Laws of 1925 Extraordinary Session, as amended by section 12, chapter 206, Laws of 1939 (section 11117 of Remington's Revised Statutes), be amended to read as follows: Amendments.

Section 13. Lumber and sawlogs shall be assessed and taxed in the county and taxing district where the same may be situated at noon on the first day of January of the assessment year: *Provided*, That if any lumber or sawlogs shall, at said time, be in intrastate transit from one point to another within the state, the same shall be assessed and taxed in the county and taxing districts of their destination. Lumber to be assessed at situs.
Proviso.

Passed the House February 21, 1941.

Passed the Senate March 13, 1941.

Approved by the Governor March 21, 1941.

CHAPTER 156.

[H. B. 251.]

TAX LITIGATION.

AN ACT repealing chapter 10, Laws of 1933, entitled "An Act relating to taxation; providing for the settlement and compromise of litigation in connection therewith; repealing all acts and parts of acts in conflict therewith; and declaring that this act shall take effect immediately."

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

Statute
repealed.

SECTION 1. That chapter 10, Laws of 1933 (section 11315-8a of Remington's Revised Statutes), be and the same is hereby repealed.

Passed the House February 21, 1941.

Passed the Senate March 13, 1941.

Approved by the Governor March 21, 1941.

CHAPTER 157.

[H. B. 254.]

IRRIGATION DISTRICTS.

AN ACT relating to irrigation districts, imposing certain duties on their officers, exempting certain of their property from taxation, providing for the assessment and taxation of property sold or contracted to be sold thereby, and amending section 22, pages 683 to 684, Laws of 1889-1890, as amended (section 7440 of Remington's Revised Statutes).

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

Amend-
ments.

SECTION 1. That section 22, pages 683 to 684, Laws of 1889-1890, as amended (section 7440 of Remington's Revised Statutes), be amended to read as follows:

Board to
levy.

Section 22. The Board of Directors shall in each year before said roll is delivered by the Secretary to the respective County Treasurers, levy an assess-

ment sufficient to raise the ensuing annual interest on the outstanding bonds, and all payments due or to become due in the ensuing year to the United States or the State of Washington under any contract between the district and the United States or the State of Washington accompanying which bonds of the district have not been deposited with the United States or the State of Washington as in this act provided. Beginning in the year preceding the maturity of the first series of the bonds of any issue, the Board must from year to year increase said assessment for the ensuing years in an amount sufficient to pay and discharge the outstanding bonds as they mature. Similar levy and assessment shall be made for the expense fund which shall include operation and maintenance costs for the ensuing year. The Board shall also at the time of making the annual levy, estimate the amount of all probable delinquencies on said levy and shall thereupon levy a sufficient amount to cover the same and a further amount sufficient to cover any deficit that may have resulted from delinquent assessments for any preceding year. The Board shall also, at the time of making the annual levy, estimate the amount of the assessments to be made against lands owned by the district, including local improvement assessments, and shall levy a sufficient amount to pay said assessments. All lands owned by the district shall be exempt from general state and county taxes: *Provided, however,* That in the event any lands, and any improvements located thereon, acquired by the district by reason of the foreclosure of irrigation district assessments, shall be by said district resold on contract, then and in that event, said land, and any such improvements, shall be by the County Assessor immediately placed upon the tax rolls for taxation as real property and shall become subject to general property taxes from and after the date of said con-

Assessment
to cover
interest and
payments.

Assessment
to pay at
maturity.

Assessment
to meet de-
linquencies.

To pay
L. I. D.

Exemption.

Proviso.

tract, and the Secretary of the said irrigation district shall be required to immediately report such sale within ten days from the date of said contract to the County Assessor who shall cause the property to be entered on the tax rolls as of the first day of January following.

To levy for surplus fund.

Purposes.

Special funds.

Proviso.

Secretary accountable.

Assessment roll delivered to County Treasurer.

The Board may also at the time of making the said annual levy, levy an amount not to exceed twenty-five per cent of the whole levy for the said year for the purpose of creating a surplus fund. This fund may be used for any of the district purposes authorized by law. The assessments, when collected by the County Treasurer, shall constitute a special fund, or funds, as the case may be, to be called respectively, the "Bond Fund of.....Irrigation District," the "Contract Fund of.....Irrigation District," the "Expense Fund of.....Irrigation District," the "Coupon Warrant Fund of.....Irrigation District," the "Surplus Fund of.....Irrigation District": *Provided*, That in districts acting as fiscal agent for the United States or the State of Washington such assessments may also be paid to the Secretary of such districts when so authorized by the Board of Directors and under such rules and regulations as the Board may adopt. The Secretary shall issue a receipt for such payments and shall be accountable on his official bond for the safe keeping of such funds and shall remit the same at least once each month to the Treasurer of the county wherein the land is located on which payment was made. Upon receipt of such funds the County Treasurer shall issue his official receipt therefor in like manner as though payment had been made direct to him by the land owner.

If the annual assessment roll of any district has not been delivered to the County Treasurer on or before the 15th day of January in the year 1927, and in each year thereafter, he shall notify the

Secretary of the district by registered mail that said assessment roll must be delivered to the office of the County Treasurer forthwith. If said assessment roll is not delivered within ten days from the date of mailing of said notice to the Secretary of the district, or if said roll when delivered is not equalized and the required assessments levied as required by law, or if for any reason the required assessment or levy has not been made, the County Treasurer shall immediately notify the Board of County Commissioners of the county in which the office of the Board of Directors is situated, and said Board of County Commissioners shall cause an assessment roll for the said district to be prepared and shall equalize the same if necessary and make the levy required by this chapter in the same manner and with like effect as if the same had been equalized and made by the said Board of Directors, and all expenses incident thereto shall be borne by the district. In case of neglect or refusal of the Secretary of the district to perform the duties imposed by law, then the Treasurer of the county in which the office of the Board of Directors is situated must perform such duties, and shall be accountable therefor, on his official bond, as in other cases.

County Commissioners may prepare roll.

Make levy.

Treasurer may perform duties of Secretary.

At the time of making the annual levy in the year preceding the final maturity of any issue of district bonds, the Board of Directors shall levy a sufficient amount to pay and redeem all bonds of said issue then remaining unpaid. All surplus remaining in any bond fund after all bonds are paid in full must be transferred to the surplus fund of the district.

Directors to make final levy.

Surplus.

Any surplus moneys in the surplus fund or any surplus moneys in the bond fund when so requested by the Board of Directors shall be invested by the Treasurer of said county under the direction of said Board of Directors in United States gold bearing

Investment.

Restriction.

bonds or bonds of the State of Washington, or any bonds pronounced by the Treasurer of the State of Washington as valid security for the deposit of public funds, and in addition thereto any bonds or warrants of said district, all of which shall be kept in the surplus fund until needed by the district for the purposes authorized by law.

Passed the House February 17, 1941.

Passed the Senate March 13, 1941.

Approved by the Governor March 21, 1941.

CHAPTER 158.

[H. B. 320.]

SPECIAL ATTORNEY FOR GRAND JURIES.

AN ACT relating to prosecution for public offenses, and amending section 14 of chapter 28 of the Laws of 1891 (section 2032 of Remington's Revised Statutes).

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

Amendments.

SECTION 1. That section 14 of chapter 28 of the Laws of 1891 (section 2032 of Remington's Revised Statutes) be amended to read as follows:

Superior Court to appoint attorney for grand jury.

Section 14. The Superior Court in each county shall appoint an attorney to attend on the grand jury for the purpose of examining witnesses and giving it such advice as it may ask. The Court shall provide a reasonable attorney's fee for such services to be paid from the county current expense fund. Such attorney shall not be subject in any way to the authority of the Prosecuting Attorney and in cases where such an attorney is appointed, the Prosecuting Attorney shall have no power to act or intervene.

Duties.

Compensation.

Not subject to Prosecuting Attorney.

Passed the House February 24, 1941.

Passed the Senate March 12, 1941.

Approved by the Governor March 21, 1941.

CHAPTER 159.

[H. B. 322.]

TRANSFERS OF PROPERTY BY PUBLIC SERVICE COMPANIES.

AN ACT relating to public service companies; providing for the supervision, regulation, restriction and control of the sale, merger, lease or assignment of properties and the acquisition of securities or properties of public service companies, by other public service companies; and providing penalties.

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

SECTION 1. The term "department" when used in this act shall mean the Department of Public Service of Washington or such body as may succeed to the powers and duties now exercised by the Department of Public Service.

Definitions.

Department.

The term "public service company" shall mean every person, firm, corporation or association, or their lessees, trustees or receivers, now or hereafter engaged in business in this state as a public utility and subject to regulation as to rates and service by the Department of Public Service: *Provided*, That for the purposes of this act the term shall not include and this act shall not include common carriers subject to regulation by the Interstate Commerce Commission.

Public service company.

SEC. 2. No public service company shall sell, lease, assign or otherwise dispose of the whole or any part of its franchises, properties or facilities whatsoever, which are necessary or useful in the performance of its duties to the public, or by any means whatsoever, directly or indirectly, merge or consolidate any of its franchises, properties or facilities with any other public service company, without having secured from the Department of Public Service an order authorizing it so to do.

Department to issue order to transfer.

Void unless compliance made.

SEC. 3. Any such sale, lease, assignment, or other disposition, merger or consolidation made without authority of the Department shall be void.

May not purchase without order.

SEC. 4. No public service company shall, directly or indirectly, purchase, acquire, or become the owner of any of the franchises, properties, facilities, capital stocks or bonds of any other public service company unless authorized so to do by the Department. Nothing contained in this act shall prevent the holding of stocks or other securities heretofore lawfully acquired or prohibit, upon the surrender or exchange of said stocks or other securities pursuant to a reorganization plan, the purchase, acquisition, taking or holding by the owner of a proportionate amount of the stocks or other securities of any new corporation organized to take over at foreclosure or other sale, the property of the corporation the stocks or securities of which have been thus surrendered or exchanged. Any contract by any public service company for the purchase, acquisition, assignment or transfer to it of any of the stocks or other securities of any other public service company, directly or indirectly, without the approval of the Department shall be void and of no effect.

Proviso.

Contract without approval void.

Department may make rules.

SEC. 5. The Department shall have power to promulgate rules and regulations to make effective the provisions of this act.

Companies subject to penalties.

SEC. 6. The provisions of sections 94 and 95 of chapter 117 of the Laws of 1911 as to penalties shall be applicable to public service companies, their officers, agents and employees failing to comply with the provisions of this act.

Passed the House February 27, 1941.

Passed the Senate March 13, 1941.

Approved by the Governor March 21, 1941.

CHAPTER 160.

[H. B. 324.]

AFFILIATED INTERESTS OF PUBLIC SERVICE COMPANIES.

AN ACT relating to public service companies, providing for additional supervision and regulation of their relation and practices with affiliated interests and amending section 2 of chapter 152 of the Laws of 1933.

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

SECTION 1. That section 2 of chapter 152 of the Laws of 1933 (section 10440-2 of Remington's Revised Statutes) be amended to read as follows:

Amendments.

Section 2. No contract or arrangement providing for the furnishing of management, supervisory construction, engineering, accounting, legal, financial or similar services, and no contract or arrangement for the purchase, sale, lease or exchange of any property, right, or thing, or for the furnishing of any service, property, right, or thing, other than those above enumerated, hereafter made or entered into between a public service company and any affiliated interest as defined in this act, including open account advances from or to such affiliated interests, except open account advances from or to a common carrier subject to the provisions of Part One of the Interstate Commerce Act, shall be valid or effective unless and until such contract or arrangement shall have received the approval of the Department. It shall be the duty of every public service company to file with the Department, a verified copy or a verified summary of any such unwritten contract or arrangement, and also of all such contracts and arrangements, whether written or unwritten, entered into prior to the effective date of this act and in force and effect at that time. The Department shall approve such contract or arrangement hereafter made or entered into only if it shall clearly

All contracts subject to approval of department.

Duty to file contract.

Duty of department.

Approval.
Discretion.

appear and be established upon investigation that it is reasonable and consistent with the public interest; otherwise the contract or arrangement shall not be approved. The Department shall not be required to approve any such contract or arrangement unless satisfactory proof is submitted to the Department of the cost to the affiliated interest of rendering the services or of furnishing the property or service described herein.

Passed the House March 4, 1941.

Passed the Senate March 13, 1941.

Approved by the Governor March 21, 1941.

CHAPTER 161.

[H. B. 325.]

GRADE CROSSINGS OF LOGGING AND INDUSTRIAL RAILROADS.

AN ACT relating to grade crossings of logging and industrial railroads, providing for inspection thereof by the Department of Public Service and for fees and providing for their collection, and providing penalties.

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

Definitions.

SECTION 1. The term "grade crossing" when used in this act means any point or place where a logging or industrial railroad crosses a highway or a highway crosses such railroad or such railroad crosses any other railroad, at a common grade.

The term "over-crossing" when used in this act means any point or place where a highway crosses a railroad by passing above the same.

The term "under-crossing" when used in this act means any point or place where a highway crosses a railroad by passing under the same.

The term "over-crossing" or "under-crossing" shall also mean any point or place where one railroad crosses another railroad not at grade.

The term "logging" or "industrial" railroad when used in this act shall include every railway owned or operated primarily for the purpose of carrying the property of its owners or operators or a limited class of persons, with all tracks, spurs and sidings used in connection therewith.

Definitions.

SEC. 2. All grade crossings, under-crossings and over-crossings on the line of every logging and other industrial railway as herein defined shall be inspected annually by the Department of Public Service of Washington as to condition, also maintenance, and safety in the interest of the public, for the purpose that the Department may, if it shall deem it necessary, require such improvements, changes and repairs as in its judgment are proper to the end that adequate safety shall be provided for the public.

Department
to inspect
crossings.

SEC. 3. Every person, firm, company or corporation operating any logging railroad or industrial railway shall, prior to July first of the year 1941, and of each year thereafter, file with the Department of Public Service a statement showing the number of, and location of (viz., name of highway, quarter section, section, township and range) grade crossings, under-crossings and over-crossings on his or its line or lines and pay with said filing a fee not to exceed three dollars (\$3.00) for each grade crossing, under-crossing or over-crossing on his or its line or lines so reported and the Department of Public Service shall, by order, fix the exact fee based on the cost of rendering said inspection service. All such fees collected shall be deposited in the state treasury to the credit of the public service revolving fund. Intersections having one or more tracks shall be defined and treated as a single crossing. Tracks separated a distance in excess of 100 feet from the nearest track or group of tracks shall constitute an additional crossing. Where two or

Companies
to file
statement.Inspection
fee.

more independently operated railroads cross each other or at the same highway intersection, each such independent track or tracks shall constitute a separate crossing.

Penalty.

Every person, firm, company or corporation, or the officers, agents or employees thereof, failing or neglecting to make the report herein required and to pay the fees required, shall be subject to the penalty provided in section 10419 of Remington's Revised Statutes.

Passed the House March 4, 1941.

Passed the Senate March 13, 1941.

Approved by the Governor March 21, 1941.

CHAPTER 162.

[H. B. 337.]

SUSPENSION OF PROPOSED RATES, FARES AND CHARGES OF PUBLIC SERVICE COMPANIES.

AN ACT relating to the rates, fares and charges of public service companies and amending 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, as amended by chapter 169 of the Laws of 1937; and extending the time within which the Department of Public Service may suspend schedules and tariffs of public service companies.

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

Amendments.

SECTION 1. 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, as amended by chapter 169 of the Laws of 1937 (section 10424 Remington's Revised Statutes) be amended to read as follows:

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, if such change is proposed by a common carrier subject to the jurisdiction of the Department for a period not exceeding seven months, and, if proposed by a public service company other than such a common carrier, for a period not exceeding ten 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.

Department
may suspend
rate pending
hearing.

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.

Burden of
proof at
hearing.

Passed the House March 3, 1941.

Passed the Senate March 13, 1941.

Approved by the Governor March 21, 1941.

CHAPTER 163.

[S. H. B. 339.]

REGULATION OF TRANSPORTATION BY MOTOR
VEHICLE CARRIERS.

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, prescribing the powers and duties of certain state officers, and amending sections 5, 7 and 15 of chapter 184 of the Laws of 1935 as amended by sections 6, 7 and 13 of chapter 166 of the Laws of 1937, and section 11a of chapter 184, Laws of 1935 as added by section 10, chapter 166, Laws of 1937 (sections 6382-5, 6382-7, 6382-11a and 6382-15, Remington's Revised Statutes) and declaring that this act shall take effect immediately.

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

Amend-
ments.

SECTION 1. Section 5, chapter 184, Laws of 1935 (section 6382-5, Remington's Revised Statutes) as amended by section 6, chapter 166, Laws of 1937, is amended to read as follows:

Department
to issue
permit.

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 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.

Applicant to
be financially
responsible.

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.

Construction.

May deny.

Reasons.

The Department shall also consider the amount and type of service rendered in any area by any class of service and may deny an application for permit or extension if it appears that the grant of such permit or extension would not be in the interest of the shipping public or would tend to impair the stability or dependability of existing service essential to the public needs or requirements.

May deny if stability impaired.

SEC. 2. Section 7, chapter 184 of the Laws of 1935 as amended by section 7 of chapter 166 of the Laws of 1937 (section 6382-7 of Remington's Revised Statutes) is amended to read as follows:

Amendments.

Section 7. The department shall prescribe forms of application for permits and for extensions thereof for the use of prospective applicants, and shall make regulations for the filing thereof. Applications for permits and for extensions thereof shall be accompanied by the following fees:

Forms prescribed.

| | |
|--|---------|
| Applications for permits..... | \$25.00 |
| Applications for temporary permits..... | \$10.00 |
| Applications for extension of permits..... | \$10.00 |

Fees.

SEC. 3. Section 11-a of chapter 184, Laws of 1935, as added following section 11, thereof, by section 10 of chapter 166, Laws of 1937 (section 6382-11a, Remington's Revised Statutes) is amended to read as follows:

Amendments.

Section 11-a. The Department is hereby vested with power and authority and it is hereby made its duty, to make, fix, construct, compile, promulgate,

Duty of department.

Compile
tariffs.

Method.

Available
to public.

Cost.

Corrections.

Amend-
ments.

publish and distribute tariffs containing compilations of rates, charges, classifications, rules and regulations to be used by all common carriers, as defined in this act, in this state. The Department, in compiling such tariffs, shall include within any given tariff compilation such carriers, groups of carriers, commodities, or geographical areas as it determines shall be in the public interest. Such compilations and publications may be made by the Department by compiling the rates, charges, classifications, rules and regulations now in effect, and may be amended and altered from time to time after notice and hearing, by issuing and distributing revised pages or supplements to such tariffs or reissues thereof in accordance with the orders of the Department. The proper tariff, or tariffs, applicable to a carrier's operations 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 compilations and publications shall be sold by the Department for not to exceed five dollars (\$5) for each tariff. Corrections to such publications shall be furnished to all subscribers to tariffs in the form of corrected pages to the tariffs, supplements or reissues thereof. In addition to the initial charge for each tariff, as above stated, the Department shall charge an annual maintenance fee of not to exceed five dollars (\$5) per tariff to cover the cost of issuing corrections or supplements and mailing same to subscriber: *Provided, however,* That copies may be furnished free to other regulatory bodies and departments of government and to colleges, schools and libraries. All copies of the compilations, whether sold or given free, shall be issued and distributed under rules and regulations to be fixed by the Department.

SEC. 4. Section 15, chapter 184, Laws of 1935, as amended by section 13, chapter 166, Laws of 1937, is hereby amended to read as follows:

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 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.

Operation a question of fact.

Department to compel operation within classification.

Procedure.

Method of computation.

To issue
classifying
order.

After having made the investigation herein described the Department is authorized and directed to issue the necessary and proper orders classifying such carrier as provided in section 2 herein in order to carry out the declaration of policy as set forth in section 1.

Applicant to
produce all
documents.

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 punishment for any perjury committed by him in his testimony.

Proviso.

Effective
immediately.

SEC. 5. This act is necessary for the support of the state government and its existing public institutions and shall take effect immediately.

Passed the House February 27, 1941.

Passed the Senate March 12, 1941.

Approved by the Governor March 21, 1941.

CHAPTER 164.

[H. B. 345.]

UNLICENSED INSURANCE COMPANIES AND
THEIR AGENTS.

AN ACT relating to insurance and providing for the regulation of writing of insurance in companies not licensed to do business in the State of Washington and providing for the licensing and supervision of agents for the placing of insurance with such unlicensed companies and amending section 75 of chapter 49 of the Laws of 1911.

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

SECTION 1. That section 75 of chapter 49 of the Laws of 1911 (section 7120 of Remington's Revised Statutes; section 2982 of Pierce's Code) be and is amended to read as follows:

Amend-
ments.

Section 75. Unauthorized Companies—Agents—Surplus Line—Service. The Commissioner, in consideration of the yearly payment of one hundred dollars, and the furnishing of a bond as hereinafter provided, may issue to any person, firm or corporation resident in this state, not exceeding fifty in any one city, a license revokable at any time, permitting the licensee to place or effect insurance upon risks located in this state with insurance companies not licensed to do business in this state. No person, firm, or corporation, shall place, procure or effect insurance upon any risk located in this state in any company not licensed to do business in this state, or place, procure, or effect insurance in any marine risk destined for or departing from any port in this state, until such person, firm, or corporation shall have first procured a license from the Commissioner as provided in this section, and has furnished a bond to the State of Washington in the penal sum of fifteen hundred dollars, with sureties thereon to be approved by the Commissioner, conditioned that he or it will conduct such business in accordance with the

Commis-
sioner to is-
sue license to
unauthorized
companies.

Bond and
fee.

Must have
license to do
business.

Bond.

Taxes. provisions of this section, and will pay to the State Treasurer through the Insurance Commissioner's office the taxes provided by this section. Every such agent must keep a true and complete record of the business transacted by him, showing: First, the exact amount of such insurance; second, the gross premiums charged therefor; third, the return premium paid thereon; fourth, the rate of premium charged for such insurance upon the different items of the property; fifth, the date of such insurance and terms thereof; sixth, the name and address of the company making such insurance; seventh, the name and address of the assured, and a brief and general description of the property insured, where located, and if a marine risk, the name of the ship, vessel, boat, or craft, and voyage covered by such insurance; and such other facts and information as the Commissioner may direct and require; which record shall at all times be open and subject to the inspection and examination of the Commissioner, his deputy, or examiner.

Keep record.

Contents of record.

Policy to contain statement.

Every policy procured and delivered under the provisions of this section shall have stamped upon it and be initialed by the agent clearing the same in this state, the following: "This policy is registered and delivered at, Washington, thisday of, 19....., under the provisions of section seventy-five of chapter, of the Session Laws of the State of Washington for nineteen hundred eleven."

Agent to file annual statement.

Time.

Every agent who places, procures, effects, or delivers any insurance or insurance policy, as provided in this section, shall annually on or before the fifteenth day of February in each year, make and file with the Commissioner a verified statement upon a form to be prescribed and furnished by the Commissioner, which shall exhibit the true amount of all such business transacted by such agent during the year ending on the thirty-first day of December next

preceding the making of such annual statement, showing the gross amount of each kind of insurance, the gross premiums charged for such insurance, the aggregate amount of returned premiums paid to the insured, the amount of the net premiums, and such other facts and information as the Commissioner may prescribe and require.

Contents of statement.

The Commissioner shall file a copy of such verified statement with the State Treasurer, and the agent making such statement shall pay to the State Treasurer, through the Commissioner's office, the same tax that is required of admitted companies, which tax shall be due and payable on the first day of March succeeding the filing of such statement.

Copy to be filed with Treasurer.

Before any insurance, except marine insurance, shall be procured or effected, under or by virtue of said license, there shall be executed by such licensed agent and by the party or his authorized agent desiring insurance, an affidavit which shall be filed with the Commissioner within thirty days after the procuring of such insurance. Such affidavit shall set forth that the party desiring insurance is, after diligent effort, unable to procure the insurance from a majority of the companies admitted to transact that particular class of insurance business, and that it is not so placed for the purpose of procuring it at a rate lower than that at which it will be accepted by any admitted company. Every company making insurance under the provisions of this section, shall be deemed and held to be doing business in this state as an unlicensed company, and may be sued upon any cause of action, arising under any policy of insurance so issued and delivered by it, in the superior court of the county where the agent who registered or delivered such policy resides, or transacts business, by the service of summons and complaint made upon such agent for such company. Any such agent, being served with summons and complaint, in any such cause, shall forthwith mail such summons and com-

Affidavit to be filed.

Contents.

Company may be sued on policy.

Venue.

Service on agent.

Duty of agent.

plaint, or a true and complete copy thereof, by registered letter with proper postage affixed, properly addressed to the company sued, and such company shall have forty days from the date of the service of such summons and complaint upon said agent in which to plead, answer or defend any such cause; upon service of summons and complaint being had upon such agent for such company the court in which such action is begun shall be deemed to have duly acquired jurisdiction in *personam* of the defendant company so served.

Time to answer.

Jurisdiction acquired.

Penalty for failure to file annual statement.

Action against agent.

License of agent revoked for failure to comply.

Every such agent who fails or refuses to make and file said annual statement, and to pay the taxes required to be paid thereon, prior to the first day of April after such tax is due, shall be liable for a fine of twenty-five dollars for each day of said delinquency, beginning with the first day of April, and said tax may be collected by distraint, or such tax 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, and the fine, when so collected, shall be paid to the State Treasurer, and placed to the credit of the general fund. If any such agent shall fail to make and file said annual statement and pay the said taxes, or shall refuse to allow the Commissioner to inspect and examine his records of the business transacted by him, pursuant to this section, or keep such records in manner as required by the Commissioner, or shall refuse or neglect to immediately notify the insurance company for whom he has placed, registered, or delivered a policy, of the commencement of any action or proceeding in any court in this state against such company, the license of such agent shall be immediately revoked by the Commissioner, and no license shall be issued to such agent within one year from the date of such revocation, nor until all taxes and fines are paid and the Commissioner shall be satisfied that full com-

pliance with the provisions of this section will be had.

Any insurance written under the provisions of this section may be accepted by a governmental agency in lieu of insurance written by a company licensed to do business in this state. An agent duly licensed as provided in this section may accept business from any duly licensed agent for an admitted company and may compensate him therefor, provided such insurance is written in conformity with the provisions of the insurance code.

Insurance same as licensed company.

May accept business from agent of admitted company.

The Commissioner may make and publish reasonable rules and regulations, consistent with this act, in respect to transactions governed thereby and the basis or bases for his determinations hereunder.

Commissioner may make rules.

Passed the House February 25, 1941.

Passed the Senate March 11, 1941.

Approved by the Governor March 21, 1941.

CHAPTER 165.

[H. B. 355.]

RESERVATION OF TIDE LANDS FOR PUBLIC SHOOTING GROUNDS.

AN ACT authorizing the use of certain tide lands for public shooting grounds and providing for the care and control thereof.

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

SECTION 1. The following described tide lands situated in Skagit county, Washington, towit: All tide lands of the second class, including detached tide lands, owned by the State of Washington, situate in front of, adjacent to or abutting upon section 7, township 33 north, range 3 east, Willamette Meridian, lying south of the north line of said section 7, produced west, north of the south line of said section 7,

Public shooting grounds authorized.

Description.

produced west, and east of a line parallel to and one mile west of the east line of said section 7, are hereby declared to be proper for use as a public shooting grounds.

Certificate to be filed with Commissioner.

Under Game Department.

Used for booming grounds.

May return ground to Commissioner.

SEC. 2. Upon the filing with the Commissioner of Public Lands of a certificate showing that said lands are about to be used for a public shooting grounds by the State Game Department, the said lands shall be withdrawn from sale or lease and may be thereafter used as a public shooting grounds under the control of the State Game Department: *Provided*, That they may be used by the Commissioner of Public Lands for booming purposes: *And provided further*, That should the State Game Department no longer desire to use said lands for such purposes it shall certify such fact to the Commissioner of Public Lands, and the lands shall thereafter be under the supervision, care and control of the Commissioner of Public Lands and subject to sale or lease as provided by law.

Passed the House February 27, 1941.

Passed the Senate March 12, 1941.

Approved by the Governor, March 21, 1941.

CHAPTER 166.

[H. B. 370.]

PRACTICE OF MEDICINE AND SURGERY.

AN Act relating to the practice of medicine and surgery; providing for registration fee and annual renewal of certificates of registration and the payment of an annual renewal fee; and repealing section 7 of chapter 192, Laws of 1909, as amended by chapter 82, Laws of 1913 (section 10010 of Remington's Revised Statutes); section 9 of chapter 192, Laws of 1909, as amended by section 5 of chapter 134, Laws of 1919 (section 10012 of Remington's Revised Statutes); and section 10 of chapter 192, Laws of 1909, as amended by section 6 of chapter 134, Laws of 1919 (section 10013 of Remington's Revised Statutes).

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

SECTION 1. Every person applying for a certificate to practice medicine and surgery shall pay to the Director of Licenses a fee of twenty-five dollars (\$25).

Fee for application.

Every person now licensed to practice medicine and surgery in this state, or who shall hereafter be licensed to engage in such practice, shall register with the Director of Licenses annually and pay an annual renewal registration fee of five dollars (\$5) on or before the first day of July of each year, and thereupon the license of such person shall be renewed for a period of one year. Any failure, neglect or refusal on the part of any person duly licensed to practice medicine and surgery to register and pay the annual registration fee shall render the license invalid, but such license shall be reinstated upon written application therefor to the Director of Licenses and payment to the state of a penalty of ten dollars (\$10), together with all delinquent annual license renewal fees.

Licensed doctors to register annually.
Fee.

Penalty for failure to register.

SEC. 2. Section 7 of chapter 192, Laws of 1909, as amended by section 1 of chapter 82, Laws of 1913 (section 10010 of Remington's Revised Statutes);

Statutes repealed.

Statutes
repealed.

section 9 of chapter 192, Laws of 1909, as amended by section 5 of chapter 134, Laws of 1919 (section 10012 of Remington's Revised Statutes); and section 10 of chapter 192, Laws of 1909, as amended by section 6 of chapter 134, Laws of 1919 (section 10013 of Remington's Revised Statutes), are hereby repealed.

Passed the House February 18, 1941.

Passed the Senate March 12, 1941.

Approved by the Governor, March 21, 1941.

CHAPTER 167.

[H. B. 385.]

REGISTRATION OF UNREPORTED BIRTHS.

AN ACT relating to the registration of unreported births; providing the procedure therefor, and repealing sections 3, 4, 5, 6, 7 and 8 of chapter XCVIII (98) of the Laws of 1891 as amended by chapter XXVI (26) of the Laws of 1895, and section 3 of chapter CXVI (116) of the Laws of 1901 (sections 6011, 6012, 6013, 6014, 6015, 6016 and 6017, Remington's Revised Statutes) and declaring an emergency.

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

Registration
of un-
recorded
births.

SECTION 1. Whenever a birth which has occurred in this state prior to the date of this act is not on record in the office of the State Registrar or in the office of the Auditor of the county in which the birth occurred if such birth was prior to July 1, 1907, and the attending physician is not available to make the registration, application for the registration of the birth may be made by the interested person to a judge of the Superior Court, either of the county of residence or of the county of birth, as hereinafter provided.

Procedure.

Application
to Superior
Court.

Form
provided.

Supporting
affidavit.

SEC. 2. The application shall be made upon a form provided by the State Registrar and shall be supported by the affidavit of at least two (2) persons having knowledge of the facts stated therein, or rea-

son to believe that such facts are true, or by documentary evidence. Copies of said application shall be served upon the State Registrar, and the local registrar at least fifteen (15) days before the application may be presented to the Superior Court. A fee of two dollars (\$2) shall be paid to the State Registrar at the time said service is made upon him. No other or further fee shall be paid to the registrar or to the court for the registration of such birth.

Copy of application to Registrar.

Fee.

SEC. 3. The Judge of the Superior Court to which such application is submitted shall examine the application and take such testimony as may, in his judgment, be necessary to establish the facts. The State Registrar or his authorized deputy certified to the Court as such, may appear at such hearing, may examine witnesses, and may submit proof for or against the application. If the Court is satisfied that the facts are as stated, it shall issue an order to the State Registrar that such birth be registered. If the Court is not satisfied that the facts are as stated, it shall issue an order continuing the hearing for further hearing or denying the application.

Duty of Court.

Registrar may appear.

Order of Court.

SEC. 4. The order for the registration of such birth shall be on a form provided by the State Registrar, and shall be properly signed by the Judge of the Superior Court, and shall have attached the affidavits and documents supporting the application, and shall bear the seal of said Court, and the birth shall be registered in the records of the State Registrar and shall also be filed in the local registration district in which the birth occurred. A certified copy of such record, when issued, shall be prima facie evidence in all courts and places of the facts stated therein. Certified copies shall be furnished at a fee of fifty cents (\$.50) each.

Order and attachments.

Fee for certificate.

SEC. 5. Sections 3, 4, 5, 6, 7 and 8 of chapter XCVIII (98) of the Laws of 1891 as amended by chapter XXVI (26) of the Laws of 1895, and section 3

Statutes repealed.

Statutes
repealed.

of chapter CXVI (116) of the Laws of 1901 (sections 6011, 6012, 6013, 6014, 6015, 6016 and 6017, Remington's Revised Statutes) are hereby repealed.

Effective
immediately.

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

Passed the House March 12, 1941.

Passed the Senate March 11, 1941.

Approved by the Governor, March 21, 1941.

CHAPTER 168.

[H. B. 396.]

PROTECTION OF FORESTS FROM FIRE.

AN ACT relating to the forests of the state, forest lands, the protection of forests from fire, and the prevention of fires on forest lands; and amending section 270 of chapter 249 of the Laws of 1909 (section 2522 of Remington's Revised Statutes) and section 1 of chapter 105 of the Laws of 1917 (section 5804 of Remington's Revised Statutes).

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

Amend-
ments.

SECTION 1. That section 270 of chapter 249 of the Laws of 1909 (section 2522 of Remington's Revised Statutes) be amended to read as follows:

Must get
permit.

Section 270. Every person who, within a county where there is a Deputy Fire Warden, shall burn any wood or brush between the fifteenth day of April and the fifteenth day of October in each year, without first obtaining a permit thereto from such Deputy Fire Warden, or who, in setting, guarding or extinguishing any fire in such wood or brush, shall willfully or negligently fail to observe any precaution prescribed by such Deputy Fire Warden, shall be guilty of a misdemeanor.

Penalty.

Amend-
ments.

SEC. 2. That section 1 of chapter 105 of the Laws of 1917 (section 5804 of Remington's Revised Statutes) be amended to read as follows:

Section 1. Every owner of forest land in the State of Washington shall furnish or provide therefor, during the season of the year when there is danger of forest fires, adequate protection against the spread of fire thereon or therefrom which shall meet with the approval of the State Forest Board: *Provided*, That for the purposes of this section forest lands, lying in counties east of the summit of the Cascade mountains, shall be deemed to be adequately protected where patrol is furnished by the United States forest service of a standard and efficiency and seasonal duration, deemed by the State Forest Board to be sufficient for the proper protection of the forest land of such counties.

Owner to provide protection.

Exception.

Passed the House February 28, 1941.

Passed the Senate March 12, 1941.

Approved by the Governor, March 21, 1941.

CHAPTER 169.

[H. B. 468.]

WORKMEN'S COMPENSATION ACT FUNDS.

AN ACT relating to the Workmen's Compensation Act, and prescribing the method of transferring and computing reserves in death and total disability claims after October 1, 1941.

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

SECTION 1. On and after October 1, 1941, for every claim resulting in death or permanent total disability, it shall be the duty of the Department of Labor and Industries to make transfer on their books from the accident fund of the proper class to the reserve fund a sum of money for that case equal to the estimated present cash value of the monthly payments provided for it, to be calculated upon the basis of an annuity covering the payments in this section provided to be made for the case. Such annuities

Department to set aside death fund.

Basis. shall be based upon tables to be prepared for that purpose by the State Insurance Commissioner and by him furnished to the State Treasurer, calculated upon standard mortality tables with an interest assumption of three per cent (3%) per annum.

Passed the House March 5, 1941.

Passed the Senate March 12, 1941.

Approved by the Governor March 21, 1941.

CHAPTER 170.

[H. B. 423.]

SOCIAL SECURITY AND ASSISTANCE FOR THE BLIND.

AN ACT relating to Social Security, assistance for the blind, providing for reports of income and disbursements by certain persons and organizations, providing penalties and amending sections 8, 9, 10, 13 and 17, chapter 132, Laws of 1937 (sections 10007-6, 10007-7, 10007-8, 10007-11 and 10007-15, Remington's Revised Statutes).

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

Amendments.

SECTION 1. Section 8, chapter 132, Laws of 1937 section 10007-6, Remington's Revised Statutes) is amended to read as follows:

Eligibility.

Section 8. **ELIGIBILITY FOR ASSISTANCE.** Assistance shall be granted under this act to an applicant:

Age.

(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;

No vision.

(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;

In need.

(c) Who is in need;

Residence.

(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;

(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 commence immediately upon his being discharged from such institution. Should a recipient become ineligible for assistance due to confinement in a public institution or hospital, if otherwise eligible, the assistance formerly granted shall be immediately restored to him upon being discharged from such institution: *Provided, further*, That no person otherwise eligible shall be deemed ineligible who has been a patient in a public hospital for a period of less than thirty (30) days; or is employed in a shop maintained for the blind which does not furnish board or room; or attends a college or university in the state; or who pays the assistance money received to a private institution or home for his care; and

No inmate of institution.

(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

Not public charge.

(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.

Not begging.

SEC. 2. Section 9, chapter 132, Laws of 1937 (section 10007-7, Remington's Revised Statutes) is amended to read as follows:

Amendments.

Application.

Section 9. APPLICATION. Any person claiming benefit under this act shall file an application with the Local Administrative Board in the county of residence. The word "residence" shall mean the permanent address where the person is living at the time he makes his application: *Provided*, That the residence of the husband or wife shall not be considered the residence of the other, unless they are actually living together: *Provided, further*, That a minor child shall be regarded as a resident of the state for the time he actually has been in the state irrespective of the residence or the domicile of his parents. The Local Administrative Board shall fully establish the facts set forth in the application and any other facts it deems necessary. The Board

Examination.

shall grant or deny the application within thirty (30) days from the date of its filing. 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.

Amendments.

SEC. 3. Section 10, chapter 132, Laws of 1937 (section 10007-8, Remington's Revised Statutes) is amended to read as follows:

Payments.

Section 10. If the Local Administrative Board is satisfied that the applicant is entitled to assistance it shall, without delay, issue an order therefor to be paid from funds appropriated for public assistance, in monthly payments. The amount of assistance to which any applicant shall be entitled shall be, when added to the income of the applicant from all other sources, (including free items of maintenance and subsistence) not less than forty dollars (\$40) per month. Inconsequential items of income having no appreciable significance in meeting the requirements of the applicant shall be disregarded; nor shall any item be considered income which is not actually on hand and ready for the applicant's use when it is needed. Small inconse-

Amount.

quential sums resulting from casual earnings, unpredictable gifts of indeterminate value, and past income that will not continue in the future shall be disregarded. Income shall be computed on the basis of net income. The aid granted under this chapter shall be paid monthly. Payments of aid shall be commenced as of the first day of the month in which the application is granted, unless otherwise directed by the Board: *Provided*, That no recipient shall be required to dispose of property currently meeting his requirements as a place of abode.

Casual earnings disregarded.

Aid paid monthly.

Recipient not to dispose of property.

No parent, grandparent, brother, sister or other relative of an applicant, excepting of a minor, shall be legally responsible for the support and care of a blind person, and assistance shall not be denied or canceled on account of any obligation or duty on the part of any person to support an applicant.

Relatives not deemed responsible for support.

On the death of a recipient of aid to the blind funeral expenses in the sum of one hundred dollars (\$100) shall be paid by the Department of Social Security unless the funeral has been otherwise provided for by fraternal organizations or may be paid for by insurance or out of the recipient's estate. If the provisions of this act shall conflict with the provisions of section 17 of chapter 216 of the Laws of 1939, the provisions hereof shall prevail.

Funeral expenses.

Exception.

SEC. 4. Section 13, chapter 132, Laws of 1937 (section 10007-11, Remington's Revised Statutes) is amended to read as follows:

Amendments.

Section 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, which shall hear the case within thirty (30) days following the taking of such appeal. If not satisfied an appeal may be made to the Director

Applicant may appeal to board.

Notice.

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 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.

May appeal to Superior Court.

In the event the applicant feels himself aggrieved by the decision rendered in the hearing he shall have the right to appeal to the Superior Court of the county of his legal residence, which appeal shall be taken by a notice filed with the Clerk of the Court and served upon the Director either by registered mail or by personal service within sixty (60) days after the decision of the Department has become final. Upon receipt of the notice of appeal, the Clerk of the Superior Court shall immediately docket the cause for trial and no filing fee shall be collected of the applicant.

Notice.

Director to file record in Court.

Within ten (10) days after being served with notice of appeal, the Director of the Social Security Department shall file with the Clerk of the Court the record of the case on appeal before an Examiner or the Director, and no further pleadings shall be necessary to bring the appeal to issue. The Superior Court shall decide the case on the record and if it finds that the Director has been arbitrary or capricious it shall remand the case to the Director for correction; otherwise the decision of the Director shall be confirmed; and either party may appeal from the decision of the Superior Court to the Supreme Court of this state, which appeal shall

Case heard on record.

Appeal to Supreme Court.

be taken and conducted in the manner provided by law or by the rules of court applicable to such cases; but no bond shall be required on any appeal under this act. In the event that either the Superior or the Supreme Court renders a decision in favor of the applicant, said applicant shall be entitled to a reasonable attorney's fee and costs. If a decision of the Director or of the Court is made in favor of an applicant who has appealed, assistance shall be paid from the time of application.

Applicant
entitled to
fees and
costs.

SEC. 5. Section 17, chapter 132, Laws of 1937 (section 10007-15, Remington's Revised Statutes) is amended to read as follows:

Amend-
ments.

Section 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. The provisions of this chapter shall be liberally construed to effect its objects and purposes. No person concerned with the administration of this chapter shall dictate how any applicant shall expend the aid granted to him.

Director to
make rules.

SEC. 6. Chapter 132 of the Laws of 1937 is hereby amended by adding a new section to be known as section 16-A to read as follows:

Amend-
ments.

Section 16-A. Blind assistance given to an applicant under the provisions of this act shall not be recoverable as a debt due the state except for such funds as have been received by the applicant contrary to the provisions of this act or by fraud or deceit. Any claims which have accrued or which shall in the future accrue under the provisions of chapter 216 of the Laws of 1939 are hereby renounced and declared to be null and void.

Assistance
not recover-
able by State
except for
fraud.

Certain
claims void.

SEC. 7. Every person, firm, corporation, association or organization receiving twenty-five per

Organization supported by recipients to make report.

cent (25%) or more of its income from contributions, gifts, dues, or other payments from persons receiving direct relief, work relief, home relief, old age assistance, Federal-aid assistance, or any other form of public assistance from the State of Washington or any agency or subdivision thereof, and engaged in political or other activities in behalf of such persons receiving such public assistance, shall, within ninety (90) days after the close of each calendar year, make a report to the Director of the Department of Social Security for the preceding year, which report shall contain:

Contents.

(a) A statement of the total amount of contributions, gifts, dues, or other payments received;

(b) The names of any and all persons, firms, corporations, associations or organizations contributing the sum of twenty-five dollars (\$25.00) or more during such year, and the amounts contributed by such persons, firms, corporations, associations, or organizations;

(c) A full and complete statement of all disbursements made during such year, including the names of all persons, firms, corporations, associations, or organizations to whom any monies were paid, and the amounts and purposes of such payments; and

Report is public record.

(d) Every such report so filed shall constitute a public record;

Penalty for violation.

(e) Any person, firm, or corporation, and any officer or agent of any firm, corporation, association or organization, violating this act by failing to file such report, or in any other manner, shall be guilty of a gross misdemeanor.

Passed the House March 13, 1941.

Passed the Senate March 13, 1941.

Approved by the Governor March 21, 1941.

CHAPTER 171.

[H. B. 424.]

IRRIGATION DISTRICT ELECTIONS.

AN ACT relating to the organization and government of irrigation districts, authorizing betterments and local improvements therein; providing the form of ballots for district elections; prescribing the manner of nominating candidates for District Director and amending section 15 of chapter 180, Session Laws of 1919, (section 7460 Remington's Revised Statutes of Washington).

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

SECTION 1. That section 15 of chapter 180, Session Laws of 1919, (section 7460 Remington's Revised Statutes of Washington), be amended to read as follows:

Amendments.

Section 15. Any desired special construction, reconstruction, betterment or improvements in an irrigation district system, including drainage, domestic water, or any other district service authorized by law, or purchase or acquisition of improvements already constructed, which are for the special benefit of the lands tributary thereto and lying within an irrigation district, may be constructed, purchased or acquired and provision made to meet the cost thereof as follows: The holders of title or evidence of title of one-quarter of the acreage proposed to be assessed, may file with the Board of Directors of the irrigation district their petition reciting the nature and general plan of the desired improvement and specifying the lands proposed to be specially assessed therefor. Such petition shall be accompanied by a bond in the sum of one hundred dollars (\$100) with surety to be approved by the said Board of Directors conditioned that the petitioners will pay the cost of an investigation of the project and of the hearing thereon if the same be not established. The said Board may at any time require a bond in an additional sum as may be

Betterments may be added.

Procedure.

Petition.

Bond.

Board to
make inves-
tigation.

deemed advisable. Upon the filing of such petition the Board of Directors, with the assistance of a competent engineer, shall make an investigation of the feasibility, cost and need of the proposed local improvement together with the ability of the land to pay such cost, and if the same appears feasible they shall have plans and estimate of the cost thereof prepared. If the cost shall appear to the board to exceed the benefits to accrue therefrom, or if the lands proposed to be embraced within the local improvement district shall be found to be insufficient security for the return of the cost, or if a protest against the establishment of the proposed improvement signed by a majority of the holders of title in the proposed local improvement district be presented at or prior to the hearing herein provided for, or if in other respects the proposed local improvement district should be found infeasible, they shall hold such petition for organization for naught and dismiss the same at the expense of the petitioners.

Protest by
others.

May dismlss.

Voting by
ballot.

SEC. 2. The voting at all irrigation district elections shall be by ballot. Official ballot forms shall be of uniform size and quality, shall be provided by the district, and, for the election of Director or Directors, shall contain the names of all candidates who have filed in writing with the secretary of the district not less than fifteen days before the day of the election a declaration of their candidacy; and said ballot forms shall also provide space for the writing in of the name or names of unnamed candidates. Each person filing his declaration of candidacy with the secretary shall designate therein the position for which he is a candidate. The names of no other candidates for district director shall appear upon said official ballot form and no ballots on any form other than the official form shall be received or counted: *Provided*, That nothing herein contained shall be held or construed to prevent any voter from

Contents.

Candidates.

voting for any other qualified person for such position by sticker or by writing in the name of such other person.

Sticker
candidates.

Passed the House February 28, 1941.

Passed the Senate March 11, 1941.

Approved by the Governor March 21, 1941.

CHAPTER 172.

[H. B. 425.]

IRRIGATION DISTRICTS OF 200,000 ACRES OR MORE.

AN ACT relating to irrigation districts comprising an area of 200,000 acres or more of land; prescribing the time for issuance of Treasurer's deeds in sales to persons other than the irrigation district, on account of delinquent district assessments against lands therein for which irrigation water was not available, authorizing redemption of such lands at any time before deed is issued and defining the duties of the district secretary with respect thereto.

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

SECTION 1. Where any tract of land for which irrigation water was not available at the time of the sale, has been sold to a person, other than the irrigation district, by the County Treasurer on account of delinquent district assessments in an irrigation district comprising an area of 200,000 or more acres of land, no deed shall issue to such purchaser in completion of the sale until after the expiration of two years from and after the date of the sale and said land may be redeemed in the same manner, and by the same persons, now authorized by law at any time before deed is issued.

Limitation of
redemption.

SEC. 2. Upon the sale of such land to a purchaser, other than the irrigation district, as aforesaid, the secretary of the district shall forthwith at the expense and in the name of the district notify any

Notice to
record
owner.

assessed owner thereof whose name and address appears on the current general tax roll in the Treasurer's office of the county in which the land is situated, of the sale. Said notice shall state in writing that the land has been sold for delinquent district assessments, giving a description of the land and date of sale and that if not redeemed within two years from the date of sale, the purchaser thereof shall be entitled to a deed. The notice shall be signed by the secretary and shall be mailed by U. S. mail to the assessed owner of the property at the post office address shown on the tax roll.

Construction.

SEC. 3. This act shall not be construed to modify the requirements of the law relating to notice on the part of a certificate holder of application for irrigation tax deed nor shall the giving of or failure to give, the notice required herein to be given to the land owner whose name and address appear on the current general tax roll, in any manner affect the legality of the sale or the legality of the title of the purchaser, if the property in any instance is not redeemed as required by law.

Passed the House February 28, 1941.

Passed the Senate March 11, 1941.

Approved by the Governor March 21, 1941.

CHAPTER 173.

[H. B. 459.]

EXPENSES OF MEMBERS OF THE LEGISLATURE.

AN ACT providing for and limiting reimbursement of members of the Legislature for actual expenses incurred and paid by them for subsistence and lodging while absent from their places of residence in the service of the state, and declaring an emergency.

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

SECTION 1. Members of the Legislature shall be reimbursed for their actual and necessary expenditures for subsistence and lodging while absent from their usual places of residence in the service of the state during each session of the Legislature: *Provided*, That such reimbursement shall be limited to and shall never exceed the sum of five dollars (\$5) per day.

Legislators
reimbursed
for actual
expenses.

Amount.

SEC. 2. The State Auditor shall issue warrants for said reimbursement on vouchers supported by affidavits that the reimbursement is claimed for expenses of subsistence and lodging actually incurred without itemization and without receipts. Such warrants shall be immediately paid from any funds appropriated for the purpose.

Method of
payment.

SEC. 3. 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.

Effective
immediately.

Passed the House March 4, 1941.

Passed the Senate March 11, 1941.

Approved by the Governor March 21, 1941.

CHAPTER 174.

[H. B. 486.]

LIMITATION OF ACTIONS AFFECTING PERSONS IN
MILITARY SERVICE.

AN ACT relating to limitation of actions, affecting persons in military service, amending section 39 of the Code of 1881 (section 171, Remington's Revised Statutes).

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

Amend-
ments.

SECTION 1. Section 39 of the Code of 1881 (section 171, Remington's Revised Statutes) is hereby amended to read as follows:

Limitation
of action
extended.

Section 39. (a) When a person shall be an alien subject or a citizen of a country at war with the United States, the time of the continuance of the war shall not be a part of the period limited for the commencement of the action.

Military
service
extends
limitation.

(b) When the enforcement of civil liabilities against a person in the military service of the United States has been suspended by operation of law, the period of such suspension shall not be a part of the period limited for the commencement of the action.

Passed the House February 28, 1941.

Passed the Senate March 12, 1941.

Approved by the Governor March 21, 1941.

CHAPTER 175.

[H. B. 534.]

TAXATION IN FEDERAL AREAS.

AN ACT accepting jurisdiction for purposes of taxation over federal areas within the exterior boundaries of the State of Washington; extending to such areas the application of all laws relating to revenue and taxation; and declaring when this act shall take effect.

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

SECTION 1. The State of Washington hereby accepts jurisdiction over all federal areas located within the exterior boundaries of such state to the extent that the power and authority to levy and collect taxes therein is granted by that certain act of the 76th Congress of the United States, approved by the President on October 9, 1940, and entitled: "An act to permit the states to extend their sales, use, and income taxes to persons residing or carrying on business, or to transactions occurring, in federal areas, and for other purposes."

State accepts jurisdiction granted.

Tax jurisdiction in federal areas.

SEC. 2. From and after January 1, 1941, all laws of this state relating to revenue and taxation which, except for this act and the act of Congress described in section 1 hereof, would not be operative within federal areas, are hereby extended to, and shall be construed as being operative in and upon all lands or premises held or acquired by or for the use of the United States or any department, establishment, or agency of the United States located within the exterior boundaries of the State of Washington, to the same extent and with the same effect as though such area was not a federal area: *Provided, however,* That nothing in this section shall be construed as extending the provisions of the Revenue Act of 1935, as amended, to the gross income received from or to sales made for use in performing within a federal

Date tax to extend.

Federal areas within state boundaries.

Exception.

military or naval reservation any contract entered into with the United States of America, or any department or agency thereof or any sub-contract made pursuant thereto for which a bid covering such contract or sub-contract was submitted prior to October 9, 1940.

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 March 6, 1941.

Passed the Senate March 11, 1941.

Approved by the Governor March 21, 1941.

CHAPTER 176.

[H. B. 557.]

FORTY MILL LIMIT REFERENDUM.

AN ACT relating to the taxation of real and personal property and limiting the aggregate annual rate of levy thereon for all purposes to forty mills, and submitting this act to the people for their approval or rejection at the general election in November, 1942.

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

Tax limitation.

SECTION 1. Except as hereinafter provided, the aggregate of all tax levies upon real and personal property by the state, municipal corporations, taxing districts and governmental agencies, now existing or hereafter created, shall not in any year exceed forty mills on the dollar of assessed valuation, which assessed valuation shall be fifty per centum (50%) of the true and fair value of such property in money; and within and subject to the aforesaid limitation the levy by the state shall not exceed two (2) mills to be used exclusively for the support of the University of Washington, Washington State College

Valuation.

Ratios.

State colleges.

and the State College of Education; the levy by any county shall not exceed ten (10) mills including any levy for the county school fund required by law, the levy by or for any school district shall not exceed ten (10) mills, the levy for any road district shall not exceed three (3) mills, and the levy by any city or town shall not exceed fifteen (15) mills: *Provided*, That nothing herein shall prevent levies at the rates provided by existing law by or for any port or power district: *Provided, further*, That the limitations imposed by this section shall not prevent the levy of additional taxes, not in excess of five (5) 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 on December 6, 1934, 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 toward the reduction, at the rate provided by statute, of the principal of county, city, town, or school district warrants outstanding on December 6, 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, 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, city or town by a three-fifths majority of those voting on the proposition at a special election, to be held in the year in which the levy is made, and not oftener than 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

County
expense.School
district.Road
district.

Exceptions.

Port or power
districts.General
obligation
bonds.Outstanding
warrants.Special
election
to exceed.Vote
required.

Notice of
special
election.

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, by giving notice thereof for two (2) 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 not less than forty per cent (40%) of the voters in said taxing district who voted at the last preceding general state election: *Provided further*, That any municipal corporation otherwise authorized by law to issue general obligation bonds for capital purposes may, at an election duly held after giving notice thereof as required by law, authorize the issuance of general obligation bonds for capital purposes only, which shall not include the replacement of equipment, and provide for the payment of the principal and interest of such bonds by annual levies in excess of the tax limitation contained herein: *Provided*, That such election shall not be held oftener than once a year, and that the proposition to issue such bonds and to exceed said tax limitation shall receive the affirmative vote of a three-fifths majority of those voting on the proposition and that the total number of persons voting at such election shall constitute not less than forty per cent (40%) of the voters in said municipal corporation who voted at the last preceding general state election: *Provided further*, That any taxing district shall have the right by vote of its governing body to refund any general obligation bonds of said district issued for capital purposes only, and to provide for the

Number
of voters
required.

Proviso.

Bonds for
capital
purposes.

One election
per year.

Vote
required.

Election to
refund.

interest thereon and amortization thereof by annual levies in excess of the tax limitation provided for herein.

SEC. 2. This act shall be referred and submitted to the people for their approval and ratification or rejection at the general election to be held in this state on the Tuesday next succeeding the first Monday in November, 1942, by the officers and in the manner provided by section 5416 of Remington's Revised Statutes. Act to be referred.

Passed the House March 12, 1941.

Passed the Senate March 11, 1941.

Approved by the Governor March 21, 1941.

CHAPTER 177.

[H. B. 596.]

NATIONAL AND STATE DEFENSE.

AN ACT relating to national and state defense; providing for the establishment of a State Council of Defense and of local councils of defense; prescribing the powers and duties thereof; making an appropriation; and declaring an emergency.

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

SECTION 1. SHORT TITLE. This act may be cited as the "Washington State Defense Council Act." Title.

SEC. 2. ESTABLISHMENT OF STATE DEFENSE COUNCIL. There is hereby created the Washington State Defense Council, hereinafter designated the State Council, for the general purpose of assisting in the coordination of the statewide and local activities related to national and state defense. Whenever he deems it expedient, the Governor may, by proclamation, dissolve or suspend the State Council or re-establish it after any such dissolution or suspension. State defense council created.

SEC. 3. ORGANIZATION OF COUNCIL. (a) The Proclamation by Governor.

Personnel. State Council shall consist of eighteen members appointed by the Governor and holding office during his pleasure. The Governor shall designate one of the members of the State Council as its chairman.

Appointment by Governor.

Employees. (b) The State Council may employ an executive secretary and such technical, clerical, stenographic, and other personnel as it deems necessary to carry out the purposes of this act.

Members to receive no compensation.

(c) The members of the State Council shall serve without compensation; provided, they may be reimbursed for their actual and necessary traveling and other expenses incurred in connection with attendance upon meetings of the Council.

Expenses paid.

State to provide offices.

(d) The State Council shall be provided with appropriate office space, furniture, equipment, supplies, stationery, and printing in the same manner as other state agencies are supplied.

Powers and duties of council.

SEC. 4. POWERS AND DUTIES. The Council shall have the following powers and duties:

(a) To cooperate with the Advisory Commission to the Council of National Defense or with any similar federal agency hereinafter created, and with any departments or other federal agencies engaged in defense activities.

(b) To cooperate with similar councils of defense in other states.

(c) To cooperate with Local Defense Councils.

(d) To supervise and direct investigations, and report to the Governor with recommendations for legislation or other appropriate action as it may deem necessary.

(e) To create committees, either within or without its membership, to aid in the discharge of its powers and duties.

(f) To adopt, amend and repeal rules, regulations and by-laws governing its procedure and activities.

(g) To do all acts and things, not inconsistent with law in furtherance of its defense activities.

SEC. 5. LOCAL COUNCILS OF DEFENSE. The Governor may create and establish from time to time such Local Councils of Defense as he may deem necessary. He shall appoint the members and designate the chairmen thereof. Local Councils of Defense, if and when established, shall cooperate with and assist the State Council, and shall perform such services as may be requested by the Governor or State Council. Such local councils shall terminate or cease activity whenever the Governor may so direct.

Local councils.

Governor to appoint.

SEC. 6. APPROPRIATION. There is hereby appropriated from the general fund the sum of forty thousand dollars (\$40,000), or so much thereof as may be necessary for the purposes of carrying out this act.

Appropriation.

SEC. 7. EMERGENCY. 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 4, 1941.

Passed the Senate March 11, 1941.

Approved by the Governor March 21, 1941.

CHAPTER 178.

[H. B. 593.]

REVENUE ACT AMENDMENTS.

AN ACT relating to revenue and taxation; amending sections 4, 5, 6, 7, 8(a), 11, 15(a), 17, 25, 32, 33, 37, 82, 84, 86, 88, 92, 93, 187 and 211 of chapter 180, Laws of 1935, as amended by chapter 191, Laws of 1937, chapter 227, Laws of 1937, chapter 9, Laws of 1939, and chapter 225, Laws of 1939, (sections 8370-4, 8370-5, 8370-6, 8370-7, 8370-8(a), 8370-11, 8370-15(a), 8370-17, 8370-25, 8370-32, 8370-33, 8370-37, 8370-82, 8370-84, 8370-86, 8370-88, 8370-92, 8370-93, 8370-187 and 8370-211, Remington's Revised Statutes); renumbering section 8(a) and section 15(a) of said chapter 180, Laws of 1935, as amended; repealing sections 213, 214, 215, and 216 of chapter 180, Laws of 1935, (sections 8370-213, 8370-214, 8370-215 and 8370-216, Remington's Revised Statutes); and adding new sections thereto to be designated as sections 9(a), 11(a), 19(a) and 34(a) of said chapter 180, Laws of 1935, as amended, and declaring that this act shall take effect May 1, 1941.

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

Amendments. SECTION 1. Section 4, chapter 180, Laws of 1935, as amended by section 1, chapter 225, Laws of 1939, (section 8370-4, Remington's Revised Statutes), be and the same hereby is amended to read as follows:

Business tax. 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:

Measured by gross business.

Persons included.

Extractors. (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;

Rate.

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;

(b) Upon every person engaging within this state in business as a manufacturer; as to such persons the amount of the tax with respect to such business shall be equal to the value of the products manufactured, multiplied by the rate of one-quarter of one per cent;

Manufacturer.

Rate.

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;

Retail merchant.

Rate.

(d) Upon every person engaging within this state in the business of buying wheat, oats, corn and barley, but not including any manufactured or processed products thereof, and selling the same at wholesale; the tax herein imposed shall be equal to the gross proceeds derived from such sales multiplied by the rate of one one-hundredth of one per cent;

Wholesale grain.

Rate.

(e) Upon every person except persons taxable under sub-section (d) above 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;

Wholesalers.

Rate.

(f) Upon every person engaging within this state in the business of printing and of publishing newspapers, periodicals or magazines; as to such

Printing.

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;

Rate.

Others.

(g) Upon every person engaging within this state in any business activity other than or in addition to those enumerated in sub-sections (a), (b), (c), (d), (e) and (f) 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 sub-section 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, [() except educational institutions which are not operated for profit and which are privately endowed to offer instruction in trade, industry and agriculture, []] abstract and title insurance, financial, brokerage, construction contracting and sub-contracting, advertising and hotel businesses.

Rate.

Amend-
ments.

SEC. 2. Section 5, chapter 180, Laws of 1935, as amended by section 2, chapter 225, Laws of 1939, (section 8370-5, Remington's Revised Statutes), be and the same hereby is amended to read as follows:

Definitions.

Section 5. For the purposes of this title, unless otherwise required by the context:

(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, co-partnership, joint venture, club, com-

pany, joint-stock company, business trust, municipal corporation, corporation, association, society, or any group of individuals acting as a unit, whether mutual, co-operative, fraternal, non-profit or otherwise and the United States or any instrumentality thereof provided a valid tax may be levied upon or collected therefrom under the provisions of this act;

Definitions.

(c) The word "sale" means any transfer of the ownership of, title to, or possession of property for a valuable consideration and includes any activity classified as a "sale at retail" or "retail sale" under sub-section (d) of this section. 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;

(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: (1) The production, fabrication or printing of tangible personal property for consumers thereof upon special order and shall also include the production, fabrication or printing of tangible personal property for consumers thereof who furnish either directly or indirectly the materials used in such work; (2) the installation, cleaning, decorating, beautifying, repairing or otherwise altering or improving the real or personal property

Definitions.

of consumers or for consumers thereof. The terms 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;

(e) The term "sale at wholesale" or "wholesale sale" means any sale of tangible personal property which is not a sale at retail;

(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;

(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;

(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;

Definitions.

(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;

(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;

(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 and shall include the production or fabrication of special made or custom made articles;

(1) The term "commercial use" means the fol-

Definitions.

lowing 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;

(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;

(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;

(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;

(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 offer-

ing to students an educational program of a general academic nature but not including specialty schools, business colleges, trade schools or similar institutions;

Definitions.

(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, merchandise or fixtures or any interest therein of a taxpayer quitting, selling out, exchanging or otherwise disposing of his business. Any person obligated to fulfill the terms of a contract shall be deemed a successor to any contractor defaulting in the performance of any contract as to which such person is a surety or guarantor;

(r) The word "consumer" means any person who purchases, acquires, owns, holds or uses any article of tangible personal property other than for the purpose of resale in the regular course of business or for the purpose of consuming such property in producing for sale a new article or substance of which such property is an ingredient or component or chemical used in processing same. The word "consumer" includes persons engaged in the business of erecting buildings or improving real property of others, or in performing public improvement contracts and persons engaged in rendering personal and professional services;

(s) The term "in this state" or "within this state" as used herein includes all federal areas lying within the exterior boundaries of the State of Washington.

SEC. 3. Section 6, chapter 180, Laws of 1935, as amended by section 3, chapter 225, Laws of 1939, (section 8370-6, Remington's Revised Statutes), be and the same hereby is amended to read as follows:

Amendments.

Section 6. Every person engaging in activities which are within the purview of the provisions of

Persons engaged in two or more activities.

Taxable
under each.

two or more paragraphs (a), (b), (c), (d), (e), (f) and (g) of section 4, shall be taxable under each paragraph applicable to the activities engaged in:

Proviso.

Provided, however, That persons taxable under paragraphs (a) or (b) of said section shall not be taxable under paragraph (e) of said section with respect to making sales at wholesale of products extracted or manufactured within this state by such persons: *And provided further,* That persons taxable under the provisions of paragraph (b) of section 4 upon manufacturing any food products for human consumption which are cooked, but which are not preserved by canning, bottling, or freezing, shall not be taxable under the provisions of paragraphs (c) or (e) of said section upon making wholesale or retail sales of such products.

Amend-
ments.

SEC. 4. Section 7, chapter 180, Laws of 1939, (section 8370-7, Remington's Revised Statutes), be and the same hereby is amended to read as follows:

Value
determined
by proceeds.

Section 7. The value of products extracted or manufactured shall be determined by the gross proceeds derived from the sale thereof whether such sale is at wholesale or at retail, except:

Exceptions.

(a) Where such products are extracted or manufactured for commercial use;

(b) Where such products are shipped, transported or transferred out of the state, or to another person, without prior sale or are sold under circumstances such that the gross proceeds from the sale are not indicative of the true value of the subject matter of the sale.

In the above cases the value shall correspond as nearly as possible to the gross proceeds from sales in this state of similar products 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 values.

Commission
to make
rules.

SEC. 5. Section 8(a), chapter 180, Laws of 1935, as amended by section 4, chapter 225, Laws of 1939, (section 8370-8(a), Remington's Revised Statutes), shall be hereafter designated as section 8 of such chapter 180, Laws of 1935, as amended, and the same hereby is amended to read as follows:

Amendments.

Section 8. Any person rendering services and maintaining places of business both within and without this state shall, for the purpose of computing tax liability under this title, apportion to this state that portion of his gross income which is derived from services rendered within this state. Where such apportionment cannot be accurately made by separate accounting methods, the taxpayer shall apportion to this state that proportion of his total income which the cost of doing business within the state bears to the total cost of doing business both within and without the state.

Persons doing business within and out of state.

Apportionment.

SEC. 6. Section 11, chapter 180, Laws of 1935, as amended by section 5, chapter 225, Laws of 1939, (section 8370-11, Remington's Revised Statutes), be and the same hereby is amended to read as follows:

Amendments.

Section 11. The provisions of this title shall not apply to:

Exemptions.

(a) Any person engaging in any business activity whose value of products, gross proceeds of sales or gross income of the business is less than six hundred (\$600.00) dollars, for a bi-monthly period: *Provided, however,* That where one person engages in more than one business activity and the combined measures of tax applicable to such businesses equal or exceed six hundred (\$600.00) dollars, 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 sub-section may be required to file returns as provided herein even though no tax may be due;

Limits of business.

Proviso.

(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
business.

Proviso.

(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 sub-section 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: *And provided, further,* That the provisions of this sub-section shall not exempt any bonding company from tax with respect to gross income derived from the completion of any contract as to which it is a surety, or as to any liability as successor to the liability of the defaulting contractor;

Wholesale
agricultural
products.

Exception.

(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;

Athletic
contests.

(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;

(f) Any person in respect to the business of con-

ducting 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 contractor; Employees.

(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, providing that such corporations or societies provide in their by-laws for the payment of death benefits, as set forth in Rem. Rev. Stat., section 3879; Fraternal societies.

(i) The gross income received by the United States or any instrumentality thereof, by the State of Washington or any municipal subdivision thereof or by any religious society, association or corporation, through the operation of any hospital, clinic, resort or other institution devoted exclusively to the care or healing of human beings: *Provided*, That no exemption is granted where the income therefrom inures to the benefit of any physician, surgeon, stockholder or individual by virtue of ownership or control of such hospital, clinic, resort or other institution; Public medical care.

(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 is granted, or to allow a deduction of amounts received as commissions from the sale or rental of real estate; Rentals on real estate.

(k) National banks, state banks, trust companies, mutual savings banks, buildings and loan and savings and loan associations with respect to their Banks.

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;

Chick
hatcheries.

(l) Amounts derived by persons engaged in operating chick hatcheries from the production and sale of chicks and hatching eggs;

Others.

(m) Any person performing any activities with respect to which a tax is specifically imposed upon the gross operating income derived therefrom under the provisions of title XIII of this act.

Amend-
ments.

SEC. 7. Section 15(a), chapter 180, Laws of 1935, as amended by section 6, chapter 225, Laws of 1939, (section 8370-15(a), Remington's Revised Statutes), shall be hereafter designated as section 14(a) of said chapter 180, Laws of 1935, as amended, and the same hereby is amended to read as follows:

Tax on
public
contracts a
prior lien.

Section 14(a). The amount of all taxes, increases and penalties due or to become due from a contractor or his successors or assignees with respect to a public improvement contract shall be a lien prior to all other liens upon the amount of the retained percentage withheld by the disbursing officer under such contract, and the amount of all other taxes, increases and penalties due and owing from the contractor shall be a lien upon the balance of such retained percentage remaining in the possession of the disbursing officer after all other statutory lien claims have been paid.

Duty of
public
officers.

Any state, county or municipal officer charged with the duty of disbursing or authorizing the payment of public funds in respect to any public improvement contract shall, before making final payment of the retained percentage to any person performing any such contract or to any of his successors or assignees, require the person to secure from the Tax Commission a certificate that all taxes, increases

and penalties due from such person, and all taxes to become due with respect to such contract have been paid in full.

If within thirty (30) days after receipt of notice by the Tax Commission of the completion of the contract the amount of all taxes, increases and penalties due from the contractor or any of his successors or assignees or to become due with respect to such contract have not been paid, the Tax Commission may certify to the disbursing officer the amount of all taxes, increases and penalties due from such taxpayer together with the amount of all taxes to become due with respect to such contract and may request payment thereof to the Tax Commission in accordance with the priority provided by this section. The disbursing officer shall within ten (10) days after receipt of said certificate and request pay to the Tax Commission the amount of all taxes, increases and penalties certified to be due or to become due with respect to the particular contract and after payment of all claims which by statute are a lien upon the retained percentage withheld by the disbursing officer, shall pay to the Tax Commission the balance, if any, or so much thereof as shall be necessary to satisfy the claim of the Tax Commission for the balance of all taxes, increases or penalties shown to be due by the certificate of the Tax Commission.

Commissioner to certify to disbursing official.

Claim to be settled before final settlement.

SEC. 8. Section 17, chapter 180, Laws of 1935, as amended by section 7, chapter 225, Laws of 1939, (section 8370-17, Remington's Revised Statutes), be and the same hereby is amended to read as follows:

Amendments.

Section 17. For the purposes of this title, unless otherwise required by the context:

Definitions.

(a) The term "selling price" means the consideration, whether money, credits, rights, or other property, expressed in the terms of money, paid or delivered by a buyer to a seller, all without any deduction on account of the cost of tangible property

Definitions.

sold, the cost of materials used, labor costs, interest, discount, delivery costs, taxes or any other expenses whatsoever paid or accrued and without any deduction on account of losses;

(b) The term "seller" means every person making sales at retail or retail sales to a buyer or consumer, whether as agent, broker, or principal;

(c) The word "buyer" and the word "consumer" include, without limiting the scope hereof, every individual, receiver, assignee, trustee in bankruptcy, trust, estate, firm, co-partnership, joint venture, club, company, joint-stock company, business trust, corporation, association, society, or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, non-profit or otherwise, municipal corporation, quasi-municipal corporation, the State of Washington, its departments, institutions and all political subdivisions thereof, irrespective of the nature of the activities engaged in or functions performed, the United States or any instrumentality thereof provided a valid tax may be levied upon or collected therefrom under the provisions of this title;

(d) The meaning attributed, in title II of this act, to the words and terms "tax year," "taxable year," "person," "company," "sale," "sale at retail," "retail sale," "sale at wholesale," "wholesale sale," "business," "engaging in business," "cash discount," "successor," "in this state" and "within this state" shall apply equally in the provisions of this title.

Amendments.

SEC. 9. Section 25, chapter 180, Laws of 1935, as amended by section 12, chapter 225, Laws of 1939, (section 8370-25, Remington's Revised Statutes), be and the same hereby is amended to read as follows:

Installment sales.

Section 25. In the case of installment sales and leases with an option to purchase, the Commission, by regulation, may provide for the collection of taxes upon the installments of the purchase price, or

amount of rental, as of the time the same fall due. Proviso.

In case the consideration for the lease with an option to purchase is not a bona fide consideration or does not represent a reasonable charge therefor, or if the agreement designated as a lease with an option to purchase is in fact not a true lease with an option to purchase, the Tax Commission shall issue equitable rules and regulations for the proper classification of such transaction.

The Tax Commission, by general regulation, may provide that a taxpayer whose regular books of account are kept on a cash receipts basis may file returns based upon his cash receipts for each bi-monthly period and pay the tax herein provided upon such basis in lieu of reporting and paying the tax on all sales made during such period. May pay on cash basis.

SEC. 9. (a) Section 32, chapter 180, Laws of 1935, as amended by section 15, chapter 225, Laws of 1939 (section 8370-32, Remington's Revised Statutes), is amended to read as follows: Amendments.

Section 32. The provisions of this title shall not apply: Exemption.

(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; Non-residents.

(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; Tax paid only once.

(c) In respect to the use of any article of tangible personal property the sale of which is specifically taxable under title V of this act; Otherwise taxable.

(d) In respect to the use of rolling stock or aircraft or floating equipment of a common carrier, the

Interstate
commerce.

first use of which within the state is actual use in conducting interstate or foreign commerce;

Tax-free
items.

(e) In respect to the use of any article of tangible personal property which the state is prohibited from taxing under the constitution of the state or under the constitution or laws of the United States;

Motor fuel.

(f) In respect to the use of motor vehicle fuel taxable under chapter 58 of the Laws of 1933, section 5 (section 8370-5, Remington's Revised Statutes).

Amend-
ments.

SEC. 10. Section 33, chapter 180, Laws of 1935, as amended by section 16, chapter 225, Laws of 1939, (section 8370-33, Remington's Revised Statutes), be and the same hereby is amended to read as follows:

Retailer to
collect tax
from pur-
chaser.

Section 33. Every retailer maintaining a place of business within this state or a resident agent within this state and making sales of tangible personal property for use in this state not exempted under the provisions of section 32 of this title shall, at the time of making such sales, or if the use of the tangible personal property is not then taxable hereunder, at the time such use becomes taxable hereunder, collect the tax imposed by this act from the purchaser and give to the purchaser a receipt therefor in the manner and form prescribed by the Tax Commission.

Further
duties of
seller.

The tax required to be collected by this title shall be deemed to be held in trust by the retailer until paid to the Tax Commission and any retailer who appropriates or converts the tax collected to his own use or to any use other than the payment of the tax provided herein to the extent that the money required to be collected is not available for payment on the due date as prescribed in this act shall be guilty of misdemeanor and punished in the manner prescribed by law. 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

Penalty for
violation.

manner prescribed by this act, whether such failure be the result of his own acts or the result of acts or conditions beyond his control, he shall, nevertheless, be personally liable to the state for the amount of such tax.

Personally liable.

Any retailer who refunds, remits or rebates to a purchaser 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 purchaser by an adjustment of prices, or at a price including the tax, or in any other manner whatsoever shall be guilty of a misdemeanor.

Not to refund to purchaser.

Penalty for violation.

SEC. 11. Chapter 180, Laws of 1935, be amended by adding thereto a new section following section 34 thereof to be designated as section 34(a) and to read as follows:

Amendment by addition.

Section 34(a). In the case of installment sales and leases with an option to purchase, the Commission, by regulation, may provide for the collection of taxes upon the installments of the purchase price, or amount of rental, as of the time the same fall due.

Provision for installment collection.

In case the consideration for the lease with an option to purchase is not a bona fide consideration or does not represent a reasonable charge therefor, or if the agreement designated as a lease with an option to purchase is in fact not a true lease with an option to purchase, the Tax Commission shall issue equitable rules and regulations for the proper classification of such transaction.

Commission to make rules.

The Tax Commission, by general regulation, may provide that a taxpayer whose regular books of account are kept on a cash receipts basis may file returns based upon his cash receipts for each bi-monthly period and pay the tax herein provided

May pay on cash basis.

upon such basis in lieu of reporting and paying the tax on all sales made during such period.

SEC. 11-(a). Section 36, chapter 180, Laws of 1935, as amended by section 19, chapter 225, Laws of 1939 (section 8370-36, Remington's Revised Statutes), 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:

Vetoed.

I. Railroad, express, railroad car, water distribution, light and power, telephone and telegraph businesses: Three per cent: *Provided, however,* That a common carrier railroad operating as a plant facility to the extent of eighty per cent or more of its business shall pay a tax of one-fourth of one per cent on such eighty per cent or more of its business and three per cent on all other business;

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.

Amend-
ments.

SEC. 12. Section 37, chapter 180, Laws of 1935, as amended by section 20, chapter 225, Laws of 1939, (section 8370-37, Remington's Revised Statutes) be and the same hereby is amended to read as follows:

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; Definitions.

(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 carrier is not owned or leased by the person engaging in such 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;

(d) The term "water distribution business" means the business of operating a plant or system for the distribution of water for hire or sale;

(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;

(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;

(g) The term "telegraph business" means the business of affording telegraphic communication for hire;

Definitions.

(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;

(i) The term "highway 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 and amendments thereto, except motor vehicles operated exclusively within the corporate limits of any city or town;

(j) The term "urban transportation business" means:

(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;

Definitions.

(1) 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 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;

(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," "in this state," "within this state," "cash discount" and "successor" shall apply equally in the provisions of this title.

SEC. 13. Section 82, chapter 180, Laws of 1935, as amended by section 23, chapter 225, Laws of 1939, (section 8370-82, Remington's Revised Statutes), be and the same hereby is amended to read as follows:

Amendments.

Section 82. From and after the first day of May, 1935, there is hereby levied, and there shall be collected as hereinafter provided in this title, a tax upon the sale, use, consumption, handling or distribution of all cigarettes, in an amount equal to one-tenth of one cent for each cigarette, unless the intended retail selling price for each cigarette shall be more than one cent, in which event, the tax shall

Tax on cigarettes.

be twenty per cent of such intended retail selling price.

Tax stamps
for packages.

(a) In order to enforce collection of the tax hereby levied, the Tax Commission is authorized and required to design and have printed stamps of such size and denominations as may be determined by the Commission, said stamps to be affixed on the smallest container or package that will be handled, sold, used, consumed or distributed, to permit the Commission to readily ascertain by inspection, whether or not such tax has been paid as provided in this title. Every person shall cause to be affixed on every package of cigarettes, as defined in this title, on which a tax is due, stamps of an amount equaling the tax due thereon before such person sells, offers for sale, uses, consumes, handles, removes, or otherwise disturbs and distributes the same;

Wholesaler
to affix
stamps.

(b) Every wholesaler in this state shall immediately, after receipt of any of the articles taxed herein, cause the same to have the requisite denomination and amount of stamps affixed to represent the tax imposed herein: *Provided, however,* That any wholesaler engaged in interstate business, who shall furnish surety bond in a sum satisfactory to the Commission, shall be permitted to set aside such part of his stock as may be necessary for the conduct of such interstate business without affixing the stamps required by this title. Said interstate stock shall be kept separate and apart from stamped stock. Every wholesaler shall, at the time of shipping or delivering any of the articles taxed herein, make a true duplicate invoice of the same which shall show full and complete details of the sale or delivery of the taxable articles, and shall retain the same subject to the use and inspection of the Tax Commission;

Proviso.

Interstate
stock to be
kept separate.

Retailer to
affix stamps.

(c) Every retailer shall, except as to those articles on which the tax has been paid by the proper

affixing of stamps by a wholesaler, as herein provided, affix the stamps for the denomination and amount necessary to represent the tax on each individual package or container, the same to be done, in all cases, immediately upon receipt by the retailer of the unstamped articles: *Provided, however,* That any retailer engaged in interstate business, who shall furnish surety bond in a sum satisfactory to the Commission, shall be permitted to set aside such part of his stock as may be necessary for the conduct of such interstate business without affixing the stamps required by this title. Said interstate stock shall be kept separate and apart from stamped stock. Every retailer shall, at the time of shipping or delivering any of the articles taxed herein, make a true duplicate invoice of the same which shall show full and complete details of the sale or delivery of the taxable articles, and shall retain the same subject to the use and inspection of the Tax Commission;

Proviso.

Interstate
stock kept
separate.

(d) Said stamps shall be affixed in such manner that they cannot be removed from the package or container without said stamp being mutilated or destroyed, which stamps so affixed shall be evidence of the tax imposed;

Manner of
affixing
stamps.

(e) In the case of cigarettes contained in individual packages, as distinguished from cartons or larger units, the stamps shall be affixed securely on each individual package;

Individual
packages.

(f) Wholesalers and retailers subject to the provisions of this title shall be allowed as compensation for their services in affixing the stamps herein required a sum equal to three (3) per cent of the face value of the stamps purchased by them;

Compensation
for
affixing
stamps.

(g) It is the intent and purpose of this title to levy a tax on all of the articles taxed herein, sold, used, consumed, handled or distributed within this state and to collect the same from the person who

Intent of act.

First purchaser to pay.

first sells, uses, consumes, handles or distributes the same in the State of Washington. It is further the intent and purpose of this title that whenever any of the articles herein taxed are given away for advertising or any other purpose whatsoever, the same shall be taxed in the same manner as if they were sold, used, consumed, handled or distributed in this state.

Tax collected on advertising stock.

Commission to use stamping machines.

(h) The Tax Commission shall have authority to authorize the use of meter stamping machines for imprinting stamps, which imprinted stamps shall be in lieu of those otherwise provided for under this title, and if the same be authorized, shall provide reasonable rules and regulations with respect to the use thereof.

Amendments.

SEC. 14. Section 84, chapter 180, Laws of 1935, as amended by section 24, chapter 225, Laws of 1939, (section 8370-84, Remington's Revised Statutes), be and the same hereby is amended to read as follows:

Wholesalers and retailers to keep records.

Section 84. It shall be the duty of every wholesaler or retailer subject to the provisions of this title to keep and preserve for a period of five years an accurate set of records, showing all transactions had with reference to the purchase and sale of any of the articles taxed herein and such persons shall keep also separately all invoices, and shall keep a record of all stamps purchased, and all such records and all such stock of taxable articles on hand shall be open to inspection at all reasonable times to the Tax Commission or its duly authorized agent: *Provided, however,* That all wholesalers shall within fifteen days after the first day of each month file with the Tax Commission a report of all drop shipment sales made by them to retailers within this state during the preceding month, which report shall show the name and address of the retailer to whom the cigarettes were sold and shall show the kind and quantity thereof and the date of delivery of the same.

Wholesalers to make monthly report.

SEC. 15. Section 86, chapter 180, Laws of 1935, (section 8370-86, Remington's Revised Statutes), be and the same hereby is amended to read as follows: Amend-
ments.

Section 86. Each of the following acts is hereby declared to be a gross misdemeanor and punishable as such: Penalty for
violations.

(a) To sell, except as a registered wholesaler or retailer engaged in interstate commerce as to the article being taxed herein, without the stamp provided for herein first being affixed;

(b) To use or have in possession knowingly or intentionally any forged or counterfeit stamps;

(c) For any person other than the Tax Commission or its duly authorized agent to sell any stamps provided for herein, not affixed to any of the articles taxed herein whether the said stamps be genuine or counterfeit;

(d) To violate any of the provisions of this title;

(e) To violate any lawful rule or regulation made and published by the Tax Commission;

(f) To use any stamps more than once;

(g) To refuse to allow on demand of the Tax Commission, or any duly authorized agent thereof, to make full inspection of any place of business where any of the articles herein taxed are sold or otherwise hinder or prevent such inspection;

(h) For any retailer, except one permitted to maintain an unstamped stock to engage in interstate business as provided herein, to have in possession in any place of business any of the articles herein taxed, unless the same shall have the proper stamps attached;

(i) For any person to make, use or present or exhibit to the Tax Commission, or any duly authorized agent thereof, any invoice for any of the articles herein taxed which bears an untrue date or falsely states the nature or quantity of the goods therein invoiced;

Penalty for
violations.

(j) For any wholesaler or retailer or his agent or employees to fail to produce on demand of the Tax Commission all invoices of all the articles herein taxed and/or stamps bought by him or received in his place of business within five (5) years prior to said demand unless he can show by satisfactory proof that the non-production of said invoices was due to providential or other causes beyond his control;

(k) For any person to receive in this state any shipment of any of the articles taxed herein, when the same are not stamped, for the purpose of avoiding payment of tax. It is presumed that persons other than dealers who purchase or receive shipments of unstamped cigarettes do so to avoid payment of the tax imposed herein.

All agents, employees and others who aid, abet or otherwise participate in any way in the violation of the provisions of this title, or in any of the offenses herein described shall be guilty and punishable as principals, to the same extent as any wholesaler or retailer violating the provisions of the title.

Amend-
ments.

SEC. 16. Section 88, chapter 180, Laws of 1935, (section 8370-88, Remington's Revised Statutes), be and the same hereby is amended to read as follows:

Articles not
stamped may
be seized.

Section 88. Any articles taxed herein found at any point within this state, which articles shall be held, owned, possessed or in the control of any person for a period of time longer than the time to affix the stamps and not having affixed to the packages or container as above defined the stamps as above provided, are hereby declared to be contraband goods, and the same may be seized by the Commission, or its duly authorized agent, or by any peace officer of the state, when directed by the Commission so to do, without a warrant, and said goods shall be offered by the Commission for sale at public auction to the highest bidder after due advertisement, but the Commission before delivering any of said goods so seized

Sold at public
auction.

shall require the person, to whom such articles are sold, to affix the proper amount of stamps as required by this title. The proceeds of sale of any goods sold hereunder shall be paid to the Tax Commission: *Provided*, That the cost of confiscation and sale shall be paid out of the proceeds derived from such sale before making said remittance: *Provided, further*, That any vending machine and any vehicle, not a common carrier, which may be used for the purpose of violating the provisions of this title shall likewise be subject to confiscation and sale in the same manner as above provided.

Proceeds of sale.

Proviso.

SEC. 17. Section 92, chapter 180, Laws of 1935, (section 8370-92, Remington's Revised Statutes), be and the same hereby is amended to read as follows:

Amendments.

Section 92. The Tax Commission may promulgate rules and regulations providing for the refund to dealers for the cost of stamps affixed to articles taxed herein, which by reason of damage become unfit for sale and are destroyed by the dealer or returned to the manufacturer or jobber. In the case of any articles to which stamps have been affixed, and which articles have been sold and shipped to a regular dealer in such articles in another state, the seller in this state shall be entitled to a refund of the actual amount of the stamps so affixed, upon condition that the seller in this state shall make affidavit that the articles were sold and shipped outside of the state and that he has received from the purchaser outside the state a written acknowledgment that he has received such articles with the amount of stamps affixed thereto, together with the name and address of such purchaser. The Tax Commission is hereby authorized to redeem any unused stamps purchased from it at the face value thereof less the affixing discount as provided in section 82 (f).

May refund for unsaleable goods.

Redeem unused stamps.

SEC. 18. Section 93, chapter 180, Laws of 1935, (section 8370-93, Remington's Revised Statutes), be and the same hereby is amended to read as follows:

Amendments.

Certificate
for vending
machines.

Section 93. Every person in this state who sells any of the articles taxed herein by means of any vending machine of any kind or character shall be required before engaging in such business to apply to and obtain from the Tax Commission a certificate to engage in business as a retailer, and shall obtain a separate certificate for each machine used in vending or selling any of the articles taxed herein and each machine so used shall be considered a separate place of business. Such certificate shall be issued upon application in the same manner as provided in section 187 of title XVIII of this act. Any articles taxed herein vended by means of any such machine shall bear stamps as evidence that the tax herein imposed has been paid and the articles taxed herein contained in such machines shall be available for inspection by the Tax Commission or its duly authorized agents at all times.

Articles to
bear stamps.

Amend-
ments.

SEC. 19. Section 187, chapter 180, Laws of 1935, as amended by section 16, chapter 227, Laws of 1937, (section 8370-187, Remington's Revised Statutes), be and the same hereby is amended to read as follows:

Registration
certificate.

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 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 num-

Fee.

Certificate
for each
place of
business.

bered 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.

Certificate to be posted.

Proviso.

Each vending machine and each coin operated machine, except where used in conducting a public utility business, and each mechanical device, the operator of which is taxable under the provisions of title XIII hereof, shall be considered a separate place of business and a separate registration certificate shall be obtained for each such machine or device. The issuance of any such certificate for such machines or devices to any applicant therefor may be denied by the Tax Commission, if the Commission, after hearing, shall find that the conditions of the applicant's business or prior record as a taxpayer under this act place in jeopardy the collection of the tax imposed by this act. The Tax Commission may require that any applicant for a certificate of registration for any such machine or device furnish a proper surety bond sufficient to secure the payment of any tax imposed by this act. It shall be unlawful for any person to operate such machine or device 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 device or for any person to operate any such machine

Certificate for each vending machine.

Commission may deny certificate.

Conditions.

May require bond.

Penalty for violation.

or device under a forged certificate of registration or under a certificate of registration not issued for such machine or device or to the operator thereof or under a certificate of registration which has been revoked under the provisions of section 202, 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. Any machine or device described herein which does not display a certificate of registration, as provided herein, or any such machine or device which displays a forged certificate of registration or a certificate of registration not issued for such machine or to the operator thereof or a certificate of registration revoked under the provisions of section 202, 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 contained in said machines or devices may be removed before the machine or device is offered for sale and the amount thereof shall be considered as part of the proceeds of the sale.

Penalty for violation.

Unregistered machine may be seized.

Sale.

Money deemed as proceeds.

Amendments.

SEC. 19(a). Section 211, chapter 180, Laws of 1935, as amended by section 31, chapter 225, Laws of

1939 (section 8370-211, Remington's Revised Statutes) be and the same hereby is amended to read as follows:

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:

35.63% thereof to the State Current School Fund; Allocation.

1.60% thereof to the University of Washington Fund;

1.12% thereof to the Washington State College Fund;

0.07% thereof to the Bellingham Normal School Fund;

0.16% thereof to the Cheney Normal School Fund;

0.20% thereof to the Ellensburg Normal School Fund;

61.22% 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 moneys which would otherwise be allocable to such funds shall be deposited to the credit of the State General Fund. Limit.

SEC. 20. Section 213, chapter 180, Laws of 1935, (section 8370-213, Remington's Revised Statutes), section 214, chapter 180, Laws of 1935, (section 8370- Statutes repealed.

Statutes
repealed.

214, Remington's Revised Statutes), section 215, chapter 180, Laws of 1935, (section 8370-215, Remington's Revised Statutes) and section 216, chapter 180, Laws of 1935, (section 8370-216, Remington's Revised Statutes), be and the same hereby are repealed.

Effective
date.

SEC. 21. This act is necessary for the immediate support of the state government and its existing public institutions and shall take effect May 1, 1941.

Passed the House March 13, 1941.

Passed the Senate March 13, 1941.

Approved by the Governor March 21, 1941, with the exception of section 11- (a), which is vetoed.

CHAPTER 179.

[H. B. 78.]

AUTHORIZING JOINT PURCHASES BY SCHOOL DISTRICTS.

AN ACT relating to school directors, increasing their powers and providing for the joint purchase of supplies, equipment and services, and amending section 1, chapter 131, Laws of 1939 (section 4776 of Remington's Revised Statutes), and declaring an emergency.

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

Amend-
ments.

SECTION 1. Section 1, chapter 131, Laws of 1939 (section 4776 of Remington's Revised Statutes) is amended to read as follows:

Duty of
Directors.

Section 1. Every Board of Directors, unless otherwise specially provided by law, shall have power and it shall be its duty:

Employ and
discharge
teachers.

First: To employ for not more than one year, and for sufficient cause to discharge teachers, and to fix, alter, allow and order paid their salaries and compensation. The Directors, except in districts of the first class, shall make with each teacher em-

One year
terms.

ployed by them a written or printed contract, which shall be in conformity with the laws of this state, and every such contract shall be made in duplicate, one copy of which shall be retained by the school district clerk, and the other shall be delivered to the teacher after having been approved and registered by the County Superintendent as by law required.

Written contracts.

Approval.

Second: To enforce the rules and regulations prescribed by the Superintendent of Public Instruction and the State Board of Education for the government of schools, pupils and teachers, and to enforce the course of study lawfully prescribed for the schools of their districts.

Enforce rules.

Third: To rent, repair, furnish and insure school houses, to employ janitors, laborers and mechanics.

To maintain school houses.

Fourth: To cause all school houses to be properly heated, lighted and ventilated, and to cause all school premises to be maintained in a cleanly and sanitary condition.

Fifth: To purchase personal property in the name of the district and to receive, lease, issue and hold for their district any real or personal property.

Sixth: To suspend or expel pupils from school who refuse to obey the rules thereof, and they shall exclude from school all children under six (6) years of age.

May suspend pupils.

Seventh: To provide free textbooks and supplies to be loaned to the pupils of the school, when in their judgment the best interests of their district will be subserved thereby, and to prescribe such rules and regulations as they shall deem necessary to preserve such books and supplies from unnecessary damage, also to provide for the expenditure of a reasonable amount for suitable commencement exercises.

Provide free textbooks.

Eighth: To require all pupils to be furnished with such books as may have been adopted by the

lawful authority of this state, as a condition to membership in the schools.

Exclude immoral books.

Ninth: To exclude from schools and school libraries all books, tracts, papers and other publications of an immoral or pernicious tendency.

Schools may be used for other purposes.

Tenth: To authorize the school room to be used for summer or night schools, or for public, literary, scientific, religious, political, mechanical and agricultural meetings, under such regulations as the Board of Directors may adopt.

Provide transportation.

Eleventh: To provide and pay for transportation of children to and from school whether such children live within or without the district when in their judgment the best interests of their district will be subserved thereby, but the Directors shall not be compelled to transport any pupil living within two (2) miles of the school house. When children are transported from one school district to another the Board of Directors of the respective districts may enter into a written contract providing for a division of the cost of such transportation between the districts. Whenever any school children are transported by the school district in its own motor vehicles and by its own employees, the Board shall have power to provide insurance to protect the district against loss by reason of theft, fire or property damage to the motor vehicle, and to protect the district against loss by reason of liability of the district to persons from the operation of such motor vehicle; and, in event the transportation of the children is arranged for by contract of the district with some person, the Board shall have power to require such contractor to procure liability, property, collision or other insurance for the motor vehicle used in such transportation.

Limit.

Joint contracts with other districts.

Provide insurance.

Establish night schools.

Twelfth: To establish and maintain night schools.

Thirteenth: To make arrangements for free instruction in lip reading to adults handicapped by defective hearing whenever in its judgment such instruction appears to be in the best interests of the school district and adults concerned: *Provided*, That in the apportionment of the current school fund each district maintaining such classes for free instruction in lip reading shall be credited with one full day's attendance for each day's attendance of two hours or more.

Free instruction for deaf.

Attendance apportionment.

Fourteenth: To join with Directors of other school districts in buying supplies, equipment and services collectively by establishing and maintaining a joint purchasing agency or otherwise, when the Directors deem it for the best interests of the district.

May join with other districts in purchase of supplies.

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.

Effective immediately.

Passed the House February 6, 1941.

Passed the Senate March 11, 1941.

Approved by the Governor March 24, 1941.

CHAPTER 180.

[H. B. 106.]

APPOINTMENT OF ELECTION BOARDS.

AN ACT relating to elections and to precinct election boards and the appointments thereof, and amending section 1 of chapter 29 of the Laws of the Extraordinary Session of 1933, to exempt from the act certain cities and towns.

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

Amendments.

SECTION 1. That section 1 of chapter 29 of the Laws of the Extraordinary Session of 1933, as amended by section 1 of chapter 5 of the Laws of 1935, be amended to read as follows:

County election board.

Section 1. The chairman of the Board of County Commissioners, the County Auditor, and the Prosecuting Attorney in each county, shall constitute the election board for all elections and it shall be the duty of such board to provide places for holding elections; to appoint the precinct election officers; to provide for their compensation; to provide ballot boxes and ballots or voting machines, poll books and tally sheets, and deliver them to the precinct election officers at the polling places, to publish and post notices of calling such elections in the manner provided by this act, and to apportion to each city, town or district, its share of the expense of such elections:

Duties.

Provided, That in the appointment of the precinct election officers by the county election board, said board shall designate the inspector and one judge in each precinct from that political party polling the highest number of votes for its first presidential elector in such county in the last preceding general election at which presidential electors were voted for, and one judge from that political party polling the next highest number of votes for its first presidential elector in such county at said election: *Pro-*

Apportion costs.

Manner of appointment of precinct boards.

vided further, That this act shall not apply to general or special elections for any city or town which is not subject to the consolidated election laws (sections 5144, 5150, Remington's Revised Statutes), but all such elections shall be held and conducted by the officials and in the manner provided by law governing such cities and towns, as if this statute had never been enacted; nor shall this act apply to any general or special elections for any purpose in second or third class school districts, but all such elections of second and third class school districts shall be held and the school district officers of such districts shall be elected and qualified, for the term, at the time and in the manner provided for school districts of the same class by chapters XX, XXI, XXXIII, XXXVII, and XXXVIII, of title XXVIII, Remington's Revised Statutes.

Not to apply
to certain
elections.

Passed the House February 17, 1941.

Passed the Senate March 11, 1941.

Approved by the Governor March 24, 1941.

CHAPTER 181.

[H. B. 182.]

FRAUD IN SPORTING CONTESTS.

AN ACT relating to sporting contests, making it a gross misdemeanor fraudulently to influence the outcome thereof.

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

SECTION 1. Every person who shall give, offer, receive, or promise, directly or indirectly, any compensation, gratuity or reward, or any promise thereof, or who shall fraudulently commit any act by trick, device or bunco, with intent to influence or change the outcome of any boxing or wrestling match, horse race, fish derby or any other athletic

Penalty for
fraud in sport
contest.

or sporting contest, shall be guilty of a gross misdemeanor.

Passed the House March 10, 1941.

Passed the Senate March 9, 1941.

Approved by the Governor March 24, 1941.

CHAPTER 182.

[S. H. B. 219.]

PUBLIC UTILITY DISTRICT BONDS OR WARRANTS.

AN ACT relating to public utility districts and the issuance, sale, redemption, funding and refunding of revenue bonds or warrants thereby; specifying provisions and conditions thereof and covenants that may be contained therein; providing for the registration and validation thereof; making the same legal securities for certain purposes; declaring the same to be negotiable instruments; repealing all acts or parts of acts in conflict herewith; and providing that this act shall take effect immediately.

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

SECTION 1. Whenever the Commission of a public utility district, organized pursuant to chapter 1 of the Laws of 1931 (sections 11605 et seq. of Remington's Revised Statutes) shall deem it advisable that the district purchase, purchase and condemn, acquire or construct any public utility, or make any additions or betterments thereto or extensions thereof, the Commission shall provide therefor by resolution, which shall specify and adopt the system or plan proposed and declare the estimated cost thereof, as near as may be, including as part of such cost funds necessary for working capital for the operation of such public utility by the district and for the payment of the expenses incurred in the acquisition or construction thereof, and shall specify whether general obligation bonds or utility revenue

Resolution by
Commission.

Contents.

Type of
bonds.

bonds or warrants are to be issued to defray such cost and the amount of such bonds or warrants.

The Commissioners may provide in such resolution that any additional works, plants or facilities subsequently acquired or constructed by the district for the same uses, whether or not physically connected therewith, shall be deemed additions or betterments to or extensions of such public utility.

Resolution to specify need.

SEC. 2. Whenever the Commission shall deem it advisable to issue revenue bonds or warrants for the purpose of defraying the cost or part of the cost of such public utility or any additions or betterments thereto or extensions thereof, it shall have power as a part of such plan and system to create a special fund or funds for the purpose of defraying the cost of such public utility, or additions of betterments thereto or extensions thereof, into which special fund or funds it may obligate and bind the district to set aside and pay a fixed proportion of the gross revenues of such public utility, and all additions or betterments thereto or extensions thereof, or any fixed amount out of, and not exceeding a fixed proportion of such revenues, or a fixed amount without regard to any fixed proportion, or an amount of such revenues equal to a fixed percentage of the aggregate principal amount of utility revenue bonds or warrants at any time issued against such special fund or funds, and to issue and sell utility revenue bonds or warrants payable as to both principal and interest only out of such fund or funds.

To create special fund.

May obligate district.

Such bonds or warrants shall be payable at such place or places and at such time or times, both as to principal and interest, and shall bear interest at such rate or rates payable semi-annually as the Commission shall determine.

Bonds payable as directed.

SEC. 3. Any resolution creating any such special fund and authorizing the issue of revenue bonds or warrants payable therefrom shall specify the title of

To specify
title to bonds.

Contents.

such bonds or warrants as determined by the Commission and may contain covenants by the district to protect and safeguard the security and the rights of the holders of such bonds and warrants, including covenants as to, among other things (a) the purpose or purposes to which the proceeds of sale of such bonds or warrants may be applied and the use and disposition thereof; (b) the use and disposition of the gross revenues of the public utility, and any additions or betterments thereto or extensions thereof, the cost of which is to be defrayed with such proceeds, including the creation and maintenance of funds for working capital to be used in the operation of the public utility and for renewals and replacements to the public utility; (c) the amount, if any, of additional bonds or warrants payable from such fund which may be issued and the terms and conditions on which such additional bonds or warrants may be issued; (d) the establishment and maintenance of adequate rates and charges for electric energy, water and other services, facilities and commodities sold, furnished or supplied by the public utility; (e) the operation, maintenance, management, accounting and auditing of the public utility; (f) the terms upon which such bonds or warrants or any of them may be redeemed at the election of the district; and (g) limitations upon the right to dispose of such public utility or any part thereof without providing for the payment of the outstanding bonds.

Bonds to be
sold by
Commission.

Interest rate.

SEC. 4. Such utility revenue bonds or warrants shall be sold in such manner and for such price or prices as the Commission shall deem for the best interests of the district: *Provided*, That the aggregate interest cost to maturity of the money received for any such issue shall not exceed six per cent (6%) per annum. The Commission may, if it deem it to the best interest of the district, provide in any con-

tract for the construction or acquisition of the public utility, or the additions or betterments thereto or extensions thereof, that payment therefor shall be made only in such revenue bonds or warrants at the par value thereof.

Payment may be made only by revenue bonds.

SEC. 5. In creating any special fund for the payment of any issue of revenue bonds, the Commission shall have due regard to the cost of operation and maintenance of the plant or system as constructed or added to, and to any proportion or amount of the revenues previously pledged as a fund for the payment of utility revenue bonds or warrants, and shall not set aside into such special fund or funds a greater amount or proportion of the revenues and proceeds than in its judgment will be available over and above such cost of maintenance and operation and the amount or proportion, if any, of the revenues so previously pledged. Any such bonds or warrants and interest thereon issued against any such fund as herein provided shall be a valid claim of the holder thereof only as against such special fund and the proportion or amount of the revenues pledged to such fund, but shall constitute a prior charge over all other charges or claims whatsoever, including the charge or lien of any general obligation bonds against such fund and the proportion or amount of the revenues pledged thereto. Such bonds or warrants shall not constitute an indebtedness of such district within the meaning of the constitutional provisions and limitations. Each such bond or warrant shall state on its face that it is payable from a special fund, naming such fund and the resolution creating it.

To pledge profit to special fund.

Holder of bond has claim against fund.

Revenue bonds not general indebtedness.

SEC. 6. Prior to the issue and delivery of any revenue bonds, such bonds and a certified copy of the resolution authorizing the issuance thereof shall be forwarded by the Commission to the State Auditor together with any additional information that he

Resolution to be filed with State Auditor.

Bonds to be registered by Auditor.

may require, and when such bonds have been examined they shall be registered by the State Auditor in books to be kept by him for the purpose and a certificate of such registration shall be endorsed upon each bond and signed by the State Auditor or a deputy appointed by him for the purpose. Such bonds, after having been so registered and bearing such certificate, shall be held in every action, suit or proceeding in which their validity is or may be brought into question prima facie valid and binding obligations of the districts in accordance with their terms, notwithstanding any defects or irregularities in the proceedings for the organization of the district and the election of the Commissioners thereof or for the authorization and issuance of such bonds or in the sale, execution or delivery thereof.

Commission to fix rates for utility.

SEC. 7. The Commission of each district which shall have revenue bonds or warrants outstanding shall have the power and shall be required to establish, maintain and collect rates or charges for electric energy and water and other services, facilities and commodities sold, furnished or supplied by the district which shall be fair and non-discriminatory and adequate to provide revenues sufficient for the payment of the principal of and interest on such bonds or warrants and all payments which the district is obligated to set aside in any special fund or funds created for such purpose, and for the proper operation and maintenance of the public utility owned by the district and all necessary repairs, replacements and renewals thereof.

Sufficient to pay operation and debts.

May refund.

SEC. 8. Whenever any district shall have outstanding any utility revenue warrants or bonds, the Commission shall have power by resolution to provide for the issuance of funding or refunding bonds with which to take up and refund such outstanding warrants or bonds or any part thereof at the maturity thereof or before maturity of the same be by

their terms or by other agreement subject to call for prior redemption, with the right in the Commission to combine various series and issues of such outstanding warrants or bonds by a single issue of funding or refunding bonds. Such funding or refunding bonds shall be payable only out of a special fund created out of the gross revenues of such public utility, and shall only be a valid claim as against such special fund and the amount of the revenues of such utility pledged to such fund. The coupon rate of interest on funding or refunding bonds shall not exceed the coupon rate of interest on the warrants and bonds funded or refunded thereby. Such funding or refunding bonds shall in the discretion of the Commission be exchanged at par for the warrants or bonds which are being funded or refunded or shall be sold in such manner as the Commission shall deem for the best interest of the district. Said funding or refunding bonds shall except as specifically provided in this section, be issued in accordance with the provisions with respect to utility revenue bonds and warrants in this act set forth.

May combine issues.

Refunding bonds payable only from gross revenues.

Refunding bonds exchanged at par.

SEC. 9. All the revenue bonds or warrants, including funding and refunding bonds, shall be signed by the President of the Commission, attested by the Secretary, and the seal of the district be affixed to each bond: *Provided*, That the interest coupons may have printed or lithographed facsimiles of the signatures of such officers.

Form of revenue bonds.

SEC. 10. The provisions of this act and the provisions of chapter 1, Laws of 1931, not hereby superseded, and of any resolution or resolutions providing for the issuance of any revenue bonds as herein set forth shall constitute a contract with the holder or holders of such bonds or warrants and the obligations of the district and its commission under said acts and any such resolution or resolutions shall be enforceable by any bond or warrant holder by man-

Existing bonds valid unless superseded herein.

damus or any other appropriate suit or action in any court of competent jurisdiction.

Obligations
created are
legal
security.

SEC. 11. All bonds and warrants issued under the authority of chapter 1, Laws of 1931, and this act shall be legal securities, which may be used by any bank or trust company for deposit with the State Treasurer, or any county, city or town Treasurer, as security for deposits in lieu of a surety bond under any law relating to deposits of public moneys and shall constitute legal investments for trustees and other fiduciaries other than corporations doing a trust business in this state and for savings and loan associations, banks and insurance companies doing business in this state. All such bonds and all coupons appertaining thereto shall be negotiable instruments within the meaning of and for all purposes of the negotiable instruments law of this state.

Bonds
negotiable.

Partial
invalidity.

SEC. 12. If any section or provision of this act shall be adjudged to be invalid 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.

Conflicting
acts repealed.

SEC. 13. All acts or parts of acts in conflict herewith are hereby repealed.

Effective
immediately.

SEC. 14. This act is necessary for the promotion of the public welfare and the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House March 1, 1941.

Passed the Senate March 10, 1941.

Approved by the Governor March 24, 1941.

CHAPTER 183.

[H. B. 276.]

ORGANIZATION OF DRAINAGE DISTRICTS.

AN ACT relating to drainage districts, providing for the organization of such districts, the election and qualifications of Commissioners therefor, the qualification of voters at such elections; amending section 5, chapter CXV, Laws of 1895, as amended by section 1, chapter 143, Laws of 1909 (section 4302, Remington's Revised Statutes), and declaring an emergency.

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

SECTION 1. That section 5, chapter CXV, Laws of 1895, as amended by section 1, chapter 143, Laws of 1909 (section 4302, Remington's Revised Statutes) is amended to read as follows:

Amendments.

Section 5. Such election shall be held on the day designated in such notice, and shall be conducted in accordance with the general election laws of the State of Washington, and no person shall be entitled to vote at such election or at the elections of Commissioners hereinafter provided for unless he shall be a qualified elector of the State of Washington and shall own land in the district. It shall be the duty of the County Auditor, upon the request of the Board of County Commissioners, to certify to the election officers of any such election the names of all persons owning land in the district as shown by the records of his office, and at any such election the election officers may require any such land owner, offering to vote, to take an oath that he is a qualified elector of the State of Washington before he shall be allowed to vote: *Provided*, That at any election held under the provisions of this act, an 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

Elections conducted under general laws.

Qualified electors.

Auditor to certify electors.

Corporation may vote by agent.

Canvass of
votes.

Order of
election.

Qualification
of Commis-
sioners.

Terms of first
Commis-
sioners.

he shall file with the election officers such written instrument of his authority. The Board of County Commissioners shall, on the Monday next succeeding such election, count and canvass the votes cast thereat, and if, upon said canvass and count it appears that a majority of the votes cast are for drainage district "Yes," the Board shall immediately enter an order upon its records declaring the proposed territory duly organized as a drainage district giving to such district a proper number, followed by the name of the county and state, and shall also declare the three persons receiving respectively the highest number of votes, the duly elected Drainage Commissioners of such drainage district. Said Board shall cause a copy of the order entered of record, duly certified, to be filed in the office of the Secretary of State, and from and after the date of such filing, said organization shall be deemed complete; and the members of said Board of Commissioners, so chosen at said election, before entering upon the discharge of their duties, shall qualify as county officers are required to qualify, and each shall enter into a bond, payable to the State of Washington, for the benefit of said district, with two or more sureties, in a penal sum of not less than one thousand dollars (\$1,000) nor more than five thousand dollars (\$5,000) conditioned for the faithful performance of their duties as Drainage Commissioners, to be approved by the Board of County Commissioners, and to be filed with the County Clerk, of the county in which said district is situated. The said Drainage Commissioners shall hold office until the next general election at which officers of said drainage district are to be elected, and until such further time as their successors are elected and qualified. The members of each successive Board of Drainage Commissioners, whether elected or appointed, shall, before entering upon their duties, enter into a bond as herein provided,

and after being approved by the Board of County Commissioners, shall be filed in the office of the County Clerk, of the county in which said district is situated.

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

Passed the House February 20, 1941.

Passed the Senate March 10, 1941.

Approved by the Governor March 24, 1941.

CHAPTER 184.

[H. B. 291.]

COMPENSATION FOR PILOTAGE COMMISSIONERS.

AN ACT relating to pilots; fixing compensation and providing for traveling and other expenses of Commissioners; amending section 2, chapter 18, Laws of 1935 (section 9871-2, Remington's Revised Statutes).

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

SECTION 1. That section 2, chapter 18 of the Laws of Washington for 1935 (section 9871-2, Remington's Revised Statutes), be amended to read as follows: Amendments.

Section 2. The office of the Department of Labor and Industries of the State of Washington shall be the office of the Board and all records of the Board shall be kept in said office. Each Pilotage Commissioner shall receive the sum of ten dollars (\$10) per day for each day actually engaged in the conduct of the business of the Commission, together with necessary traveling expenses, including meals and lodgings, not exceeding four dollars (\$4) per day, Office of board.
Compensation.
Expenses.

to be paid out of the Puget Sound pilotage fund on vouchers approved by the chairman of said Board.

Passed the House March 8, 1941.

Passed the Senate March 11, 1941.

Approved by the Governor March 24, 1941.

CHAPTER 185.

[H. B. 6.]

EXCHANGE OF CLALLAM COUNTY SCHOOL LAND.

AN Act authorizing School District No. 58 of Clallam County, Washington, to exchange school land for adjacent property to the school in said district.

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

Authority to
exchange.

SECTION 1. School District No. 58 of Clallam County, Washington, is hereby authorized to exchange Lot 4 of section 16, township 32 north, range 15 west, W. M., containing 13.60 acres, for land of equal value adjacent to the grounds of the school in said district.

Passed the House February 12, 1941.

Passed the Senate March 11, 1941.

Approved by the Governor March 24, 1941.

CHAPTER 186.

[H. B. 80.]

REQUIRING SEWAGE DISPOSAL BY CERTAIN CITIES.

AN ACT relating to public health; prohibiting cities not located on tidewater, having a population of over one hundred thousand (100,000) inhabitants, from discharging sewage into waters used for human or animal consumption or for domestic purposes; empowering the Director of Health to investigate the systems of sewage disposal by cities not located on tidewater, having a population of over one hundred thousand (100,000) inhabitants; and declaring the maintenance of any system of sewage disposal in violation of the provisions of this act to be a public nuisance.

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

SECTION 1. Any city not located on tidewater, having a population of one hundred thousand (100,000) or more, is hereby prohibited from discharging, draining or depositing, or causing to be discharged, drained or deposited, any sewage, garbage, feculent matter, offal, refuse, filth, or any animal, mineral, or vegetable matter or substance, offensive, injurious or dangerous to health, into any springs, streams, rivers, lakes, tributaries thereof, wells, or into any subterranean or other waters used or intended to be used for human or animal consumption or for domestic purposes.

Cities prohibited from polluting bodies of water.

SEC. 2. The Director of Health shall have the power, and it shall be his duty, to investigate the system of disposal of sewage, garbage, feculent matter, offal, refuse, filth, or any animal, mineral, or vegetable matter or substance, by cities not located on tidewater, having a population of one hundred thousand (100,000) or more, and if he shall determine upon investigation that any such system or systems of disposal is or may be injurious or dangerous to health, he shall have the power, and it shall be his duty, to order such city or cities to provide for, con-

Duties of Director of Health.

Investigate sewage disposal system.

Order of Director.

struct, and maintain a system or systems of disposal which will not be injurious or dangerous to health.

Violation
abated by
suit.

SEC. 3. Anything done, maintained, or suffered, in violation of any of the provisions of section 1 of this act, shall be deemed to be a public nuisance, and may be summarily abated as such by any court of competent jurisdiction at the suit of the Director of Health or any person whose supply of water for human or animal consumption or for domestic purposes is or may be affected.

Passed the House February 7, 1941.

Passed the Senate March 11, 1941.

Approved by the Governor March 24, 1941.

CHAPTER 187.

[H. B. 140.]

INSURANCE FUNDS OF FIRST CLASS SCHOOL DISTRICTS.

AN ACT to amend section 3, chapter 79, Laws of 1911 (section 4709, Remington's Revised Statutes), relating to the investment of insurance funds in school districts of the first class.

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

Amend-
ments.

SECTION 1. That section 3, chapter 79, Laws of 1911 (section 4709, Remington's Revised Statutes), be and the same hereby is amended to read as follows:

May invest
insurance
fund.

Section 3. The County Treasurer, when authorized to do so by the Board of Directors of any school district, may invest any accumulated permanent insurance fund of said district in school, county, or state warrants of the State of Washington, or in bonds or other obligations of or guaranteed by the Government of the United States, and all profits accruing from such investment, and the funds so

invested, shall revert to the permanent insurance fund of said district, and the County Treasurer shall be the custodian of all warrants, bonds or other obligations purchased by and with said permanent insurance fund until the same are redeemed, and the County Treasurer shall submit a statement of such fund and warrants, bonds or other obligations as a part of his monthly report to each district.

County Treasurer to be custodian.

Statement in monthly report.

Passed the House February 10, 1941.

Passed the Senate March 12, 1941.

Approved by the Governor March 24, 1941.

CHAPTER 188.

[H. B. 147.]

RECOVERY OF REAL PROPERTY UNLAWFULLY DETAINED.

AN ACT providing a special proceeding for the recovery of possession of real property unlawfully detained where the agreed rent or the rental value thereof does not exceed forty dollars (\$40).

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

SECTION 1. In cases of default in the payment of rent for real property where the stipulated rent or rental value does not exceed forty dollars (\$40) per month, no notice to quit or pay rent, other than filing and serving a summons and complaint, as hereinafter provided, shall be required to render the holding of such tenant thereafter unlawful. If the landlord shall, after such default in the payment of rent, accept payment thereof, such acceptance of payment shall operate to reinstate the right of the tenant to possession for the full period fixed by the terms of any agreement relating to the right of possession.

Default grounds for action without notice.

Summons and complaint.

Unlawful detainer.

Acceptance of rent reinstates tenant.

Jurisdiction.

SEC. 2. The Superior Court of the county in which the real property or some part thereof is situated shall have jurisdiction of proceedings for the recovery of possession of said real property alleged to be wrongfully detained.

Complaint.

SEC. 3. Such proceedings shall be commenced by the filing of a complaint executed under oath by the owner or landlord or his authorized agent. It shall be sufficient to state in such complaint a description of the property with reasonable certainty, that the defendant is in possession thereof and wrongfully holds the same by reason of failure to pay the agreed rental due, or the monthly rental value of the premises.

Contents.

Order fixing trial date.

SEC. 4. Upon the filing of such complaint it may be presented to the Judge, and by order he shall forthwith fix a place and time for the trial of said cause, not more than ten (10) days after the date of making the order. A copy of the complaint, together with a copy of the summons specifying the time and place for trial, shall be served on the defendant not less than five (5) days prior to the time fixed for hearing, in the manner provided for the service of notice to quit in section 1 of chapter 26, Laws of 1911 (section 814 of Remington's Revised Statutes).

Service on defendant.

Continuance limited.

SEC. 5. No continuance shall be granted for a longer period than two (2) days unless the defendant applying therefor shall give good and sufficient security, to be approved by the Court, conditioned upon the payment of rent accrued and to accrue, if judgment be rendered against the defendant.

Hearing.

SEC. 6. At the time and place fixed for the hearing, the Court shall proceed to examine the parties orally to ascertain the merits of the complaint, and if it shall appear that there is no reasonable doubt of the right of the plaintiff to be restored to the pos-

session of said property, the Court shall enter an order directing the issuance of a writ of restitution, which shall thereupon be served by the sheriff upon the defendant. After the expiration of three (3) days from date of service, if the defendant has not surrendered possession or filed a bond as herein-after provided, the writ shall be executed by the Sheriff. If it appears to the Court that there is reasonable doubt of the right of the plaintiff to be restored to the possession of said property, the Court shall enter an order requiring the parties to proceed on the complaint filed in the usual form of action.

Writ of restitution.

Execution.

Proviso.

SEC. 7. If the defendant feels aggrieved at an order of restitution, he may within three (3) days after the entry of the order file a bond to be approved by the Court in double the amount of the rent found to be due, plus two hundred dollars (\$200), conditioned for the payment and performance of any judgment rendered against him, and the Court shall thereupon enter an order for the parties to proceed in the usual form of action, and recall the writ of restitution.

Defendant may stay order by filing bond.

SEC. 8. The filing and service of a complaint under this act shall be equivalent to the notice required to pay rent or surrender possession under section 1 of chapter 86, Laws of 1905 (section 812, Remington's Revised Statutes).

Authority of complaint.

SEC. 9. The Clerk's fee under this act shall be three dollars (\$3) for filing the complaint and all orders of the court including the issuance of a writ of restitution. The Sheriff's fee shall be the same as in other civil actions.

Filing fee.

SEC. 10. The plaintiff shall not be required to give bond to the defendant or the Sheriff for the issuance or execution of the writ of restitution, and the Sheriff shall not be liable for damages to the defendant for the execution of the writ of restitution

No bond required of plaintiff.

Sheriff not liable on execution of writ.

hereunder, but any such damage to which the defendant may be entitled shall be recoverable against the plaintiff only.

Passed the House February 13, 1941.

Passed the Senate March 11, 1941.

Approved by the Governor March 24, 1941.

CHAPTER 189.

[H. B. 218.]

REGULATING SALE OF CANTALOUPE AND POTATOES.

AN ACT relating to the cantaloupe and the potato industry, providing for certain orders and regulations relative to the sale thereof, prescribing powers and duties of the Director of Agriculture, and prescribing penalties.

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

SECTION 1. It shall be the duty of every Horticultural Inspector to inspect potatoes or cantaloupes 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 potatoes or cantaloupes and it shall be unlawful for any person, firm, association or corporation to ship or have any carrier to transport potatoes or cantaloupes unless such certificate of inspection or permit shall have been obtained from a Horticultural Inspector in a manner specified above.

Duty of
inspectors.

Inspection.

Certificate to
ship.

Duty of
seller.

SEC. 2. It shall be unlawful for any person, firm, association or corporation to sell or expose for sale in the State of Washington to any retailer any potatoes or cantaloupes without giving information

to such purchaser in writing of the variety and grade of such potatoes or cantaloupes. Give grade.

SEC. 3. It shall be unlawful for any person, firm, association or corporation to offer for sale at retail any potatoes not coming within the grades of U. S. No. 2 or better, or cantaloupes not meeting the Washington unclassified grade, unless clearly marked with the word "CULL" in large letters on the container, or if sold in bulk, by a sign denoting that the potatoes or cantaloupes are culls. Culls must be marked.

SEC. 4. 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 of Remington's Revised Statutes, section 2737-A of Pierce's Code, as amended by section 5 of chapter 7 of the Laws of 1931: *Provided, however,* That no inspection charges shall be made where a grade or condition certificate or permit have previously been issued, nor shall a permit be necessary for a sale or shipment of potatoes or cantaloupes to packing houses, processing plants or places for storage in the district where grown when such products are sold or purchased for the purpose of preparing or processing for market or for storage to be sold at a later date. Director to fix inspection fees.

Exception.

SEC. 5. Any violation of this act shall be punishable as a gross misdemeanor. Penalty for violation.

Passed the House February 12, 1941.

Passed the Senate March 12, 1941.

Approved by the Governor March 24, 1941.

CHAPTER 190.

[H. B. 314.]

AUTHORIZING PUBLIC SHOOTING GROUNDS ON STATE
TIDELAND IN MASON COUNTY.

AN ACT authorizing the conveyance of certain tidelands to the State Game Department for public shooting grounds, and providing for the making of rules and regulations in relation thereto.

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

Public shoot-
ing grounds
authorized.

Deed to
Game
Department.

Description.

SECTION 1. The Commissioner of Public Lands of the State of Washington is hereby authorized and directed to certify, in the manner now provided by law in other cases, to the Governor, for deed to the State Game Department of the State of Washington, all of the following described tidelands, situate in Mason County, said state, to-wit: Beginning at a point in front of section 6, township 21 north, range 3 west, W. M., which is S 44° 30' W 920 feet distant from the meander corner on the north line of said section and running thence S 4° 10' E 1073.5 feet, S 13° 10' W 1269.7 feet, S 74° 40' W 670 feet and S 27° 32' W 1125 feet to a point which is N 45° 50' E 1932 feet distant from the southwest corner of said section 6; thence N 9° 30' W 3530 feet and east 1960 feet to said point of beginning, containing an area of 104.68 acres according to the plat thereof on file in the office of the Commissioner of Public Lands at Olympia, Washington; subject, however, to a right of way for transmission line over said tract granted to the City of Tacoma.

Existing
easement.

Deed to
Game
Department.

SEC. 2. The Governor is hereby authorized and directed to execute, and the Secretary of State to attest, a deed conveying to the State Game Department all of said tidelands.

Tidelands
granted.

SEC. 3. All of the tidelands described in section 1 of this act are hereby granted to said State Game

Department to be used as a public shooting grounds and for no other purposes; and in case the State Game Department shall attempt to use or permit the use of said tidelands, or any portion thereof, for any other purposes, or in the event that said tidelands are no longer used as a public shooting grounds, the same shall forthwith revert to the State of Washington and the said State Game Department is hereby directed to certify said reversion to the Commissioner of Public Lands.

No other purpose.

Reversion.

SEC. 4. The State Game Department is hereby authorized to make rules and regulations in relation to the use of said tidelands for the purposes herein specified.

Rules.

Passed the House February 24, 1941.

Passed the Senate March 11, 1941.

Approved by the Governor March 24, 1941.

CHAPTER 191.

[H. B. 329.]

DUTIES OF PROSECUTING ATTORNEYS.

AN ACT relating to Prosecuting Attorneys, defining their duties and fixing their compensation, and amending section 18, pages 63 and 64 of the Laws of 1886 (section 4136 of Remington's Revised Statutes).

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

SECTION 1. That section 18, pages 63 and 64, of the Laws of 1886 (section 4136 of Remington's Revised Statutes) be amended to read as follows:

Amendments.

Section 18. The Prosecuting Attorney when not in attendance upon the Superior Court shall institute and prosecute proceedings before magistrates for the arrest of persons charged with or reasonably suspected of, a felony when he has informa-

Duties of Prosecuting Attorneys.

Prosecute before magistrates.

tion that any such offense has been committed, and shall for that purpose attend when required by them. The Prosecuting Attorney shall draw all indictments when required by the grand jury. The Prosecuting Attorney shall not attend or appear before or give advice to the grand jury when cases are presented to it for its consideration except in cases where the calling of the grand jury has been initiated by the Prosecuting Attorney. It shall be the duty of the Prosecuting Attorneys elected under this act to carefully tax all cost bills in criminal cases arising in their respective counties, and they shall take care that no useless witness fees are taxed as part of such costs, and that the officers, authorized to execute process, tax no other or greater fees than the fees allowed by law: *Provided*, That if they are not present at the trial of any criminal case, before any Justice of the Peace, and the cost bill in such last case is lodged with the County Commissioners for such payment the said Prosecuting Attorney shall have the right to receive and retax the same, and it is made his duty so to do, if the Board of County Commissioners deem the bill exorbitant or improperly taxed.

Draw all
indictments.

Not to attend
grand jury.

Tax criminal
costs.

To examine
cost bills of
Justice of
the Peace.

May retax.

Passed the House February 24, 1941.

Passed the Senate March 12, 1941.

Approved by the Governor March 24, 1941.

CHAPTER 192.

[H. B. 349.]

RETIREMENT AND PENSION SYSTEMS OF FIRST
CLASS CITIES.

AN ACT empowering the legislative body of any city of the first class to extend by ordinance the provisions of retirement and pension systems for superannuated and disabled officers and employees of such city to such officers and employees subsequently acting as officers and employees of such city in capacities in which they would not otherwise be entitled to participation in such systems, and providing exceptions.

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

SECTION 1. That the legislative body of any city of the first class may, by ordinance, extend, upon such conditions as it may deem proper, the provisions of retirement and pension systems for superannuated and disabled officers and employees of such city to officers and employees who have qualified for participation in such systems, but who subsequently become officers or employees of such city in capacities in which they would otherwise not be entitled to participation in such systems: *Provided*, The following shall be specifically exempted from the provisions of this act:

(1) Members of the Police Departments who are entitled to the benefits of the Police Relief and Pension Fund as established by state law.

(2) Members of the Fire Department who are entitled to the benefits of the Firemen's Relief and Pension Fund as established by state law:

And provided further, That the provisions of the said systems shall not be extended to such officers and employees while acting as the executive head of such a city or as a member of its legislative body.

Passed the House March 12, 1941.

Passed the Senate March 11, 1941.

Approved by the Governor March 24, 1941.

May extend
pension
systems.

Exemption
from act.

Police.

Firemen.

City com-
missioners or
councilmen.

CHAPTER 193.

[S. H. B. 369.]

SEWAGE AND REFUSE DISPOSAL OF CITIES AND TOWNS.

AN ACT relating to sewers and drains, and refuse, and authorizing cities and towns to construct, condemn and purchase, purchase, acquire, add to, maintain, conduct and operate systems of sewerage and systems and plants for refuse collection and disposal; providing for modes of payment therefor; providing for making and collection of special charges; authorizing the operation of system of sewerage as part of waterworks utilities; and repealing chapter 39 of the Session Laws of 1931.

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

Construction of disposal systems.

SECTION 1. Any incorporated city or town within the state be, and hereby is, authorized to construct, condemn and purchase, acquire, add to, maintain, conduct and operate systems of sewerage and systems and plants for refuse collection and disposal together with additions, extensions and betterments thereto, within and without its limits, with full jurisdiction and authority to manage, regulate and control the same, and to fix, alter, regulate and control the rates and charges for the use thereof. A system of sewerage shall be construed to mean and include a system of sewers, outfalls, works, plants and facilities for sewage treatment and disposal, or any or all of such facilities.

Construction.

Procedure.

SEC. 2. Whenever the City Council, or other legislative body of any such city or town, shall deem it advisable that such city or town shall purchase, acquire or construct any public utility mentioned in section 1 hereof, or make any additions and betterments thereto, or extensions thereof, such City Council, or other legislative body of any such city or town, shall provide therefor by ordinance, which shall specify and adopt the system or plan proposed, and declare the estimated cost thereof as near as may

Ordinance.

be, and the same shall be submitted for ratification or rejection to the qualified voters of such city or town at a general or special election, except in the following cases where no submission shall be necessary:

Submitted to voters.

Exemption from election.

(1) When the adoption of a system of sewerage or system for collection and disposal of refuse, and the construction and operation of same, has been required and ordered by the State Board of Health.

Order of Board of Health.

(2) When no general indebtedness is to be incurred by such city or town in the acquiring, construction, maintenance or operation of such public utility, or when the work proposed is an addition or extension thereto or betterment thereof for which no general indebtedness is to be incurred by such city or town.

When no general indebtedness will be incurred.

If a general indebtedness is to be incurred, the amount of such indebtedness and the terms thereof shall be included in the proposition submitted to the qualified voters as aforesaid and such proposition shall be adopted and assented to by a three-fifths majority of the qualified voters of such city or town voting at said election. Ten days' notice of such election shall be given in the newspaper doing the city or town printing, by publication in each issue of said paper during said time: *Provided, however,* That where the proposition to be submitted includes a proposed levy of taxes in excess of the levy to which the same is or may be limited by statute or the Constitution of the State of Washington without a vote of the people, then the procedure to be followed in the holding of such election shall be as prescribed by such statutory or constitutional provision regulating the holding of special elections authorizing levies in excess of such limitation.

Amount of indebtedness included in proposition.

Vote necessary.

Notice of election.

Proviso.

SEC. 3. Whenever the qualified voters of any such city or town shall have heretofore adopted or shall hereafter adopt a proposition for any public

Bonds may
be issued
upon
adoption.

Denomina-
tion.

Interest
limit.

Bond form.

Levy to
retire bonds.

May create
special fund
from
revenues.

utility as aforesaid and shall have authorized a general indebtedness, or the State Board of Health has ordered the adopting of and construction and operation of such system of sewerage or system for collection and disposal of refuse, general city or town bonds may be issued as hereinafter provided. Said bonds shall be registered or coupon bonds; shall be issued in denominations of not less than one hundred dollars (\$100) or more than one thousand dollars (\$1,000); shall be numbered from one upwards consecutively; shall bear the date of their issue; shall be serial in form finally maturing not more than thirty years from date; shall bear interest not exceeding six per cent (6%) per annum, payable annually or semi-annually, with interest coupons attached, and the principal and interest shall be made payable at such place as may be designated. The bonds and each coupon shall be signed by the Mayor and attested by the Clerk, and the seal of such city or town shall be affixed to each bond, but not the coupons. Signatures on the coupons may be printed or lithographic facsimile of the signatures of said officials. Said bonds shall be printed, engraved or lithographed, on good bond paper. The proceedings relative to the sale of said bonds shall be as prescribed by sections 5583-3 and 5583-4, Remington's Revised Statutes, as now, or as hereafter amended.

There shall be levied each year upon all taxable property within such city or town a tax sufficient to pay the interest on said bonds and the principal thereof as the same shall mature, which taxes shall become due and collectible as other taxes. In addition thereto the City Council, or other legislative body of such city or town, may set aside into a special fund any sums or amounts which may accrue from the collection of service rates and charges for the private and public use of said sewerage system or systems for the collection and disposal of refuse, in excess of the cost of operation and maintenance

thereof as constructed or added to, and the same shall be applied solely to the payment of such interest and bonds, and where the said rates and charges shall be sufficient therefor no general tax need be levied.

SEC. 4. Whenever the City Council, or other legislative body of any such city or town, shall have heretofore adopted or shall hereafter adopt a proposition for any public utility as heretofore provided and either no general indebtedness shall have been authorized or the City Council, or other legislative body, shall not desire to incur a general indebtedness, and whenever the City Council, or other legislative body of any such city or town, shall be authorized to exercise any of the powers conferred by section 1 hereof without submitting any proposition as provided in subdivisions first and second of section 2 hereof the City Council, or other legislative body, shall have power to create a special fund or funds for the sole purpose of defraying the cost of such public utility or additions, betterments or extensions thereto, into which special fund or funds the City Council or other legislative body of such city or town, may obligate and bind the city or town to set aside and pay a fixed proportion of the gross revenues of such public utility, or any fixed amount out of and not exceeding a fixed proportion of such revenues, or a fixed amount without regard to any fixed proportion, and to issue and sell bonds or warrants bearing interest not exceeding six per cent (6%) per annum. Said bonds shall be registered or coupon bonds; shall be issued in denominations of not less than one hundred dollars (\$100) or more than one thousand dollars (\$1,000); shall be numbered from one upwards consecutively; shall bear the date of their issue; shall be serial in form finally maturing not more than thirty years from date; shall bear interest not exceeding six per cent (6%) per annum, payable annually or semi-annually, with interest cou-

City may create special fund from revenues.

Procedure.

Interest rate.

Bonds registered.

Bond form.

pons attached, and the principal and interest shall be made payable at such place as may be designated. The bonds and each coupon shall be signed by the Mayor and attested by the Clerk, and the seal of such city or town shall be affixed to each bond, but not the coupons. Signatures on the coupons may be printed or lithographic facsimile of the signatures of said officials. Said bonds shall be printed, engraved or lithographed, on good bond paper. Such bonds or warrants and the interest thereon shall be payable only out of such special fund or funds. In creating any such special fund or funds the City Council, or other legislative body of such city or town, shall have due regard to the cost of operation and maintenance of the plant or system as constructed or added to, and to any proportion or part of the revenue previously pledged as a fund for the payment of bonds, warrants or other indebtedness, and shall not set aside into such special fund a greater amount or proportion of the revenue and proceeds than in their judgment will be available over and above such cost of maintenance and operation and the amount or proportion, if any, of the revenue so previously pledged. Any such bonds or warrants and interest thereon issued against any such fund as herein provided shall be a valid claim of the holder thereof only as against the said special fund and its fixed proportion of amount of the revenue pledged to such fund, and shall not constitute an indebtedness of such city or town within the meaning of the constitutional provisions and limitations. Each such bond or warrant shall state on its face that it is payable from a special fund, naming the said fund and the ordinance creating it. Said bonds and warrants shall be sold in such manner as the corporate authorities shall deem for the best interest of the city or town, and the corporate authorities may provide in any contract for the construction and acquirement

Bond valid
claim
against fund.

Bonds may
be sold.

of the proposed improvement that payment therefor shall be made only in such bonds and warrants at par value thereof.

When any such special fund shall have been heretofore or shall be hereafter created and any such obligation shall have been heretofore or shall be hereafter issued against the same, a fixed proportion, or a fixed amount out of and not exceeding such fixed proportion, or a fixed amount without regard to any fixed proportion, of revenue shall be set aside and paid into said special fund as provided in the ordinance creating such fund, and in case any city or town shall fail to thus set aside and pay said fixed proportion or amount as aforesaid, the holder of any bond or warrant against such special fund may bring suit or action against the city or town and compel such setting aside and payment.

Must set
aside propor-
tion for fund.

SEC. 5. The City Council, or other legislative body of such city or town, shall have the right and authority to provide by ordinance for revenues by fixing rates and charges for the furnishing of service to those served by such system of sewerage or system for refuse collection and disposal, which rates and charges shall be uniform for the same class of service. In the event that special indebtedness bonds or warrants are issued against the revenues of such system of sewerage or system for refuse collection and disposal, the legislative body shall provide by ordinance for revenues by fixing rates and charges for the furnishing of such service, which shall be sufficient to take care of costs of maintenance and operation, bond and warrant principal and interest, sinking fund requirements, and other charges incidental thereto. All property owners within the area served by such sewerage system shall be compelled to connect their private drains and sewers with such city or town system, under such penalty as the legislative body of such city or town may by ordinance direct.

City to
fix rates.

Rates to
cover costs
and retire-
ment.

Lien created for rates.

SEC. 6. Cities and towns owning their own sewer systems are hereby granted a lien for delinquent and unpaid rates and charges, including interest thereon, for sewer service against the premises to which the same has been furnished, which lien shall be superior to all other liens and encumbrances except general taxes and local and special assessments. Such city or town may by ordinance provide that such delinquent rates and charges shall bear interest at not exceeding eight per cent (8%) per annum. Such lien shall be effective for a total of not to exceed six months' delinquent charges without the necessity of any writing or recording. In order to make such lien effective for more than six months' charges the city or town Treasurer, Clerk, or official charged with the administration of the affairs of such utility shall cause to be filed for record in the office of the county Auditor of the county in which such city or town is located, a notice in substantially the following form:

Interest on delinquent rates.

Lien notice.

“SEWERAGE LIEN NOTICE

City or Town of.....

—vs—

.....Reputed Owner

Notice is hereby given that the City or Town of has and claims a lien for sewer charges against the following described premises, situated in County, Washington, to-wit:

(here insert legal description of premises)

Said lien is claimed for not exceeding six months such charges and interest now delinquent, amounting to \$....., and is also claimed for future sewerage charges against said premises.

Dated

City or Town of.....

By”

Said lien notice may be signed by the city or town Treasurer or Clerk or other official in charge of the

administration of such utility. Such lien notice shall be recorded as prescribed by law for the recording of mechanics' liens.

SEC. 7. Such city or town may foreclose the lien herein granted in an action in the Superior Court in the county in which the city or town is situated. All or any of the tracts or premises subject to any such lien may be proceeded against in the same action, and all parties appearing of record as owning or claiming to own, having or claiming to have, any interest in or lien upon the tracts or premises impleaded in such action shall be made defendants thereto. All parties personally liable for the payment of any charges involved in said action may be made parties defendant. Any such action may be commenced at any time after six months subsequent to the furnishing of sewerage service for which payment has not been made, provided that any such action seeking the foreclosure of the lien for future services, notice of which is required to be recorded in the office of the County Auditor, shall be commenced within two years from the date of the filing of such notice of lien. Such action shall be tried before the court without jury. In such action the court may allow, in addition to interest on such charges at the rate of not exceeding eight per cent (8%) per annum from date of delinquency, costs and disbursements provided by statute, and such attorneys' fees as the court may adjudge reasonable.

Foreclosure
of lien.

Procedure.

Parties
defendant.Costs,
interest
and fees.

Where the owners and parties interested in any particular tract or premises shall default, the court may enter judgment of foreclosure and sale as to such parties and tracts or premises and the action may proceed as to the remaining defendants and tracts or premises. The judgment shall specify separately the amount of the sewerage charges, with interest, penalty and costs chargeable to each tract or premises. The judgment shall have the effect of a

Default
judgment.

Effect of judgment.

separate judgment as to each tract or premises described in the judgment, and any appeal shall not invalidate or delay the judgment except as to the property concerning which the appeal is taken. In the judgment the court shall order the tracts or premises therein described sold at one general sale, and an order of sale shall issue pursuant thereto for the enforcement of the judgment. Judgment may be entered as to any one or more separate tracts or parcels involved in the action, and the Court shall retain jurisdiction of other properties.

Order of sale.

Redemption.

All sales shall be subject to the right of redemption within one year from date of sale. The service of summons, and all other proceedings except as herein otherwise prescribed, including appeal, order of sale, sale, redemption, and issuance of order, shall be governed by the statutes now or hereafter in force relating to the foreclosure of mortgages on real property. For the purpose of this act the terms "judgment debtor" or "successor in interest" in the statutes governing redemption shall be deemed and held to include an owner or a vendee.

Procedure of foreclosure.

Terms defined.

City may sell or lease foreclosed property.

SEC. 8. Any city or town may at any time after deed is issued to it under and by virtue of any proceedings mentioned in this act, lease or sell or convey any such property at public or private sale for such price and on such terms as may be determined by resolution of the City or Town Council or other legislative body, any provisions of law, charter or ordinance to the contrary notwithstanding.

After foreclosure may pay existing liens.

SEC. 9. Any city or town after the entry of judgment of foreclosure against any premises may pay delinquent general taxes or purchase certificates of delinquency for general taxes on such premises, or purchase such premises at county tax foreclosures or from the county after foreclosure, for the purpose of protecting such premises. Such city or town after entry of judgment of foreclosure against any prem-

ises may, for the purpose of protecting such premises, pay local or special assessments which are delinquent or are about to become delinquent and where such premises have been foreclosed upon for local or special assessments and the time for redemption has not expired may redeem such premises. No moneys shall be expended for the purposes enumerated in this section except upon enactment by the City or Town Council or other legislative body of a resolution determining the desirability or necessity of making such expenditure.

May pay assessment for protection.

Procedure.

SEC. 10. As an additional and concurrent method of enforcing the lien in this act granted, any city or town operating its own municipal water system may by ordinance provide for the enforcement of said lien by cutting off the water service from the premises to which such sewer service has been furnished, after the charges become delinquent and unpaid, until such rates and charges are paid. The right to enforce such lien by cutting off and refusing water service as herein provided shall not be exercised after two years from the date of the recording of sewerage lien notice, as in this act provided, except to enforce payment of six months' charges for which no lien notice is required to be recorded.

Alternative enforcement.

Cut off water.

Limitation.

SEC. 11. Any city or town owning or operating its own sewer system, whenever topographic conditions shall make it feasible and whenever such existing sewer system shall be adequate therefor in view of the sewerage and drainage requirements of the property in such city or town, served or to be served by such system, may contract with any organized and established sewer district, serving any area wholly or partially without the limits of such city or town, for the discharge into such city or town owned sewer system of sewage from any part or parts of such sewer district, upon such terms and conditions

City may contract with existing district.

and for such periods of time as may be deemed reasonable.

Sewage disposal deemed part of water system.

SEC. 12. (a) Whenever any city or town shall be operating a waterworks utility pursuant to section 9488 of Remington's Revised Statutes of the State of Washington, and in the judgment of the City or Town Council or other corporate authorities the public health is being endangered by the lack of a system of sewerage or the inadequacy thereof, and the danger to the public health may be abated by the construction, maintenance and operation of a sewerage system or of additions, extensions or betterments thereto, such City or Town Council or other corporate authorities may by ordinance provide for the construction of such system of sewerage or of additions, extensions or betterments thereto, and that such system of sewerage, including additions, extensions, and betterments thereto, shall be considered as a part of and belonging to the waterworks utility of such city or town, and that the cost of construction thereof and the maintenance and operation thereof may be chargeable to the waterworks utility of such city or town: *Provided*, That if a general indebtedness is to be incurred to pay a part or all of such construction, maintenance or operation costs no such indebtedness shall be incurred without such indebtedness first being authorized by a vote of the people.

General indebtedness submitted to vote.

May be designated as part in any event.

(b) In any event any city or town may also by a vote of the people authorize its system of sewerage to be operated as a part of and as belonging to its waterworks utility whether or not danger to the public health be involved. The proposition authorizing such operation may be submitted to the voters at a special or general election in the manner as provided in section 2 of this act. If a majority of the voters voting at such election shall vote in favor of such proposition, then the same shall be deemed to have carried: *Provided, however*, If at such election there shall also be submitted to the voters any proposition

Election.

Majority vote necessary.

authorizing the incurring of a general indebtedness for the construction of such system of sewerage or of additions, extensions or betterments thereto and such proposition fail to carry by the majority vote required by section 2 of this act in order to incur such indebtedness, then the proposition authorizing the operation of the system of sewerage as a part of the waterworks utility shall be deemed to have failed of passage: *Provided further*, That the rejection by the voters of a proposition under this sub-section shall not prevent the city or town in a proper case from proceeding under sub-section (a) of this section.

Vote not to defeat proposition.

The operation of any waterworks utility of which the system of sewerage shall be made a part, as in this section provided, shall thereafter be governed by the state statutes relating to the establishment and operation of waterworks utilities and the provisions of this act shall not be applicable to such operation.

Joint utility governed as water utility

SEC. 13. This act shall not be construed or held to repeal, amend or modify any existing law, but shall be additional thereto and concurrent therewith for the purposes and objects in this act specified.

Additional to existing law.

SEC. 14. Chapter 39, Session Laws of 1931 (section 9198-1 to 9198-7, inclusive, of Remington's Revised Statutes), is hereby repealed.

Statutes repealed.

SEC. 15. If any section, sub-section, clause or sentence of this act shall be held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining provisions of the act.

Partial invalidity.

Passed the House March 6, 1941.

Passed the Senate March 11, 1941.

Approved by the Governor March 24, 1941.

CHAPTER 194.

[H. B. 401.]

SAFETY OF PERSONS EMPLOYED IN TUNNELS,
QUARRIES, CAISSONS OR SUBWAYS.

AN ACT relating to the safety of persons employed in the construction or operation of tunnels, quarries, caissons and subways, excepting in connection with mines; repealing section 6, chapter 131, Laws of 1937 (section 7666-6, Remington's Revised Statutes), and prescribing civil and criminal penalties for violation thereof.

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

SECTION 1. Every person, firm or corporation constructing, building or operating a tunnel, quarry, caisson or subway, excepting in connection with mines, with or without compressed air, shall in the employment of any labor comply with the following safety provisions:

Underground
workers to
comply with
safety
provisions.

Duty of
safety miner.

(a) A safety miner shall be selected by the crew on each shift who shall check the conditions necessary to make the working place safe; such as loose rock, faulty timbers, poor rails, lights, ladders, scaffolds, fan pipes and firing lines.

Other
requisites.

(b) Fuel burning equipment shall not be used underground.

(c) Ventilating fans shall be installed from twenty-five (25) to one hundred (100) feet outside the portal.

(d) No employee shall be allowed to "bar down" without the assistance of another employee.

(e) No employee shall be permitted to return to the heading until at least thirty (30) minutes after blasting.

(f) Whenever persons are employed in wet places, the employer shall furnish such persons with rubbers, boots, coats and hats. All boots if worn previously by an employee shall be sterilized before being furnished to another: *Provided, That*

this act shall not apply to the operation of a railroad except that new construction of tunnels, caissons or subways in connection therewith shall be subject to the provisions of this act: *Provided, further,* That in the event of repair work being done in a railroad tunnel, no men shall be compelled to perform labor until the air has been cleared of smoke, gas and fumes.

Provisos.

SEC. 2. No person employed in compressed air shall be permitted to pass from the place in which the work is being done to normal air, except after decompression in the intermediate lock as follows:

Intermediate air lock.

A state decompression shall be used in which a drop of one-half ($\frac{1}{2}$) of the maximum gauge pressure shall be at the rate of five (5) pounds per minute. The remaining decompression shall be at a uniform rate and the total time of decompression shall equal the time specified for the original maximum pressure:

Method of decompression.

Air pressure rates.

(a) Where the air pressure is greater than normal and less than fifteen (15) pounds to the square inch, decompression shall be at the minimum rate of three (3) pounds per minute.

(b) Where the air pressure is fifteen (15) pounds or over and less than thirty (30) pounds to the square inch, decompression shall be at the minimum rate of two (2) pounds per minute.

(c) Where the air pressure is twenty (20) pounds or over and less than thirty (30) pounds to the square inch, decompression shall be at the minimum rate of three (3) pounds every two (2) minutes.

(d) Where the air pressure is thirty (30) pounds or over to the square inch, decompression shall be at the minimum rate of a pound per minute.

(e) The time of decompression shall be posted in each man lock.

Methods of decompression.

(f) When the pressure exceeds seventeen (17) pounds to the square inch, when practicable to do so, a recording gauge to show the rate of decompression shall be attached to the exterior of each man's lock. The dial shall be of such size that the amount of rise or fall in the air pressure, within any five (5) minutes, shall be readily shown.

(g) There shall be on the outer side of each working chamber at least one (1) back pressure gauge, which shall be accessible at all times and shall be kept in accurate working order. Additional fittings shall be provided so that test gauges may be attached at all necessary times. Back pressure gauges shall be tested every twenty-four (24) hours and a record kept of such test.

Competent man in charge of valves.

A competent man shall be placed in charge of the valves and gauges which regulate and show the pressure in the working chamber. He shall not be employed more than eight (8) hours in any twenty-four (24). At no time shall he operate more than two (2) separate air lines.

Electric lights only in compressed chambers.

SEC. 3. (a) All lighting in compressed air chambers shall be by electricity only. Wherever practicable there shall be two (2) independent lighting systems with independent sources of supply.

Types of lights.

(b) The exterior of all lamp sockets shall be entirely non-metallic.

(c) All portable incandescent lamps used shall be guarded by a wire cage large enough to enclose both lamp and socket.

(d) All incandescent lamps shall be so placed that they cannot come in contact with any combustible material.

(e) Only heavy insulated or armored wire shall be used for light or power.

Exhaust valves.

SEC. 4. Exhaust valves shall be provided, having risers extending to the upper part of chamber,

if necessary, and shall be operated at such times as may be required and especially after a blast, and men shall not be required to resume work after a blast until the gas and smoke have cleared, for at least thirty (30) minutes.

SEC. 5. All reasonable precaution shall be taken against fire, and provisions shall be made so that water lines shall be available for use at all times. Fire hose connections with hose connected shall be installed in all power plants and work houses. There shall be fire hose connections within reasonable distance of all caissons. Fire hose shall be connected at either side of a tunnel bulkhead, with at least fifty (50) feet of hose with nozzle connection. Water lines shall extend into each tunnel with hose connections every two hundred (200) feet and shall be kept ready for use at all times.

Precaution
against fire.

SEC. 6. (a) Whenever the air pressure in a tunnel heading exceeds twenty-one (21) pounds per square inch above atmospheric pressure, two (2) air chambers shall always be in use, except for such time as may be necessary when headings are being started from shafts; and whenever practicable the pressure in the outer chamber shall not exceed one-half ($\frac{1}{2}$) the pressure in the heading.

Two
chambers in
excessive
pressures.

(b) In all tunnels sixteen (16) feet in diameter or over, hanging walks shall be provided from working face to nearest lock. An overhead clearance of six (6) feet shall be maintained and suitable ramps provided under all safety screens.

Walks.

SEC. 7. (a) Each bulkhead in tunnels of twelve (12) feet or more in diameter or equivalent area, shall have at least two (2) locks in perfect working condition, one (1) of which shall be used as a man lock. An additional lock for use in case of emergency shall be held in reserve.

Two locks
necessary.

(b) The man lock shall be large enough so that those using it are not compelled to be in a

Size of locks. cramped position, and shall not be less than five (5) feet in height. Emergency locks shall be large enough to hold an entire heading shift.

Lock equipment. (c) All locks used for decompression shall be lighted by electricity and shall contain a pressure gauge, a time piece, a glass "bull's eye" in each door or in each end, and shall also have facilities for heating.

Double valves. (d) Valves shall be so arranged that the locks can be operated both from within and from without.

Explosives in chambers. SEC. 8. When locking explosives and detonators into the air chamber, they shall be kept at opposite ends of the lock. While explosives and detonators are being taken through, no men other than the lock tender and the carriers shall be permitted in the lock.

Sufficient air plant. SEC. 9. (a) A good and sufficient air plant for the compression of air shall be provided to meet not only ordinary conditions, but emergencies, and to provide margin for repairs at all times. Provision must be made for storing in tanks at each boiler house enough feed water for twelve (12) hours' supply unless connection can be made with two (2) independent and separately sufficient sources of supply.

(b) The plant shall be capable of furnishing to each working chamber a sufficient air supply for all pressure to enable work to be done.

When electric power used. SEC. 10. When electric power is used for running compressors supplying air for compressed air tunnel work and such power is purchased from a local central station or power company—

Two sources of power. (a) There shall be two (2) or more sources of power from the power company's stations to the compressor plant. Such power feeders shall each have a capacity large enough to carry the entire compressor plant load and normal overload. The

feeders shall preferably run from separate generating plants or sub-stations and be carried to the compressor plant over separate routes and not through the same duct lines and manholes so that the breakdown of one feeder shall not cause an interruption on the other feeder.

Run independently.

(b) There shall be duplicate feeder bus-bars, and feeder connections to the bus-bars shall be such that either feeder can feed to each separate bus-bar set, individually, or simultaneously to both sets.

Each connected to all bus-bars.

(c) There shall be at least two (2) compressors so connected to the bus-bars that they can be operated from either set of busses. The compressors shall be fed from different bus-bar sets, in such a way that a breakdown of a feeder or bus-bar would interrupt the operation of only part of the compressor plant.

Compressors to work separately.

(d) Duplicate air feed pipes shall be provided from the compressor plant to a point beyond the lock.

Duplicate air feed.

SEC. 11. While work is in progress, the employer shall employ a competent person who shall make a regular inspection at least once every working day of all engines, boilers, steam pipes, drills, air pipes, air gauges, air locks, dynamos, electric wiring, signaling apparatus, brakes, cages, buckets, hoists, cables, ropes, timbers, supports, and all other apparatus and appliances; and he shall immediately upon discovery of any defect, report same in writing to the employer, or his agent in charge.

Inspection of equipment daily.

SEC. 12. No employee shall ride on any loaded car, cage or bucket, nor walk up or down any incline or shaft while any car, cage or bucket is above him.

Employees not to ride on load.

SEC. 13. No vehicle shall be operated underground at a speed greater than five (5) miles an hour, while construction work is going on.

Speed limit of underground vehicles.

Oil regula-
tion.

SEC. 14. Oil for illumination or power shall not be taken into the under-ground workings of any tunnel or kept therein in greater quantities than one (1) day's supply.

Explosives.

Precautions.

SEC. 15. (a) No greater quantity of explosives than that which is required for immediate use shall be taken into the working chamber.

(b) Explosives shall be conveyed in a suitable covered wooden box.

(c) Detonators shall be conveyed in a separate covered wooden box.

(d) Explosives and detonators shall be taken separately into the caissons.

(e) After blasting is completed, all explosives and detonators shall be returned at once to the magazine.

(f) No naked light shall be used in the vicinity of open chests or magazines containing explosives, nor near where a charge is being primed.

(g) No tools or other articles shall be carried with the explosives or with the detonators.

(h) All power lines and electric light wires shall be disconnected at a point outside the blasting switch before the loading of holes. No current by grounding of power or bonded rails shall be allowed beyond blasting switch after explosives are taken in preparatory to blasting, and under no circumstances shall grounded current be used for exploding blasts.

(i) Before drilling is commenced on any shift, all remaining holes shall be examined with a wooden stick for unexploded charges or cartridges, and if any are found, same shall be re-fired before work proceeds.

(j) No persons shall be allowed to deepen holes that have previously contained explosives.

(k) All wires in broken rock shall be carefully traced and search made for unexploded cartridges.

(l) Whenever blasting is being done in a tunnel, at points liable to break through to where other men are at work, the foreman or person in charge shall, before any holes are loaded, give warning of danger to all persons that may be working where the blasts may break through, and he shall not allow any holes to be charged until warning is acknowledged and men are removed.

Explosives.
Precautions.

(m) Blasters when testing circuit through charged holes shall use sufficient leading wires to be at a safe distance and shall use only approved types of galvanometers. No tests of circuits in charged holes shall be made until men are removed to safe distance.

(n) No blasts shall be fired with fuse, except electrically ignited fuse, in vertical or steep shafts.

(o) In shaft sinking where the electric current is used for firing, a separate switch not controlling any electric lights must be used for blasting and proper safeguard similar to those in tunnels must be followed in order to insure against premature firing.

SEC. 16. When firing by electricity from power or lighting wires, a proper switch shall be furnished with lever down when "off."

Firing by
electricity.

The switch shall be fixed in a locked box to which no person shall have access except the blaster. There shall be provided flexible leads or connecting wires not less than five (5) feet in length with one (1) end attached to the incoming lines and the other end provided with plugs that can be connected to an effective ground. After blasting, the switch lever shall be pulled out, the wires disconnected and the box locked before any person shall be allowed to return, and shall remain so locked until again ready to blast.

In the working chamber all electric light wires shall be provided with a disconnecting switch, which

Explosives. must be thrown to disconnect all current from the
Precautions. wires in the working chamber before electric light wires are removed or the charge exploded.

Before blasting the blaster shall cause a sufficient warning to be sounded and shall compel all persons to retreat to a safe shelter, before he sets off the blast, and shall permit no one to return until conditions are safe.

After blast. SEC. 17. (a) After a blast is fired, loosened pieces of rock shall be scaled from the sides of the excavation and after the blasting is completed, the entire working chamber shall be thoroughly scaled.

Duties. (b) The person in charge shall inspect the working chamber and have all loose rock or ground removed and the chamber made safe before proceeding with the work.

(c) Drilling must not be started until all remaining butts of old holes are examined for unexploded charges.

Signals printed and posted. SEC. 18. Any code of signals used shall be printed and copies thereof, in such languages as may be necessary to be understood by all persons affected thereby, shall be kept posted in a conspicuous place near entrances to work places and in such other places as may be necessary to bring them to the attention of all persons affected thereby.

Effective and reliable signaling devices shall be maintained at all times to give instant communication between the bottom and top of the shaft.

Ladders in shaft. SEC. 19. All shafting used in pneumatic caissons shall be provided with ladders, which are to be kept clear and in good condition at all times. The distance between the centers of the rungs of a ladder shall not exceed fourteen (14) inches and shall not vary more than one (1) inch in any one piece of shafting. The length of the ladder rungs shall not be less than nine (9) inches. The rungs

Specifications.

of the ladder shall in no case be less than three (3) inches from the wall or other obstruction in the shafting or opening in which the ladder shall be used. Under no circumstances shall a ladder inclining backward from the vertical be installed. A suitable ladder shall be provided from the top of all locks to the surface.

Ladder specifications.

All man shafts shall be lighted at a distance of every ten (10) feet with a guarded incandescent lamp.

Shaft lighted.

All outside caisson air locks shall be provided with a platform not less than forty-two (42) inches wide, and provided with a guard rail forty-two (42) inches high.

Caisson requirements.

Air locks.

All caissons in which fifteen (15) or more men are employed shall have two (2) locks, one (1) of which shall be used as a man lock. Man locks and man shafts shall be in charge of a man whose duty it shall be to operate said lock and shaft. All caissons more than ten (10) feet in diameter shall be provided with a separate man shaft, which shall be kept clear and in operating order at all times.

Caissons to have two locks.

Other requirements.

Locks shall be so located that the distance between the bottom door and water level shall be not less than three (3) feet.

SEC. 20. Wherever, in the prosecution of caisson work in which compressed air is employed, the working chamber is less than twelve (12) feet in length, and when such caissons are at any time suspended or hung while work is in progress, so that the bottom of the excavation is more than nine (9) feet below the deck of the working chamber, a shield shall be erected therein for the protection of the workmen.

Shield in suspended caissons.

SEC. 21. All caissons shall be properly and adequately braced before loading with concrete or other weight.

Proper construction.

Man-cage
construction.

SEC. 22. In all shafts where men are hoisted or lowered, an iron-bonneted cage shall be used for the conveyance of men, but this provision shall not apply to shafts in the process of sinking or during the dismantling of the shaft after work in the tunnel is substantially completed.

Steel
bonnets.

Cages shall be provided with bonnets consisting of two (2) steel plates not less than three-sixteenths ($\frac{3}{16}$) of an inch in thickness, sloping toward each side and so arranged that they may be readily pushed upward to afford egress to persons therein, and such bonnet shall cover the top of the cage in such manner as to protect persons in the cage from falling objects.

Partition.

Cages shall be entirely enclosed on two (2) sides with solid partition or wire mesh not less than No. 8 U. S. Standard gauge, no opening in which shall exceed two (2) inches.

Other
equipment.

Cages shall be provided with hanging chains or other similar devices for hand holds.

Every cage shall be provided with an approved safety catch of sufficient strength to hold the cage with its maximum load at any point in the shaft.

Hoisting
apparatus
inspected and
tested.

All parts of the hoisting apparatus, cables, brakes, guides and fastenings shall be of the most substantial design and shall be arranged for convenient inspection. The efficiency of all safety devices shall be established by satisfactory tests before the cages are put into service and at least once every three (3) months thereafter and a record thereof kept.

Safety catch.

The test of the safety catch shall consist of releasing the cage suddenly in such manner that the safety catches shall have opportunity to grip the guides.

Bucket hoist.

SEC. 23. In all vertical shafts in which hoisting is done by means of a bucket, suitable guides shall be provided when the depth exceeds ten (10) times the diameter or width of the shaft, but in no case

Guides.

shall the maximum depth without guides exceed one hundred and fifty (150) feet. In connection with the bucket, there shall be a crosshead traveling between these guides. The height of the crosshead shall be at least two-thirds ($2/3$) of its width, but the height in no case shall be less than thirty (30) inches.

Bucket construction.

SEC. 24. Where tunnels are driven from shafts more than two hundred and fifty (250) feet deep, a telephone system shall be established and maintained, communicating with the surface at each such shaft, and with a station or stations readily and quickly accessible to the men at the working level.

Telephone in deep tunnels.

SEC. 25. (a) While work is in progress, tunnels, stairways, ladderways and all places on the surface where work is being conducted, shall be properly lighted. In shafts more than one hundred (100) feet deep, the shaft below that point shall be lighted.

All underground area lighted.

(b) All places where hoisting, pumping or other machinery is erected and in the proximity of which persons are working or moving about, shall be so lighted when the machine is in operation that the moving parts of such machine can be clearly distinguished.

SEC. 26. The frames and bed plates of generators, transformers, compensators, rheostats and motors installed underground shall be effectively grounded. All metallic coverings, armoring of cables, other than trailing cables, and the neutral wire of three-wire systems shall also be so grounded.

Electric bases grounded.

SEC. 27. In electrical systems installed, no higher voltage than low voltage shall be used underground, except for transmission or other application to transformers, motors, generators or other appara-

Low voltage used.

tus in which the whole of the medium or high voltage apparatus is stationary.

Other lights kept for use.

SEC. 28. Lamps or other proper lights shall be kept ready for use in all underground stations where a failure of electric light is likely to cause danger.

Electric wires insulated.

SEC. 29. (a) All underground cables and wires, unless provided with grounded metallic covering, shall be supported by efficient insulators. The conductors connecting lamps to the power supply shall in all cases be insulated.

(b) Cables and wires unprovided with metallic coverings shall not be fixed to walls or timbers by means of uninsulated fastenings.

Statute repealed.

SEC. 30. Section 6, chapter 131, Laws of 1937 (section 7666-6, Remington's Revised Statutes) is hereby repealed.

Penalty for violation.

SEC. 31. Every person violating any of the provisions of this act shall be guilty of a misdemeanor.

Director to make safety rules.

SEC. 32. The Director of Labor and Industries shall establish such rules and regulations as he deems primarily necessary for the safety of the employees employed in tunnels, quarries, caissons and subways and shall be guided by the most modern published studies and researches made by persons or institutions into the correction of the evils chargeable to improper safeguards and inspection of the tools, machinery, equipment and places of work obtaining in the industries covered by this act.

Vetoed.

SEC. 33. Should the Inspector or any person appointed by the Director of Labor and Industries or any state department having jurisdiction, fail, neglect or refuse to enforce any of the provisions of this act, any employee may by a complaint in writing notify the Director and the employer or his agent of such violation and/or non-enforcement, and the Director and the complainant's employer or agent shall take immediate action thereon. No

employee shall be discharged for making such a complaint. Any employee so discharged shall have a right of action in a civil suit against his employer and shall recover damages not to exceed the amount of wages he would have earned but for the discharge.

SEC. 34. Should any employer operate any tool, equipment or machinery, or provide a working place in violation of this act or of a safety regulation, the employees shall have the right to refuse to work until the defect or condition is remedied, and there shall be no reduction of wages for the time lost, nor shall an employee or employees be discharged because of such refusal to continue working.

Vetoed.

Passed the House March 12, 1941.

Passed the Senate March 11, 1941.

Approved by the Governor March 24, 1941, with the exception of sections 33 and 34, which are vetoed.

CHAPTER 195.

[H. B. 422.]

COOPERATIVE MARKETING ASSOCIATIONS.

AN ACT relating to cooperative marketing associations, and amending sections 1 and 20 of chapter 115 of the Laws of 1921, section 6 of chapter 115 of the Laws of 1921, as amended by chapter 102 of the Laws of 1925, and section 17 of chapter 115 of the Laws of 1921, as amended by chapter 285 of the Laws of 1927.

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

SECTION 1. That section 1 of chapter 115 of the Laws of 1921 (section 2878 of Remington's Revised Statutes of Washington) be amended to read as follows:

Amendments.

Section 1. (a) The term "agricultural products" whenever used in this act shall include horticultural,

Definitions.

Definitions.

viticultural, forestry, dairy, livestock, poultry, bee and farm products.

(b) The term "members" wherever used in this act shall include actual members of associations without capital stock and holders of common stock in associations organized with capital stock.

(c) The term "association" wherever used in this act means any corporation organized under this act.

(d) The term "person" wherever used in this act shall include individuals, firms, partnerships, corporations and associations.

Deemed non-profit.

Associations organized hereunder shall be deemed nonprofit, inasmuch as they are not organized to make profits for themselves as such, or for their members as stockholders, but only for their members as producers of agricultural products.

Amendments.

SEC. 2. That section 6 of chapter 115 of the Laws of 1921 as amended by chapter 102 of the Laws of 1925 (section 2883 of Remington's Revised Statutes of Washington) be amended to read as follows:

Only persons in production of product admitted as members.

Section 6. (a) Under the terms and conditions prescribed in its by-laws, any association may admit as members, or issue common stock only to persons engaged in the production of the agricultural products to be handled by or through the association, including the lessees and tenants of land used for the production of such products and any lessors and landlords who receive as rent part of the crop raised on the leased premises.

(b) If a member of a non-stock association be other than a natural person, such member may be represented by any individual, officer or member thereof, duly authorized in writing.

(c) Any association organized hereunder may become a member or stockholder of any other association or associations organized hereunder.

(d) Any member of an association organized under the provisions of this act who ceases to be actively engaged in the production for such association of any of the agricultural products, for the marketing of or dealing in which such association is organized, shall, upon the expiration of thirty days from the date he ceases the production of such agricultural products for the association and/or resigns his membership, be classified as an associate member.

Cessation of production forfeits membership.

Preferred stockholders engaged in the production of agricultural products shall have all the rights and privileges of active members except that of voting.

(e) Any association organized under the provisions of this act may purchase the stock or the membership of any associate member with any available funds of the association, whether surplus or not.

Association may purchase own stock.

SEC. 3. That section 17 of chapter 115 of the Laws of 1921 as amended by chapter 285 of the Laws of 1927 (section 2894 of Remington's Revised Statutes of Washington) be amended to read as follows:

Amendments.

Section 17. Each association formed under this act shall cause an annual audit to be made of its books by a certified public accountant or by a public accountant not continuously employed by such association. Copies of the report of such auditor shall be available to the members of said association and to the Director of Agriculture. In the event that one-tenth or more of the members of an association organized under this act made written demand upon the Director of Finance, Budget and Business for an audit by his department, said director is authorized, empowered and directed to cause an examination and audit to be made of the affairs and books of such association and in such event a charge of not more than ten dollars (\$10) per day and expenses for each examiner of said department shall be made to the association to pay the actual expense of making such examination and audit.

Annual audit

Audit may be made upon demand.

Fee of Director.

Amend-
ments.

SEC. 4. That section 20 of chapter 115 of the Laws of 1921 (section 2897 of Remington's Revised Statutes of Washington) be amended to read as follows:

May join
other agency
or association
for co-
operative
purpose.

Section 20. Any association may, upon resolution adopted by its board of directors, enter into all necessary and proper contracts and agreements and make all necessary and proper stipulations, agreements and contracts and arrangements with any other cooperative corporation, association or associations, formed in this or in any other state, for the cooperative and more economical carrying on of its business, or any part or parts thereof. Any two or more associations may, by agreement between them, unite in employing and using, or may separately employ and use the same methods, means and agencies for carrying on and conducting their respective businesses.

Passed the House March 12, 1941.

Passed the Senate March 12, 1941.

Approved by the Governor March 24, 1941.

CHAPTER 196.

[H. B. 437.]

AUDITING OF STATE GOVERNMENT ADMINISTRATION.

AN ACT relating to state government and to promote efficiency and economy in the administration thereof, providing for post audits of all departments including the State Auditor; creating in the office of the State Auditor a Division of Departmental Audits for the purpose of making post audits; providing for financial supervision and control over all state departments, with designated exceptions; prescribing the powers and duties of certain officers and departments; changing the title of the Division of Budget in the Department of Finance, Budget and Business; amending chapter 7 of the Laws of 1921 as amended (section 10759 to section 10896, both inclusive, of Remington's Revised Statutes), by adding a new section thereto; 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 the term post-audit shall mean an annual audit of the books, records, funds and financial transactions of a state department as hereinafter defined for a completed fiscal period; the term pre-audit shall mean and include all other audits and examinations. The term state department shall mean and include elective officers and offices and every other office, officer, department, board, council, committee, commission, institution, authority or agency of the state government now existing or hereafter created supported wholly or in part by appropriations from the state treasury or funds under its control or by the levy, assessment, collection or receipt of fines, penalties, fees, licenses, sales of commodities, service charges, rentals, grants-in-aid, or other income provided by law, and all state educational, penal, reformatory, charitable, eleemosynary or other institutions, supported wholly or in part by appropriations from the State Treasury or funds under its control.

Definitions.

Post-audit.

Pre-audit.

State
Department.

Division of
Departmental
Audits.

SEC. 2. There is hereby created in the office of the State Auditor a division to be known and designated as the Division of Departmental Audits. The State Auditor shall have the power to appoint and depute an assistant to be known as the Chief Examiner, who shall have charge and supervision of the Division of Departmental Audits, and shall have power, with the approval of the State Auditor, to appoint and employ such state examiners and clerical assistants as may be necessary to carry out the duties of this division.

Chief
Examiner.

Assistants.

Duty of
Auditor.

SEC. 3. It shall be the duty of the State Auditor through the Division of Departmental Audits, to make a post-audit of every state department as herein defined, at least once each year. A report of each such post-audit upon completion thereof, shall be made in quintuplicate and one copy shall be transmitted to the Governor, one copy transmitted to the Supervisor of the Division of Budget, Accounts and Control, one copy transmitted to the Attorney General, one copy transmitted to the state department audited, and one copy kept on file in the office of the State Auditor.

Make annual
audit.

Report.

Copy to state
officials.

Appropriation.

SEC. 4. The expenses incurred in making the post-audits required in this act shall be paid from an appropriation from the general fund provided by law for that purpose.

Authority of
Auditor.

SEC. 5. The State Auditor, and the Chief Examiner and every State Examiner of the Division of Departmental Audits shall, for the purpose of making the post-audits required in this act, have the power to issue subpoenas and compulsory process and to direct the service thereof by any Constable or Sheriff to compel the attendance of witnesses and the production of books and papers before him at any designated time and place, and to administer oaths. Where any person summoned to appear before the person making such post-audit and to give testimony

Compulsory
process.

shall neglect or refuse to appear, or shall neglect or refuse to answer any question that may be put to him touching any matter under audit, or to produce any books or papers required, the person making such audit shall apply to a Superior Court Judge of the county where the hearing arose to issue a subpoena for the appearance of such person before him; and it shall be the duty of such Superior Court Judge to order the issuing of such subpoenas for the appearance of such person forthwith before him to give testimony; and if any person so summoned shall fail to appear, or appearing shall refuse to testify or to produce any books or papers required, he shall be subject to like proceedings and penalties for contempt as witnesses in actions pending in the Superior Court. Willful false swearing in any such examination for audit shall be perjury and shall be punishable as such. If any audit discloses malfeasance, misfeasance or nonfeasance in office on the part of any public officer or employee, within thirty days from the receipt of such copy of said report it shall be the duty of the Attorney General and he is hereby authorized to institute and prosecute without delay in the proper county, such legal action as is proper in the premises by civil process and promptly and efficiently prosecute the same to final determination to carry into effect the findings of such post-audit. Before or after such legal action is commenced, it shall be unlawful for any state department or the responsible head thereof, to make a settlement or compromise of any claim arising out of such malfeasance, misfeasance or nonfeasance or any action commenced therefor, or for any court to enter up any compromise or settlement of such action without the written approval and consent of the Attorney General and the State Auditor.

Superior Court to summon upon refusal by witness.

Perjury.

Attorney General to prosecute for malfeasance.

Compromise must be approved by Attorney General.

SEC. 6. The Governor may from time to time, in his discretion provide for a post-audit of the books,

Governor
may provide
for audit of
Auditor's
account.

accounts and records of the State Auditor, and the funds under his control, such audit to be made either by independent qualified public accountants or the Division of Budget, Accounts and Control, as he may determine. The expense of making such audit shall be paid from appropriations made therefor from the general fund.

Division of
Budget
transferred.

SEC. 7. From and after the effective date of this act, the Division of Budget in the Department of Finance, Budget and Business shall be known and designated as the Division of Budget, Accounts and Control and shall have all the powers and duties imposed by law upon the Division of Budget, except the power and duty of making post-audits of state departments herein transferred to the Division of Departmental Audits in the office of the State Auditor, and shall have the power and duty of pre-audit hereinafter provided for and such other powers and duties as may be provided by law.

Appropriation
construction.

SEC. 8. The total of each appropriation out of the State Treasury or funds under its control for any state department as herein defined, shall be considered the maximum amount necessary to meet the requirements of any such state department for the purposes covered by such appropriation during the designated biennium. The making of expenditures or the incurring of obligations under any appropriation or from any fund under the control of any such state department, shall be subject to the powers hereinafter granted to the Governor to control and revise expenditures and obligations under appropriations. The Governor, in the exercise of his duties under the constitution as the chief executive officer of the state, shall, subject to the limitations hereinafter provided, have and maintain direct and effective financial control and supervision over all state departments as herein defined, except the legislature, the judiciary, the elective state officers and the

Powers of
Governor.

state institutions of higher education hereinafter specifically mentioned, for the purpose of promoting efficient and economical administration of the affairs of this state.

SEC. 9. No appropriation for any state department except the legislature, the elective state officers and the judiciary, shall become available for disbursement until the responsible head of such state department has submitted in quadruplicate, to the Supervisor of the Division of Budget, Accounts and Control, hereinafter designated as the Supervisor of Budget, quarterly estimates of the amount required for each proposed object or purpose of expenditure to be made during the ensuing quarter of the fiscal year, and until such estimates shall have been approved by the Governor. Supplemental estimates may be submitted at any time, requesting additional allowances or revisions of approved current allowances, when necessitated by unforeseeable conditions. The Supervisor of Budget shall examine each such estimate or supplemental estimate to determine whether appropriations are available therefor, whether the proposed expenditures are lawful, whether such expenditures can be made without the probability of exhausting such appropriations before the end of the appropriation period and whether there will be sufficient revenue available to meet such contemplated expenditures. The Supervisor of Budget shall make a written report of his findings and recommendations and immediately transmit the same together with such estimates and supplemental estimates, if any, to the Governor. The Governor may approve such estimates and supplemental estimates in whole or in part and he shall endorse his action thereon and transmit one copy to the State Auditor, one copy to the forwarding state department, one copy to the Supervisor of Budget and retain one copy on file in his office: *Provided*, That

Purpose.

Departments to submit estimates quarterly.

Supervisor of Budget.

Approval of Governor necessary.

Additional allowances.

Duties of Supervisor.

Examination of estimates.

Report.

Approval.

Copy to Auditor.

Exceptions.

the quarterly or supplemental estimates submitted by the University of Washington, the Washington State College, the Central Washington College of Education, the Eastern Washington College of Education and the Western Washington College of Education, shall not be subject to revision by the Governor. It shall be unlawful for any state department or any officer or employee thereof, or any disbursing officer, to incur any indebtedness or financial obligation or to make any expenditures in excess of the quarterly allotment or supplemental allotment approved by the Governor as herein required.

No revision for schools.

Department not to exceed allotment.

Method of determining allowances.

SEC. 10. In passing upon estimates to be submitted under this act the Governor may take into consideration among other relevant facts the amount of the appropriation for the state department for the biennium and the unencumbered balance remaining; the reasonable needs of such state department during the fiscal quarter for ordinary operating purposes; and need, if any, for extraordinary or non-recurring purposes; the objects or purposes of the proposed expenditures and whether or not they are within the scope of the legislative appropriation; and the probability of failure of revenue in the fund against which the appropriation is made. This section shall not be construed to prevent the payment of principal and interest on the state's bonded indebtedness in the manner provided by law.

Supervisor to keep accounts.

SEC. 11. The Supervisor of Budget shall provide for the keeping of such appropriation accounts and for the installation and maintenance of such accounting systems and methods as may be necessary to prevent the making of expenditures or the incurring of obligations in excess of the approved allotments or supplemental allotments herein provided, and no warrant for any expenditure chargeable against any such allotment or supplemental allotment shall be drawn or paid from the State Treasury or funds un-

Warrants for expenditures.

der its control unless the voucher or other authority therefor shall have endorsed thereon, a certificate by the Supervisor of Budget that such proposed expenditure is for an item authorized by an approved allotment or supplemental allotment.

Not to be paid until authorized by Supervisor.

SEC. 12. That chapter 7 of the Laws of 1921 as amended (section 10759 to section 10896, inclusive, of Remington's Revised Statutes) is hereby amended by adding thereto a new section to be known as section 37a and to read as follows:

Amendment by addition.

Section 37a. Before any requisition or estimate for the purchase of materials or supplies shall be acted upon by the Division of Purchasing such requisition or estimate shall be referred to the Supervisor of Budget for investigation (a) as to the condition of the allotment for the state department submitting such requisition or estimate, (b) as to whether such proposed expenditure has been authorized by an approved allotment or supplemental allotment to such department and (c) as to whether the amount of such proposed expenditure will cause the allotment or supplemental allotment, if any, to be exceeded. If the Supervisor of Budget finds that any such proposed expenditure is not in accord with any approved allotment for such department he shall endorse his findings upon such voucher or estimate and the same shall forthwith be returned to the forwarding state department.

Examination of requisitions.

Method.

SEC. 13. The Governor, through the Division of Budget, Accounts and Control, is authorized to require all state departments subject to the provisions of this act to keep such records and accounts as shall be necessary for the administration of this act and he is further authorized, in his discretion, to maintain one or more employes in any such state department to carry out the purposes of this act. Through the Division of Budget, Accounts and Control he may make and promulgate such rules and regulations as

Governor to require records by departments.

May make rules.

are necessary and proper for the effective administration of this act.

SEC. 14. For the purpose of carrying out the provisions of this act during the biennium ending March 31, 1943, the following sums, or so much thereof as shall severally be found necessary are hereby appropriated from the general fund in the State Treasury,

Appropriations.

For the State Auditor:

Division of Departmental Audits:

Salaries, Wages and Operation..... \$40,000.00

For the Governor:

Auditing the records of the State Auditor..... \$10,000.00

For the Department of Finance, Budget and

Business:

Division of Budget, Accounts and Control:

Salaries, Wages and Operation..... \$150,000.00

Effective date.

SEC. 15. This act is necessary for the preservation of the public peace, health and safety, and for the support of the state government and its existing public institutions and shall take effect April 1, 1941.

Passed the House March 1, 1941.

Passed the Senate March 11, 1941.

Approved by the Governor March 24, 1941.

CHAPTER 197.

[H. B. 477.]

INHERITANCE AND GIFT TAX EXEMPTIONS.

AN ACT relating to revenue and taxation; providing for certain exemptions from taxes on estates, gifts, transfers in contemplation or to take effect upon death, legacies, inheritances, bequests, devises and successions applicable to property, whether held jointly or severally; providing for the application of the act to pending cases; amending section 11 of chapter 202 of the Laws of 1939 (section 11218 Remington's Revised Statutes; section 7029n-25 of Pierce's Code) and section 12 of chapter 202 of the Laws of 1939 (section 11218-1 Remington's Revised Statutes; section 7029n-26 of Pierce's Code).

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

SECTION 1. That section 11 of chapter 202 of the Laws of 1939 (section 11218 Remington's Revised Statutes; section 7029n-25 of Pierce's Code) be and the same is hereby amended to read as follows:

Amendments.

Section 11. All gifts, bequests, devises and transfers of property situated within or under the jurisdiction of the State of Washington shall be exempt from the payment of any inheritance tax, when the same are for one of the following charitable purposes, namely, the relief of the aged, indigent and poor people, maintenance of sick or maimed, the support or education of orphans or indigent children, and all gifts, bequests, devises and transfers of property made to the State of Washington, or to any county, incorporated city or town or school district therein, or to any public park or playground within the State of Washington, whether municipal or otherwise, and all gifts, bequests, devises, and transfers made to any municipal corporation within the State of Washington for eleemosynary, charitable, educational or philanthropic purposes, and all gifts, bequests, devises and transfers made to schools and colleges in the

Exemption of tax for charitable gifts and bequests.

Gifts or property to State or subdivision.

Proviso.

Reciprocity
to other
states.

state supported in whole or in part by gifts, endowments or charity, the entire income of which said school or college, after paying the expenses thereof, is devoted to the purposes of such institution and which is open to all persons upon equal terms, and any property in this state which has been given, devised, bequeathed or transferred for such purposes, and upon which a state inheritance tax is claimed or is owing is hereby declared to be exempt from the payment for such tax: *Provided*, That all such gifts, bequests, devises and transfers be limited for use within the State of Washington: *Provided further*, That all such gifts, bequests, devises and transfers of property for such purposes which pass out of the State of Washington to a corporation, society, institution or association organized or existing under the laws of a territory or state of the United States (other than Washington) shall be exempt if at the date of decedent's death the said state or territory under the laws of which such corporation, society, institution or association was organized or existing did not impose a legacy of succession tax or a death tax of any character in respect of property transferred for such purposes to a corporation, society, institution or association organized or existing under the laws of this state, or if at the date of decedent's death the laws of the state or territory under which such corporation, society, institution or association organized or existing contained a reciprocal provision under which a transfer for such purpose to a corporation, society, institution or association organized or existing under the laws of another state or territory were exempted from legacy or succession taxes or death taxes of every character if such other state or territory allowed a similar exemption for such purpose to such a corporation, society, institution or association organized or existing under the laws of another state

or territory: *Provided further*, That if any person, corporation, association, institution or other beneficiary to whom any such gifts, bequests, devises and transfers of property for such purposes are made, shall not accept or receive the same or shall relinquish all right or claim thereto, and the donor, testator or transferor or other person who shall then become entitled thereto shall give, convey or transfer such property to or for any of the aforesaid purposes, within one year after the refusal of said person, corporation, association, institution, or other beneficiary to accept said bequest, then such property shall likewise be exempt from payment for such tax.

Transfer upon refusal to other charitable purpose exempts tax.

SEC. 2. That section 12 of chapter 202 of the Laws of 1939 (section 11218-1 Remington's Revised Statutes, section 7029n-26 of Pierce's Code) be and the same is hereby amended to read as follows:

Amendments.

Section 12. All gifts, bequests, devises and transfers made to or for the use of (a) any religious or non-sectarian organization or association, organized and conducted primarily and chiefly for religious purposes and not for profit, where such religious or non-sectarian organization or association is supported in whole or in part by gifts, endowments or charity, and where the entire income of such religious or non-sectarian organization or association, after paying the expenses thereof, is devoted wholly to the use of such organization or association, or for the educational, benevolent, protective or social departments growing out of, or related to, the religious work of such organization or association, (b) any corporation or association organized and existing under the laws of the State of Washington primarily and chiefly for educational, artistic or scientific purposes and for the maintenance and exhibition of scientific, artistic or historical collections for the benefit of the general

Gifts for religious purposes.

public and not for profit, shall be exempt from the payment of an inheritance tax: *Provided*, That all such gifts, bequests, devises and transfers be limited for use within the State of Washington: *Provided further*, That all such gifts, bequests, devises and transfers of property to such religious or non-sectarian organization or association which pass out of the State of Washington to such religious or non-sectarian organization or association organized or existing or hereafter organized under the laws of a territory or state of the United States (other than Washington) shall be exempt if at the date of decedent's death the said state or territory under the laws of which such religious or non-sectarian organization or association was organized or existing did not impose a legacy or succession tax or a death tax of any character in respect of property transferred to such a religious or non-sectarian organization or association organized or existing under the laws of this state, or if at the date of decedent's death the laws of the state or territory under which such religious or non-sectarian organization or association was organized or existing contained a reciprocal provision under which a transfer to such a religious or non-sectarian organization or association organized or existing under the laws of another state or territory were exempted from legacy or succession taxes or death taxes of every character if such other state or territory allowed a similar exemption to such a religious or non-sectarian organization or association organized or existing under the laws of another state or territory: *Provided further*, That if any person, corporation, association, institution or other beneficiary to whom any such gifts, bequests, devises and transfers of property for such purposes are made shall not accept or receive the same or shall relinquish all right or claim thereto, and the donor, testator or transferor or other

Limited to
State use.

Proviso.

Reciprocity
by other
states.

Non-
acceptance
and other
transfer.

person who shall then become entitled thereto shall give, convey or transfer such property to or for any of the aforesaid purposes, within one year after the refusal of said person, corporation, association, institution, or other beneficiary to accept said bequest, then such property shall likewise be exempt from payment for such tax.

SEC. 3. The provisions of this act shall apply to all inheritance tax cases pending at the time this act takes effect. To apply to pending actions.

Passed the House March 12, 1941.

Passed the Senate March 12, 1941.

Approved by the Governor March 24, 1941.

CHAPTER 198.

[H. B. 482.]

REGULATING TRANSPORTATION OF PERSONS BY MOTOR VEHICLES OVER THE PUBLIC HIGHWAYS.

AN ACT relating to motor vehicle transportation of persons for compensation over the public highways of the State of Washington; providing for the licensing and regulation of motor carrier transportation agents, requiring owners of motor vehicles who transport persons under arrangement made by motor carrier transportation agents to carry insurance and for hire vehicle licenses, defining offenses, and penalties therefor.

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

SECTION 1. (a) The term "motor carrier transportation agent," when used in this act means any individual, firm, copartnership, corporation, company, association, or joint-stock association, and includes any trustee, assignee, or personal representative thereof acting as an intermediary between the public and a motor carrier as herein defined in arranging for transportation, or who sells, offers for

Definitions.
Motor carrier
transportation
agent.

sale, or negotiates for transportation, when such transportation is furnished or offered by a motor carrier.

Motor carrier.

(b) The term "motor carrier," when used in this act means any individual, firm, copartnership, corporation, company, association, or joint-stock association, and includes any trustee, assignee, or personal representative thereof, except those private automobile owners making occasional or casual trips and not engaging therein as a business, transporting or offering to transport persons by motor vehicle for compensation otherwise than under the authority of chapter 111, Laws of 1921, as amended, (sections 6387 to 6397, inclusive, Remington's Revised Statutes).

Agent's license.

(c) The term "agent's license," when used in this act means a motor carrier transportation agent's license.

Department.

(d) The term "department," when used in this act means the Department of Public Service of the State of Washington.

Carrier to have license.

SEC. 2. No person, concern, or entity shall engage in the business or act in the capacity of a motor carrier transportation agent as herein defined without first obtaining a license so to do from the Department.

Application.

SEC. 3. Application for an agent's license shall be made to the Department, shall be verified, and shall be in such form and contain such information as the Department may require.

Hearing upon application.

SEC. 4. Upon receiving an application for an agent's license, the Department shall set the matter down for hearing upon not less than thirty (30) days' notice, and at such hearing it shall take such proof as will enable it to determine whether the applicant is satisfactory, willing, and able properly to perform the functions of a motor carrier agent as herein defined, and to conform to the provisions of this act

Proof to be taken.

and to such requirements, rules, and regulations, as the Department shall promulgate herein. If granted, the license shall contain: (1) name of licensee; (2) location at which licensee is licensed to act as a motor carrier transportation agent; (3) motor carriers for which licensee is licensed to negotiate or arrange transportation for; (4) such other regulations and restrictions as the Department may deem necessary in the public interest in the particular case. The license shall be displayed in a prominent place at the location named therein, and the licensee shall not do business at any other location, save upon permission of the Department first obtained, nor shall such license be transferable or assignable; (5) the fee to be paid to the Department for an agent's license shall be twenty-five dollars (\$25) per year, to be paid at the time of application therefor. Every agent's license shall expire one year from the date of its issuance; (6) the Department may suspend a license for sixty (60) days, pending hearing before it, and upon findings made as a result of such hearing may revoke any agent's license if the licensee in acting as a motor carrier transportation agent has (1) engaged in false advertising or false representations; (2) arranged for, sold, offered for sale, or has negotiated for sale, transportation by any motor carrier operating in violation of law or of any order, rule, or regulation.

SEC. 5. Before issuing an agent's license hereunder, the Department shall require the applicant to furnish satisfactory bond or insurance to the State of Washington in the sum of five thousand dollars (\$5,000), for the use and benefit of any person suffering injury by reason of the operations of the motor carrier transportation agent holding such license, and conditioned upon the faithful performance of the undertakings of such motor carrier transportation agent. Any person who suffers injury by reason of a breach of the condition of such bond or insurance

Contents of license.

License to be displayed.

License not transferable.

License fee.

License for one year.

Grounds for revocation.

Agent's bond

Amount.

Conditions.

Breach liable
for damage
action.

may bring an action thereon to recover damages, which damages shall include such attorneys' fee as the court may allow, plus all costs.

Record of
agent.

Contents.

SEC. 6. Every motor carrier transportation agent shall maintain and keep an exact record of all transactions as such agent, which record shall include: (1) the amount paid to him by each person transported, and by any motor carrier, and the name of each such payor; (2) the point of destination of the haul of each passenger for whom transportation is sold or arranged; (3) the name of the motor carrier performing each such transportation service; (4) the name of the driver of each motor vehicle used in the performance of each passenger transportation sold or arranged; and (5) the license number or other identification plate number, make and motor number of the vehicle used in transporting each person to whom transportation is sold or arranged. The Department or its authorized agent shall be permitted to inspect such records at any time. Every motor carrier transportation agent arranging transportation for persons in private automobiles making casual or occasional trips, and when such private automobile is not engaged in transportation as a business, must provide accident insurance coverage to the amount of \$1,000, or more, for every person for which such arrangements are made.

Department
may inspect
record.

Accident
insurance.

Agent
defined.

SEC. 7. Any individual, firm, copartnership, corporation, company, association, or joint-stock association, and its trustee, assignee, or personal representative, shall be deemed to be acting as a motor carrier transportation agent as herein defined who: (1) orally or by card, circular, pamphlet, newspaper, radio, sign, billboard, or in any other manner advertises as one who arranges for, sells, furnishes, negotiates for, or provides transportation over any street, road, or highway in this state, when such transportation is furnished or offered by a motor carrier as

herein defined; (2) manages or conducts as manager, conductor, agent, proprietor, ticket collector, or otherwise, a place at which such transportation may be arranged, or is offered or proposed to be arranged.

Agent defined.

SEC. 8. Any person acting as a motor carrier transportation agent without a license, or any licensed agent violating any provisions of this act or condition of his license, shall be guilty of a misdemeanor.

Penalty for violation.

SEC. 9. No person, concern, or entity shall engage in the business or act in the capacity, of a motor carrier as herein defined without first obtaining from the Director of Licenses of the State of Washington such license as is required by existing law for a motor vehicle for hire, and paying therefor the same fee as is required by existing law for the operation of such a motor vehicle.

For-hire license.

SEC. 10. Every motor carrier shall likewise, upon obtaining the license hereinbefore mentioned, deposit with and thereafter keep on file with the Director of Licenses of the State of Washington a surety bond running to the State of Washington covering each motor vehicle used or to be used in the business of a motor carrier as defined herein in the sum of one thousand dollars (\$1,000) for any recovery for death or personal injury by one person and five thousand dollars (\$5,000) for all persons killed or receiving personal injury by reason of one act of negligence, and one thousand dollars (\$1,000) for damage to property of any person other than the assured, with a good and sufficient surety company licensed to do business in this state as surety and to be approved by the Director of Licenses of the State of Washington, conditioned for the faithful compliance by the principal of said bond with the provisions of this act, and to pay all damages which may be sustained by any person injured by reason of any careless negligence or unlawful act on the part of said

Bond.

Liability insurance.

principal, his agents or employees in the conduct of said business or in the operation of any motor propelled vehicle used in transporting passengers as a motor carrier over or along any public highway.

Liability
insurance in
lieu of bond.

SEC. 11. In lieu of the surety bond as above provided, there may be deposited and kept on file with said Director of Licenses, a public liability insurance policy for each motor vehicle operated or intended to be so operated, executed by an insurance company licensed and authorized to write such insurance policies in the State of Washington, assuring the applicant for a license herein referred to, against property damage and upon liability to the public, with the premiums paid and payment noted thereon. Said policy of insurance shall provide a minimum coverage equal and identical to the coverage required by the aforesaid surety bond. No provision of this act shall be construed to limit the right of any injured person to any private right of action against a motor carrier as herein defined.

Provisions.

Injured per-
son to sue on
bond or
insurance.

SEC. 12. Every person injured by any careless, negligent, or unlawful act of any person, concern, or entity receiving a license as a motor carrier under the provisions of this act, or his, their, or its agents, or employees, conducting or carrying on said business as a motor carrier or in operating any motor propelled vehicle used in said business, and his heirs, executors, and administrators, shall have a cause of action against the principal and surety upon the bond, or against the insurance company and the insured, provided for in the preceding section for all damages sustained, and in any such action the full amount of damages sustained may be recovered against the motor carrier, but the recovery against the surety or insurance company shall be limited to the amount of the bond or insurance policy. A surviving spouse and child or children or if no surviving spouse, then the child or children shall have action

for the death of the husband, wife or mother or father, as the case may be, caused by any such negligence.

SEC. 13. Any person, concern, or entity engaging in the business or acting in the capacity of a motor carrier as herein defined without having first obtained a license from and having deposited a surety bond or insurance policy with the Director of Licenses as hereinbefore provided shall be guilty of a gross misdemeanor.

Penalty for violation.

SEC. 14. This act shall not apply to transportation of persons wholly within the corporate limits of any incorporated city or town within the State of Washington.

Exemption from act.

SEC. 15. In all respects in which the Department of Public Service has power and authority under this act, applications and complaints may be made and filed with it, process issued, hearings held, opinions, orders and decisions made and filed, petitions for rehearing filed and acted upon, and petitions for writs of review, to the Superior Court filed therewith, appeals or mandate filed with the Supreme Court of this state, considered and disposed of by said courts in the manner, under the conditions and subject to the limitations and with the effect specified in the Public Service Commission law of this state.

Procedure of act same as Public Service Law.

SEC. 16. If any provision of this act be invalid, such invalidity shall not affect other provisions which can be given effect without the invalid provision, and to this end the provisions of the act are declared to be severable.

Partial invalidity.

Passed the House March 6, 1941.

Passed the Senate March 11, 1941.

Approved by the Governor March 24, 1941.

CHAPTER 199.

[H. B. 525.]

PAYMENTS IN LIEU OF TAXES FROM THE
UNITED STATES.

AN ACT providing for the reception, distribution and apportionment of any moneys received by the state from the United States or any of its agencies in lieu of property taxes.

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

Treasurer to receive lieu money from U. S.

SECTION 1. The State Treasurer is hereby authorized and directed to receive any moneys that may be paid to the state by the United States or any agency thereof in lieu of ad valorem property taxes, and to transfer the same to the respective County Treasurers in compliance with apportionments made by the State Tax Commission; and the State Treasurer shall immediately notify the Tax Commission of the receipt of any such payment.

Apportionment.

SEC. 2. Any such moneys so paid to the State Treasurer shall be apportioned to the state and to the taxing districts thereof that would be entitled to share in the property taxes in lieu of which such payments are made in the same proportion that the state and such taxing units would have shared in such property taxes if the same had been levied. The basis of apportionment shall be the same as that of property taxes first collectible in the year in which such lieu payment is made: *Provided*, That if any such lieu payment cannot be so apportioned the apportionment shall be made on such basis as the Tax Commission shall deem equitable and proper.

Proviso.

Commission to certify basis of apportionment.

SEC. 3. The Tax Commission may indicate either the exact apportionment to taxing units or it may direct in general terms that County Treasurers shall

apportion any such lieu payment in the manner provided in section 2 of this act. In either event the Tax Commission shall certify to the State Treasurer the basis of apportionment and the State Treasurer shall thereupon forthwith transmit any such lieu payment, together with a statement of the basis of apportionment, to the County Treasurer in accordance with such certification.

Payment to
County
Treasurer.

Passed the House March 8, 1941.

Passed the Senate March 12, 1941.

Approved by the Governor March 24, 1941.

CHAPTER 200.

[H. B. 621.]

ACT IN AID OF NATIONAL DEFENSE.

AN Act in aid of national defense, prescribing penalties for violations thereof, and declaring that this act shall take effect immediately.

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

SECTION 1. It is the intent of the Legislature of the State of Washington to cooperate with the Federal Government against any and all acts committed within the legislative jurisdiction of the state which might be or become detrimental to the Federal Government in any phase of its defense activities.

Intent.

SEC. 2. "Protective defense area" is hereby defined to include all area surrounding, adjacent to, or in the proximity of, buildings, grounds, reservations, yards, stations, docks, airports, landing fields, and similar places of military importance where there are national defense materials or activities which are under the control or supervision of or under contract to the United States, including private,

Protective
defense area:
defined.

state, or municipal establishments used for such purposes. The protective defense area shall include all area which might be used to detrimentally affect the national defense activities concerned or from which point information relative thereto might be obtained contrary to the provisions of this act.

Governor may designate.

SEC. 3. The Governor of the State of Washington is hereby empowered, after conferring with military authorities, to designate protective defense areas throughout the state.

Acts forbidden in area.

SEC. 4. No person unless possessing competent, responsible, military authority shall, without registering and obtaining a permit from the Washington State Patrol, photograph, sketch, map, reproduce, or make notes or memoranda pertaining to national defense works or articles, materials, personnel, or activities pertaining to national defense, nor shall any person have, possess, use or control any photograph, negative, film, plate, sketch, map, plan, or other representation, made or taken in violation of this act.

Permit.

No air space reservation or firearms.

SEC. 5. No person unless possessing competent, responsible, military authority shall, without the authority of the Governor of the State of Washington or his duly authorized agent, have, possess, use, or control within an "air space reservation" as prescribed by the President of the United States or within a protective defense area as prescribed by the Governor, any firearms, explosives, ammunition, or component parts of firearms or anything which is made or constructed for the purpose of destroying or injuring property or human life.

Exception.

No field glasses.

SEC. 6. No person unless possessing competent, responsible, military authority shall, without the authority of the Governor of the State of Washington or his duly authorized agent, use or operate within an air space reservation as prescribed by

Exception.

the President of the United States, or within a protective defense area as prescribed by the Governor, any telescopes, binoculars, cameras, or photographic equipment of any nature.

SEC. 7. Any violation of this act shall constitute a gross misdemeanor. Penalty.

SEC. 8. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable. Partial invalidity.

SEC. 9. All acts or parts of acts inconsistent with this act are hereby suspended in their application to any proceedings under this act. If conduct prohibited by this act is also made unlawful by another or other laws, the offender may be convicted for the violation of this act or of such other law or laws. Conflicting laws suspended.

SEC. 10. This act is necessary for the immediate preservation of the public peace and safety and shall take effect immediately. Effective immediately.

Passed the House March 7, 1941.

Passed the Senate March 11, 1941.

Approved by the Governor March 24, 1941.

CHAPTER 201.

[S. B. 101.]

PROTECTION OF PERSONS IN MILITARY AND
NAVAL SERVICE.

AN ACT providing for the protection of persons in the military and naval service of the United States; providing for the suspension of certain civil remedies; providing rights under the Unemployment Compensation Act; permitting leaves of absence for certain elective officials; providing penalties; and declaring an emergency.

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

SECTION 1. Any resident of this state who, as a volunteer, or otherwise, shall be called into the military or naval services of the United States pursuant to the National Guard and Reserve Officers Mobilization Act, Public 96, 76th Congress, or any amendment thereto, or the Selective Training and Service Act of 1940, Public 783, 76th Congress, or any amendment thereto, or who, as a member of a reserve component of the United States army, navy, marine corps, public health service or coast guard, has been or shall be called to active service, who, in order to perform such service has left or leaves a position, other than a temporary position, in the employ of any employer, and who (1) is honorably discharged or receives a certificate of satisfactory completion of active duty pursuant to section 3 (a) of the National Guard and Reserve Officers Mobilization Act, or section 8 (a) of the Selective Training and Service Act of 1940, or furnishes other satisfactory proof of having satisfactorily completed such term of service; (2) is still qualified to perform the duties of such position; and (3) makes application for re-employment within forty (40) days after he is relieved from such active duty or service—(a) if such person was in the employ of a private employer, such employer shall restore said person to such position or to a position

Resident in service to be restored to former employment.

Qualifications.

Privately employed.

of like seniority status and pay, unless the employer's circumstances have so changed as to make it impossible or unreasonable to do so, or (b) if such person was in the employ of this state or any municipality or political subdivision thereof, such person shall be restored to such position or to a position of like seniority status and pay: *Provided, however,* That restoration shall not take place if such service exceeds the period of the tenure of office of the elective or appointive official from whom the employment flows, and provided further that the circumstances surrounding the governmental office in question have not so changed as to make restoration impossible, unreasonable or against the public interest.

Same status and pay.

Public employment.

Elective or appointive officials excepted.

SEC. 2. When any elective officer of this state or any political subdivision thereof, including any judicial officer, shall be ordered into active service as provided in the foregoing section, he shall be deemed to have been granted leave of absence for such period of service. In the case of any judicial officer, such order to active service shall be deemed to create a case of extreme necessity and the Governor shall extend the leave of absence to cover the period of such active service. No leave of absence provided for herein shall operate to extend the term for which the occupant of any elective position shall have been elected. During such leave of absence the position of any elective official may be filled temporarily by an appointment to be made by the officer, board or other agency which would be authorized to fill a vacancy created by the death or resignation of the elective official so ordered to such service.

Service deemed leave of absence for elective or judicial officer.

SEC. 3. Any person who is entitled to be restored to a position in accordance with the provisions of the preceding sections shall be considered as having been on furlough or leave of absence during his period of active military duty or service and shall be so restored without loss of seniority, shall be entitled to

Person in service entitled to all rights and privileges.

participate in insurance, retirement pay or other benefits offered by the employer pursuant to established rules and practices relating to employees on furlough or leave of absence in effect with the employer at the time such person was ordered into such service, and shall not be discharged from such position without cause within one year after such restoration, but no employer shall be required to make any payment to keep such insurance or retirement rights current during such period of military service.

Rights against employer enforced.

SEC. 4. In case any employer, his successor, or successors, fails or refuses to comply with the provisions of this act, the Attorney General, or, at his request and under his direction, any Prosecuting Attorney, shall bring an action in the Superior Court to obtain an order to specifically require such employer to comply with the provisions hereof, and as an incident thereto, to compensate such person for any loss of wages or benefits suffered by reason of such employer's unlawful act. Any such person who does not desire the services of the Attorney General or the Prosecuting Attorney may, by private counsel, maintain such action. Wilful failure or refusal by any person to comply with the requirements of this act shall constitute a gross misdemeanor.

Penalty.

Federal act to apply in all courts.

SEC. 5. The Soldiers' and Sailors' Civil Relief Act of 1940, Public Act No. 861, 76th Congress, is hereby specifically declared to apply in proper cases in all the courts of this state.

SEC. 6. Any person who shall enter the naval or military service pursuant to the National Guard and Reserve Officers' Mobilization Act or the Selective Training and Service Act of 1940, or who, as a member of any reserve component of the United States army, navy, marine corps or coast guard, shall be ordered to active service at any time subsequent to June 30, 1940, shall, upon being honorably discharged

at the conclusion of such term of service, or upon being relieved therefrom with a certificate of satisfactory completion as provided in section 8(a) of the Selective Training and Service Act of 1940, or section 3(a) of the National Guard and Reserve Officers' Mobilization Act, or with other satisfactory evidence of satisfactory completion of such term of service and who shall have been a resident of this state at the time of commencing such period of service, shall be credited by the Commissioner of Unemployment Compensation and Placement with benefit rights equivalent to those which would have been available to him had he earned three hundred dollars (\$300) in the "employment" of an "employer" as defined in chapter 162 of the Laws of 1937, as amended, during each complete calendar quarter while he was in the military service.

Credited with earnings by unemployment compensation.

SEC. 7. If any clause, part or section of this act shall be adjudged invalid, such judgment shall not affect nor invalidate the remainder of the act, but shall be confined in its operation to the clause, part or section directly involved in the controversy in which such judgment was rendered.

Partial invalidity.

SEC. 8. This act is necessary for the immediate preservation of the public peace, safety and welfare and shall take effect immediately.

Effective immediately.

Passed the Senate February 14, 1941.

Passed the House March 7, 1941.

Approved by the Governor March 24, 1941.

CHAPTER 202.

[S. B. 25.]

TESTING OF HEARING OF SCHOOL CHILDREN.

AN ACT providing for the testing of hearing of school children; prescribing powers and duties of Boards of Directors of public schools, the Superintendent of Public Instruction; and other officers and employees.

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

Directors to provide hearing test.

SECTION 1. In addition to the duties otherwise provided by law, every board of school directors for public schools shall have the power, and it shall be its duty to provide for and require testing of the hearing of all children attending public schools in their districts to ascertain which if any of such children have defects in their hearing sufficient to retard them in their studies. Such tests shall be made annually to commence each September, and beginning in 1941: *Provided, however,* That in cities and districts with more than twenty-five thousand (25,000) children attending their schools, that tests therein may be arranged to cover all such children once within two (2) years. Such tests may be made by the health officer of the respective counties or medical directors of the schools or by competent persons provided by them; otherwise, the tests may be made by the superintendents, principals, or teachers of the respective schools.

Proviso.

Co. Health Officer may make tests.

Record of test made.

Copies sent.

SEC. 2. The person completing such tests shall promptly prepare a record of the test of each child found to be hard of hearing, and send copies of such record to the parents or guardians of such children, and to the Superintendent of Public Instruction, and to the State Director of Health, and deliver the original record to the teachers in charge of such children, and such teachers shall preserve such records, and give special attention to said children with de-

fective hearing and assist them toward making their grades in studies with their classes.

SEC. 3. It shall be the duty of the Superintendent of Public Instruction, after consultation with the State Director of Health, to prepare and distribute to the school boards or to the respective County School Superintendents for them, suitable rules and directions, together with blanks, cards, records, and forms to be used in making and reporting such tests.

Duty of
State Supt.

Passed the Senate February 14, 1941.

Passed by the House March 10, 1941.

Approved by the Governor March 24, 1941.

CHAPTER 203.

[S. B. 50.]

REQUIRING TEACHING OF UNITED STATES AND WASHINGTON STATE HISTORY AND GOVERNMENT.

AN Act relating to education; providing for the promotion of good citizenship by requiring the prescribing and teaching of a course of study in United States and Washington State histories and governments as a prerequisite to graduation; and repealing chapter 22, Laws of 1919, (sections 4897 and 4898, Remington's Revised Statutes; sections 4730 and 4731, Pierce's Code).

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

SECTION 1. To promote good citizenship and a greater interest in and better understanding of our national and state institutions and system of government, the State Board of Education shall prescribe a one-year course of study in the history and government of the United States of America, and the equivalent of a one-semester course of study in State of Washington history and government. No person shall be graduated from any eighth grade or high school without completing such courses of study.

Compulsory
course in
U. S. and
State
History.

Requirement
of grade
school.

State history compulsory in all teachers' courses in colleges.

There shall also be a one quarter or semester course in Washington State history and government in the curriculum of all teachers' colleges and teachers' courses in all institutions of education. No person shall be graduated from any of said schools without completing such course of study.

Statutes repealed.

SEC. 2. Chapter 22, Laws of 1919, (sections 4897 and 4898, Remington's Revised Statutes; sections 4730 and 4731, Pierce's Code), is repealed.

Passed the Senate February 25, 1941.

Passed the House March 10, 1941.

Approved by the Governor March 24, 1941.

CHAPTER 204.

[S. B. 128.]

CREATING DIVISION OF FLOOD CONTROL.

AN ACT relating to flood control, creating the Division of Flood Control, establishing a state and local participating maintenance policy therefor for counties, cities, towns, flood control districts and counties acting jointly pursuant to chapter 54 of the Session Laws of 1913, under supervision of the State Supervisor of Flood Control, and amending sections 9625, 9626 and 9627 of Remington's Revised Statutes.

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

Premise.

SECTION 1. It is hereby recognized that destructive floods upon the streams and other bodies of water in the State of Washington, subject to flood conditions, upsetting orderly processes and causing loss of life and property, including erosion of lands and impairing and obstructing navigation, highways and railroads and other channels of commerce, constitute a menace to general welfare. It is the purpose of the State of Washington in the exercise of its sovereign and police powers, and in the interests of

Purpose.

public welfare, to establish a state and local participating flood control maintenance policy.

Establish flood control.

SEC. 2. There is hereby established in the Department of Conservation and Development a Division of Flood Control, the Supervisor of which shall be known as the Supervisor of Flood Control. The Supervisor of Flood Control, under the Director of the Department of Conservation and Development, shall have charge for the state in the administration of this act and all other laws relating to flood control.

Department of Flood Control created.

Supervisor.

SEC. 3. The County Engineer or County Road Engineer, as the case may be, of each county, the Engineer of each city, town or flood control district, and the Project Engineer for counties acting jointly pursuant to chapter 54 of the Session Laws of 1913, shall be, ex officio, Local Flood Control Engineer thereof, under the supervision and direction of the Supervisor of Flood Control. Each such Local Flood Control Engineer shall make the expenditures for flood control maintenance purposes within his county, city, town or district.

Ex officio engineer.

Charge of expenditures.

SEC. 4. The State Supervisor of Flood Control, for such streams as he may deem necessary, shall establish and may modify a system of river patrolmen, who, with his approval, shall be employed by the respective Local Flood Control Engineers and whose duties shall be limited to such maintenance purposes, under regulations prescribed by the Supervisor of Flood Control.

Supervisor to establish river patrol.

SEC. 5. There shall be established in each city or town, subject to flood conditions by the corporate authorities thereof and by the commissioners of each flood control district and of counties so acting jointly, a fund to be known as the "flood control maintenance fund." All expenses to be incurred by any city, town, flood control district or counties so acting jointly in accomplishing the purposes of this act shall

Flood control maintenance fund.

be paid out of said flood control maintenance fund, which fund shall be used for flood control maintenance and for no other purposes.

SEC. 6. Annual tax estimates and final budgets for flood control purposes by any county, city, town, flood control district, or counties so acting jointly, shall include and separately state the amounts thereof for such purposes under headings of administration, construction, including contributions to Federal and non-Federal flood control projects and maintenance. Each such Local Flood Control Engineer shall on or before the first day of July of each year submit his estimates for flood control maintenance purposes for the ensuing year, to the Commissioners of his flood control district, county, or counties so acting jointly, or the corporate authorities of his city or town. In case state participation is sought such estimates shall be submitted to the Supervisor of Flood Control. The Supervisor of Flood Control shall consider such estimates and determine the amounts necessary for each such county, city, town, or counties so acting jointly, or flood control district, for such purposes, and shall on or before the first day of August of each year submit in writing his recommendations thereon to such Commissioners or other corporate authorities and to the Local Flood Control Engineer. Whenever the final annual tax levy for any county, city, town, or counties so acting jointly, or flood control district, shall include the items and amounts as so approved by the Supervisor of Flood Control for maintenance purposes, the State of Washington may participate to the extent of not to exceed one-half of the cost of such approved items for the maintenance of the normal regimen of the stream, or streams, and for works constructed to maintain such condition, but not for the maintenance of dams or other structures for detaining flood waters. Such participation by the state shall be made from appropriations for the Department of Conservation and

Annual
budget to be
made for
control.

Method of
raising
budget.

Duty of
Supervisor.

Each tax
district to
levy for
budget.

State may
participate.

Funds from
Department
of Conserva-
tion and De-
velopment.

Development, Division of Flood Control, for flood control purposes.

SEC. 7. No warrant shall be drawn by the State Auditor to the credit of any county flood control maintenance account or local flood control maintenance fund for deposit therein, except on vouchers for reimbursement of expenditures theretofore made and properly supported and approved by the Supervisor of Flood Control, and no county, city, town, flood control district or counties so acting jointly, shall be entitled to receive any such funds from the state unless and until the Supervisor of Flood Control shall be satisfied with compliance with the provisions of this section.

Vouchers by Supervisor.

SEC. 8. That section 9625 of Remington's Revised Statutes be, and the same is hereby, amended to read as follows:

Amendment.

Section 9625. The County Commissioners of any county may annually levy a tax, beginning with the year 1907, in such amount as, in their judgment they may deem necessary or advisable, but not to exceed one (1) mill upon all taxable property in such county, for the purpose of creating a fund to be known as "river improvement fund." There is hereby created in each such river improvement fund an account to be known as the "flood control maintenance account."

Commissioners to make annual levy.

River improvement fund.

SEC. 9. That section 9626 of Remington's Revised Statutes be, and the same is hereby, amended to read as follows:

Amendment.

Section 9626. Said fund shall be expended for the purposes in this act provided. Any county, for the control of waters subject to flood conditions from streams, tidal or other bodies of water affecting such county, may inside or outside the boundaries of such county, construct, operate and maintain dams and impounding basins and dikes, levees, revetments, bulkheads, rip-rap or other protection; may remove

Purpose of fund.

Items.

Items. bars, logs, snags and debris from and clear, deepen, widen, straighten, change, relocate or otherwise improve and maintain stream channels, main or overflow; may acquire any real or personal property for the prosecution of such works; and may construct, operate and maintain any and all other works, structures and improvements necessary for such control; and for any such purpose may purchase, condemn or otherwise acquire land, property or rights, including beds of non-navigable waters and state, county and school lands and property and may damage any land or other property for any such purpose, and may condemn land and other property and damage the same for any other public use after just compensation having been first made or paid into court for the owner in the manner prescribed in this act. The purposes in this act specified are hereby declared to be county purposes.

Eminent domain.

Amendment. SEC. 10. That section 9627 of Remington's Revised Statutes be, and the same is hereby, amended to read as follows:

Proceedings in eminent domain.

Section 9627. The taking and damaging of land, property or rights therein or thereto by any county, either inside or outside of such county, for flood control purposes of the county is hereby declared to be for a public use. Such eminent domain proceedings shall be in the name of the county, shall be had in the county where the property is situated, and may unite in a single action proceedings to condemn for county use property held by separate owners, the jury to return separate verdicts for the several lots, tracts or parcels of land, or interest therein, so taken or damaged. The proceedings may conform to the provisions of sections 921 to 926, inclusive, of Remington's Revised Statutes, or to any general law now or hereafter enacted governing eminent domain proceedings by counties. The title so acquired by the county shall be the fee simple title or such lesser estate as shall be designated in the decree of appro-

Procedure.

priation. The awards in and costs of such proceedings shall be payable out of the river improvement fund. Awards from fund.

Passed by the Senate March 4, 1941.

Passed by the House March 10, 1941.

Approved by the Governor March 24, 1941.

CHAPTER 205.

[S. B. 164.]

AUTHORIZING PARTICIPATION OF PUBLIC EMPLOYES IN FEDERAL OLD AGE AND SURVIVORS BENEFITS.

AN ACT to provide for employes of the state and its political subdivisions including public utility districts to participate in and receive payments and benefits of the Old Age and Survivors Insurance benefits of the Federal Social Security act, if and when said act is amended to permit such participation.

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

SECTION 1. The State of Washington in behalf of all its eligible officials and employes and the eligible officials and employes of all its counties, cities and towns, and of any and all other of its municipal corporations and political subdivisions which levy taxes and employ and pay salaries and wages to officials and employes including public utility districts, hereby accepts the benefits of the Old Age and Survivors' Insurance benefit provisions of the Federal Social Security Act, whenever the provisions of such act are extended to embrace such officials and employes.

Old age
benefits
extended to
public
employees.

SEC. 2. Any and all officials and boards having charge of the preparation of payrolls and payment of salaries and wages to such eligible officials and employes are hereby authorized and directed to make payroll and salary and wage deductions and to handle and dispose of the same as required by such

Salary
deductions.

To conform
to Federal
act.

Federal act; and any official or board being authorized to disburse funds respectively for the office, department or division of the state, county, city or town, or other municipal corporation or political subdivision in which any such eligible official or employe is employed is authorized to pay and disburse out of any funds available for the operation and maintenance of such office, department or division such sums and dispose of and handle the same in such manner as is required and necessary to make payments and benefits of said Federal act available to such eligible officials and employes.

Not to
change exist-
ing pension
system.

SEC. 3. Nothing contained in this act shall deprive any person of benefits under any existing pension system, nor repeal, amend, modify or supersede any law, charter amendment or ordinance establishing or pertaining to an existing pension system.

Partial
invalidity.

SEC. 4. If it is found by any judicial authority of competent jurisdiction that the provisions of this act may not become applicable to any group of officials or employes for any reason, such inapplicability shall not prevent the same from becoming applicable as herein provided to the other officials and employes embraced herein.

Effective
date.

SEC. 5. This act shall take effect at the time and in the manner provided by the state constitution unless at that time the Federal Social Security Act has not been amended to cover officials and employes of the state, county, city and other municipal corporations and political subdivisions, in which event it shall take effect and become operative on the first day of the second month following the month when such Federal act shall become applicable to such state officials and employes.

Passed the Senate March 1, 1941.

Passed by the House March 10, 1941.

Approved by the Governor March 24, 1941.

CHAPTER 206.

[S. B. 33.]

PROBATE PRACTICE AND PROCEDURE.

AN ACT relating to probate practice and procedure; providing that heirs, devisees, legatees and creditors may have notice of certain proceedings on written request, providing that in a decree of distribution the sum of one hundred dollars or less may be distributed to a minor for his use without requiring a bond or guardianship proceedings, and regulating the investment of funds in guardianship proceedings; amending section 64 of chapter 156 of the Laws of 1917, as amended by section 1 of chapter 132 of the Laws of 1939, (section 1434, Remington's Revised Statutes), and adding two new sections to chapter 156 of the Laws of 1917, as amended, to be designated as section 164-1 (section 1534-1, Remington's Revised Statutes) and section 213-1 (section 1583-1, Remington's Revised Statutes).

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

SECTION 1. Section 64 of chapter 156 of the Laws of 1917, as amended by section 1 of chapter 132 of the Laws of 1939, (section 1434, Remington's Revised Statutes) is amended to read as follows:

Amendments.

Section 64. At any time after the issuance of letters testamentary or of administration upon the estate of any decedent, any person interested in said estate as heir, devisee, legatee or creditor whose claim has been duly served and filed, or attorney for such heir, devisee, legatee, or creditor, may serve upon the executor or administrator (or upon the attorney for such executor or administrator) and file with the Clerk of the court wherein the administration of such estate is pending, a written request stating that he desires special notice of any or all of the following named matters, steps or proceedings in the administration of said estate, to-wit:

Interested person may have notice.

Written request of proceedings.

(1) Filing of petitions for sales, leases or mortgages of any property of the estate.

Steps.

(2) Petitions for any order of solvency.

Steps.

- (3) Filing of accounts.
- (4) Filing of petitions for distribution.
- (5) Petitions by the executor or administrator for family allowances and homesteads.

Content of request.

Such requests shall state the postoffice address of such heir, devisee, legatee or creditor, or his attorney, and thereafter a brief notice of the filing of any of such petitions or accounts, except petitions for sale of perishable property, or other personal property which will incur expense or loss by keeping, shall be addressed to such heir, devisee, legatee or creditor, or his attorney, at his stated postoffice address, and deposited in the United States postoffice, with the postage thereon prepaid, at least five (5) days before the hearing of such petition or account; or personal service of such notices may be made on such heir, devisee, legatee, or creditor, or attorney, not less than five (5) days before such hearing, and such personal service shall be equivalent to such deposit in the postoffice, and proof of mailing or of personal service must be filed with the Clerk before the hearing of such petition or account. If upon the hearing it shall appear to the satisfaction of the court that the said notice has been regularly given, the court shall so find in its order or judgment, and such judgment shall be final and conclusive.

Manner of service.

Time.

Order of court.

Amendment by addition.

SEC. 2. Chapter 156 of the Laws of 1917, as amended be amended by adding thereto a new section to be designated as section 164-1 (section 1534-1 of Remington's Revised Statutes), to read as follows:

Section 164-1. When a decree of distribution is made by the court in administration upon a decedent's estate and distribution is ordered to a person under the age of twenty-one (21) years, of a sum of one hundred dollars (\$100) or less, the court, in such order of distribution, shall order the same paid to the Clerk of the Superior Court wherein administration of such estate is pending, and the same shall

Distribution to minors.

Pay to Clerk.

be paid by the Clerk, for the use and as the property of said minor, to the person named in said order of distribution to receive the same, without requiring bond or appointment of any guardian.

SEC. 3. Chapter 156 of the Laws of 1917, as amended be amended by adding thereto a new section to be designated as section 213-1 (section 1583-1 of Remington's Revised Statutes), to read as follows:

Amendment
by addition.

Section 213-1. All moneys which may come into the possession of any guardian and which are a part of the guardianship estate which shall be properly available for investment may be, by any guardian, and without the permission of the court, invested in such bonds, securities, or other choses in action as are made by law, legal investments for trust companies, or mutual savings banks doing business under the laws of the State of Washington, or invested in the savings accounts of banks, trust companies, mutual savings banks, national banking associations, and savings and loan associations whose funds are insured by the United States of America or any of its agencies, to the extent that such funds are insured. Except as herein provided, no investment shall be made by any guardian except with the permission of the proper court first had and obtained. The investment of the guardianship funds in any manner, other than provided by law for the investment of funds of trust companies or mutual savings banks, shall not be authorized by any court except in instances where the court finds upon evidence taken, and makes specific written findings showing that substantial detriment or loss may result to the ward if such other investment be not made.

Guardian
may invest
estate funds.

Legal
investments.

Exception.

Passed the Senate February 27, 1941.

Passed the House March 12, 1941.

Approved by the Governor March 24, 1941.

CHAPTER 207.

[S. B. 74.]

FUR BEARING ANIMALS.

AN ACT relating to fur bearing animals; declaring them to be personal property under certain conditions, providing for identification by branding with tattoo or other marks, and authorizing the recording of such marks.

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

Fur bearing animals de-
clared
personal
property.

SECTION 1. All fox, mink and martin that have been lawfully imported or acquired, or bred or reared in captivity or enclosures, are hereby declared to be personal property. Any person, firm or corporation hereafter acquiring, or coming into possession of any such fur bearing animals, shall within ten (10) days furnish satisfactory proof to the Director of Game that said animals were lawfully obtained. Said animals shall not become personal property under the provisions of this act until such proof is furnished.

Proof to
Director of
Game.

May brand.

SEC. 2. The owners of any such fur bearing animals may mark the same by branding with tattoo or other marks for the purpose of identification, but no person shall be entitled to ownership in or rights under any particular branding marks unless and until the said branding marks are recorded with the Department of Agriculture, which may be done in the same manner and with like effect as other brands of animals are recorded under the provisions of chapter 156 of the Laws of 1935 (section 3055-1 to section 3055-12, inclusive, Remington's Revised Statutes).

Brand
recorded.

Passed the Senate March 6, 1941.

Passed the House March 11, 1941.

Approved by the Governor March 24, 1941.

CHAPTER 208.

[S. B. 83.]

SMALL LOAN ACT.

AN ACT to define, license, and regulate the business of making loans in the amount of five hundred dollars (\$500) or less; to permit the licensing of persons engaged in such business; to authorize such licensees to make charges at a greater rate than unlicensed lenders; to prescribe maximum rates of charge which licensees are permitted to make; to regulate assignments of wages or salaries, earned or to be earned, when given as consideration for a payment of five hundred dollars (\$500) or less; to exempt certain persons otherwise regulated; to provide for the administration of this act and for the issuance of rules and regulations therefor: to authorize the making of examinations and investigations and the publication of reports thereof; to provide for a review of decisions and findings of the Supervisor under this act; to prescribe penalties; and to repeal all acts and parts of acts in conflict herewith.

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

SECTION 1. Definitions. The following words and terms when used in this Act shall have the following meanings unless the context clearly requires a different meaning. The meaning ascribed to the singular form shall apply also to the plural. Definitions.

(a) Person: Shall include individuals, co-partnerships, associations, trusts, corporations, and all other legal entities.

(b) License: Shall mean a single license issued under the authority of this Act with respect to a single place of business.

(c) Licensee: Shall mean a person to whom one or more licenses have been issued.

(d) Supervisor: The duly appointed Supervisor of Banking of the Division of Banking, Department of Finance, Budget and Business of the State of Washington.

SEC. 2. No person shall engage in the business of making secured or unsecured loans of money,

Must obtain license.

credit, goods, or things in action in the amount or of the value of five hundred dollars (\$500) or less and charge, contract for, or receive a greater rate of interest, discount or consideration therefor than the lender would be permitted by law to charge if he were not a licensee hereunder except as authorized by this Act and without first obtaining a license from the Supervisor.

License application.

SEC. 3. Application for such license shall be in writing, under oath, and in the form, if any, prescribed by the Supervisor, and shall contain the name and the address (both of the residence and place of business) of the applicant, and if the applicant is a copartnership or association, of every member thereof, and if a corporation, of each officer and director thereof; also the county and municipality with street and number, if any, where the business is to be conducted and such further relevant information as the Supervisor may require. Such applicant at the time of making such application shall pay to the Supervisor the sum of fifty dollars (\$50) as a fee for investigating the application and the additional sum of fifty dollars (\$50) as an annual license fee for a period terminating on the last day of the current calendar year: *Provided*, That if the application is filed after June thirtieth in any year such additional sum shall be only twenty-five dollars (\$25).

Contents.

Annual license fee.

Proviso.

Assets required.

Every applicant shall also prove, in form satisfactory to the Supervisor, that he or it has available for the operation of such business at the location specified in the application, liquid assets of at least ten thousand dollars (\$10,000).

Bond.

At the time of filing of the application, the applicant shall also file with the Supervisor a bond to be approved by the Supervisor in the penal sum of one thousand dollars (\$1,000), executed by the applicant as obligor and by a surety company au-

thorized to do a surety business in this state as surety, whose liability as such surety shall not exceed the said sum in the aggregate. Such bond shall run to the State of Washington as obligee for the use and benefit of the state and of any person or persons who may have cause of action against the obligor of said bond under the provisions of this Act. Such bond shall be conditioned that said obligor as licensee hereunder will faithfully conform to and abide by the provisions of this Act and of all general rules and regulations lawfully made by the Supervisor hereunder and will pay to the state and any such person or persons any and all moneys that may become due and owing to the state from such obligor under and by virtue of the provisions of this Act.

Bond conditions.

SEC. 4. Upon the filing of such application and the payment of such fees and the approval of such bond the Supervisor shall investigate the facts and if he shall find that the financial responsibility, experience, character, and general fitness of the applicant, and of the members thereof if the applicant be a copartnership or association, and of the officers and directors thereof if the applicant be a corporation, are such as to command the confidence of the community and to warrant belief that the business will be operated honestly, fairly and efficiently within the purposes of this Act, and that allowing such applicant to engage in business, will promote the convenience and advantage of the community in which the business of the applicant is to be conducted, and that the applicant has available for the operation of such business at the specified location liquid assets of at least ten thousand dollars (\$10,000), (the foregoing facts being conditions precedent to the issuance of a license under this Act), he shall thereupon issue and deliver a license to the applicant to make loans in accordance with

Supervisor to investigate.

Condition precedent.

the provisions of this Act at the location specified in the said application, which license shall remain in full force and effect until it is surrendered by the licensee or revoked or suspended as herein-after provided; if the Supervisor shall not so find he shall not issue such license and he shall notify the applicant of the denial and return to the applicant the bond and sum paid by the applicant as a license fee, retaining the fifty dollars (\$50) investigation fee to cover the costs of investigating the application. The Supervisor shall approve or deny every application for license hereunder within sixty (60) days from the filing thereof with the said fees and the said approved bond.

Bond returned upon denial.

Fee retained.

Decision within 60 days.

Order of Supervisor filed.

Copy to applicant.

Content of license.

Be posted.

May require additional bond.

If the application is denied, the Supervisor shall within twenty (20) days thereafter file with the Division of Banking of the Department of Finance, Budget and Business his order of denial together with his findings with respect thereto and the reasons supporting the order, and forthwith serve upon the applicant a copy thereof, from which order the applicant may appeal as provided in section 23 of this Act.

SEC. 5. Such license shall state the address at which the business is to be conducted and shall state fully the name of the licensee, and if the licensee is a copartnership or association, the names of the members thereof, and if a corporation, the date and place of its incorporation. Such license shall be kept conspicuously posted in the place of business of the licensee and shall not be transferable or assignable.

SEC. 6. If the Supervisor shall find at any time that the bond is insecure, depleted, exhausted, or otherwise doubtful, an additional bond of the character specified in section 3 of this Act, to be approved by him, in the sum of not more than one thousand dollars (\$1,000), shall be filed by the licensee within

ten (10) days after written demand upon the licensee by the Supervisor.

Every licensee shall maintain at all times assets of at least ten thousand dollars (\$10,000) for each licensed place of business either in liquid form available for the operation of or actually used in the conduct of such business at the location specified in the license.

Assets for each place of business.

SEC. 7. Not more than one place of business shall be maintained under the same license, but the Supervisor may issue more than one license to the same licensee upon compliance with all the provisions of this Act governing an original issuance of a license, for each such new license.

Each place of business licensed.

Whenever a licensee shall wish to change his place of business to a street address other than that designated in his license he shall give written notice thereof to the Supervisor who shall investigate the facts, and, if he shall find that allowing such licensee to engage in business in such new location will promote the convenience and advantage of the community in which the licensee desires to conduct his business, he shall attach to the license in writing his approval of the change and the date thereof, which shall be authority for the operation of such business under such license at such new location. If the Supervisor shall not so find he shall deny the licensee permission so to change the location of his place of business, in the manner specified and subject to the provisions contained in the last paragraph of section 4 of this Act.

Notice of change of business address.

Approval of Supervisor.

May deny change.

SEC. 8. Every licensee shall, for each license held by him, on or before the twentieth day of each December, pay to the Supervisor the sum of fifty dollars (\$50) as an annual license fee and shall at the same time file with the Supervisor a bond to be approved by the Supervisor in the same amount

Annual license fee.

and of the same character as required by section 3 of this Act.

Supervisor
may revoke
license.

Notice.

Conditions
for
revocation.

Failure to
pay fee.

Violation
of act.

Other
conditions.

May suspend.

May act on
one or all
licenses of
one licensee.

May
surrender.

SEC. 9 The Supervisor shall, upon ten (10) days' written notice to the licensee stating the contemplated action and in general the grounds therefor, and upon reasonable opportunity to be heard, revoke any license issued hereunder if he shall find that:

(a) The licensee has failed to pay the annual license fee or to maintain in effect the bond or bonds required under the provisions of this Act or to comply with any specific order or demand of the Supervisor lawfully made and directed to the licensee pursuant to and within the authority of this Act; or that

(b) The licensee, either knowingly or without the exercise of due care to prevent the same, has violated any provisions of this Act or any general rule or regulation lawfully made by the Supervisor under and within the authority of this Act; or that

(c) Any fact or condition exists which, if it had existed at the time of the original application for such license, clearly would have warranted the Supervisor in refusing originally to issue such license.

The Supervisor may, upon five (5) days' written notice and after a hearing, suspend any license for a period not exceeding thirty (30) days, pending investigation.

The Supervisor may revoke or suspend only the particular license with respect to which grounds for revocation or suspension may occur or exist, or, if he shall find that such grounds for revocation or suspension are of general application to all offices, or to more than one office, operated by such licensee, he shall revoke or suspend all of the licenses issued to said licensee or such licenses as such grounds apply to, as the case may be.

Any licensee may surrender any license by delivering to the Supervisor written notice that he

thereby surrenders such license, but such surrender shall not affect such licensee's civil or criminal liability for acts committed prior to such surrender.

No revocation or suspension or surrender of any license shall impair or affect the obligation of any pre-existing lawful contract between the licensee and any borrower.

Not to effect existing contract.

Every license issued hereunder shall remain in force and effect until the same shall have been surrendered, revoked, or suspended in accordance with the provisions of this Act, but the Supervisor shall have authority on his own initiative to reinstate suspended licenses or to issue new licenses to a licensee whose license or licenses shall have been revoked if no fact or condition then exists which clearly would have warranted the Supervisor in refusing originally to issue such license under this Act.

Authority of Supervisor.

Whenever the Supervisor shall revoke or suspend a license issued pursuant to this Act, he shall forthwith file with the Division of Banking of the Department of Finance, Budget and Business his order of revocation or suspension together with his finding with respect thereto and the reasons supporting the order, and forthwith serve upon the licensee a copy thereof, from which order the applicant may appeal as provided in section 23 of this Act.

Order to be filed.

Copy to licensee.

SEC. 10. For the purpose of discovering violations of this Act or securing information lawfully required by him hereunder, the Supervisor may at any time, either personally or by a person or persons duly designated by him, investigate the loans and business and examine the books, accounts, records, and files used therein, of every licensee and of every person who shall be engaged in the business described in section 2 of this Act, whether such person shall act or claim to act as principal

Supervisor may investigate records.

or agent, or under or without the authority of this Act. For that purpose the Supervisor and his duly designated representatives shall have free access to the offices and places of business, books, accounts, papers, records, files, safes, and vaults of all such persons. The Supervisor and all persons duly designated by him shall have authority to require the attendance of and to examine under oath all persons whomsoever whose testimony he may require relative to such loans or such business or to the subject matter of any examination, investigation or hearing. The Supervisor shall make such an examination of the affairs, business, office and records of each licensee at least once each year. The actual cost of every examination shall be paid to the Supervisor by every licensee so examined: *Provided, however,* That the actual cost of examining each licensed place of business shall not exceed the sum of one hundred and fifty dollars (\$150) annually.

Access to
accounts.

Annual
examination.

Fee paid by
licensee.

Maximum
fee.

Licensee to
keep records.

Preserve
two years.

Annual
report.

SEC. 11. The licensee shall keep and use in his business such books, accounts, and records as will enable the Supervisor to determine whether such licensee is complying with the provisions of this Act and with the rules and regulations lawfully made by the Supervisor hereunder, to which books, accounts, and records the Supervisor shall have free access. Every licensee shall preserve such books, accounts and records, including cards used in the card system, if any, for at least two (2) years after making the final entry on any loan recorded therein.

Each licensee shall annually on or before the first day of March file a report with the Supervisor giving such relevant information as he reasonably may require concerning the business and operations during the preceding calendar year of each licensed place of business conducted by such licensee within the state. Such report shall be made under oath

and shall be in the form prescribed by the Supervisor, who shall make and publish annually an analysis and recapitulation of such reports.

SEC. 12. No licensee or other person shall advertise, print, display, publish, distribute, or broadcast or cause or permit to be advertised, printed, displayed, published, distributed or broadcast, in any manner whatsoever any false, misleading or deceptive statement or representation with regard to the rates, terms, or conditions for the lending of money, credit, goods, or things in action in the amount or of the value of five hundred dollars (\$500) or less. The Supervisor may order any licensee to desist from any conduct which he shall find to be a violation of the foregoing provisions.

No misleading advertising.

Supervision.

The Supervisor may require that rates of charge, if stated by a licensee, be stated fully and clearly in such manner as he may deem necessary to prevent misunderstanding thereof by prospective borrowers.

No licensee shall conduct the business of making loans under this Act within any office, room, or place of business in which any other business is solicited or engaged in, or in association or conjunction therewith, if the Supervisor shall find, after five (5) days' written notice and after a hearing that the other business is of such nature that such conduct would facilitate evasion of this Act or of the general rules and regulations lawfully made hereunder, and shall order such licensee in writing to desist from such conduct.

Restrictions.

No other business in connection.

No licensee shall transact such business or make any loan provided for by this Act under any other name or at any other place of business than that named in a license issued under this Act.

Business conducted only in name of licensee.

No licensee shall take any confession of judgment or any power of attorney to confess judgment. No licensee shall take any note, promise to pay, or

No confession of judgment.

Note to
contain full
contract.

other obligation signed by the borrower that does not accurately disclose the actual amount of the loan, the time for which it is made, and the agreed rate of charge, nor any instrument in which blanks are left to be filled in after execution.

Maximum
interest
charges.

SEC. 13. (a) Every licensee hereunder may lend any sum of money not to exceed five hundred dollars (\$500) in amount and may charge, contract for and receive thereon charges at a rate not exceeding three per centum (3%) per month on that part of the unpaid principal balance of any loan not in excess of three hundred dollars (\$300) and one per centum (1%) per month on any remainder of such unpaid principal balance: *Provided, however,* That in lieu of said charges a licensee may charge one dollar (\$1) per month, or fraction thereof, when said charges computed at the said rate amount to less than one dollar (\$1): *And provided further,* That such charge of one dollar (\$1) shall not be collected on more than one loan nor more than once from any one borrower during any period of one month.

No other
charges.

(b) No charges on loans made under this Act shall be paid, deducted or received in advance, or compounded. All charges on loans made under this Act, excepting the minimum charge of one dollar (\$1) provided in this section, (a) shall be computed and paid only as a percentage per month of the unpaid principal balance or portions thereof, and (b) shall be so expressed in every obligation signed by the borrower, and (c) shall be computed on the basis of the number of days actually elapsed. For the purpose of this section a month shall be any period of thirty (30) consecutive days.

Computation
of interest.

Not to split
loan.

(c) No licensee shall induce or permit any borrower to split up or divide any loan, nor induce or permit any person, nor any husband or wife jointly or severally, to become obligated, directly

or contingently or both, under more than one contract of loan at the same time, for the purpose or with the result of obtaining a higher rate of charge than would otherwise be permitted by this section.

SEC. 14. It shall be the duty of every licensee to:

Duties of licensee.

(a) Deliver to the borrower or anyone thereof, if several, at the time any loan is made under this Act, a statement, upon which there shall be printed in the English language a copy of section 13 of this Act, showing in clear and distinct terms the amount and date of the loan, the date of its maturity, the nature of the security, if any, for the loan, the name and address of the licensee and the agreed rate of charges;

Statement to borrower.

Contents.

(b) Give to the party making any payment a plain and complete receipt for each payment made on account of any such loan at the time such payment is made, specifying the amount applied to charges and the amount, if any, applied to principal, and stating the unpaid principal balance, if any, of such loan;

Receipts for payments.

(c) Permit payment to be made in advance in any amount on any such loan at any time, but the licensee may apply such payment first to all charges at the agreed rate up to the date of such payment;

Application of payments.

(d) Upon payment of the loan in full, mark indelibly every obligation signed by the borrower with the word "paid" or "cancelled" and release any mortgage and restore all notes and collateral to which the borrower may be lawfully entitled: *Provided, however,* That in case any such document or obligation is in custodia legis these requirements shall not be applicable.

Return notes and collateral to borrower upon full satisfaction.

Exception.

All receipts and statements provided for in this section shall be acknowledged in writing by the

Licensee to
keep copy.

licensee and the borrower, and a copy thereof shall be retained by the licensee.

No
consideration
greater than
permitted
by act.

SEC. 15. No licensee shall directly or indirectly charge, contract for, or receive any interest, discount, or consideration greater than the lender would be permitted by law to charge if he were not a licensee hereunder upon the loan, use or forbearance of money, goods or things in action, or upon the loan, use, or sale of credit, of the amount or value of more than five hundred dollars (\$500).

Secured
loans:
Defined.

SEC. 16. The payment of five hundred dollars (\$500) or less in money, credit, goods, or things in action, as consideration for any sale or assignment of, 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 by which such assigned compensation retained by the assignee at the completion of the transaction exceeds the total amount of such consideration actually paid by the assignee to the assignor shall for the purpose of regulation under this Act be deemed interest or charges upon such loan. Such transaction shall be governed by and subject to the provisions of this Act.

Consideration.

No greater
charge than
permitted
by act.

SEC. 17. No person except as authorized by this Act shall directly or indirectly charge, contract for, or receive any interest, discount, or consideration greater than the lender would be permitted by law to charge if he were not a licensee hereunder upon the loan, use, or forbearance of money, goods, or things in action, or upon the loan, use, or sale of credit of the amount or value of five hundred dollars (\$500) or less.

Application.

The foregoing prohibition shall apply to any person who by any device [device], subterfuge, or

pretense whatsoever shall charge, contract for, or receive greater interest, consideration, or charges than is authorized by this Act for any such loan, use, or forbearance of money, goods, or things in action or for any such loan, use, or sale of credit.

No loan of the amount or value of five hundred dollars (\$500) or less for which a greater rate of interest, consideration, or charges than is permitted by section 13 of this Act has been charged, contracted for, or received, wherever made, shall be enforced in this state, and every person in anywise participating therein in this state shall be subject to the provisions of this Act, provided that the foregoing shall not apply to loans legally made in any state or county by a licensee under a regulatory small loan law similar in principle to this Act.

No action permitted for greater amount.

SEC. 18. Any person and the several members, officers, directors, agents, and employees thereof, who shall violate or participate in the violation of any of the provisions of sections 2, 12, 13, 14, or 17 of this Act, shall be guilty of a gross misdemeanor.

Penalty for violation.

Any contract or loan not invalid for any other reason, in the making or collection of which any act shall have been done which constitutes a gross misdemeanor under this section shall be void and the lender shall have no right to collect or receive any principal, interest, or charges whatsoever.

Violation voids loan.

SEC. 19. This Act shall not apply to any person doing business under and as permitted by any law of this state or of the United States relating to banks, savings banks, trust companies, savings and loan or building and loan associations, industrial loan companies or credit unions, nor to any pawnbroking business lawfully transacted under and as permitted by any law of this state regulating pawnbrokers.

Act not to apply to banks, etc.

SEC. 20. The Supervisor is hereby authorized and empowered to make general rules and regulations

Supervisor to make rules.

and specific orders, demands, and findings for the enforcement of this Act, in addition hereto and not inconsistent herewith.

Copies of
rules to
licensee.

Copies of all general rules and regulations shall be mailed to every licensee by the Supervisor on or before their respective effective dates and copies of all general rules and regulations and of all specific orders and demands shall be kept in a permanent, indexed book in the Department of Banking, and shall be public records.

Service of
notice.

SEC. 21. All notices required or authorized by this Act to be given or served by the Supervisor may be given or served by registered mail and service thereof shall be deemed complete when a true copy thereof is deposited in the post office properly addressed and stamped.

Act may be
amended to
cancel
license.

SEC. 22. This Act or any part thereof may be modified, amended, or repealed so as to effect a cancellation or alteration of any license or right of a licensee hereunder: *Provided*, That such cancellation or alteration shall not impair or affect the obligation of any pre-existing lawful contract between any licensee and any borrower.

Appeal from
order of
Supervisor.

SEC. 23. Whenever the Supervisor shall deny an application for a license or shall revoke or suspend a license issued pursuant to this Act, or shall issue any specific order or demand, then such applicant or licensee thereby affected may, within thirty (30) days from the date of service of notice as provided for in this Act, appeal to the Superior Court of the State of Washington for Thurston County. The appeal shall be perfected by serving a copy of the notice of appeal upon the Supervisor and by filing it, together with proof of service, with the Clerk of the Superior Court of Thurston County. Whereupon the Supervisor shall, within fifteen (15) days after filing of such notice of appeal, make and certify a transcript

Venue.

Procedure.

of the evidence and of all the records and papers on file in his office relating to the order appealed from, and the Supervisor shall forthwith file the same in the office of the Clerk of said Superior Court. The reasonable costs of preparing such transcript shall be assessed by the Court as part of the costs. A trial shall be had in said Superior Court de novo. The applicant or licensee, as the case may be, shall be deemed the plaintiff and the State of Washington the defendant. Each party shall be entitled to subpoena witnesses and produce evidence to sustain or reverse the findings and order or demand of the Supervisor. During the pendency of any appeal from the order of revocation or suspension of a license, the order of revocation theretofore entered by the Supervisor shall be stayed and any other order or demand appealed from may be stayed in the discretion of the Court. Either party may appeal from the judgment of said Superior Court to the Supreme Court of the State of Washington as in other civil actions.

Costs of suit.

Trial de novo.

Parties.

Appeal to
Supreme
Court.

SEC. 24. It shall be the duty of the Supervisor to investigate and examine the practice of the small loan business in this state, and to obtain statistics and data from other states with special reference to practices performed under this Act and to interest rates charged for the purpose of determining abuses thereof which should be corrected. In order to carry out such investigation the Supervisor shall have the power to subpoena witnesses and records, to administer oaths and examine persons under oath. He shall thereupon submit his findings to the next session of the Legislature, and make such recommendations, and submit bills or amendments which in his opinion will correct any such abuses. It shall also be his duty to make findings regarding interest rates to be charged the public and to determine from these findings the lowest possible interest rate which should be legally charged which would be consistent with fairness to the small loan business and the public.

Other
duties of
Supervisor.Report to
legislature.

Conflicting
acts
repealed.

SEC. 25. All Acts and parts of Acts, whether general, special, or local, which relate to the same subject matter as this Act, so far as they are inconsistent with the provisions of this Act, are hereby repealed.

Partial
invalidity.

SEC. 26. If any clause, sentence, section, provision, or part of this Act shall be adjudged to be unconstitutional or invalid for any reason by any court of competent jurisdiction, such judgment shall not impair, affect, or invalidate the remainder of this Act, which shall remain in full force and effect thereafter.

Title.

SEC. 27. This Act shall be known as the Small Loan Act.

Passed the Senate February 18, 1941.

Passed the House March 11, 1941.

Approved by the Governor March 24, 1941.

CHAPTER 209.

[S. B. 172.]

WORKMEN'S COMPENSATION SCHEDULE.

AN ACT relating to extra-hazardous employments and to the compensation and remedies of workmen injured therein, and of their dependents, invalid children and beneficiaries in case of death; and amending sections 5 and 7 of chapter 74, Laws of 1911, as last amended by section 2 and 3 of chapter 132, Laws of 1929 (sections 7679 and 7681, Remington's Revised Statutes; sections 3472 and 3475, Pierce's Code).

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

SECTION 1. Section 5 of chapter 74, Laws of 1911, as last amended by section 2 of chapter 132, Laws of 1929 (section 7679, Remington's Revised Statutes; section 3472, Pierce's Code), is hereby amended to read as follows:

Section 7679. Each workman who shall be injured in the course of his employment, or his family

Amend-
ments.

or dependents in case of death of the workman, shall receive out of the accident fund compensation in accordance with the following schedule, and, except as in this Act otherwise provided, such payment shall be in lieu of any and all rights of action whatsoever against any person whomsoever.

Lieu
payments.

COMPENSATION SCHEDULE.

Schedule.

(a) Where death results from the injury the expenses of burial not to exceed one hundred fifty dollars (\$150) shall be paid to the undertaker conducting the funeral: *Provided*, That no sum shall be paid an undertaker for the burial expenses where the deceased left a widow or an orphan child or children unless the undertaker shall make and file with the department an affidavit that no part of the burial expenses have been either directly or indirectly paid by or charged to the widow or orphan child or children.

Burial
expenses.

Proviso.

(1) If the workman leaves a widow or invalid widower, a monthly payment of fifty dollars (\$50) shall be made throughout the life of the surviving spouse, to cease at the end of the month in which remarriage shall occur, and the surviving spouse shall also receive per month for each child of the deceased under the age of eighteen years at the time any monthly payment is due the following payments: For the youngest or only child fifteen dollars (\$15), for the next or second youngest child ten dollars (\$10), and for each additional child seven dollars and fifty cents (\$7.50): *Provided*, That in addition to the monthly payments above provided for, a surviving widow of any such deceased workman shall be forthwith paid the sum of two hundred and fifty dollars (\$250).

Monthly
compensa-
tion to
survivor.

Cease upon
remarriage.

Schedule
for minor
children.

Payment
upon death.

Upon remarriage of a widow she shall receive once and for all, a lump sum of one thousand dollars (\$1,000), but the monthly payments for the child or children shall continue as before.

Payment to
widow upon
remarriage.

(2) If the workman leave no wife or husband,

Payment for
children to
continue.

Payment
schedule for
orphan
minors.

but an orphan child or children under the age of eighteen years, a monthly payment of twenty-five dollars (\$25) shall be made to each such child until such child shall reach the age of eighteen years, but the total monthly payment shall not exceed one hundred dollars (\$100) and any deficit shall be deducted proportionately among the beneficiaries.

Payment
to other
dependents.

(3) If the workman leaves no widow, widower or child under the age of eighteen years, but leaves a dependent or dependents, a monthly payment shall be made to each dependent equal to fifty per cent of the average monthly support actually received by such dependent from the workman during the twelve months next preceding the occurrence of the injury, but the total payment to all dependents in any case shall not exceed fifty dollars (\$50) per month. If any dependent is under the age eighteen years at the time of the occurrence of the injury, the payment to such dependent shall cease when such dependent shall reach the age of eighteen years. The payment to any dependent shall cease if and when, under the same circumstances, the necessity creating the dependency would have ceased if the injury had not happened.

Maximum.

Payment to
parents.

If the workman is under the age of twenty-one years and unmarried at the time of his death, the parents or parent of the workman shall receive twenty-five dollars (\$25) per month for each month after his death until the time at which he would have arrived at the age of twenty-one years.

Payments to
minors upon
death of
surviving
spouse.

(4) In the event a surviving spouse receiving monthly payments shall die, leaving a child or children under the age of eighteen years, such child or children shall receive each the sum of twenty-five dollars (\$25) per month until arriving at the age of eighteen years, but the total monthly payment shall not exceed one hundred dollars (\$100) and any deficit shall be deducted proportionately among the beneficiaries.

(b) Permanent total disability means loss of both legs, or arms, of one leg and one arm, total loss of eyesight, paralysis or other condition permanently incapacitating the workman from performing any work at any gainful occupation.

Permanent total disability: Defined.

When permanent total disability results from the injury, the workman shall receive monthly during the period of such disability: (1) If unmarried at the time of the injury, the sum of fifty dollars (\$50).

Rate for.

(2) If the workman have a wife or invalid husband, but no child under the age of eighteen years, the sum of sixty dollars (\$60).

If the husband is not an invalid the monthly payment of sixty dollars (\$60) shall be reduced to twenty-five dollars (\$25) as long as they are living together as husband and wife.

(3) If the workman have a wife or husband and a child or children under the age of eighteen years, or being a widow or widower, having any such child or children, the monthly payment in the preceding paragraph shall be increased by fifteen dollars (\$15) for the youngest or only child, ten dollars (\$10) for the next or second youngest child, and seven dollars and fifty cents (\$7.50) for each additional child under the age of eighteen years.

(4) In case of total permanent disability, if the character of the injury is such as to render the workman so physically helpless as to require the services of an attendant, the monthly payment to such workman shall be increased thirty-five dollars (\$35) per month as long as such requirement shall continue, but such increases shall not obtain or be operative while the workman is receiving care under or pursuant to any of the provisions of sections 7712 to 7725, inclusive, of this code.

(c) If the injured workman die, during the period of permanent total disability, whatever the cause of death, leaving a widow, invalid widower or

Rates for total permanent disability.

child under the age eighteen years, the surviving widow or invalid widower shall receive fifty dollars (\$50) per month until death or remarriage, to be increased per month for each child of the deceased under the age of eighteen years at the time any monthly payment is due, as follows: For the youngest or only child fifteen dollars (\$15), for the next or second youngest child ten dollars (\$10), and for each additional child seven dollars and fifty cents (\$7.50); but if such child is or shall be without father or mother, such child shall receive twenty-five dollars (\$25) per month until arriving at the age of eighteen years. Upon remarriage the payments on account of the child or children shall continue as before to such child or children.

Child in institution not to receive payments.

An invalid child while being supported and cared for in a state institution shall not receive compensation under this Act. If an injured workman, or the surviving spouse of an injured workman shall not have the custody of a minor child for, or on account of, whom payments are required to be made under this section, such payment or payments shall be made to the person having the lawful custody of such minor child.

Must have custody.

Total temporary disability.

(d) (1) When the total disability is only temporary, the schedule of payments contained in paragraphs (1), (2) and (3) of the foregoing subdivision (b) shall apply, so long as the total disability shall continue,

Rates.

(2) but if the injured workman have a wife or husband and have no child or have a wife or husband, or being a widow or widower, with one or more children under the age of eighteen years, the compensation for the case during the first six months or such lesser period of time as the total temporary disability shall continue, shall be per month as follows, to-wit: Injured workman whose husband is not an invalid, twenty-two dollars and fifty cents (\$22.50) and seven

dollars and fifty cents (\$7.50) for each child; injured workman with wife or invalid husband and no child, fifty dollars (\$50); injured workman with wife or invalid husband and one child, or being a widow or widower and having one child, sixty-five dollars (\$65); injured workman with a wife or invalid husband and two children, or being a widow or widower and having two children, seventy-five dollars (\$75), and seven dollars and fifty cents (\$7.50), for each additional child.

Rates for total temporary disability.

Should a workman suffer a temporary total disability, and should his employer, at the time of his injury, continue to pay him the wages which he was earning at the time of such injury, such injured workman shall not receive any payment provided in paragraph (d) subdivision (1) from the accident fund during the period his employer shall so pay such wages.

Payment of wages during disability. Exemption.

(3) If such temporary total disability shall endure longer than said six months' period, the schedule of compensation continued in paragraphs (1), (2) and (3) of the foregoing subdivision (b) shall at the end of said six months' period again obtain.

Disability for more than six months.

(4) As soon as recovery is so complete that the present earning power of the workman, at any kind of work, is restored to that existing at the time of the occurrence of the injury, the payments shall cease. If and so long as the present earning power is only partially restored, the payments shall continue in the proportion which the new earning power shall bear to the old. No compensation shall be payable out of the accident fund unless the loss of earning power shall exceed five per cent.

Payments to cease upon regaining earning power.

Restriction.

No payment shall be made to or for a natural child of a deceased workman, and at the same time, as the step-child of a deceased workman.

No duplicate payments.

(e) There is hereby created in the office of the State Treasurer a fund to be known and designated

Reserve fund. as the reserve fund out of which shall be made the payments specified in this section for all cases of death or permanent total disability including future payments to be made for the cases of that character which have heretofore arisen. Into the reserve fund there shall be forthwith placed all unexpended funds, in cash or invested, heretofore set aside for cases requiring a reserve. For every case resulting in death or permanent total disability hereafter arising it shall be the duty of the Department to make transfer on their books from the accident fund of the proper class to the reserve fund a sum of money for that case equal to the estimated present cash value of the monthly payments provided for it, to be calculated upon the basis of an annuity covering the payments in this section provided to be made for the case. Such annuities shall be based upon tables to be prepared for that purpose by the State Insurance Commissioner and by him furnished to the State Treasurer, calculated upon standard mortality tables with an interest assumption of three (3) per cent per annum.

Purpose.

Contents.

Transfer from accident fund upon death.

Basis.

Investment of fund.

Apportionment of interest.

Duty of Ins. Commissioner.

The Department shall notify the State Treasurer from time to time of such transfers as a whole and the State Treasurer shall invest the reserve in either state capitol building bonds issued to take up capitol building warrants now outstanding, or in the class of securities provided by law for the investment of the permanent school fund, and the interest or other earnings of the reserve fund shall become a part of the reserve fund itself. The Department shall, on October 1st of each year, apportion the interest or other earnings of the reserve fund as certified to it by the State Treasurer, to the various class reserve funds according to the average class balance for the preceding year. As soon as possible after October 1st of each year, beginning in the year 1927, the State Insurance Commissioner shall expert the reserve fund of each class to ascertain its standing as of Octo-

ber 1st, of that year, and the relation of its outstanding annuities at their then value to the cash on hand or at interest belonging to that fund. He shall promptly report the result of his examination to the Department and to the State Treasurer in writing not later than December 31st, following. If the report shows that there was on said October 1st, in the reserve fund of any class in cash or at interest a greater sum than the then annuity value of the outstanding pension obligations of that class, the surplus shall be forthwith turned over to the accident fund of that class, but if the report shows the contrary condition of any class reserve, the deficiency shall be forthwith made good out of the accident fund of that class. The State Treasurer shall keep accurate accounts of the reserve fund and the investment and earnings thereof, to the end that the total reserve funds shall at all times, as near as may be, be properly and fully invested, and to meet current demands for pension or lump sum payments may, if necessary, make temporary loans to the reserve fund out of the accident fund for that class, repaying same from the earnings of that reserve fund or from collections of its investments, or, if necessary, sales of the same.

Report of Commissioner.

Surplus to accident fund.

Deficit from accident fund.

(f) Permanent partial disability means the loss of either one foot, one leg, one hand, one arm, one eye, one or more fingers, one or more toes, any dislocation where ligaments were severed where repair is not complete, or any other injury known in surgery to be permanent partial disability. For the permanent partial disabilities here specifically described, the injured workman shall receive compensation as follows:

Permanent partial disability: Defined.

LOSS BY AMPUTATION

Schedule of payments.

| | |
|---|------------|
| Of one leg so near the hip that an artificial limb cannot be worn..... | \$3,600.00 |
| Of one leg at or above the knee so that an artificial limb can be worn..... | 2,740.00 |
| Of one leg below the knee..... | 1,870.00 |

Schedule of
payments.

| | |
|--|----------|
| Of great toe with metatarsal bone thereof..... | \$580.00 |
| Of great toe at the proximal joint..... | 360.00 |
| Of great toe at the second joint..... | 130.00 |
| Of one other toe other than the great toe with meta- tarsal bone thereof..... | 200.00 |
| Of second toe at proximal joint..... | 90.00 |
| Of third toe at proximal joint..... | 90.00 |
| Of fourth toe at proximal joint..... | 90.00 |
| Of fifth toe at proximal joint..... | 40.00 |
| Of metatarsal bone on toe other than great toe..... | 100.00 |
| Of one arm so near the shoulder that an artificial arm cannot be worn..... | 3,600.00 |
| Of the major arm at or above the elbow..... | 2,740.00 |
| Of forearm at upper third..... | 2,520.00 |
| Of the major hand at wrist..... | 2,305.00 |
| Of thumb with metacarpal bone thereof..... | 870.00 |
| Of thumb at proximal joint..... | 575.00 |
| Of thumb at second joint..... | 215.00 |
| Of index or first finger at proximal joint..... | 470.00 |
| Of index or first finger at second joint..... | 395.00 |
| Of index or first finger at distal joint..... | 180.00 |
| Of middle or second finger at proximal joint..... | 360.00 |
| Of middle or second finger at second joint..... | 300.00 |
| Of middle or second finger at distal joint..... | 100.00 |
| Of ring or third finger at proximal joint..... | 325.00 |
| Of ring or third finger at second joint..... | 250.00 |
| Of ring or third finger at distal joint..... | 100.00 |
| Of little or fourth finger at proximal joint..... | 125.00 |
| Of little or fourth finger at second joint..... | 90.00 |
| Of little or fourth finger at distal joint..... | 35.00 |
| Of metacarpal bone in finger except thumb..... | 90.00 |

MISCELLANEOUS

| | |
|--|----------|
| Loss of one eye by enucleation..... | 1,725.00 |
| Loss of sight of one eye..... | 1,295.00 |
| Complete loss of hearing in both ears..... | 2,735.00 |
| Complete loss of hearing in one ear..... | 720.00 |
| Complete broken arch in foot..... | 720.00 |

Other
payments.

Compensation for any other permanent partial disability shall be in the proportion which the extent of such other disability shall bear to that above specified, which most closely resembles and approximates in degree of disability such other disability, but not in any case to exceed the sum of three thousand six hundred dollars (\$3,600): *Provided*, That for disability to a member not involving amputation, not more than three-fourths ($\frac{3}{4}$) of the foregoing re-

Proviso.

spective specified sums shall be paid: *Provided, further*, That payment for any injury to minor hand or arm or any part thereof, shall not exceed ninety-five (95) per centum of the amounts hereinbefore enumerated. Proviso.

If the injured workman be under the age of twenty-one years and unmarried, the parents or parent shall also receive a lump sum payment equal to ten per cent of the amount awarded to the minor workman. Payment to parents of unmarried workman.

(g) Should a further accident occur to a workman who has been previously the recipient of a lump sum payment under this act, his future compensation shall be adjudged according to the other provisions of this section and with regard to the combined effect of his injuries and his past receipt of money under this act. Further accidents.

Should a workman receive an injury to a member or part of his body already from whatever cause permanently partially disabled, resulting in the amputation thereof or in an aggravation or increase in such permanent partial disability but not resulting in the permanent total disability of such workman, his compensation for such permanent partial disability shall be adjudged with regard to the previous disability of the injured member or part and the degree or extent of the aggravation or increase of disability thereof.

Should any further accident result in the permanent total disability of such injured workman, he shall receive the pension to which he would be entitled notwithstanding the payment of a lump sum for his prior injury.

(h) If aggravation, diminution, or termination of disability takes place or be discovered after the rate of compensation shall have been established or compensation terminated, in any case the Director of Labor and Industries, through and by means of Aggravation, etc.

Application
for readjust-
ment.

the Division of Industrial Insurance, may, upon the application of the beneficiary, made within five years after the establishment or termination of such compensation, or upon his own motion, readjust for further application the rate of compensation in accordance with the rules in this section provided for the same, or in a proper case terminate the payment: *Provided*, Any such applicant whose compensation has heretofore been established or terminated shall have five (5) years from the taking effect of this act within which to apply for such readjustment.

Proviso.

No act done or ordered to be done by the Director of Labor and Industries, or the Department of Industrial Insurance, prior to the signing and filing in the matter of a written order for such readjustment, shall be ground for such readjustment: *Provided, however*, That if within the time limited for taking an appeal from an order closing a claim, the Department shall order the submission of further evidence or the investigation of any further fact, the time for appeal from such order closing the claim shall be extended until the applicant shall have been advised in writing of the final order of the Department in the matter.

Beneficiary
restriction.

(i) A husband or wife of an injured workman, living in a state of abandonment for more than one year at the time of the injury or subsequently, shall not be a beneficiary under this act. A wife who has lived separate and apart from her husband for the period of two years and who has not, during that time, received, or attempted by process of law to collect, funds for her support or maintenance, shall be deemed living in a state of abandonment.

Department
may grant
settlement
upon removal
from state.

(j) If a beneficiary shall reside or remove out of the State the Department may, in its discretion, with the written consent of the beneficiary, convert any monthly payments provided for such cases into a lump sum payment (not in any case to exceed

the value of the annuity then remaining, to be fixed and certified by the State Insurance Commissioner, but in no case to exceed the sum of five thousand dollars (\$5,000). Limit.

(k) No workman injured after June 30th, 1923, shall receive or be entitled to receive compensation out of the accident fund for or during the day on which injury was received or the three days following the same. Payments to commence.

(l) If it be determined by the Department of Labor and Industry that an injured workman had, at the time of his injury, a pre-existing disease and that such disease delays or prevents complete recovery from such injury the said Department shall ascertain, as nearly as possible, the period over which the injury would have caused disability were it not for the diseased condition and/or the extent of permanent partial disability which the injury would have caused were it not for the disease, and award compensation only therefore [therefor]. Pre-existing disease affecting recovery.

SEC. 2. Section 7 of chapter 74, Laws of 1911, as last amended by section 3 of chapter 132, Laws of 1929 (section 7681 of Remington's Revised Statutes; section 3475, Pierce's Code), is hereby amended to read as follows: Amendments.

Section 7681. In case of death or permanent total disability the monthly payment provided may be converted, in whole or in part, into a lump sum payment, not in any case to exceed five thousand dollars (\$5,000), equal or proportionate as the case may be to the value of the annuity then remaining, to be fixed and certified by the State Insurance Commissioner, in which event the monthly payment shall cease in whole or in part accordingly or proportionately. Such conversions may only be made after the happening of the injury and upon the written application of the beneficiary (in case of minor children the application may be by either Settlement by lump sum.

parent) to the Department, and shall rest in the discretion of the Department. Within the rule aforesaid the amount and value of the lump sum payment may be agreed upon between the Department and the beneficiary. In the event any payment shall be due to an alien residing in a foreign country, the Department may settle the same by making a lump sum payment in such amount as may be agreed to by such alien, not to exceed 50% of the value of the annuity then remaining.

Settlement
to aliens.

Department
authority.

Nothing herein contained shall preclude the Department from making, and authority is hereby given it to make, on its own motion, lump sum payments equal or proportionate, as the case may be, to the value of the annuity then remaining, in full satisfaction of claims due to dependents.

SEC. 3. A dependent invalid child over the age of eighteen years shall have the same status under this act as a child under the age of eighteen years. Wherever provision is made in this act for payment to or on account of a child under eighteen years, like payment shall be deemed to be provided to or on account of a dependent invalid child over the age of eighteen years during the period of such dependency.

Dependent
invalid over
18 same
status as
child under
18.

Passed the Senate March 13, 1941.

Passed the House March 12, 1941.

Approved by the Governor March 24, 1941.

CHAPTER 210.

[S. B. 182.]

SEWER DISTRICTS.

AN ACT relating to sewer districts, providing for the establishment, operation and regulation thereof, for the acquisition and construction of facilities therefor, providing for the payment for such facilities by issuance of general obligation bonds and revenue bonds, and defining the powers and duties of such districts and of their sewer commissioners and of other public officials, and of other municipal corporations in connection therewith.

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

SECTION 1. Sewer districts for the acquirement, construction, maintenance, operation, development and regulation of a system of sewers, including treatment and disposal plants and all necessary appurtenances and providing for additions and betterments thereto, are hereby authorized to be established in the various counties of this state. Such districts may include within their boundaries portions or all of one or more political sub-divisions, including water districts, but not including any portion of any incorporated cities or towns.

Co. sewer districts authorized.

Area of district.

SEC. 2. For the purpose of formation of such sewer districts, a petition shall be presented to the Board of County Commissioners of the county in which said proposed sewer district is located, which petition shall set forth the object for the creation of the said district, shall designate the boundaries thereof and set forth the further fact that the establishment of said district will be conducive to the public health, convenience and welfare and will be of benefit to the property included therein. Said petition shall be signed by at least twenty-five per cent (25%) of the qualified electors residing within the district described in the said petition. The said petition shall be filed with the County Auditor, who shall,

Formation.

Petition.

Contents.

Signatures required.

Filed with Co. Auditor.

Examination
by Auditor.

within ten (10) days examine the signatures thereof and certify to the sufficiency or insufficiency. For such purpose the County Auditor shall have access to all registration books in the possession of the officers of any political sub-division in such proposed district. No person having signed such a petition shall be allowed to withdraw his name therefrom after the filing of the same with the County Auditor. If such petition shall be found to contain a sufficient number of signatures, the County Auditor shall transmit the same, together with his certificate of sufficiency attached thereto to the Board of County Commissioners. . If such petition is certified to contain a sufficient number of signatures, then at a regular or special meeting of the Board of County Commissioners of such county, the said County Commissioners shall cause to be published for at least once a week for two (2) successive weeks in some newspaper printed and published in said county, and in case no such newspaper be printed or published in such county, then at least once a week for two (2) successive weeks in some newspaper of general circulation therein, giving notice that such a petition has been presented, stating the time of the meeting at which the same shall be presented, and setting forth the boundaries of said proposed district.

Certificate of
sufficiency.

Publication
of notice of
petition.

Contents.

Hearing.

Objections.

Final
hearing.

Findings.

SEC. 3. When such a petition is presented for hearing, the Board of County Commissioners shall hear the same or may adjourn said hearing from time to time not exceeding one (1) month in all. Any person, firm or corporation may appear before the said Board of County Commissioners and make objections to the establishment of the said district or the proposed boundary lines thereof. Upon a final hearing said Board of County Commissioners shall make such changes in the proposed boundary lines as they deem to be proper and shall establish and define such boundaries and shall find whether the proposed

sewer district will be conducive to the public health, welfare and convenience and be of special benefit to the land included within the said boundaries of said proposed district so established by the said Board of County Commissioners. No lands which will not, in the judgment of said Board, be benefited by inclusion therein, shall be included within the boundaries of said district as so established and defined, and no change shall be made by the said Board of County Commissioners in the said boundary lines to include any territory outside of the boundaries described in the said petition, except that the boundaries of any proposed district may be extended by the Board of County Commissioners at such hearing to include other lands in said county upon a petition signed by the owners of all of the land within the proposed extension.

Fix
boundaries.

SEC. 4. Upon entry of the findings of the final hearing of the said petition by the said County Commissioners of such county, if they find said proposed sewer system will be conducive to the public health, welfare and convenience and be of special benefit to the land included within the boundaries of the said proposed district, they shall by resolution call a special election to be held not less than thirty (30) days, and not more than sixty (60) days from the date of such resolution, and shall cause to be published a notice of such election at least once a week for four (4) successive weeks in a newspaper of general circulation in the county in which said proposed sewer district is located, which notice shall set forth the hours during which such polls will be open, boundaries of the proposed sewer district as finally adopted by the said County Commissioners and the object to [of] such election, and the said notice shall also be posted for ten (10) days in ten (10) public places in said proposed sewer district. In submitting the said proposition to the voters for their approval or rejection,

Election by
resolution.

Publication
of notice of
election.

Notices
posted.

Ballot contents.

such proposition shall be expressed on the ballots in the following terms:

Sewer District Yes

Sewer District No

giving in each instance the name of such district as may be decided by the Board of County Commissioners. There shall not be less than one (1) polling place in each precinct in such district.

Procedure when two or more petitions.

SEC. 5. Whenever two (2) or more petitions for the formation of a sewer district shall be filed as herein provided, the petition describing the greater area shall supersede all others, and an election shall first be held thereunder, and no lesser sewer district shall ever be created within the limits in whole or in part of any other sewer district.

Majority vote to establish.

SEC. 6. If at such election a majority of the voters voting upon such proposition shall vote in favor of the formation of such district, the County Election Board shall so declare in its canvass of the returns of such election, and such sewer district shall then be and become a municipal corporation of the State of Washington, and the name of such sewer district shall be "..... Sewer District" (inserting the name appearing on the ballot).

Shall be municipal corporation.

Commissioners to be elected.

SEC. 7. At the same election at which the proposition is submitted to the voters as to whether the sewer district shall be formed, three (3) sewer commissioners shall be elected to hold office respectively for the terms of, one (1), two (2) and three (3) years. Until their respective successors are elected and qualified, the term for each nominee for Sewer Commissioner shall be expressed on the ballot. Thereafter in Class "A" and first-class counties, as provided by chapter 53 of the Laws of 1923 as amended (sections 5143, 5144, 5147 and 5148 of Remington's Revised Statutes), there shall be held each year an election for a Sewer Commissioner to hold

Term of office.

Elections in Class A and 1st Class Co's.

office for three (3) years and until his successor is elected and qualified. And thereafter, in all counties other than Class "A" and first-class as provided by chapter 279, Laws of 1927 as amended (sections 5150 and 5152 of Remington's Revised Statutes), there shall be held each year an election for a Sewer Commissioner to hold office for three (3) years and until his successor is elected and qualified.

Election in other Co's.

SEC. 8. Nominations for Sewer Commissioners shall be by petition of at least ten per cent (10%) of the qualified electors of such sewer district, who shall be qualified electors. Such petition shall be filed in the County Auditor's office of the county in which such district is located at least thirty (30) days prior to such election, provided that in the event of a vacancy caused by death, resignation or otherwise, such vacancy shall be filled by appointment by a majority vote of the remaining Board of Sewer Commissioners until the next regular election for Sewer Commissioners. Said County Election Board shall designate in the notice of election whether such election be a general or special election, the time of opening and closing of polls, and the place of voting, but in no event shall there be less than one (1) voting place in each precinct in the sewer district. The polls shall be open at every election held by said sewer district at least from one o'clock p. m. to eight o'clock p. m., but the polls may be kept open for a longer period of time if so ordered. The time of opening and closing the polls must be stated in the notice of election and the polls shall be opened and closed in accordance with such notice. Any person residing in said sewer district who is at the time of holding of any election, a qualified voter, shall be entitled to vote at any election held in such sewer district.

Nomination by petition.

Petition filed.

Vacancies.

Notice of election.

Contents.

Persons qualified to vote.

All expense of elections for the formation of such sewer districts shall be paid by the county in which said election is held and such expenditure is hereby

Expense of election.

declared to be for a county purpose, and the money paid out for such purpose shall be repaid to such county by the sewer district if formed.

Organization
of Board.

SEC. 9. When the said sewer district shall be created as hereinbefore provided for, the officers of such district shall be a Board of Sewer Commissioners consisting of three (3) members elected as provided in section 7 of this act and said Board of Sewer Commissioners shall annually elect one (1) of their number as President and another of their number as Secretary of said Board. All Sewer Commissioners shall serve without compensation, except that the Secretary of the said Board of Sewer Commissioners may be paid a reasonable sum for the clerical services performed by him. The Board shall by resolution adopt rules governing the transaction of its business and shall adopt an official seal. All proceedings shall be by resolution recorded in a book or books kept for such purpose which shall be public records.

No compen-
sation.

Exception.
Secretary.

Adopt rules.

Eminent
domain.

SEC. 10. All sewer districts organized under the provisions of this act shall be and are hereby authorized to acquire by purchase and condemnation, all lands, property rights, water, water rights, leases or easements, both within and without the boundaries of the district, necessary for the purposes of the sewer district, and to exercise the right of eminent domain in the acquirement or damaging of all land, property rights, water, water rights, leases and easements, both within and without the boundaries of the district, necessary in carrying out the purposes for which said district shall have been created. Such right of eminent domain shall be exercised in the same manner and by the same procedure as is or may be provided by law for cities of the third class, except in so far as such law may be inconsistent with the provisions of this act, and except that all assessment or reassessment rolls provided by law to be prepared and filed by Eminent Domain Commissioners or

Procedure.

Commissioners appointed by the Court shall be prepared and filed by the sewer district, and the duties devolving upon the City Treasurer under said law be imposed upon the County Treasurer for the purposes of this act; to construct, condemn and purchase, purchase, acquire, add to, maintain and supply systems of sewers for the purpose of furnishing such sewer district and inhabitants thereof, with an adequate system of sewers for all uses and purposes public and private, including the drainage of public highways, streets and roads with full authority to regulate and control the use and operation thereof and the service rates to be charged. And for the purposes aforesaid, it shall be lawful for any sewer district so organized in this state to conduct sewage throughout such sewer district and throughout other political sub-division within such district and to construct and lay sewer pipe along and upon public highways, roads and streets within and without such district and to condemn and purchase or acquire lands and rights of way necessary for such sewer pipe. Such sewer district is hereby authorized and empowered to erect and build sewage treatment plants either within or without the boundaries of such district, and any such sewer district shall have the right to acquire by purchase or condemnation, properties or privileges necessary to be had to protect any and all lakes, rivers or other water courses and also other areas of land from pollution either from its sewers or its sewage treatment plant or plants, and to compel all property owners within the area served by such system of sewers to connect their private drain and sewer systems with such system of sewers of the sewer district.

Court to
appoint
Eminent
Domain
Commis-
sioners.

Duties of Co.
Treasurer.

Rights of
district.

Powers.

SEC. 11. It shall be the duty of the Sewer Commissioners of every sewer district before creating any improvements hereunder or submitting to vote any plan for incurring any indebtedness to consider and determine upon and adopt the comprehensive

Duties of
Commis-
sioners.

Adopt plan.

Investigation.

Fix and collect rates.

Construction and equipment.

Employ professional assistance.

Plan adopted by resolution.

scheme or plan for a system of sewers for such district for the purposes authorized in this act. For such purposes the Sewer Commissioners shall investigate the several portions and sections of such sewer district in regard to a system of sewers; shall examine and investigate, determine and select a scheme or plan for a system of sewers for such district suitable and adequate for present and future needs thereof; shall consider and determine a general system or plan for creating such system of sewers and the rates and assessments necessary therefor; to provide for the collection and disposal of sewage and industrial and other liquid wastes produced within the district; to include provision for the drainage of public highways, streets and roads as part of such comprehensive scheme or plan; to provide for the construction of all appurtenances thereto, including laterals, trunk sewers, intercepting sewers, syphons, pumping stations, treatment plants and other methods of disposal of sewage; to maintain, operate and repair same and do all other things necessary in connection therewith; to provide the method of distributing the cost and expense of the creation and operation thereof against such sewer district and against utility local improvement districts within such sewer district for any purpose authorized in this act; and including any such utility local improvement district lying wholly or partially within the limits of any other political sub-division included in such sewer district; and to determine the whole or such part of the cost and expenses to be paid from sewer revenue bonds as in this act provided. The Commissioners may employ such engineering and legal services as in their discretion is necessary in carrying out the objects and purposes of this act.

Such general comprehensive scheme and plan, when finally determined upon by such Board of Sewer Commissioners, shall be by them adopted by

resolution, and submitted to the County Engineer or other engineer designated by the County Commissioners of the county in which the sewer district is located and to the Director of Health, and said comprehensive scheme or plan must be approved in writing by such Engineer and the Director of Health before being submitted at a general or special election as hereinafter provided.

Plan submitted to Engineer and Health Officer.

Approval.

SEC. 12. No expenditure for the carrying on of any part of such plan shall be made by the Sewer Commissioners other than the necessary salaries of engineers, clerical and office expenses of such sewer 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 sewer district unless and until such general scheme of improvements has been so officially adopted by the Sewer Commissioners and ratified by the affirmative vote of a majority of the voters of such sewer district voting thereon at the election which shall be held for such purpose.

Expenditures by Commission itemized.

SEC. 13. After adoption by such Board of Sewer Commissioners and after approval by such Engineer and the Director of Health as provided above, it shall then be submitted at a general or special election, as specified in said resolution adopted as above mentioned, to the qualified voters within such district for their ratification or rejection. Notice of such election shall be given in accordance with the general election laws applicable to the county in which the sewer district is situated. 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 the Sewer Commissioners.

After adoption plan submitted to electors.

Notice.

Proclamation.

SEC. 14. The Sewer Commissioners may submit at the same election at which the proposition to adopt

Indebtedness
submitted.

the comprehensive plan or scheme is submitted, or at any general or special election, a proposition that said sewer district incur a general indebtedness for the construction of any part or all of said comprehensive plan. 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 to adopt the comprehensive plan or scheme. If such general indebtedness is to be incurred, the amount of such indebtedness and the terms thereof shall be included in the proposition submitted to the qualified voters as aforesaid, and such proposition, to be effective, shall be adopted and assented to by three-fifths ($\frac{3}{5}$) of the qualified voters of the said sewer district voting on said proposition at said election.

Vote
necessary.

Powers after
plan adopted.

SEC. 15. Whenever a proposition has been adopted as aforesaid, the Sewer 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.

Revenue
bond
proposal
submitted.

SEC. 16. Such Commissioners may submit at the same election at which the proposition to adopt the comprehensive plan is submitted, or at any other general or special election, a proposition that such sewer district issue revenue bonds for the construction or other costs of any part or all of said comprehensive plan. Such proposition to issue revenue bonds shall be submitted so as to enable the voters to vote for or against the same, independent of any vote on the comprehensive plan submitted to the qualified voters as aforesaid, and if revenue bonds are to be issued the amount of the revenue bonds to be issued and the terms thereof shall be included in the proposition submitted to the qualified voters as aforesaid. Such proposition for issuance of revenue bonds, to be effective shall be adopted and assented to by three-fifths ($\frac{3}{5}$) of the qualified voters of the

Vote
necessary.

said sewer district voting on such proposition at said election. Whenever a proposition has been adopted as aforesaid, the Sewer Commissioners shall have power to proceed forthwith and carry out said general plan to the extent specified.

To proceed after favorable election.

SEC. 17. In the same manner as herein provided for the adoption and ratification of the original comprehensive scheme, and after the adoption of the original comprehensive scheme, a plan providing for additions and betterments to the original comprehensive scheme may be adopted and ratified. The sewer 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 Sewer Commissioners to the extent specified in the proposition to incur such general indebtedness. The sewer district may issue revenue bonds to pay for the construction of the additions and betterments in the same way revenue bonds may be issued for payment of the construction of the original comprehensive plan or any portion thereof.

Additions and betterments submitted.

Ratification.

Revenue bonds.

SEC. 18. Whenever the qualified voters of any such sewer district shall hereafter adopt a proposition for a sewer system as herein provided, or any additions and betterments thereto, and shall hereafter authorize a general indebtedness for all the said proposition, or any part thereof, or any additions and betterments thereto or for refunding in whole or in part bonds theretofore issued, general sewer bonds for the payment thereof may be issued as hereinafter provided. The said bonds shall be serial in form and maturity and numbered from one up consecutively. The said bonds shall bear interest not to

General obligation bonds.

- Interest rate. exceed six per cent (6%) per annum, payable semi-annually from date of said bonds until principal thereof is paid, with interest coupons, evidencing such interest to maturity, attached. The various
- Maturity. annual maturities shall commence with the second year after the date of issue of said bonds, and shall as nearly as practicable be in such amounts as will, together with the interest on all outstanding bonds be met by an equal annual tax levy for the payment of said bonds and interest: *Provided*, That only the
- Denomina- tion of bonds. bond numbered one (1) of any issue shall be of a denomination other than a multiple of one hundred dollars (\$100).
- Maximum bond period. Bonds issued under this act shall never be issued to run for a longer period than thirty (30) years from the date of the issue and shall as near as practicable be issued for a period which will be equivalent to the life of the improvement to be acquired by the issue of the bonds.
- Bond form. The bonds shall be signed by the presiding officer of the Board of the Sewer Commissioners and shall be attested by the Secretary of the said Board under the seal of the sewer district, and the interest coupons shall be signed by the facsimile signature of the presiding officer of the Board of Sewer Commissioners and shall be attested by the facsimile signature of the Secretary of the Board of Sewer Commissioners.
- Levy. There shall be levied by the officers or governing body now or hereafter charged by law with the duty of levying taxes in the manner provided by law an annual levy sufficient to meet the annual or semi-annual payments of principal and interest on the said bonds maturing as herein provided upon all taxable property within such sewer district.
- Sale of bonds. Said bonds shall be sold in such manner as the Sewer Commissioners shall deem for the best interest of the sewer district, and at a price not less than par and accrued interest.

SEC. 19. Whenever the qualified voters of any such sewer district shall adopt a proposition for a sewer system as herein provided, and shall hereafter authorize sewer revenue bonds to pay for said proposition or any part thereof or any additions and betterments thereto, or for refunding in whole or in part sewer revenue bonds theretofore issued, sewer revenue bonds may be issued as hereinafter provided. Said bonds shall be either registered as to principal only or shall be bearer bonds, shall be in denominations of not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000); shall be numbered from one (1) up consecutively; shall bear the date of their issue; shall be payable serially up to a maximum period of not to exceed thirty (30) years; shall bear interest at a rate not to exceed six per cent (6%) per annum from date of said bonds until principal thereof is paid, interest payable semi-annually and evidenced to maturity by coupons attached to said bonds; shall be executed by the presiding officer of the Board of Sewer Commissioners and attested by the Secretary thereof and the seal of the district thereto affixed; and may have facsimile signatures of said chairman or vice-chairman and Secretary imprinted on the interest coupons in lieu of original signatures.

Revenue bonds.

Denomination.

Maximum period.
Interest rate.

Bond form.

SEC. 20. The Sewer Commissioners shall have power and are required to create a special fund, or funds, for the sole purpose of paying the interest and principal of such bonds, as herein provided into which special fund or funds the said Sewer Commissioners shall obligate and bind the sewer district to set aside and pay a fixed proportion of the gross revenues of the system of sewers, or any fixed amount out of and not exceeding a fixed proportion of such revenues, or a fixed amount without regard to any fixed proportion, and such bonds and the interest thereof shall be payable only out of such special fund

Special fund created.

Restrictions.

Lien against
revenues.

or funds, and shall be a lien and charge against all revenues, including payments received from utility local improvement districts, if any, such lien to be superior to operating and maintenance expenses.

Payments to
special fund.

SEC. 21. In creating any such special fund or funds the Sewer Commissioners of such sewer district shall have due regard to the cost of operation and maintenance of the plant or system as constructed or added to, and to any proportion or part of the revenue previously pledged as a fund for the payment of bonds, warrants or other indebtedness,

Proportion of
revenues.

and shall not set aside into such special fund a greater amount or proportion of the revenue and proceeds than in their judgment will be available over and above such cost of maintenance and operation and the amount or proportion, if any, of the revenue so previously pledged. Any such bonds, and the interest thereon, issued against any such fund as herein provided, shall be a valid claim of the holder thereof only as against the said special fund and its fixed proportion or amount of the revenue pledged to such fund, and shall not constitute an indebtedness of such sewer district within the meaning of the constitutional provisions and limitations. Each such bond or warrant shall state upon its face that it is payable from a special fund, naming the said fund and the resolution creating it. Said bonds shall be sold in such manner as the Sewer Commissioners shall deem for the best interests of the sewer district, either at public or private sale and at any price, but not at any price where the effective cost of money to the sewer district shall exceed seven per cent (7%) per annum, and the said Commissioners may provide in any contract for the construction and acquirement of the proposed improvement that payment therefor shall be made in such bonds at par value thereof.

Lien of
bonds.

and shall not set aside into such special fund a greater amount or proportion of the revenue and proceeds than in their judgment will be available over and above such cost of maintenance and operation and the amount or proportion, if any, of the revenue so previously pledged. Any such bonds, and the interest thereon, issued against any such fund as herein provided, shall be a valid claim of the holder thereof only as against the said special fund and its fixed proportion or amount of the revenue pledged to such fund, and shall not constitute an indebtedness of such sewer district within the meaning of the constitutional provisions and limitations. Each such bond or warrant shall state upon its face that it is payable from a special fund, naming the said fund and the resolution creating it. Said bonds shall be sold in such manner as the Sewer Commissioners shall deem for the best interests of the sewer district, either at public or private sale and at any price, but not at any price where the effective cost of money to the sewer district shall exceed seven per cent (7%) per annum, and the said Commissioners may provide in any contract for the construction and acquirement of the proposed improvement that payment therefor shall be made in such bonds at par value thereof.

Sale of
bonds.

and shall not set aside into such special fund a greater amount or proportion of the revenue and proceeds than in their judgment will be available over and above such cost of maintenance and operation and the amount or proportion, if any, of the revenue so previously pledged. Any such bonds, and the interest thereon, issued against any such fund as herein provided, shall be a valid claim of the holder thereof only as against the said special fund and its fixed proportion or amount of the revenue pledged to such fund, and shall not constitute an indebtedness of such sewer district within the meaning of the constitutional provisions and limitations. Each such bond or warrant shall state upon its face that it is payable from a special fund, naming the said fund and the resolution creating it. Said bonds shall be sold in such manner as the Sewer Commissioners shall deem for the best interests of the sewer district, either at public or private sale and at any price, but not at any price where the effective cost of money to the sewer district shall exceed seven per cent (7%) per annum, and the said Commissioners may provide in any contract for the construction and acquirement of the proposed improvement that payment therefor shall be made in such bonds at par value thereof.

Limitations.

When any such special fund shall have been heretofore or shall be created and any such bonds shall

have been heretofore or shall hereafter be issued against the same, a fixed proportion or a fixed amount out of and not to exceed such fixed proportion, or a fixed amount without regard to any fixed proportion, of revenue shall be set aside and paid into said special fund as provided in the resolution creating such fund. In case any sewer district shall fail thus to set aside and pay said fixed proportion or amount as aforesaid, the holder of any bond against such special fund may bring suit or action against the sewer district and compel such setting aside and payment.

Condition.

Right of action.

SEC. 22. The Sewer Commissioners of any sewer district, in the event that such sewer revenue bonds are issued against the revenues of such system of sewers, shall provide for revenues by fixing rates and charges for the furnishing of sewerage disposal service to those receiving such service. Such rates and charges are to be fixed as deemed necessary by such Sewer Commissioners, so that uniform charges will be made for the same class of service. Such rates are to be made on a monthly basis. The total revenues shall be so estimated and based to be sufficient to take care of costs of maintenance, operation, interest and principal amortization requirements and other charges.

To fix rates and charges.

Monthly basis.

Rate basis.

SEC. 23. The Sewer Commissioners shall enforce collection of such sewerage disposal service charges against property owners receiving such services, such charges being deemed charges against the property served, by addition of penalties of not more than ten per cent (10%) thereof in cases of failure to pay said charges at times fixed by resolution. Said Commissioners may provide by resolution that where such charges are delinquent for any specified period of time, the sewer district shall certify such delinquencies to the County Treasurer of the county in which said district is situated and such charges, and

Commissioners to enforce collection.

Penalties for delinquencies.

Certify delinquencies to Treasurer.

Interest on
delinquen-
cies.

Lien.

any penalties added thereto, and interest thereon at the rate of not more than eight per cent (8%) per annum, shall be a lien against the properties upon which said service was received, subject only to the lien for general taxes.

Right to fore-
close lien.

Procedure.

Proceeding
in rem.

SEC. 24. Such district shall have the right, at any time after such charges and penalties are delinquent for a period of sixty (60) days or more, to bring suit in foreclosure by civil action in the Superior Court of the State of Washington in the county in which such district is situated. In such suit the court may allow, in addition to the costs, and disbursements provided by statute, such an attorneys fee as the court may adjudge reasonable. Such suit or action shall be deemed to be a proceeding in rem, and the action may be brought in the name of such district against an individual, or against all of those who are delinquent in one action, and the statutes and rules of the Court shall control as in other civil actions.

Powers of
Commis-
sioners.

SEC. 25. The Sewer Commissioners shall have the power to create and fill positions necessary for the operation of such districts and fix salaries and surety bonds thereof. The superintendent or person charged with the management, operation and maintenance of the system of sewers, however, shall, at the option of the County Engineer or other engineer designated by the County Commissioners, be appointed subject to such County Engineer or such other engineer's approval.

U. L. I.
districts
authorized.

Installment
payments.

SEC. 26. Any sewer district shall have the power to establish utility local improvement districts within its territory as hereinafter provided, and to levy special assessments under a mode of annual installments extending over a period not exceeding twenty (20) years on all property specially benefited by any local improvement, on the basis of the special

benefits to pay in whole or in part the damages or costs of any improvements ordered in such sewer district. The levying, collection and enforcement of all public assessments hereby authorized shall be in the manner now and hereafter provided by law for the levying, collection and enforcement of local improvement assessments by cities of the first class, in so far as the same shall not be inconsistent with the provisions of this act. The duties devolving upon the City Treasurer under said laws are imposed upon the County Treasurer for the purposes of this act. The mode of assessment shall be in the manner to be determined by the Sewer Commissioners by resolution. It must be specified in any petition for the establishment of a utility local improvement district and in the comprehensive scheme or plan or amendment thereto previously duly ratified at an election, that the assessments shall be for the sole purpose of payment into the revenue bond fund for the payment of revenue bonds. Assessments in any utility local improvement district may be made on the basis of special benefits up to but not in excess of the total cost of any comprehensive scheme or plan payable by issuance of revenue bonds. No warrants or bonds shall be issued in any such utility local improvement district, but the collection of interest and principal on all assessments in such utility local improvement district, when collected, shall be paid into the revenue bond fund.

Assessments.

Duties of Co. Treasurer.

Manner of Assessment.

Assessments paid in special fund.

SEC. 27. Whenever a petition signed by the owners of at least fifty-one per cent (51%) of the area of the land in the district, to be therein described, shall be filed with the Sewer Commissioners, asking that any portion of the general plan adopted be ordered, and defining the boundaries of the utility local improvement district to be created and to pay in whole or in part the cost thereof, it shall be the duty of the Sewer Commissioners to fix a date for hearing

Petition by majority for alteration.

Contents.

Creating U. L. I. D.

on such petition. Notice of the time and place of the hearing shall be given by publication of a notice of the hearing in a newspaper of general circulation throughout the sewer district once a week for two (2) consecutive weeks before the date of the hearing, and notice shall also be given by mailing at least fifteen (15) days before the hearing similar notice to the owners or reputed owners of the land in such proposed district as they appear on the books of the County Assessor of the county in which the sewer district is located.

SEC. 28. When such petition is presented for hearing the board of Sewer Commissioners shall hear objections to such formation from any person, firm or corporation affected by the formation of such district. At such hearing the Sewer Commissioners may alter the boundaries of such proposed district and prepare and adopt detailed plans of any such utility local improvement and declare the estimated cost thereof.

If the Sewer Commissioners shall find that such district shall be formed they shall by resolution order such improvement, provide the general funds of the sewer district to be applied thereto, acquire all necessary lands therefor, pay all damages caused thereby and commence in the name of the sewer district such eminent domain proceedings and supplemental assessment or reassessment proceedings to pay all eminent domain award, as may be necessary to entitle said sewer district to proceed with such work. Said Sewer Commissioners shall thereafter proceed with such work and shall make and file with the County Treasurer, its roll levying special assessments in the amount to be paid by special assessment against the property situated within such utility local improvement district in proportion to the special benefits to be derived by the property in such utility local improvement district from such improvement.

Notice of hearing.

Publication.

By mailing.

Hearing.

Objections.

Resolution to improve.

Other duties.

File assessment roll.

SEC. 29. Before the approval of such roll a notice shall be published once a week for two (2) consecutive weeks in a newspaper of general circulation in such utility local improvement district, stating that such roll is on file and open to inspection in the office of the Secretary of the Sewer Commissioners, and fixing the time not less than fifteen (15) or more than thirty (30) days from the date of the first publication of such notice within which protests must be filed with the Secretary of said Sewer Commissioners against any assessments shown thereon, and fixing a time when a hearing shall be held by said Commission on said protests. Such notice shall also be given by mailing at least fifteen (15) days before the hearing, similar notice to the owners or reputed owners of the land in such utility local improvement district as they appear on the books of the County Assessor of the county in which the sewer district is located.

Publication of notice of assessment roll.

Contents.

Notice by mail.

SEC. 30. At such hearing on a protest to an assessment, or any adjournment thereof, the Sewer Commissioners shall have power to correct, revise, raise, lower, change or modify such roll, or any part thereof, and to set aside such roll, and order that such assessment be made de novo, as to such body shall appear equitable and just and may then by resolution approve the same. In the event of any assessment being raised a new notice similar to such first notice shall be given, after which final approval of such roll may be made by the Sewer Commissioners. Whenever any property shall have been entered originally upon such roll and the assessment upon any such property shall not be raised, no objection thereto shall be considered by the Sewer Commissioners or by any Court on appeal unless such objection be made in writing at, or prior, to the date fixed for the original hearing upon such roll.

May alter or revise at hearing.

New notice in case of increase.

Objections deemed waived.

Additional if
inadequate.

SEC. 31. In the event that any portion of the system after its installation in such utility local improvement district is not adequate for the purpose for which it was intended, or that for any reason changes, alterations or betterments are necessary in any portion of the system after its installation, then such district, with boundaries which may include one or more existing utility local improvement districts, may be created in the sewer district in the same manner as is provided herein for the creation of utility local improvement districts. Upon the organization of such a utility local improvement district as provided for in this section the plan of the improvement and the payment of the cost of the improvement shall be carried out in the same manner as is provided herein for the carrying out of and the paying for the improvement in the utility local improvement districts previously provided for in this act.

Creation
same as
original
district.

Decision may
be reviewed
by court.

SEC. 32. The decision of the Sewer Commission upon any objections made within the time and in the manner herein prescribed, may be reviewed by the Superior Court upon an appeal thereto taken in the following manner. Such appeal shall be made by filing written notice of appeal with the Secretary of said Sewer Commission and with the Clerk of the Superior Court in the county in which such sewer district is situated within ten (10) days after the resolution confirming such assessment roll shall have become published, and such notice shall describe the property and set forth the objections of such appellant to such assessment. Within ten (10) days from the filing of such notice of appeal with the Clerk of the Superior Court, the appellant shall file with the Clerk of said Court, a transcript consisting of the assessment roll and his objections thereto, together with the resolution confirming such assessment roll and the record of the Sewer District Com-

Manner of
appeal.

Contentr. of
notice.

Record.

mission with reference to said assessment, which transcript, upon payment of the necessary fees therefor, shall be furnished by such Secretary of said Sewer Commission and by him certified to contain full, true and correct copies of all matters and proceedings required to be included in such transcript. Such fees shall be the same as the fees payable to the County Clerk for the preparation and certification of transcripts on appeal to the Supreme Court in civil actions. At the time of the filing of the notice of appeal with the Clerk of the Superior Court a sufficient bond in the penal sum of two hundred dollars (\$200), with sureties thereon as provided by law for appeals in civil cases, shall be filed conditioned to prosecute such appeal without delay, and if unsuccessful, to pay all costs to which the sewer district is put by reason of such appeal. The Court may order the appellant upon application therefor, to execute and file such additional bond or bonds as the necessity of the case may require. Within three (3) days after such transcript is filed in the Superior Court, as aforesaid, the appellant shall give written notice to the Secretary of such sewer district, that such transcript is filed. Said notice shall state a time, not less than three (3) days from the service thereof, when the appellant will call up the said cause for hearing. The Superior Court shall, at said time or at such further time as may be fixed by order of the court, hear and determine such appeal without a jury, and such cause shall have preference over all civil causes pending in said court, except proceedings under an act relating to eminent domain in such sewer district and actions of forcible entry and detainer. The judgment of the Court shall confirm, correct, modify or annul the assessment in so far as the same affects the property of the appellant. A certified copy of the decision of the Court shall be filed with the officer who shall

Records
furnished by
Secretary.

Fees.

Appeal bond.

Additional
bond.

Action to
have
preference.

Judgment.

Officer to
modify ac-
cording to
judgment.

Appeal to
Supreme
Court.

Procedure.

Order of
Supreme
Court.

Officer to
comply with
judgment.

Order of
Commission
final if no
objection
raised.

have the custody of the assessment roll, and he shall modify and correct such assessment roll in accordance with such decision. An appeal shall lie to the Supreme Court from the judgment of the Superior Court, as in other cases, however, such appeal must be taken within fifteen (15) days after the date of the entry of the judgment of such Superior Court, and the record and opening brief of the appellant in said cause shall be filed in the Supreme Court within sixty (60) days after the appeal shall have been taken by notice as provided in this act. The time for filing such record and serving and filing of briefs in this section prescribed may be extended by order of the Superior Court, or by stipulation of the parties concerned. The Supreme Court on such appeal may correct, change, modify, confirm or annul the assessment in so far as the same affects the property of the appellant. A certified copy of the order of the Supreme Court upon such appeal shall be filed with the officer having custody of such assessment roll, who shall thereupon modify and correct such assessment roll in accordance with such decision.

SEC. 33. Whenever any assessment roll for local improvements shall have been confirmed by the Sewer Commission of such sewer district as herein provided, the regularity, validity and correctness of the proceedings relating to such improvement, and to the assessment therefor, including the action of the Sewer Commission upon such assessment roll and the confirmation thereof, shall be conclusive in all things upon all parties, and cannot in any manner be contested or questioned in any proceeding whatsoever by any person not filing written objections to such roll in the manner and within the time provided in this act, and not appealing from the action of the Sewer Commission in confirming such assessment roll in the manner

and within the time in this act provided. No proceedings of any kind shall be commenced or prosecuted for the purpose of defeating or contesting any such assessment, or the sale of any property to pay such assessment, or any certificate of delinquency issued therefor, or the foreclosure of any lien issued therefor: *Provided*, That this section shall not be construed as prohibiting the bringing of injunction proceedings to prevent the sale of any real estate upon the grounds:

No suit if objection not filed.

Proviso.

Injunction: Grounds for.

(1) that the property about to be sold does not appear upon the assessment roll, or

(2) that said assessment has been paid.

SEC. 34. The territory adjoining or in close proximity to and in the same county with any sewer district, after its organization, may be annexed to and become a part of such sewer district. Such territory may either comprise or include that of one or more other sewer districts. Such annexation shall be effected in the following manner: Twenty-five per cent (25%) of the legal electors residing within the territory proposed to be annexed may petition the said Sewer Commissioners of such sewer district and cause the question to be submitted to the legal electors of the territory proposed to be annexed, whether such territory will be annexed and become a part of such adjoining sewer district.

May annex other property.

Manner of annexation.

Petition.

SEC. 35. Upon the filing of such petition with the Board of Sewer Commissioners of such sewer district, if the said Sewer Commissioners shall concur in the said petition, they shall then file such petition with the County Auditor, who shall, within ten (10) days, examine the signatures thereof and certify to the sufficiency or insufficiency thereof. If such petition shall be found to contain a sufficient number of signatures, the County Auditor shall transmit the same, together with his certificate of sufficiency attached thereto to the Board of County Commis-

Petition filed with Auditor. Examination.

Certificate.

Proviso.

sioners of the county in which the said district is located. In the event that there are no legal electors residing in the territory proposed to be annexed, such petition may be signed by such a number as appear of record to own at least a majority of the acreage in the proposed district, and the petition shall disclose the total number of acres of land in the territory proposed to be annexed and shall also contain the names of all record owners of land within the territory proposed to be annexed.

Procedure.

SEC. 36. Upon the filing of such petition for annexation with the Board of Sewer Commissioners of the said sewer district, if the Sewer Commissioners shall be satisfied as to the sufficiency of the petition and shall concur in the said petition, they shall thereupon transmit the petition, together with their certificate of concurrence attached thereto to the Board of County Commissioners of the county in which the sewer district is located. The Board of County Commissioners of such county, upon receipt from the County Auditor of a petition certified to contain a sufficient number of signatures of legal electors, or upon a receipt from the Board of Commissioners of the sewer district of a petition signed by such a number as own at least a majority of the acreage, together with a certificate of concurrence signed by the Board of Sewer Commissioners, at a regular or special meeting of the Board of County Commissioners of such county shall cause to be published for at least two (2) weeks in two (2) successive weekly issues of some weekly newspaper printed and published in said county, and in general circulation throughout the territory proposed to be annexed, and in case no such newspaper be printed or published, then at least once a week for two (2) successive weeks in some newspaper of general circulation therein, a notice that such a petition has been presented, stating the time of the meeting at

Notice of
hearing.
Publication.

which the same shall be presented, and setting forth the boundaries of the territory proposed to be annexed.

SEC. 37. When such petition is presented for hearing, the said Board of County Commissioners shall hear the same or may adjourn said hearing from time to time not exceeding one (1) month in all, and any person, firm or corporation may appear before the Board of County Commissioners and make objections to the proposed boundary lines or to the annexation of the territory described in the petition. Upon a final hearing the said Board of County Commissioners shall make such changes in the proposed boundary lines as they deem to be proper and shall establish and define such boundaries and shall find whether the proposed annexation of the said territory as established by the said Board of County Commissioners to the said sewer district will be conducive to the public health, welfare and convenience and will be of special benefit to the land included within the boundaries of the territory proposed to be annexed to the said sewer district and so established by the said Board of County Commissioners. No lands which will not, in the judgment of said Board of County Commissioners, be benefited by inclusion therein, shall be included within the boundaries of said territory as so established and defined, and no change shall be made by the said Board of County Commissioners in the said boundary lines, by including any territory outside of the boundary lines described in the petition. No person having signed such petition as herein provided for shall be allowed to withdraw his name therefrom after the filing of the same with the Board of Sewer Commissioners of said sewer district.

Hearing.

Adjournment.

Final hearing.

Findings and settlement of district.

SEC. 38. Upon the entry of the findings of the final hearing upon the said petition by the said County Commissioners of such county, if they find

the said proposed annexation of the territory to the said sewer district to be conducive to the public health, welfare and convenience and to be of special benefit to the land proposed to be annexed and included within the boundaries of the district, they shall give notice of a special election to be held within the boundaries of the territory proposed to be annexed to said sewer district for the purpose of determining whether the same shall be annexed to the said sewer district. Such notice shall particularly describe the boundaries established by the Board of County Commissioners on its final hearing of the said petition, and shall state the name of the sewer district to which the said territory is proposed to be annexed, and the same shall be published weekly for at least two (2) weeks prior to such election in a weekly newspaper printed and published within the county within which said district is located, and in case no such newspaper be printed or published, then in some newspaper of general circulation therein at least once (1) a week for two (2) successive weeks, and such notice shall be posted for the same period in at least four (4) public places within the boundaries of the district proposed to be annexed, which notice shall designate the places within the territory proposed to be annexed to said district where the said election shall be held, and shall require the voters to cast ballots which shall contain the words:

Notice of special election.

Publication.

Notice posted.

Ballot contents.

- For Annexation to Sewer District
- Against Annexation to Sewer District

The said County Commissioners shall name the persons to act as judges at such election.

SEC. 39. The said election shall be held on the date designated in such notice and shall be conducted in accordance with the general election laws: *Provided*, That only qualified electors, at the date of election, residing in the territory proposed to be annexed, shall be permitted to vote at the said elec-

Only qualified electors to vote.

tion, and in the event the original petition for annexation is signed by property owners so provided for in this act then no person shall be entitled to vote at such election unless at the time of the filing of the original petition he owned land in the district of record and in addition thereto at the date of election shall be a qualified elector of the county in which such district is located. It shall be the duty of the County Auditor, upon request of the County Commissioners, to certify to the election of officers of any such election, the names of all persons owning land in the district at the date of the filing of the original petition as shown by the records of his office, and at any such election the election officers may require any such land owner offering to vote to take an oath that he is a qualified elector of the county before he shall be allowed to vote. At any election held under the provisions of this act an officer or agent of any corporation, having its principal place of business in said county and owning land at the date of filing the original petition, duly authorized thereto in writing may cast a vote on behalf of such corporation. When so voting he shall file with the election officers such a written instrument of his authority. The judge or judges at such election shall make return thereof to the Board of Sewer Commissioners, who shall canvass such return and cause a statement of the result of such election to be entered on the record of such commissioners. If the majority of the votes cast upon the question of such election shall be for annexation, then such territory shall immediately be and become annexed to such sewer district and the same shall then forthwith be a part of the said sewer district, the same as though originally included in such district.

Duty of
Co. Auditor.

Corporation
may vote.

Commis-
sioners to
canvass.

Majority
necessary for
annexation.

SEC. 40. All elections held pursuant to this act, whether general or special, shall be conducted by

Co. Election Board to supervise. Costs.

the County Election Board of the county in which the district is located. The expense of all such elections shall be paid for out of the funds of such sewer district.

Maximum levy.

SEC. 41. The Board of Sewer Commissioners are hereby authorized to levy, or cause to be levied; to carry out the purposes of this act, in addition to the levy mentioned in section 18 of this act, a general tax on all property located in said sewer district each year not to exceed two (2) mills on the assessed valuation of the property in such sewer district. Said taxes when so levied shall be certified to the proper county official for the collection of the same as other general taxes. When such money is collected it shall be placed in a separate fund and paid out on warrants of the County Auditor of the county in which the sewer district is situated and authorized by the Board of Sewer Commissioners for the purposes specified in this act.

Paid on warrants.

May contract debt.

SEC. 42. Each and every sewer district hereafter to be organized pursuant to this act, may contract indebtedness pursuant to the provisions of section 18 hereof, but not exceeding in amount, together with existing indebtedness five per centum (5%) of the value of the taxable property in said district, to be ascertained by the last assessment for state and county purposes, whenever three-fifths (3/5) of the voters voting at said election in such sewer district assent thereto, at an election to be held in said sewer district in the manner provided by this act, which election may either be a special or a general election, and the Board of Sewer Commissioners are hereby authorized and empowered to submit the question of incurring such indebtedness, and issuing negotiable bonds of such sewer district to the qualified voters of such sewer district at any time they may so order. All bonds so to be issued shall be subject

Three-fifths of voters to approve.

Bonds.

to the provisions regarding bonds as set out in section 18 of this act.

SEC. 43. The Board of Sewer Commissioners shall have authority to create and fill all positions necessary under this act and fix salaries and bonds thereof as it may by resolution provide.

Duties of Commissioners.

SEC. 44. All materials purchased and work ordered, the estimated cost of which is in excess of one thousand dollars (\$1,000) shall be let by contract. Before awarding any such contract the Board of Sewer Commissioners shall cause to be published in some newspaper in general circulation throughout the county where the district is located at least once, ten (10) days before the letting of such contract, inviting sealed proposals for such work, plans and specifications which must at the time of publication of such notice be on file in the office of the Board of Sewer Commissioners subject to public inspection. Such notice shall state generally the work to be done and shall call for proposals for doing the same to be sealed and filed with the Board of Sewer Commissioners on or before the day and hour named therein. Each bid shall be accompanied by a certified check payable to the order of the County Treasurer for a sum not less than five per cent (5%) of the amount of the bid and no bid shall be considered unless accompanied by such check. At the time and place named such bids shall be publicly opened and read and the Board of Sewer Commissioners shall proceed to canvass the bids and may let such contract to the lowest responsible bidder upon plans and specification: *Provided, however,* That no contract shall be let in excess of the cost of said materials or work, or if in the opinion of the Board of Sewer Commissioners all bids are unsatisfactory they may reject all of them and re-advertise and in such case all checks shall be returned to the bidders. If such contract be let,

Work and materials let by contract.

Amount.

Publication of notice for bids.

Contents.

Sealed bids.

Check.

Bids publicly opened and read.

Lowest responsible bidder.

May reject and re-advertise.

Checks returned to unsuccessful bidders.

Contract and bond.

Forfeiture of check upon failure of bidder to comply.

Coupons considered warrants.

Endorsement.

Fund for district.

Other duties.

then and in such case all checks shall be returned to the bidders, except that of the successful bidder, which shall be retained until a contract shall be entered into for the purchase of such materials or doing such work, and a bond to perform such work furnished with sureties satisfactory to the Board of Sewer Commissioners in the full amount of the contract price between the bidder and the Commission in accordance with bid. If said bidder fails to enter into said contract in accordance with said bid and furnish such bond within ten (10) days from the date at which he is notified that he is the successful bidder, the said check and the amount thereof shall be forfeited to the sewer district.

SEC. 45. The coupons hereinbefore mentioned for the payment of interest on bonds of any sewer district shall be considered for all purposes as warrants drawn upon the general fund of the said sewer district issuing such bonds, and when presented to the Treasurer of the county having custody of the funds of such sewer district at maturity, or thereafter, and when so presented, if there are not funds in the treasury to pay the said coupons, it shall be the duty of the County Treasurer to endorse said coupons as presented for payment, in the same manner as county warrants are indorsed, and thereafter said coupons shall bear interest at the same rate as the bonds to which they were attached.

SEC. 46. The County Treasurer shall create a separate fund into which shall be paid all money received by him from the collection of taxes in behalf of such sewer district, and no money shall be disbursed therefrom except upon warrants of the County Auditor, as below provided for other funds of the sewer district. The County Treasurer shall also maintain such other special funds as may be prescribed by the sewer district, into which shall be placed such moneys as the Board of Sewer Com-

missioners may by its resolution direct, and from which disbursements shall be made upon proper warrants of the County Auditor issued against the same by authority of the Board of Sewer Commissioners.

Disbursements.

SEC. 47. Any sewer district organized under this act may be disincorporated in the same manner (in so far as the same is applicable) as is provided in sections 8914 to 8931, inclusive, of Remington's Revised Statutes, for the disincorporation of the third and fourth class cities, except that the petition for disincorporation shall be signed by not less than twenty-five per cent (25%) of the voters in the sewer district.

District may be disincorporated.

Method.

SEC. 48. Wherever economies in providing sewerage service may be affected by joint use of sewer lines, trunks, interceptors, siphons, pumping stations, treatment plants or other appurtenances, contracts may be entered into between the sewer district and any other corporate entity for the joint use of these facilities.

Joint user with other districts.

SEC. 49. 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.

Partial invalidity.

Passed the Senate February 13, 1941.

Passed the House March 11, 1941.

Approved by the Governor March 24, 1941.

CHAPTER 211.

[S. B. 194.]

QUIT CLAIM DEED TO ADAMS COUNTY.

AN ACT authorizing and directing a conveyance by quit claim deed in behalf of the State of Washington of certain real estate to Adams County.

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 Adams County, which deed shall be attested by the Secretary of State, conveying the real estate hereinafter described, which real estate was at one time secured by dedication from said Adams County, dated March 5th, 1931, and recorded in book 63 of deeds, at page 548, records of Adams County. The said real estate was used by the State of Washington as a maintenance site, but is not now required for any highway purposes for the reason that a new maintenance site has been developed at a more advantageous location nearer the present highway:

Deed to
Adams Co.

Description.

All those portions of lots 9, 10, 11, 12, 13, 14, 15 and 16 in block 32 of Northern Pacific Railroad Addition to Ritzville, in Adams County, State of Washington, lying westerly of and adjacent to the westerly right of way line of existing Primary State Highway No. 11; excepting therefrom the northwesterly ten (10) feet of said lots, facing First Street in said Northern Pacific Railroad Addition to Ritzville.

Passed the Senate February 13, 1941.

Passed the House March 12, 1941.

Approved by the Governor March 24, 1941.

CHAPTER 212.

[S. B. 201.]

RAILROAD ROLLING STOCK.

AN ACT relating to railroad rolling stock; defining the taking, altering or interfering with parts or attachments of railroad rolling stock, or the buying or receiving of such parts or attachments knowing the same to have been stolen, as crimes and providing penalties.

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

SECTION 1. Any person or persons who shall wilfully or maliciously, with intent to injure or deprive the owner thereof, take, steal, remove, change, add to, alter, or in any manner interfere with any journal bearing, brass, waste, packing, triple valve, pressure cock, brake, air hose or any other part of the operating mechanism of any locomotive, engine, tender, coach, car, caboose, or motor car used or capable of being used by any railroad or railway company in this state, shall be guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the penitentiary for not more than five (5) years, or by a fine not exceeding one thousand dollars (\$1000), or by both such fine and imprisonment.

Tampering with rolling stock a felony.

Punishment.

SEC. 2. Every person who shall buy or receive any of the property described in section 1, knowing the same to have been stolen, shall be guilty of a felony, and upon conviction thereof shall be punished as provided in section 1 hereof.

Penalty for buying or receiving stolen property.

Passed the Senate February 14, 1941.

Passed the House March 12, 1941.

Approved by the Governor March 24, 1941.

CHAPTER 213.

[S. B. 211.]

LEGAL PUBLICATIONS.

AN ACT relating to and regulating the publication of legal and other official notices and fixing the fees therefor; amending sections 1, 2, 3 and 5 of chapter 99 of the Laws of 1921 (sections 253-1, 253-2, 253-3 and 253-5, Remington's Revised Statutes).

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

Legal newspaper to be approved by Superior Court.

SECTION 1. Sixty days from and after the date this act becomes effective, a legal newspaper for the publication of any advertisement, notice, summons, report, proceeding, or other official document now or hereafter required by law to be published, shall be a newspaper which has been approved as a legal newspaper by order of the Superior Court of the county in which such newspaper is published. Such order may be entered without notice upon presentation of a petition by or on behalf of the publisher, setting forth the qualifications of the newspaper as required by this act, and upon evidence satisfactory to the court that such newspaper is so qualified.

Order without hearing upon petition.

May be terminated by order of court.

Notice to cancel.

SEC. 2. An order of approval of a newspaper shall remain effective from the time of the entry thereof until the approval be terminated by a subsequent order of the court, which may be done whenever it shall be brought to the attention of the court that the newspaper is no longer qualified as a legal newspaper, and after notice of hearing issued by the clerk and served upon the publisher, at least ten days prior to the date of hearing, by delivering a copy of such notice to the person in charge of the business office of the publisher, or if the publisher has no business office at the time of service, by mailing a copy of such notice addressed to the publisher at the place of publication alleged in the petition for approval.

SEC. 3. Section 1 of chapter 99 of the Laws of 1921 (section 253-1, Remington's Revised Statutes) is amended to read as follows:

Amendments.

Section 1. The qualifications of a legal newspaper are that such newspaper shall have been published regularly, at least once a week, in the English language, as a newspaper of general circulation, in the city or town where the same is published at the time of application for approval, for at least six months prior to the date of such application, and shall be printed either in whole or in part in an office maintained at the place of publication: *Provided*, That in case of the consolidation of two or more newspapers, such consolidated newspaper shall be considered as qualified if either or any of the papers so consolidated would be a qualified newspaper at the date of such legal publication, had not such consolidation taken place.

Qualifications of legal newspaper.

Consolidation.

SEC. 4. Section 2 of chapter 99 of the Laws of 1921 (section 253-2, Remington's Revised Statutes) is amended to read as follows:

Amendments.

Section 2. All legal and other official notices shall be published in a legal newspaper as defined in this act, and the affidavit of publication shall state that such newspaper has been approved as a legal newspaper by order of the Superior Court of the county in which it is published, and shall be prima facie evidence of that fact.

Affidavit of publication; contents.

SEC. 5. Section 3 of chapter 99 of the Laws of 1921 (section 253-3 of Remington's Revised Statutes) is amended to read as follows:

Amendments.

Section 3. The provisions of this act shall not apply in counties where no newspaper has been published for a period of one year prior to the publication of such legal or other official notices.

Exception.

SEC. 6. Section 5 of chapter 99 of the Laws of 1921 (section 253-5, Remington's Revised Statutes) is amended to read as follows:

Amendments.

Publication
in any legal
newspaper.

Section 5. Any summons, citation, notice of sheriff's sale, or legal advertisement of any description, the publication of which is now or may be hereafter required by law, may be published in any daily or weekly legal newspaper published in the county where the action, suit or other proceeding is pending, or is to be commenced or had, or in which such notice, summons, citation, or other legal advertisement is required to be given: *Provided, however,* That if there be more than one legal newspaper in which any such legal notice, summons, citation or legal advertisement might lawfully be published, then the plaintiff or moving party in the action, suit or proceeding shall have the exclusive right to designate in which of such qualified newspapers such legal notice, summons, citation, notice of sheriff's sale or other legal advertisement shall be published.

Moving party
may choose.

Act not to
affect
pending
publications.

SEC. 7. Publications commenced in a legal newspaper, when this act takes effect, may be completed in that newspaper notwithstanding any failure to obtain an order of approval under this act, and notwithstanding an order of termination of approval prior to completion of publication. The clerk of the Superior Court of each county shall post and keep posted in a prominent place in his office a list of the newspapers published in that county which are approved as legal newspapers.

Clerk of
Superior
Court to keep
list posted.

Passed the Senate February 25, 1941.

Passed the House March 11, 1941.

Approved by the Governor March 24, 1941.

CHAPTER 214.

[S. B. 215.]

STATE HOSPITALS FOR THE INSANE.

AN ACT relating to and prescribing the procedure, terms and conditions for admission or commitment to and retention in state hospitals for the insane; providing for certain charges to be paid for the care and maintenance of insane persons and amending section 1632 of the Code of 1881 as amended by section 1, page 37, Laws of 1883, and section 16, page 486, Laws of 1890, and section 1 of chapter 145, Laws of 1923 and chapter 133, Laws of Extraordinary Session of 1925 (section 6930 of Remington's Revised Statutes) and declaring an emergency.

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

SECTION 1. Section 1632 of the Code of 1881 as amended by section 1, page 37, Laws of 1883, and section 16, page 486, Laws of 1890, and section 1 of chapter 145, Laws of 1923 and chapter 133, Laws of Extraordinary Session of 1925 (section 6930 of Remington's Revised Statutes) is amended to read as follows:

Section 1632. The Superior Court of any county in this state, or the judge thereof, upon the application of any person under oath, setting forth that any person, by reason of insanity, is unsafe to be at large, shall cause such person to be brought before him, and he shall summon to appear at the same time and place two (2) or more witnesses, who shall testify, under oath, as to conversations, manners and general conduct upon which said charge of insanity is based; and shall also cause to appear before him, at the time and place, two (2) reputable physicians, before whom the judge shall examine the charge, unless the accused, or anyone in his or her behalf, shall demand a jury to decide upon the question of insanity, and it shall be the duty of the judge so to inform the ac-

Amendments.

Any person may make insanity complaint.

Court to summon witnesses.

Number.

Two physicians.

Accused may demand jury.

Court to advise accused and appoint counsel.

Physicians to hear testimony and examine accused.

Certify type of insanity.

Personal history of accused.

Other findings.

Court to summon guardian or relatives.

cused of his right to trial by jury and the appointment or selection of counsel therefor. If such demand be made, the trial shall be by jury. If no jury is demanded, and the physicians, after a careful hearing of the case, and a personal examination of the alleged insane person, shall certify under oath that the person examined is insane, and the case is of recent or curable character, or that the said insane person is of a homicidal, suicidal or incendiary disposition, or that from any other violent symptoms, the said insane person would be dangerous to his or her own life, or the lives and property of the community in which he or she may live; and if said physicians shall also certify to the name, age, nativity, residence, occupation, length of time in this state, state last from, previous habits, premonitory symptoms, apparent cause, and class of insanity, duration of the disease and present condition, as nearly as can be ascertained by inquiry and examination; and if the judge shall be satisfied that the facts revealed in the examination establish the existence of the insanity of the person accused, and that it is of a recent or curable nature, or of a homicidal, suicidal or incendiary character, or that from the violence of the symptoms the said insane person would be dangerous to his or her own life, or to the lives and property of others if at large, or if the trial has been by jury, and the accused declared insane by said jury, and the insanity be of the character above described, the said insane person shall be ordered by the judge to be sent to a hospital for the insane, upon the following conditions; namely, that at the time of and as a part of such proceedings, the court shall summon the guardian, if any, or such alleged insane person, also the relatives of such alleged insane person, to-wit: husband or wife, parents, children or other interested persons to appear in court. If there is no guardian for such alleged insane person, the court shall ap-

point such guardian. Such persons shall be examined as witnesses under oath for the purpose of determining the financial ability of said insane person, his estate or relatives, to pay the cost and expense of the care, maintenance, board, lodging and clothing of such insane person in the hospital for the insane to which he may be committed. Findings of fact shall be made relative to the financial ability to pay such costs as above set out and a judgment entered therein against the proper party or estate so found responsible. Every insane person, his estate or relatives, as above set forth, found to have the financial ability to pay the expenses above enumerated, shall pay therefor the sum of \$4.50 per week during the time such insane person is committed to a State Hospital for the Insane and as directed by order of the Court, and in addition thereto shall pay the cost of transportation of such insane person and all Court costs. The charge of \$4.50 shall be made to apply in all cases from the day the insane person is received at the institution. Remittance therefor shall be made to the Director of Business Control in advance on the first day of each calendar month during the time the insane person remains committed. Pending such trial and before judgment, the Court may make such disposition of such alleged insane person as may seem proper. If the Court finds that such insane person or his estate or relatives have not the financial ability to pay said sum, the charges and costs referred to in this section shall be borne by the State of Washington. The relatives of such insane person shall be liable for the cost and expense of the care, maintenance, board, lodging and clothing of such insane person in the following order: first, husband or wife; second, parents; third, children.

Examination to determine financial condition.

Findings as to ability to pay.

Rate for weekly care.

Other costs.

Remittance to State.

State to bear costs if relatives or estate unable to.

Order of responsibility.

SEC. 2. This act is necessary for the immediate preservation of the public peace, health and safety

Effective
immediately.

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

Passed the Senate March 13, 1941.

Passed the House March 11, 1941.

Approved by the Governor March 24, 1941.

CHAPTER 215.

[S. B. 220.]

CRIMINAL ANARCHY.

AN ACT relating to crimes and punishments; defining criminal anarchy and providing penalties therefor; amending sections 310 and 313 (311), chapter 249, Laws of 1909 (sections 2562 and 2563, Remington's Revised Statutes); and declaring an emergency.

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

Amend-
ments.

SECTION 1. Section 310, chapter 249, Laws of 1909 (section 2562, Remington's Revised Statutes) is amended to read as follows:

Definition.

Section 310. Criminal anarchy is the doctrine that organized government should be overthrown by force or violence, or by assassination of the executive head or of any of the executive officials of government, or by any unlawful means. The advocating of such doctrine either by word of mouth, by writing, by radio, or by printing is a felony.

Penalty.

Amend-
ments.

SEC. 2. Section 313 (311), chapter 249, Laws of 1909 (section 2563, Remington's Revised Statutes) is amended to read as follows:

Method of
commission.

Section 311. Every person who

Personal
advocation.

(1) By word of mouth, by writing; by radio, or by printing shall advocate, advise or teach the duty, necessity or propriety of overthrowing or overturning organized government by force or violence, or by assassination of the executive head or of any of

the executive officials of government, or by any unlawful means; or,

(2) Shall print, publish, edit, issue or knowingly circulate, sell, distribute or publicly display any book, paper, document, or written or printed matter in any form, containing or advocating, advising or teaching the doctrine that organized government should be overthrown by force, violence or any unlawful means; or,

Methods of commission.

Publish doctrine.

(3) Shall openly, willfully and deliberately justify by word of mouth, by writing, by radio or by printing the assassination or unlawful killing or assaulting of any executive or other officer of the United States or of any state or of any civilized nation having an organized government because of his official character, or any other crime, with intent to teach, spread or advocate the propriety of the doctrines of criminal anarchy; or,

Advocate killing of officials.

(4) Shall organize or help to organize or become a member of or voluntarily assemble with any society, group or assembly of persons formed to teach or advocate such doctrine,

Form organization.

Shall be punished by imprisonment in the State Penitentiary for not more than ten years, or by a fine of not more than five thousand dollars, or by both.

Penalty.

No person convicted of violating any of the provisions of this act shall be an employee of the state, or any department, agency, or subdivision thereof during the five (5) years next following his conviction.

Person convicted not to be employed publicly.

SEC. 3. 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 March 3, 1941.

Passed the House March 12, 1941.

Approved by the Governor March 24, 1941.

CHAPTER 216.

[S. B. 253.]

ARCHAEOLOGY.

AN ACT relating to archaeology; forbidding the destruction of cairns and graves of native Indians and glyptic or painted records of prehistoric tribes or peoples; defining crimes and providing punishment therefor.

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

Mutilation
prohibited.

SECTION 1. Any person who shall willfully remove, mutilate, deface, injure or destroy any cairn or grave of any native Indian, or any glyptic or painted record of any prehistoric tribes or peoples, shall be guilty of a gross misdemeanor.

Permission to
remove for
scientific
purpose.

SEC. 2. Any archaeologist or interested person may copy and examine such glyptic or painted records or examine the surface of any such cairn or grave, but no such record or archaeological material from any such cairn or grave may be removed unless the same shall be destined for exhibit and perpetual preservation in a duly recognized museum and permission for scientific research and removal of specimens of such records and material has been granted by the President of the University of Washington or the Washington State College or a duly designated member of either president's faculty.

Passed the Senate February 21, 1941.

Passed the House March 12, 1941.

Approved by the Governor March 24, 1941.

CHAPTER 217.

[S. B. 299.]

BOARD OF STATE LAND COMMISSIONERS.

AN ACT relating to the administration of public lands of the state, reconstituting the Board of State Land Commissioners and prescribing the powers and duties thereof, amending section 10, chapter 255, Laws of 1927 (section 7797-10, Remington's Revised Statutes) and section 23, chapter 255, Laws of 1927, as amended by section 1, chapter 136, Laws of 1935 (section 7797-23, Remington's Revised Statutes), making an appropriation and declaring an emergency.

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

SECTION 1. That section 10, chapter 255, Laws of 1927 (section 7797-10, Remington's Revised Statutes) be amended to read as follows: Amendments.

Section 10. The Commissioner of Public Lands, the Secretary of State, the State Treasurer, the Attorney General and the Superintendent of Public Instruction shall constitute the Board of State Land Commissioners, of which the Commissioner of Public Lands shall be chairman, and a clerk in the office of the Commissioner of Public Lands, to be appointed by the chairman, shall be Secretary. Personnel.
Chairman.
Secretary.

SEC. 2. That section 23, chapter 255, Laws of 1927, as amended by section 1, chapter 136, Laws of 1935 (section 7797-23, Remington's Revised Statutes) be amended to read as follows: Amendments.

Section 23. When, in the judgment of the Commissioner of Public Lands, a sufficient number of applications for the appraisal and sale, or the lease, for any lawful purpose, excepting mining of valuable minerals or coal, or extraction of petroleum or gas, of state lands, except capitol building lands, have been received, the Commissioner shall cause each tract of land so applied for to be inspected by one or more State Land Inspectors as to its char- Applications for sale.
Inspection.

| | |
|--|--|
| Report. | acter, topography, agricultural and grazing qualities, |
| Contents. | timber, coal, mineral, stone, gravel or other valuable material, the distance from any city or town, railroad, river, irrigation canal, ditch or other waterway, and a full report thereof to be made to the Commissioner, together with the Inspector's judgment as to the present and prospective value, or rental value, as the case may be. In case of an application to purchase land granted to the state for educational purposes, the Commissioner shall submit said report together with all other information in the records of the office of the Commissioner of Public Lands concerning the land applied for, to the Board of State Land Commissioners, which Board shall fix the value per acre of each lot, block, subdivision or tract proposed to be sold in one parcel, which value shall be not less than ten dollars (\$10) per acre. In case of applications to purchase state lands, other than lands granted to the state for educational purposes and capitol building lands, the Commissioner of Public Lands shall appraise and fix the value thereof. In case of applications for the lease of state lands, except capitol building lands, for any lawful purposes other than that of mining for valuable minerals or coal, or extraction of petroleum or gas, the Commissioner of Public Lands shall fix the rental value thereof, and shall fix the limit of the value of the improvements that may be placed upon said land by any lessee of the state, and may, in case the land is leased, at any time during the life of the lease, extend the limit of value of the improvements that may be placed upon the land covered by the lease, if he deems it advisable and for the best interest of the state, by written order which shall be filed with the lease in the office of the Commissioner, and a copy mailed to the lessee at his last known post office address, and upon the expiration of such lease the Commissioner of Public Lands, shall not appraise said im- |
| School lands. Submit to Board. | |
| Duties of Board. | |
| Fix value. Minimum value. | |
| Commissioner to fix value of other lands. | |
| Rental value. | |
| Limit improvements. | |
| May extend by order. Order filed with lease. | |
| Copy to lessee. | |

provements in an amount exceeding the limit so fixed by the Commissioner of Public Lands.

SEC. 3. The Board of State Land Commissioners shall exercise general supervision and control over the sale or lease for any purpose of land granted to the state for educational purposes and also over the sale of timber, fallen timber, stone, gravel and all other valuable materials situated thereon. It shall be the duty of the Commissioner of Public Lands, on its request, to furnish the Board with all reports, data and information in the records of his office pertaining to any such proposed sale or lease, and the Board of State Land Commissioners shall have power, if it deems it advisable, to order that any particular sale or lease of such land or valuable materials be held in abeyance pending further inspection and report. The Board may cause such further inspection and report of land or materials involved in any proposed sale or lease to be made and for that purpose shall have power to employ its own inspectors, cruisers and other technical assistants. Upon the basis of such further inspection and report the board shall determine whether or not, and the terms upon which, the proposed sale or lease shall be consummated.

Jurisdiction
of Board.

Duty of Com-
missioner.

Powers of
Board.

Further
investigation.

Employ
inspectors.

SEC. 4. For the purpose of carrying out the provisions of section 3, there is hereby appropriated to the Board of State Land Commissioners from the general fund for the biennium ending March 31, 1943, the sum of twenty-five thousand dollars (\$25,000), or so much thereof as shall be necessary.

Vetoed.

SEC. 5. 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 8, 1941.

Passed the House March 12, 1941.

Approved by the Governor March 24, 1941, with the exception of section 4, which is vetoed.

CHAPTER 218.

[S. B. 376.]

PORT DISTRICTS.

AN Act relating to port districts and the construction and acquisition of improvements, providing for the issuance of revenue bonds, and declaring an emergency.

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

Premise.

SECTION 1. The unsettled state of world conditions has made it necessary for the government of the United States of America to enter into a vast extension of its defense program and to proceed with that program with all possible speed. The Federal Government has requested the assistance of state governments and of municipal corporations in this program. The port districts of the State of Washington having control of large harbor and real estate areas, the use and improvement of which are in some cases deemed by the Federal Government imperative to national defense purposes, it is necessary, in order that port districts may respond without delay to requests of the Federal Government for facilities necessary to this program, that the port districts and the port commissions thereof be given the necessary authority to assist in this program. The powers and authority herein granted, in so far as the construction of improvements and the original issuance of bonds for the financing thereof are concerned, shall be for the duration of the present emergency only.

Authority to assist in defense program.

For emergency only.

Powers.

SEC. 2. Port districts shall have the power, in the promulgation of the national defense program, to construct on property owned or controlled by the port district, piers, wharves, docks, boat landings, terminals, warehouses, storehouses, bunkers, oil tanks, and other harbor improvements, rail, transfer and terminal facilities, and to acquire such machinery, equipment and other facilities, as may be neces-

Construction, improvement, etc.

sary or convenient to the successful operation of the same, included in the cost of which shall be the preparation of sites, grading of lands and dredging of waterways, all of which shall hereinafter be referred to as "improvements," upon the finding by the Port Commission that such construction is necessary to the national defense program, without the adoption of a comprehensive scheme for harbor improvement and regardless of any comprehensive scheme which may previously have been adopted; and for said purposes to contract indebtedness and issue revenue bonds evidencing said indebtedness, in conformity with this act, without further authorization or approval and without regard to existing statutory provisions, requirements and limitations.

Must be necessary to national defense.

May issue revenue bonds without further authority.

SEC. 3. All revenue bonds authorized under the terms of this act may be issued and sold by the port districts from time to time and in such amounts as may be deemed necessary in the judgment of the Port Commission, to provide sufficient funds for the construction or acquisition of any improvements, and to include in the cost of construction, engineering, inspection, accounting, fiscal and legal expenses, the cost of issuance of bonds, including engraving, printing and advertising, and other similar expenses, and to pay interest on outstanding bonds issued for the construction of the same during the period of actual construction and for six (6) months after the completion thereof, and the proceeds of such bond issue are hereby made available for such purposes. The Port Commission of the port districts shall determine 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 (6%) 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

Revenue bonds issued for improvement as needed.

Interest proviso.

Commission to determine form of bonds.

Interest payments.

Registration
of bonds.

bonds shall be payable at such place or places as may be fixed and determined by the Port Commission 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

Coupon form.

form with interest payable at such times as may be determined by the Port Commission and in such amounts as the said Port Commission may prescribe. The Port Commission 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 by the resolution of such Commission providing for the issuance of such bonds and referred to therein.

May retire
prior to
maturity.

Resolution.

May sell to
U. S.

SEC. 4. Port districts may, but shall not be required by the terms of this act, to sell any or all bonds issued under its provisions to the Federal Government or any agency of the Federal Government at private sale and without the necessity of public advertisement or calling for bids, but in no event shall the sale of said bonds be permitted for less than the principal and accrued interest thereon. Sales to others than the Federal Government or its agencies shall be made in the manner provided by law for the sale of other port district bonds.

Minimum
sale price.

Manner of
sale to others.

Bonds
payable only
from
revenue.

Resolution
for bonds
and fund.

Proportion
to fund.

SEC. 5. Bonds issued under the provisions of this act shall be payable solely out of revenues received from the use of the improvements acquired and/or constructed from the proceeds of the sale of such bonds. Said bonds may be authorized by resolution adopted by the Port Commission of such port district, which resolution shall provide for the creation of a special fund or funds into which fund or funds the Port Commission may obligate and bind such port district to set aside and pay a fixed proportion of the gross revenues received from the use of said improvements, which fund or funds shall be drawn upon solely for the purpose of paying the principal and

interest upon the bonds issued pursuant to this act. Such bonds shall be negotiable instruments under the law merchant even though they shall be payable solely from such special fund or funds and shall never be deemed a charge upon the tax revenues of such port district. Such bonds shall state upon their face that they are payable from such special fund or funds. Should the corporate authorities of any port district fail to set aside and pay into such fund or funds the payments provided for in such resolution, the holder of any such bonds may bring suit to compel compliance with the terms of such resolution. Pending the preparation and execution of such bonds, temporary bonds may be issued in such form as the Port Commission of the port district may elect. The Reconstruction Finance Corporation or any other agency of the United States Government making any such loan, or any other holder or owner of any bonds authorized by and issued pursuant to the provisions of this act shall not be required to see to the application of the moneys derived from such bonds to the purposes for which said bonds are issued as specified in any resolution authorizing the issuance thereof. No defense of invalidity, or irregularity in any such bonds funded or refunded by the issuance of bonds hereunder shall be a valid defense in any action at law or equity for a judgment upon or for the enforcement or collection of any bonds authorized by and issued pursuant to this act, and no court shall have jurisdiction to entertain any such defense in any such action or proceeding.

Bonds negotiable.

Statement on bonds.

Holder may enforce payment into fund.

Holder of bonds not required to see application.

Invalidity no defense on suit.

SEC. 6. Any such port district may from time to time refund any bonds authorized by and issued pursuant to this act by the issuance of new bonds as herein provided, whether the bonds to be refunded have or have not matured and may issue bonds to refund matured coupons evidencing interest upon any such bonds so refunded. Any such port district may

District may refund.

Refunding
operation.

issue bonds partly to refund bonds and matured coupons as above provided, and partly for any other purposes in connection with the construction, betterment, operation and maintenance of such improvements.

Resolution
may protect
the holder
of bonds.

SEC. 7. Any resolution authorizing the issuance of bonds pursuant to the provisions of this act may contain covenants of any such port district to protect and safeguard the security and rights of the holders of any such bonds, and such other covenants not inconsistent with the other provisions of this act which will increase the marketability of such bonds. The provisions of this act and of any such resolution shall constitute a contract with the holders of such bonds and the provisions thereof shall be enforceable by any owner or holder of such bonds by mandamus or any other appropriate suit, action or proceeding at law or in equity in any court of competent jurisdiction.

Purpose and
liberal
construction.

SEC. 8. This act shall be complete authority for the issuance of the bonds hereby authorized, and shall be liberally construed to accomplish its purposes. Any restrictions, limitations or regulations relative to the issuance of such bonds contained in any other act shall not apply to the bonds issued under this act. Any act inconsistent herewith shall be deemed modified to conform with the provisions of this act for the purposes of this act only.

Inconsistent
laws to
conform.

Effective
immediately.

SEC. 9. This act is necessary for the preservation of the public peace and safety, to national defense, and the support of the state government and its existing institutions, and shall take effect immediately.

Passed the Senate March 7, 1941.

Passed the House March 12, 1941.

Approved by the Governor March 24, 1941.

CHAPTER 219.

[S. B. 393.]

COMMISSIONERS OF METROPOLITAN PARK DISTRICTS.

AN ACT relating to the formation of Metropolitan Park District; providing for the election of commissioners thereof and their terms of office, and amending section 3, chapter 98, Laws of 1907, as amended by section 2, chapter 131, Laws of 1909 (section 6722, Remington's Revised Statutes).

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

SECTION 1. Section 3, chapter 98, Laws of 1907, as amended by section 2, chapter 131, Laws of 1909 (section 6722, Remington's Revised Statutes) is amended to read as follows:

Amendments.

Section 3. If at such election a majority of the voters voting upon such proposition shall vote in favor of the formation of such park district, the City Council shall so declare in its canvass of the returns of such election, and such park district shall then be and become a municipal corporation of the State of Washington, and the name of such metropolitan park district shall be "Metropolitan Park District of....."

Majority vote to establish park district.

..... (inserting the name of the city constituting the park district)." At the same election at which the proposition is submitted to the voters as to whether a metropolitan park district shall be formed,

Name.

five (5) park commissioners shall be elected to hold office respectively for the following terms of one (1) for two (2) years; two (2) for four (4) years; and two (2) for six (6) years, and until their respective successors are elected, the term of each nominee for Park Commissioners to be expressed on the ballot. And thereafter their successors shall be elected for respective terms of six (6) years, at the general biennial elections, held in conjunction with, and in the manner provided by the laws of this state for, cities of the first class within which such metropolitan

Park Commissioners elected.

Number and terms of office.

Election of successors.

Nomination
by petition.

park district may be situated. Nominations for Park Commissioners shall be by petition of one hundred (100) qualified electors of such park district, to be filed in the office of the City Clerk of such city for the first election, and with the secretary of such metropolitan park district for all succeeding elections, such nominations to be so filed as provided by section 5148-1 of Remington's Revised Statutes of Washington: *Provided, however,* That there shall be no election held on the second Tuesday of March immediately following the creation of such park district:

Proviso.

And provided further, That in the event of a vacancy caused by death, resignation or otherwise, such vacancy shall be filled by appointment by a majority vote of the remaining Commissioners until the next regular election for Park Commissioner. Any person residing in said park district who is, at the time of holding of any such election, a qualified voter under the laws of the State of Washington, shall be entitled to vote at any election held in such metropolitan park district. And the registration of voters for elections to be held in such metropolitan park district shall be conducted by the City Clerk and officers of registration of the city and territory embraced within said metropolitan park district; and the notice prescribed to be given by sections 5123 and 5124, *supra*, shall constitute sufficient notice to citizens residing within said metropolitan park district for registration for any general or special election therein, without the necessity for such notice specially stating that it is for the registration for an election to be held by a metropolitan park district. And any elector who shall have registered in accordance with the laws of this state entitling him to vote at a general or special election in the city or territory comprised within such metropolitan park district within time to constitute same a good registration for any general or special election of said metropoli-

Vacancies.

Electors.

Registration.

Notice of
registration
and election.

tan park district shall be entitled to vote thereat without further or other registration. The City Clerk or registration officer required to perform the duties enumerated under this act shall receive no additional compensation therefor. The general laws of the State of Washington governing the registration of voters for general or special city or municipal elections, when not inconsistent with the foregoing provisions, shall govern the registration of voters for elections held under this chapter, and the registration books of the city and territory comprising said park district shall be the books used by said park district, and no separate registration books shall be kept or maintained by it. The manner of holding any general or special election for said metropolitan park district shall be in accordance with the laws of this state, and the charter provisions of the city within which said park district lies, in so far as the same are not inconsistent with the provisions of this act: *Provided*, That any Park Commissioners whose terms of office shall expire on the first Monday of June, 1943, and on the first Monday of June, 1945, shall continue to hold office until their successors are elected and qualified as above provided.

No additional pay for registration officials.

General laws to govern registration.

General laws for election.

Proviso.

Passed the Senate March 8, 1941.

Passed the House March 12, 1941.

Approved by the Governor March 24, 1941.

CHAPTER 220.

[H. B. 55.]

INTOXICATING LIQUORS.

AN ACT relating to intoxicating liquors; amending section 23 of chapter 62, Laws of 1933, Extraordinary Session (sections 7306-23M, 7306-23N and 7306-23O, Remington's Revised Statutes) as amended by chapter 158, Laws of 1935, and chapter 217, Laws of 1937.

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

Amend-
ments.

SECTION 1. Section 23-M of chapter 62, Laws of 1933, Extraordinary Session (section 7306-23-M, Remington's Revised Statutes) as amended by section 2 of chapter 158, Laws of 1935, and as added by section 1 of chapter 217, Laws of 1937, is hereby amended to read as follows:

Class A
license.

Section 23-M. There shall be a beer retailer's 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 of [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:

Proviso.

Sealed pack-
age size.Tap beer may
be sold in
open con-
tainers.Licensee
restriction.License fee
schedule.

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;

License fee schedule.

The annual fee for such license, if issued outside of cities and towns, shall be \$50.00, *Provided, however,* That where dancing is permitted on the premises, the fee 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.

Proviso: Dancing places.

Boats.

SEC. 2. Section 23-N of chapter 62, Laws of 1933, Extraordinary Session (section 7306-23-N, Remington's Revised Statutes) as amended by section 2 of chapter 158, Laws of 1935, and as added by section 1 of chapter 217, Laws of 1937, is hereby amended to read as follows:

Amendments.

Section 23-N. There shall be a beer retailer's 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:

Class B license.

Rights under.

Package beer.

Size.

Tap beer may be sold in containers.

Licensee restriction.

Cities and towns of less than 10,000; fee \$50.00;

License fee schedule.

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 \$50.00, *Provided, how-*

Proviso:
Dancing
places.

ever, That where dancing is permitted on the premises, the fee shall be \$150.00.

Amend-
ments.

SEC. 3. Section 23-O of chapter 62, Laws of 1933, Extraordinary Session (section 7306-23-O, Remington's Revised Statutes) as amended by section 2 of chapter 158, Laws of 1935, and as added by section 1 of chapter 217, Laws of 1937, is hereby amended to read as follows:

Class C wine
license.

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:

Rights under.

Licensee
restriction.

License fee
schedule.

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 \$37.50, *Provided, however*, That where dancing is permitted on the premises, the fee 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.

Proviso:
Dancing
places.

Boats.

Passed the House February 13, 1941.

Passed the Senate March 10, 1941.

Approved by the Governor March 25, 1941.

CHAPTER 221.

[H. B. 199.]

REGULATION OF FIELD TRIALS FOR
HUNTING DOGS.

AN ACT providing for the regulation of field trials for hunting dogs and providing penalty for the violation thereof.

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

SECTION 1. Competitive field trials for hunting dogs, with or without the shooting or use of privately owned birds, may be held only in such months and under such rules and regulations as shall be prescribed by the State Game Commission: *Provided, however,* That no such trials shall be held between April 15 and September 1 of any year.

Field trials
under rules of
Game Dept.

Time.

SEC. 2. Any person violating any of the provisions of this act shall be guilty of a misdemeanor.

Penalty for
violation.

Passed the House February 7, 1941.

Passed the Senate March 9, 1941.

Approved by the Governor March 24, 1941.

CHAPTER 222.

[H. B. 330.]

SAVING AND LOAN ASSOCIATIONS.

AN ACT relating to the organization, management, and supervision of savings and loan associations, and amending sections 2 and 23 as heretofore amended, 49 as heretofore amended, 56 as heretofore amended, and 66 of chapter 183 of the Laws of 1933 (Remington's Revised Statutes, Supp. 3717-2, 3717-23, 3717-49, 3717-56 and 3717-66).

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

SECTION 1. That section 2 of chapter 183 of the Laws of 1933 (Remington's Revised Statutes, 3717-2 Supp.) be and the same hereby is amended to read as follows:

Vetoed.

Section 2. Wherever used in this act, unless the context otherwise requires, words and terms shall have the meanings attributed to them herein.

Capital: The contingent fund and other reserves, other than reserves for expenses and losses, of an Association.

Debenture: A written instrument evidencing an indebtedness of an Association, which is not secured by lien upon or pledge of any specific property, and constituting a charge upon the assets of the Association prior to that of its members.

Dues: Periodic payments made or to be made by a member on the purchase of installment shares.

Escheat Fund: An account into which is credited the investment of members who shall have been missing for more than seven years.

Matured Notice: A notice for withdrawal which has been on file with the Association for a period of six months and which remains unpaid, either wholly or in part.

Member: A holder of a savings account in or a borrower from an Association, each of whom, in addition to other voting privileges, shall have one vote at all membership meetings by virtue of such membership.

Operating Expenses: Includes salaries, wages, office rent, operating expenses of quarters actually occupied, advertising, printing, stationery, postage, telephone, telegraph, donations, premiums, and other like expenses.

Person: An individual, firm, association, or corporation.

Selling Agent: A person, firm or corporation representing an Association in the soliciting of members.

Share: A unit having a par value of one hundred dollars (\$100.00) evidencing a proportionate interest of a member in an Association, a free share being one

not pledged to the Association, and a pledge share being one pledged to the Association as collateral security.

SEC. 2. That section 23 of chapter 183 of the Laws of 1933, as amended by section 3 of chapter 98 of the Laws of 1939 (Remington's Revised Statutes, 3717-23 Supp.) be and the same hereby is amended to read as follows:

Section 23. An Association may, if provided in its by-laws, issue installment shares, juvenile shares, savings shares and fully paid certificate shares.

Installment shares are those upon which regular stipulated payments shall be made at stated periods until the sum of such payments and dividends credited thereon equal their par value. An Association may, in its by-laws, provide for and may in such case pay a higher dividend rate than is concurrently paid on savings shares to the holders of such installment shares if such installment shares are carried to their maturity and may so provide that if such installment shares are not carried to their maturity and are withdrawn theretofore, if withdrawn prior to two years from being subscribed shall receive fifty per cent of the dividend earnings thereon, if withdrawn between two and three years after being subscribed shall receive sixty per cent of the dividend earnings thereon, if withdrawn between three and four years after being subscribed, seventy per cent of the dividend earnings thereon, if withdrawn between four and five years after being subscribed, eighty per cent of the dividend earnings thereon, and if withdrawn after five years after being subscribed, ninety per cent of the dividend earnings thereon.

Savings and fully paid certificate shares are shares for which the purchaser shall pay the full par value at the time of issuance and such accounts may be issued in units of one or more shares and/or a

Vetoed.

Vetoed. { fractional part of a share. Trustees, administrators, executors, guardians and other fiduciaries, either individual or corporation, in their fiduciary capacity, and municipal corporations, may invest in such accounts to the extent of and while the same are covered by insurance in the Federal Savings and Loan Insurance Corporation or any state or federal corporation or agency authorized to write such insurance.

SEC. 3. That section 49 of chapter 183, Laws of 1933, as amended by section 8 of chapter 98 of the Laws of 1939 (Remington's Revised Statutes, 3717-49 Supp.) be and the same hereby is amended to read as follows:

Section 49. Every Savings and Loan Association shall have on hand at all times, in cash, or available deposits in banks and trust companies, exclusive of cash held for commitments on loans and loans in process, a sum not less than three per cent (3%) of its outstanding privately owned shares and, in addition, a sum, in cash, deposited in banks and trust companies, or invested in bonds or obligations of the United States of America, or invested in any bonds in which an Association may invest, in an aggregate amount equal to not less than three per cent (3%) of its outstanding privately owned shares.

Subject to the foregoing provision, if an Association, at any time, shall have less than the six per cent (6%) hereinabove prescribed in cash or deposited in banks and trust companies, or invested as hereinabove prescribed, such Association shall immediately discontinue lending or the making of investments, except those for which its commitments have previously been issued, until a status complying with the provisions of this section shall be reestablished.

SEC. 4. That section 56 of chapter 183 of the Laws of 1933, as amended by section 11 of chapter 98 of the Laws of 1939 (Remington's Revised Statutes, 3717-56 Supp.) be and the same hereby is amended to read as follows:

Section 56. A Savings and Loan Association may invest its funds:

(1) In the bonds or obligations of the United States of America, of 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.

(2) In the bonds or interest bearing obligations of this state, issued pursuant to the authority of any law of this state, for which the faith of the state is pledged to provide for payment of interest and principal.

Vetoed.

(3) In the bonds or obligations of any other state of the United States for which the faith of such state is pledged to provide for payment of interest and principal and upon which there has been no default of any general obligation for ten (10) years last past.

(4) 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.

(5) In the valid bonds or warrants of any city, county, school district, port district, or other mu-

nicipal corporation in the United States having a population of not less than 50,000 inhabitants as determined by the last Federal census, which city, county, or district has not defaulted in interest or principal of any general obligation within ten years last past and for the payment of which the faith and credit of such municipality, county, or district are pledged and taxes are leviable upon all property within its limits.

No such investment shall be made, however, unless such bonds or warrants are rated not less than BAA by Moodys Investors Service or have equivalent rating of another standard rating bureau.

(6) In the light, water, or sewer revenue bonds of any city for the payment of which the entire revenue of the city's light, water, or sewer system, less maintenance and operating costs, is irrevocably pledged.

Vetoed. (7) In the bonds of any irrigation, diking, drainage, diking improvement, or drainage improvement district of the county in this state in which is located the principal office of the Association, unless the total indebtedness of the district, after the completion of the improvements for which the bonds are issued, plus the amount of all other assessments of a local or special nature against the land assessed or liable to be assessed to pay the bonds, exceeds forty per cent (40%) of the value of the benefited property, exclusive of improvements, at the time the bonds are purchased or taken by the Association, according to the actual valuation last placed upon the property for general taxation.

Before any such bonds are purchased or taken as security, the condition of the district's affairs shall be ascertained and the property of the district examined by at least two members of the Board of the Savings and Loan Association or two competent appraisers appointed by the Board, who shall report in writing their findings and recommendations; and no

bonds shall be taken unless such report be favorable, nor unless the executive committee of the Board of Directors, after careful investigation, is satisfied of the validity of the bonds and of the sufficiency of the assessment or other means provided for payment thereof: *Provided, however,* That no Association shall invest a sum greater than three per cent (3%) of its funds, or, in any event, more than One Hundred Thousand Dollars (\$100,000), in the bonds of any one district described in this section.

(8) In the bonds of any local improvement district of any city of this state (except bonds issued for an improvement consisting of grading only), the ultimate payment of which is guaranteed by the municipality under the provisions of guaranty laws of this state: *Provided,* That one-half of the lots in the local improvement district be improved with revenue producing houses or other improvements and that local improvement district bonds falling within the fifty per cent (50%), in amount of any issue, last callable for payment shall neither be acquired, nor taken as security, and that no Association shall invest a sum greater than three per cent (3%) of its funds, or, in any event, not more than One Hundred Thousand Dollars (\$100,000) in the bonds of any one district described in this section. Vetoed.

(9) In stock or bonds of any Federal Home Loan Bank, the Home Owners' Loan Corporation, any Federal Land Bank, the Federal Savings and Loan Insurance Corporation, the Federal Housing Administration, or any state or Federal agency organized under authority of the laws of the United States or of the State of Washington, authorized to loan to or act as a fiscal agency for a Savings and Loan Association, and in bonds of a National Mortgage Association created under the laws of the United States Government.

(10) In the first mortgage loans substantially all of which shall be made to members. For every

mortgage loan made the borrower shall execute a note stating the terms of the contract, and in every case such loan shall constitute a first lien upon a fee estate in improved real property. Loans not amortized at least annually are prohibited. Notwithstanding any law limiting the amount that an Association may loan to an individual or upon any property, an Association may make any mortgage loan insured by the Federal Housing Administrator or other Federal or state agency, or for which such administrator or agency has issued commitment to insure. Monthly repayment loans not so insured shall not be in excess of sixty per cent (60%) of the appraised value of the property except that, where secured by property on which the house is less than one year old at the date of the mortgage or is under construction, the loan shall not be in excess of seventy-five per cent (75%) of such appraised value. Such appraised value shall be based upon the value of the land, together with the permanent improvements thereon. Appraisals of the value of property upon which loans are to be made shall be determined by two appraisers appointed by the Board of Directors and approved for such service by the Supervisor, such appraisal to be made in writing stating the conservative value of the property, and that each appraiser has personally examined said property, and signed by the appraisers, to be filed with the Association before any mortgage loan shall be made. Before any mortgage loan shall be made, the Association shall require abstract of title as to the mortgaged property, duly certified by a responsible person or corporation maintaining a complete set of abstract indices to land in the county where such real estate is situated, to be accompanied by a written opinion of a competent attorney to the effect that the proposed mortgage will constitute a first lien upon such property; or a policy of title insurance ex-

Vetoced.

ecuted by a responsible title insurance corporation; or in the case of lands registered under the Torrens system, a duplicate certificate of ownership issued by a registrar of titles, and which loan shall provide that the mortgagor maintain fire insurance upon the buildings and improvements on the mortgaged premises, to be in a company authorized to transact the business of writing fire insurance in this state in such amount as shall be stipulated in the mortgage and with mortgagee loss payable clause attached thereto in favor of the Association, and that the said policies be deposited with and held by the Association pending payment of the loan. No Association shall make any real estate loans except on first mortgages, as in this act provided: *And provided*, That every Association shall have at least eighty per cent (80%) in amount of its real estate mortgage loan investments in the form of monthly installment loans.

Vetoed.

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.

(11) In the purchase of real estate contracts, under the following conditions only:

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

(b) That the property be such as would be eligible for a mortgage loan under paragraph (10) of this section;

(c) Either that not less than twenty per cent (20%) of the principal of the purchase price under said contract shall have been paid or that the amount due under said contract shall not exceed seventy-five per cent (75%) of the appraised value of the property, whichever is the higher, and that the pur-

chaser shall not be in default in performance of any of the terms of said contract;

(d) That the remainder of the purchase price of the contract will, by its terms, be paid within the periods provided in this act for the payment of mortgage loans.

(12) Not to exceed ten per cent (10%) of its funds in promissory notes payable to the order of the Association upon demand, secured by the pledge or assignment of any bonds, warrants, or interest bearing obligations lawfully purchasable by an Association, or secured by pledge or assignment of one or more real estate mortgages of the class prescribed in paragraph (10) of this section, but no such loan shall exceed seventy-five per cent (75%) of the cash market value of the securities so pledged.

Vetoed. Should any of the securities so held in pledge depreciate in value after the making of such loan, the Association shall require an immediate payment of such loan, or of a part thereof, or additional security therefor, so that the amount loaned thereon shall at no time exceed seventy-five per cent (75%) of the market value of the securities so pledged for such loan.

(13) When permitted by its by-laws and if not on notice as to withdrawal of shares, in promissory notes made payable to the order of the Association on demand, secured by the pledge and assignment of the pass book of the borrowing member as collateral security for the payment thereof. No such loan shall exceed ninety per cent (90%) of the balance due to the holder of such pass book as shown therein.

(14) If not on notice as to withdrawal of shares, in loans upon its own debentures and upon the debentures of any other Association doing business in this state in a sum not exceeding ninety per cent (90%) of the principal amount due upon such debentures.

(15) In its shares or savings accounts or the shares or savings accounts of any other Association in this state, either state or Federal, the shares or savings accounts of which are insured by the Federal Savings and Loan Insurance Corporation or any other Federal or state agency authorized thereto. Such investments may be either by loan or purchase: *Provided, however,* That such investments shall not exceed, in any purchase or loan, ninety per cent (90%) of the face value of such shares or savings account.

Vetoed.

(16) In furniture, fixtures, and office equipment convenient and necessary for the carrying on of its business.

SEC. 5. That section 66 of chapter 183 of the Laws of 1933 (Remington's Revised Statutes, 3717-66 Supp.) be and the same hereby is amended to read as follows:

Amendments.

Section 66. No Association shall pay or obligate itself to pay, either directly or indirectly, in the course of any calendar year, for its operating expenses, any sum or sums, the aggregate of which, exclusive of any premium costs for the insurance protection as provided by Title IV of the National Housing Act, as now or hereafter amended, shall exceed two per cent (2%) of the average amount of the assets of such Association during such year: *Provided,* That Associations having assets of less than one million dollars (\$1,000,000.00) may lawfully incur operating expenses not to exceed two and one-half per cent (2½%) of the average amount of such assets during such year: *And further provided,* That an Association having such assets of less than fifty thousand dollars (\$50,000.00) may lawfully incur operating expenses not to exceed a total of one thousand dollars (\$1,000.00) per annum, and, in the event such operating expenses exceed such sums, the

Operating expenses.

Maximum amount.

Exception.

Restriction small associations.

Supervisor
may alter.

Supervisor shall have power to make such changes as he deems advisable in the management of such Association by removal of officers and directors thereof, which shall not be construed as a limitation upon other powers of the Supervisor.

Passed the House February 24, 1941.

Passed the Senate March 10, 1941.

Approved by the Governor March 25, 1941, with the exception of sections 1, 2 and 4, which are vetoed.

CHAPTER 223.

[S. H. B. 1.]

GRANTS TO NEEDY SCHOOL DISTRICTS.

AN ACT relating to education; providing for urgently needed facilities for school districts in the State of Washington, appropriating funds to carry out the provisions of the act; providing for the powers and duties of certain officers; and declaring an emergency.

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

Premise.

SECTION 1. Education being primarily a state obligation as enunciated in our State Constitution, it is the paramount duty of the state to make ample provision for the education of all children residing within its borders, without distinction or preference on account of race, color, caste, or sex. It is therefore essential that adequate provisions be made for the care of all children so as to make effective this provision in our Constitution. The state through its Progress Commission and in countless ways has advertised the many advantages to the nation of our climate, agriculture, industry, scenic, and educational possibilities. The rapid expansion of our defense industries and the heavy migration of people to Washington is taxing the financial ability of our school districts to meet adequately the education of

Purpose.

the children who are arriving with their families. It is therefore the purpose of the state to see to it that sufficient school facilities are available so that every child in the state shall have a suitable education.

Purpose.

SEC. 2. The State Social Security Committee shall have power and it shall be its duty (a) to prescribe the rules and regulations under which grants in aid under this act shall be made to school districts, (b) to determine the amount of such grants in each and every case, and (c) to authorize the payment thereof by warrant of the State Auditor at such intervals and in such manner as the State Social Security Committee shall determine. In the exercise of said power and the performance of said duty the Committee shall give proper consideration to the urgency of need for school facilities in school districts that seek grants, to the ability of such districts to provide funds by means of local effort, and to the development of improved administrative units and attendance areas in the interest of greater efficiency and economy in the operation of the common schools.

Duties of Social Security Committee.

Make rules.

Determine grants.

Authorize payment.

Basis for grants.

SEC. 3. All applications by school districts for grants in aid shall be made to the State Superintendent of Public Instruction. The State Superintendent shall, in co-operation with such other appropriate public agencies in the state as the State Social Security Committee and the State Board of Education may designate, and in consultation with local school district and county school authorities, conduct such studies and surveys as are necessary to enable the State Social Security Committee to make grants to school districts in accordance with the provisions of this act. Reports of such studies and surveys as the State Superintendent is herein required to make, together with recommendations to the State Board of Education respecting action thereon, shall be submitted by the State Superintendent to the State

Application to State Supt.

Investigation.

Reports.

Social Security Committee together with applications by school districts for grants in aid.

Federal aid.

SEC. 4. In so far as permissible under acts of Congress making available Federal funds for the assistance of school districts in providing physical facilities necessary for the education of children, such Federal funds shall be allocated to school districts by the same procedures and to the same effect as is herein provided for grants in aid.

Appropriation.

SEC. 5. There is hereby appropriated from the general fund the sum of three million dollars (\$3,000,000.00) or so much thereof as may be necessary to be disbursed by the State Social Security Committee for grants to school districts approved in accordance with the provisions of this act.

Effective immediately.

SEC. 6. This act is necessary for the immediate preservation of the public peace, health, and safety, support of the state government and its existing public institutions and shall take effect immediately.

Passed the House March 6, 1941.

Passed the Senate March 13, 1941.

Approved by the Governor March 25, 1941.

CHAPTER 224.

[H. B. 18.]

LICENSE FEES ON TRUCKS.

AN ACT relating to motor vehicles; providing a lower schedule of fees for motor trucks owned and operated by farmers, and amending section 17 of chapter 188, Laws of 1937, as amended by section 3 of chapter 182, Laws of 1939, (section 6312-17 Remington's Revised Statutes).

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

Amendments.

SECTION 1. Section 17 of chapter 188, Laws of 1937, as amended by section 3 of chapter 182, Laws

of 1939, (section 6312-17 Remington's Revised Statutes) is amended to read as follows: Amend-
ments.

Section 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: Other fees
additional.

Fee schedule.

| | |
|--|-----------|
| 4,000 pounds or more and less than 6,000 pounds,.... | \$2.00; |
| 6,000 pounds or more and less than 8,000 pounds,.... | \$6.00; |
| 8,000 pounds or more and less than 10,000 pounds,.... | \$10.00; |
| 10,000 pounds or more and less than 12,000 pounds,.... | \$14.00; |
| 12,000 pounds or more and less than 14,000 pounds,.... | \$18.00; |
| 14,000 pounds or more and less than 16,000 pounds,.... | \$22.00; |
| 16,000 pounds or more and less than 18,000 pounds,.... | \$32.00; |
| 18,000 pounds or more and less than 20,000 pounds,.... | \$45.00; |
| 20,000 pounds or more and less than 22,000 pounds,.... | \$62.00; |
| 22,000 pounds or more and less than 24,000 pounds,.... | \$80.00; |
| 24,000 pounds or more and less than 26,000 pounds,.... | \$100.00; |
| 26,000 pounds or more and less than 28,000 pounds,.... | \$123.00; |
| 28,000 pounds or more and less than 30,000 pounds,.... | \$150.00; |
| 30,000 pounds or more and less than 32,000 pounds,.... | \$185.00; |
| 32,000 pounds or more and less than 34,000 pounds,.... | \$250.00; |

Provided, That as to any such motor truck propelled by steam, electricity, natural gas, Diesel oil, butane, or propane the foregoing schedule of fees shall be increased in every instance by twenty-five per cent (25%) 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 Increase for
certain
vehicles.

Maximum
weight is
scale weight.

Not appli-
cable to
special
vehicles.

or similar machine or structure attached to or made a part of such motor truck, trailer or semi-trailer: *Provided, further,* On motor trucks 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, except motor trucks owned and operated by cooperative associations or cooperative marketing associations, shall be paid and collected annually the following fees in lieu of the fees first mentioned herein:

| | |
|--|-----------|
| 4,000 pounds or more and less than 6,000 pounds, . . . | \$1.00; |
| 6,000 pounds or more and less than 8,000 pounds, . . . | \$3.00; |
| 8,000 pounds or more and less than 10,000 pounds, . . . | \$5.00; |
| 10,000 pounds or more and less than 12,000 pounds, . . . | \$7.00; |
| 12,000 pounds or more and less than 14,000 pounds, . . . | \$9.00; |
| 14,000 pounds or more and less than 16,000 pounds, . . . | \$11.00; |
| 16,000 pounds or more and less than 18,000 pounds, . . . | \$16.00; |
| 18,000 pounds or more and less than 20,000 pounds, . . . | \$22.50; |
| 20,000 pounds or more and less than 22,000 pounds, . . . | \$62.00; |
| 22,000 pounds or more and less than 24,000 pounds, . . . | \$80.00; |
| 24,000 pounds or more and less than 26,000 pounds, . . . | \$100.00; |
| 26,000 pounds or more and less than 28,000 pounds, . . . | \$123.00; |
| 28,000 pounds or more and less than 30,000 pounds, . . . | \$150.00; |
| 30,000 pounds or more and less than 32,000 pounds, . . . | \$185.00; |
| 32,000 pounds or more and less than 34,000 pounds, . . . | \$250.00. |

When any vehicle subject to license is to be moved upon the public highways of this state from one point to another, the Director of Licenses is authorized to issue a special permit therefor upon an application to him presented in such form as shall be approved by the Director of Licenses and upon payment therefor of a fee of three dollars (\$3.00): *Provided,* That such permit shall be for the transit of the vehicle only and that the vehicle shall not at the time of such transit be used for the transportation of any persons or property whatsoever for compensation or otherwise, and the payment of such fee shall

Not appli-
cable to
agriculture
trucks.

Cooperative
trucks
schedule:

Special
permit may
be issued.

Fee.

Proviso.

be for one transit only between the points of origin and destination as set forth in such application. Restriction.

Passed the House March 12, 1941.

Passed the Senate March 11, 1941.

Approved by the Governor March 25, 1941.

CHAPTER 225.

[H. B. 123.]

BYRD'S MILL ROAD ESTABLISHED AS STATE HISTORICAL ROAD NO. 1.

AN ACT relating to highways; establishing the "Byrd's Mill Road" as Washington State Historical Road No. 1 and providing for the installation of appropriate signs.

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

SECTION 1. The "Byrd's Mill Road" is the first road established by law in Washington. It was first established by the Legislature of Oregon Territory in 1852. At that time the County Commissioners of Thurston County were Arthur A. Denny, Sydney Ford and David Shelton. When Washington Territory was formed, its Legislature acted to establish it as a military road by the act shown on page 463 of the Laws of Washington for 1854-6-7. On May 1, 1854, the Commissioners were Hugh Patterson, C. D. Boren and E. A. Clark. Because of the historical value of this old military road and in memory of the pioneers of Washington it is the intention of the Legislature that it be appropriately marked, preserved and maintained as a part of the state highway system. Byrd's Mill Road first established.

SEC. 2. A road to be known as Washington State Historical Road No. 1, or the "Byrd's Mill Road," is hereby established according to description, as follows: Road established.

Route.

Beginning at or in the vicinity of the intersection of State Primary Highway No. 1 and South 84th Street near the southerly limits of Tacoma; thence in an easterly direction as most feasible following the old pioneer road known as the "Byrd's Mill Road" to an intersection with Secondary State Highway No. 5-D in Puyallup;

And also beginning at or in the vicinity of the intersection of State Primary Highway No. 1 and South 84th Street near the southerly limits of Tacoma; thence in a westerly direction as most feasible following the route of said old pioneer road and crossing Chambers Creek near the old "Byrd's Mill" to the waters of Puget Sound at Steilacoom.

Director to
install
markers.

SEC. 3. The Director of Highways is directed, and it shall be his duty to provide and install appropriate signs from any funds available in highway appropriations on said "Byrd's Mill Road" in such way as to call attention to its historical significance.

Passed the House February 25, 1941.

Passed the Senate March 11, 1941.

Approved by the Governor March 25, 1941.

CHAPTER 226.

[H. B. 221.]

AUTHORIZING TOWNSHIPS TO LEVY FIVE MILLS FOR HIGHWAY PURPOSES.

AN ACT relating to township organizations; authorizing township electors to levy five (5) mills for highway purposes.

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

Township
levy for
roads.
Vote.

SECTION 1. The electors of each township shall have power, at their annual township meeting to vote to raise such sums of money for repair and construction of roads and bridges and to meet other town charges as they deem necessary, not to exceed five

(5) mills on the assessed value of the taxable real and personal property in the township, according to the last previous assessment made; to expend all or any portion of said sums for the purchase and operation of snow plows or snow removing equipment and the repair and maintenance of same, or for road construction or repair in conjunction with or under the supervision of the state or county: *Provided*, That any levy so made shall be within the limit prescribed by general law.

May use money for snow clearance.

Restriction.

Passed the House March 12, 1941.

Passed the Senate March 12, 1941.

Approved by the Governor March 25, 1941.

CHAPTER 227.

[H. B. 168.]

AUTHORIZING COUNTIES TO TRANSFER PROPERTY TO THE UNITED STATES FOR DEFENSE PURPOSES.

AN ACT authorizing counties to convey real and personal property to the United States for defense and other purposes, and to the state; granting the consent of the state to such conveyances; ceding legislative jurisdiction to the United States over such land, declaring an emergency, repealing chapter 105, Laws of 1935 (sections 4026-1, 4026-2 and 4026-3, Remington's Revised Statutes) and chapter 44, Laws of 1937 (sections 4015-2, 4015-3, 4015-4, and 4015-5, Remington's Revised Statutes).

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

SECTION 1. The Board of County Commissioners of any county by a majority vote are hereby authorized to directly lease, sell, or convey by gift, all or any portion of real estate, or any interest therein owned by the county, however acquired, by tax foreclosure or in any other manner, to the United States for the use and benefit of any branch of the army, navy, marine corps or air forces of the United States,

County Commissioners may convey for defense purposes.

Other purposes.

or for enlarging or improving any military base thereof, or for any governmental housing project, or for the purpose of constructing and operating any Federal power project, or to the State of Washington, without requiring competitive bids or notice to the public and at such price and terms as the Board may deem for the best interests of the county. The property may be conveyed to the United States or to the State of Washington by deed or other instrument of conveyance and shall not require any consideration, if donated, other than the benefit which may be derived by the county on account of the use thereof and development of such property by the United States government or the state.

Without competitive bids.

Not to require consideration

May convey real or personal property to U. S.

SEC. 2. In any county where the Federal Government owns and maintains property under the jurisdiction of the navy department or war department, or any other Federal department, the Board of County Commissioners by majority vote may sell, lease or transfer to the United States government any real or personal property owned by said county, however acquired, for the use and benefit of any branch of the army, navy, marine corps or air forces thereof or for enlarging or improving any military base thereof, or for any other governmental housing project, or to the State of Washington, without requiring competitive bids or notice to the public and at such price and terms as the Board may deem for the best interests of the county. This property may be conveyed to the government of the United States by bill of sale or other instrument of conveyance and need not require consideration other than the benefit which may be derived by the county on account of the use thereof and development of such property by the United States government. The State of Washington may buy and/or sell such property, or the State of Washington may buy and/or sell such property for the purposes

Uses.

Without competitive bids.

Method of conveyance.

State may buy, convey or exchange.

herein stated; or mutually interchange or trade such property or purchase one from the other.

SEC. 3. 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.

Resolution
for option.

SEC. 4. 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 tracts or parcels of land so conveyed to it: *Provided*, That all civil process issued from the Courts 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.

Exclusive
jurisdiction
to U. S.

State retains
right of civil
and criminal
process.

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

Effective
immediately.

SEC. 6. Chapter 105, Laws of 1935 (sections 4026-1, 4026-2, and 4026-3, Remington's Revised Statutes) and chapter 44, Laws of 1937 (sections 4015-2, 4015-3, 4015-4 and 4015-5, Remington's Revised Statutes) are hereby repealed.

Statutes
repealed.

Passed the House March 12, 1941.

Passed the Senate March 12, 1941.

Approved by the Governor March 25, 1941.

CHAPTER 228.

[H. B. 277.]

HOUSING COSTS OF CERTAIN GOVERNMENTAL
FUNCTIONS.

AN ACT relating to the state government, providing for the payment of housing cost to the general fund by offices, departments and activities financed in whole or in part from other funds, prescribing the duties of officers, and declaring that the act shall take effect April 1, 1941.

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

Purpose.

SECTION 1. The purpose of this act is to provide that all offices, departments and activities of the state financed either in whole or in part from funds

Office rental.

other than the general fund of the state shall contribute their proportion of housing cost expended from the general fund for the use and benefit of such offices, departments and activities. Within the

Definition.

meaning of this act "housing cost" means the expense of operating and maintaining capitol buildings and grounds.

Duty of
Director of
Budget.

SEC. 2. It shall be the duty of the Director of Finance, Budget and Business, and he is hereby directed, at the close of each quarterly period ending March 31, June 30, September 30 and December 31, commencing with the quarter ending June 30, 1941, to bill each office, department and activity financed either in whole or in part from funds other than the general fund for payment of its proportion of housing

Rate.

cost for the preceding quarter, the amount so billed to be computed at the rate of seventy-five cents (\$.75) a year for each square foot of usable floor space assigned to or occupied by such office,

Proviso.

department or activity: *Provided*, That this act shall not be construed to prevent the Director from allotting available unused space to governmental agencies for temporary occupancy without charge whenever such temporary occupancy is deemed in the public interest. Upon receipt of such bill, each

office, department and activity financed either in whole or in part from funds other than the general fund shall cause a warrant or check in the amount thereof to be drawn upon its operating fund or other special or local fund within its jurisdiction in favor of the Director by whom the same shall be deposited in the State Treasury to the credit of the general fund.

Head of department to draw on operating fund.

Credit of general fund.

SEC. 3. If any portion of this act be held invalid or unconstitutional, or if the payment of housing cost out of any one or more of the funds affected by this act should be held to be unauthorized as beyond the power of the state, such holding shall not impair or invalidate the remainder of the act, in so far as it can be given effect.

Partial invalidity.

SEC. 4. This act is necessary for the immediate preservation of the public peace, health and safety, and support of the state government and its existing public institutions and shall take effect April 1, 1941.

Effective immediately.

Passed the House February 24, 1941.

Passed the Senate March 11, 1941.

Approved by the Governor March 25, 1941.

CHAPTER 229.

[H. B. 279.]

UNIFORM TRUSTEES ACCOUNTING ACT.

AN ACT concerning inventories and intermediate and final accountings by trustees and to make uniform the law with reference thereto.

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

Definitions.

SECTION 1. As used in this act:

A "Testamentary Trustee" means a trustee serving under a trust created by a will of a testator domiciled in this state at the time of his death whose will has been admitted to probate in this state, whether the trustee was appointed by the testator or by a court or other authority.

A "Non-testamentary Trustee" means a trustee serving under a trust created in this state otherwise than by a will, whether the trustee was appointed by the settlor or by a court or other authority.

The word "Trustee" includes trustees, a corporate as well as a natural person, a successor or substitute trustee, and the successor in interest of a deceased sole trustee.

"Beneficiary" includes a beneficiary under the trust, a person who is entitled to the trust capital at the termination of the trust and a surety on the bond of the trustee.

"Settlor" includes the creator of a testamentary as well as a non-testamentary trust.

"Relative" means a person related by blood, adoption, or marriage within the fourth degree, according to the civil law.

"Affiliate" means any person directly or indirectly controlling or controlled by another person, or any person under direct or indirect common cor

trol with another person. It includes any person with whom a trustee has an express or implied agreement regarding the purchase of trust investments by each from the other, directly or indirectly.

This act shall not apply to resulting trusts, constructive trusts, business trusts where certificates of beneficial interest are issued to the beneficiaries, investment trusts, voting trusts, insurance trusts prior to the death of the insured, trusts in the nature of mortgages or pledges, trusts created by judgment or decree of a Federal Court or of the Superior Court when not sitting in probate, liquidation trusts or trust for the sole purpose of paying dividends, interest or interest coupons, salaries, wages or pensions.

Act not applicable.

SEC. 2. Within thirty (30) days after it is the duty of the first qualifying Testamentary Trustee to take possession of the trust property he shall file with the Clerk of the Court where the will was admitted to probate an inventory under oath, showing by its items all the trust property which shall have come to his possession or knowledge.

Duties of Testamentary Trustee.

Inventory.

SEC. 3. Within thirty (30) days after the expiration of the first year after the first qualifying testamentary trustee was under a duty to file his inventory as prescribed in section 2, the Testamentary Trustee then in office shall file with the Clerk of said Court an intermediate account under oath covering such year and showing:

Account.

(a) the period which the account covers;

Contents.

(b) the names and addresses of the living beneficiaries known to the trustee, with a statement as to those known to be minors or under legally declared disability; and a description of any possible unborn or unascertained beneficiaries; and the name of the surety or sureties on the trustee's bond with the amount of such bond;

List of beneficiaries.

(c) in a separate schedule the trust principal

Trust principal.

on hand at the beginning of the accounting period and the then status of its investment; the investments received from the settlor and still held; additions to trust principal during the accounting period with the dates and sources of acquisition; investments collected, sold or charged off during the accounting period, with the consequent loss or gain and whether credited to principal or income; investments made during the accounting period, with the date, source and cost of each; deductions from principal during the accounting period, with the date and purpose of each; and trust principal on hand at the end of the accounting period, how invested, and the estimated market value of each investment;

Investments.

Income.

(d) in a separate schedule the trust income on hand at the beginning of the accounting period, and in what form held; trust income received during the accounting period, when, and from what source; trust income paid out during the accounting period, when, to whom, and for what purpose; trust income on hand at the end of the accounting period, and how invested;

That parties doing business are not affiliated or related.

(e) that neither any seller of, nor buyer from, the trustee of trust property during the accounting period was at the time of such sale or purchase (1) in the case of a corporate trustee an affiliate, or any officer, employee, or nominee of the trustee or of an affiliate; or was (2) in the case of non-corporate trustee a relative, partner, employer, employee, or business associate; but none of the provisions of this sub-section shall apply to purchases and sales made by brokers for the trustee or to stock exchanges;

Unpaid claims.

(f) a statement of unpaid claims with the reason for failure to pay them, including a statement as to whether any estate or inheritance taxes have become due with regard to the trust property, and if due, whether paid;

(g) a brief summary of the account;

Summary.

(h) such other facts as the Court may by rule or Court order require.

Within thirty (30) days after the end of each yearly period thereafter during the life of the trust the Testamentary Trustee then in office shall file with the same Court an intermediate account under oath showing corresponding facts regarding the current accounting period.

Annual intermediate account.

SEC. 4. Within thirty (30) days after the termination of every testamentary trust the trustee, and in the case of the transfer of the trusteeship due to the death, resignation, removal, dissolution, merger or consolidation of a sole trustee the successor in interest of the old trustee, shall file with the Clerk of the Court where the will was admitted to probate a final account under oath, showing for the period since the filing of the last account the facts required by section 3 regarding intermediate accountings and in case of termination of the trust the distribution of the trust property which the accountant proposes to make.

Duty of new trustee upon change.

Final account.

SEC. 5. Within thirty (30) days after the distribution of the trust property by the Testamentary Trustee he shall file in the Court where the final account was filed a distribution account of the trust property which he has distributed and the receipts of the distributees.

Final account.

SEC. 6. Every Testamentary Trustee who files an intermediate account in court shall within ten (10) days after such filing deliver to each known beneficiary a notice of such filing, and if there is to be no Court hearing on the account a summary of the account with an offer to deliver the full account on demand, or if there is to be a Court hearing on the account a copy of the account. Such delivery may be (1) by handing the notice or copy to the

Notice of account to beneficiaries.

Method of notice.

May petition
court for
hearing.

Hearing
every three
years.

Notice to
beneficiary.

Contents of
notice.

Fees.

beneficiary personally, or to his guardian, or attorney of record; or (2) by sending it by registered mail with return receipt requested to such beneficiary, or his guardian or attorney of record, at the last known address of the addressee. Any beneficiary or the trustee may petition the Court for a hearing on any intermediate account, and the holding of such a hearing shall be in the discretion of the Court. In the case of the third intermediate accounting and every three (3) years thereafter the Trustee shall apply to the Court for a hearing on and approval of all unapproved accounts and shall give each known beneficiary written notice of such application twenty (20) days before the return day thereof, in the manner prescribed for the delivery of the copy of the account. The return day of the application for a hearing on an intermediate accounting shall be at least twenty (20) days after the latest account was filed. The notice by the Trustee of the application for a hearing on and approval of the account shall inform the beneficiaries of the amount of commissions or other compensation to be requested by the Trustee on such hearing, and the amount of other fees which the Court will then be requested to allow.

Copy of
account to
beneficiaries.

SEC. 7. At least twenty (20) days before the return day of a final accounting the Testamentary Trustee shall deliver to each beneficiary a copy of the account and a notice of the time and place at which the account will be presented for approval, which date shall not be earlier than twenty (20) days after the account was filed. Such delivery may be accomplished in the same manner as with regard to the service of papers on the intermediate accounting. The notice shall inform the beneficiaries of the amount of commissions or other compensation to be requested by the Trustee on the application for approval of the account, and the amount of other fees which the court will then be requested to allow.

SEC. 8. When an intermediate or final account is presented for consideration in Court the Testamentary Trustee shall produce in Court vouchers for all expenditures of twenty dollars (\$20) or more, made by the Trustee during the accounting period. The vouchers shall be returned to the Trustee after the account is approved, but shall be reproduced by him upon order of the Court.

Vouchers for expenditures over 20 dollars.

SEC. 9. Any beneficiary who is an infant, of unsound mind or otherwise legally incompetent, and also possible unborn or unascertained beneficiaries shall be represented in a testamentary trust accounting by a guardian ad litem. If the residence of any beneficiary is unknown, or there is doubt as to the existence of one or more persons as beneficiaries, the Court shall make such provision for service of notice and representation on the accounting as it believes proper.

Incompetents to be represented by guardian ad litem.

SEC. 10. On the return day of an application for a hearing on and approval of an intermediate or final account the Testamentary Trustee shall file an affidavit proving the timely delivery to the known beneficiaries of the documents required by the act or by Court order. The procedure as to filing of objections, examination of the Trustee and other witnesses, inspection of the trust property, adjournments, reference to a master or other representative of the Court, amendment of the account, and similar matters, shall be in the discretion of the Court. The Court shall, as soon as practicable, act upon the account, and discharge the Trustee if the account is an approved distribution account.

Affidavit of service.

Procedure.

SEC. 11. The approval by the Court of a Testamentary Trustee's account after due notice and service of papers or representation as provided in this act, shall, subject to the right of appeal, relieve the Trustee and his sureties from liability to all ben-

Approval relieves Trustee.

Court may charge Trustee for breach.

eficiaries then known or in being, or who thereafter become known or in being, for all the Trustee's acts and omissions which are fully and accurately described in the account, including the then investment of the trust funds. The Court may disapprove the account and surcharge the Trustee for any loss caused by a breach of trust committed by him. The account may be reopened by the Court on motion of the Trustee or a beneficiary, for amendment or revision, if it later appears that the account is incorrect, either because of fraud or mistake. Court approvals or disapprovals of intermediate or final accounts shall be deemed final judgments in so far as the right of appeal is concerned. No account shall be reopened because of a mistake more than one year after its approval. No beneficiary may move for the reopening of any account because of fraud more than six (6) months after he discovers the existence of the fraud.

Order final.

Time for reopening.

Filing notice of appointment.

SEC. 12. Within thirty (30) days after it is the duty of the first qualifying Trustee of a non-testamentary trust to take possession of the trust property he shall file in the office of the Clerk of the Superior Court in the county where the trust was created a notice of his appointment as Trustee, a copy of the instrument creating the trust if the trust was created by a writing, a list of the names, addresses, and dates of birth of the known living beneficiaries, a description of any possible unborn or unascertained beneficiaries, and an inventory under oath of the trust property which shall have come to his possession or knowledge.

Copy of instrument.

Beneficiaries.

Inventory.

Procedure same as for Testamentary Trustee.

SEC. 13. Every Non-testamentary Trustee shall file intermediate, final and distribution accounts with the Clerk of the Superior Court in the county where the trust was created, at the same intervals, under the same conditions, and with the same effect as

herein provided with respect to the accountings of a Testamentary Trustee.

SEC. 14. The Clerk of the Court shall keep records of all trust inventories and accounts filed under this act, and shall within thirty (30) days after the filing should have occurred notify the Court of all failures by Trustees to file accounts in accordance with this act. The Court shall, upon learning that a Trustee subject to its jurisdiction has failed to perform any duty placed upon him by this act, issue a citation or order to the Trustee requiring him to perform such duty.

Duty of Clerk of Court.

Order of court.

SEC. 15. The settlor of any trust affected by this act may, by provision in the instrument creating the trust if the trust was created by a writing, or by oral statement to the Trustee at the time of the creation of the trust if the trust was created orally, or by an amendment of the trust if the settlor reserved the power to amend the trust, relieve his Trustee from any or all of the duties which would otherwise be placed upon him by this act, or add duties to those imposed by this act on his Trustee with regard to inventories and accountings. But no expression of intent by any settlor shall effect the jurisdiction of the Courts of this State over inventories and accounts of Trustees, in so far as such jurisdiction does not depend upon the provisions of this act.

Power of settlor.

Intent of settlor not to effect jurisdiction of court.

SEC. 16. Any beneficiary, if of full age and sound mind, may, if acting upon full information, by written instrument delivered to the Trustee, excuse the Trustee as to such beneficiary from performing any of the duties imposed on him by this act or exempt the trustee from liability to such beneficiary for failure to perform any of the duties imposed upon the trustee by the terms of this act.

Beneficiary of legal age may relieve Trustee.

SEC. 17. Nothing herein contained shall be construed to abridge the power of any court of com-

Powers of court.

Powers of court.

petent jurisdiction to require Testamentary or Non-Testamentary Trustees to file an inventory, to account, to exhibit the trust property, or to give beneficiaries information or the privilege of inspection of trust records and papers, at times other than those herein prescribed; and nothing herein contained shall be construed to abridge the power of such court for cause shown to excuse a Trustee from performing any or all of the duties imposed on him by this act. Nothing herein contained shall prevent the Trustee from accounting voluntarily when it is reasonably necessary, even though he is not required to do so by this act or by Court order.

Rights of beneficiary.

SEC. 18. Any beneficiary may apply to the Court of competent jurisdiction for an order requiring the Trustee to perform the duties imposed upon him by this act.

Trustee may be removed for breach.

SEC. 19. When a Trustee fails to perform any of the duties imposed upon him by this act he may be removed, his compensation may be reduced or forfeited, or other civil penalty inflicted, in the discretion of the Court.

Court may prescribe forms.

SEC. 20. The Courts given jurisdiction over accountings by this act may prescribe forms in which inventories and accounts shall be presented.

Oath of Trustee.

SEC. 21. Whenever an oath or affirmation is required of a Trustee under this act it may be made in the case of a corporate Trustee by an officer of such corporate Trustee, and in the case of co-Trustees acting jointly by any one of the co-Trustees.

Includes charitable trusts.

SEC. 22. This act shall apply to charitable trusts. Documents required to be delivered to beneficiaries of such trusts shall be delivered to the Attorney General of the State.

Uniform act.

SEC. 23. This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

SEC. 24. This act shall be cited as the Uniform Title.
Trustees' Accounting Act.

SEC. 25. If any provision of this act or the applica- Partial
tion thereof to any person or circumstance is held invalidity.
invalid, such invalidity shall not affect other pro-
visions or applications of the act which can be given
effect without the invalid provision or application,
and to this end the provisions of this act are declared
to be severable.

SEC. 26. All acts or parts of acts which are in- Inconsistent
consistent with the provisions of this act are hereby acts repealed.
repealed.

SEC. 27. This act shall apply only to non-testa- Application
mentary trusts created after the effective date of to future
this act and to testamentary trusts created by wills trusts.
in cases where the testator died subsequent to the
effective date of the act: *Provided, however,* That it Proviso.
shall not apply to trusts created by wills executed
prior to the effective date of the act which contains
provisions for accounting by the Trustee thereof in-
consistent with the provisions of this act.

SEC. 28. This act shall not apply to executors, Exception.
administrators or guardians.

Passed the House February 14, 1941.

Passed the Senate March 11, 1941.

Approved by the Governor March 25, 1941.

CHAPTER 230.

[H. B. 378.]

REGULATING ECONOMIC POISONS.

AN ACT relating to the Department of Agriculture; providing for the licensing, registration, labeling and branding of economic poisons, naming a board to promulgate rules and regulations, and providing fees and penalties, and repealing sections 6, 7 and 8 of chapter 166 of the Laws of 1915 as amended by section 2 of chapter 195 of the Laws of 1919 and section 4 of chapter 37 of the Laws of 1923 (sections 2844, 2845 and 2846 of Remington's Revised Statutes) and declaring an emergency.

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

Definitions
to apply.

SECTION 1. The definitions as given in this act shall apply as defined, unless the context clearly indicates otherwise:

Definitions.

(a) "Economic poisons" includes any substance, or mixture of substances intended to be used for preventing, destroying, repelling, or mitigating any and all insects, fungi, bacteria, weeds, rodents, predatory animals or any other form of plant or animal life which is, or which the Director may declare to be, a pest, which may infest or be detrimental to vegetation, man, animals or households, or be present in any environment whatsoever;

(b) "Insect" means any of the animals known as "insecta" and similar animals such as centipedes, spiders, mites, ticks and lice;

(c) "Weed" means any plant which grows where not wanted;

(d) "Rodent" means all members of the order Rodentia and all rabbits and hares;

(e) "Registrant" means a person who has registered an economic poison and has obtained a certificate of registration or license from the department;

(f) "Department" means the department of agriculture; Definitions.

(g) "Director" means the Director of the Department of Agriculture;

(h) "Person" includes firm, corporation, company, or association;

(i) "Sell" includes "offer for sale," "expose for sale," "have in possession for sale," "exchange," "barter" or "trade."

SEC. 2. The provisions of this article do not apply Exceptions.
to any of the preparations, drugs or chemicals intended to be used or sold for medicinal or toilet purposes which conforms to the standard tests prescribed in the latest edition of the United States Pharmacopoeia or National Formulary, nor to any preparations or substances manufactured and intended to be used or sold exclusively for toilet or medicinal purposes. Drugs, etc.

SEC. 3. Economic poison is adulterated when: Adulteration.

(a) Its strength or purity falls below the standard or quality under which it is represented to have.

(b) Any ingredient necessary to its effectiveness has been wholly or in part abstracted or omitted in its manufacture, or other materials substituted therefor.

(c) It is intended for use on vegetation and contains any substance or substances which is seriously injurious to vegetation, except weeds, when used according to the directions furnished therewith.

SEC. 4. Economic poison is misbranded when: Misbrand.

(a) The package or label thereon bears any false or misleading statement, design, or device regarding such article or the ingredients or substances contained therein.

(b) The package or label is falsely branded as to the place of manufacture or production.

Misbrand.

(c) It is an imitation or offered for sale under the name of another article.

(d) It is labeled or branded so as to deceive or mislead the purchaser.

(e) The contents of the package as originally put up have been removed in whole or in part and other contents placed in such packages, or the contents of the package are of a quality below that of the guarantee on the label or on the application for registration of the economic poison or of the analysis of the representative sample delivered in connection with the application for registration of the economic poison.

(f) In package form, and the contents, if stated in terms of weight or measure, are not plainly and correctly stated on the outside of the package.

(g) It consists partially or completely of any inert ingredients which are not effective as economic poisons, and does not have the names and percentage of each such inert ingredient plainly and correctly stated on the label. In lieu of naming and stating the percentage of each such inert ingredient, the producer may state the correct names and percentages of each active ingredient which is effective as economic poisons, and the total percentage of such inert ingredients present, except that the name and percentage of every ingredient of an economic poison intended for use on or sold for application to any food crop in such a way as to leave a residue declared deleterious to health by the United States Food and Drug Administration or by the Director, must be plainly stated on the label.

Duty of registrant.

Sealed package.

Label.

SEC. 5. The registrant of economic poisons shall attach to every separate lot, and every separate, finished, sealed or closed container or package of economic poisons which he intends to sell, a plainly printed label, stating the name, brand or trademark,

if any, under which sold, and the name and address of the registered manufacturer, importer, or vendor.

Sales of economic poisons other than non-poisonous insecticidal preparations for spraying animals in any other than the registrants sealed or closed container or package are prohibited, except as herein provided. The Director may, in his discretion, in accordance with regulations prescribed by him, authorize sales of economic poisons to be made out of registrant's opened but properly labeled lot, container or package. The Director shall serve notice of his proposed action, by depositing a copy thereof in a United States post office, enclosed in a sealed envelope with postage prepaid thereon and addressed to each economic poisons registrant at his last address on file with Department, and allow fifteen (15) days during which any protest may be filed. In the case of all sales from opened containers the purchaser must be furnished with tag, label or statement setting forth all of the information required by law to be stated on labels or packages.

Sales prohibited unless sealed and labeled.

Exception.

Copy of notice.

Protest.

Label for bulk sales.

SEC. 6. It is unlawful to sell any adulterated or misbranded economic poison.

Unlawful act

SEC. 7. In any prosecution of any agent or dealer under the provisions of section 6 it is a complete defense to prove that the adulterated or misbranded economic poison which is the basis of said prosecution was guaranteed by the party from whom said agent or dealer purchased the same to be not adulterated or misbranded.

Guarantee of manufacturer relieves dealer.

SEC. 8. The Director shall consult with a board consisting of himself, the professor of entomology and head of the Department of Zoology, the professor and head of the Department of Plant Pathology, the professor and head of the Department of Horticulture, all of the State College of Washington, and the State Chemist, to make rules and regulations

Consulting board created.

Rules by board.

for carrying out the provisions of this act. No rule or regulation shall be promulgated except by a vote of the majority of said board. No rule or regulation shall become effective until the expiration of thirty (30) days after it shall have been first promulgated by a proclamation signed by the Director. A copy of such rules and regulations shall be mailed to each person registered in compliance with the provisions of this act on the day the rules and regulations are promulgated. The failure to receive such copy is no defense to a violation of such rules or regulations.

Time effective.

Examinations of poisons.

SEC. 9. The Director shall take samples of economic poisons, make analyses or examinations thereof, and make such investigations as are necessary for the full enforcement of this act.

Printed analysis of poisons.

SEC. 10. The Director shall periodically, at least annually, print and distribute the results of examinations or chemical analyses of official samples of economic poisons taken by him, and such additional information as he deems advisable.

License for manufacturer or importer of poisons.

SEC. 11. Every manufacturer of, importer of, or dealer in any economic poison, except dealers or agents selling economic poison which has been registered by the manufacturer or wholesaler thereof and persons selling raw material to manufacturers of economic poisons, before the same is offered for sale shall obtain a license from the Department. The annual fee is ten dollars (\$10), payable to the Department of Agriculture. The payment of such fee shall permit the registrant to manufacture, import, or deal in one (1) definitely labeled economic poison of a definite name or a definite composition, and for each such variety over one (1) an additional fee of five dollars (\$5) shall be paid. County, State and Federal officers or employees selling economic poison at cost shall not be required to pay a license fee. Each applicant for a license shall also file a state-

Annual fee.

Privileges under license.

Additional fee for each variety.

Federal officers exempt from license fee.

ment of the brands, trade-marks, and kinds of economic poisons intended to be manufactured or sold, the correct name and percentage of each active ingredient and the total percentage of inert ingredients contained therein. In lieu of the statement of the correct name and percentage of each active ingredient and the total percentage of inert ingredients contained therein, there may be delivered to the Director a representative sample of not less than one (1) pound of each economic poison desired to be registered. Additions or corrections to the above statement may be submitted at any time.

Statement of applicant.

SEC. 13. When any manufacturer, importer, or dealer in economic poisons has complied with this act and the rules and regulations provided for therein and applies for registration of economic poisons, and for a license, the Director shall register each economic poison sought to be registered and issue a license to the applicant authorizing the manufacture and sale of economic poison, or, if necessary, shall call a hearing. All licenses and registrations expire on December thirty-first of each year. If re-registration is not obtained within one (1) calendar month after the expiration of a registration, there shall be added to the fee a penalty of ten per cent (10%), to which shall be added an additional penalty of five per cent (5%) of the original amount due, for each succeeding calendar month, but the total penalty shall not exceed fifty per cent (50%) of the original amount due. No penalty shall be collected if the person re-registered makes an affidavit that no business was done during the period of non-registration. The payment of such fee or penalty is not a bar to any prosecution for doing business without proper registry.

Duty of Director.

License for calendar year.

Penalty for non-payment.

Exception.

Payment of fee no bar to prosecution.

It shall be unlawful to manufacture, deliver, or sell, any economic poison, any substance or mixture of substances that is represented to be an economic

Acts unlawful without license.

poison or retail any formula for an economic poison in conjunction with the sale or gift of materials represented to be the essential ingredients necessary to constitute an economic poison, without a license or which is not registered as required by this act: *Provided, however,* That this paragraph shall not apply to economic poisons products of a registrant, which products are manufactured solely for export outside this state and are so exported.

Exception.

Exports.

Director may cancel.

SEC. 14. The Director may, after hearing, cancel the registration of, or refuse to register, any economic poison:

Causes.

(a) Which is of little or no value for the purpose for which it is intended, or which is detrimental to vegetation, except weeds, to domestic animals, or to the public health and safety when properly used, and may require such practical demonstration as may be necessary to determine said facts.

(b) Concerning which false or misleading statements are made or implied by the registrant or his agent, either verbally or in writing or in the form of advertising literature.

Violation of rules.

The Director may cancel the license of, or, refuse to license any manufacturer, importer, or dealer in economic poison who repeatedly violates any of the provisions of this article or the rules and regulations of the Director.

Notice to licensee of violation.

SEC. 15. When the Director becomes cognizant of an apparent violation of any provision of this act or of any rule or regulation promulgated hereunder, he may cause notice of such fact, together with a copy of the charges to be served on the person suspected of the violation. The person notified shall be given an opportunity to be heard under rules and regulations promulgated for that purpose. The provisions of this section shall not be a condition precedent to the institution of any action to prosecute a violation of this act.

May be heard.

SEC. 16. The Director may seize and quarantine any economic poison which is adulterated, or misbranded within the meaning of this act, or detrimental to agriculture or to the public health, or which is otherwise not in conformity with any provision of this act. It shall be unlawful for any person to transport, destroy or dispose of any quarantined economic poison without securing a permit from the Director.

Director may seize poison not conforming to act.

SEC. 17. No person charged with the enforcement or execution of any of the provisions of this act shall be directly or indirectly interested in the sale, manufacture or distribution of any economic poison.

No enforcement official to have interest in any such business.

SEC. 18. The Prosecuting Attorney of any county in which a violation of any provision of this code occurs shall, upon request of any enforcing officer or other interested person, prosecute such violation.

Prosecuting Attorney to enforce.

SEC. 19. All money received by the Director under the provisions of this act shall be paid into the State Treasury and shall be expended by the Director in carrying out the provisions of this act.

Funds collected to be used for carrying out act.

SEC. 20. Sections 6, 7 and 8 of chapter 166 of the Laws of 1915, as amended by section 2 of chapter 195 of the Laws of 1919 and section 4 of chapter 37 of the Laws of 1923 (sections 2844, 2845 and 2846 of Remington's Revised Statutes), are hereby repealed.

Statutes repealed.

SEC. 21. This act is necessary for the immediate preservation of the public peace, health and safety and shall take effect immediately.

Effective immediately.

Passed the House March 11, 1941.

Passed the Senate March 10, 1941.

Approved by the Governor March 25, 1941.

CHAPTER 231.

[H. B. 473.]

APPRENTICESHIP.

AN ACT providing for a system of apprenticeship whereby voluntarily made agreements of apprenticeship would be encouraged; establishing standards for such agreements; creating an Apprenticeship Council and a Director of Apprenticeship and defining their duties and the duties of the Commissioner of the Department of Labor and Industries as related to the apprenticeship program.

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

Council
appointed by
Dept. of
L. & I.

Composition.

Terms of
office.

Ex officio
members.

Compensa-
tion and
expenses.

SECTION 1. Apprenticeship Council. The Commissioner of the Department of Labor and Industries shall appoint an Apprenticeship Council, composed of three representatives each from employer and employee organizations, respectively. The terms of office of the members of the Apprenticeship Council first appointed by the Commissioner of the Department of Labor and Industries shall be as follows: One representative each of employers and employees shall be appointed for one year, two years, and three years, respectively. Thereafter, each member shall be appointed for a term of three years. Each member shall hold office until his successor is appointed and has qualified and any vacancy shall be filled by appointment for the unexpired portion of the term. The state official who has been designated by the State Board for Vocational Education as being in charge of trade and industrial education and the state official who has immediate charge of the state public employment service shall ex officio be members of said council, without vote. Each member of the Council, not otherwise compensated by public moneys, shall be reimbursed for transportation and expenses and shall be paid not more than five dollars (\$5) for each day spent in attendance at meetings of the Council. The Apprenticeship Council with the consent of

employee and employer groups shall: (1) establish standards for apprenticeship agreements in conformity with the provisions of this act; (2) issue such rules and regulations as may be necessary to carry out the intent and purposes of this act; and (3) perform such other duties as are hereinafter imposed. Not less than once a year the Apprenticeship Council shall make a report through the Commissioner of the Department of Labor and Industries on November 1, of its activities and findings to the Legislature which shall be made available to the public.

Duties of Council.

SEC. 2. Director of Apprenticeship and other personnel. Subject to the confirmation of the State Apprenticeship Council by a majority vote, the Commissioner of the Department of Labor and Industries shall appoint a Director of Apprenticeship whose salary shall be four thousand two hundred dollars (\$4200) per year. Under the supervision of the Commissioner of the Department of Labor and Industries and with the advice and guidance of the Apprenticeship Council, the Director shall: (1) encourage and promote the making of apprenticeship agreements conforming to the standards established by or in accordance with this act, and in harmony with the policies of the United States Department of Labor; (2) act as Secretary of the Apprenticeship Council and of state joint apprenticeship committees; (3) when so authorized by the Apprenticeship Council, register such apprenticeship agreements as are in the best interests of the apprentice and conform to the standards established by or in accordance with this act; (4) keep a record of apprenticeship agreements and upon performance thereof issue certificates of completion of apprenticeship; (5) terminate or cancel any apprenticeship agreements in accordance with the provisions of such agreements; and who (6) may act to bring about the settlement of differences arising out

Appointment of Director.

Salary.

Duties.

of the apprenticeship agreement where such differences cannot be adjusted locally or in accordance with the established trade procedure.

Duties of vocational board.

Related and supplemental instruction for apprentices, coordination of instruction with job experiences, and the selection and training of teachers and coordinators for such instruction shall be the responsibility of the State Board for Vocational Education and its local recognized agencies for vocational education. The Commissioner of the Department of Labor and Industries is authorized to appoint such other personnel as may be necessary to aid the Apprenticeship Council and the Director of Apprenticeship in the execution of their functions under this act.

Other personnel.

Joint committees.

SEC. 3. Local and state joint apprenticeship committees. Local and state joint apprenticeship committees may be approved, in any trade or group of trades, in cities or trade areas, by the Apprenticeship Council, whenever the apprentice training needs of such trade or group of trades justifies such establishment. Such local or state joint apprenticeship committees shall be composed of an equal number of employer and employee representatives chosen from names submitted by the respective local or state employer and employee organizations in such trade or group of trades. In a trade or group of trades in which there is no bona fide employer or employee organization, the joint committee shall be composed of persons known to represent the interests of employer and of employees respectively, or a state joint apprenticeship committee may be approved as, or the Council may act itself as the joint committee in such trade or group of trades. Subject to the review of the Council and in accordance with the standards established by this act and by the Council, such committees shall devise standards for apprenticeship agreements and give such aid as

Composition.

Duties.

may be necessary in their operation, in their respective trades and localities.

SEC. 4. Standards for apprenticeship agreements. Standards for apprenticeship agreements are as follows:

Standards for
agreements.

(1) A statement of the trade or craft to be taught and the required hours for completion of apprenticeship which shall be not less than four thousand (4000) hours of reasonably continuous employment.

(2) A statement of the processes in the trade or craft divisions in which the apprentice is to be taught and the approximate amount of time to be spent at each process.

(3) A statement of the number of hours to be spent by the apprentice in work and the number of hours to be spent in related and supplemental instruction which instruction shall be not less than one hundred forty-four (144) hours per year.

(4) A statement of the age of the apprentice which may not be less than sixteen years of age.

(5) A statement of the progressively increasing scale of wages to be paid the apprentice.

(6) Provision for a period of probation during which the Apprenticeship Council or the Director of Apprenticeship may terminate an apprenticeship agreement at the request in writing of any party thereto. After the probationary period the Apprenticeship Council, or the Director of Apprenticeship, under a procedure approved by the Council, shall be empowered to terminate the apprenticeship agreement in accordance with the provisions of such agreement.

(7) Provision that the services of the Director and the Apprenticeship Council may be utilized for consultation regarding the settlement of differences arising out of the apprenticeship agreement where such differences cannot be adjusted locally or in accordance with the established trade procedure.

(8) Provision that if an employer is unable to fulfill his obligation under the apprenticeship agreement he may transfer such obligation to another employer.

(9) Such additional standards as may be prescribed in accordance with the provisions of this act.

Agreements.

SEC. 5. Apprenticeship agreements. For the purposes of this act an apprenticeship agreement is:

Contents.

(1) An individual written agreement between an employer and apprentice, or (2) a written agreement between an employer, or an association of employers, and an organization of employees describing conditions of employment for apprentices, or (3) a written statement describing conditions of employment for apprentices in a plant where there is no bona fide employee organization.

All such agreements shall conform to the basic standards and other provisions of this act.

Voluntary election.

SEC. 6. Limitation. The provisions of this act shall apply to a person, firm, corporation or craft only after such person, firm, corporation or craft has voluntarily elected to conform with its provisions.

Appropriation.

SEC. 7. Appropriation. Necessary appropriation should be made in accordance with state budgetary practices.

Partial invalidity.

SEC. 8. Separability. If any provision of this act, or the application thereof to any person or circumstances, is held invalid, the remainder of the act, and the application of such provision to other persons and circumstances, shall not be affected thereby.

Passed the House March 5, 1941.

Passed the Senate March 11, 1941.

Approved by the Governor March 25, 1941.

CHAPTER 232.

[H. B. 527.]

REIMBURSEMENT OF AURORA AVENUE AND BELLINGHAM ASSESSMENT PAYERS.

AN ACT relating to highways, providing that property owners who have been assessed for the improvement of the Aurora Highway in Seattle shall be reimbursed from five per cent (5%) of the motor vehicle funds allocated to the city of Seattle, and amending section 4, chapter 181, Laws of 1939.

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

SECTION 1. Section 4, chapter 181, Laws of 1939 (section 6600-3a, Remington's Revised Statutes) is amended to read as follows: Amendments.

Section 4. Funds credited to the incorporated cities and towns of the State of Washington as set forth in sub-section (a) of section 3 above shall be subject to deduction and distribution as follows:

(a) One and one-half per cent (1½%) of such sums shall be deducted monthly as such sums are credited and set aside for the use of the Director of Highways for the supervision of the work and expenditures of such incorporated cities and towns on the city and town streets thereof;

Deduction and distribution.

(b) The balance remaining to the credit of incorporated cities and towns after such deduction shall be credited in the motor vehicle fund to each of the several incorporated cities and towns in the direct proportion that the population of each thereof shall bear to the population of all incorporated cities and towns in the state, such credit to be made monthly as such funds accrue. The population basis upon which such credit shall be made shall be as determined by the official United States census of 1930 for all incorporated cities and towns having corporate existence on that date: *Provided*, In case of cities and towns incorporated subsequent to the

taking of such census, population shall be determined as of the date of incorporation as evidenced by the certificate of the incorporating officials thereof. Any incorporated city or town which may disincorporate shall upon the date thereof cease to receive the credit of any funds as herein provided, and all credit accrued to such incorporated city or town shall be distributed to the credit of the remaining cities and towns: *Provided further*, 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 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 per cent (5%) 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 annually determine the amount equal to five per cent (5%) of the credit to the City of Seattle in the motor vehicle fund which shall become available for the purposes of this sub-section, and shall compute the percentage that the annual 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 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

Disin-
corporation
stops credits.

Aurora
Avenue
allotment.

Amount.

Duty of City
Treasurer.

Pay
taxpayers.

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 per cent (5%) shall be paid by the State Auditor to the City Treasurer on proper vouchers therefor for such reimbursement: *And provided further*, Out of money apportioned to the City of Bellingham by the terms of sub-divisions (d) and (e), chapter 208, Laws of 1937, 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 (\$20,000) 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 pro-rated 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.

Allotment to Bellingham.

Amount.

Repay taxpayers.

(c) There is hereby appropriated from the motor vehicle fund, the sum of twenty thousand dollars (\$20,000) to be paid to the City of Bellingham, and the city is directed to deposit such sum into the Local Improvement District Fund No. 937 of said city for the benefit of the assessment payers on Elm Street and North West Avenue. The said sum above mentioned shall be pro-rated and paid to said assessment payers in the proportion which the amount paid by each of the said assessment payers bears to the whole of said assessment made against the property on Elm Street and North West Avenue located within the said Local Improvement District No. 937. The sum of twenty thousand dollars (\$20,000) after payment as herein provided shall be deducted from

Appropriation for Bellingham.

Sum
deducted
from
allotment.

any sum allocated to the City of Bellingham as provided in section 4, chapter 181, Laws of 1939. Said sum shall be in lieu of any and all sums allocated to said Local Improvement District No. 937 by chapter 181, Laws of 1939 or chapter 208, Laws of 1937.

Date
effective.

SEC. 2. This act is necessary for the immediate preservation of the public peace, health and safety, for the support of the state government and its existing institutions and shall take effect on the first day of April, 1941.

Passed the House March 12, 1941.

Passed the Senate March 11, 1941.

Approved by the Governor March 25, 1941.

CHAPTER 233.

[H. B. 542.]

CAPITOL BUILDING BONDS.

AN Act relating to capitol building bonds, issued by the State Capitol Committee in pursuance of chapter 27, Laws of 1925.

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

Condition of
bonds.

SECTION 1. That, whereas the State Capitol Committee has heretofore issued approximately four million dollars (\$4,000,000) in negotiable bonds for the construction of the state capitol buildings in pursuance of chapter 27, Laws of 1925, of which three million four hundred fifty thousand dollars (\$3,450,000) are presently outstanding, all of said outstanding bonds having been purchased and owned by the state accident fund, as authorized by law; and it being now apparent that the revenues from the Federal timber grant for capitol purposes will not be sufficient to retire the bonds at the expiration of twenty (20) years from their date; and whereas the interest rate set for said bonds, namely, four and one-half per cent (4½%), is higher than present eco-

conomic conditions warrant; therefore the maturity of the bonds should be extended and should draw a smaller interest.

SEC. 2. The State Treasurer and the State Capitol Committee are hereby authorized and directed to endorse on the outstanding capitol building bonds issued in pursuance of chapter 27, Laws of 1925, a statement to the effect that the maturity date thereof is extended for not exceeding twenty (20) years, and that the rate of interest payable hereafter shall be in such amount as they may specify, not however exceeding two and one-half per cent (2½%), and thereafter said bonds shall mature and draw interest according to the endorsement.

Extension of maturity.

Interest rate.

Passed the House March 7, 1941.

Passed the Senate March 13, 1941.

Approved by the Governor March 24, 1941.

CHAPTER 234.

[S. B. 30.]

GENERAL APPROPRIATION.

AN ACT making appropriations for the payment of salaries of certain officers and employees of the state and for the operation, maintenance and other expenses of certain state institutions, departments and offices, for the purchase 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 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, 1941, and ending March 31, 1943, 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 following sums, or so much thereof as shall severally be found necessary, are hereby appropriated out of any of the monies in the

Appropriation authorized.

- Purposes.** 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 buildings, and improvements for the various state institutions, and for emergencies, and for refunds, and for sundry civil expenses of the state government, and for public assistance, and for purposes specified in certain acts of Congress, and for miscellaneous purposes hereinbelow designated and mentioned and hereinafter expressed, for the fiscal biennium beginning April 1, 1941, and ending March 31, 1943, except as otherwise provided.
- Period.**
- Construction: Capital outlay.** SEC. 2. 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.
- Construction: 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.
- Construction: Operations.** 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*, That allowances made for subsistence and lodging for elective or appointive officers and employees while away from their domicile on state
- Restriction.**
- Scrip books.**
- Subsistence while traveling.**

business shall equal actual expenses incurred there-
 for, but shall not exceed four dollars (\$4.00) per Limit.
 diem for meals and lodging: *And provided, further,*
 That the sole compensation for personal automobiles Mileage for
 used in connection with state business shall not ex- personal cars.
 ceed four cents (4¢) per mile.

FROM THE GENERAL FUND.

| | | Appropriations itemized. |
|--|-------------|-----------------------------|
| FOR THE GOVERNOR'S OFFICE: | | |
| Salaries, Wages and Operations. | \$45,000.00 | Governor's office. |
| Investigation and Emergency Purposes, to be distributed on vouchers approved by the Gov- ernor | 16,000.00 | |
| Extradition Expenses (including Deficiencies) | 12,000.00 | |
| Total | <hr/> | \$73,000.00 |
| FOR THE GOVERNOR'S MANSION: | | |
| Maintenance, to be distributed on vouchers approved by the Gov- ernor | | Governor's mansion. |
| | | \$12,000.00 |
| FOR THE LIEUTENANT GOVERNOR: | | |
| Salary of the Lieutenant Gover- ner | \$2,400.00 | Lieutenant Governor. |
| Other Salaries, Wages and Oper- tions | 2,400.00 | |
| Maintenance | 7,200.00 | |
| Total | <hr/> | \$12,000.00 |
| FOR THE SECRETARY OF STATE: | | |
| Salaries and Wages..... | \$66,000.00 | Secretary of State. |
| Operation | 29,000.00 | |
| For carrying out all duties of the Secretary of State under Initiative and Referendum and related laws; and resolutions re- lating to Constitutional Amend- ments | 40,000.00 | |
| Bureau of Statistics and Immi- gration: Salaries, Wages and Operations | 10,000.00 | |
| Total | <hr/> | \$145,000.00 |
| FOR THE STATE TREASURER: | | |
| Salaries and Wages..... | \$71,600.00 | Treasurer. |
| Operations | 18,500.00 | |
| Total | <hr/> | \$90,100.00 |

Treasurer.

FROM THE MOTOR VEHICLE FUND.

| | | |
|-------------------------|-----------------------------|-------------|
| Salaries and Wages..... | \$25,200.00 | |
| Operations | 6,500.00 | |
| Total | <u> </u> | \$31,700.00 |

FROM THE FISHERIES FUND.

| | | |
|-------------------------|-----------------------------|-------------|
| Salaries and Wages..... | \$16,000.00 | |
| Operations | 7,500.00 | |
| Total | <u> </u> | \$23,500.00 |

FROM THE GENERAL FUND.

Auditor.

FOR THE STATE AUDITOR:

| | | |
|-------------------------|-----------------------------|--------------|
| Salaries and Wages..... | \$65,000.00 | |
| Operations | 7,500.00 | |
| Special Printing | 3,000.00 | |
| Departmental Audits: | | |
| Salaries and Wages..... | 40,680.00 | |
| Operations | 15,000.00 | |
| Total | <u> </u> | \$131,180.00 |

FROM THE MOTOR VEHICLE FUND.

| | | |
|--------------------------------|-----------------------------|-------------|
| Salaries and Wages..... | \$22,000.00 | |
| Operations | 6,000.00 | |
| Audit, Department of Highways: | | |
| Salaries and Wages..... | 13,800.00 | |
| Operations | 3,000.00 | |
| Total | <u> </u> | \$44,800.00 |

FROM THE GENERAL FUND.

Division of Municipal Corporations:

| | | |
|---|-----------------------------|-------------|
| Salaries and Wages..... | \$38,600.00 | |
| Operations | 14,000.00 | |
| Vetoed.} Codifying and Printing Laws... | 6,000.00 | |
| Total | <u> </u> | \$58,600.00 |

Attorney
General.

FOR THE ATTORNEY GENERAL:

| | | |
|--|-----------------------------|--------------|
| Salaries and Wages..... | \$120,120.00 | |
| Operations | 25,496.56 | |
| Printing Briefs, Court Costs, and Expenses of Litigation in Federal Courts | 15,000.00 | |
| Indexing Session Laws..... | 500.00 | |
| Total | <u> </u> | \$161,116.56 |

FROM THE CURRENT SCHOOL FUND.

Superin-
tendent of
Public
Instruction.

FOR THE SUPERINTENDENT OF PUBLIC

INSTRUCTION:

| | | |
|-------------------------|-------------|--|
| Salaries and Wages..... | \$95,000.00 | |
| Operations | 42,500.00 | |

| | | |
|--|-------------|--|
| National Defense and Other Activities: | | } Vetoed. Superintendent of Public Instruction. |
| Salaries, Wages and Operations | \$30,600.00 | |
| To Publish the Washington State Manual and Other Publications required by Law..... | 7,500.00 | |
| Legal Services: | | |
| Salaries and Wages..... | 8,400.00 | |
| Operations | 750.00 | |
| Total | _____ | \$184,750.00 |

FROM THE GENERAL FUND.

| | | |
|---|--------------|-------------------------|
| State Library: | | |
| Salaries, Wages and Operations..... | | \$50,000.00 |
| FOR THE COMMISSIONER OF PUBLIC LANDS: | | |
| Salaries and Wages..... | \$160,000.00 | |
| Operations | 65,000.00 | |
| Audit by Division of Budget.... | 5,000.00 | |
| Appraisal of Property, United States National Park Lands: | | |
| Salaries, Wages and Operations | 15,000.00 | |
| Total | _____ | \$245,000.00 |
| FOR THE INSURANCE COMMISSIONER: | | Insurance Commissioner. |
| Salaries and Wages..... | \$162,000.00 | |
| Operations | 50,000.00 | |
| Total | _____ | \$212,000.00 |
| FOR THE SUPREME COURT JUDGES: | | Supreme Court. |
| Salaries and Wages..... | \$220,440.00 | |
| Operations | 21,128.50 | |
| Total | _____ | \$241,568.50 |
| FOR THE STATE LAW LIBRARY: | | Law Library. |
| Salaries and Wages..... | \$16,600.00 | |
| Operations | 14,000.00 | |
| Total | _____ | \$30,600.00 |
| FOR THE JUDICIAL COUNCIL: | | Judicial Council. |
| Salaries and Wages..... | \$1,800.00 | |
| Operations | 1,200.00 | |
| Total | _____ | \$3,000.00 |
| FOR THE UNIFORM LAW COMMISSION: | | Uniform Law Commission. |
| Operations | | \$500.00 |
| FOR THE SUPERIOR COURT JUDGES: | | Superior Court Judges. |
| Salaries and Wages..... | \$263,000.00 | |
| Expenses, Judges in Joint Districts | 5,700.00 | |
| Total | _____ | \$268,700.00 |

| | | | |
|--|---|--------------|-------------|
| Association of Superior Court Judges. | FOR THE ASSOCIATION OF SUPERIOR COURT JUDGES: | | |
| | Operations | | \$1,750.00 |
| Judges re- tirement fund. | FOR THE JUDGES' RETIREMENT FUND: To be expended in accordance with the provisions of chapter 229, Laws of 1937..... | | \$16,200.00 |
| Athletic Commission. | FOR THE STATE ATHLETIC COMMIS- SION: | | |
| | Salaries and Wages..... | \$5,670.00 | |
| | Operations | 3,000.00 | |
| | Total | | \$8,670.00 |
| Board for certification of librarians. | FOR THE STATE BOARD FOR THE CER- TIFICATION OF LIBRARIANS: | | |
| | Operations | | \$300.00 |
| | FROM THE CURRENT SCHOOL FUND. | | |
| Board of Education. | FOR THE STATE BOARD OF EDUCATION: | | |
| | Salaries and Wages..... | \$12,000.00 | |
| | Operations | 2,500.00 | |
| | Total | | \$14,500.00 |
| | FROM THE GENERAL FUND. | | |
| | To be expended in accordance with the provisions of chapter 154, Laws of 1935, providing assistance for Blind Students..... | | \$2,000.00 |
| Board for Vocational Education. | FOR THE STATE BOARD FOR VOCA- TIONAL EDUCATION: | | |
| | Salaries and Wages..... | \$51,350.00 | |
| | Operations | 24,855.14 | |
| | Total | | \$76,205.14 |
| | FROM THE GENERAL FUND. | | |
| | To secure Federal Vocational Re- habilitation Fund (Expendi- tures not to exceed amounts expended from appropriation for Civilian Vocational Reha- bilitation) | | \$88,362.24 |
| | 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 sup- plementary thereto, providing for the promotion and develop- ment of vocational education.. | \$559,667.88 | |

| | | |
|--|-------------|---------------------------------|
| To be expended in accordance with the provisions of Act of Congress approved June 2, 1920, and subsequent amendments, providing for civilian vocational rehabilitation | \$88,362.24 | Board for Vocational Education. |
| Total | \$88,362.24 | \$648,030.12 |

FOR THE STATE BOARD FOR VOCATIONAL EDUCATION:

| | |
|---|----------------|
| To be expended in accordance with the provisions of Acts of Congress Public Law 668, chapters 437 and 812, chapter 780—Seventy Sixth Congress, amendatory or supplementary thereto providing for the promotion and development of Vocational Education and training for workers essential to the National Defense and/or other Acts of Congress which may be made available to the State Board for Vocational Education | \$5,000,000.00 |
|---|----------------|

FROM THE GENERAL FUND.

| | | |
|----------------------------------|-------------|--------------------|
| FOR THE STATE BOARD OF PHARMACY: | | Board of Pharmacy. |
| Salaries and Wages..... | \$10,000.00 | |
| Operations | 8,000.00 | |
| Total | \$18,000.00 | |

FROM THE PUGET SOUND PILOTAGE FUND.

| | | |
|--|------------|----------------------------------|
| FOR THE STATE BOARD OF PILOTAGE COMMISSIONERS: | | Board of Pilotage Commissioners. |
| Salaries and Wages..... | \$2,400.00 | |
| Operations | 2,500.00 | |
| Total | \$4,900.00 | |

FROM THE GENERAL FUND.

| | | |
|---|--------------|-------------------------------------|
| FOR THE BOARD OF PRISON, TERMS AND PAROLES: | | Board of Prison, Terms and Paroles. |
| Salaries and Wages..... | \$85,000.00 | |
| Operations | 28,500.00 | |
| Total | \$113,500.00 | |
| FOR THE STATE CAPITOL COMMITTEE: | | Capitol Committee. |
| Salaries and Wages..... | \$7,500.00 | |
| Operations | 3,500.00 | |
| Total | \$11,000.00 | |

FROM CAPITOL BUILDING CONSTRUCTION FUND.

| | | |
|-----------------------|--|-------------|
| Capitol Committee. | Major Alterations and Comple- tion Temple of Justice..... | \$75,000.00 |
|-----------------------|--|-------------|

FROM THE GENERAL FUND.

| | | |
|-----------------------|--|-------------|
| Finance Committee. | FOR THE STATE FINANCE COMMIT- TEE: Salaries, Wages and Operations..... | \$10,000.00 |
|-----------------------|--|-------------|

FROM THE PARKS AND PARKWAY FUND.

| | | |
|---------------------|---|--------------|
| Parks Committee. | FOR THE STATE PARKS COMMITTEE: Salaries, Wages and Operations..... | \$185,000.00 |
|---------------------|---|--------------|

FROM THE MILLERSYLVANIA PARK CURRENT FUND.

| | | |
|--|--|----------|
| | Improvement, Maintenance and Upkeep of Millersylvania Park..... | \$400.00 |
|--|--|----------|

FROM THE GENERAL FUND.

| | | |
|---------------|--|----------|
| Forest Board. | FOR THE STATE FOREST BOARD: Salaries, Wages and Operations..... | \$500.00 |
|---------------|--|----------|

| | | |
|----------------------|---|-------------|
| Planning Council. | FOR THE WASHINGTON STATE PLAN- NING COUNCIL: Salaries, Wages and Operations.. | \$40,000.00 |
| | Columbia Basin Activities: Salaries, Wages and Operations | 4,500.00 |
| | Total | \$44,500.00 |

FROM THE TEACHERS' RETIREMENT FUND.

| | | |
|--|--|----------------|
| Board of Trustees of Teachers Retirement System. | FOR THE BOARD OF TRUSTEES OF THE STATE TEACHERS' RETIREMENT SYSTEM: Salaries and Wages..... | \$53,000.00 |
| | Operations | 13,000.00 |
| | For the Payment of Annuities, Awards and Refunds as pro- vided by law..... | 1,575,260.00 |
| | Total | \$1,641,260.00 |

FROM THE GENERAL FUND.

| | | |
|-------------------------|---|--------------|
| Progress Commission. | FOR THE WASHINGTON STATE PROG- RESS COMMISSION: Salaries, Wages and Operations..... | \$250,000.00 |
|-------------------------|---|--------------|

FOR THE DEPARTMENT OF AGRICULTURE:

Department of Agriculture.

| | | |
|---|-----------------------------|--------------|
| Salaries and Wages..... | \$170,000.00 | |
| Operations | 100,000.00 | |
| Testing Blood Samples for Bang's Disease, Washington State College: | | } Vetoed. |
| Equipment and Operations, including Salaries and Wages. | 10,000.00 | |
| Destruction of Predatory Animals | 20,000.00 | |
| Washington State Fair: | | |
| Salaries, Wages and Operations | 9,000.00 | |
| Total | <u> </u> | \$309,000.00 |

FROM THE FEED AND FERTILIZER FUND.

| | |
|--|-------------|
| Salaries, Wages and Operations (Expenditures not to exceed fees heretofore or hereafter collected) | \$33,000.00 |
|--|-------------|

FROM THE GRAIN AND HAY INSPECTION FUND.

| | |
|---|--|
| Salaries and Wages..... | \$210,000.00 |
| Operations | 35,000.00 |
| Grain Warehouse Inspection: | |
| Salaries and Wages..... | 10,000.00 |
| Operations | 10,000.00 |
| (Expenditures not to exceed fees heretofore or hereafter collected) | |
| Total | <u> </u> \$265,000.00 |

FROM THE COMMISSION MERCHANTS' FUND.

| | |
|--|-------------|
| Salaries, Wages and Operations (Expenditures not to exceed fees heretofore or hereafter collected) | \$75,000.00 |
|--|-------------|

FROM THE NURSERY INSPECTION FUND.

| | |
|--|-------------|
| Salaries, Wages and Operations (Expenditures not to exceed fees heretofore or hereafter collected) | \$22,000.00 |
|--|-------------|

FROM THE GENERAL FUND.

FOR THE DEPARTMENT OF CONSERVATION AND DEVELOPMENT:

Department of Conservation and Development.

| | |
|-------------------------|-------------|
| Salaries and Wages..... | \$69,500.00 |
| Operations | 18,500.00 |

Department
of Conserva-
tion and De-
velopment.

| | | |
|---|------------|--------------|
| Water Pollution Studies: | | |
| Salaries, Wages and Operations | | \$2,500.00 |
| Division of Mines and Mining: | | |
| Salaries, Wages and Operations | | 35,000.00 |
| Forestry Division: | | |
| Salaries and Wages..... | 160,000.00 | |
| Operations | 65,000.00 | |
| (Provided, That the Supervisor of Forestry may purchase gas- oline, oil and tires, and pay for repairs in lieu of mileage al- lowances for use of personally owned cars for Fire Wardens, such expenditures not to exceed four cents per mile traveled.) | | |
| Total | ————— | \$350,500.00 |

FROM THE RECLAMATION REVOLVING FUND.

| | | |
|--|------------|--------------|
| Reclamation Division: | | |
| Salaries and Wages..... | \$8,000.00 | |
| Operations | 8,800.00 | |
| Natural Resources Surveys... | 50,000.00 | |
| Columbia Basin Activities: | | |
| Salaries, Wages and Operations | 17,000.00 | |
| To finance, refinance and pur- chase bonds of irrigation, dlk- ing and drainage districts as provided by law..... | | |
| | 250,000.00 | |
| (Expenditures from Reclama- tion Revolving Fund not to ex- ceed cash on hand and avail- able for expenditure.) | | |
| Total | ————— | \$333,800.00 |

FROM THE GENERAL FUND.

Department
of Finance,
Budget and
Business.

| | | |
|--|--------------|--|
| FOR THE DEPARTMENT OF FINANCE, BUDGET AND BUSINESS: | | |
| General Office including Division of Public Institutions and Division of Purchasing: | | |
| Salaries and Wages..... | \$159,500.00 | |
| Operations | 32,275.00 | |
| Division of Banking: | | |
| Salaries and Wages..... | 71,000.00 | |
| Operations | 21,000.00 | |
| Division of Budget: | | |
| Salaries and Wages..... | 80,000.00 | |
| Operations | 14,747.20 | |

| | | |
|--|-------------|---|
| Division of Savings and Loan Associations: | | Department of Finance, Budget and Business. |
| Salaries and Wages..... | \$39,400.00 | |
| Operations | 15,750.00 | |
| Capitol Buildings and Grounds: | | |
| Salaries and Wages..... | 277,860.00 | |
| Operations | 174,260.00 | |
| Parole, Transportation and Deportation: | | |
| Salaries and Wages..... | 60,360.00 | |
| Operations | 39,205.00 | |
| Total | ————— | \$985,357.20 |

FROM THE CANNERY REVOLVING FUND.

| | |
|-------------------------------------|--------------|
| Food Processing Plants: | |
| Salaries, Wages and Operations..... | \$240,000.00 |

FROM THE FISHERIES FUND.

| | | |
|---|--------------|--------------------------|
| FOR THE DEPARTMENT OF FISHERIES: | | Department of Fisheries. |
| Salaries and Wages..... | \$247,600.00 | |
| Operations | 134,750.00 | |
| Biological Research and Water Pollution Studies | 50,000.00 | |
| Biological Investigation and Protection of Oyster Reserves: | | |
| Salaries, Wages and Operations | 6,000.00 | |
| Legal Services: | | |
| Salaries and Wages..... | 2,800.00 | |
| Operations | 250.00 | |
| Total | ————— | \$441,400.00 |

FROM THE LEWIS RIVER HATCHERY FUND.

| | | |
|-------------------------|-------------|-------------|
| Salaries and Wages..... | \$16,080.00 | |
| Operations | 7,560.00 | |
| Total | ————— | \$23,640.00 |

FROM THE GAME FUND.

| | | |
|---|--------------|---------------------|
| FOR THE DEPARTMENT OF GAME: | | Department of Game. |
| Salaries and Wages..... | \$675,000.00 | |
| Operations | 574,500.00 | |
| Legal Services: | | |
| Salaries and Wages..... | 6,600.00 | |
| Operations | 500.00 | |
| Bounties on Predatory Animals (Including Deficiencies. Expenditures not to exceed receipts from sale of big game seals) | 90,000.00 | |

| | | | |
|------------------------|---|----------------|--|
| Department of Game. | Wild Life Restoration and Research (Expenditures to be limited to approved projects upon which reimbursement of 75% will be made by the Federal Government) | \$210,000.00 | |
| | Total | \$1,556,600.00 | |

FROM THE GENERAL FUND.

| | | | |
|--------------------------|--|----------------|--|
| Department of Health. | FOR THE DEPARTMENT OF HEALTH: | | |
| | Salaries and Wages..... | \$125,000.00 | |
| | Operations | 80,000.00 | |
| | For Public Health Work (Expenditures not to exceed amounts received and credited to General Fund from the Federal Government for Public Health Work) | | |
| | | 700,000.00 | |
| | For County Public Health Work. | 80,000.00 | |
| | For Stream Pollution Studies... | 6,000.00 | |
| | For Crippled Children's Program: | | |
| | Salaries and Wages..... | 43,000.00 | |
| | Operations | 8,000.00 | |
| | Assistance as provided by law | 251,468.00 | |
| | Total | \$1,293,468.00 | |

| | | | |
|---|---|--------------|--|
| Department of Labor and Industries. | FOR THE DEPARTMENT OF LABOR AND INDUSTRIES: | | |
| | Salaries and Wages..... | \$351,200.00 | |
| | Operations | 122,290.00 | |
| | Safety Division: | | |
| | Salaries and Wages..... | 62,400.00 | |
| | Operations | 38,710.00 | |
| | Total | \$574,600.00 | |

FROM THE MEDICAL AID FUND.

| | | |
|--|-------------------------|--------------|
| | Salaries and Wages..... | \$274,780.00 |
| | Operations | 60,765.00 |
| | Safety Division: | |
| | Salaries and Wages..... | 62,400.00 |
| | Operations | 38,710.00 |
| | Appeal Costs: | |
| | Salaries and Wages..... | 30,480.00 |
| | Operations | 45,000.00 |
| | Legal Services: | |
| | Salaries and Wages..... | 12,000.00 |
| | Operations | 750.00 |

Medical Examination Division:

| | | |
|--|-----------------------------|----------------|
| Salaries and Wages..... | \$32,400.00 | |
| Operations | 4,100.00 | |
| Claims and Awards, Including Deficiencies | 2,383,870.00 | |
| Total | <u> </u> | \$2,945,055.00 |

Department
of Labor and
Industries.

FROM THE ACCIDENT FUND.

Appeal Costs:

| | | |
|--|-----------------------------|----------------|
| Salaries and Wages..... | \$30,480.00 | |
| Operations | 45,000.00 | |
| Legal Services: | | |
| Salaries and Wages..... | 12,000.00 | |
| Operations | 750.00 | |
| Claims and Awards, Including Deficiencies | 8,420,170.00 | |
| Total | <u> </u> | \$8,508,400.00 |

FROM THE GENERAL FUND.

FOR THE DEPARTMENT OF LICENSES:

| | | |
|-------------------------|-----------------------------|--------------|
| Salaries and Wages..... | \$62,000.00 | |
| Operations | 50,000.00 | |
| Total | <u> </u> | \$112,000.00 |

Department
of Licenses.

FROM THE MOTOR VEHICLE FUND.

| | | |
|---|-----------------------------|----------------|
| Salaries and Wages..... | \$257,000.00 | |
| Operations | 259,425.00 | |
| Legal Services: | | |
| Salaries and Wages..... | 10,200.00 | |
| Operations | 575.00 | |
| Contribution to General Fund for Office Rent | 24,450.00 | |
| Auditing Fuel Oil and Gas Tax Collections: | | |
| Salaries and Wages..... | 32,040.00 | |
| Liquid Fuel Tax Refunds..... | 3,200,000.00 | |
| Total | <u> </u> | \$3,783,690.00 |

FROM THE HIGHWAY SAFETY FUND.

Highway Safety Division:

| | | |
|--|-----------------------------|--------------|
| Salaries and Wages..... | \$75,000.00 | |
| Operations | 54,050.00 | |
| Legal Services: | | |
| Salaries and Wages..... | 3,150.00 | |
| Motor Vehicle Safety Responsi- bility Division: | | |
| Salaries and Wages..... | 19,000.00 | |
| Operations | 7,500.00 | |
| Total | <u> </u> | \$158,700.00 |

FROM THE GENERAL FUND.

Military
Department.

FOR THE MILITARY DEPARTMENT:

| | | |
|--|-----------------------------|--------------|
| Salaries and Wages..... | \$217,000.00 | |
| Operations | 159,000.00 | |
| Uniform Allowance | 30,000.00 | |
| Retained Pay | 60,000.00 | |
| Medical Aid and Compensation for Enlisted Members Injured in Line of Duty..... | 10,500.00 | |
| Total | <u> </u> | \$476,500.00 |

FROM THE PUBLIC SERVICE REVOLVING FUND.

Department
of Public
Service.FOR THE DEPARTMENT OF PUBLIC
SERVICE:

| | | |
|--|-----------------------------|--------------|
| Salaries and Wages..... | \$417,560.00 | |
| Operations | 223,500.00 | |
| Legal Services: | | |
| Salaries and Wages..... | 26,400.00 | |
| Operations | 1,500.00 | |
| To carry out the provisions of chapter 203, Laws of 1939..... | 100,000.00 | |
| (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 de- posit in the State Treasury) | | |
| Total | <u> </u> | \$768,960.00 |

FROM THE GENERAL FUND.

Department
of Social
Security.FOR THE DEPARTMENT OF SOCIAL
SECURITY:

| | | |
|---|----------------|--|
| General Supervision: | | |
| Salaries and Wages..... | \$520,680.00 | |
| Operations | 120,000.00 | |
| Legal Services: | | |
| Salaries and Wages..... | 16,800.00 | |
| Operations | 1,500.00 | |
| For the Administration for the the Following Programs: | | |
| Division of Old Age Assistance | | |
| Division of Public Assistance | | |
| Division for Children | | |
| Division for the Blind | | |
| Salaries and Wages..... | \$2,055,700.00 | |
| Operations | 496,700.00 | |

| | |
|--|-----------------|
| Division of Old Age Assistance: | |
| Assistance as provided by Law | \$22,920,104.00 |
| Medical care and Appliances.. | 5,320,000.00 |
| Division of Public Assistance: | |
| Assistance as provided by Law | 6,250,000.00 |
| General Assistance limited to receipts from the counties under provisions of section 10, chapter 216, Laws of 1939 | |
| | 500,000.00 |
| Division for Children: | |
| Assistance as provided by Law | 3,494,766.00 |
| Division for the Blind: | |
| Assistance as provided by Law | 439,600.00 |
| <hr/> | |
| Sub-total | \$42,135,850.00 |

Department of Social Security.

Expenditures from the following appropriations to be limited to amounts received or to be received from the Federal Government, and credited to the General Fund under the respective categories of assistance:

| | |
|--------------------------------|-----------------|
| Assistance as Provided by Law: | |
| Division of Old Age Assistance | \$24,536,960.00 |
| Division for Children..... | 2,413,766.00 |
| Division for the Blind..... | 460,400.00 |
| <hr/> | |

Sub-total\$27,411,126.00

Total Department of Social Security....\$69,546,976.00

For the Social Security Committee.....\$2,000,000.00

To be expended in accordance with provisions of chapter 205, Laws of 1939.

} Vetoed.

FROM THE HIGHWAY SAFETY FUND.

FOR THE WASHINGTON STATE PATROL:

State Patrol.

| | | |
|-------------------------|--------------|----------------|
| Salaries and Wages..... | \$893,220.00 | |
| Operations | 509,800.00 | |
| Legal Services: | | |
| Salaries and Wages..... | 2,850.00 | |
| Operations | 200.00 | |
| Total | <hr/> | \$1,406,070.00 |

FROM THE GENERAL FUND.

FOR THE TAX COMMISSION OF THE STATE OF WASHINGTON:

Tax Commission.

| | |
|-------------------------|-------------|
| General Office: | |
| Salaries and Wages..... | \$91,000.00 |
| Operations | 18,000.00 |

| | | | |
|--|-----------------------------|----------------|--|
| McKay Memorial Research Hos- pital: | | | Department of Finance, Budget and Business. |
| Salaries and Wages..... | \$57,720.00 | | |
| Operations | 36,460.00 | | |
| Total | <u> </u> | \$94,180.00 | |
| Northern State Hospital: | | | |
| Salaries, Wages and Operations..... | | \$1,070,000.00 | |
| Washington State Penitentiary: | | | |
| Salaries and Wages..... | \$268,520.00 | | |
| Operations | 571,395.00 | | |
| Total | <u> </u> | \$839,915.00 | |

FROM THE PENITENTIARY REVOLVING FUND.

| | | | |
|--|-----------------------------|--------------|--|
| Industrial Operations: | | | |
| Salaries and Wages..... | \$53,580.00 | | |
| Operations | 374,950.00 | | |
| New Industries: | | | |
| Salaries, Wages and Opera- tions | 35,000.00 | | |
| Capital Outlays (Including Equipment) | 15,000.00 | | |
| Total | <u> </u> | \$478,530.00 | |

FROM THE GENERAL FUND.

| | | | |
|-------------------------------|-----------------------------|--------------|--------------|
| Washington State Reformatory: | | | Reformatory. |
| Salaries and Wages..... | \$173,720.00 | | |
| Operations | 292,360.00 | | |
| Total | <u> </u> | \$466,080.00 | |

FROM THE REFORMATORY REVOLVING FUND.

| | | | |
|-------------------------|-----------------------------|--------------|--|
| Industrial Operations: | | | |
| Salaries and Wages..... | \$29,160.00 | | |
| Operations | 119,500.00 | | |
| Total | <u> </u> | \$148,660.00 | |

FROM THE GENERAL FUND.

| | | | |
|-------------------------------------|-----------------------------|--------------|---------------------------------|
| State Soldiers' Home and Colony: | | | Soldiers Home. |
| Salaries and Wages..... | \$83,260.00 | | |
| Operations | 132,175.00 | | |
| Total | <u> </u> | \$215,435.00 | |
| State Training School: | | | Training School. |
| Salaries and Wages..... | \$97,330.00 | | |
| Operations | 120,877.00 | | |
| Total | <u> </u> | \$218,207.00 | |
| Washington Veterans' Home: | | | Veterans Home. |
| Salaries and Wages..... | \$146,560.00 | | |
| Operations | 207,010.00 | | |
| Total | <u> </u> | \$353,570.00 | |
| Western State Custodial School: | | | Western Custodial School. |
| Salaries, Wages and Operations..... | | \$538,755.00 | |

Western
Custodial
School.FROM THE WESTERN STATE CUSTODIAL SCHOOL
REVOLVING FUND.

Industrial Operations:

Salaries, Wages and Operations..... \$10,000.00

FROM THE GENERAL FUND.

Western
Hospital.

Western State Hospital:

Salaries, Wages and Operations..... \$1,490,000.00

FROM THE UNIVERSITY OF WASHINGTON FUND.

University.

FOR THE UNIVERSITY OF WASHINGTON:

| | | |
|---|----------------|----------------|
| Salaries and Wages..... | \$4,277,134.58 | |
| Operations | 662,788.24 | |
| Capital Outlays, Major Repairs, Betterments, Operations and Maintenance, including Salaries and Wages..... | 226,000.00 | |
| Total | | \$5,165,922.82 |

FROM THE WASHINGTON STATE COLLEGE FUND.

FOR THE STATE COLLEGE OF WASH-
INGTON:

| | | |
|-------------------------|----------------|----------------|
| Salaries and Wages..... | \$1,693,765.50 | |
| Operations | 675,500.00 | |
| Total | | \$2,369,265.50 |

State College. FOR THE STATE COLLEGE OF WASH-
INGTON:

| | | |
|---|--------------|--------------|
| From the Morrill Fund..... | \$101,530.00 | |
| From the Federal Experiment Station Fund..... | 183,350.00 | |
| From the Federal Cooperative Agricultural Extension Fund.. | 178,790.00 | |
| To be expended in accordance with the purposes, terms, pro- visions and conditions of the respective Acts of Congress for the endowment and granting of money to Agricultural Colleges and Experiment Stations..... | | \$463,670.00 |

FROM THE WASHINGTON STATE COLLEGE FUND.

For Agricultural Experiment Sta-
tions:

| | |
|-------------------------------------|--------------|
| Salaries, Wages and Operations..... | \$408,316.00 |
|-------------------------------------|--------------|

Provided that expenditures
herefrom be allocated as fol-
lows:

| | | |
|---|-----------------------------|-------------------------------|
| Main Experiment Station, Pullman and Walla Walla..... | \$101,500.00 | State College. |
| Western Washington Experiment Station, Puyallup..... | 176,941.00 | |
| Irrigation Branch Station, Prosser..... | 45,500.00 | |
| Tree Fruit Branch Station, Wenatchee | 57,395.00 | |
| Dry Land Branch Station, Lind | 16,480.00 | |
| Cranberry-Blueberry Branch Station, Ilwaco..... | 10,500.00 | |
| For Agricultural Extension Work: | | |
| Salaries, Wages and Operations..... | \$125,450.00 | |
| FOR THE CENTRAL WASHINGTON COLLEGE OF EDUCATION: | | Central College of Education. |
| From the Normal School Current Fund..... | \$41,000.00 | |
| From the Ellensburg Normal School Fund | \$465,000.00 | |
| Salaries and Wages..... | \$437,000.00 | |
| Operations | 69,000.00 | |
| Total | <u> </u> | \$506,000.00 |
| FOR THE EASTERN WASHINGTON COLLEGE OF EDUCATION: | | Eastern College of Education. |
| From the Normal School Current Fund | \$41,000.00 | |
| From the Cheney Normal School Fund..... | \$502,000.00 | |
| Salaries and Wages..... | \$470,000.00 | |
| Operations | 73,000.00 | |
| Total | <u> </u> | \$543,000.00 |
| FOR THE WESTERN WASHINGTON COLLEGE OF EDUCATION: | | Western College of Education. |
| From the Normal School Current Fund | \$41,000.00 | |
| From the Bellingham Normal School Fund | \$507,350.00 | |
| Salaries and Wages..... | \$470,000.00 | |
| Operations | 78,350.00 | |
| Total | <u> </u> | \$548,350.00 |

Capital
Outlays,
Major Re-
pairs and
Maintenance.

**FOR CAPITAL OUTLAYS, MAJOR RE-
PAIRS AND MAINTENANCE:**

To be expended independently of, or in conjunction with funds allocated by the Federal, County or Municipal Governments or Agencies or in conjunction with funds allocated for unemployment relief: *Provided*, That the following appropriations shall become available only upon written approval of the Governor:

FROM THE GENERAL FUND.

Capitol
Committee.

FOR THE STATE CAPITOL COMMITTEE:

Portrait of the Honorable Clarence D. Martin..... \$650.00

FROM THE PARKS AND PARKWAY FUND.

Parks
Committee.

FOR THE STATE PARKS COMMITTEE:

Capital Outlays and Major Repairs 65,000.00

FROM THE GENERAL FUND.

Department
of Agriculture.

FOR THE DEPARTMENT OF AGRICULTURE:

Washington State Fair:
Capital Outlays, Major Repairs and Betterments..... 8,000.00

Department
of Finance,
Budget and
Business.

**FOR THE DEPARTMENT OF FINANCE,
BUDGET AND BUSINESS:**

Cleaning Exteriors of Buildings 3,000.00
Interior Painting and Alterations 10,000.00
Shelving, Equipment, Reinstalling for State Library being transferred from Temple of Justice to Ground Floor Old Capitol Building 12,000.00

FROM THE FISHERIES FUND.

Department
of Fisheries.

FOR THE DEPARTMENT OF FISHERIES:

Capital Outlays and Major Repairs 50,000.00

FROM THE LEWIS RIVER HATCHERY FUND.

Capital Outlays and Major Repairs 3,000.00

FROM THE GAME FUND.

FOR THE DEPARTMENT OF GAME:

Department of Game.

Capital Outlays and Major Repairs \$179,000.00

FROM THE GENERAL FUND.

FOR THE MILITARY DEPARTMENT:

Military Department.

Capital Outlays, Major Repairs and Betterments..... 5,800.00

FOR THE DEPARTMENT OF FINANCE, BUDGET AND BUSINESS:

Department of Finance, Budget and Business.

State School for the Blind:
Renewal of heating lines, roof repairs and painting..... 1,500.00

Remodeling and extension of boys' and girls' dormitories including installation of new plumbing 18,000.00

State School for the Deaf:
Laundry equipment..... 3,500.00
Boiler and mechanical firing equipment and installation.. 7,500.00

Eastern State Custodial School:
Purchase of twenty-five acres of lake shore land and buildings 5,000.00

Second story addition to hospital 12,000.00

Officers' quarters and equipment 20,000.00

Remodeling of kitchen and serving rooms..... 5,000.00

Two silos and root cellar..... 8,000.00

Eastern State Hospital:
Capital Outlays, Major Repairs and Betterments..... 35,000.00

McKay Memorial Research Hospital:
Addition to present building and officers' quarters including furnishings and equipment 35,000.00

Northern State Hospital:
Replacement of roofs on shops, wards and covered walks... 15,000.00

Remodeling of old chapel into work and recreation rooms.. 5,000.00

Department
of Finance,
Budget and
Business.

| | |
|--|-------------|
| Extension of kitchen and bakery, and equipment..... | \$49,850.00 |
| Ward building for working patients, and equipment.... | 125,000.00 |
| Chapel and auditorium, and equipment | 105,400.00 |
| Officers' quarters, and equipment | 10,000.00 |
| Extension of nurses' home, and equipment | 50,000.00 |
| Well, equipment, lines, etc., to supplement present water supply | 7,500.00 |
| Paving roads with oil macadam in farm, dairy, poultry and power house sections..... | 10,000.00 |
| Washington State Penitentiary: | |
| Remodeling shop line buildings and major repairs to cottages and piggery and other out-buildings including new roofs | 10,000.00 |
| Extension of central kitchen and renew general cold storage plant..... | 30,000.00 |
| Washington State Reformatory: | |
| Woodworking equipment.... | 2,000.00 |
| Steam condenser and compressor, piping, etc..... | 1,200.00 |
| Extensions and alterations of sewer system..... | 3,000.00 |
| Wall to replace wood wall.... | 10,000.00 |
| Washington Veterans' Home: | |
| Heating and power system..... | 7,000.00 |
| Repairs and extensions to water system including installation of 50,000 gallon tank complete with connections.. | 10,000.00 |
| Elevator | 1,250.00 |
| Complete cold storage, food storage and vegetable preparation rooms and equipment | 3,500.00 |
| Western State Custodial School: | |
| Clearing, ditching, fencing, breaking and leveling of grounds, and irrigation system | 15,000.00 |
| Complete filter beds..... | 1,500.00 |
| Purchase of land..... | 500.00 |
| Ward buildings and equipment | 385,000.00 |

| | |
|--|-------------|
| One nurses' home and equip- ment | \$35,000.00 |
| One colony house and equip- ment | 7,500.00 |
| Western State Hospital: | |
| Repairs and replacement of roofs and ventilation and electrical systems in two wards and outbuildings.... | 6,000.00 |
| Refrigeration equipment and installation | 15,000.00 |
| Infirmery building and equip- ment | 200,000.00 |
| Ward building and equipment. | 280,000.00 |
| Extension of creamery build- ing and equipment..... | 3,000.00 |
| Officers' quarters and equip- ment | 20,000.00 |
| Bunk house and equipment... | 2,000.00 |
| Hay shed..... | 1,000.00 |
| Covered walks..... | 22,000.00 |

Department
of Finance.
Budget and
Business.

FROM THE UNIVERSITY OF WASHINGTON
BUILDING FUND.

FOR THE UNIVERSITY OF WASHINGTON:

University.

| | |
|---|------------|
| Construction of New Recitation and/or Laboratory Buildings and equipment and remodeling Denny Hall and/or Crew and Shell House..... | 854,500.00 |
|---|------------|

FOR THE STATE COLLEGE OF WASH-
INGTON:

State College.

| | |
|---|--------------|
| From the Genera. Fund | \$150,000.00 |
| From the State College of Washington Building Fund... | 200,000.00 |
| Veterinary Classroom Building and Clinic | 350,000.00 |

FROM THE GENERAL FUND.

FOR THE STATE COLLEGE OF WASH-
INGTON:

| | |
|--|-----------|
| Mechanical and Electrical Engi- neering Shops..... | 90,000.00 |
| Capital Outlays, Major Repairs and Betterments..... | 55,975.00 |

FROM THE STATE COLLEGE OF WASHINGTON
BUILDING FUND.

| | | |
|----------------|--|-------------|
| State College. | Capital Outlays, Major Repairs and Betterments..... | \$56,000.00 |
|----------------|--|-------------|

FROM THE GENERAL FUND.

| | | |
|-------------------------------------|--|------------|
| Central College of Education. | FOR THE CENTRAL WASHINGTON COL- LEGE OF EDUCATION: Installation and Purchase of Lighting Equipment for Li- brary | 1,500.00 |
| | Science Building and Equipment Purchase and Installation of Lockers | 290,000.00 |
| | Purchase of Land..... | 750.00 |
| | | 4,000.00 |

| | | |
|-------------------------------------|---|-----------|
| Eastern College of Education. | FOR THE EASTERN WASHINGTON COL- LEGE OF EDUCATION: Switch Boards for Stage in Showalter Hall and Wiring for Stage Lighting..... | 7,000.00 |
| | Water Softener with Meter and Feed Pump | 550.00 |
| | Converting Science Department into Classrooms; Converting Classrooms into Offices..... | 3,000.00 |
| | Furnishings and Equipment for New Arts and Science Building | 15,000.00 |

FROM THE CHENEY NORMAL SCHOOL FUND.

| | |
|---|----------|
| Plumbing and Showers in Girls' Showers | 2,000.00 |
| Paving, Sidewalks, Roadways, Landscaping and Shrubbery.. | 2,000.00 |

FROM THE GENERAL FUND.

| | | |
|-------------------------------------|--|------------|
| Western College of Education. | FOR THE WESTERN WASHINGTON COLLEGE OF EDUCATION: Completion of Training School Building and Equipment.... | 160,000.00 |
| | Heating Plant, and Equipment.. | 100,000.00 |
| | Landscaping, New Roads and Sidewalks | 15,000.00 |
| | Repairs, Buildings and Equip- ment | 6,000.00 |
| | Repairs and Extension of Light, Heat and Water Equipment... | 2,500.00 |
| | Underground Sprinkler System.. | 6,125.00 |

| | | |
|---|-----------------|--------------------------------|
| FOR THE WASHINGTON STATE HISTORICAL SOCIETY: | | Historical Society. |
| Furniture and Equipment..... | \$1,000.00 | |
| FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY: | | Eastern Historical Society. |
| Repairs to Museum Building.... | 1,500.00 | |
| Total Capital Outlays and Major Repairs | ————— | \$3,960,550.00 |
| FROM THE CAPITOL BUILDING CONSTRUCTION FUND. | | |
| For Bond Retirement and Interest..... | \$837,500.00 | Bond retirement. |
| FROM THE GENERAL FUND. | | |
| For Court Costs in Insanity Cases (including Deficiencies) | \$4,000.00 | Court costs. |
| For Criminal Cost Bills (including Deficiencies) | \$35,000.00 | |
| FROM THE CURRENT SCHOOL FUND. | | |
| To Carry Out the Provisions of Sec. 4935, Rem. Comp. Stat..... | \$36,250,000.00 | Permanent school fund. |
| FROM THE STATE SCHOOL EQUALIZATION FUND. | | |
| For Distribution to Counties as provided by chapters 226 and 228, Laws of 1937..... | \$2,700,000.00 | |
| FROM THE GENERAL FUND. | | |
| For the Payment of Warrants Drawn for Emergency Purposes Approved During the Biennium April 1, 1941, to March 31, 1943, Pursuant to section 10, chapter 9, Laws of 1925, as amended by section 6, chapter 162, Laws of 1929 | \$250,000.00 | Budget system. Emergencies. |
| For Distribution of Funds Received under the Federal Act of June 28, 1934, 48 Stat. 1273, section 10. These Funds to be Distributed to Counties from which Receipts Were Derived..... | \$3,000.00 | Distribution of Federal funds. |
| For Distribution to "Firemen's Relief and Pension Funds" as provided by chapter 39, Laws of 1935..... | \$150,000.00 | Firemen's pension. |

FROM THE FOREST RESERVE FUND.

| | | |
|------------------|---|--------------|
| Forest reserves. | For Distribution of Moneys received from the Federal Government from Forest Reserves as provided by chapter 185, Laws of 1907 | \$432,416.15 |
|------------------|---|--------------|

FROM THE GENERAL OBLIGATION BONDS OF 1933
RETIREMENT FUND.

| | | |
|------------------|---------------------------------------|----------------|
| Bond retirement. | For Bond Retirement and Interest..... | \$1,577,915.00 |
|------------------|---------------------------------------|----------------|

FROM THE HARBOR IMPROVEMENT FUND.

| | | |
|---------------------|---|--------------|
| Harbor improvement. | For Distribution in Accordance with chapters 168, 169 and 170, Laws of 1913, based on receipts..... | \$135,000.00 |
|---------------------|---|--------------|

FROM THE GENERAL FUND.

| | | |
|-------------------------|---|--------------|
| Tuberculosis hospitals. | For Tuberculosis Hospitals (including Deficiencies) | \$400,000.00 |
|-------------------------|---|--------------|

FROM THE VOLUNTEER FIREMEN'S RELIEF AND
COMPENSATION FUND.

| | | |
|---------------------------|---|-------------|
| Volunteer firemen's fund. | For Claims, Awards and Other Expenses Allowed by Law (including Deficiencies) | \$80,000.00 |
|---------------------------|---|-------------|

FROM THE GENERAL FUND.

| | | |
|---------------------|--|--------------------|
| Historical Society. | FOR THE WASHINGTON STATE HISTORICAL SOCIETY: | |
| | Salaries and Wages..... | \$17,600.00 |
| | Operations | 2,750.00 |
| | Total | <u>\$20,350.00</u> |

| | | |
|-----------------------------|--|--------------------|
| Eastern Historical Society. | FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY: | |
| | Salaries and Wages..... | \$4,800.00 |
| | Operations | 5,200.00 |
| | Total | <u>\$10,000.00</u> |

| | | |
|--------------------------------------|---|-----------------------|
| Transfers. Teachers retirement fund. | FOR TRANSFERS: | |
| | To Employment Service Account | \$100,000.00 |
| | To State Teachers' Retirement Fund | 1,064,000.00 |
| | To State Teachers' Retirement Pension Reserve Fund..... | 750,000.00 |
| | To Cannery Revolving Fund.... | 100,000.00 |
| Cannery revolving fund. | (Transfers to be made from time to time and in such amounts as the Governor shall determine.) | |
| | Total Transfers | <u>\$2,014,000.00</u> |

| | | |
|---|-------------|----------------------|
| FROM THE CAPITOL BUILDING CONSTRUCTION FUND. | | Deficiencies. |
| FOR THE STATE CAPITOL COMMITTEE: | | Capitol |
| | | Committee. |
| Deficiency, Construction of the Transportation Building (to re- imburse the General Fund Ac- count Emergency approved June 21, 1940)..... | \$10,000.00 | |
| FROM THE TEACHERS' RETIREMENT FUND. | | |
| FOR THE BOARD OF TRUSTEES FOR THE STATE TEACHERS' RETIRE- MENT SYSTEM: | | Teachers |
| | | retirement |
| | | system. |
| Deficiency, Salaries, Wages and Operations (to reimburse the General Fund Account Emer- gencies approved June 12, 1940, and January 10, 1941)..... | \$20,749.49 | |
| FROM THE HIGHWAY SAFETY FUND. | | |
| FOR THE WASHINGTON STATE PATROL: | | State Patrol. |
| Deficiency, Purchase of Land (to reimburse the General Fund Account Emergency approved August 26, 1939)..... | \$450.00 | |
| FROM THE MOTOR VEHICLE FUND. | | |
| FOR THE DEPARTMENT OF HIGHWAYS: | | Department |
| | | of Highways. |
| Deficiency, Purchase of Ferries and Reconstruction of Termi- nal Facilities (to reimburse the General Fund Account Emergency approved December 28, 1940) | \$75,000.00 | |
| FROM THE GENERAL FUND. | | |
| FOR THE LIEUTENANT GOVERNOR: | | Lieutenant |
| | | Governor. |
| Deficiency, Operations (Emer- gency approved January 10, 1941) | \$600.00 | |
| FOR THE SECRETARY OF STATE: | | Secretary |
| | | of State. |
| Deficiency, Initiative, Referendum and Constitutional Amend- ments (Emergency approved December 30, 1940)..... | \$13,304.97 | |
| FOR THE JUDICIAL COUNCIL: | | Judicial |
| | | Council. |
| Deficiency, Operations (Emer- gency approved November 27, 1940) | \$600.00 | |

| | | |
|--|---|-------------|
| Deficiencies. Board of Education. | FOR THE STATE BOARD OF EDUCATION: Deficiency, School District Reor- ganization Survey, Salaries, Wages and Operations (Emer- gency approved September 26, 1939) | \$15,000.00 |
| Capitol Committee. | FOR THE STATE CAPITOL COMMITTEE: Deficiency, Rehabilitation of the Boulevard Lighting System (Emergency approved Decem- ber 27, 1940) | \$9,250.00 |
| Forest Board. | FOR THE STATE FOREST BOARD: Deficiency, Operations (Emer- gency approved March 16, 1939) | \$91.48 |
| Department of Finance, Budget and Business. | FOR THE DEPARTMENT OF FINANCE, BUDGET AND BUSINESS: State School for Deaf: Deficiency, Operations (Emer- gency approved March 23, 1939) | \$2,299.94 |
| | Eastern State Custodial School: Deficiency, Remodeling and Replacement of Plumbing and Heating Lines (Emer- gency approved September 17, 1940) | \$5,000.00 |
| | Eastern State Hospital: Deficiency, Operations (Emer- gency approved March 23, 1939) | \$5,335.15 |
| | Washington State Penitentiary: Deficiency, Purchase of Mate- rials for Prison Wall (Emer- gencies approved May 14, 1940, and January 9, 1941) | \$9,500.00 |
| | Deficiency, Construction of Chapel Building (Emergency approved May 16, 1939) | \$1,018.42 |
| | Washington State Reformatory: Deficiency, Purchase of Land (Emergency approved Au- gust 26, 1939) | \$500.00 |
| | Deficiency, Purchase of Mate- rials for Prison Wall (Emer- gency approved January 9, 1941) | \$3,000.00 |

| | | |
|--|-------------|--|
| NAVAL RESERVE ARMORY, SEATTLE: | | |
| Deficiency, Construction of Naval Reserve Armory, Seattle (Emergency approved January 9, 1941)..... | \$24,000.00 | Deficiencies. Department of Finance, Budget and Business. |
| FOR THE MILITARY DEPARTMENT: | | |
| Deficiency, State Defense Council, Salaries, Wages and Operations (Emergency approved January 10, 1941)..... | \$1,000.00 | Military Department. |
| FOR THE STATE TAX COMMISSION: | | |
| Deficiency, Defending Suits Brought by Railroad Companies, Salaries, Wages and Operations (Emergency approved December 9, 1940)..... | \$2,000.00 | Tax Commission. |

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.

Effective immediately.

Passed the Senate March 6, 1941.

Passed the House March 7, 1941.

Approved by the Governor March 25, 1941, with the exception of certain items, which are vetoed.

CHAPTER 235.

[S. B. 100.]

OCCUPATIONAL DISEASES OF WORKMEN.

AN ACT relating to industrial insurance and to workmen engaged in extra-hazardous employment; defining occupational diseases and providing for compensation for disability or death resulting therefrom and amending section 1, chapter 212, Laws of 1937 as amended by section 1, chapter 135, Laws of 1939 (section 7679-1, Remington's Revised Statutes; section 3472-21, Pierce's Code).

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

Amendments.

SECTION 1. That section 1 of chapter 212 of the Laws of 1937 as amended by section 1 of chapter 135 of the Laws of 1939 (section 7679-1, Remington's Revised Statutes; section 3472-21 of Pierce's Code) be amended to read as follows:

Definition: Occupational disease.

Section 1. Within the contemplation of this act, "occupational disease" means such disease or infection as arises naturally and proximately out of extra-hazardous employment.

To receive same benefits as industrial insurance act.

Each workman who shall suffer disability from an occupational disease in the course of an extra-hazardous employment, or his family and dependents in case of death of the workman from such disease, shall receive the same compensation benefits and medical, surgical and hospital care and treatment as would be paid and provided for a workman injured or killed in extra-hazardous employment under the industrial insurance and medical aid act of the state: *Provided, however,* That this act shall not apply where the last exposure to the hazards of the disease occurred prior to January 1, 1937.

Paid from same funds.

SEC. 2. The compensation and benefits provided for occupational diseases shall be paid from the same fund and in the same manner as compensation and benefits for injuries under the industrial insurance and medical aid acts and the contributions of em-

ployers to pay therefor shall be determined, assessed and collected in the same manner and as a part of the premiums for extra-hazardous employment.

Passed the Senate March 3, 1941.

Passed the House March 10, 1941.

Approved by the Governor March 25, 1941.

CHAPTER 236.

[S. B. 10.]

APPROPRIATION FOR A NAVAL AND MARINE CORPS RESERVE ARMORY AT TACOMA.

AN ACT making an appropriation for the construction of a naval and marine corps reserve armory at Tacoma, Washington.

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

SECTION 1. There is hereby appropriated the sum of one hundred forty-six thousand two hundred fifty dollars (\$146,250), or so much thereof as may be necessary, from the general fund of the State of Washington for the construction of a naval and marine corps reserve armory at Tacoma, Washington, to be expended independently of or in conjunction with funds allocated by the Federal, county or state governments or agencies or in conjunction with funds allocated for work or national defense projects: *Provided*, That the above appropriation shall become available only upon written approval of the Governor.

Appropriation.

Passed the Senate February 25, 1941.

Passed the House March 11, 1941.

Approved by the Governor March 25, 1941.

CHAPTER 237.

[S. B. 92.]

INDEMNITY BONDS OF SHERIFFS.

AN ACT relating to sheriffs' indemnity bonds; and amending section 1 of chapter 33 of the Laws of 1935 (section 4172, Remington's Revised Statutes).

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

Amend-
ments.

SECTION 1. That section 1 of chapter 33 of the Laws of 1935 (section 4172 of Remington's Revised Statutes) be amended to read as follows:

Sheriff not
liable unless
fees tendered.

Section 1. No Sheriff, Deputy Sheriff or Coroner shall be liable for any damages for neglecting or refusing to serve any civil process unless his legal fees are first tendered him; and if any property levied upon by virtue of any writ of attachment or execution or other order issued to the Sheriff out of any court in this state is claimed by any other person than the defendant, and such person or his agent or attorney makes affidavit of his title thereto or his right to possession thereof, stating the value thereof and the ground of such right of title, the Sheriff may release such levy, unless the plaintiff on demand indemnifies the Sheriff against such claim by an undertaking executed by a sufficient surety, and no claim to such property by any other person than the defendant shall be valid against the Sheriff, unless so made; and notwithstanding such claim when so made, he shall retain such property under levy a reasonable time to demand such indemnity. Any Sheriff, or other levying officer may require an indemnifying bond of the plaintiff in all cases where he has to take possession of personal property.

May deliver
to third party
on claim
unless bond
filed.

May demand
indemnity
bond.

Passed the Senate February 10, 1941.

Passed the House March 11, 1941.

Approved by the Governor March 25, 1941.

CHAPTER 238.

[S. B. 281.]

REQUIRING SHELTERS FOR CERTAIN EMPLOYEES.

AN Act relating to labor; requiring shelters against inclement weather in certain cases where five or more employees are regularly employed, building or repairing machinery or equipment, providing penalties for violations thereof and declaring that this act shall take effect December 1, 1942.

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

SECTION 1. It shall be unlawful for any railroad company, corporation, association or other person owning, controlling or operating any line of railroad in the State of Washington, to build, construct, reconstruct, or repair railroad car equipment or motive power in this state without first erecting and maintaining at every point where five (5) employees or more are regularly employed on such work, a shed over a sufficient portion of the tracks used for such work, so as to provide that all men regularly employed in such work shall be sheltered and protected from rain and other inclement weather: *Provided, however,* That the provisions of this act shall not apply at points where it is necessary to make light repairs only on equipment or motive power, nor to equipment loaded with time or perishable freight, nor to equipment when trains are being held for the movement of equipment, nor to equipment on tracks where trains arrive or depart or are assembled or made up for departure. The term "light repairs," as herein used, shall not include repairs usually made in roundhouse, shop or shed upon well equipped railroads.

Railroad Co. to erect shelter for employees.

Number of employees.

Exception.

Definition.

SEC. 2. Any railroad company or officer or agent thereof, or any other person, who shall violate the provisions of this act, by failing or refusing to comply with its provisions, shall be deemed guilty of a

Penalty for violation.

misdemeanor, and each day's failure or refusal to comply with the provisions of this act shall be considered a separate offense.

Effective date.

SEC. 3. This act shall take effect December 1, 1942.

Passed the Senate March 13, 1941.

Passed the House March 12, 1941.

Approved by the Governor March 25, 1941.

CHAPTER 239.

[S. S. B. 319.]

STUDY OF THE TRANSPORTATION NEEDS OF THE SAN JUAN ISLANDS.

AN ACT authorizing and directing the Department of Highways of the State of Washington, in cooperation with San Juan and Whatcom Counties, to make a study of the transportation needs of the San Juan Islands, to compile data thereon, submit a report to the next regular session of the Legislature, and making an appropriation.

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

Purpose.

SECTION 1. The Department of Highways of the State of Washington is hereby empowered and directed to make a study during the ensuing biennium of the transportation needs of the San Juan Islands as same relate to markets, the needs of the residents thereof, and the opening of said islands as a tourist attraction of the State of Washington. In making such study, the Department shall give particular consideration to making accessible Moran State Park to public use by the tourist trade and the people of the state.

Cooperate with counties.

SEC. 2. In making such study provided for in section 1 hereof, the Department of Highways shall cooperate with San Juan and Whatcom counties in the establishment, maintenance, operation and use

of roads, bridges, ferries, wharves and landing slips connecting said San Juan Islands with State Highway No. 1 in the vicinity of Bellingham in Whatcom county, to the end that a determination may be made as to a permanent and feasible means of transportation and communication between said San Juan Islands and the mainland of the State of Washington.

Intent for permanent communication.

SEC. 3. The Department of Highways shall compile all data and information obtained as to means of transportation, routes, roads, ferries and bridges, if any, together with costs thereof, and submit its report, together with its recommendations, to the next regular session of the Legislature of the State of Washington.

Duty of Highway Dept.

Submit report to Legislature.

SEC. 4. For the carrying into effect of the provisions and purposes of this act, there is hereby appropriated from the motor vehicle fund of the State of Washington the sum of ten thousand dollars (\$10,000).

Appropriation.

SEC. 5. If any provisions of this act be held invalid for any reason the remainder of this act shall not be affected thereby.

Partial invalidity.

Passed the Senate March 8, 1941.

Passed the House March 12, 1941.

Approved by the Governor March 25, 1941.

CHAPTER 240.

[S. B. 359.]

HIGHWAY REAPPROPRIATIONS.

AN ACT relating to public highways; reappropriating certain sums from the motor vehicle fund for capital outlay, location, right of way, engineering, improvement, construction, reconstruction and maintenance thereof, for the use of certain public officers, and declaring an emergency and that this act shall take effect on April 1, 1941.

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

Reappropriation of unexpended funds.

For cities.

Limit.

SECTION 1. There is hereby reappropriated from the motor vehicle fund for the use of cities and the Director of Highways, to be expended for the purposes set forth in section 27, chapter 181, Laws of 1939, the sum of two million three hundred sixty-seven thousand eight hundred ten and 11/100 dollars (\$2,367,810.11), the same being the unexpended balance of the appropriations contained in section 27, chapter 181, Laws of 1939, as shown by the State Auditor's books on December 31, 1940: *Provided*, No expenditure under the authority of this act shall exceed the unexpended balance of the appropriation contained in section 27, chapter 181, Laws of 1939.

Reappropriation of unexpended funds.

For counties.

Limit.

SEC. 2. There is hereby reappropriated from the motor vehicle fund for the use of counties and the Director of Highways, to be expended for the purposes set forth in section 28, chapter 181, Laws of 1939, the sum of two million nine hundred twenty-eight thousand four hundred forty-eight and 21/100 dollars (\$2,928,448.21), the same being the unexpended balance of the appropriation contained in section 28, chapter 181, Laws of 1939, as shown by the State Auditor's books on December 31, 1940: *Provided*, No expenditure under the authority of this act shall exceed the unexpended balance of the appropriation contained in section 28, chapter 181, Laws of 1939.

SEC. 3. There is hereby reappropriated from the motor vehicle fund for the use of the Director of Highways, to be expended for the purposes set forth in section 13, chapter 181, Laws of 1939, the sum of five million one hundred sixty-four thousand one hundred seventy-four and 15/100 dollars (\$5,164,174.15), the same being the unexpended balance of the appropriation contained in section 13, chapter 181, Laws of 1939, as shown by the State Auditor's books on December 31, 1940: *Provided*, No expenditure under the authority of this Act shall exceed the unexpended balance of the appropriation contained in section 13, chapter 181, Laws of 1939.

Reappropriation of unexpended funds.

Primary highway construction.

SEC. 4. There is hereby reappropriated from the motor vehicle fund for the use of the Director of Highways, to be expended for the purposes set forth in section 17, chapter 181, Laws of 1939, the sum of one million three hundred ninety-nine thousand six hundred fifty-seven and 83/100 dollars (\$1,399,657.83), the same being the unexpended balance of the appropriation contained in section 17, chapter 181, Laws of 1939, as shown by the State Auditor's books on December 31, 1940: *Provided*, No expenditure under the authority of this act shall exceed the unexpended balance of the appropriation contained in section 17, chapter 181, Laws of 1939.

Reappropriation of unexpended funds.

Secondary highway construction.

SEC. 5. There is hereby reappropriated from the motor vehicle fund for the use of the Department of Highways for capital outlay, major repairs, maintenance and equipment the sum of eighty-six thousand six hundred fifty-two and 11/100 dollars (\$86,652.11), the same being the unexpended balance of the appropriation contained in section 2, chapter 223, Laws of 1939, at page 952 entitled "FOR THE DEPARTMENT OF HIGHWAYS: Capital Outlay, Major Repairs, and Equipment," as shown by the State Auditor's books on December 31, 1940: *Provided*, No expenditure

Reappropriation of unexpended funds.

Capital outlay.

under the authority of this act shall exceed the unexpended balance of the appropriation contained in section 2, chapter 223, Laws of 1939, at page 952.

Reappropriation of unexpended funds.

SEC. 6. There is hereby reappropriated from the motor vehicle fund for the use of the Director of Highways, to be expended for the purposes set forth in chapter 175, Laws of 1939, the sum of eight thousand two hundred thirty-six and 62/100 dollars (\$8,236.62), the same being the unexpended balance of the appropriation contained in section 8, chapter 175, Laws of 1939, as shown by the State Auditor's books on December 31, 1940: *Provided*, No expenditure under the authority of this Act shall exceed the unexpended balance of the appropriation contained in section 8, chapter 175, Laws of 1939.

Mine to market roads.

Reappropriation of unexpended funds.

SEC. 7. There is hereby reappropriated from the motor vehicle fund for the use of the Director of Highways to be expended for the purposes set forth in chapter 169, Laws of 1939, the sum of thirty-nine thousand three hundred ninety-eight and 45/100 dollars (\$39,398.45), the same being the unexpended balance of the appropriation contained in section 3, chapter 169, Laws of 1939, as shown by the State Auditor's books on December 31, 1940: *Provided*, No expenditure under the authority of this Act shall exceed the unexpended balance of the appropriation contained in section 3, chapter 169, Laws of 1939.

Coulee Dam roads.

Reappropriation of unexpended funds.

SEC. 8. There is hereby reappropriated from the motor vehicle fund to be expended for the purposes and in accordance with the provisions of chapter 167, Laws of 1939, the sum of two thousand forty-one and 36/100 dollars (\$2,041.36), the same being the unexpended balance of the appropriation contained in section 1, chapter 167, Laws of 1939, as shown by the State Auditor's books on December 31, 1940: *Provided*, No expenditure under the authority of this Act shall exceed the unexpended balance of the ap-

County and city.

propriation contained in section 1, chapter 167, Laws of 1939.

SEC. 9. The unexpended balance of funds remaining under sub-section (a) of section 4 and sub-section (a) of section 5 of chapter 181, Laws of 1939 is hereby appropriated to the Director of Highways for the location, right-of-way, improvement, construction and reconstruction of primary and secondary state highways.

Reappropriation of unexpended funds.

Location, etc.

SEC. 10. This act is necessary for the support of the state government and its existing institutions and shall take effect on the first day of April, 1941.

Effective date.

Passed the Senate March 8, 1941.

Passed the House March 12, 1941.

Approved by the Governor March 25, 1941.

CHAPTER 241.

[S. B. 109.]

TEMPORARY RELIEF OF NEEDY SCHOOL DISTRICTS.

AN ACT relating to education, providing for the temporary relief of needy school districts, defining powers and duties of certain state officers in connection therewith, making an appropriation and declaring that the act shall take effect April 1, 1941.

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

SECTION 1. The financial condition of many school districts in this state is such that they will be unable during the ensuing biennium to maintain adequate school terms, provide sufficient transportation of pupils and pay minimum salaries as provided by law. Other school districts will be compelled, without sufficient finances, to meet emergent conditions arising during the said biennium out of sudden shifts in population and the consequent influx of new

Condition of districts.

Increase of
population.

pupils as a result of the National Defense Program and for other reasons. It is the purpose of this Act to provide additional state support for the relief of all such school districts, pending completion of the re-organization of school districts throughout the state.

Purpose.

Appropriation.

SEC. 2. To carry out the purposes of section 1, there is hereby appropriated from the current state school fund to the State Superintendent of Public Instruction for the biennium ending March 31, 1943, the sum of seven hundred thousand dollars (\$700,000). Expenditures under this appropriation shall be made by warrants issued by the State Auditor upon vouchers approved by the Superintendent of Public Instruction covering allocations made and approved by the State Board of Education to individual school districts for their relief as in this act provided. The said State Board of Education shall make necessary rules and regulations to carry out the purposes of this Act.

Expenditures.

Allocations.

Expiration date.

SEC. 3. This act shall expire and be of no force or effect after March 31, 1943.

Effective date.

SEC. 4. 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 April 1, 1941.

Passed the Senate March 13, 1941.

Passed the House March 11, 1941.

Approved by the Governor March 25, 1941.

CHAPTER 242.

[S. B. 323.]

AID TO DEPENDENT CHILDREN.

AN ACT relating to and providing for aid to dependent children; and amending sections 1, 4, and 6 of chapter 114, Laws of 1937 (sections 9992-101, 9992-104, 9992-106, Remington's Revised Statutes) and declaring an emergency.

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

SECTION 1. Section 1, chapter 114, Laws of 1937 (section 9992-101, Remington's Revised Statutes) is amended to read as follows: Amendments.

Section 1. For the purpose of this act the term "dependent child" means a child under the age of sixteen (16) years or under the age of eighteen years if regularly attending school: *Provided*, That if the Federal government matches payments for all needy children up to the age of eighteen (18) years, then the term dependent child shall mean a needy child under the age of eighteen (18) years; and 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. Definition:
Dependent
child.

Federal aid.

SEC. 2. Section 4, chapter 114, Laws of 1937 (section 9992-104, Remington's Revised Statutes) is amended to read as follows: Amendment.

Section 4. Aid to dependent children under this Act shall be awarded with respect to a needy child: (1) Who has resided in the state for one year immediately preceding application; or (2) whose parent, or whose relative with whom he lives has re- Residence.

sided in the state for at least one year immediately preceding application.

Amend-
ments.

SEC. 3. Section 6, chapter 114, Laws of 1937 (section 9992-106, Remington's Revised Statutes) is amended to read as follows:

Social
Security to
provide for
dependent
children.

Section 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 supervising 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; to accept custody of children and to provide for the care of children in need of protective services, directly or through its agents; 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.

Cooperate
with U. S.

Effective
date.

SEC. 4. 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, 1941.

SEC. 5. Section 3, chapter 114 of the Laws of 1937 (section 9992-103, Remington's Revised Statutes), shall be amended to read as follows:

Vetoed.

Section 3. Such aid shall be granted as will, when added to the income of the family, provide at least for food, shelter, and clothing, and in any event be not less than seventeen dollars and fifty cents (\$17.50) per month for each dependent child.

Passed the Senate March 13, 1941.

Passed the House March 13, 1941.

Approved by the Governor March 25, 1941, with the exception of section 5, which is vetoed.

CHAPTER 243.

[H. B. 479.]

AUTHORIZING PAYMENT OF BENEFITS TO RETIRED TEACHERS BY FIRST CLASS SCHOOL DISTRICTS.

AN ACT authorizing school districts of the first class to appropriate and pay direct benefits to retired superannuated or disabled teachers, and defining a teacher eligible for such benefits.

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

SECTION 1. Any school district of the first class may, at the discretion of its Board of Directors, under such rules and regulations as the Board may establish, make direct payments to its retired superannuated or disabled teachers and may appropriate funds therefor.

School districts may establish teachers retirement payments.

SEC. 2. The word "teacher" wherever used in this Act shall be held and construed to mean and include any person regularly employed and qualified at the time of retirement as a teacher, instructor, principal, supervisor or superintendent in the public schools of such school districts, or as assistant to any such teacher, instructor, principal, supervisor or superintendent: *Provided*, That "assistant" shall mean such person only as is engaged in educational work and is qualified as a teacher.

Definition: Teacher.

SEC. 3. The eligibility of any teacher for the benefit payments authorized by this act shall not be affected by his status as a member or non-member of the state teachers retirement system.

State fund not to affect act.

SEC. 4. Any school district electing to make any benefit payments authorized by this act shall have the power to adopt such rules and regulations and designate or appoint such agents and employees as

May adopt rules.

the board of directors may deem necessary or proper to effectuate such purpose.

Passed the House March 8, 1941.

Passed the Senate March 12, 1941.

Approved by the Governor March 25, 1941.

CHAPTER 244.

[H. B. 561.]

SUPPLEMENTAL APPROPRIATION.

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; for refunds 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, 1941, and ending March 31, 1943, except as otherwise provided; defining terms, limiting allowances and compensation, and providing that this act shall take effect immediately.

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

Definitions:
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.

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*, 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 four cents (4c) per mile.

Definitions:
Operations.

Exceptions.

Future
purchases.

Subsistence
expenses
of officials.
Amount.

Mileage for
personal cars.

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 buildings, and improvements for the various state institutions, and for deficiencies, and for emergencies, and for sundry civil expenses of the state government, and for purposes specified in certain acts of Congress and for miscellaneous purposes hereinbelow designated and mentioned and hereinafter expressed, for the fiscal biennium beginning April 1, 1941, and ending March 31, 1943, except as otherwise provided.

Authority
for appro-
priation.

Biennium.

FROM THE GENERAL FUND.

| | | | |
|--|---|-------------------|--|
| Department of Finance, Budget and Business. | FOR THE DEPARTMENT OF FINANCE, BUDGET AND BUSINESS: | | |
| | State School for the Deaf: | | |
| | Capital Outlays, Major Repairs and Betterments | \$69,844.13 | |
| | Eastern State Hospital: | | |
| | Capital Outlays, Major Repairs and Betterments | 46,590.02 | |
| | State Training School: | | |
| | Administration Building, Officers' Quarters, and Equipment..... | 20,000.00 | |
| | Western State Custodial School: | | |
| | Capital Outlays, Farm Buildings and Equipment | 94,865.94 | |
| | Western State Hospital: | | |
| | Capital Outlays, Major Repairs and Betterments | 200,000.00 | |
| | Naval and Marine Corps Reserve Armory: | | |
| | Construction of Armory at Se- attle | 133,941.90 | |
| | Total | <u>565,241.99</u> | |
| | (Being the reappropriation of the unexpended balances of appropriations made for like purposes by chapters 215 and 223, Laws of 1939) | | |
| Reappropriation of unexpended funds. | | | |
| Eastern College of Education. | FOR THE EASTERN WASHINGTON COLLEGE OF EDUCATION: | | |
| | Capital Outlays, Major Repairs and Better- ments | \$200,000.00 | |
| | (Being the reappropriation of the unex- pended balance of appropriation made for like purposes by chapter 223, Laws of 1939) | | |
| Reappropriation of unexpended funds. | | | |
| Western College of Education. | FOR THE WESTERN WASHINGTON COLLEGE OF EDUCATION: | | |
| | Capital Outlays, Major Repairs and Better- ments | \$144,838.92 | |
| | (Being the reappropriation of the unex- pended balance of appropriation made for like purposes by chapter 223, Laws of 1939) | | |
| Reappropriation of unexpended funds. | | | |
| Department of Social Security. | FOR THE DEPARTMENT OF SOCIAL SECURITY: | | |
| | Grants-in-Aid | \$124,110.52 | |
| | (Being the reappropriation of the unex- pended balance of grants and allotments made from the appropriation made for like purposes by chapter 217, Laws of 1939) | | |

FOR THE STATE SOCIAL SECURITY COMMITTEE:

| | | |
|--|--------------|--|
| Grants-in-Aid | \$941,749.76 | Social Security Committee. Reappropriation of unexpended funds. |
| (Being the reappropriation of the unexpended balance of grants and allotments made from the appropriation made for like purposes by chapter 205, Laws of 1939) | | |

| | | |
|---|--------------|-----------|
| FOR THE CONSTRUCTION OF A NATIONAL GUARD ARMORY IN SPOKANE, WASHINGTON..... | \$600,000.00 | } Vetoed. |
|---|--------------|-----------|

FROM THE CAPITOL BUILDING CONSTRUCTION FUND.

FOR THE STATE CAPITOL COMMITTEE:

| | | |
|---|--------------|--|
| Des Chutes Water Basin Improvement..... | \$231,973.15 | Capitol Committee. Reappropriation of unexpended funds. |
| (Being the reappropriation of the unexpended balance of appropriations made for like purposes by chapter 217, Laws of 1939) | | |

FROM THE PARKS AND PARKWAY FUND.

FOR THE STATE PARKS COMMITTEE:

| | | |
|--|------------|--|
| Purchase or Condemnation of Real Estate Situated in San Juan County, State of Washington | \$1,800.00 | Parks Committee. Reappropriation of unexpended funds. |
| (Being the reappropriation of the unexpended balance of appropriation made for like purposes by chapter 217, Laws of 1939) | | |

FROM THE FEDERATION PARK FUND.

FOR THE STATE PARKS COMMITTEE:

| | | |
|--|-------------|--|
| Purchase of Land for Park Site..... | \$30,000.00 | Parks Committee. Reappropriation of unexpended funds. |
| (Being the reappropriation of the unexpended balance of appropriation made for like purposes by chapter 111, Laws of 1939) | | |

FROM THE GENERAL FUND.

FOR THE RELIEF OF THE FOLLOWING INDIVIDUALS, FIRMS AND CORPORATIONS:

| | | |
|---|---------|--|
| SAN JUAN FISHING AND PACKING Co., services and supplies furnished the Department of Finance, Budget and Business in previous biennium | \$44.80 | Relief of individuals, firms and corporations. Listed. |
| STANDARD OIL Co., services and supplies furnished the Department of Finance, Budget and Business in previous biennium..... | \$1.10 | |
| WALLA WALLA DAIRYMEN'S ASSOCIATION, services and supplies furnished the Department of Finance, Budget and Business in previous biennium | \$54.60 | |
| CHEHALIS AND PACIFIC LAND Co., refund of corporation license fees and taxes..... | \$15.00 | |

Relief of
individuals,
firms and
corporations.
Listed.

| | |
|--|------------|
| DRAHAM INVESTMENT Co., refund of corporation license fees and taxes..... | \$27.50 |
| FAIRFIELD FARMERS ALLIANCE WAREHOUSE AND ELEVATOR Co., refund of corporation license fees and taxes..... | \$47.50 |
| GARREN LUMBER Co., refund of corporation license fees and taxes..... | \$15.00 |
| HIDDEN TREASURE MINING Co., refund of corporation license fees and taxes..... | \$30.00 |
| KIRKLAND Co-OPERATIVE SOCIETY, refund of corporation license fees and taxes..... | \$330.00 |
| OLSON FERRIES INC., refund of corporation license fees and taxes..... | \$23.64 |
| PACIFIC FRUIT AND PRODUCE Co., INC., refund of corporation license fees and taxes..... | \$165.99 |
| RAUDENBUSH MOTOR SUPPLY, refund of corporation license fees and taxes..... | \$5.00 |
| UTILITY CARTAGE, INC., refund of corporation license fees and taxes..... | \$15.00 |
| DEPARTMENT OF SOCIAL SECURITY, sundry supplies and services furnished the department in previous biennium, total..... | \$1,826.07 |
| DEPARTMENT OF FINANCE, BUDGET AND BUSINESS, sundry supplies and services furnished the department in previous biennium, total.... | \$3,482.27 |
| HON. RALPH C. BELL, for travel expense as Judge of Superior Court incurred in previous biennium | \$10.25 |
| BUCHANAN CHEVROLET Co., for supplies and services furnished Department of Agriculture in previous biennium..... | \$39.55 |
| BURROUGHS ADDING MACHINE Co., for maintenance service furnished the State Treasurer in previous biennium..... | \$2.00 |
| T. V. COOPER, for damages to Chevrolet truck sustained in collision with Washington State Reformatory truck October 16, 1940..... | \$100.00 |
| JIM S. COOPER, for personal injuries suffered in a collision involving State owned truck near Monroe, Washington, October 16, 1940 | \$218.00 |
| CRYSTAL LAUNDRY AND SUPPLY Co., for towel service furnished Department of Licenses in previous biennium | \$9.00 |
| MRS. MILLIE HEALY, refund of unclaimed bank dividends escheated to Permanent School Fund | \$7.95 |
| JOHN E. JOHNSON, refund of unclaimed bank dividends escheated to Permanent School Fund | \$10.59 |

| | | |
|--|----------|--|
| OTTO KAUFMAN, refund of unclaimed bank dividends escheated to Permanent School Fund. | \$17.30 | Relief of individuals, firms and corporations. Listed. |
| TREASURER OF KITTITAS COUNTY, for delinquent taxes on State-owned property in the City of Ellensburg and Shoudy's 2nd Addition and 1st R. R. Addition. | \$167.25 | |
| A. E. LONG, INC., refund of duplicate notary public license fee. | \$20.00 | |
| DOLORES MILLER, for reimbursement for articles lost while a patient at Northern State Hospital | \$18.95 | |
| OLAF L. OLSEN, DIRECTOR, for gasoline furnished Department of Health in previous biennium | \$1.61 | |
| PAUL PAULK, for reimbursement for loss as County Clerk of Thurston County in connection with the failure of the Olympia National Bank | \$750.00 | } Vetoed. |
| EZMA C. PERRY, refund of notary public filing fee | \$10.00 | |
| ANNA AUGUSTA PETERSON, refund of unclaimed bank dividends escheated to Permanent School Fund | \$136.71 | |
| PORTER DISTRIBUTING Co., for damages to garage caused by an accident involving a truck of the Department of Social Security. | \$76.13 | |
| PROVIDENCE HOSPITAL, for services and supplies furnished Department of Finance, Budget and Business in previous biennium. | \$27.04 | |
| LYNN PURDIN (Columbia River Sun), for advertising services furnished State Land Commissioner in previous biennium. | \$35.58 | |
| C. A. RATCLIFFE Co., for damages to ambulance sustained in a collision with Chevrolet automobile of Eastern State Hospital, January 1, 1940 | \$150.32 | |
| D. M. RICE, for witness fees and mileage in re: Town of Deer Park et al. v. R. R. Graves, Spokane County No. 104109. | \$7.00 | |
| ERNEST P. STOWELL, refund of unclaimed bank dividends escheated to the Permanent School Fund | \$12.61 | |
| Mrs. J. W. THOMPSON, refund of unclaimed bank dividends escheated to Permanent School Fund | \$43.51 | |
| UNIVERSITY OF WASHINGTON, for printing supplies furnished State Department of Health in previous biennium. | \$41.37 | |
| HON. JOHN M. WILSON, for expenses incurred as Superior Court Judge in previous biennium | \$74.60 | |

Relief of
individuals,
firms and
corporations.
Listed.

| | |
|---|------------|
| HON. D. F. WRIGHT, for expenses incurred as Superior Court Judge in previous biennium | \$7.55 |
| CHARLES E. MANSFIELD, refund on account of an unauthorized sale of Neon sign by State Tax Commission | \$75.00 |
| GEORGE R. WHALEY, for compensation to cover injuries sustained as a member of the National Guard of the State of Washington.... | \$2,000.00 |
| CLARENCE E. AMES, to compensate him for damages caused as the result of an accidental injury | \$3,000.00 |
| SAM STROM, for taxes on property owned by him and leased from him by the State..... | \$109.32 |

FROM THE LIQUOR REVOLVING FUND.

| | |
|--|------------|
| PETER DESIMON and LEO MOGENSBERG, for damages in connection with preparing 6510 Roosevelt Way for occupancy..... | \$3,000.00 |
|--|------------|

FROM THE ELLENSBURG NORMAL SCHOOL FUND.

| | |
|--|---------|
| O. H. OLSON, PUBLIC PRINTER, for printing supplies furnished Central Washington College of Education in previous biennium..... | \$62.62 |
|--|---------|

FROM THE FISHERIES FUND.

| | |
|---|---------|
| CATHLAMET MEAT MARKET, refund of freezer license | \$10.00 |
| CENTRAL MEAT MARKET, refund of freezer license | \$10.00 |
| CLUB COLD STORAGE SYSTEM, refund of freezer license | \$10.00 |
| AL DUBUQUE, refund of freezer license..... | \$10.00 |
| C. E. FORSBERG, refund of freezer license..... | \$10.00 |
| JOY SERVICE STATION, refund of freezer license | \$10.00 |
| KIRKLAND COLD STORAGE LOCKERS, refund of freezer license | \$10.00 |
| JOHN KOCH, refund of freezer license..... | \$10.00 |
| MILLER ICE & COLD STORAGE, refund of freezer license | \$10.00 |
| YAKIMA FROZEN FOOD LOCKERS, INC., refund of freezer license | \$10.00 |

FROM THE GAME FUND.

| | |
|---|---------|
| RALPH W. CROSS, for supplies and services furnished Department of Game in previous biennium | \$6.00 |
| ROY MCGLOTHERN, for supplies and services furnished Department of Game in previous biennium | \$12.00 |

| | | |
|---|---------|--|
| PACIFIC TELEPHONE AND TELEGRAPH Co., for supplies and services furnished Department of Game in previous biennium..... | \$9.87 | Relief of individuals, firms and corporations. Listed. |
| RAILWAY EXPRESS AGENCY, for services furnished the Department of Game in previous biennium | \$16.10 | |
| UNION OIL Co., for supplies and services furnished the Department of Game in previous biennium | \$2.00 | |

FROM THE HIGHWAY SAFETY FUND.

| | |
|---|------------|
| WASHINGTON STATE PATROL, for sundry supplies and services furnished Washington State Patrol in previous biennium..... | \$171.43 |
| DISHMAN DRUG Co., for damages suffered in connection with a criminal arrest by the State Patrol April 13, 1940..... | \$107.54 |
| ARNOLD BYRAM, for damages and personal injuries suffered in connection with a criminal arrest by the State Patrol April 13, 1940.... | \$2,581.25 |
| ROY L. POFF, for damages to automobile and personal injury suffered in connection with a criminal arrest by State Patrolmen March 4, 1939 | \$163.69 |
| WASHINGTON WATER POWER Co., for electric service furnished State Patrol in previous biennium | \$1.00 |

FROM THE MOTOR VEHICLE FUND.

| | | |
|---|------------|-----------|
| DEPARTMENT OF HIGHWAYS, for sundry supplies and services rendered the Department of Highways in previous biennium..... | \$1,050.61 | |
| MRS. ORMA ALLYN (ALEXANDER), for damages to automobile in a collision April 27, 1940, caused by a grader of the Department of Highways | \$266.60 | } Vetoed. |
| GENERAL INSURANCE Co. OF AMERICA, for damages to automobile in a collision April 27, 1940, caused by a grader of the Department of Highways | \$74.85 | |
| J. W. AUSTIN, for damages to automobile caused by running into a rock slide on highway near Vantage, Washington, October 1, 1940..... | \$75.00 | } Vetoed. |
| CHARLES H. BURBANK, for damages to apple trees and crop by reason of operation of State trucks over right of way purchased from claimant | \$50.00 | |

Relief of
individuals,
firms and
corporations.
Listed.

| | |
|--|------------|
| MRS. RETTA J. COMBS, for damages to oil burner sustained by reason of water flow into basement caused by stoppage of culvert under P. S. H. No. 2, Toll Plaza—East..... | \$54.40 |
| CONSOLIDATED OLYMPIA LINE, for expense of discharging cargo of S. S. Cadaretta, which was unable to dock by reason that the Simpson Avenue (Hoquiam) draw span could not be operated to permit passage, September 14, 1939 | \$372.77 |
| DAY-MAJER COMPANY, for damages to automobile when struck by a truck of the Department of Highways, May 26, 1939..... | \$25.18 |
| EVERGREEN BEVERAGE Co., for damages to truck sustained in a collision with a truck of Department of Highways..... | \$61.65 |
| JACK FISSE, for damages to automobile occurring in Vehicle Inspection Station, Seattle, Washington | \$4.13 |
| JAMES E. GRANT, for damages to automobiles sustained in a collision with a truck of the Department of Highways on April 10, 1940 | \$32.49 |
| GREAT NORTHERN RAILWAY COMPANY, for accidental breaking of a rail as a result of blasting being done by employees of Department of Highways near Samish, Washington, March 16, 1939..... | \$32.92 |
| GREAT NORTHERN RAILWAY COMPANY, for damages to railroad property by reason of a slide occurring on highway right of way, January 21, 1935..... | \$500.00 |
| RUBY JACOX, ARTHUR HAGEN and RAPID TRANSFER COMPANY, for damages and personal injuries suffered in the collapse of the Tacoma Narrows Bridge | \$2,369.60 |
| Vetoed. { F. C. JACKSON, for loss of horse drowned July 10, 1940, in excavation surrounding a pier of viaduct near Nisqually River Bridge..... | \$170.00 |
| CLAYTON F. KASSA, for damages to automobile and personal injuries suffered in collision with a grader operated by Department of Highways, January 18, 1939..... | \$843.00 |
| NEWPORT CREAMERY Co., for damages to truck sustained in a collision with a truck of the Department of Highways, January 30, 1939.. | \$185.82 |
| GEORGE D. MacDONALD, for damages to automobile caused by an accident involving a State Highway truck | \$108.00 |

| | | |
|---|------------|--|
| NORTHWESTERN MUTUAL FIRE ASSOCIATION, for damages arising from an accident occurring February 20, 1941, in Vehicle Inspection Station, Seattle, Washington..... | \$103.28 | Relief of individuals, firms and corporations. Listed. |
| PACIFIC NATIONAL LUMBER Co., refund of tax on 1,000 gallons of gasoline, claim for which was declined for lack of original invoices... | \$50.00 | |
| RICHARD E. STEVENS, for damages to automobile caused by an accident involving a State Highway truck | \$32.13 | |
| W. H. STURGILL, for loss of livestock caused by eating spray-poisoned weeds along highway right of way..... | \$375.00 | |
| A. R. TAYLOR, for loss of livestock caused by eating paint-poisoned grass along highway right of way..... | \$140.00 | |
| GEORGE W. WARD, for loss of hay by fire which caught accidentally from a log fire of highway maintenance crew..... | \$96.00 | |
| PETER ZWYNS, for damages to automobile caused by accidentally striking a piece of snow plow equipment of the Department of Highways.. | \$15.30 | |
| PEARL VAN KLINKEN, for injuries received in an automobile wreck caused by a State Highway truck | \$2,000.00 | |
| FROM THE PUBLIC SERVICE REVOLVING FUND. | | |
| HERBERT CLOUGH, refund of common carrier application fee | \$25.00 | |
| GARFIELD TRANSFER Co., refund of overpayment of gross operating revenue fees..... | \$91.87 | |
| A. A. MARLINO, for witness fees and mileage in hearing No. 1557 of Department of Public Service in previous biennium..... | \$8.00 | |
| POSTAL TELEGRAPH-CABLE Co., refund of gross revenue tax paid the Department of Public Service | \$106.84 | |
| UNION PACIFIC STAGES Inc., refund of regulatory fees | \$1,216.13 | |
| FROM THE TEACHERS' RETIREMENT FUND. | | |
| ADDRESSOGRAPH - MULTIGRAPH CORPORATION, for supplies furnished in previous biennium.... | \$125.57 | |
| FROM THE UNIVERSITY OF WASHINGTON FUND. | | |
| YUEN, SHAI-YUE, for overpayment of tuition at University of Washington..... | \$100.00 | } Vetoed. |
| MARION COOIL, for damages on account of injuries to right hand in an accident at University of Washington, January 27, 1941.... | \$2,500.00 | |

Relief of
individuals,
firms and
corporations.
Listed.

FROM THE PARKS AND PARKWAY FUND.

| | |
|---|------------|
| STATE PARKS COMMITTEE, for sundry supplies and services furnished the State Parks Com- mittee in previous biennium..... | \$2,579.82 |
|---|------------|

FROM THE FEED AND FERTILIZER FUND.

| | |
|--|--------|
| BUCHANAN CHEVROLET Co., for supplies and ser- vices furnished Department of Agriculture in previous biennium | \$3.10 |
|--|--------|

FROM THE GENERAL FUND.

| | | |
|-----------|--|------------|
| Vetoed. { | BERT J. BAGLEY, in settlement of damages to grandstand and improvements due to fire, August 12, 1940..... | \$7,000.00 |
| | MELVIN DAHL and GEORGE KLEIN, in settlement of all loss sustained due to fire, August 12, 1940 | \$500.00 |
| | HARRY LEAO, in full settlement of claim for cash escheated to the State of Washington from the estate of Harry Leao..... | \$784.43 |
| | FRED FAULKNER, for refund of rental and fee paid on lease of State lands sold to another.. | \$13.50 |
| | H. A. CROWDER, refund of Notary Public fee... | \$10.00 |
| | NELLIE NEWTON, administratrix of the estate of Mary A. Hutton, refund of overpayment of inheritance tax | \$21.46 |
| | TREASURER OF SNOHOMISH COUNTY, taxes on lands escheated to State of Washington, years 1934 and 1935..... | \$20.78 |

FROM THE MOTOR VEHICLE FUND.

| | |
|---|----------|
| TREASURER OF COWLITZ COUNTY, delinquent taxes on property purchased for Highway purposes | \$43.28 |
| TREASURER OF GRAYS HARBOR COUNTY, delin- quent taxes on property purchased for High- way purposes | \$167.58 |
| TREASURER OF KING COUNTY, delinquent taxes on property purchased for Highway purposes | \$21.86 |
| TREASURER OF YAKIMA COUNTY, delinquent taxes on property purchased for Highway purposes | \$1.65 |

Dept. of
Highways.

There is hereby appropriated to the Department of High-
ways from the Bremerton-East Bremerton Toll Bridge Reve-
nue Fund the sum of one thousand seven hundred fifteen
dollars and thirty-seven cents (\$1,715.37) or so much thereof
as may be necessary, for the improvement of the west approach
to the Bremerton-East Bremerton bridge.

FROM THE GENERAL FUND.

FOR THE STATE TAX COMMISSION:

Tax
Commission.

Deficiency, fees due to various County Clerks
for services rendered the State Tax Commis-
sion in prevlous biennium..... \$5,184.00

FROM THE GENERAL FUND.

FOR JUDGMENTS:

Payment of
judgments.
Listed.

GUST BERG (Gust Berg vs. State of Washington
et al., Pierce County No. 79172)..... \$27.70
W. H. BRACKET, Assignee of W. and J. Sloan
(W. and J. Sloan vs. State of Washington
Thurston County No. 13334)..... \$114.14
D. F. BROOKS, Administrator of the estate of
Alice W. Barclay (Inheritance Tax and
Escheat Division vs. D. F. Brooks, Adminis-
trator, Supreme Court No. 70542)..... \$49.79
FIDELITY AND CASUALTY COMPANY OF NEW YORK,
assignee of Felix R. Zaugg (Felix R. Zaugg
vs. State of Washington, Thurston County
No. 17942) \$243.85
O. B. JONES (O. B. Jones vs. Tax Commission
Spokane County No. 102842)..... \$34.10
JAMES McCONAGHY (James McGonaghy vs.
State of Washington, King County No.
276980) \$73.03
GEORGE A. PURDY (George A. Purdy vs. State of
Washington, Thurston County No. 16652)... \$610.30
A. N. TUTEWILER ET AL. (A. N. Tutewiler et al.
vs. George E. Shannon and wife)..... \$2,063.25
WEYERHAEUSER TIMBER Co. (Weyerhaeuser
Timber Co. vs. Tax Commission, Thurston
County No. 17518)..... \$23.40
L. E. LOOMIS and LENA LOOMIS (L. E. Loomis
and Lena Loomis vs. State of Washington,
Pacific County No. 9215)..... \$215.40
FRED M. BOND (W. R. Osborne vs. State of
Washington and C. A. Caples and wife).... \$38.40

FROM THE ACCIDENT FUND.

MASON-WALSH-ATKINSON-KIER Co. (Mason-
Walsh-Atkinson-Kier Co. vs. Department of
Labor and Industries, Spokane County No.
103889) \$153,577.87

FROM THE HIGHWAY SAFETY FUND.

CLAIR LEWIS (Edgar Bessett vs. Clair Lewis,
Thurston County No. 18573)..... \$187.80

FROM THE MOTOR VEHICLE FUND.

Payment of judgments. Listed.

| | |
|---|------------|
| THOMAS J. MAYFIELD (Dorothy Hankla vs. Thomas J. Mayfield, Grays Harbor County No. 35990) | \$1,050.00 |
| JESSICA T. McCANDLESS (Jessica T. McCandless vs. Dave S. Cohn, Thurston County No. 18300) | \$18.00 |
| WEYERHAEUSER TIMBER COMPANY (Weyerhaeuser Timber Company vs. Dave S. Cohn, Thurston County No. 18335)..... | \$24.00 |
| RICHFIELD OIL CORPORATION (Weyerhaeuser Timber Company vs. Dave S. Cohn, Thurston County No. 18335)..... | \$14.00 |
| H. P. MAXWELL PETROLEUM CORPORATION (Weyerhaeuser Timber Co. vs. Dave S. Cohn Thurston County No. 18335)..... | \$14.00 |
| H. H. WHITE (H. H. White vs. Dave S. Cohn, Thurston County No. 18994)..... | \$19.00 |
| WEYERHAEUSER TIMBER COMPANY (Weyerhaeuser Timber Co. vs. Harry C. Huse, Thurston County No. 17883)..... | \$127.00 |
| INLAND EMPIRE REFINERIES, INC., and GREAT NORTHERN RAILWAY Co. (State of Washington vs. Inland Empire Refinerles, et al.).... | \$130.55 |
| MORSE BEAUTY CULTURE SCHOOL OF SPOKANE (in re Revocation of Licenses, Thurston County) | \$22.00 |
| PAUL SMITH (in re Revocation of License Thurston County No. 19073)..... | \$50.80 |

FROM THE PUBLIC SERVICE REVOLVING FUND.

| | |
|---|------------|
| GREAT NORTHERN RAILWAY Co. (Great Northern Railway Co. vs. State of Washington, Thurston County No. 17619)..... | \$3,439.58 |
|---|------------|

FROM THE PUGET SOUND PILOTAGE FUND.

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|---|----------|
| P. S. SATER (P. S. Sater et al. vs. Board of Pilotage Commissioners, Thurston County No. 17452) | \$206.56 |
|---|----------|

FROM THE GENERAL FUND.

Attorney General.

Vetoed.

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|---|------------|
| FOR THE ATTORNEY GENERAL: | |
| Codification of election laws (<i>Provided</i> , That proceeds from sale of printed volumes shall be deposited in the State Treasury to credit of General Fund)..... | \$7,500.00 |
| Deficiency, Printing Annual Report..... | \$1,509.69 |

| | | |
|--|--------------|---------------------------------------|
| FOR THE COMMISSIONER OF PUBLIC LANDS: | | Commis- sioner of Public Lands. |
| For Survey and Platting of harbor lines and tidelands in the vicinity of Vancouver, Clark County, Washington..... | \$4,500.00 | |
| FOR LEGISLATIVE EXPENSE: | | Legislative expense. |
| Printing, Indexing, Binding and Editing Ses- sion Laws, Senate and House Journals, Other Legislative Printing, and Binding Public Documents of the Twenty-seventh Session.. | \$20,000.00 | |
| Printing | \$5,000.00 | |
| FOR THE STATE FINANCE COMMITTEE: | | Finance Committee. |
| Operations | \$750.00 | |
| FOR THE STATE PLANNING COUNCIL: | | Planning Council. |
| Research in connection with furthering de- velopment of industry within the State of Washington | \$150,000.00 | |
| (Provided, That expenditures on this appro- priation shall be limited to amounts allo- cated by the Governor) | | |
| FOR THE DEPARTMENT OF CONSERVATION AND DEVELOPMENT: | | } Vetoed. |
| DIVISION OF FLOOD CONTROL: | | |
| Flood control maintenance purposes..... | \$200,000.00 | |
| (To be expended pursuant to the provi- sions of S. B. 128) | | |
| FOR THE DEPARTMENT OF HEALTH: | | Department of Health. |
| Public Health Work, Including Deficiencies (expenditures not to exceed amounts re- ceived and credited to General Fund from the Federal Government for Public Health Work | \$26,623.15 | |
| FOR THE DEPARTMENT OF SOCIAL SECURITY: | | Department of Social Security. |
| For the Purchase of Federal Food or other Commodity Stamps | \$350,000.00 | |
| (Expenditures herefrom to constitute a re- volving fund to be used and accounted for by the department in co-operation with the Federal Department of Agriculture.) | | |
| FOR THE LADIES OF THE GRAND ARMY OF THE RE- PUBLIC HOME at Puyallup, Washington (pay- able quarterly) | | Ladies of G. A. R. Home. |
| | \$3,000.00 | |
| FOR ENGRAVING SILVER SET and/or GIFT for the Battleship Washington (to be expended on vouchers approved by the Governor)..... | | Gift for Battleship Washington. |
| | \$750.00 | |
| FOR THURSTON COUNTY: | | Thurston County Grand Jury. |
| To reimburse Thurston County for expenses of Grand Jury | \$10,000.00 | |

FROM THE CAPITOL BUILDING CONSTRUCTION FUND.

Capitol
Comm.tee.

FOR THE STATE CAPITOL COMMITTEE:

| | |
|---|------------|
| To complete payments on contracts in connection with Transportation Building..... | \$3,540.00 |
| For completing grading of grounds including planting and repairs to slope caused by slide | \$9,250.00 |

FROM THE FOREST RESERVE FUND.

| | |
|---|--------------|
| For distribution of moneys received from the Federal Government from Forest Reserves as provided by Chap. 185, Laws of 1907, Deficiency | \$132,416.15 |
|---|--------------|

FROM THE MOTOR VEHICLE FUND.

Vetoed.

FOR THE DEPARTMENT OF HIGHWAYS:

| | |
|--|-------------|
| For the establishment and equipment of a research laboratory | \$15,000.00 |
| The above appropriation to be expended independently of, or in conjunction with funds allocated by the Federal, County or Municipal governments or agencies or in conjunction with funds provided by the University of Washington. | |

FROM THE TEACHERS' RETIREMENT FUND.

Trustees of
Teachers
Retirement
System.
Deficiency.

FOR THE BOARD OF TRUSTEES OF THE STATE TEACHERS' RETIREMENT SYSTEM:

| | |
|--|-------------|
| Deficiency, for the payment of annuities, awards and refunds as provided by law..... | \$80,000.00 |
|--|-------------|

FROM THE GAME FUND.

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|---|------------|
| Deficiency, Bounties on Predatory Animals killed in 1937-1939 biennium..... | \$4,942.50 |
|---|------------|

FROM THE GENERAL FUND.

Department
of Social
Security.
Deficiency.

FOR THE DEPARTMENT OF SOCIAL SECURITY:

| | |
|---|--------------|
| Deficiency, for the payment of claims filed and judgments obtained against the department on account of claims for salary adjustments under the minimum wage law..... | \$165,642.89 |
|---|--------------|

FROM THE ACCIDENT FUND.

V. D.
Bradeson.

| | |
|---|---------|
| V. D. BRADSON, court costs in re Clinton M. Miller vs. Department of Labor and Industries, Supreme Court No. 27476..... | \$74.70 |
|---|---------|

FROM THE GENERAL FUND.

LOCAL IMPROVEMENT ASSESSMENTS:

Sundry Municipalities, for Local Improvement Assessments against State-owned lands as follows: *Provided*, That the payments for local improvement assessments from the following appropriations shall be made only in accordance with the terms and provisions of section 8129, Remington's Revised Statutes.

Local improvement assessments on state lands.

FOR THE TREASURER OF THE CITY OF PULLMAN:

Pullman.

Local Improvement Assessments on state owned land lying in Improvement Districts No. 58 and 59.....

\$12,369.67

FOR THE TREASURER OF ADAMS COUNTY:

Adams county.

East Columbia Basin Irrigation District.....

\$262.15

FOR THE TREASURER OF BENTON COUNTY:

Benton county.

Priest Rapids Irrigation District... \$3,431.22
 Roza Irrigation District..... 30.90
 Sunnyside Irrigation District..... 1,430.75
 Total

\$4,892.87

FOR THE TREASURER OF COWLITZ COUNTY:

Cowlitz county.

Diking District No. 5.....

\$394.90

FOR THE TREASURER OF FRANKLIN COUNTY:

Franklin county.

South Columbia Basin Irrigation District \$467.45
 Franklin County Irrigation District No. 1..... 220.20
 General Taxes Escheat No. 220-A.. 23.72
 (Principal 22.92—Interest .80)
 Total

\$711.37

FOR THE TREASURER OF GRANT COUNTY:

Grant county.

East Columbia Basin Irrigation District \$185.19
 South Columbia Basin Irrigation District 102.33
 Quincy-Columbia Basin Irrigation District 967.46
 Total

\$1,254.98

FOR THE TREASURER OF KING COUNTY:

King county.

Escheat No. 199..... \$03
 Seattle Tide Lands..... .14
 Commercial Waterway District No. 280
 L. I. D. No. 1, Water District No. 45
 State Addition to Seattle No. 5.. 3,325.17
 General Taxes Lot 10, Block 21
 Burke and Farrars Kirkland Division No. 9 (Escheat No. 205).. 2.13

| | | | |
|---|--|----------|------------|
| L. I. D. assessments on state lands. | General Taxes Tract 34, Plat of Murphy's Interurban Acres..... | \$3.48 | |
| | Interest | 1.42 | |
| | Total | <hr/> | \$3,333.17 |
| Kittitas county. | FOR THE TREASURER OF KITTITAS COUNTY: | | |
| | Kittitas Reclamation District..... | | \$726.75 |
| Klickitat county. | FOR THE TREASURER OF KLICKITAT COUNTY: | | |
| | White Salmon Irrigation District..... | | \$40.00 |
| Pend Oreille county. | FOR THE TREASURER OF PEND OREILLE COUNTY: | | |
| | Pend Oreille County—Diking Dis- trict No. 2..... | | \$38.72 |
| Skagit county. | FOR THE TREASURER OF SKAGIT COUNTY: | | |
| | Diking District No. 5..... | \$8.74 | |
| | Diking District No. 15..... | 158.84 | |
| | Drainage District No. 14..... | 135.14 | |
| | Drainage District No. 15..... | 23.08 | |
| | Total | <hr/> | \$325.80 |
| Snohomish county. | FOR THE TREASURER OF SNOHOMISH COUNTY: | | |
| | Diking District No. 5..... | \$224.66 | |
| | Alderwood Water District L. I. D. No. 6 | 129.85 | |
| | Total | <hr/> | \$354.51 |
| Thurston county. | FOR THE TREASURER OF THURSTON COUNTY: | | |
| | Drainage District No. 3..... | | \$4.79 |
| Wahkiakum county. | FOR THE TREASURER OF WAHAKIAKUM COUNTY: | | |
| | Diking District No. 1..... | | \$176.47 |
| Walla Walla county. | FOR THE TREASURER OF WALLA WALLA COUNTY: | | |
| | Donohue Road District No. 2 (Principal 691.55—Interest 24.10) | \$715.65 | |
| | Donohue Road District No. 3 (Principal 670.48—Interest 77.15) | 747.63 | |
| | Total | <hr/> | \$1,463.28 |
| Whatcom county. | FOR THE TREASURER OF WHATCOM COUNTY: | | |
| | General Taxes, Lots 1 and Lots 15 and 16, Block 6, Gise's Addition to Bellingham (Escheat No. 197) | \$25.99 | |
| | Drainage District No. 7..... | 27.56 | |
| | Total | <hr/> | \$53.55 |
| Yakima county. | FOR THE TREASURER OF YAKIMA COUNTY: | | |
| | Roza Irrigation District..... | \$219.69 | |
| | Drainage District No. 27..... | .78 | |
| | Total | <hr/> | \$220.47 |

FOR THE TREASURER OF THE CITY OF SPOKANE:

| | |
|--|------------|
| Local Improvement District No. 2292 (Principal 537.90—Interest 59.24) | \$597.14 |
| Local Improvement District No. 2301 (Principal 265.95—Interest 25.27) | 291.22 |
| Local Improvement District No. 2317 (Principal 431.65—Interest 41.01) | 472.66 |
| Local Improvement District No. 2350 (Principal 260.00—Interest 24.70) | 284.70 |
| Local Improvement District No. 2373 (Principal 293.05—Interest 21.15) | 314.20 |
| Local Improvement District No. 2492 (Principal 112.90—Interest 3.62) | 116.52 |
| Total | \$2,076.44 |

L. I. D.
assessments
on state
owned lands.

Spokane
county.

FOR THE TREASURER OF THE CITY OF TACOMA:

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|--|----------|
| Local Improvement District No. 1727 (Principal 485.00—Interest 29.10) | \$514.10 |
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City of
Tacoma.

FOR THE TREASURER OF THE CITY OF SEATTLE:

| | |
|--|------------|
| Local Improvement District No. 2075 | \$33.41 |
| Local Improvement District No. 3240 | 113.83 |
| Local Improvement District No. 3277 | 621.15 |
| Local Improvement District No. 3290 | 2,713.22 |
| Local Improvement District No. 3355 | 372.73 |
| Local Improvement District No. 3709 | 383.62 |
| Local Improvement District No. 4092 | 46.81 |
| Local Improvement District No. 4095 | 296.80 |
| Local Improvement District No. 4278 | 27.58 |
| Local Improvement District No. 4519 | 239.08 |
| Local Improvement District No. 4566 | 1.08 |
| Local Improvement District No. 4616 | 62.28 |
| Local Improvement District No. 4751 | 6.01 |
| Local Improvement District No. 5282 | 152.23 |
| Local Improvement District No. 5346 | 27.99 |
| Local Improvement District No. 5403 (Principal 874.80—Interest 43.74) | 918.54 |
| Local Improvement District No. 5422 (Principal 825.09—Interest 79.56) | 904.65 |
| Local Improvement District No. 5485 (Principal 316.63—Interest 15.83) | 332.46 |
| Local Improvement Ordinance No. 69413 (Principal 16.40—Interest .37) | 16.77 |
| Total | \$7,270.24 |

FOR THE TREASURER OF CITY OF BELLINGHAM:

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|---|---------|
| Paving District No. 600 (Principal 26.35— Interest 29.50—Penalty 1.30) | \$57.15 |
|---|---------|

Bellingham.

FOR THE TREASURER OF BENTON COUNTY:

| | |
|-------------------------------|-------|
| Drainage District No. 2 | \$.81 |
|-------------------------------|-------|

Benton
county.

| | | |
|--|---|-------------|
| L. I. D. assessments on state owned lands. Chelan county. | FOR THE TREASURER OF CHELAN COUNTY: Wenatchee Reclamation District (Principal 20.93—Interest .06).. | \$20.99 |
| Cowlitz county. | FOR THE TREASURER OF COWLITZ COUNTY: Diking District No. 1..... \$71.42 Diking District No. 2..... 157.73 Sub A, Diking District No. 11..... 60.67 Refunding Diking District No. 11.. 224.24 Drainage District No. 1 (Principal 26.94—Interest .03).. 26.97 Sewerage District No. 16 (Principal 322.83—Interest 24.48) 347.31 Total | \$888.34 |
| King county. | FOR THE TREASURER OF KING COUNTY: Drainage District No. 1..... \$2.40 Drainage District No. 5..... 7.46 Commercial Waterway District No. 2 8.59 Total | \$18.45 |
| Pierce county. | FOR THE TREASURER OF PIERCE COUNTY: Drainage District No. 22..... | \$52 |
| Thurston county. | FOR THE TREASURER OF THURSTON COUNTY: Drainage District No. 8..... | \$64.24 |
| Yakima county. | FOR THE TREASURER OF YAKIMA COUNTY: Drainage District No. 3, Sub 4 (Principal 3.27—Interest .63)... \$3.90 Drainage District No. 3, Sub 7..... 115.02 Drainage District No. 3..... 32.60 Drainage District No. 13 (Principal 349.62—Interest .58). 350.20 Diking District No. 1..... 3.18 Special Diking District No. 1..... .88 Total | \$505.78 |
| Everett. | FOR THE TREASURER OF CITY OF EVERETT: Local Improvement District No. 537 (Principal 303.57—Interest 15.18) | \$318.75 |
| Pullman. | FOR THE TREASURER OF CITY OF PULLMAN: Local Improvement District No. 58 (Principal 10,294.25—Interest 1,029.43) .....\$11,323.68 Local Improvement District No. 59 (Principal 950.84—Interest 95.05) 1,045.89 Total | \$12,369.67 |
| Bellingham. | FOR THE TREASURER OF CITY OF BELLINGHAM: Local Improvement Assessments on State- owned land lying in Lyle's Don Claim.... | \$57.15 |
| Benton county. | FOR THE TREASURER OF BENTON COUNTY: Local Improvement Drainage Assessment District No. 2..... | \$81 |

FOR THE TREASURER OF CHELAN COUNTY:

Local Improvement Assessment, Sunnyslope Farms Pt.

L. I. D. assessments on state owned lands. Chelan county. \$20.99

FROM THE MOTOR VEHICLE FUND.

FOR THE TREASURER OF TOWN OF EPHRATA:

Assessment against Local Improvement District Town of Ephrata

Ephrata. \$100.45

FOR THE TREASURER OF CITY OF EVERETT:

Local Improvement Assessment Block 250, Fourteenth St. Addition.....

Everett. \$318.75

FOR THE TREASURER OF COWLITZ COUNTY:

Local Improvement Drainage Assessments against State-owned land lying in Sub. A.

Cowlitz county.

Diking District No. 11..... \$4.19
 Refunding Diking District No. 11.. 85.00
 Sub. A. Diking District No. 11.... 1.13
 Refunding Diking District No. 11.. 34.06

Total \$124.38

Refunding Bond Diking District No. 11 \$83.52
 Sub. A. Diking District No. 11..... 5.45
 Diking District No. 2..... 16.24
 Cons. Diking District No. 1..... 71.42
 Sub. A. Diking District No. 11..... .02

Total \$176.65

Sewerage Assessment, Lot 8, Block 37 and Lots 5 and 6 in Block 38 Old Town Addition to Kelso... \$.79

Drainage Assessment on Lot 6, Block 19 of Bixby's Addition and Block 11, Part in H/W..... 26.97

Total \$27.96

Sewerage District in Central Addition Lots 1, 2, 3, 4, Block 2.....

\$334.36

Diking Assessment in Diking District No. 2.. \$12.16

\$101.91

Sewerage District No. 16..... 21.12
 Refunding Diking District No. 11.. 3.44
 Sub. A. Diking District No. 11.....

Total \$36.72

Sub. A. Diking District No. 11.... \$35
 Sub. A. Diking District No. 11.... 1.89
 Refunding Diking District No. 11.. .54
 Sub. S. Diking District No. 11.... .21
 Sub. A. Diking District No. 11.... 23.26
 Sub. A. Diking District No. 11.... .12
 Sub. A. Diking District No. 11.... 19.99
 Sub. A. Diking District No. 11.... .05

| | | | |
|---|--|----------|----------|
| L. I. D. assessments on state owned lands. | Sub. A. Diking District No. 11 | \$5.57 | |
| | Diking District No. 2 | 33.32 | |
| | Total | <hr/> | \$80.80 |
| Pierce county. | FOR THE TREASURER OF PIERCE COUNTY: | | |
| | Local Improvement Drainage Assessment | | \$5.52 |
| Thurston county. | FOR THE TREASURER OF THURSTON COUNTY: | | |
| | Local Improvement Drainage Assessment District No. 8 | | \$64.24 |
| Yakima county. | FOR THE TREASURER OF YAKIMA COUNTY: | | |
| | Local Improvement Assessments | | |
| | Drainage District No. 3, Sub. 7. | \$115.02 | |
| | Drainage District No. 3, Sub. 4. | 3.90 | |
| | Drainage District No. 3 | 32.60 | |
| | Total | <hr/> | \$151.52 |
| | Dike District No. 1 | \$3.18 | |
| | Special Dike District No. 1 | .88 | |
| | Drainage District No. 1 | 350.20 | |
| | Total | <hr/> | \$354.26 |
| King county. | FOR THE TREASURER OF KING COUNTY: | | |
| | Local Improvement Assessment against Waterway District No. 2, Earlington | \$8.59 | |
| | Drainage District No. 1 | 2.40 | |
| | Drainage District No. 3 | 7.46 | |
| | Total | <hr/> | \$18.45 |

FROM THE PUBLIC SERVICE REVOLVING FUND.

| | | | |
|-------------------------------------|---|--|-------------|
| Department of Public Service. | FOR THE DEPARTMENT OF PUBLIC SERVICE: | | |
| | Contributions to General Fund for office rent | | \$35,000.00 |

FROM THE ACCIDENT FUND.

| | | | |
|--|---|--|----------------|
| Department of Labor and Industries. Deficiency. | FOR THE DEPARTMENT OF LABOR AND INDUSTRIES: | | |
| | Claims and Awards, Including Deficiencies | | \$2,000,000.00 |

FROM THE GENERAL FUND.

| | | | |
|------------------------------------|--|--|-------------|
| Department of Agricul- ture. | FOR THE DEPARTMENT OF AGRICULTURE: | | |
| | Washington State Fair: | | |
| | For the payment of delinquent and current water, ditch, power and light bills | | \$2,330.65 |
| | To carry out the provisions of House Bill No. 378 | | \$20,000.00 |
| | (Expenditures not to exceed receipts collected.) | | |
| Auditor. | FOR STATE AUDITOR: | | |
| | Division of Departmental Audits: | | |
| | Salaries, Wages and Operations | | \$35,000.00 |
| | (To carry out provisions of House Bill No. 437) | | |

| | | |
|---|--------------|---|
| FOR THE COMMITTEE ON THE INTERSTATE AREA OF THE COLUMBIA RIVER: | | Columbia River Committee. |
| To carry out the provisions of House Joint Resolution No. 21..... | \$1,500.00 | |
| LLOYD T. BURNS, in full settlement for injuries received in an accident in the Metropolitan Garage, Seattle, December 24, 1926..... | \$2,155.00 | Lloyd T. Burns. |
| MAY S. BURGLEHAUS, in full settlement for destruction of black currant bushes by the State Department of Agriculture..... | \$1,937.50 | } Vetoed. |
| FOR THE DEPARTMENT OF SOCIAL SECURITY: | | |
| Deficiency, Old Age Assistance..... | \$125,000.00 | Department of Social Security. Deficiency. |
| FOR THE STATE TAX COMMISSION: | | |
| To carry out provisions of Senate Bill No. 224 | \$75,000.00 | } Tax Commission. |
| For the purchase of tokens..... | \$25,000.00 | |
| FOR THE COMMITTEE TO INVESTIGATE STATE PENAL AND REFORMATORY INSTITUTIONS: | | Investigating Committee. |
| To carry out the provisions of Senate Joint Resolution No. 18..... | \$10,000.00 | |
| FOR THE COMMITTEE ON CONSERVATION OF FISHERIES IN THE COLUMBIA RIVER SYSTEM: | | Fisheries Committee. |
| To carry out the provisions of Senate Joint Resolution No. 5..... | \$1,500.00 | |
| HARRY N. HAMPTON, in full payment for services in connection with administration of Melon and Tomato Marketing Agreement under the State Agricultural Administration Act..... | \$954.00 | Harry N. Hampton. |
| C. H. DILLS, in full payment for services in connection with administration of Melon and Tomato Marketing Agreement under the State Agricultural Administration Act..... | \$893.00 | C. H. Dills. |
| FOR DEPARTMENT OF FINANCE, BUDGET AND BUSINESS: | | Department of Finance, Budget and Business. |
| Division of Banking: | | |
| To carry out the provisions of Senate Bill No. 83 | \$17,000.00 | |
| FROM THE ELECTRICAL LICENSE FUND. | | |
| FOR THE DEPARTMENT OF LABOR AND INDUSTRIES: | | Department of Labor and Industries. |
| Salaries, Wages and Operations..... | \$68,250.00 | |
| (Expenditures herefrom not to exceed receipts collected) | | |
| FROM THE STATE RESTAURANT BOARD FEE FUND. | | |
| FOR THE STATE RESTAURANT AND HOTEL BOARD: | | |
| To carry out the provisions of House Bill No. 173 | \$200,000.00 | } Vetoed. |
| (Expenditures herefrom not to exceed receipts) | | |

FROM THE HIGHWAY SAFETY FUND.

Leona M. Johns estate.

LEONA M. JOHNS ESTATE, for damages in connection with an automobile wreck with State Patrol, July 9, 1939..... \$88.00

FROM THE MOTOR VEHICLE FUND.

Emil Hoefel.

EMIL HOEFEL, in full settlement for damages to automobile in an accident in which State Highway equipment was involved..... \$142.93

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 12, 1941.

Passed the Senate March 12, 1941.

Approved by the Governor March 25, 1941, with the exception of certain items which are vetoed.

CHAPTER 245.

[H. B. 302.]

PUBLIC UTILITY DISTRICTS.

AN ACT relating to public utility districts and the government thereof; providing for the levying, collection, distribution and expenditure of a privilege tax on public utility districts engaged in the distribution and sale of electric energy and authorizing voluntary payments by public utility districts for tax purposes; authorizing cities and towns to levy and collect a tax from public utility districts which distribute and sell electricity within the limits of such cities; prescribing the time of election and term of office of Public Utility District Commissioners; authorizing public utility districts to compensate their Commissioners and reimburse them for expenses incurred; pertaining to the determination of compensation to be paid by such districts in eminent domain proceedings; authorizing such districts to enter into group insurance contracts for their employees; validating public utility districts heretofore formed and prescribing the manner in which the existence of such districts now or hereafter formed may be challenged; amending sections 4 and 5 of chapter 1, Laws of 1931; and declaring that this act shall take effect immediately.

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

SECTION 1. The following terms used in this act shall be construed as follows: "district" means any public utility district now or hereafter organized pursuant to chapter 1, Laws of 1931; "Tax Commission" means the Tax Commission of the State of Washington; "operating property" means all of the property utilized by a district in the operation of a plant or system for the generation, transmission, or distribution of electric energy for sale; "taxing districts" means counties, cities, towns, school districts and road districts of this state. Definitions.

SEC. 2. (a) From and after May 1, 1941, there is hereby levied and there shall be collected from every district a tax for the act or privilege of engaging within this state in the operation of works, plants or facilities for the distribution and sale of electric Privilege tax.

Rate. energy. Such tax shall be two per cent (2%) of the gross revenues derived from the sale of electric energy within this state, exclusive of the revenues from sales of electric energy for resale, and shall be in addition to any other tax to which such district is subject under existing law.

Additional to other taxes.

Report of district.

(b) On or before the 15th day of March, 1942, and of each year thereafter, each district subject to this tax shall file with the Tax Commission a report verified by the affidavit of its manager or secretary on forms prescribed by the Tax Commission. Such report shall state (1) the taxing districts wherein the operating property of the district is located, (2) as to the entire property and as to each such taxing district, the reproduction cost new and less depreciation of such operating property so far as that information is available from the district's existing records without taking additional inventory or procuring an engineering report or survey, (3) actual cost and general description of operating property purchased, (4) the district's gross revenues and operating expenses for each of the three calendar years last past, and (5) such other and further information as the Tax Commission reasonably may require in order to administer the provisions of this act. In case of failure by the district to file such report, the Commission may proceed to determine the information, which determination shall be contestable by the district only for actual fraud. The Tax Commission shall proceed to determine the cash market value of the district's operating property as of the December 31st last past, and the percentage thereof located in each of the taxing districts.

Duty of Tax Commission.

Computation of tax.

(c) Prior to August 15, the Tax Commission shall compute the tax imposed by this act for the last preceding calendar year and notify the district of the amount thereof, which shall be payable on or before October 1. Upon receipt of the amount of the

Notice to district. Date payable.

tax from the district, the Tax Commission shall deposit the same with the State Treasurer, who shall deposit four per cent (4%) thereof in the general fund of the state and transmit the remainder to the County Treasurer of each county in which any operating property of the district is located, in proportion to the value of such property located in such county, as directed by the Tax Commission. The State Treasurer shall send a duplicate copy of the letter of transmittal to the Tax Commission, and the Tax Commission shall instruct the County Treasurer or Treasurers as to the distribution of the money, as hereinafter provided.

Treasurer to deposit and transmit.

(d) Prior to the 15th day of January, 1942, and of each year thereafter, the County Treasurer of each county in which operating property of a district is located shall transmit to the Tax Commission a statement of the tax levies made on real and personal property in each taxing district of the county. The Tax Commission shall determine the amount of money which each taxing district in which operating property of the district is located would have received if the levies made for county, city, town, school district and road district purposes had been applied to the value of the district's operating property in the taxing district. These amounts are referred to herein as the "taxing district's tentative tax" and their total for any county is referred to as the "county districts' tentative tax." The money received by the County Treasurer from the State Treasurer shall be apportioned by him among the taxing districts in which operating property of the district is located in the proportion that the particular taxing district's tentative tax bears to the county districts' tentative tax. All money received by the county shall be used exclusively for maintenance and operation of the Superior Court and Sheriff's office of the county; all money received by a city or town shall be

Duty of County Treasurers.

Statement of levies.

Tax Commission to compute tentative tax.

Apportionment by County Treasurer.

Money used for Superior Court and Sheriff.

Money used for city fire and police departments.

expended exclusively for maintenance and operation of the Fire and Police Departments of the particular city or town to which the same is thus apportioned; all money received by a school district shall be expended exclusively for maintenance and operation of the public schools in the particular school district to which the same is thus apportioned; all money transmitted to the County Treasurer for road districts shall be expended exclusively for the maintenance and construction of public roads in the particular road districts to which the same is thus apportioned.

School districts.

Road districts.

Interest on delinquency.

(e) Interest at the rate of six per cent (6%) per annum shall be added to the tax hereby imposed after the due date. The tax shall constitute a debt to the State of Washington and may be collected as such.

Deemed a debt.

Districts authorized to pay tax.

(f) Districts are hereby authorized, from operating revenues accumulated prior to or subsequent to May 1, 1941, to make voluntary payments to the Tax Commission to be handled and distributed as is provided above for the tax herein imposed.

Cities and towns may levy tax.

SEC. 3. Any city or town in which a public utility district operates works, plants or facilities for the distribution and sale of electricity shall have the power to levy and collect from such district a tax on the gross revenues derived by such district from the sale of electricity within the city or town, exclusive of the revenues derived from the sale of electricity for purposes of resale. Such tax when levied shall be a debt of the district, and may be collected as such. Any such district shall have the power to add the amount of such tax to the rates or charges it makes for electricity so sold within the limits of such city or town.

Gross revenues.

SEC. 3a. No public utility district under the powers granted it by chapter 1, Laws of 1931, to construct and maintain operating properties upon the

streets, alleys and public places within a city or town, shall construct any such properties without having first obtained the consent of the governing body of such city or town and approval of the plan and location of such construction, which shall be made under such reasonable terms as may be imposed by such city or town.

Cities to approve construction.

All operating properties of a public utility district within a city or town shall be operated and maintained subject to the power of the city or town to make regulations under its police power with respect thereto.

Subject to police power.

SEC. 4. That section 4 of chapter 1, Laws of 1931, be amended to read as follows:

Amendments.

Section 4. Within five days after such election, the Election Board of the county shall canvass the returns, and if at such election a majority of the voters voting upon such proposition shall vote in favor of the formation of such district, the Election Board shall so declare in its canvass of the returns of such election and such public utility district shall then be and become a municipal corporation of the State of Washington, and the name of such public utility district shall be Public Utility District No. of County. The powers of the public utility district shall be exercised through a commission consisting of three members, one from each of the three county commissioner districts of the county in which the public utility district is located, when the public utility district is coextensive with the limits of such county. When the public utility district comprises only a portion of the county, three commissioner districts, numbered consecutively, having approximately equal population and boundaries, following ward and precinct lines, as far as practicable, shall be described in the petition for the formation of the public utility district, and one Commissioner shall be elected from each of said com-

Board to canvass vote.

Majority establishes district.

P. U. D. Commission.

Districts.

Qualification
of commis-
sioner.

missioner districts. No person shall be eligible to hold the office of Public Utility District Commissioner unless he is a qualified voter and a freeholder within such public utility district, and is and has been a resident for a period of three years, except as hereinafter provided, of the commissioner district from which he is elected.

Term of
office.

Except as in this section otherwise provided, the term of office of each Public Utility District Commissioner shall be six (6) years, such term to be computed from the first day of December following his election, and one such Commissioner shall be elected at each biennial general election for the term of six (6) years and until his successor has been elected and has qualified. All candidates shall be voted upon by the entire public utility district.

First
election.

In any public utility district hereafter formed, three (3) Public Utility District Commissioners shall be elected at the same election at which the proposition is submitted to the voters as to whether such public utility district shall be formed. The Commissioner residing in commissioner district number one shall hold office for the term of six (6) years; the Commissioner residing in commissioner district number two shall hold office for the term of four (4) years; and the Commissioner residing in commissioner district number three shall hold office for the term of two (2) years. The terms of all Commissioners first to be elected as above provided shall include the time intervening between the date that the results of their election are declared in the canvass of returns thereof, and the date from which the length of their terms is computed as above specified.

Rotation of
terms of com-
missioners.

General
election.

No election of Commissioners in any public utility district, except to fill vacancies, shall be held until the biennial general election on the first Tuesday following the first Monday in November, 1942, at which time and thereafter such elections shall be held as

herein provided. At said general election, there shall be elected two (2) Public Utility District Commissioners in each public utility district, one for a term of four (4) years commencing December 1, 1942, in such commissioner district where the Public Utility District Commissioner resides whose successor, but for this act, would be elected on the second Saturday in December, 1941, and one for a term commencing on the second Monday in January, 1943, and expiring December 1, 1948, in such commissioner district where the Utility District Commissioner resides whose successor, but for this act, would be elected on the second Saturday in December, 1942; and at the general election to be held on the first Tuesday following the first Monday in November, 1944, there shall be elected one Public Utility District Commissioner for a term of six (6) years commencing December 1, 1944, in such commissioner district of each such utility district where the Commissioner resides whose successor, but for this act, would be elected on the second Saturday in December, 1943.

General election.

Commissioners.

Terms of office.

All Commissioners shall hold office until their successors shall have been elected and have qualified.

All expenses of elections for the formation of such public utility districts shall be paid by the county holding such election, and such expenditure is hereby declared to be for a county purpose, and the money paid out for such purpose shall be repaid to such county by the public utility district, if formed. Nominations for Public Utility District Commissioners shall be by petition signed by one hundred (100) qualified electors of the public utility district to be filed in the office of the County Auditor not more than sixty (60) days, and not less than thirty (30) days prior to the day of such election: *Provided, however,* That in any public utility district having a population of less than four thousand, such nominating petition shall be signed by a number of

Expenses of election.

Nomination by petition.

Proviso.

Ten per cent
of electors.

qualified electors equaling ten per cent (10%) or more of the qualified electors of the public utility district. A vacancy in the office of Public Utility

Vacancies.

District Commissioner shall occur by death, resignation, removal, conviction of a felony, non-attendance at meetings of the Public Utility District Commission for a period of sixty (60) days unless excused by the Public Utility District Commission, by any statutory disqualification, or by any permanent disability preventing the proper discharge of his duty. In the event of a vacancy in said office, such vacancy shall be filled at the next general election, the vacancy in the interim to be filled by appointment by the remaining Commissioners. If there should be at the same time such number of vacancies that there are not in office a majority of the full number of Commissioners fixed by law, a special election shall be called by the County Election Board upon the request of the remainder, or, that failing, by the County Election Board, such election to be held not more than forty (40) days after the occurring of such vacancies.

Special
election.

Quorum.

A majority of the persons holding the office of Public Utility District Commissioner at any time shall constitute a quorum of the commission for the transaction of business, and the concurrence of a majority of the persons holding such office at the time shall be necessary and shall be sufficient for the passage of any resolution, but no business shall be transacted, except in usual and ordinary course, unless there are in office at least a majority of the full number of Commissioners fixed by law.

Boundaries
of commis-
sioners'
districts.

The boundaries of the Commissioners' districts shall not be changed oftener than once in four (4) years, and only when all members of the Commission are present: *Provided*, That any proposed change therein must be made by resolution and notice of the time of a public hearing thereon shall be pub-

Change by
resolution
and notice.

lished for two (2) weeks prior thereto: *And provided further*, That upon a referendum petition signed by six per cent (6%) of the qualified voters of the public utility district being filed with the Clerk, the Commission shall submit such proposed change to the voters of the public utility district for their approval or rejection. The checking of said petition as to its sufficiency or insufficiency shall be governed by the provisions in this act relating thereto.

Referendum.

SEC. 5. That section 5 of chapter 1, Laws of 1931, be amended to read as follows:

Amendments.

Section 5. The term general election as used in this act shall be held and construed to mean biennial general elections at which state and county officers are elected. The Election Board of the county shall give notice of all elections held under the provisions of this act for the time and in the manner and form provided by law for city, school district and port district elections. Whenever in the judgment of the Election Board of the county an emergency exists, and such board is requested so to do by a resolution of the Public Utility District Commission, it may call a special election at any time in such public utility district, and at any such special election said board may combine, unite or divide precincts for the purpose of holding such special election, and every such special election so called shall be conducted and notice thereof given in the manner provided by law.

Definition: General election.

Duty of County Election Board.

Special election in emergency.

The chairman of the Board of County Commissioners, the County Auditor and the Prosecuting Attorney of the county in which the election is held shall constitute an Election Board for all elections held under the provisions of this act; and it shall be the duty of such board to provide polling places for holding elections under this act, to appoint the election officers, to provide their compensation, to provide ballot boxes, and ballots or voting machines,

County Election Board.

Duties of
County
Election
Board.

poll books and tally sheets, and deliver them to the election officers at the polling places, to publish and post notices of calling such elections in the manner provided by law, and to apportion to the public utility district its share of the expense of holding such election.

Election
officers.

The election officers appointed by the Election Board of the county shall conduct such elections and shall receive and deposit ballots cast thereat in a separate ballot box, and shall count said ballots and make returns thereof to the Election Board of the county, which board shall constitute a canvassing board for all elections held under the provisions of this act. The manner of conducting and voting at elections under this act, opening and closing of polls, keeping of poll lists, canvassing the votes, declaring the result, and certifying the returns, shall be the same as provided by the general election laws governing the election of state and county officers, except as otherwise provided in this act.

County
Board to
canvass vote.

General laws
to govern.

Commission
to certify
offices to be
filled.

The Public Utility District Commission shall certify to the Election Board a list of offices to be filled at any election to be held under the provisions of this act, and such commission, if it desires to submit to the voters of such public utility district any proposition for their approval or adoption, or rejection, at any election held under the provisions of this Act, shall require the secretary of such commission to certify the same to the Election Board at the time and in the manner and form now provided by law for certifying propositions to said board by the governing board of cities, towns and port districts.

Propositions.

Compensa-
tion for
Commis-
sioners.

Rate.

Sec. 6. Each public utility district may provide by resolution for the payment of compensation to each of its commissioners at a rate not exceeding \$10.00 for each day or major part thereof devoted to the business of the district, and days upon which he attends meetings of the Commission of his own

district or meetings attended by one or more Commissioners of two or more districts called to consider business common to them. Each Public Utility District Commissioner shall be reimbursed for reasonable expenses actually incurred in connection with such business and meetings, including his subsistence and lodging while away from his place of residence and mileage for use of personal automobile at the rate of five cents (5¢) per mile.

Expenses.

Mileage.

SEC. 7. Whenever, in any eminent domain proceeding heretofore or hereafter instituted by a public utility district or districts for the acquisition of any public utility or works, plants or facilities, a verdict has been returned, or, if the case is tried by the Court without a jury, a judgment has been entered, fixing the amount to be paid as compensation for the property taken or damaged, such verdict or judgment shall bear interest at the rate of six per cent (6%) per annum from the date of entry to the date of payment thereof, and there shall be added thereto the amount, with like interest thereon, expended for reasonable additions and betterments to and extensions of such property made between the dates last mentioned after notice of intention to make such additions, betterments and improvements and approval thereof by the Court having jurisdiction of the eminent domain proceeding: *Provided*, That there shall be offset against and deducted from such interest and the amount added thereto for additions, betterments and extensions made as aforesaid, the amount of net earnings, before allowance for depreciation, derived from such properties between such dates; and the Court, by order or decree, shall make provision for the adjustment, determination and payment of such items. In the event objection is made to the entry or the form of any decree of appropriation, the Court shall hear and rule upon such objection and thereafter payment shall be made in

Vetoed.

Vetoed. { accordance with such ruling. The provisions of this section shall apply in all cases where a decree of appropriation shall be entered after the effective date of this act.

Group insurance.

May pay premiums.

Restriction.

Proviso.

SEC. 8. Any public utility district engaged in the operation of electric or water utilities may enter into contracts of group insurance for the benefit of its employees, and pay all or any part of the premiums for such insurance. Such premiums shall be paid out of the revenues derived from the operation of such properties: *Provided*, That no contract shall be entered into for the benefit of a group of less than ten employees: *And provided further*, That if the premium is to be paid by the district and employees jointly, and the benefits of the policy are offered to all eligible employees, not less than seventy-five per centum (75%) of such employees may be so insured.

Vetoed. { SEC. 9. The incorporation of each and all public utility districts in this state heretofore had or attempted under chapter 1, Laws of 1931, under which attempted incorporation an organized government, by and through persons claiming to occupy the offices of Public Utility District Commissioners, has been maintained since the date thereof, is hereby declared for all purposes legal and valid, and such public utility districts are hereby declared duly incorporated.

Limitation of action on legality of district.

SEC. 10. The existence of any public utility district now or hereafter formed under chapter 1, Laws of 1931, cannot hereafter be legally questioned by any person except the State of Washington in an appropriate Court action brought within six months from the date that the County Election Board shall have canvassed the returns of the election held on the proposition of creating such district. If the existence of a district is not challenged within the period above specified, by the filing and service of petition or complaint in the action aforesaid, the State of

Washington thereafter shall be barred forever from questioning the legal existence and validity of such district by reason of any defect in the organization thereof, and the same shall be deemed duly and regularly organized under the laws of this state.

Limitation
of action.

SEC. 11. If any section or provision of this act shall be adjudged to be invalid, 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.

Partial
invalidity.

SEC. 12. This act is necessary for the promotion of the public welfare, the immediate support of the state government and its existing public institutions and shall take effect immediately.

Effective
immediately.

Passed the House February 27, 1941.

Passed the Senate March 11, 1941.

Approved by the Governor March 25, 1941, with the exception of sections 7 and 9, which are vetoed.

CHAPTER 246.

[H. B. 15.]

APPROPRIATIONS FOR SECONDARY HIGHWAYS.

AN ACT relating to secondary state highways, making appropriations from the motor vehicle fund for location, right of way, improvement, construction, reconstruction, maintenance, special maintenance, emergencies, and all proper highway purposes for secondary highways, amending section 6, chapter 181, Laws of 1939 (section 6600-2b Remington's Revised Statutes), repealing section 21, chapter 181, Laws of 1939, (section 6600-25e Remington's Revised Statutes), and declaring an emergency, and that this act shall take effect April 1, 1941.

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

SECTION 1. That section 6, chapter 181, Laws of 1939 (section 6600-2b Remington's Revised Statutes), be and it is hereby amended to read as follows:

Amend-
ments.

Reappropriation of unexpended funds.

Section 6. The balance remaining in the motor vehicle fund from the net tax amount and not expended or credited in the manner provided by sections 2, 3, 4 and 5 of this act, as amended, and all moneys which have accrued or may accrue to the motor vehicle fund from any source whatsoever, less such sums expended pursuant to proper appropriation for costs of collection and administration of such funds shall be expended by the Department of Highways of the State of Washington pursuant to proper appropriations and re-appropriation thereof for primary state highway, secondary state highway and other proper Department of Highway purposes.

Purpose.

Amount to be expended.

SEC. 2. Of the sums available for primary state highway and secondary state highway purposes in the motor vehicle fund, the Director of Highways shall expend pursuant to appropriation a sum equal to three-fourths of one cent ($\frac{3}{4}$ ths of 1¢) per gallon on all taxable motor vehicle fuel sold, and in carrying out projects hereinafter appropriated for, he shall anticipate the receipt of such sum for the entire biennium in said fund.

Location, etc.

SEC. 3. For location, right of way, engineering, improvement, construction and reconstruction of secondary state highways, including the construction of bridges to form a part thereof, there is hereby appropriated from the motor vehicle fund for the biennium ending March 31, 1943, the respective amounts hereinafter specified to be expended by the Director of Highways for said purposes in the counties designated: Adams \$114,595; Asotin \$40,800; Benton \$129,160; Chelan \$199,370; Clallam \$136,913; Clark \$145,043; Columbia \$26,798; Cowlitz \$126,141; Douglas \$97,870; Ferry \$55,983; Franklin \$106,504; Garfield \$38,503; Grant \$50,697; Grays Harbor \$113,840; Island \$82,601; Jefferson \$23,615; King \$269,526; Kitsap \$47,029; Kittitas \$56,436; Klickitat \$153,529; Lewis \$179,699; Lincoln \$200,737;

Amounts to be expended.

Amount as to counties.

Mason \$62,707; Okanogan \$96,953; Pacific \$85,784; Pend Oreille \$41,419; Pierce \$139,501; Skagit \$185,757; Skamania \$20,916; Snohomish \$175,381; Spokane \$85,836; Stevens \$121,968; Thurston \$97,061; Wahkiakum \$39,050; Walla Walla \$112,673; Whatcom \$112,363; Whitman \$175,057; Yakima \$184,752.

Amount to be expended.

Amount as to counties.

SEC. 4. In cases where secondary highway projects include more than one county, funds therefor shall be charged to the proper appropriations made in the preceding section in proper proportionate amounts. Should there become available to any county under the appropriations made in the preceding section sums in excess of the needs of the county for the ensuing biennium, such excess may be used by the Director of Highways, if necessary, for proper construction projects on secondary highways in other counties.

Inter-county projects proportioned.

Excess may be used in other counties.

SEC. 5. The Director of Highways is hereby required and directed to expend during the biennium ending March 31, 1943, for the purposes set forth in section 3 of this act and within the counties designated in said section unless transfers are hereby authorized, the sums appropriated to the various counties in said section as follows:

Adams County:

| | |
|---|------------|
| S. S. H. 11-B Washtucna to Dusty..... | \$9,800.00 |
| S. S. H. 11-E Ritzville to Washtucna..... | 13,000.00 |
| S. S. H. 11-G Lind to Washtucna..... | 71,295.00 |
| Transfer to Spokane County..... | 20,500.00 |

Vetoed.

| | |
|----------------------------|--------------|
| Total to Adams County..... | \$114,595.00 |
|----------------------------|--------------|

Asotin County:

| | |
|--|------------|
| S. S. H. 3-K Garfield County line easterly..... | \$1,200.00 |
| Discretion of Director of Highways in county.... | 39,600.00 |

| | |
|-----------------------------|-------------|
| Total to Asotin County..... | \$40,800.00 |
|-----------------------------|-------------|

Benton County:

| | |
|--|-------------|
| S. S. H. 8-E Paterson to Hayden Corner..... | \$44,000.00 |
| S. S. H. 8-E Klickitat County line to Prosser (culverts) | 1,000.00 |
| S. S. H. 11-A Yakima County line to Columbia River (culverts) | 100.00 |

| | | |
|--|---|--------------|
| | S. S. H. 11-A Cold Creek to Priest Rapids Road.. | \$20,000.00 |
| | Paterson to Paterson Ferry..... | 6,000.00 |
| | S. S. H. 8-E Paterson to Kennewick..... | 33,060.00 |
| | Transfer to Skamania County..... | 25,000.00 |
| | | <hr/> |
| | Total to Benton County..... | \$129,160.00 |
| | Chelan County: | |
| | S. S. H. 10-D Jct. P. S. H. No. 10 to Chelan Station | \$84,000.00 |
| | S. S. H. 15-C Winton Jct. northerly..... | 115,370.00 |
| | | <hr/> |
| | Total to Chelan County..... | \$199,370.00 |
| | Clallam County: | |
| | S. S. H. 9-A Joyce to Twin..... | \$16,700.00 |
| | S. S. H. 9-A Deep Creek to West Joe Creek.... | 83,500.00 |
| | S. S. H. 9-A Clallam Bay Jct. to Sappho..... | 10,000.00 |
| | S. S. H. 9-G (new highways) Jct. No. 9 Fair- holm along North shore Lake Crescent | 26,713.00 |
| | | <hr/> |
| | Total to Clallam County..... | \$136,913.00 |
| | Clark County: | |
| | S. S. H. 1-U Brush Prairie to Battleground.... | \$46,000.00 |
| | S. S. H. 1-S Yale Bridge south at Lewis River (Grading) | 18,000.00 |
| | S. S. H. Yale Bridge south of Lewis River (oil surfacing) | 17,500.00 |
| | Crawford overhead | 24,000.00 |
| | Battleground to Dollars Corner.... | 39,543.00 |
| | | <hr/> |
| | Total to Clark County..... | \$145,043.00 |
| | Columbia County: | |
| | S. S. H. 3-L Jct. P. S. H. No. 3 to Garfield Co. line | \$600.00 |
| | S. S. H. 3-L Tucannon River Bridge..... | 13,500.00 |
| | S. S. H. 3-L Tucannon River Canyon (turnouts) | 5,000.00 |
| | Discretion of Director of Highways in county.... | 7,698.00 |
| | | <hr/> |
| | Total to Columbia County..... | \$26,798.00 |
| | Cowlitz County: | |
| | S. S. H. 1-R Milepost 15 to Milepost 33..... | \$34,000.00 |
| | S. S. H. 1-S Ariel Dam to Yale Jct..... | 11,000.00 |
| | S. S. H. 1-S Yale Bridge south..... | 18,000.00 |
| | S. S. H. 1-S Crawford overcrossing and ap- proaches | 20,000.00 |
| | S. S. H. 1-Q Jct. 1-R to Salmon Creek..... | 33,141.00 |
| | Transfer to Wahkiakum County... | 10,000.00 |
| | | <hr/> |
| | Total to Cowlitz County..... | \$126,141.00 |

Vetoed.

| | |
|---|--------------|
| Douglas County: | |
| S. S. H. 10-B Wallace Canyon to Leahy (balance to be transferred if available) | \$97,870.00 |
| Total to Douglas County..... | \$97,870.00 |
| Ferry County: | |
| S. S. H. 4-A Curlew to Danville..... | \$55,983.00 |
| Total to Ferry County..... | \$55,983.00 |
| Franklin County: | |
| S. S. H. 11-A Columbia River to Connell..... | \$1,300.00 |
| S. S. H. 11-A Mesa Road to Connell..... | 2,500.00 |
| S. S. H. 11-B Jct. P. S. H. No. 11 to Adams County line | 500.00 |
| S. S. H. 11-B Kahlotus Lake vicinity..... | 12,500.00 |
| S. S. H. 11-B Palouse Orchards bridge..... | 30,000.00 |
| Discretion of Director of Highways in county.... | 41,704.00 |
| Transfer to Skamania County..... | 18,000.00 |
| Total to Franklin County..... | \$106,504.00 |
| Garfield County: | |
| S. S. H. 3-K Pomeroy to Asotin County line.... | \$500.00 |
| S. S. H. 3-K Pomeroy to Mt. Misery Road Jct... | 13,500.00 |
| S. S. H. 3-L Columbia County line to Jct. P. S. H. No. 3 | 200.00 |
| Central Ferry to Pomeroy..... | 24,303.00 |
| Total to Garfield County..... | \$38,503.00 |
| Grant County: | |
| S. S. H. 4-C (new road) Coulee Dam to vicinity Hesseltine | \$135,000.00 |
| (Transfer from Kittitas County | \$23,826) |
| Total to Grant County..... | \$135,000.00 |
| Grays Harbor County: | |
| S. S. H. 9-C Pacific Beach east..... | \$60,100.00 |
| S. S. H. 9-D Kamilche cutoff | 6,455.00 |
| S. S. H. 13-A Aberdeen south | 79,050.00 |
| S. S. H. 13-A Markham to Ocosta flats..... | 3,600.00 |
| Total to Grays Harbor County.. | \$149,195.00 |
| Island County: | |
| To join with Snohomish County in establishing a new portion of the secondary state highway system as a part of S. S. H. 1-E known as Camano Island playground Highway | \$82,601.00 |
| Total to Island County..... | \$82,601.00 |

Vetoed.

| | | |
|---------|---|--------------|
| | Jefferson County: | |
| | S. S.H. 9-E Eagle to Port Ludlow..... | \$14,100.00 |
| | Discretion of Director of Highways in county.... | 9,515.00 |
| | | <hr/> |
| | Total to Jefferson County..... | \$23,615.00 |
| | King County: | |
| | S. S. H. 2-A Bellevue to Kennydale..... | \$221,670.00 |
| | S. S. H. 1-V Lakala to Woodmont..... | 35,000.00 |
| | S. S. H. 1-J Construction of approximately 3200' | |
| | of Marine View Drive north of | |
| | Seattle | 5,000.00 |
| | S. S. H. 1-A Woodenville vicinity | |
| | S. S. H. 2-B Lake Forest Park vicinity | |
| | S. S. H. 5-D Kit's Corner to Pierce County line | |
| | S. S. H. 5-M Duwamish River to Foster | |
| | | <hr/> |
| | Total to King County..... | \$269,526.00 |
| | Kitsap County: | |
| | S. S. H. 21-B Bremerton to Keyport..... | \$10,500.00 |
| | S. S. H. 21-C (new road) Jct. P. S. H. No. 21 at | |
| | Chico Hoods Canal near Sea- | |
| | beck | 23,529.00 |
| Vetoed. | S. S. H. 21-A from Ferry landing at White Point | |
| | to Ferry landing at Winslow.. | 13,000.00 |
| | | <hr/> |
| | Total to Kitsap County..... | \$47,029.00 |
| | Kittitas County: | |
| | S. S. H. 2-E Ronald to Cle Elum..... | \$200.00 |
| | S. S. H. 2-E Ronald vicinity..... | 1,000.00 |
| | S. S. H. 3-M Jct. P. S. H. No. 3 to Ellensburg... | 9,300.00 |
| | S. S. H. 7-B Ellensburg to P. S. H. No. 3..... | 2,100.00 |
| | Transfer to Grant County..... | 23,836.00 |
| | Survey from Ellensburg on P. S. H. | |
| | No. 3, westerly to Jct. with | |
| | P. S. H. No. 5 vicinity of Cliff- | |
| | dell | 20,000.00 |
| | | <hr/> |
| | Total to Kittitas County..... | \$56,436.00 |
| | Klickitat County: | |
| | S. S. H. 8-D White Salmon north..... | \$3,000.00 |
| | S. S. H. 8-D Husum vicinity..... | 10,000.00 |
| | S. S. H. 8-D Trout Lake south (P. R. A.)..... | 10,000.00 |
| | S. S. H. 8-E Rock Creek vicinity..... | 10,500.00 |
| | S. S. H. 8-E Alderdale west..... | 33,500.00 |
| | S. S. H. 8-F Lyle-Klickitat-Goldendale | 29,445.00 |
| | Transfer to Skamania County..... | 57,084.00 |
| | | <hr/> |
| | Total to Klickitat County..... | \$153,529.00 |

Lewis County:

| | |
|---|---------------------|
| S. S. H. 1-N Galvin to Bunkercreek Road..... | \$10,500.00 |
| S. S. H. 1-P Toledo West..... | 5,500.00 |
| S. S. H. 1-P Toledo to Lacamas Creek..... | 6,500.00 |
| S. S. H. 1-Q Jct. S. S. H. 1-R to Salmon Creek (Cowlitz Co.) | 20,000.00 |
| S. S. H. 1-Q Toledo to Cedar Creek..... | 9,500.00 |
| S. S. H. 5-K Onalaska to Bear Canyon..... | 45,000.00 |
| S. S. H. 5-K Tilton Riv. Br. & Approaches..... Tenino to Bucoda to Centralia (if established) | 48,000.00 |
| Survey from Pe Ell to Grays River. | 3,699.00 |
| S. S. H. 12-E Winlock to Napavine-Napavine to Claquato | 11,000.00 |
| Total to Lewis County..... | \$179,699.00 |

Lincoln County:

| | |
|--|---------------------|
| S. S. H. 11-C Sprague south (Whitman)..... | \$39,000.00 |
| S. S. H. 2-G Reardon to Edwall..... | 7,400.00 |
| S. S. H. 4-B Odessa north..... | 5,900.00 |
| S. S. H. 11-C Sprague to Lamont..... | 1,600.00 |
| S. S. H. 4-B Odessa to Wilbur..... | 90,000.00 |
| S. S. H. 2-G Sprague to Edwall..... | 56,837.00 |
| Total to Lincoln County..... | \$200,737.00 |

Vetoed.

Mason County:

| | |
|---|--------------------|
| S. S. H. 14-A Grapeview Road to P. S. H. No. 14.. | \$15,000.00 |
| S. S. H. 14-B Jct. S. S. H. 14-A to P. S. H. No. 14 | 4,500.00 |
| S. S. H. 14-B Allyn to Vaughn..... | 13,000.00 |
| S. S. H. 9-D Kamilche Cutoff..... | 8,555.00 |
| Discretion of Director of Highways in county.... | 21,652.00 |
| Total to Mason County..... | \$62,707.00 |

Okanogan County:

| | |
|---|--------------------|
| S. S. H. 10-A Disautel east and west..... | \$96,953.00 |
| (Or so much as may be available balance of \$105,860 by transfer if possible) | |
| Total to Okanogan County..... | \$96,953.00 |

Pacific County:

| | |
|-------------------------------------|--------------------|
| S. S. H. 13-A Raymond west..... | \$85,784.00 |
| Total to Pacific County..... | \$85,784.00 |

Pend Oreille County:

| | |
|--|--------------------|
| S. S. H. 6-B Usk to Diamond Lake (Sacheen cutoff) | \$41,419.00 |
| Total to Pend Oreille County... | \$41,419.00 |

| | | |
|-------------------|--|--------------|
| Pierce County: | | |
| S. S. H. 5-E | Electron to Elkhorn..... | \$20,000.00 |
| S. S. H. 1-Y | Via 84th St. from Stellacoom to Fruitland Avenue in vicinity of Puyallup, Via 84th St..... | 5,000.00 |
| S. S. H. 12 | 72nd St. from State Road No. 1 to State Road No. 5 in Puyallup.. | 40,451.00 |
| | Orting to Electron, oiling..... | 7,250.00 |
| | Roy Junction to McKenna..... | 10,800.00 |
| S. S. H. 5-G | ..... | 3,000.00 |
| | Purdy to Mason County line, relo- cation and improvement..... | 15,000.00 |
| | 5-G P. S. H. No. 1 to Jct. P. S. H. No. 5. | 3,000.00 |
| S. S. H. 1-AA | McChord Field to Narrows Bridge | 25,000.00 |
| S. S. H. 1-V | Hylebos Waterway West to Tacoma | 10,000.00 |
| | Total to Pierce County..... | \$139,501.00 |
| Skagit County: | | |
| S. S. H. 17-A | Rockport west..... | \$165,297.00 |
| S. S. H. 1-H | Conway to McMurray..... | 7,460.00 |
| S. S. H. 1-A | Big Rock south..... | 3,000.00 |
| S. S. H. 1-C | Burlington to Sedro Wooley..... | 10,000.00 |
| | Total to Skagit County..... | \$185,757.00 |
| Skamania County: | | |
| S. S. H. 8-C | Wind River bridge..... | \$100,000.00 |
| S. S. H. 8-C | Wind River road south of bridge... | 12,416.00 |
| S. S. H. 8-B | Clark County line to Jct. P. S. H. No. 8..... | 8,500.00 |
| | (\$100,000 transferred from Frank- lin, Benton & Klickitat Coun- ties) | |
| | Total to Skamania County..... | \$120,916.00 |
| Snohomish County: | | |
| S. S. H. 1-A | New road between Arlington, Get- chell and Snohomish, construc- tion to start from Arlington south | \$78,991.00 |
| S. S. H. 1-I | From new approach at ferry land- ing in Mukilteo north to Ever- ett. Construction of new sec- ondary highway..... | 78,991.00 |
| S. S. H. 1-E | New construction Federal aid to be secured if possible..... | 100,000.00 |
| | (Transferred from Island County \$82,601) | |
| | Total used by Snohomish County | \$257,982.00 |

Vetoed.

Spokane County:

| | |
|--|---------------------|
| S. S. H. 3-1 Spokane to Jct. P. S. H. No. 3..... | \$1,800.00 |
| S. S. H. 3-H Fairfield south 2nd section..... | 88,000.00 |
| Discretion of Director of Highways in county.... | 16,536.00 |
| (Transfer from Adams County \$20,500) | |
| Total to Spokane County..... | \$106,336.00 |

Stevens County:

| | |
|---|---------------------|
| S. S. H. 3-J Ford to Long Lake..... | \$60,000.00 |
| S. S. H. 6-A Colville east (Colville-Tiger)..... | 46,968.00 |
| Jct. to Northwest Magnesite quarry | 15,000.00 |
| (to be matched by an equal or greater amount by Stevens County) | |
| Total to Stevens County..... | \$121,968.00 |

Thurston County:

| | |
|---|--------------------|
| S. S. H. 5-H Rainier to Tenino..... | \$72,000.00 |
| S. S. H. 5-H Yelm to Tenino..... | 14,061.00 |
| Tenino, Bucoda, Centralia (if estab- lished) | 11,000.00 |
| (Any unexpended balances to be used Tenino to Centralia) | |
| S. S. H. 5-H Roy Junction to Tenino..... | 10,800.00 |
| Total to Thurston County..... | \$97,061.00 |

Vetoed.

Wahkiakum County:

| | |
|--|--------------------|
| Transferred from Cowlitz for mtnce and spec. mtnce—Puget Island Bridge | \$10,000.00 |
| S. S. H. 12-C Rosburg Bridge and approaches... | 18,550.00 |
| S. S. H. 12-D Jct. P. S. H. No. 12 to Crown Wil- lamette Camp No. 2..... | 20,500.00 |
| Total to Wahkiakum County... | \$49,050.00 |

Walla Walla County:

| | |
|---|---------------------|
| S. S. H. 3-E Berryman to Waitsburg..... | \$112,673.00 |
| (Balance of amount necessary to complete project to be obtained by transfers if possible) | |
| Total to Walla Walla County.... | \$112,673.00 |

Whatcom County:

| | |
|---|--|
| S. S. H. 1-A Re-location and construction of bridge over Nooksack River with approaches. Federal aid to be obtained if possible so | |
|---|--|

| | |
|--|--------------|
| that the highest type of modern bridge to replace be con- structed | \$112,363.00 |
|--|--------------|

| | |
|------------------------------|--------------|
| Total to Whatcom County..... | \$112,363.00 |
|------------------------------|--------------|

Whitman County:

| | |
|---|--------------|
| S. S. H. 11-C Lamont to St. John..... | \$100,000.00 |
| Jct. P. S. H. No. 3 vicinity north Pullman easterly..... | 50,000.00 |
| Discretion of Director of Highways in county..... | 25,057.00 |

| | |
|------------------------------|--------------|
| Total to Whitman County..... | \$175,057.00 |
|------------------------------|--------------|

Yakima County:

| | |
|--|--------------|
| S. S. H. 5-N Bridge over Yakima River with approaches | \$140,000.00 |
| S. S. H. 11-A Jct. P. S. H. No. 3 to Benton County line | 1,300.00 |
| Discretion of Director of Highways in county... | 43,452.00 |

| | |
|-----------------------------|--------------|
| Total to Yakima County..... | \$184,752.00 |
|-----------------------------|--------------|

Vetoed.

SEC. 6. The Director of Highways is hereby required to prepare and submit to the Legislature at its convening in regular biennial session in 1943, a separate secondary highway report and budget setting forth the following: The total receipts in the motor vehicle fund from the sale of taxable motor vehicle fuel at the rate of three-fourths of one cent (¾ths of 1c) per gallon for the last twenty-four (24) months immediately preceding the preparation of said report, and the amount to which each county of the state would be entitled of this sum on the basis of the proportionate appropriations contained in section 3 of this act; the amount of money spent on secondary highways in each county of the state under the appropriations contained in this act itemized as to (1) location, engineering, right of way and/or construction; (2) maintenance; (3) special maintenance; and (4) emergencies; the unexpended balance of any appropriation to any county contained in section 3 of this act; and a statement of any sums which may have been transferred under the authority of section 4 of this act, giving the amount thereof, the county

from which taken and the county or counties in which the same were expended. The Director of Highways shall also with this report submit a proposed budget for the maintenance, improvement and construction of the secondary state highway system for the ensuing biennium itemized as to each county, and setting forth in the budget for each county a separate itemization of the amounts budgeted for (1) location, right of way, engineering, improvement and/or construction; (2) maintenance; (3) special maintenance; and (4) emergencies. The Director of Highways shall, in preparing this budget, allocate among the several counties of the state a sum equal to three-fourths of one cent ($\frac{3}{4}$ ths of 1c) per gallon on all taxable motor vehicle fuel sold over a twenty-four (24) month period in the proportions set forth in section 3 of this act. He may also submit for consideration a budget allocating said funds on a different basis if, in his opinion, the necessities of the secondary highway system so require.

Vetoed.

SEC. 7. For the maintenance of secondary state highways, including road signs, operation of bridges and ferries and similar purposes on secondary state highways, there is hereby appropriated from the motor vehicle fund for the biennium ending March 31, 1943, the sum of one million, three hundred eighty thousand, seven hundred thirty-two dollars (\$1,380,732), or so much thereof as shall be necessary.

Amount of appropriation for secondary highways.

SEC. 8. For the special maintenance of secondary state highways, including extraordinary repairs and contingencies, there is hereby appropriated from the motor vehicle fund for the biennium ending March 31, 1943, the sum of four hundred ninety-nine thousand, two hundred forty-seven dollars (\$499,247), or so much thereof as shall be necessary.

Special maintenance appropriation.

SEC. 9. For emergencies, hereby defined to be damages to secondary state highways and/or structures, which could not with the exercise of reason-

Emergencies.

able 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, 1943, the sum of one hundred thousand dollars (\$100,000), or so much thereof as shall be necessary.

Amount.

Statute repealed.

SEC. 10. That section 21, chapter 181, Laws of 1939 (section 6600-25e Remington's Revised Statutes), and all acts and parts of acts in conflict with this act, or any part thereof, be and the same are hereby repealed.

Effective date.

SEC. 11. This act is necessary for the immediate preservation of the public peace, health and safety, for the support of the state government and its existing institutions and shall take effect on the first day of April, 1941.

Passed the House March 13, 1941.

Passed the Senate March 12, 1941.

Approved by the Governor March 25, 1941 with the exception of sections 5 and 6, which are vetoed.

CHAPTER 247.

[H. B. 180.]

COUNTY ROADS IN SPOKANE COUNTY.

AN ACT relating to county roads in Spokane County and appropriating money therefor from the motor vehicle fund and declaring an emergency.

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

Appropriation for Spokane county.

SECTION 1. There is hereby appropriated from the net tax amount in the motor vehicle fund for the biennium ending March 31, 1943, to Spokane County the sum of two hundred thousand dollars (\$200,000); said appropriation is to be made from the net tax amount in the motor vehicle fund available for allocation to counties prior to computation

Amount.

of and distribution from said fund to counties and is to be over and above the pro rata distribution from said fund to Spokane County. One twenty-fourth (1/24) of said amount shall be paid monthly to Spokane County and shall by said county be placed in the county road fund of Spokane County and expended therefrom in the same manner and under the same conditions as other gas tax funds in said county road fund.

Motor vehicle fund.

County road fund.

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 on the first day of April, 1941.

Effective date.

Passed the House February 19, 1941.

Passed the Senate March 11, 1941.

Approved by the Governor March 25, 1941.

CHAPTER 248.

[H. B. 367.]

REORGANIZATION OF SCHOOL DISTRICTS.

AN ACT relating to education; defining terms; providing for county committees and a state committee for the reorganization of school districts; defining the powers and duties of County Committees and the State Committee; prescribing duties of county and state officers; providing for boards of school directors in reorganized school districts; providing for appeals; providing for the classification of reorganized school districts; and making an appropriation.

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

SECTION 1. This act shall be known and may be cited as an act to provide for the reorganization of school districts and shall have for its purpose the formation of new school districts and the alteration of the boundaries of established districts in order

Citation.

Purpose.

Purpose. to provide a more nearly equalized educational opportunity for pupils of the common schools, a higher degree of uniformity of school tax rate among districts, and a wiser use of public funds expended for the support of the common school system.

Definition. SEC. 2. The words "reorganization of school districts" wherever used in this act shall be held and construed to mean and include the formation of new school districts, the alteration of the boundaries of established school districts, and the dissolution or disorganization of established school districts through or by means of (a) the uniting of two (2) or more established districts, (b) the subdivision of one (1) or more districts, (c) the transfer to any established district of a part of the territory of one (1) or more districts, and/or the attachment thereto of all or any part of the territory of one (1) or more districts subject to disorganization for any of the reasons now specified by law, and/or the transfer therefrom of any part of the territory of said established district, and (d) any combination of the methods aforementioned.

Method of reorganization. The words "County Committee" and the words "State Committee" wherever used in this act shall mean respectively the County Committee for the reorganization of school districts and the State Committee for the reorganization of school districts hereinafter provided for by this act.

Definitions. SEC. 3. There is hereby created in each county in the state a committee which shall be known as the County Committee for the reorganization of school districts hereinafter referred to as the "County Committee." Each County Committee shall

County committee. be composed of not less than seven (7) nor more than thirteen (13) representative citizens of the county. The members of the County Committee in each county shall be appointed within one and one-half (1½) years after the effective date of this act

Number. by the County Superintendent of Schools and one

Time for appointment.

Appointed by.

person from each school district in the county selected by the Board of Directors of such districts: *Provided further*, That nothing in this act shall be construed as preventing the County Superintendent from being appointed as a member of the County Committee: *Provided still further*, That at least one member of the County Committee shall be appointed from among the residents of each county commissioner district of the county. No member of a County Committee shall continue to serve thereon if he ceases to be a resident of the county. Vacancies in the membership of the County Committee shall be filled by the persons charged by this act with the duty of appointing said committee. The life of each County Committee shall terminate four (4) years after the effective date of this act, unless extended as hereinafter provided or unless such Committee seeks and secures from the State Committee a discharge at an earlier date on a showing of having fully performed the duties imposed upon it by this act. Members of the County Committee shall serve without compensation but shall be reimbursed for expenses necessarily incurred in the performance of their duties, said reimbursement to be upon vouchers submitted to the State Committee for approval and payment in like manner as other state expenses for subsistence and travel are paid.

SEC. 4. The County Committee shall organize by electing from its membership a chairman and a vice chairman. The County Superintendent of Schools shall be the Secretary of the Committee. Meeting of the Committee shall be held upon call of the chairman or a majority of the members thereof. A majority of the Committee shall constitute a quorum.

SEC. 5. The County Committee shall have the power and it shall be its duty:

(1) To prepare and submit to the State Committee within one and one-half (1½) years after

Supt. may serve.

Proviso.

Vacancies.

Term of committee.

No compensation.

Expenses.

Organization of committee.

Meetings.

Quorum.

Powers and duties.

Comprehensive plan.

Proviso.

Joint committees.

Proviso.

Considerations.

Public hearings.

Purposes.

its appointment a comprehensive plan for the reorganization of school districts within the county: *Provided*, That a plan for the reorganization of school districts involving territory lying in two (2) or more counties shall be prepared by joint action of a special committee composed of not less than three (3) members of the County Committee of each county involved, which plan shall, for purposes of submission to the State Committee, be incorporated into the comprehensive plan of the county which has the largest number of pupils residing in the proposed joint district. From time to time, the County Committee may submit to the State Committee a plan for the reorganization of one (1) of [or] more school districts within the county or one (1) or more joint districts comprising territory within the county, without awaiting the completion of a comprehensive plan: *Provided*, That such plan will fit into and become an integral part of such comprehensive plan as the County Committee is herein required to prepare.

(2) To give due consideration, in the preparation of a plan for the reorganization of school districts, to the educational needs of local communities; to economies in transportation and in administration costs; to the future use of existing satisfactory school buildings, sites, and play fields; to the convenience and welfare of pupils; to a reduction in disparities in per-pupil valuation among school districts; to the equalization of the educational opportunity of pupils; and to any other matters which, in its judgment, are of importance.

(3) To hold a public hearing on the advisability of any proposal by the County Committee for the reorganization of school districts which involves the formation of a new district or the transfer from one (1) established district to another of any territory in which children of school age reside; to

hear, at such time as may be fixed by the County Committee, testimony offered by any person or school district interested in any proposal of the County Committee to form a new district or to transfer territory from one (1) school district to another or to attach to an established district or districts all or any part of another district subject to disorganization for any of the reasons now specified by law, said testimony to be heard for the purpose of finding and determining the value and amount of all school property of whatever nature involved in the proposed action, the nature and amount and value of all bonded, warrant, and other indebtedness of each school district affected by the proposed action, including all legal uncompleted obligations then existing, and in so doing to consider the amount of such outstanding indebtedness incurred for current expenses, the amount incurred for permanent improvements and the location of such improvements, and to make an equitable adjustment of all property, debts, and liabilities among the districts involved; and to keep a record of all hearings on the reorganization of school districts and of all findings and terms of adjustment of property, debts and liabilities among the districts involved, and to submit the same to the State Committee at the time of submitting a plan for the reorganization of school districts as provided in section 5, subsection 1, of this act. Notice of such public hearings as the County Committee is required by this act to hold shall be given in the manner prescribed in section 4722 of Remington's Revised Statutes if the formation of a new district is involved, and in the manner prescribed in section 4727 of said statutes if the alteration of the boundaries of an established district is involved. A sub-committee composed of not less than three (3) members of a County Committee, or three (3) members of the County Com-

Public
hearings.

Purposes.

Manner of
notice of
public
hearings.Sub-
committee.

mittee of each county concerned in case territory in two (2) or more counties is involved, may hold any hearing that the County Committee is required to hold.

Duties of committee.

Maps of districts.

(4) To prepare and submit to the State Committee a map showing the boundaries of established school districts and the boundaries proposed under any plan for the reorganization of school districts prepared and submitted in compliance with section 5, sub-section 1, of this act; a description of the proposed boundaries aforementioned; recommendations respecting the location of schools, the utilization of existing buildings, the construction of new buildings, and the transportation requirements under the proposed plan for the reorganization of school districts; a summary of the reasons for each proposed reorganization of school districts; and such other reports, records, and materials as the State Committee may require.

Establish director districts.

(5) To divide into five school directors' districts, in the manner prescribed by law for the division of a consolidated district into directors' districts, each new school district established pursuant to the provisions of this act, except where such new district includes an established district containing a city with a population of more than seven thousand (7000).

Exception.

State Board of Education to appoint State Committee.

Number.

Personnel.

SEC. 6. It shall be the duty of the State Board of Education to appoint a State Committee for the reorganization of school districts, referred to in this act as the "State Committee." The State Committee shall be composed of nine (9) members, one (1) of whom shall be a member of the State Board of Education and at least four of whom shall be persons not engaged in the profession of education. At least one member of the State Committee shall be appointed from among the residents of each congressional district of the state. The members of the State

Committee shall be appointed without regard to political affiliation from among the representative citizens of the state. Vacancies in the membership of the Committee shall be filled by action of the State Board of Education. The life of the State Committee shall terminate four (4) years after the effective date of this act, unless extended as hereinafter provided. Members of the State Committee shall serve without compensation, but shall be reimbursed for expenses necessarily incurred in the performance of their duties, said reimbursement to be made in like manner as other state expenses for subsistence and travel are paid.

Representative citizens.

Vacancies.

Term of committee.

No compensation.

Expenses.

SEC. 7. The State Committee shall organize by electing from its membership a chairman and a vice chairman.

Organization.

SEC. 8. The State Committee shall have the power and it shall be its duty:

Powers and duties.

(1) To appoint and employ a Director and such other assistants and personnel as may be necessary to enable the Committee to carry out the powers and duties imposed upon it by this act, and to fix the compensation of such appointees and employees.

Appoint Director.

(2) To disburse on its own order such funds as are provided by law for carrying out the provisions of this act, and in so doing to designate as disbursing officer the State Committee member who is also a member of the State Board of Education. The disbursing officer shall approve vouchers covering necessary expenditures of the State Committee and shall furnish a good and sufficient bond for the faithful performance of his duties.

Disburse funds.

(3) To aid County Committees in carrying out the powers and duties vested in and imposed upon them by this act by furnishing such Committees with the assistance of the employed staff of the State Committee, with other necessary clerical assistance, and with such plans of procedure, standards, data,

Aid county committees.

maps, forms, and other materials and services as may be necessary.

Examine plans.

(4) To receive, file, and examine the plans for the reorganization of school districts and the reports of findings and terms of adjustment of property, debts, and liabilities among the districts involved,

Approval.

submitted to the State Committee by County Committees, and to approve such plans and terms of adjustment when they are found by the State Committee to provide for a satisfactory school district system for the counties and the state, and for an equitable adjustment of property, debts, and liabilities. Whenever a plan submitted by a County Committee is found by the State Committee to be unsatisfactory, or whenever the terms of adjustment so submitted are found not to be fair and equitable, the State Committee shall so notify the County Committee and shall, on request, assist said County Committee in the revision of such plan or terms of adjustment, which revision shall be completed by the County Committee and resubmitted within ninety (90) days after such notification.

May appoint county committee.

(5) To appoint a County Committee in case no County Committee is appointed as required in section 3 of this act or in case a Committee so appointed shall fail or refuse to submit plans, records, reports, and other data as provided for in this act.

Transmit plan to County Superintendent.

(6) To transmit to the County Superintendent of Schools of each county a copy of the plan for the reorganization of the school districts of his county approved by the State Committee; a copy of approved terms of adjustment of property, debts, and liabilities; a statement of the findings and conclusions of the State Committee respecting such approved plans and terms of adjustment; and copies of maps, reports, records, and all other pertinent material submitted to the State Committee by the County Committee of his county.

(7) To present to the State Board of Education in writing a recommendation that the life of a County Committee and/or of the State Committee be extended beyond four (4) years if, in the judgment of the State Committee, such extension is necessary to the complete and satisfactory performance of the duties imposed upon said Committees by this act. If, in the judgment of the State Board of Education, such extension is necessary or advisable, the Board shall so recommend to the Legislature.

Committee terms may be extended.

SEC. 9. It shall be the duty of county and state officers to make available to the County Committee and/or the State Committee such information from public records in their possession as is essential to such Committees in the performance of their duties.

Duty of public officials.

SEC. 10. Upon receipt from the State Committee of an approved plan for the reorganization of school districts, and approved terms of adjustment of property, debts, and liabilities among the districts involved, the County Superintendent of Schools shall make an order establishing (a) the proposed transfers and/or attachments, included in said approved plan, of the whole or any part of a school district or districts subject at the time to transfer or attachment at the option of the County Superintendent for any of the reasons specified by law, and (b) the adjustments, if there be any, of property, debts, and liabilities, included in said approved plan, in so far as such adjustments involve school districts or parts of districts not comprised within the boundaries of any proposed new district, and in so doing shall perform all other necessary duties required by law to be performed by the County Superintendent in connection with the alteration of the boundaries of school districts and with the adjustment of property, debts, and liabilities therein involved. Thereafter the County Superintendent shall call a special election of the voters residing within the territory

Duty of County Superintendent.

Establish new districts.

Special election.

Special
election.

Notice of
election.

Contents.

Majority
vote.

Establish new
district.

Rejection.

County
Committee
may make
revisions.

Approval
by State
Committee.

of each new district proposed to be formed under said approved plan, which election shall be held at the place or places therein which have been determined by the County Superintendent to be convenient for the voters. Written or printed notices of such special election shall be posted and the election shall be conducted in the manner provided by law for calling and conducting annual school elections. The election notices shall clearly state that the election has been called for the purpose of affording the voters an opportunity to approve or reject a proposal for the formation of a new school district, and shall also contain a description of the boundaries of the proposed new district and a statement, if there be any, of the terms of adjustment of property, debts, and liabilities applicable thereto. If a majority of all votes cast by the electors residing within the boundaries of a proposed new district are in favor of the formation of the district, the County Superintendent shall organize and establish such district, and in so doing shall perform all other necessary duties that are required by law to be performed by the County Superintendent in connection with the organization and establishment of new school districts of any kind and type.

SEC. 11. If a proposal for the formation of a new school district is rejected by the voters at the election provided for in section 10 of this act, the County Committee may make such revisions as it deems advisable in the boundaries proposed for such new district and/or in the terms of adjustment of the property, debts, and liabilities thereof, and submit the same to the State Committee for approval. If the boundaries of the proposed new district and/or the terms of adjustment, as revised, are approved by the State Committee, notice thereof shall be transmitted to the County Superintendent of Schools as provided for in section 8, sub-section 6, of this act. Upon

receipt of such notice the County Superintendent shall call, in the manner and for the purpose specified in section 10 of this act, a special election of the voters residing within the revised boundaries of the proposed new district; and if a majority of all votes cast by electors so residing are in favor of the formation of the new district, the County Superintendent shall proceed to organize and establish such district and to perform other necessary duties related thereto in the same manner and to the same effect as is provided in section 10 of this act.

Call second special election.

Approval and establishment.

SEC. 12. Whenever a new school district established pursuant to the provisions of this act includes a school district containing a city with a population of more than seven thousand (7000), the Directors of the district so included shall become the Directors of the new district. Within ten (10) days after the establishment of any other new school district in the manner provided for in this act, the residents of said new district who at the time of its establishment held membership on a board of directors of any school district the whole or a part of which is included in said new district shall meet at the call of the County Superintendent and elect from among their number one (1) resident of each of the five (5) School Directors' districts of said new district to serve as the Directors of the new district: *Provided*, That if fewer than five (5) such persons reside in said new district or if one (1) or more of the five (5) School Directors' districts aforementioned has no such person residing therein, the County Superintendent shall appoint from among the other qualified electors of the new district the number of Directors necessary to constitute a board of five (5) members, no two (2) of whom shall be residents of the same School Director district. The Board of Directors so elected and/or appointed shall proceed at once to organize in the manner prescribed by law

City directors to be district directors.

Population.

Old district directors and County Superintendent to elect new board.

Duty of new board.

Annual election after organization. for the organization of a Board of School Directors. At the next annual school election following the establishment of said new district and at subsequent annual school elections members of the Board of Directors thereof shall be elected in the manner provided by law for the election of Directors of a consolidated district.

Submit to County Committee proposal for new district. **SEC. 13.** After the effective date of this act, proposals for the organization of a new district and/or for the alteration of the boundaries of an established district through or by any of the means provided for by any law in effect at the time, except by an extension of the limits of a city, must be submitted by the County Superintendent to the County Committee and to the State Committee for approval before (a) hearings on petitions are held by the County Superintendent, or (b) final action is taken by the County Superintendent in cases where no petition is required, or (c) proposals are submitted to a vote of the electors, as the law may require in each case. Such proposals shall be approved by the County Committee and by the State Committee, and the County Superintendent so notified, if in the judgment of said Committees they constitute an acceptable part of a comprehensive program for the reorganization of the school districts of the county.

Methods. Approval by State Committee.

Boundaries not altered for 5 years. **SEC. 14.** The boundaries of a school district established through and by means of the reorganization of school districts provided for in this act shall not be altered within five (5) years of such establishment, except upon recommendation of the County Superintendent of Schools and approval by the County Committee and the State Committee during the life of said Committees, and thereafter by the State Board of Education.

Exception.

SEC. 15. The duties imposed upon and required to be performed by the County Superintendent of Schools under the provisions of sections 10, 11, 12,

13, and 14 of this act or under other provisions of law are in like manner imposed upon and required to be performed by all County Superintendents affected by a reorganization of school districts involving territory in two (2) or more counties. Duties that are required by law to be performed by any other county officers or by any school district officers in connection with the operation of joint school districts established under the provisions of existing law shall likewise be performed by such officers in connection with the operation of such joint districts as are organized and established pursuant to the provisions of this act.

Duties of
County
Superinten-
dents and
district
officers.

SEC. 16. An appeal may be taken to the Superior Court of the county in which the school district is situated, as provided for in sections 5064 and 5065 of Remington's Revised Statutes, on any question of adjustment of property, debts, and liabilities among the districts involved in which the power to make an adjustment or adjustments has been extended by this act. If the Court finds the terms of the adjustment in question not to be equitable or in conformity with section 6 of Article VIII of the State Constitution, the Court shall make an adjustment that is equitable and in conformity with the aforementioned provision of the State Constitution.

Appeal to
Superior
Court.

Court
may make
adjustment.

SEC. 17. Any new school district which has been established and any established district the boundaries of which have been extended pursuant to the provisions of this act shall be a school district of the first class if it has a population in excess of ten thousand (10,000). Any other new district so established and any other established district the boundaries of which have been so extended shall be a school district of the second class, irrespective of existing statutory provisions governing the classification of school districts. The Boards of Directors of all such districts shall exercise such powers and

First class
district.

Population.

All others
second class.

Duties of
Directors.

Duties of Directors.

perform such duties as are or may be by law vested in and required to be performed by Boards of Directors of first and second-class districts respectively.

Appropriation.

SEC. 18. There is hereby appropriated the sum of sixty thousand dollars (\$60,000) from the general fund for carrying out the provisions of this act.

Partial invalidity.

SEC. 19. 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.

Effective date.

SEC. 20. This act is necessary for the immediate preservation of public peace, health and safety, support of the state government and its existing public institutions, and shall take effect on April 1, 1941.

Passed the House March 4, 1941.

Passed the Senate March 10, 1941.

Approved by the Governor March 25, 1941.

CHAPTER 249.

[S. B. 135.]

COLLATERAL SECURITY.

AN ACT authorizing investments in obligations issued pursuant to the provisions of the Federal Home Loan Bank Act and of Title IV of the National Housing Act, and in shares, deposits, or accounts of any institution having the insurance protection provided by Title IV of the National Housing Act, and providing that such obligations, shares, deposits, or accounts may be used as collateral security for reserve funds and in lieu of bonds, recognizances, or undertakings.

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

Vetoed. { SECTION 1. Every executor, administrator, trustee, guardian, receiver, or other fiduciary, including without limitation on the generality of the foregoing

every guardian, trustee, or other fiduciary appointed for any person entitled to benefits under any law of this state or the United States relating to veterans or under any similar law now or hereafter in force, every public or quasi-public corporation, trust and association, municipal corporation, every political or quasi-political, or public or quasi-public instrumentality, trust and body, every charitable, educational and eleemosynary institution, and every private corporation, trust, and association, including without limitation on the generality of the foregoing every savings and loan association, credit union, bank, trust company and other financial institution, and every insurance company of whatever type or nature, shall have power to invest in obligations issued pursuant to the provisions of the Federal Home Loan Bank Act, approved July 22, 1932, as now or hereafter amended, in obligations issued pursuant to Title IV of the National Housing Act, approved June 27, 1934, as now or hereafter amended, and in the shares, deposits or accounts of any institution wherever located to the extent insurance protection is provided by Title IV of the National Housing Act, approved June 27, 1934, as now or hereafter amended.

Vetoed.

SEC. 2. The obligations issued pursuant to said Federal Home Loan Bank Act and to said Title IV of the National Housing Act as such acts are now or hereafter amended, and the shares, deposits or accounts of any institution which has the insurance protection provided by Title IV of the National Housing Act, as now or hereafter amended, may be used at face value or withdrawal value wherever, by statute of this state or otherwise, collateral is required as security for the deposit of public or other funds, or deposits are required to be made with any public official or department, or an investment of capital or surplus, or a reserve or other fund, is required to

Federal obligations as collateral.

be maintained consisting of designated security, or wherever, by statute of this state or otherwise, any surety, whether personal, corporate, or otherwise, or any collateral or security, is required or permitted for any purpose, including without limitation on the generality of the foregoing, any bond, recognition, or undertaking.

Passed the Senate March 13, 1941.

Passed the House March 11, 1941.

Approved by the Governor March 25, 1941, with the exception of section 1, which is vetoed.

CHAPTER 250.

[S. B. 362.]

HIGHWAY APPROPRIATIONS.

AN ACT relating to public highways and ferries; making appropriations therefor from the motor vehicle fund, the highway equipment fund and the highway safety fund, and declaring an emergency and that this act shall take effect April 1, 1941.

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

Appropriation.

Offices of Highway Dept.

From motor vehicle fund.

Legal services and office rent.

Location, etc.

Bond redemption.

SECTION 1. For salaries, wages and operations of the office of the Department of Highways and/or district offices of the Department of Highways, there is hereby appropriated from the motor vehicle fund for the biennium ending March 31, 1943, the sum of nine hundred twenty-eight thousand dollars (\$928,000), or so much thereof as shall be necessary; and legal services and office rental the sum of sixty-five thousand dollars (\$65,000).

SEC. 2. 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 re-

demption becoming due between April 1, 1941, and March 31, 1943, on state-owned bridges within incorporated cities and towns, there is hereby appropriated from the motor vehicle fund for the biennium ending March 31, 1943, the sum of ten million five hundred thousand dollars (\$10,500,000), or so much thereof as shall be available, to be expended as follows:

State owned bridges.

Amount.

| | Expended as itemized. |
|--|-----------------------|
| PRIMARY STATE HIGHWAY NO. 1—PACIFIC HIGHWAY | |
| British Columbia Line to Seattle..... | \$195,400 |
| King County Line to Lewis County Line: | |
| Vicinity of Fort Lewis..... | 279,000 |
| Ponders to Lakeview (Center Strip and Edges) .. | 14,400 |
| Tenino Vicinity..... | 46,000 |
| Lewis County Line to Oregon State Line: | |
| Coweeman River Vicinity to North of Kelso..... | 61,000 |
| Woodland to East Fork of Lewis River..... | 31,000 |
| East Fork of Lewis River to Pioneer..... | 114,500 |
| Pioneer to Kozy Kamp..... | 83,000 |
| Kozy Kamp Vicinity..... | 67,500 |
| Kozy Kamp to Salmon Creek..... | 144,000 |
| Lake Samish Branch (Burlington to Bellingham): | |
| Burlington to State Gravel Pit..... | 3,700 |
| Bellingham to Austin Pass: | |
| Noon Road to Nugent's Bridge..... | 75,890 |
| Welcome Grange Hall to Warnick..... | 50,000 |
| <hr/> | |
| Total Primary State Highway No. 1..... | \$1,165,390 |
| PRIMARY STATE HIGHWAY NO. 2—SUNSET HIGHWAY | |
| Seattle to Snoqualmie Pass (Lake Washington Bridge Route): | 582,460 |
| Renton to Issaquah (survey)..... | 20,000 |
| Snoqualmie Pass to Iron Creek:..... | 102,000 |
| Iron Creek to Wenatchee:..... | 35,450 |
| Wenatchee to Grant County Line:..... | 124,050 |
| Grant County Line to Spokane:..... | 136,800 |
| Almira to Grand Coulee Branch:..... | 16,400 |
| <hr/> | |
| Total Primary State Highway No. 2..... | \$1,017,160 |
| PRIMARY STATE HIGHWAY NO. 5—NATIONAL PARK HIGHWAY | |
| Seattle to Chinook Pass:..... | \$167,500 |
| Kosmos to Clearfork Junction: | |
| Ajlune to Riffe..... | 4,000 |
| Glenoma to Randle Ranger Station..... | 11,000 |

Appropriation
expended
as itemized.

| | | |
|---------|---|-----------|
| | Clearfork Junction-White Pass Naches River: | \$500,000 |
| | Renton to Enumclaw (Via Maple Valley): | |
| | Maple Valley to Summit (Pave Exceptions) | 11,000 |
| | Sumner to Buckley (Oiling): | 15,800 |
| | Carbonado to Fairfax: | 4,900 |
| Vetoed. | Puyallup to Sumner: | 50,000 |

Total Primary State Highway No. 5 \$764,200

PRIMARY STATE HIGHWAY NO. 7—NORTH CENTRAL HIGHWAY

| | | |
|--|--|---------|
| | Ellensburg to Vantage: | 2,500 |
| | Ephrata to Harrington: | 119,780 |
| | Harrington to Medical Lake (Survey): | 20,000 |

Total Primary State Highway No. 7 \$142,280

PRIMARY STATE HIGHWAY NO. 8—EVERGREEN HIGHWAY

| | | |
|--|---|--------|
| | Vancouver to Yakima County Line: | 46,000 |
| | Klickitat County Line to Toppenish-Buena: | 74,450 |

Total Primary State Highway No. 8 \$120,450

PRIMARY STATE HIGHWAY NO. 9—OLYMPIC HIGHWAY

| | | |
|---------|---|---------|
| | Olympia-Port Angeles-Port Townsend: | 2,350 |
| Vetoed. | Discovery Bay-Admiral Point-Hood Canal (for Survey, right-of-way, construction vicinity South Discovery Bay to vicinity Admiral Point on Hood Canal opposite Lofall): | 253,500 |
| | Port Angeles to Hoh River: | |
| | Sappho Vicinity | 3,500 |
| | Hoh River Vicinity (View Site) | 1,200 |
| | Hoh River to Perry Creek: | 211,700 |
| | Elma to Grand Mound: | 76,000 |
| | Montesano to Junction P. S. H. 13: | 8,000 |

Total Primary State Highway No. 9 \$556,250

PRIMARY STATE HIGHWAY NO. 14—NAVY YARD HIGHWAY

| | | |
|--|--|---------|
| | Junction P. S. H. No. 9 to Narrows Bridge: | |
| | Tidewater Creek Southeasterly | 6,000 |
| | Narrows Bridge to Purdy revision | 100,000 |

Total Primary State Highway No. 14 \$106,000

| | | |
|---------|---|---------|
| Vetoed. | PRIMARY STATE HIGHWAY NO. 17 | |
| | Marblemount East | 100,000 |
| | Ritzville-Colfax (survey) | 20,000 |
| | Naches Pass Tunnel (survey) from surplus funds if available | 50,000 |
| | Monroe to Bothell (survey) | 20,000 |

Longview-Kelso Bridge (provided Federal, county or city funds in like amount available) \$250,000 Highway appropriations.
 The balance to be expended according to the recommendations in the Governor's budget of 1941 except as such emergencies may arise due to participation with funds for national defense. Itemized.

SEC. 3. For the maintenance of primary state highways, including road signs, operation of bridges and ferries including maintenance and operation of toll bridges, and similar purposes on primary state highways, there is hereby appropriated from the motor vehicle fund for the biennium ending March 31, 1943, the sum of three million six hundred twelve thousand forty-five dollars (\$3,612,045), or so much thereof as shall be necessary. Primary highways.
 Amount.

SEC. 4. 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, 1943, the sum of one million seven hundred eighty-one thousand four hundred seventy-one dollars (\$1,781,471), or so much thereof as shall be necessary. Special maintenance.
 Amount.

SEC. 5. For emergencies, hereby defined to be damages 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, 1943, the sum of two hundred fifty thousand dollars (\$250,000), or so much thereof as shall be necessary. Emergencies.
 Amount.

SEC. 6. To carry out the provisions of the Federal Aid Road Act and the State Act assenting thereto (to be expended for that portion actually completed and chargeable to Federal contributing funds under specific project agreements now executed or to be executed by State and Federal authorities; expen- Federal aid roads.

Federal aid
roads.

ditures herefrom to be limited to anticipated reimbursements), for other Federal assistance and for work actually completed for which reimbursement will be received from other agencies, there is hereby appropriated from the motor vehicle fund for the biennium ending March 31, 1943, the sum of fifteen million dollars (\$15,000,000), or so much thereof as shall be necessary.

Amount.

Highway
equipment.

SEC. 7. For the purpose of continuing the highway equipment fund 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, 1943, the sum of three million dollars (\$3,000,000), or so much thereof as shall be necessary.

Traffic
control.

SEC. 8. For the Department of Highways for traffic control, which shall include the purchase and improvement of land and equipment and the salaries, wages, and operation of traffic control stations, and the alteration, repair and erection of buildings, there is hereby appropriated from the motor vehicle fund for the biennium ending March 31, 1943, the sum of one hundred fifty thousand dollars (\$150,000), or so much thereof as shall be necessary.

Amount.

Vehicle
inspection.

SEC. 9. For salaries, wages and operations of the Department of Highways for vehicle safety inspection stations there is hereby appropriated from the highway safety fund for the biennium ending March 31, 1943, the sum of four hundred sixty-five thousand dollars (\$465,000), or so much thereof as shall be necessary.

Amount.

Maintenance
administration.

SEC. 10. For the Department of Highways to carry out the provisions of sub-section (a) of section 4, and sub-section (a) of section 5 of this Act, in the manner provided by law, there is hereby appropriated from the motor vehicle fund for the biennium ending March 31, 1943, the sum of three hundred

thousand dollars (\$300,000), the expenditure under such appropriation in no event to exceed one and one-half per cent (1½%) of the funds accruing to the credit of incorporated cities and towns and counties.

Maintenance
administra-
tion.

Amount.

SEC. 11. For cities and towns, including cooperation with the Federal or State government or any agency thereof authorized by law, and for all other proper street purposes, including location, right-of-way, engineering, improvement, construction, reconstruction and maintenance of city streets, for payment of interest and principal of bonds issued for street purposes, as by law provided, there is hereby appropriated from the motor vehicle fund for the reimbursement of cities and towns for the biennium ending March 31, 1943, the sum of five million three hundred thousand dollars (\$5,300,000), or so much thereof as shall become available.

Cities and
towns.

Amount.

SEC. 12. For counties, including cooperation with the Federal or State government or any agency thereof authorized by law, including sums to be repaid to counties composed entirely of islands, and for all proper county road purposes, including the location, right-of-way, engineering, improvement, construction, reconstruction and maintenance of county roads, for payment of interest and principal of bonds issued for road purposes, as by law provided, there is hereby appropriated from the motor vehicle fund for reimbursement of counties for the biennium ending March 31, 1943, the sum of fourteen million seven hundred thousand dollars (\$14,700,000), or so much thereof as shall become available: *Provided, however,* The County Commissioners of the several counties may at their discretion use such funds for either new highway construction or maintenance of existing county roads.

Counties.

Amount.

SEC. 13. For capital outlay which shall include the purchase and improvement of land and the

Capital
outlay.

Capital
outlay.

erection of buildings, major repairs, maintenance and equipment, including necessary salaries and wages incident thereto, there is hereby appropriated from the motor vehicle fund for the biennium ending March 31, 1943, the sum of two hundred ninety thousand dollars (\$290,000), or so much thereof as shall be necessary.

Amount.

Capital
outlay
inspection.

SEC. 14. For capital outlay for vehicle safety inspection which shall include the purchase and improvement of land and the alteration, repair and erection of buildings, including necessary salaries and wages incident thereto, there is hereby appropriated from the highway safety fund for the biennium ending March 31, 1943, the sum of one hundred fifteen thousand dollars (\$115,000), or so much thereof as shall be necessary.

Amount.

Mine to
market ad-
ministration.

SEC. 15. For effectuating the purpose of chapter 175 of the Laws of 1939, there is hereby appropriated from the motor vehicle fund for the biennium ending March 31, 1943, the sum of two hundred thousand dollars (\$200,000), or so much thereof as shall be necessary: *Provided*, No more than one hundred thousand dollars (\$100,000) shall be expended from this appropriation in the first year of said biennium.

Amount.

Proviso.

From un-
expended
motor
vehicle funds.

SEC. 16. For the purposes expressed in section 16 of this act, there is hereby appropriated for the biennium ending March 31, 1943, from the proceeds of the tax upon motor vehicle fuel sold during the biennium ending March 31, 1941, over and above the appropriation of twelve million five hundred thousand dollars (\$12,500,000) contained in section 28, chapter 181, Laws of 1939, the sum of two hundred fifty thousand dollars (\$250,000), or so much thereof as may be available, which sum has previously been credited by the State Treasurer under the provisions of section 3 (b) and section 5, chapter 181, Laws of 1939.

Emergencies.

Amount.

SEC. 17. For effectuating the purposes of Senate Bill No. 68, twenty-seventh regular session of the Legislature of the State of Washington, being a bill entitled "An Act ratifying the acts of the State Department of Highways in connection with the operation and maintenance of ferry service at the Tacoma Narrows due to the collapse of the Tacoma Narrows Bridge; providing for payment of revenue to the State Treasurer for the credit of the motor vehicle fund; making an appropriation, and declaring an emergency," there is hereby appropriated from the motor vehicle fund for the biennium ending March 31, 1943, the sum of four hundred seventy-six thousand one hundred fifty-eight dollars (\$476,158).

Ferry
operation.

Amount.

SEC. 18. 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, or for any structures in connection therewith, 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, 1943, the sum of one hundred fifty thousand dollars (\$150,000), or so much thereof as shall be necessary, but in no event to exceed one and one-half per cent ($1\frac{1}{2}\%$) of any such Federal funds.

Federal aid
administra-
tion.

Amount.

SEC. 19. For items not reimbursable by the Federal government, including engineering, location, construction, reconstruction and bridges, on access highways not forming a part of the state highway system and which have been approved by an agency of the Federal government as necessary for national defense; and, when required for an agency of the Federal government as state participation, for en-

Defense
system
roads, etc.

Defense
system.

gineering, location, construction and reconstruction, including bridges, on strategic highways not forming a part of the state highway system and which have been approved by such agency of the Federal government as necessary for national defense, there is hereby appropriated from the motor vehicle fund for the biennium ending March 31, 1943, the sum of two hundred thousand dollars (\$200,000), or so much thereof as shall be necessary: *Provided*, Expenditures from this appropriation shall be made only in the event the local governmental agency having jurisdiction over such highways has insufficient funds for such purposes.

Amount.

Proviso.

Effective
date.

SEC. 20. This act is necessary for the immediate preservation of the public peace, health and safety, for the support of the state government and its existing institutions and shall take effect on the first day of April, 1941.

Passed the Senate March 8, 1941.

Passed the House March 12, 1941.

Approved by the Governor March 25, 1941, with the exception of certain items, which are vetoed.

CHAPTER 251.

[S. B. 249.]

SIGHT-SAVING EQUIPMENT FOR SCHOOL CHILDREN.

AN Act providing for the purchase of sight-saving equipment by the Superintendent of Public Instruction for use of certain children in public schools who have defective vision.

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

Purpose.

SECTION 1. In order to enable children in public schools who have defective vision to enjoy comparable educational opportunities with normal-sighted children, the Superintendent of Public In-

struction shall provide for the benefit of such children sight-saving equipment as may be deemed necessary to accomplish such purpose. Any equipment so purchased shall be the property of the Department of Education and shall be loaned to public schools for the use of children with defective vision and where the number of such children does not warrant the establishment of a sight-saving class. Such sight-saving equipment shall be made available upon the recommendation of an eye physician that such equipment is necessary to enable a child to enjoy educational opportunities equal to those of normal-sighted children.

Purpose.

Purchase of equipment to aid vision.

Loaned to schools.

Passed the Senate March 1, 1941.

Passed the House March 11, 1941.

Approved by the Governor March 25, 1941.

CHAPTER 252.

[S. B. 257.]

REAL ESTATE BROKERS.

AN ACT relating to real estate brokers and real estate salesmen; providing for the regulation, supervision and licensing of real estate brokers and real estate salesmen, providing for the enforcement of this act and penalties for its violation, establishing the office of Real Estate Director, defining his powers and duties, and repealing chapter 129, Laws of 1925, Extraordinary Session (sections 8340-1 to 8340-23, inclusive, Remington's Revised Statutes).

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

SECTION 1. The office of Real Estate Director is hereby created. The Director of the Department of Licenses shall be Real Estate Director, with no additional compensation.

Office of Director created.

SEC. 2. For the purposes of this act, words and phrases shall have the following meaning, unless another meaning is apparent from the context:

Definitions.

(1) A "real estate broker" is a person whose business policies and acts are free from the direction, control or management of another person, who for a compensation or promise thereof, or with intent to collect or receive a compensation or promise thereof, performs one or more acts of selling or offering for sale, buying or offering to buy, negotiating or offering to negotiate, either directly or indirectly, the auction, purchase, sale, exchange, lease or rental of real estate or interest therein for another person, or who shall advertise or hold himself out to the public by any oral or printed solicitation or representation that he is so engaged, or who takes any part in or directs or assists in the procuring of prospects or in the negotiation or closing of any transaction, which does, or is calculated to result in any of the acts above set forth, and hereinafter referred to as a broker.

Real estate broker.

Real estate salesman.

(2) A "real estate salesman" or "salesman" is any person, other than a corporation, co-partnership or unincorporated association, who is employed by a real estate broker to perform any of the acts above set forth.

Person.

(3) The word "person" as used in this act, shall be construed to mean and include a corporation, co-partnership or unincorporated association, except where otherwise restricted.

Director.

(4) The word "Director" means the Real Estate Director as defined in this act.

Exemptions.

SEC. 3. The provisions of this act shall not apply to any person who purchases property for his own use or account, nor to any person who, being the owner of property, sells, exchanges, leases, rents or otherwise disposes of the same for his own account, nor to any person holding a duly executed power of attorney from the owner granting power to execute any instrument necessary to consummate the sale, exchange, or leasing of real estate, nor to the services

Owner.

rendered by an attorney at law in the performance of his duties as such attorney at law, nor to any receiver, trustee in bankruptcy, executor, administrator or guardian, nor to any person acting under the order of any court, nor any person selling under a deed of trust, nor to any escrow agent.

Exemptions.

Attorney.

Adminis-
trator, etc.

SEC. 4. It shall be the duty of the Director, to enforce all laws, rules and regulations relating to the licensing of real estate brokers and real estate salesmen. Subject to the provisions of this act, he shall have full powers to regulate and control the issuing, suspension and revocation of licenses to be issued and issued under the provisions of this act and to perform all other acts and duties provided in this act and necessary for its enforcement.

Duty of
Director.

SEC. 5. The Director shall appoint at least two inspectors whose duties shall be to assist him in administering the provisions of this act. No person shall be appointed as an inspector who has not been actively engaged in the real estate business in this state. The Director shall employ such clerks and employees as he may deem necessary to discharge in proper manner the duties imposed upon him by law. The Director shall fix the compensation of his inspectors, clerks and employees. Neither the Director nor his inspectors, nor his employees, shall be interested in any real estate business as director, stockholder, officer, member, agent, employee, or otherwise.

Inspectors.

Qualifica-
tions.Other
assistance.

Restrictions.

SEC. 6. It shall be unlawful for any person to engage in the business or act in the capacity of a real estate broker or real estate salesman without first obtaining a license therefor, and otherwise complying with the provisions of this act.

Unlawful
acts.

SEC. 7. All fees under the provisions of this act shall be paid to the State Treasurer and shall be placed by him in the general fund. The State Trea-

Fees.

Application.

surer shall give his duplicate receipt to the Director for all moneys so collected.

Seal of
Director.

SEC. 8. The Director shall adopt a seal with the words Real Estate Director, State of Washington, and such other device as he may approve engraved thereon, by which he shall authenticate the proceedings of his office. Copies of all records and papers in the office of the Director certified to be a true copy under the hand and seal of the Director shall be received in evidence in all cases equally and with like effect as the originals.

Certified
instruments
as evidence.

Duty of
Attorney
General.

SEC. 9. The Attorney General shall render to the Director opinions upon all questions of law relating to the construction or interpretation of this act, or arising in the administration thereof, that may be submitted to him by the Director, and shall act as attorney for the Director in all actions and proceedings brought by or against him under or pursuant to any provisions of this act.

License
restricted.

Proviso.

Corporation
licensee.

Proviso.

Partner-
ships, etc.

SEC. 10. No license issued hereunder shall give authority to do any act mentioned in section 6 of this act to any person other than him to whom said license is issued: *Provided*, That whenever a license is issued under the provisions of this act to a corporation, said license shall entitle one officer of said corporation to be named by said corporation in its application for said license who shall qualify the same as any other agent, to act as a real estate broker on behalf of said corporation without the payment of additional fees: *Provided, further*, That, whenever a license is issued under the provisions of this act, to a copartnership or unincorporated association said license shall entitle one member of said copartnership to be named by said copartnership in its application for said license who shall qualify the same as any other agent to act as a real estate broker on behalf of said copartnership without the payment of additional license fees.

SEC. 11. Any person desiring to carry on the business or act in the capacity of a real estate broker or real estate salesman shall make application to the Director for license therefor upon a form to be prescribed and furnished by the Director giving his full name and business address. With this application to the Director, the applicant shall:

(a) Pay a license fee of five dollars (\$5) to the State Treasurer, who shall immediately transmit his duplicate receipt therefor to the Director;

(b) Deliver to the Director a bond to the State of Washington in a form approved by the Director in the sum of one thousand dollars (\$1,000), executed by a surety company duly authorized to do business in this state, or by two good and sufficient sureties, not connected in business with the applicant, and to be approved by the Director guaranteeing the faithful accounting of all funds entrusted to such real estate broker or real estate salesman;

(c) A recommendation, signed by at least ten (10) freeholders of the county in which the applicant intends to carry on his principal business as a real estate broker or real estate salesman, certifying that they are each acquainted with the applicant and that they each believe the applicant to be honest, truthful, and of good moral character;

(d) If the applicant is a corporation, a list of its officers and directors and their addresses, and if the applicant is a co-partnership, or unincorporated association, then a list of the members of said co-partnership or association and their addresses; and

(e) If the applicant is a non-resident of this state, he shall file an irrevocable consent that suits and actions may be commenced against him in any county of this state in which the plaintiff having a cause of action or suit against him may reside, and that service of any process or pleadings in said action, or suit may be made by delivering same to the Director.

Application for license.

Form.

Fees.

Bond.

Conditions.

Recommendation.

Contents.

Corporation application.

Non-resident.

Consent to state jurisdiction.

Service on Director.

Form of consent.

Such service, when so made, shall be held in all courts, as valid and binding upon the applicant who files such irrevocable consent. Said irrevocable consent shall be in a form prescribed by the Director, shall be acknowledged before a notary public and, if the applicant be a corporation, said consent shall be accompanied by a duly certified copy of the resolutions of the Board of Directors of such corporation authorizing the execution of the same. Any process or pleading herein mentioned and so served upon the Director shall be served in duplicate copies, one of which shall be filed in the office of the Director and the other immediately forwarded by registered mail to the office of the applicant named in his application and service shall be deemed to have been made upon said applicant on the third (3) day following the deposit in the mail of said copy of said process or pleadings.

Process.

Service on broker.

Other requirements.

The Director may require such other proof as he may deem advisable of the honesty, truthfulness and good reputation of any applicant for a license, or of the officers of a corporation or the members of a partnership or unincorporated association making such application before issuing a license: *Provided*, That if a real estate broker or real estate salesman has once been licensed under this act, upon his application for a renewal of his license for an ensuing year, the Director may, in his discretion, waive the filing of new recommendations or references. Every license issued under the provisions of this act shall expire on the thirty-first day of December of the year of its issue.

Proviso.

Renewal.

License expiration.

Written examination of applicant.

SEC. 12. In addition to proof of honesty, truthfulness and good moral character of any applicant for a license, the Director shall ascertain by written examination conducted as provided in this act that such applicant and in case of a corporation, partnership or unincorporated association that each

officer, agent or member thereof whom it proposes to act as a licensee, has appropriate knowledge of the English language, including reading, writing, spelling, elementary arithmetic, an elementary understanding of the rudimentary principles of real estate conveyancing, the general purposes and general legal effect of deeds, mortgages, land contracts of sale, exchanges, rental and option agreements and leases, of the elementary principles of land economics and appraisals, and an elementary understanding of the obligations between principal and agent, of the principles of real estate practice and the canons of business ethics pertaining thereto, as well as of the provisions of this act: *Provided*, That the Director, may in his discretion waive the examination of any applicant for a license who held unrevoked or unsuspended on December 31st of the preceding year a license as a broker or salesman: *Provided, further*, That the Director may waive the requirement of examination in the case of an application from a non-resident of those states having similar requirements, under the laws of which, similar recognition and courtesies are extended to licensees of this state. The Director shall, from time to time, fix such times and places for holding examination of applicants for licenses as may be necessary and convenient, and shall prescribe the method of conducting the same. The Director may issue a temporary license pending examination to any applicant, who, in his opinion is qualified, except for the examination provided for in this section, which shall be valid only until such time as the results of the next examination for licensees shall be available, which in no event shall be longer than six (6) months.

Each member of corporation examined.

Qualifications.

Examination may be waived on renewal.

Waiver for non-resident on reciprocity.

Director to direct examinations.

Temporary license.

Time limit.

SEC. 13. Within thirty (30) days after the taking effect of this act, and from time to time thereafter, the Governor, upon the request of the Director, shall appoint a Commission of three (3) members who

Governor to appoint examining commission.

Qualifica-
tion of
members.

shall conduct examinations of applicants for licenses under this act. Each member of the Commission shall be a citizen of the United States of America, but no person shall be so appointed by the Governor whose vocation for at least five (5) years prior to such appointment has not been that of a real estate broker.

Compensa-
tion.

Expenses.

SEC. 14. The members of the Commission shall receive as compensation not to exceed ten dollars (\$10) per day for each day actually spent on official business, and they shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties.

Duties of
commission.

Reexamina-
tion.

Proviso.

SEC. 15. The Commission shall prepare the necessary lists of examination questions to be submitted to the respective applicants, and shall make and file with the Director, a list signed by all the members of the Committee conducting the examination, of all applicants who shall have successfully passed the examination and of those who have failed to pass the examination, together with all examination questions and the written answers thereto submitted by the applicants. Any applicant who shall have failed to pass the examination, may, after the expiration of six (6) months from the date of failure, again apply for examination: *Provided*, That the examination for real estate brokers shall be more exacting than that for real estate salesmen.

Examination
fee.

SEC. 16. Each applicant for examination shall pay a fee of fifteen dollars (\$15), which fee shall accompany the application.

Bonds filed
with
Director.

Bond
liability.

SEC. 17. All bonds given under the provisions of this act, after their approval by the Director, shall be filed in his office. Any person who may be damaged by the wrongful conversion of trust funds by such real estate broker or real estate salesman, shall, in addition to other legal remedies, have a right of

action in his own name on such bond for all damages not exceeding one thousand dollars (\$1,000).

SEC. 18. Each person licensed as a real estate broker under the provisions of this act shall be required to have and maintain a definite place of business in this state, which shall serve as his office for the transaction of business. The license of said real estate broker shall be prominently displayed in his said office. Notice in writing shall be given the Director of any change by the real estate broker of his business location, whereupon the Director, upon the surrender of the original license, shall issue a new license covering the new business address, said license to be issued without charge.

Brokers required to maintain place of business.

License displayed.

Notice of change of address.

New license.

SEC. 19. The Director may, upon his own motion, and shall, upon verified complaint in writing by any person, investigate the actions of any person engaged in the business or acting in the capacity of a real estate broker or real estate salesman and shall have the power to temporarily suspend or permanently revoke any license issued within the provisions of this act at time when the holder thereof is guilty of:

Director to investigate licenses.

Power to revoke.

(a) Obtaining a license by means of fraud, misrepresentation, concealment, or through the mistake or inadvertence of the Director;

Grounds.

(b) Violating any of the provisions of this act or any lawful rules or regulations made by the Director pursuant thereto;

(c) A crime against the laws of this, or any other state, or government, involving moral turpitude or dishonest dealings;

(d) Making, printing, publishing, distributing, or causing, authorizing, or knowingly permitting the making, printing, publication or distribution of false statements, descriptions or promises of such character as to reasonably induce any person to act to his damage or injury, where such statements, de-

**Grounds for
revocation.**

scriptions or promises purport to be made, or to be performed by, either the licensee or his principal, if the licensee then knew, or by the exercise of reasonable care and inquiry, could have known, of the falsity of said statements, descriptions or promises;

(e) Knowingly committing, or being a party to, any material fraud, misrepresentation, concealment, conspiracy, collusion, trick, scheme or device, whereby any other person lawfully relying upon the word, representation or conduct of the licensee shall act to his injury or damage;

(f) Employing or continuing in employment, any salesman who has not been granted a license, or after his license has been revoked, or during a suspension thereof;

(g) Converting any money, contract, deed, note, mortgage, or abstract or other evidence of title to his own use, or to the use of his principal or any other person, when delivered to him in trust or on condition, before the happening of the condition, or in violation of the trust; and a failure to return such money, contract, deed, note, mortgage, or abstract or other evidence of title within thirty days after the owner thereof shall be entitled thereto, and shall make demand therefor, shall be prima facie evidence of such conversion;

(h) Failing or refusing upon demand to disclose any information within his knowledge, or to produce any document, book or record in his possession for inspection to the Director or his authorized representatives, when acting within the jurisdiction or by authority of law;

(i) Continuing to sell any real estate, or operating according to a plan of selling, by reason of which the interests of the public are endangered, but only after the Director has, by order in writing, enumerated objections thereto;

(j) Committing any act of the same or differ-

ent character from that hereinbefore enumerated which constitutes fraudulent or dishonest dealing.

SEC. 20. Whenever the Director shall determine to suspend or revoke a license theretofore issued, or shall refuse to renew a license or accept an application therefor, he shall notify the holder of or the applicant for such license of his intention in writing, and afford him an opportunity to be heard in person or by counsel and to offer evidence in reference thereto. The Director shall set a time not less than fifteen (15) days from the date of such notice and shall designate the time and place when the holder of or applicant for such license may be heard in his own behalf. If the Director shall decide, after such hearing, that the license under question shall be revoked, or if he shall determine to withhold the renewal of any such license, he shall enter an order to that effect, setting forth his reasons in writing, and shall file the same in his office and mail a copy thereof to the affected party at the address given in his application. Such order shall not be operative for a period of ten (10) days from the date thereof. If the licensee or applicant shall feel aggrieved by the decision of the Director revoking or withholding the license, he may appeal to the Superior Court in the county in which he has his principal place of business by giving notice of such appeal to the Director, and giving a bond to the State of Washington, which bond shall be filed with the Clerk of Court of said county in the sum of two hundred dollars (\$200) to be approved by the Judge of said Superior Court, conditioned to pay all costs that may be awarded against such applicant in the event of an adverse decision, said bond and notice to be filed within ten (10) days from the date of the Director's decision. The filing of such notice and bond shall supersede the order of the Director until the final determination of such appeal. Within fifteen (15) days from the date

Notice of
intention to
revoke.

Hearing.

Determina-
tion and
order.

Copy to
licensee.

Appeal.

Notice.

Bond for
costs.

Time for
filing.
Effect.

Transcript
of record.

of filing said notice and bond, the appellant shall file in said court a transcript of the whole record of the Director's office relative to all matters involved in said appeal. The court shall summarily hear and determine the question involved upon said appeal and shall receive and consider any pertinent evidence, whether oral or documentary, concerning the matter. If said aggrieved party shall fail to perfect his appeal or file said transcript as herein provided, said stay of proceedings shall automatically terminate.

Summary
hearing.

Evidence.

Powers of
Director.

SEC. 21. The Director shall have the power to administer oaths, certify to all official acts and shall have the power to subpoena and bring before him any person in this state as a witness, to compel the production of books and papers and to take the testimony of any person by deposition within or without the state, in the same manner as is prescribed by law in the procedure of the Superior Courts of this state in civil cases, in any hearing in any part of the state. Process issued by the Director shall extend to all parts of the state and may be served by any person authorized to serve process of courts of record. Each witness, who shall appear by order of the Director, shall receive for his attendance the same fees and mileage allowed by law to a witness in civil cases in the Superior Court, which amount shall be paid by the party at whose request such witness is subpoenaed. When any witness, who has not been required to attend at the request of any party, shall be subpoenaed by the Director, his fees and mileage shall be paid from funds appropriated for the use of the Real Estate Department in the same manner as other expenses of said Department are paid.

Subpoena.

Jurisdiction.

Issue process.

Witness fees.

Director may
bring charge.

SEC. 22. The Director may prefer a complaint for violation of any section of this act before any Court of competent jurisdiction. It shall be the duty of the Prosecuting Attorney of each county in this

Duty of
Prosecuting
Attorney.

state to prosecute all violations of the aforesaid provisions of this act in their respective counties in which such violations occur.

Prosecuting Attorney to prosecute violations.

SEC. 23. Any person acting as a real estate broker or real estate salesman, within the meaning of this act, without a license as herein provided, or violating any of the provisions of this act, shall be guilty of a misdemeanor.

Penalty for operating without license.

SEC. 24. It shall be unlawful for any licensed broker to pay any part or share of a commission or other compensation received in the capacity of a real estate broker to any person who is not a licensed real estate broker, or to a real estate salesman not in his employ, or for any licensed salesman to pay any part or share of a commission or other compensation received in the capacity of a real estate salesman to any person whether licensed or not, except through his employer.

Not to split fees with unlicensed person.

Salesman not to split fees.

SEC. 25. No suit or action shall be brought for the collection of compensation for the performance of any of the acts mentioned in section 2 hereof, without alleging and providing that the plaintiff was a duly licensed real estate broker or real estate salesman at the time the alleged cause of action arose.

Necessary allegation in suit.

SEC. 26. When any real estate salesman shall be discharged by his employer for a violation of any of the provisions of section 20 hereof, a written statement of the facts in reference thereto shall be filed forthwith with the Director by the employer.

Employer to notify Director of discharge of agent.

SEC. 27. The Director shall annually publish a list of names and addresses of all licensed brokers and salesmen under the provisions of this act, together with a copy of this act and such other information relative to the enforcement of the provisions of this act as he may deem of interest to the

Director to publish annual list.

List to each
broker.

public, and he shall mail one (1) to each licensed broker.

Partial
invalidity.

SEC. 28. If any section, sub-division, sentence or clause in this act shall be held invalid or unconstitutional, such fact shall not affect the validity of the remaining portions of this act.

Statutes
repealed.

SEC. 29. Chapter 129, Laws of 1925, Extraordinary Session (sections 8340-1 to 8340-23, inclusive, Remington's Revised Statutes) are hereby repealed.

Passed the Senate March 1, 1941.

Passed the House March 10, 1941.

Approved by the Governor March 25, 1941.

CHAPTER 253.

[S. S. B. 275.]

UNEMPLOYMENT COMPENSATION.

AN ACT relating to unemployment compensation, amending chapter 162 of the Laws of 1937, as amended by chapter 214 of the Laws of 1939, repealing sections 19, 22 and 23 of chapter 162 of the Laws of 1937 and section 17 of chapter 214 of the Laws of 1939, establishing liens and providing for the enforcement thereof.

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

Amend-
ments.

SECTION 1. Section 3 of chapter 162 of the Laws of 1937, as amended by section 1 of chapter 214 of the Laws of 1939, is hereby amended to read as follows:

Benefits
payable.
Time.

Section 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: *Provided*, That wages earned for services defined in section 19(g) (6) (viii) of this act, irrespective of when performed, shall not be included for the purpose of determining eligibility under section 4(e) or the weekly benefit amount

Exception.

under section 3(b) for the purposes of any benefit year commencing on or after July 1, 1939, nor shall any benefits with respect to unemployment occurring on or after July 1, 1939, be payable under section 3(d) on the basis of such wages. All benefits shall be paid through employment offices in accordance with such regulations as the Commissioner may prescribe.

Benefit payments.

Exceptions.

Section 3. (b) WEEKLY BENEFIT AMOUNT. (1) An individual's "weekly benefit amount" shall be an amount equal to one-twentieth (1/20) of his total wages during that quarter of his base year in which such total wages were highest, except that if such amount is more than fifteen dollars (\$15.00) the weekly benefit amount shall be deemed to be fifteen dollars (\$15.00), or if less than seven dollars (\$7.00), shall be deemed to be seven dollars (\$7.00), and if not a multiple of fifty cents, shall be computed to the next higher multiple of fifty cents.

Weekly benefits.

Maximum.

Minimum.

If an eligible individual is available for work for less than a full week, he shall be paid one-sixth of his weekly benefit amount for each day he is available, but if he is unavailable for three days or more of a week, he shall be considered unavailable for the entire week.

Partial week.

(b) (2) WEEKLY BENEFIT FOR UNEMPLOYMENT. Each eligible individual who is unemployed in any week shall be paid with respect to such a week a benefit in an amount equal to his weekly benefit amount less that part of the remuneration (if any) payable to him with respect to such week which is in excess of three dollars (\$3.00). Such benefit, if not a multiple of fifty cents, shall be computed to the next higher multiple of fifty cents.

Computation for partial week.

Deduction for wages.

Section 3 (c) BENEFIT IN SEASONAL EMPLOYMENT.

Definition: Seasonal employer.

(1) As used in this section, the term "seasonal employer" means an employer or operating unit of an employer which because of the seasonal nature

Definition:
Seasonal
employer.

of its operations customarily reduces employment each year during approximately the same period or periods to such an extent that the total pay roll for any continuous period of two calendar months is less than fifty per cent of the total pay roll for the consecutive two calendar months period of greatest employment during the preceding ten months. No employer or operating unit shall be deemed seasonal unless and until so found by the Commissioner after investigation and hearing, except that a successor in interest of a seasonal employer or operating unit shall be deemed seasonal upon the same basis as the predecessor unless determined otherwise by the Commissioner.

**Determina-
tion.**

**Commis-
sioner to
designate.**

The Commissioner shall specify in his determination the period or periods of seasonal operations of any employer or operating unit held to be seasonal, or in lieu thereof may provide some other appropriate means for identifying the seasonal employment as distinct from the non-seasonal employment of the employers or operating units determined as seasonal.

**Period of de-
termination.**

Any determination once made shall remain in effect during a period of two years from the date when the determination becomes effective, but the Commissioner on his own motion may make a re-determination after investigation and a hearing prior to the expiration of such period.

**Redeter-
mination.**

Definition:
Seasonal
worker.

(2) The term "seasonal worker" means an individual who has base year wage credits of which at least eighty per cent have been earned in seasonal employment for one seasonal employer or one group of seasonal employers combined in accordance with section 3 (c) (4).

Definition:
Operating
unit.

(3) For the purposes of this section, an operating unit is any unit of an employer's business which can be, and frequently is, conducted as a separate and independent business.

(4) The Commissioner may classify or join

employers or their operating units into groups consisting of seasonal employment of like yearly experience.

Classification.

(5) When the Commissioner has designated the operations of an employer, an operating unit or a group of employers or operating units as seasonal, then benefits shall be payable to seasonal workers employed thereby only on account of unemployment occurring during the regular period or periods of such seasonal employment.

Benefits seasonal.

Section 3. (d) DURATION OF BENEFITS. The maximum total amount of benefits payable to any eligible individual during any benefit year shall not exceed whichever is the lesser of

Maximum annual benefits.

(1) 16 times his weekly benefit amount, and

Computation.

(2) one-third ($\frac{1}{3}$) of the wages earned by him for employment by employers during his base year: *Provided*, That such maximum total amount of benefits, if not a multiple of fifty cents (50¢), shall be computed to the next higher multiple of fifty cents (50¢). For the purposes of this section wages shall be counted as "wages for employment by employers" for benefit purposes with respect to any benefit year only if such benefit year begins subsequent to the date on which the employer from whom such wages were earned has satisfied the conditions of section 8(c) or section 19(f) with respect to becoming an employer.

Section 3. (e) PART TIME WORKERS.

(1) As used in this section, 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.

Definition: Part time worker.

Commis-
sioner to
make rules.

(2) The Commissioner shall prescribe fair and reasonable general rules applicable to part time workers for determining their weekly benefit amounts 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.

Rule
authority.

Amend-
ments.

SEC. 2. Section 4 of chapter 162 of the Laws of 1937, as amended by section 2 of chapter 214 of the Laws of 1939, is hereby amended to read as follows:

Eligibility.

Section 4. BENEFIT ELIGIBILITY CONDITIONS. An unemployed individual shall be eligible to receive benefits with respect to any week only if the Commissioner finds that:

Conditions.

(a) He has registered for work at and thereafter has continued to report at an employment office in accordance with such regulation as the Commissioner may prescribe, except that the Commissioner may by regulation, waive or alter either or both of the requirements of this sub-section as to individuals attached to regular jobs and as to such other types of cases or situations with respect to which he finds that the compliance with such requirements would be oppressive, or would be inconsistent with the purposes of this act: *Provided*, That no such regulation shall conflict with section 3(a) of this act.

Proviso.

(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: *Provided*, That the word "available" shall not be construed to exclude one who, though otherwise eligible, may be pursuing in any institution of learning or training a course of study which he may

optionally discontinue at any stage for an indefinite period, with refund or prepaid tuition, and which he may at any time thereafter optionally resume at the previously discontinued stage. To be available for work an individual must be ready, able and willing immediately to accept any suitable work which may be offered to him and must be actively seeking work.

Eligibility conditions.

An individual who voluntarily quits work for personal reasons not directly connected with or related to the employment in which he or she is engaged at the time of such voluntary quitting, such as voluntarily quitting to get married, quitting or being required to terminate the employment because of pregnancy, or voluntarily quitting to remove to another location, town, community or locality too remote or distant to commute to and from the employment, shall be deemed to be unavailable for work until such individual has subsequent to so terminating his employment earned wages in employment subject to this act or subject to an unemployment compensation law of another state or of the United States of at least fifty dollars (\$50.00) and been employed in four separate calendar weeks. In no case shall an individual be deemed able and available for work within the meaning of this sub-section unless such individual is able and available for work in his usual trade or occupation, including such individual's most recent employment;

Unavailable for work.

Termination.

Availability.

(d) He has been unemployed for a waiting period of two (2) weeks. Such weeks of unemployment need not be consecutive. No week shall be counted as a week of unemployment for the purpose of this sub-section:

Requirements.

(1) If benefits have been paid with respect thereto;

(2) Unless the individual was otherwise eligible for benefits with respect thereto;

Availability
requirements.

(3) Unless it occurs within the benefit year which includes the week with respect to which he claims payment of benefits;

(4) In the case of a seasonal worker, unless it falls within the operating season.

Computation:

(e) He has within his base year earned wages of not less than two hundred dollars (\$200.00). For the purpose of this section wages shall be counted for benefit purposes with respect to any benefit year only if such benefit year begins subsequent to the date on which the employer from whom such wages were earned has satisfied the conditions of section 8(c) or section, 19(f) with respect to becoming an employer.

Amend-
ments.

SEC. 3. Section 5 of chapter 162 of the Laws of 1937, as amended by section 3 of chapter 214 of the Laws of 1939, is hereby amended to read as follows:

Disqualifica-
tion.

Section 5. DISQUALIFICATION FOR BENEFITS. An individual shall be disqualified for benefits:

Conditions.

(a) For the calendar week in which he has left work voluntarily without good cause, if so found by the Commissioner, and for a period ensuing immediately thereafter of not less than two, nor more than five, weeks as the Commissioner shall determine (in addition to the waiting period).

(b) For the calendar week in which he has been discharged or suspended for misconduct connected with his work, if so found by the Commissioner, 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 Commissioner in each case according to the seriousness of the misconduct.

(c) For the calendar week in which he has wilfully made a false statement or representation or wilfully failed to report a material fact to obtain any benefits under the provisions of this act and for not more than the twenty-six next following weeks as

determined by the Commissioner according to the circumstances in each case.

(d) If the Commissioner finds that he has failed, without good cause, either to apply for available, suitable work when so directed by the employment office or the Commissioner, or to accept suitable work when offered him, or to return to his customary self-employment (if any) when so directed by the Commissioner. 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 Commissioner according to the circumstances in each case.

Disqualifica-
tion
conditions.

(1) In determining whether or not any such work is suitable for an individual, the Commissioner 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.

Determina-
tion of
conditions.

(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:

Suitable
work.

(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;

Conditions.

(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.

Suitable
work
conditions.

(e) [d] For any week with respect to which the Commissioner finds that his 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 sub-section shall not apply if it is shown to the satisfaction of the Commissioner that:

Exceptions.

(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 purpose of this sub-section, be deemed to be a separate factory, establishment, or other premises.

Amend-
ments.

SEC. 4. Section 6 of chapter 162 of the Laws of 1937, as amended by section 4 of chapter 214 of the Laws of 1939, is hereby amended to read as follows:

Filing
claims.

Section 6. (a) FILING. Claims for benefits shall be made in accordance with such regulations as the Commissioner 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 and such notices, instructions and other material as the Commissioner may by regulation prescribe. Such printed material shall be supplied by the Commissioner to each employer without cost to him.

Regulations.

Posted by
employer.

Section 6. (b) INITIAL DETERMINATION. A representative designated by the Commissioner shall take the claim. The unemployment compensation division shall promptly make an initial determination thereon which shall be a determination with respect to whether or not benefits are potentially payable, the weekly benefit amount payable and the maximum amount of benefits potentially payable. The claimant, his most recent employing unit, and any other interested party which the Commissioner by regulation prescribes shall be notified promptly by the delivery of written notice of the initial determination. The initial determination shall fix the general conditions under which benefits shall be paid during any period of unemployment occurring within the ensuing benefit year. An individual who has received an initial determination finding that benefits are potentially payable to him, shall during his benefit year receive benefits in accordance with such initial determination with respect to any week as to which the conditions of section 4 of this act are met unless the individual is disqualified by the provisions of section 5 hereof. The claimant, his most recent employing unit, or any such interested party to the initial determination may file an appeal from such determination with the Commissioner within seven calendar days after the date of notification or mailing, whichever is earlier, of such initial determination to his last known address. If, upon such initial determination, benefits are allowed, but an appeal is filed relative to the maximum amount of benefits potentially payable or the weekly benefit amount, benefits may, nevertheless, be paid to the extent of the minimum potential benefit amount or weekly benefit amount which the Division of Unemployment Compensation or any party to the appeal shall assert is due the claimant. If the payment of benefits shall be denied to any individual for any

Initial determination.

Findings.

Claimant notified.

Conditions.

Exception.

Appeal to Commissioner.

Minimum payments pending appeal.

Notice of denial.

Appeal.

Effect of notice.

Notice when denial cause removed.

Appeal by others.

Determination final if no appeal.

Exception.

Commissioner may reconsider initial determination.

week within a benefit year covered by an initial determination, the claimant shall be promptly notified of the denial and the reasons therefor, and may appeal therefrom in accordance with the procedure herein described for appeals from initial determinations. A notice that benefits have been denied, delivered to the claimant in accordance with the foregoing section, shall suffice for all subsequent weeks of unemployment during which the condition upon which the denial was based shall continue and an appeal taken from such notice of denial shall be deemed to be an appeal as to such subsequent weeks. When the Commissioner shall determine that the cause for any denial of benefits has been removed, he shall inform the claimant, his most recent employing unit, and any other interested party, of his decision together with the date of the removal of such cause of denial, and the claimant, his most recent employing unit, or such other interested party, may appeal therefrom within seven days after communication or mailing of such notice, whichever is the earlier. In the absence of an appeal therefrom, a determination by the Commissioner that the cause for denial of benefits has been removed shall make any pending appeal inapplicable to any period subsequent to the date so determined by the Commissioner, and benefits may be paid for such subsequent period if the claimant is otherwise eligible. Except as herein specifically provided, if an appeal is taken with respect to any claim, benefits shall not be paid to the claimant prior to the final determination of such appeal.

The Commissioner may on his own motion reconsider an initial determination prior to an appeal therefrom to the appeal tribunal whenever he finds that there has been an error in computation, or an error of similar character in connection therewith, or that wages of the claimant pertinent to such initial

determination but not considered in connection therewith have been newly discovered; however, benefits may only be recovered in accordance with the provisions of section 16 (d) of this act.

Reconsideration.

Section 6. (c) APPEALS. When an appeal is taken, as provided in the foregoing section, unless such appeal is withdrawn, an appeal tribunal, after affording the parties reasonable opportunity for fair hearing, shall affirm or modify the findings of fact and decision of the unemployment compensation division. 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, whichever is the earlier, of such decision, further appeal is initiated pursuant to section 6 (e).

Appeal procedure.

Order.

Notification.

Further appeal.

Section 6. (d) APPEAL TRIBUNALS. The Commissioner shall establish one or more impartial appeal tribunals each of which shall be presided over by a salaried Examiner who shall decide the issues submitted to the tribunal. No Examiner shall hear or decide any disputed claim in any case in which he is an interested party.

Trial tribunal.

Examiner.

Restriction.

Section 6. (e) REVIEW. The Commissioner may on his own motion, or upon the petition of any interested party, shall, 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. The Commissioner may transfer to another appeal tribunal the proceedings on any claim pending before an appeal tribunal.

Review by Commissioner.

Authority.

Section 6. (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

Procedure on disputed claims.

Procedure.

the Commissioner 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.

Record of proceedings.

Witness fees.

Section 6. (g) WITNESS FEES. Witnesses subpoenaed pursuant to this section shall be allowed fees at a rate fixed by the Commissioner. 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.

Expenses of proceeding.

Decision of Commissioner final in 30 days.

Section 6. (h) APPEAL TO COURTS. Any decision of the Commissioner in the absence of an appeal therefrom as herein provided shall become final thirty days after the date of mailing written notification thereof, and judicial review thereof shall be permitted only after any party claiming to be aggrieved thereby has exhausted his remedies as provided in sections 6 (c), 6 (d), and 6 (e). The Commissioner 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.

Commissioner party to action on appeal.

Appeal.

Section 6. (i) COURT REVIEW. Within thirty days after final decision has been communicated to any interested party, such interested party 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

In equity.

Proceedings summary.

law shall be had before judgment is pronounced. Such appeal shall be perfected by filing with the Clerk of the Court a notice of appeal and by serving a copy thereof by mail or personally on the Commissioner, and the filing and service of said notice of appeal within thirty days shall be jurisdictional. The Commissioner 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 appellant and his attorney, if of record.

Notice of appeal.

Filing and service.

Answer in twenty days.

No bond.

Mailing notice of decision.

The Commissioner 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 the record in such case. No fee of any kind shall be charged the Commissioner for filing his appearance or for any other services performed by the Clerk of either the Superior or the Supreme Court.

Commissioner to serve and file complete record.

No filing fee for Commissioner.

If the Court shall determine that the Commissioner has acted within his power and has correctly construed the law, the decision of the Commissioner 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 Commissioner 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.

Decision of court.

Contents.

Proviso.

It shall be unlawful for any attorney engaged in any such appeal to the Courts as provided herein to

Unlawful for attorney to charge greater fee than fixed by court.

Costs payable from fund.

Appeal to Supreme Court.

Burden of proof.

Commissioners costs paid from fund.

Amendments.

Payment of contributions.

Paid by employer.

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 Commissioner 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 Commissioner 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 Commissioner to any Court, all expenses and costs incurred therein by said Commissioner including court reporter costs and attorney's fees and all costs taxed against such Commissioner shall be paid out of the Unemployment Compensation Administration Fund.

SEC. 5. Section 7 of chapter 162 of the Laws of 1937, as amended by section 5 of chapter 214 of the Laws of 1939, is hereby amended to read as follows:

Section 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 Commissioner may prescribe, and shall not be deducted, in whole or in part, from the remuneration of individuals in his employ;

(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.

Section 7. (b) **RATE OF CONTRIBUTION.** Each employer shall pay contributions equal to the following percentages of wages payable by him with respect to employment:

Contribution rate.

(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 thereafter.

Section 7. (c) **FUTURE RATES BASED ON EXPERIENCE.**

Future rates.

(1) The Commissioner shall investigate, study and report to the Governor and Legislature of this state not later than January 31, 1943, the operations of this act and the actual experience hereunder with a view to establishing an experience rating system which would equitably rate the unemployment risk and fix the contribution to the fund of each employer subject to this act. The Commissioner, in the conduct of this study, shall consider methods for the classification of employers, industries, or occupations with respect to the unemployment hazard in each. In making provision for such classification, the Commissioner shall take into account the degree of unemployment hazard in each, and any other measurable factors (such as fluctuation of pay rolls, or pay roll indices, compensable separations from employment, and experience in the payment of benefits) which the Commissioner finds bear a reasonable relation to the purposes of this sub-section. The general basis of classification proposed to be used for any period shall be subject to fair notice, opportunity for hearing, and publication.

Investigation and report.

Basis of experience.

Classification.

Section 7. (c) (2) For the purpose of enabling the Commissioner to render the report provided for in section 7 (c) (1) of this act the Commissioner shall immediately classify, and shall continue at all

Purpose.

To classify.

times hereafter to classify, each employer or operating unit of an employer in accordance with its actual experience with regard to contributions paid by it in its own behalf and the benefits which the unemployment fund has paid to its employees, or to employees whose benefits are properly chargeable against such employer or operating unit. The Commissioner shall set up and maintain separate records for each employer or operating unit of the amounts paid in to the fund by it in its own behalf since January 1, 1941, and of all benefit payments made and properly chargeable to such employer annually (excluding, however, benefit payments to seasonal workers for unemployed time not within the period of seasonal operations, such exclusion to be applied retroactively) commencing January 1, 1942. Benefits paid to an unemployed individual during any benefit year shall be charged against the account of his employer during his base period: *Provided*, That if such individual performed services in employment for more than one employer during his base period, benefits paid to such individual shall be charged against the respective accounts of such employers in the proportion that the total wages earned by such individual in employment for each such employer bears to the total wages earned by such individual in employment for all such employers during the base period. In charging employers' accounts, proper consideration shall be given to limitations set out in this section, with respect to benefit payments properly chargeable against the employer's account.

Employer records.

Record of payments.

Payments charged against employer account.

Joint accounts.

Section 7 (d) JOINT ACCOUNT. The Commissioner shall 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.

SEC. 6. Section 8 of chapter 162 of the Laws of 1937, as amended by section 6 of chapter 214 of the Laws of 1939, is hereby amended to read as follows: Amend-
ments.

Section 8. (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 or [of] such calendar year. Employer
subject
entire year.

Section 8. (b) An individual or organization shall cease to be an employer subject to this act only as of the first day of January of any calendar year, if it files with the Commissioner prior to the fifteenth day of January of such year a written application for termination of coverage, and he finds that such individual or organization had no person in employment for it within the preceding calendar year. Employer
termination.

Application.

Section 8. (c) Any employer for which services that do not constitute employment as defined in this act are performed, may file with the Commissioner 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 Commissioner, 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 to be deemed employment subject hereto as of January 1 of any calendar year subsequent to such two calendar years, only if such employer files with the Commissioner prior to the 15th day of January of such year a written application for termination of the coverage of such services. Election.

Approval.

Termination.

SEC. 7. Section 9 of chapter 162 of the Laws of 1937, as amended by section 7 of chapter 214 of the Laws of 1939, is hereby amended to read as follows: Amend-
ments.

Unemployment compensation fund.

Separate from all other state funds.

Contents of fund.

Section 9 (a) UNEMPLOYMENT COMPENSATION FUND. There is hereby established as a special fund, separate and apart from all public moneys or funds of this state, an unemployment compensation fund, which shall be administered by the Commissioner exclusively for the purposes of this act, and to which section 5501 of Remington's Revised Statutes shall not be applicable. This fund shall consist of

- (1) All contributions collected under this act;
 - (2) All interest collected pursuant to the provisions of this act;
 - (3) Interest earned upon any moneys in the fund;
 - (4) Any property or securities acquired through the use of moneys belonging to the fund; and
 - (5) All earnings of such property or securities.
- All money in the fund shall be mingled and undivided.

Commissioner to designate treasurer.

Duties.

Three separate accounts.

Section 9 (b) ACCOUNTS AND DEPOSIT. The Commissioner shall designate a treasurer and custodian of the fund who shall administer such fund in accordance with the directions of the Commissioner and shall issue his warrants upon it in accordance with such regulations as the Commissioner 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.

Function of clearing account.

All moneys payable to the fund, upon receipt thereof by the Commissioner, 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 Commissioner. After clearance thereof, all other moneys 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 moneys in the possession or custody of this state to the contrary notwithstanding. The benefit account shall consist of all moneys requisitioned from this state's account in the unemployment trust fund. Moneys in the clearing and benefit accounts shall not be commingled with other state funds, but shall be deposited by the Treasurer, under the direction of the Commissioner, in any bank or public depository in which general funds of the state may be deposited, but no public deposit insurance charge or premium shall be paid out of the fund. Such moneys shall be secured by said bank or public depository to the same extent and in the same manner as required by the general depository law of the state and collateral pledged shall be maintained in a separate custody account. The Treasurer shall give a 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. All sums recovered on official bonds for losses sustained by the unemployment compensation fund shall be deposited in such fund.

Deposit in U. S. Treasury.

Benefit account.

Clearing and benefit accounts not to be commingled.

Deposit.

Security.

Bond of Treasurer.

Section 9 (c) WITHDRAWALS. Moneys 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 Commissioner. The Commissioner 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

Withdrawals from State account.

Purpose.

Withdrawals
for benefits.

Deposit.

Expenditures.

Act not
applicable.

Form of
warrants.

Application
of balances.

Fund
operative.

Period.

for the payment of benefits for a reasonable future period. Upon receipt thereof the Treasurer shall deposit such moneys in the benefit account and shall issue his warrants for the payment of benefits solely from such benefit account. Expenditures of such moneys 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 counter-signature of the Commissioner or his duly authorized agent for that purpose. Any balance of moneys 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 Commissioner, shall be redeposited 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 section 9 (b).

Section 9 (d) MANAGEMENT OF FUNDS UPON DISCONTINUANCE OF UNEMPLOYMENT TRUST FUND. The provisions of sections 9 (a), 9 (b), and 9 (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 moneys, 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 moneys, properties, or securities in a manner approved by the Commissioner, in accordance with the provisions of this act: *Provided*, That such moneys 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 Commissioner.

Upon cessation trust fund transferred to compensation fund.

Investment of funds.

Restrictions.

Section 9 (e) Notwithstanding any requirements of the foregoing sections, the Commissioner shall, prior to July 1, 1939, authorize and direct the Secretary of the Treasury of the United States to transfer from this state's account in the unemployment trust fund established and maintained pursuant to section 904 of the Social Security Act as amended, to the railroad unemployment insurance account, established and maintained pursuant to section 10 of the Railroad Unemployment Insurance Act, an amount hereinafter referred to as the preliminary amount; and shall, prior to January 1, 1941, authorize and direct the Secretary of the Treasury of the United States to transfer from this state's account in said unemployment trust fund to said railroad unemployment insurance account, an additional amount hereinafter referred to as the liquidating amount. The

Transfer of funds to railroad account.

Preliminary amount.

Determina-
tion of
amount of
accounts.

Commissioner shall determine both such amounts after consultation with the Railroad Retirement Board and the Social Security Board. The preliminary amount shall consist of that proportion of the balance in the unemployment compensation fund as of June 30, 1939, as the total amount of contributions collected from "employers" (as the term employer is defined in section 1 (a) of the Railroad Unemployment Insurance Act) and credited to the unemployment compensation fund bears to all contributions theretofore collected under this act and credited to the unemployment compensation fund. The liquidating amount shall consist of the total amount of contributions collected from "employers" (as the term employer is defined in section 1 (a) of the Railroad Unemployment Insurance Act) pursuant to the provisions of this act during the period July 1, 1939, to December 31, 1939, inclusive.

Liquidating
amount.

Amend-
ments.

SEC. 8. Section 11 of chapter 162 of the Laws of 1937, as amended by section 9 of chapter 214 of the Laws of 1939, is hereby amended to read as follows:

Duties and
powers of
Commis-
sioner.

Section 11 (a) DUTIES AND POWERS OF COMMISSIONER. It shall be the duty of the Commissioner to administer this act; and he shall have the power and authority to adopt, amend, or rescind such rules and regulations, to employ such persons, make such expenditures, require such reports, make such investigations, and to 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 Commissioner shall prescribe. The Commissioner, in accordance with the provisions of this act, shall determine the organization and methods of procedure of the divisions referred to in section 10 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

Make rules.

Publication
of rules.

Organization.

Official seal.

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 moneys in the fund in which there shall be provided, if possible, a reserve against the liability in future years to pay benefits in excess of the then current contributions, which reserve shall be set up by the Commissioner in accordance with accepted actuarial principles on the basis of statistics of employment, business activity, and other relevant factors for the longest possible period. Whenever the Commissioner believes that a change in contribution or benefit rates will become necessary to protect the solvency of the fund, he shall promptly so inform the Governor and the Legislature and make recommendations with respect thereto.

Annual report to Governor.

Contents.

Make recommendations.

Section 11 (b) RECIPROCAL STATE ARRANGEMENTS. The Commissioner is hereby authorized to enter into arrangements with the appropriate agencies of other states, foreign governments or the Federal government whereby individuals performing services in this and other states or countries for a single employing unit under circumstances not specifically provided for in section 19 (g) of this act, or under similar provisions in the unemployment compensation laws of such other states or countries, shall be deemed to be engaged in employment performed entirely within this state or within one of such other states or countries, and whereby potential rights to benefits accumulated under the unemployment compensation laws of one or more states or countries, or under such a law of the Federal government, or all of them, 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 sub-

Reciprocal state arrangements.

Commissioner authorized.

Contents and conditions.

Other ar-
rangements.

stantial loss to the fund. The Commissioner is also authorized to enter into arrangements with the appropriate agencies of other states, foreign countries or the Federal government,

Contents and
conditions.

(1) whereby wages or services, upon the basis of which an individual may become entitled to benefits under the unemployment compensation law of another state, country or of the Federal government, shall be deemed to be wages for employment by employers for the purposes of section 3 and section 4 (e) of this act, if such other state agency, agency of a foreign government or agency of the Federal government has agreed to reimburse the fund for such portion of benefits paid under this act upon the basis of such wages or services as the Commissioner finds will be fair and reasonable as to all affected interests, and

Restrictions.

Reimburse
other agency.

(2) whereby the Commissioner will reimburse other state, foreign or Federal agencies charged with the administration of unemployment compensation laws with such reasonable portion of benefits paid under the law of any such other states, foreign government or of the Federal government upon the basis of employment or wages for employment by employers as the Commissioner finds will be fair and reasonable as to all affected interests. Reimbursements so payable shall be deemed to be benefits for the purposes of section 3 (d) and 9 of this act. The Commissioner is hereby authorized to make to other state, foreign or Federal agencies and receive from such other state, foreign or Federal agencies reimbursements from or to the fund, in accordance with arrangements pursuant to this section, and

Services in
more than
one state.

(3) whereby services performed by an individual for a single employing unit for which services are customarily performed in more than one state shall be deemed to be services performed entirely within any one of the states (i) in which any part

of such individual's service is performed or (ii) in which such individual has his residence or (iii) in which the employing unit maintains a place of business, provided there is in effect, as to such services, an election, approved by the agency charged with the administration of such state's unemployment compensation law, pursuant to which all the services performed by such individual for such employing unit are deemed to be performed entirely within such state.

Jurisdiction.

Section 11 (c) REGULATIONS AND GENERAL AND SPECIAL RULES. General and special rules may be adopted, amended, or rescinded by the Commissioner 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 the 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 Commissioner and shall become effective in the manner and at the time prescribed by him.

Regulations and rules.

Hearing on rules.

Publication.

Effective date.

Regulations within power of Commissioner.

Section 11 (d) PUBLICATION. The Commissioner 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.

Publication of text of act and rules and regulations.

To distribute.

Section 11 (e) PERSONNEL. Subject to other provisions of this act, the Commissioner 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 Commissioner may delegate to any such person so appointed such power and authority

Appoint and fix compensation of personnel.

Powers of
Commissioner.

as he deems reasonable and proper for the effective administration of this act including the right to decide matters placed in his discretion under this act, and may in his discretion bond any person handling moneys or signing checks hereunder.

Personnel
Board ap-
pointed by
Governor.

For the purpose of insuring the impartial selection of personnel on the basis of merit, the Governor shall appoint a personnel board of three members who are known to be interested in the selection of efficient government personnel, and who are not officers or employees of any department or office of the State of Washington, or elected public officials. All appointments shall be for a term of six years, except that the terms of the members first taking office shall be two, four and six years, respectively. All personnel of the Office of Unemployment Compensation and Placement, and such other departments or offices of the State of Washington as the Governor may designate or as provided by law, shall be selected from registers established by the personnel board. The Commissioner is authorized to adopt such regulations as may be necessary to meet personnel standards promulgated by the Social Security Board pursuant to the Social Security Act, as amended, and the Act of Congress entitled "An Act to provide for the establishment of a national employment system and for cooperation with the state in promotion of such system, and for other purposes," as approved June 6, 1933, as amended, and to provide for the maintenance of the merit system required under this section in conjunction with any merit system applicable to any other state agency, or agencies, which meets the personnel standards promulgated by the Social Security Board and the personnel board in making up registers for the Office of Unemployment Compensation and Placement shall be governed by such regulations.

Qualifica-
tion and
terms of
office.

Personnel to
be chosen
from register.

Register
established
by Board.

Regulation
for standards
of personnel.

Conform
to Act of
Congress.

Merit system.

Restriction.

The Commissioner 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.

No public official.

Section 11 (f) **EMPLOYMENT STABILIZATION.** The Commissioner 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 and publish the results of investigations and research studies.

Employment stabilization.

Methods.

Section 11 (g) **RECORDS AND REPORTS.** Each employing unit shall keep true and accurate work records, containing such information as the Commissioner may prescribe. Such records shall be open to inspection and be subject to being copied by the Commissioner or his authorized representatives at any reasonable time and as often as may be necessary. The records of an employer maintained in this state pertaining to employment of persons in another state shall be open to representatives of the Commissioner to permit cooperation with other state unemployment compensation agencies in ascertaining information necessary to administer the unemployment compensation acts of such other states. The Commissioner 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. Each employer shall make periodic reports at such intervals as the Commissioner may, by regulation, prescribe setting forth the remuneration payable for employment to workers in its employ, the names of all such

Employer to keep records prescribed by Commissioner.

Records open to Commissioner.

Reports on employees.

Reports to Commissioner.

workers and such other information as the Commissioner may, by regulation, prescribe. Information thus obtained or obtained from any individual pursuant to the administration of this act shall be deemed confidential and shall not be published or be open to public inspection (other than to public employees in the performance of their public duties and then only at the discretion of and in accordance with regulations prescribed by the Commissioner) in any manner revealing an individual's or employing unit's identity, but any claimant at a hearing before an appeal tribunal or the Commissioner 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 Office of Unemployment Compensation and Placement 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.

Information confidential.

Claimant entitled to records.

Penalty for violation.

Officials to administer oaths, etc.

Power of subpoena.

Section 11 (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 of the Commissioner 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.

Penalty for refusal to obey subpoena.

Section 11 (i) SUBPOENAS. In case of contumacy by, or refusal to obey subpoenas 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 of the Commissioner 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, 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 Commissioner or his authorized representative 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.

Court may order witness to comply with subpoena.

Failure to obey is contempt.

Penalty for contempt.

Section 11 (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 of the Commissioner or any appeal tribunal in obedience to the subpoena of such representative of the Commissioner 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.

Every person shall testify.

Shall not be prosecuted for self-incrimination.

Perjury excepted.

Commissioner to cooperate with Board.

Make reports and comply with rules.

Purpose.

Commissioner to cooperate with U. S. agencies.

State's records available to Railroad Board.

Amendments.

Section 11 (k) STATE-FEDERAL COOPERATION. In the administration of this act, the Commissioner shall cooperate to the fullest extent consistent with the provisions of this act, with the Social Security Board, created by the 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 Commissioner 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.

The Commissioner may make the state's records relating to the administration of this act available to the Railroad Retirement Board and may furnish the Railroad Retirement Board, at the expense of such board, such copies thereof as the Railroad Retirement Board deems necessary for its purposes. The Commissioner may afford reasonable cooperation with every agency of the United States charged with the administration of any unemployment insurance law.

SEC. 9. Section 12 of chapter 162 of the Laws of 1937, as amended by section 10 of chapter 214 of the Laws of 1939, is hereby amended to read as follows:

Section 12 (a) The Washington State Employ-

ment Service Division is hereby set up in the Office of Unemployment Compensation and Placement as a division thereof. The Commissioner through such division shall establish and maintain free public employment offices in such number and 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 Commissioner 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 Office of Unemployment Compensation and Placement is hereby designated and constituted the agency of this state for the purpose of said act. The Commissioner may cooperate with or enter into agreements with the Railroad Retirement Board with respect to the establishment, maintenance, and use of free employment service facilities. There shall be maintained in the division of employment service a sub-division of the blind concerned exclusively with the placement of blind persons. No person shall be eligible for assistance under chapter 132 of the Laws of 1937 of the State of Washington unless and until he shall have registered for employment with this division.

Employment service a division of office.

Maintain public employment offices.

Compliance with Act of Congress.

Agency of State.

Agreement with Railroad Board.

Service for blind.

Registry required.

Federal funds paid into employment account.

Used to establish offices.

Enter into agreements with Federal agencies to fulfill purpose.

Amendments.

Revolving fund.

Available to Commissioner.

Sole purpose.

Administration.

Source of funds.

Section 12 (b) FINANCING. All moneys 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 moneys are hereby made available to the Commissioner for 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 Commissioner is authorized to enter into agreements with the Railroad Retirement Board, or any other agency of the United States charged with the administration of any unemployment compensation law, with any political sub-division of this state or with any private non-profit organization, and as a part of any such agreement the Commissioner may accept moneys, services, or quarters as a contribution to the employment service account.

SEC. 10. Section 13 of chapter 162 of the Laws of 1937, as amended by section 11 of chapter 214 of the Laws of 1939, is hereby amended to read as follows:

Section 13 (a) REVOLVING FUND. There is hereby created a revolving fund to be known as the Unemployment Compensation Administration Fund. All moneys which are deposited or paid into this fund are hereby made available to the Commissioner. All moneys 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, and all moneys received from the Social Security Board for the fund pursuant to section 302 of the Social Security Act shall be expended solely for the purposes and in the amounts found necessary by the Social Security Board for the proper and efficient administration of this act. The fund shall consist of all moneys received from the United States of America, or any agency thereof, including the Social Security Board, the Railroad Retirement Board, or

from any other source, for such purpose. Moneys received from the Railroad Retirement Board as compensation for services or facilities supplied to said board shall be paid into this fund or the Employment Service account as the Commissioner shall prescribe. All moneys in this fund shall be deposited, administered, and disbursed by the Treasurer of the Unemployment Compensation Fund under rules and regulations of the Commissioner 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 bond conditioned upon the faithful performance of his duties in connection with that fund. All sums recovered on the official bond for losses sustained by the Unemployment Compensation Administration Fund shall be deposited in said fund.

Deposit of funds from Railroad Board.

Disbursal.

Department treasurer is treasurer of fund.

Section 13 (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. Any sum appropriated by this state for the purpose of cooperating with the United States Employment Service shall be placed in said fund. In addition there shall be paid into such account the moneys designated in section 12 (b) of this act.

Employment service account.

Purpose.

Source of funds.

Section 13 (c) The State of Washington hereby pledges that effective July 1, 1941, it will replace within a reasonable time any moneys received pursuant to section 302 of the Federal Social Security Act which, because of any action or contingency, have been lost or have been expended for purposes other than, or in amounts in excess of, those found necessary by the Federal Social Security Board for the proper administration of the Washington Unemployment Compensation Act.

State to replace Federal funds.

Amendments.

SEC. 11. Section 14 of chapter 162 of the Laws of 1937, as amended by section 12 of chapter 214 of the Laws of 1939, is hereby amended to read as follows:

Interest on past due contributions.

Section 14 (a) INTEREST ON PAST DUE CONTRIBUTIONS. If contributions are not paid on the date on

Rate.

which they are due and payable as prescribed by the Commissioner, the whole or part thereof remaining unpaid 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

Limit.

computing interest for any period less than a full month, the rate shall be 1/30 of one per centum for each day or fraction thereof. Interest shall not accrue in excess of twenty-four per centum for delinquent contributions for any one contribution period.

Credit to fund.

The date as of which payment of contributions, if mailed, is deemed to have been received may be determined by such regulations as the Commissioner may prescribe. Interest collected pursuant to this section shall be paid into the Unemployment Compensation Fund. Interest shall not accrue on contributions

Exceptions.

from any estate in the hands of a receiver, executor, administrator, trustee in bankruptcy, common law assignee or other liquidating officer subsequent to the date when such receiver, executor, administrator, trustee in bankruptcy, common law assignee or other liquidating officer qualifies as such,

Estate funds.

but contributions accruing with respect to employment of persons by any receiver, executor, administrator, trustee in bankruptcy, common-law assignee or other liquidating officer shall become due and shall draw interest in the same manner as contributions due from other employers. Payments of contributions

Exception. Error in payment.

erroneously paid to an Unemployment Compensation Fund of another state which should have been paid to this state and which thereafter shall be refunded by such other state and paid by the employer to this state, shall be deemed to have been

drawn from the Unemployment Compensation Fund of this state. This section shall not apply to contributions due from any estate in the hands of a receiver, executor, administrator, trustee in bankruptcy, common law assignee or other liquidating officer subsequent to the date when such receiver, executor, administrator, trustee in bankruptcy, common law assignee or other liquidating officer qualifies as such, but contributions accruing with respect to employment of persons by any receiver, executor, administrator, trustee in bankruptcy, common-law assignee or other liquidating officer shall become due and shall draw interest in the same manner as contributions due from other employers. Payments of contributions

erroneously paid to an Unemployment Compensation Fund of another state which should have been paid to this state and which thereafter shall be refunded by such other state and paid by the employer to this state, shall be deemed to have been

drawn from the Unemployment Compensation Fund of this state. This section shall not apply to contributions due from any estate in the hands of a receiver, executor, administrator, trustee in bankruptcy, common law assignee or other liquidating officer subsequent to the date when such receiver, executor, administrator, trustee in bankruptcy, common law assignee or other liquidating officer qualifies as such, but contributions accruing with respect to employment of persons by any receiver, executor, administrator, trustee in bankruptcy, common-law assignee or other liquidating officer shall become due and shall draw interest in the same manner as contributions due from other employers. Payments of contributions

paid to this state at the date of payment to such other state.

Section 14 (b) If any contributions, including interest thereon, shall not be paid when due, a lien therefor in favor of the Division of Unemployment Compensation shall attach to all property and rights to property of the employer so delinquent. Said lien shall date from the commencement of the period with respect to which said delinquent contributions are due, and shall be prior to all other liens except prior tax liens, but shall not be valid as against any mortgagee, pledgee, purchaser, or judgment creditor until notice thereof has been filed with the Secretary of State. Even though a notice of lien has been filed in the manner provided herein, the lien shall not be valid with respect to a "security," as defined herein, as against any mortgagee, pledgee, or purchaser, of such security, for an adequate and full consideration in money or money's worth, if at the time of such mortgage, pledge or purchase such mortgagee, pledgee or purchaser is without notice or knowledge of the existence of such lien. The term "security" as used herein means any bond, debenture, note, or certificate, or other evidence of indebtedness, issued by any corporation (including one issued by a government or political sub-division thereof), with interest coupons or in registered form, share of stock, voting trust certificate, or any certificate of interest or participation in, certificate of deposit or receipt for, temporary or interim certificate for, or warrant or right to subscribe to or purchase, any of the foregoing; negotiable instrument; or money. When a notice of lien has been so filed, the Commissioner may release the same by the filing of a certificate of release when it shall appear that the amount of delinquent contributions together with all interest thereon have been paid, or if there shall be furnished to the Commissioner a bond to secure the payment thereof.

Lien created for delinquent contributions.

Exceptions.

Effect of notice.

Commissioner may release notice.

Notice of assessment for delinquencies.

Section 14 (c) At any time after the Commissioner shall find that any contribution or the interest thereon have become delinquent, the Commissioner may issue a notice of assessment specifying the amount due, which notice of assessment shall be served upon the delinquent employer in the manner prescribed for the service of summons in a civil action, except that if the employer cannot be found within the state, said notice will be deemed served when mailed to the delinquent employer at his last known address by registered mail. If the amount so assessed is not paid within ten days after such service or mailing of said notice, the Commissioner or his duly authorized representative shall collect the amount stated in said assessment by the distraint, seizure and sale of the property, goods, chattels and effects of said delinquent employer. There shall be exempt from distraint and sale under this section such goods and property as are exempt from execution under the laws of this state.

Service.

Distraint.

Exemptions.

Procedure in distraint.

Notice of sale.

Section 14 (d) The Commissioner, upon making a distraint, shall seize the property and shall make an inventory of the property distrained, a copy of which shall be mailed to the owner of such property or personally delivered to him, and shall specify the time and place when said property shall be sold. A notice specifying the property to be sold and the time and place of sale shall be posted in at least two public places in the county wherein the seizure has been made. The time of sale shall be not less than ten nor more than twenty days from the date of posting of such notices. Said sale may be adjourned from time to time at the discretion of the Commissioner, but not for a time to exceed in all sixty days. Said sale shall be conducted by the Commissioner or his authorized representative who shall proceed to sell such property by parcel or by lot at a public auction, and may set a minimum price to include the ex-

penses of making a levy and of advertising the sale, and if the amount bid for such property at the sale is not equal to the minimum price so fixed, the Commissioner or his representative may declare such property to be purchased by the Division of Unemployment Compensation for such minimum price. The delinquent account shall be credited with the amount at which the property shall be sold. Property acquired by the Division of Unemployment Compensation as herein prescribed may be sold by the Commissioner at public or private sale, and the amount realized shall be placed in the Unemployment Compensation Trust Fund.

Minimum price to include costs of sale.

Division may purchase for minimum value.

Property accumulated may be sold.

In all cases of sale, as aforesaid, the Commissioner shall issue a bill of sale or a deed to the purchaser and said bill of sale or deed shall be prima facie evidence of the right of the Commissioner to make such sale and conclusive evidence of the regularity of his proceeding in making the sale, and shall transfer to the purchaser all right, title and interest of the delinquent employer in said property. The proceeds of any such sale shall be first applied by the Commissioner in satisfaction of the delinquent account, and out of any sum received in excess of the amount of delinquent contributions and interest, the administration fund shall be reimbursed for the costs of distraint and sale. Any excess which shall thereafter remain in the hands of the Commissioner shall be refunded to the delinquent employer. Sums so refundable to a delinquent employer may be subject to seizure or distraint in the hands of the Commissioner by any other taxing authority of the state or its political sub-divisions.

Bill of sale or deed.

Excess refunded.

Excess subject to distraint.

Section 14 (e) When any notice of assessment has been delivered or mailed to a delinquent employer, as heretofore provided, such employer may within ten days thereafter file a petition in writing with the Commissioner, stating that such assessment

Petition to Commissioner.

Petition contents.

is unjust or incorrect and requesting a hearing thereon. Such petition shall set forth the reasons why the assessment is objected to and the amount of contributions, if any, which said employer admits to be due the Division of Unemployment Compensation. If no such petition be filed with the Commissioner within said ten days, said assessment shall be conclusively deemed to be just and correct. The filing of a petition on a disputed assessment with the Commissioner shall stay the distraint and sale proceeding provided for in this section until a final decision thereon shall have been made, but the filing of such a petition shall not affect the right of the Commissioner to perfect a lien, as provided in section 14 (b), upon the property of the employer. The issues raised by such petition shall be heard by the appeal tribunal, established in section 6 of this act, in the same manner and in accordance with the same procedure as is prescribed for appeals from benefit determinations, including the procedure set out in section 6 for review by the Commissioner and the Court.

Petition to stay distraint.

Hearing before tribunal.

Petition for refunds.

Limitation.

May adjust or refund.

Commissioner may refund without petition.

Section 14 (f) No later than three years after the date any contributions or interest have been paid, an employer who has paid such contributions or interest may file with the Commissioner a petition in writing for an adjustment thereof in connection with subsequent contribution payments or for a refund thereof when such adjustment cannot be made. If the Commissioner upon an ex parte consideration shall determine that such contributions or interest, or portion thereof, were 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 Commissioner shall refund said amount without interest from the fund. For like cause and within the same period, adjustment or refund may be made on the

Commissioner's own initiative. If the Commissioner finds that upon ex parte consideration he cannot readily determine that such adjustment or refund should be allowed, he shall deny such application and notify the employer in writing. Within ten days after such notification shall have been mailed or delivered to such employer, whichever is the earlier, the employer may file a petition in writing with the Commissioner for a hearing thereon. The petition shall set forth the reasons why such hearing should be granted and the amount which the petitioner believes should be adjusted or refunded. If no such petition be filed within said ten days, the determination of the Commissioner as stated in said notice shall be final. The petition for refund shall be heard by the appeal tribunal and may be reviewed by the Commissioner and the courts in the manner prescribed for hearing appeals from benefit determinations.

May deny petition ex parte.

Notification.

Petition for hearing.

Time for filing.

Petition heard by tribunal.

Section 14 (g) If any employing unit shall fail or neglect to make or file any report or return required by this act, or any regulation made pursuant hereto, the Commissioner may upon the basis of such knowledge as may be available to him arbitrarily make a report on behalf of such employing unit, and the report so made shall be deemed prima facie correct.

Commissioner may make report if employer fails.

Section 14 (h) If the Commissioner shall have reason to believe that an employer is insolvent or if any reason exists why the collection of any contributions accrued but not yet delinquent will be jeopardized by delaying collection until the date of delinquency thereof, he may make an immediate assessment thereof and may proceed to enforce collection on said assessment immediately, but interest shall not begin to accrue upon any contributions until the date when such contributions would normally have become delinquent.

May make jeopardy assessment.

Act
conclusive.

Section 14 (i) The remedies provided in this act for determining the justness or correctness of assessments or refund or adjustment claims shall be exclusive and no Court shall entertain any action to enjoin an assessment or require a refund or adjustment except in accordance with the provisions of this act. Matters which may be determined by the procedures herein set out shall not be the subject of any declaratory judgment.

Employer
business may
be enjoined
for delin-
quency.

Section 14 (j) Any employer who shall be delinquent in the payment of contributions or interest may be enjoined upon the suit of the State of Washington from continuing in business in this state or employing persons herein until the contributions and interest shall have been paid, or until the employer shall have furnished a good and sufficient bond in the amount of double the estimated contributions which will become due from such employer during the next ensuing calendar year, conditioned that said employer will pay all contributions and interest accruing during said next ensuing calendar year before the same become delinquent.

Collections
by civil
procedure.

Section 14 (k) COLLECTION. If after due notice, any employer defaults in any payment of contributions or interest thereon, the amount due may be collected by civil action in the name of the State of Washington, and the employer adjudged in default shall pay the cost of such action. Any lien created by this act may be foreclosed by decree of the court in any 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 laws of this state.

Section 14 (l) Remedies given to the state

under this act for the collection of contributions and interest shall be cumulative and no action taken by the Commissioner or his duly authorized representative, the Attorney General, or any other officer shall be construed to be an election on the part of the state or any of its officers to pursue any remedy to the exclusion of any other.

Remedies
cumulative.

Section 14 (m) In the event of any distribution of an employer's assets pursuant to an order of any court including any receivership, probate, legal dissolution, or similar proceeding, or in case of any assignment for the benefit of creditors, composition, or similar proceeding, contributions then or thereafter due shall be a lien upon all the assets of such employer. Said lien will be prior to all other liens or claims except prior tax liens 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. The mere existence of a condition of insolvency or the institution of any judicial proceeding for legal dissolution or of any proceeding for distribution of assets shall cause such a lien to attach without action on behalf of the Commissioner or the state. 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 provided in that act, as amended.

Lien against
assets of
estates.

Insolvency.

Priority.

SEC. 12. Section 15 of chapter 162 of the Laws of 1937, as amended by section 13 of chapter 214 of the Laws of 1939, is hereby amended to read as follows:

Amend-
ments.

Section 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

Workman
cannot waive
rights.

Agreement to waive void.

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 any employer who violates any provision of this section 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.

Employer not to accept contributions from workmen.

Penalty for violation.

No fees for services or court actions.

Section 15 (b) LIMITATION OF FEES. No individual claiming benefits shall be charged fees of any kind in any proceeding under this act by the Commissioner or his representatives, or by an appeal tribunal or by any Court or any officer thereof. Any individual claiming benefits in any proceeding before the Commissioner, 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 in excess of an amount found reasonable by the officer conducting such proceeding. A legally licensed attorney shall be paid such reasonable fee for his services in the Superior or Supreme Court as the Court orders. Any person who violates any provision of this section shall, for each offense, be fined not less than \$50 nor more than \$500, or imprisoned for not more than six months, or both.

Attorneys fees limited.

Court or officer to fix.

Penalty for violation.

Assignments void.

Section 15 (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

Benefits exempt from execution.

whatsoever provided for the collection of debts; 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 collection of all debts except debts incurred for necessities furnished such individual or his spouse or dependents during the time when such individual was unemployed. Any waiver of any exemption provided for in this section shall be void.

Benefits kept separate are exempt.

Exception.

Waiver of exemption void.

SEC. 13. Section 16 of chapter 162 of the Laws of 1937, as amended by section 14 of chapter 214 of the Laws of 1939, is hereby amended to read as follows:

Amendments.

Section 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 \$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 to disclose a material fact shall constitute a separate offense. This penalty shall be in addition to any penalty for any other crime involved in the same transaction.

Penalty for false representation.

Penalty additional.

Section 16 (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 thereto or to avoid or reduce any contribution or other payment required from an employing unit under this act, or who wilfully fails or refuses to make any such contributions or other payment or to

False representation by employer.

Penalty for violation.

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.

Penalty for any violation of act.

Section 16 (c) Any person who shall wilfully 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.

Penalty for misrepresentation.

Section 16 (d) Any person who, by reason of the non-disclosure or misrepresentation by him or by another, of a material fact (irrespective of whether such non-disclosure 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 Commissioner 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 Commissioner 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

SEC. 13. Section 19 of chapter 162 of the Laws of 1937 is hereby repealed. } Vetoed.

SEC. 14. That section of chapter 214 of the Laws of 1939 which passed both houses of the Legislature as section 16, and which appears in chapter 214 of the Laws of 1939 as an unnumbered section due to the number thereof having been included in a veto of a portion thereof by the Governor, which section is designated as section 9998-119(a) of Remington's Revised Statutes (Supp.), is hereby amended to read as follows: Amend-
ments.

Section 19. As used in this act, unless the context clearly requires otherwise, all terms specially defined herein shall be given the meaning contained in such definition, irrespective of the common law or popular meaning of such terms. Construction.

Section 19 (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. Definitions.

Section 19 (b) "Benefits" means the money payments payable to an individual, as provided in this act, with respect to his unemployment.

Section 19 (c) "Commissioner" means the administrative head of the State Office of Unemployment Compensation and Placement referred to in section 10 of this act.

Section 19 (d) "Contributions" means the money payments to the state unemployment compensation fund required by this act.

Section 19 (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

Definitions.
Employing
unit.

one 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.

Contractor
with employ-
ing unit.

Whenever any employing unit contracts with or has under it any contractor or sub-contractor for any work which is part of its usual trade, occupation, profession, or business, unless the employing unit as well as each such contractor or sub-contractor is an employer by reason of section 19 (f) or section 8 (c) of this act, the employing unit shall for all purposes of this act be deemed to employ each individual in the employ of each such contractor or sub-contractor for each day during which such individual is engaged in performing such work; except that each such contractor or sub-contractor who is an employer by reason of section 19 (f) or section 8 (c) of this act shall alone be liable for the employer's contributions measured by wages payable to individuals in his employ, and except that any employing unit who shall become liable for and pay contributions with respect to individuals in the employ of any such contractor or sub-contractor who is not an employer by reason of section 19 (f) or section 8 (c) of this act, may recover the same from such contractor or sub-contractor. Each individual employed to perform or to assist in performing the work of any agent or employee of any employing unit shall be deemed to be employed by such employing unit for all the purposes of this act, whether such individual was hired or paid directly by such employing unit or by such agent or employee, provided the employing unit had actual or constructive knowledge of the work.

Employer.

Section 19 (f) "Employer" means:

- (1) On and after July 1, 1941, 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 of any of the foregoing, or the legal representative of a deceased person which has any person in employment for it or which having become an employer, has not ceased to be an employer as provided in this act.

Definitions.

Employer.

(2) Prior to July 1, 1941:

(a) Any employing unit which in each of twenty different weeks within either the current or 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);

(b) 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;

(c) 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 (a) of this section;

(d) 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 (a) of this section;

Definitions.
Employer.

(e) Any employing unit which, having become an employer under paragraph (a), (b), (c), or (d), has not, under section 8, ceased to be an employer subject to this act; or

(f) 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.

Vetoed.

Section 19 (g) (1) "Employment", subject to the other provisions in this section, means service, including service in interstate commerce, performed for wages or under any contracts of hire, written or oral, express or implied, and including the services of an independent contractor, the principal object of whose contract is the performance of his personal service, and including the services of an individual who, for remuneration by way of commission or otherwise under an agreement or agreements contemplating a series of transactions, secures applications or orders or otherwise personally performs services as a salesman for another in the performance of that other's trade or business, whether or not such individual is an employee of such other under the law of master and servant, unless such services are performed as a part of such individual's business as a broker or factor and in furtherance of such business as broker or factor, similar services are performed for other persons and one or more employees of such broker or factor performed a substantial part of such services.

Employment.

(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

Definitions.

Employment.

(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.

(3) Services not covered under paragraph (2) of this section, 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 Commissioner 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) Irrespective of common law definitions, 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 Commissioner that all of the following conditions exist:

Vetoed.

(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

Vetoed.

(iii) Such individual is customarily engaged in a trade, occupation, profession or business, established and existing independently, which is of the same nature as that involved in the contract of service.

Exceptions.

(6) The term "employment" shall not include:

Agricultural labor.

(i) Agricultural Labor—the term "Agricultural Labor" includes all services performed:

Definition.

(1) On a farm, in the employ of any person, in connection with the cultivating of the soil, or in connection with raising or harvesting any agricultural or horticultural commodity, including raising, shearing, feeding, caring for, training, and management of livestock, bees, poultry, and fur-bearing animals and wild life, or in the employ of the owner or tenant or other operator of a farm, in connection with the operation, management, conservation, improvement, or maintenance of such farm and its tools and equipment.

(2) In handling, planting, packing, packaging, grading, storing, or delivering to storage or to market or to a carrier for transportation to market, any agricultural or horticultural commodity; but only if such service is performed as an incident to ordinary farming operations or, in the case of fruits and vegetables, in their raw and natural state, as an incident to the preparation of such fruits and vegetables for market. The provisions of this paragraph shall not be deemed to be applicable with respect to services performed in connection with commercial canning or commercial freezing or in connection with any agricultural or horticultural

commodity after its delivery to a terminal market for distribution or consumption. Exemptions.

(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 or daughter, or the community of which such son or daughter is a member, 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 sub-division thereof, or of any instrumentality of this state or its political sub-divisions; Public employees.

(vii) Service performed in the employ of any other state or its political sub-divisions, or of the United States Government, or of any instrumentality of any other state or states or their political sub-divisions or the United States; except that if the Congress of the United States shall permit states to require any instrumentality of the United States to make payments into an unemployment fund under a state unemployment compensation act, then, to the extent permitted by Congress, and from and after the date when such permission becomes effective, all the provisions of this act shall be applicable to such instrumentalities and to services performed for such instrumentalities in the Exceptions.
Certain U. S.
employees.

Exceptions.

same manner, to the same extent and on the same terms as to all other employers, employing units, individuals and services: *Provided*, That if this state should not be certified by the Social Security Board under section 903 of the Social Security Act for any year, then the payment required of such instrumentalities with respect to such year shall be deemed to be erroneously collected within the meaning of section 14 (f) of this act and shall be refunded by the Commissioner from the fund in accordance with such provisions of section 14 (f) of this act;

Proviso.

Acts of Congress.

(viii) Service with respect to which unemployment compensation is payable under an unemployment compensation system established by an act of Congress: *Provided*, That the Commissioner is hereby authorized 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 right 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;

Agreements with U. S.

Time effective.

(ix) Service performed by an insurance agent or solicitor to the extent he is compensated by commission;

Exemptions.

(x) Service as a newsboy selling or distributing newspapers on the street or from house to house;

(xi) Service in connection with the raising or harvesting of mushrooms;

(xii) If the services performed during one-half or more of any pay period by an individual for an employer constitute employment, all of the ser-

Exemptions.

VICES of such individual for such period shall be deemed to be employment, but if the services performed during more than one-half of any such pay period by an individual for an employer do not constitute employment, then none of the services of such individual on behalf of such employer for such period shall be deemed to be employment. As used in this paragraph, the term "pay period" means a period of not more than thirty-one consecutive days for which a payment of remuneration is ordinarily made to the employee by the person employing him;

(xiii) Casual labor not in the course of the employer's trade or business (labor which does not promote or advance the trade or business of the employer). Temporary labor in the usual course of an employer's trade or business shall not be deemed to be casual labor.

Definitions.

Section 19 (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.

Section 19 (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.

Section 19 (j) "State" includes, in addition to the states of the United States of America, Alaska, Hawaii, and the District of Columbia.

Section 19 (k) "Unemployment." An individual shall be deemed "unemployed" in any week during which he performs no services and with respect to which no remuneration is payable to him, or in any week of less than full time work if the remuneration payable to him with respect to such week, is less than his weekly benefit amount. The Commissioner shall prescribe regulations applicable to unemployed individuals making such distinctions

Definitions.

in the procedures as to total unemployment, part-total unemployment and partial unemployment of individuals attached to their regular jobs, and other forms of short-time work, as the Commissioner deems necessary.

Section 19 (l) "Unemployment Compensation Administration Fund" means the unemployment compensation administration fund established by this act, from which administrative expenses under this act shall be paid.

Section 19 (m) "Wages" means the first three thousand dollars of remuneration payable by one employer to an individual worker for employment during one calendar year. "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 Commissioner.

Exclusion.

The term "wages" shall not include:

(1) The amount of any payment by an employing unit with respect to services performed after July 1, 1941, to or on behalf of an individual in its employ under a plan or system established by such employing unit which makes provision for individuals in its employ generally, or for a class or classes of such individuals (including any amount paid by an employing unit for insurance or annuities or into a fund to provide for any payment) on account of:

Private insurance.

Provisions.

- (a) Retirement;
- (b) Sickness or accident disability;
- (c) Medical and hospitalization expenses in connection with sickness or accident disability; or
- (d) Death, provided the individual in its employ

(i) has not the option to receive instead of provision for such death benefits, any part of such payment, or if such death benefit is insured, any part of the premium (or contributions to premiums) paid by his employing unit, and

Exclusion.
Private
insurance.

Provisions.

(ii) has not the right under the provisions of the plan or system or policy of insurance providing for such death benefits to assign such benefits or to receive a cash consideration in lieu of such benefits, either upon his withdrawal from the plan or system providing for such benefits or upon termination of such plan or system or policy of insurance or of his services with such employing unit.

(2) The payment by an employing unit (without deduction from the remuneration of the individual in its employ) of the tax imposed upon an employee under section 1400 of the Federal Internal Revenue Code with respect to services performed after July 1, 1941; or

Payments
under
Revenue Act.

(3) Dismissal payments after July 1, 1941, which the employing unit is not legally required to make; or

Provisions.

(4) Any amount paid to a person in the military service for any pay period during which he performs no service for the employer.

Section 19 (n) "Week" means any period of seven consecutive calendar days ending at midnight as the Commissioner may by regulation prescribe. The Commissioner may by regulation prescribe that a week shall be "in," "within," or "during" that benefit year which includes the greater part of such week.

Definitions.

Section 19 (o) "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 the individual first files a valid claim for benefits, and thereafter, the fifty-two consecutive week period beginning with the

Definitions.

first day of the first week with respect to which the individual next files a valid claim for benefits after the termination of his last preceding benefit year, except in any case where at the expiration of fifty-two weeks the establishment of a new benefit year would result in the use of a quarter in the base year that had been included in a previous base year, the benefit year shall be deemed to be fifty-three weeks. Any claim for benefits made in accordance with section 6 (a) of this act shall be deemed to be a valid claim for the purposes of this section, if the individual has earned wages for employment by employers as provided in section 4 (e) of this act.

Section 19 (p) "Base Year" means the first four of the last five completed calendar quarters immediately preceding the first day of an individual's benefit year.

Section 19 (q) "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 Commissioner may by regulation prescribe.

Statutes repealed.

SEC. 15. Sections 22 and 23 of chapter 162 of the Laws of 1937 and section 17 of chapter 214 of the Laws of 1939 are hereby repealed.

New section added.

SEC. 16. A new section, to be known hereafter as section 22, is hereby added to chapter 162 of the Laws of 1937 to read as follows:

Commissioner may destroy old records.

Section 22. The Commissioner may destroy any form, claim, ledger, check, letter, or other record of the Office of Unemployment Compensation and Placement at the expiration of two years after

such record was originated or filed with the Office of Unemployment Compensation and Placement, except that warrants and claims, claim determinations, employer liability forms and contribution reports may be destroyed at the expiration of six years after such form is originated or filed with the Office of Unemployment Compensation and Placement, and except that this section shall not apply to records pertaining to grants, accounts or expenditures for administration, records of the unemployment compensation fund and the unemployment compensation administration fund.

Destruction of old records.

Exceptions.

SEC. 17. A new section is hereby added to chapter 162 of the Laws of 1937 to be hereafter known as section 23, to read as follows:

New section added.

Section 23. The Commissioner shall appoint a State Advisory Council composed of an equal number of employer representatives and employee representatives who may fairly be regarded as representatives because of their vocations, employment or affiliation, and of such members representing the general public as the Commissioner may designate. Such Council shall aid the Commissioner in formulating policies and discussing problems related to the administration of this act and of assuring impartiality and freedom from political influence in the solution of such problems. Such Advisory Council shall serve without compensation, other than compensation for wage loss sustained for attendance at formal meetings of the Council or of duly constituted committees. Members shall be reimbursed for any travel expense incurred in accordance with the travel regulations applicable to employees of the Office of Unemployment Compensation and Placement. The Commissioner may also appoint

Advisory Council.

Personnel.

Duties.

No compensation.

Expenses.

**Special
councils.**

industry or other special councils to perform appropriate services.

Passed the Senate March 13, 1941.

Passed the House March 12, 1941.

Approved by the Governor March 25, 1941, with the exception of section 13, and sub-paragraphs 19(g)(1) and 19(g)(5) of section 14, which are vetoed.

AUTHENTICATION

I, Belle Reeves, 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-seventh Legislative Session of the State of Washington, held from January 13, 1941, until March 13, 1941, 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 12th day of May, 1941.

BELLE REEVES,
Secretary of State.



**JOINT AND CONCURRENT RESOLUTIONS AND
MEMORIALS OF THE SENATE AND HOUSE**

(Minor Resolutions and Memorials, of no public importance,
are not printed herein.)

SENATE JOINT MEMORIAL NO. 3.

*To the Honorable Franklin D. Roosevelt, President of the
United States; the Senate and the House of Representa-
tives 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 Your Honorable Body, as follows:

WHEREAS, The people of the State of Washington suffered a disastrous loss in the destruction of the Narrows Bridge at Tacoma, Washington; and

WHEREAS, The bridge during the brief period of its existence was an economic and financial success, and proved its ability as a sound financial investment; and

WHEREAS, The nation has embarked on an extensive defense and preparedness program and the immediate rebuilding of the Narrows Bridge is a military necessity in that it is a rapid connecting link between Fort Lewis, Camp Murray, McChord Field and the Navy Yard at Bremerton, and Fort Worden in Port Townsend; and

WHEREAS, The bridge did offer a most favorable means of troop and artillery movement to our unprotected Straits of Juan de Fuca; and

WHEREAS, The bridge is an economic necessity affording the speedy and adequate transportation of passengers and freight; and

WHEREAS, Immediate funds are needed to reconstruct the Narrows Bridge at Tacoma, Washington; now, therefore, be it

Resolved, by the Senate and House of Representatives of the State of Washington in legislative session assembled, that we petition the Congress of the United States to consider this project as one of immediate economic and military necessity and to cooperate to the fullest extent with the State of Washington to the end that the Tacoma Narrows Bridge be immediately rebuilt.

Be It Further Resolved, That a copy of this resolution be sent to the President of the United States, to the President of the Senate and to the Speaker of the House of Representatives of the United States; and

Be It Further Resolved, That a copy of this resolution be sent to each member of Congress from the State of Washington.

And your Memorialists will ever pray.

Passed the Senate January 31, 1941.

Passed the House February 17, 1941.

SENATE JOINT MEMORIAL NO. 4.

To the Honorable Franklin D. Roosevelt, President of the United States, and to the 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 Excellency and honorable body as follows:

WHEREAS, the present national and state social security laws relating to old age pensions are steps in the right direction, but have proved unsatisfactory, inadequate, inefficient and subject to many conflicting state and national interpretations, all of which have created uncertainty and doubt as to the time, amount and payment of old age pensions; and

WHEREAS, President Roosevelt has advocated a liberal, uniform, national old age pension system; and

WHEREAS, the nationally known Old Age Pension Poll indicated that the citizens of the United States favor a uniform, national old age pension system with individual monthly payments of forty dollars (\$40.00) and such additional amounts as the Congress may from time to time decree; and

WHEREAS, the electors of the State of Washington in the recent general election clearly indicated by the passage of an Initiative measure that individual pension payments be increased to forty dollars (\$40.00) per month; now, therefore, be it

Resolved, That we the Senate and House of Representatives of the State of Washington do hereby respectfully memorialize and petition the President of the United States and the Congress of the United States to cause to be enacted into law a uniform, national, old age pension system along the lines of the desire of the people as expressed in the nationally known poll; and

Be It Further Resolved, That copies of this memorial be immediately transmitted to the President of the United States and to the Senate and the House of Representatives of the United States and to each senator and representative in Congress from the State of Washington.

Passed the Senate February 6, 1941.

Passed the House March 11, 1941.

SENATE JOINT MEMORIAL NO. 5.

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 assembly and honorable body as follows:

WHEREAS, The United States government has embarked on a large scale and long range defense program to protect the shores of both the Atlantic and Pacific Oceans from attack; and

WHEREAS, There is an area within Pacific County between the cities of Raymond and South Bend, in the State of Washington admirably situated for the establishment of either an army or navy air base or both in that such area is but fifteen (15) miles from the Pacific Ocean; lies alongside the Willapa River, it has a channel depth of twenty-five (25) feet and is at least one thousand (1,000) feet in width, thereby making the requested air base accessible to and for sea planes; and

WHEREAS, The port of Willapa Harbor is the owner of three hundred (300) acres and is willing to convey a considerable portion of such land for such purposes, and has contributed the sum of twenty thousand dollars (\$20,000), completely diking the land to the extent of four and one-half ($4\frac{1}{2}$) miles, all of which would give the air base a runway of a mile; and

WHEREAS, The estimated cost of establishing an air base between Raymond and South Bend, Washington, would amount to less than one hundred seventy-five thousand dollars (\$175,000); now, therefore, be it

Resolved, That we, the Senate and the House of Representatives of the State of Washington do hereby respectfully memorialize and petition the President of the United States and the Congress of the United States to appropriate the sum of one hundred seventy-five thousand dollars (\$175,000) for the purpose of establishing a military air base between Raymond and South Bend in Pacific County, Washington.

Be It Further Resolved, That copies of this memorial be immediately transmitted to the President of the United States; to the Senate and the House of Representatives of the United States; to each of the Representatives and Senators in Congress from the State of Wash-

ington; to the Secretary of War; and to the Secretary of the Navy.

And your Memorialists will ever pray.

Passed the Senate February 14, 1941.

Passed the House March 12, 1941.

SENATE JOINT MEMORIAL NO. 7.

To the Honorable Franklin D. Roosevelt, President of the United States, and the Honorable Senate and the House of Representatives of the United States 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 Excellency and Honorable Bodies, as follows:

WHEREAS, The practicability of the construction of an international highway to Alaska has been under consideration for some years; and

WHEREAS, The existing water and air transportation routes to Alaska should be supplemented by a through land route to facilitate economic and military connection with that territory; and

WHEREAS, The Army and Navy Departments of the United States Government have pointed out the strategic value of Alaska to the North American continent and the necessity for a coordinated transportation system reaching from the continental United States through to Alaska; and

WHEREAS, Congressman Warren G. Magnuson of the First Congressional District of the State of Washington, as Chairman of the Joint Alaska International Highway Commission, has made commendatory efforts toward making a through highway from the United States to Alaska an accomplished fact;

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 suitable legislation for the construction of the Alaskan International Highway for the purposes of providing adequate transportation for defense and development; 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.

Passed the Senate March 13, 1941.

Passed the House March 12, 1941.

SENATE JOINT MEMORIAL NO. 10.

To the Honorable Franklin D. Roosevelt, President of the United States, and to the Senate and 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, most respectfully represent and petition Your Excellency and Honorable Body as follows:

WHEREAS, Foreign powers have far exceeded the United States in the development and use of magnesium alloys in the construction of aircraft and other war materials; and

WHEREAS, Metal made from magnesium alloys weighs thirty-five per cent (35%) less than aluminum and is stronger; and

WHEREAS, The State of Washington has the largest available deposits of magnesite ores so far discovered in the United States; and

WHEREAS, The Washington State College has pioneered in the research and development of a process to provide for the economic production of magnesite ores; and

WHEREAS, As a result of this research there has been developed at the laboratories of the Washington State College, the electrothermic process which when applied to flotation concentrate from low grade ores provides the first suitable process for the refining of magnesite ores; and

WHEREAS, This process can be used to produce magnesium alloys of the highest purity on a large scale operation for less than ten cents (10¢) per pound; and

WHEREAS, The State of Washington has the cheapest electrical power in the Nation that may be used for the application of this process; and

WHEREAS, The State of Washington also has large deposits of other valuable minerals such as tungsten, manganese, molybdenum and chromium which should be investigated and explored.

Now, Therefore, We your Memorialists, the Senate and House of Representatives of the State of Washington in legislative session assembled, urge that the National Defense Commission investigate the splendid work done by the Washington State College and the electrothermic process developed there, and take such steps as are necessary to aid in the research, development and production of magnesite, tungsten, manganese, molybdenum, chromium, iron, and other valuable ores present in the State of Washington.

Passed the Senate February 15, 1941.

Passed the House February 26, 1941.

SENATE JOINT MEMORIAL NO. 11.

To the Honorable Franklin D. Roosevelt, President of the United States, and 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 you as follows:

WHEREAS, the salmon and steelhead runs of the Upper Columbia Watershed have declined approximately forty per cent in the past ten years and are rapidly heading toward complete extermination, principally because federal reclamation and power projects have destroyed natural spawning grounds and created unfavorable migratory conditions; and

WHEREAS, the perpetuation of the fishery resources of the Columbia River are wholly dependent upon the mutual cooperative efforts of the states of Oregon, Washington and Idaho operating in conjunction with the federal government and the fishing industry; and

WHEREAS, the state of Idaho has the responsibility of protecting a large share of the spawning grounds of the Upper Columbia River salmon and steelhead and receives the least amount of economic benefits therefrom; and

WHEREAS, the United States government has expended six million dollars (\$6,000,000.00) in the construction of fishways on the Bonneville Dam, and this investment is dependent on the successful conservation of these fish, especially those spawning in the state of Idaho; and

WHEREAS, the Congress of the United States, by act of May 11, 1938 (c. 193, 52 Statutes 345) has authorized the appropriation of five hundred thousand dollars (\$500,000.00) for the purpose of establishing fish cultural stations in the Columbia River Basin in each of the states of Oregon, Washington and Idaho to facilitate conservation of the fish resources of the Columbia River and its tributaries;

Now, Therefore, your Memorialists respectfully pray that the Congress of the United States appropriate, in addition to all other sums necessary for the construction of proper fish protective facilities on federal projects, one hundred thousand dollars (\$100,000.00) of the sum already authorized, for the establishment of game fish cultural stations in the state of Idaho to recompense the state of Idaho for its efforts in protecting the salmon and steelhead runs in the Snake River Basin, tributary of the Columbia River.

Passed the Senate February 26, 1941.

Passed the House February 26, 1941.

SENATE JOINT MEMORIAL NO. 12.

To the Honorable Franklin D. Roosevelt, 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 represent and petition as follows:

WHEREAS, The Territory of Alaska is richer than Croesus in its precious metals; has an abundance of coal and other minerals; profuse in its fertile fields and forests; multitudinous in its variety of fish, fowl and fauna; and gorgeous in its scenery and gigantic in its glaciers and mountains; and

WHEREAS, All of these wonders of nature and resources of natural wealth of God given gifts defy description, even with the use of superlatives, they are, unfortunately, inaccessible to the people of the United States, except by boats, thus practically transforming this "Paradise of the North" into an island; and

WHEREAS, The United States Government has embarked on an extensive military program, constructing air bases and army barracks for the housing of soldiers

in Alaska which would necessitate, because of its inaccessibility, the services of the Pacific Ocean battle fleet to patrol the Coast, and a fleet of transports to assist in its defense at such a terrific cost and tragic sacrifice of men, money and munitions as to warrant, for reasons of economy, the immediate construction of a highway from the United States through Canada to Alaska; and

WHEREAS, The Alaskan International Highway Commission, established by Congress, has been meeting with a similar commission appointed by our friendly neighbor to the North, the Canadian Government, to prepare a comprehensive plan for the construction of the Alaskan International Highway; and

WHEREAS, The completion of the Alaskan International Highway would again set in motion the migration of families from the congested East and the dry Middle West, and would revitalize the old spirit of America, "Go West, Young Man!" into a virgin territory capable of housing millions, and would make the State of Washington the spring board for such a trek Northward, whereas, the State is now but a board or a plank leading to a vessel leaving for Alaska. Also, such a highway would encourage hundreds of thousands of tourists to pass through our lovely State enroute to Alaska; and perhaps more important than any other reason, such a highway would give greater security to, and strengthen the ties of the peoples of the West by providing a powerful chain which would link Mexico to Alaska;

Now Therefore, We the Senate and House of Representatives of the State of Washington do respectfully memorialize and petition the President and Congress of the United States to appropriate the necessary funds to immediately construct the Alaskan International Highway in conjunction with the Canadian Government; and

Be It Further Resolved, That the Alaskan International Highway Commission be commended for its excellent services in furthering the project; and

Be It Further Resolved, That copies of this memorial be immediately transmitted to the President of the United States, United States Senate, United States House of Representatives, to each member of Congress from the State of Washington, and to the Chairman of the Alaskan International Highway Commission.

Passed the Senate February 25, 1941.

Passed the House February 26, 1941.

SENATE JOINT RESOLUTION NO. 1.

Relating to the foreign policies of the United States.

Be It Resolved by the Senate and House of Representatives of the State of Washington in Legislative Session assembled:

WHEREAS, the citizens of this commonwealth have given overwhelming endorsement to the foreign policies of President Franklin D. Roosevelt, and

WHEREAS, at the present moment, the free peoples of the world are engaged in a life and death struggle with the totalitarian powers, who seek to crush those fundamental rights dear to all Americans, the right to life, liberty and the pursuit of happiness, and

WHEREAS, the Honorable Wendell L. Willkie, titular head of the Republican party, has shown his high patriotism by endorsing the program of the President in this great world crisis;

Now, Therefore, Be It Resolved, That we commend the efforts of our President to give full aid to the valiant free peoples of the world in their battle to preserve the principles of Democracy and that we call upon our representatives in Congress to support him to the utmost in his magnificent fight to keep our country out of war, while giving full aid to the democratic nations engaged in a valiant struggle against the barbarian aggressors.

And Be It Further Resolved, That a copy of this Resolution be immediately sent to the President, the Secre-

tary of the Senate and Clerk of the House of Representatives, and to each of our Representatives in Congress.

Passed the Senate January 20, 1941.

Passed the House January 21, 1941.

SENATE JOINT RESOLUTION NO. 5.

Relating to the appointment of a joint committee for conference upon matters pertaining to fisheries in the Columbia River.

WHEREAS, Committees from the legislatures of Washington and Oregon for many years followed the custom of meeting for the purpose of conferring upon matters pertaining to fisheries in the waters of the Columbia River, and

WHEREAS, Such conferences have been held for several years, and

WHEREAS, It appears that there are again matters of importance to the fishing industry in those waters, upon which legislation is desired by residents of both Washington and Oregon;

Therefore, Be It Resolved, By the Senate and the House of Representatives of the State of Washington, that a joint committee be appointed consisting of three members of the Washington State Senate to be appointed by the president of the Senate, and three members of the Washington State House of Representatives, to be appointed by the speaker of the House, to call upon the Legislature of the State of Oregon for the purpose of conferring on such legislation and problems affecting the conservation of the fisheries in the waters of the Columbia River system.

Be It Further Resolved, That payment of the actual expenses of the Washington Members of the joint committee in traveling to and from and attending said conference, and the expense of reporting the proceedings at

such conference, if any be incurred, be and the same is hereby authorized.

Passed the Senate February 3, 1941.

Passed the House February 5, 1941.

SENATE JOINT RESOLUTION NO. 13.

WHEREAS, The Report of the Joint Conference between Washington and Oregon Fisheries Committee members reveals that the salmon and steelhead runs of the Columbia River have been seriously depleted and are continuing to decline in abundance at an alarming rate; and

WHEREAS, The State of Idaho has the responsibility of protecting a large share of the spawning grounds of the upper Columbia River and receives the least amount of economic benefits therefrom; and

WHEREAS, The sport fishing conditions in Idaho are primarily dependent on the existing commercial fishing regulations promulgated by Oregon and Washington on the lower Columbia; and

WHEREAS, It has been demonstrated by the existing condition of the Columbia River salmon and steelhead runs that the existing Joint Compact between Oregon and Washington has not proven satisfactory as a means of guaranteeing the protection of the fish life of the Columbia River;

Now, Therefore, Be It Resolved, By the Senate and the House of Representatives of the State of Washington, in legislative session assembled, That the President of the Senate is hereby empowered to appoint three (3) Senate members, and the Speaker of the House of Representatives is hereby empowered to appoint three (3) House members, who are hereby authorized and empowered to investigate, with a similar committee from the State of Oregon and with a similar committee from the State of Idaho, the existing conditions affecting the Columbia

River fisheries and make a mutual report, including therein recommendations for legislation, for consideration by the 1943 legislative sessions of the respective States; and

Be It Further Resolved, That the members of said Committee shall be entitled to their actual traveling, lodging and subsistence expenses while absent from their usual places of residence in the service of the State in attendance at meetings of the Committee, and for traveling to and from such meetings, the same to be paid upon their individual vouchers, with the necessary receipts attached, from any sums of money appropriated for the expenses of this Twenty-Seventh Session of the Legislature: *Provided*, That such subsistence and lodging expenses shall not exceed the sum of Five Dollars (\$5) per day per member: *And provided further*, That the total amount which may be expended by this Committee in carrying out its duties under this Resolution shall not exceed the sum of Fifteen Hundred Dollars (\$1,500).

Passed the Senate February 21, 1941.

Passed the House March 5, 1941.

SENATE JOINT RESOLUTION NO. 14.

Be It Resolved, By the Senate and the House of Representatives of the State of Washington, in legislative session assembled:

WHEREAS, the year One Thousand Nine Hundred and Forty-two will mark the passing of one hundred and fifty years since the discovery of the Columbia River by the American explorer, Captain Robert Gray, and of Puget Sound by the English explorer, Captain George Vancouver; and

WHEREAS, the recollection of their adventures and those of their comrades is enshrined forever in the names of our cities, mountains, waterways and regions, such as: Vancouver, Mount Rainier, Mount Baker, Columbia

River, Puget Sound, Whidby Island, Grays Harbor, and a host of others; and

WHEREAS, the parallel in scope and time of their achievements is symbolic of the close contemporary bond which unites in mutuality of progress and interest their compatriots in the States of Oregon and Washington and in the Province of British Columbia;

Now, Therefore, Be It Resolved, That the State Progress Commission be most respectfully requested to commemorate in a suitable manner the sesquicentennial anniversary of the discoveries of these two great Captains, Gray and Vancouver; and

Be It Further Resolved, That copies of this resolution be transmitted immediately to their Excellencies, the Lieutenant Governor and the Premier of the Province of British Columbia, Dominion of Canada, and His Excellency, the Governor of Oregon, and the Senate and House of Representatives of the State of Oregon.

Passed the Senate February 18, 1941.

Passed the House February 19, 1941.

SENATE JOINT RESOLUTION NO. 18.

Relating to an interim committee to investigate conditions at the state charitable, penal and reformatory institutions and report its findings to the 1943 session of the legislature.

WHEREAS, The State Charitable and Penal Institutions now have a biennial budget of \$9,823,255.57, and numerous persons are employed by these institutions and they now have approximately 11,500 inmates for which the State is responsible; and

WHEREAS, The investigations of the Joint House and Senate Special Committee of the four (4) State penal institutions has brought to light many facts, or alleged facts, and many irregularities, or alleged irregularities, which should be investigated further, and it is evident that such irregularities as exist may go on for an in-

definite period with no check because of lack of adequate supervision; and

WHEREAS, The limited investigations that have been made reveal that many changes could be brought about within the institutions which are in line with modern scientific methods of handling youthful offenders as well as older criminals and also for handling the mentally abnormal patients, and it seems apparent that the handling of parolees is seriously handicapped by a small staff, and in some instances, untrained parole officers; and

WHEREAS, Such investigation as has been made indicates the necessity for a complete investigation of conditions at all such institutions in order that the 1943 Session of the Legislature may have before it a report of the same, together with suggestions for betterment and improvement;

Now, Therefore, Be It Resolved, By the Senate and House of Representatives of the State of Washington, in legislative session assembled, That the Governor of the State of Washington is hereby empowered to appoint two (2) Superior Court Judges, the President of the Senate is empowered to appoint two (2) Senate members, and the Speaker of the House of Representatives is hereby empowered to appoint two (2) House members who are hereby authorized and empowered to investigate, with the Governor as Chairman, and the Lieutenant Governor as Executive Secretary, as a Committee, conditions at the State Charitable, Penal and Reformatory institutions, and make a report of the same, with its recommendations for betterments and improvements, to the 1943 Session of the Legislature, not later than during its first week of Session; and

Be It Further Resolved, That the Lieutenant Governor shall maintain his office at the seat of government for meetings of the Committee, for the convenience of the Committee members and as a depository for the records and files of the Committee; and

Be It Further Resolved, That said Committee shall meet upon the call of its Chairman from time to time as may be necessary and that there shall be further sessions of the Committee upon the request of not less than three (3) members thereof; and

Be It Further Resolved, That the Committee is empowered to employ such necessary expert and clerical and other help as may be necessary to carry out its duties and shall have the right to summon experts on penal problems and call upon the Board of Prison Terms and Paroles, the heads of the State Penal institutions, the Judges and officers of the courts, and such other officers or individuals for such evidence or reports as may be necessary to its deliberations; and

Be It Further Resolved, That said Committee is empowered to administer oaths, subpoena witnesses and take their testimony after the manner and to the same effect as is provided in chapter 6 of the Laws of 1895 and chapter 33 of the Laws of 1897 (sections 8178 to 8194, Remington's Revised Statutes); and

Be It Further Resolved, That said Committee and its employees, shall be entitled to their actual traveling, lodging and subsistence expenses while absent from their usual places of residence in the service of the state in attendance at meetings of the Committee and for traveling to and from such meetings, the same to be paid upon their individual vouchers with the necessary receipts attached, from any sums appropriated therefor, and that the salaries of any employees, experts or advisors of such Committee shall be paid upon vouchers approved by its Executive Secretary from such appropriations: *Provided*, That subsistence and lodging expenses shall not exceed the sum of Five Dollars (\$5) per day for any individual.

Passed the Senate March 1, 1941.

Passed the House March 7, 1941.

HOUSE JOINT MEMORIAL NO. 2.

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 as follows:

WHEREAS, The fishermen of the United States are in close affiliation with the various seagoing crafts, both by nature of their occupation and by affinity of interest; and

WHEREAS, We believe that the benefits of marine hospitalization for fishermen are in line with the policy of the national Congress to provide hospitalization and marine hospitals for maritime workers; and

WHEREAS, Fishermen have heretofore received the benefits of marine hospitalization services since 1875, but have been recently precluded from same by a recent ruling of the Comptroller General of the United States;

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 suitable legislation for including fishermen in the groups of maritime workers eligible to marine hospitalization; 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, 1941.

Passed the Senate February 19, 1941.

HOUSE JOINT MEMORIAL NO. 10.

To the Honorable Franklin D. Roosevelt, President of the United States, and the Senate and the House of Representatives of the United States, 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 as follows:

WHEREAS, The outside fishing operations off the coasts of Oregon, Washington and British Columbia catch a substantial portion of the silver and chinook salmon originating from the streams in Oregon, Washington and British Columbia; and

WHEREAS, All fishermen operating in the inland waters are being subjected to rigid regulations for the conservation of the species of salmon supporting the commercial fishing in outside waters; and

WHEREAS, The outside fishing is entirely unregulated, taking unlimited numbers of chinook and silver salmon in any season; and many of them immature;

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 amend the present International Salmon Treaty by expanding the duties of the International Pacific Salmon Fisheries Commission to include the investigation of all species of salmon in outside waters from the State of California to Cape Scott on Vancouver Island;

And Be It Further Resolved, To provide that commercial fishing in said waters come under the jurisdiction and regulation of said Commission at the time said Commission is given power to regulate the Fraser River sockeye in accordance with the terms of the present covenant;

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 the House of Representatives of the United States from the State of Washington.

Passed the House March 3, 1941.

Passed the Senate March 10, 1941.

HOUSE JOINT RESOLUTION NO. 4.

Be It Resolved, By the Senate and House of Representatives of the State of Washington, in legislative session assembled:

That at the next general election to be held in this state there shall be submitted to the qualified electors of this state for their approval and ratification or rejection an amendment to Article VII of the Constitution of the State of Washington, by adding thereto a new section to be designated Section 2 of Article VII which shall read as follows:

Section 2. For the purpose of taxation income shall not be construed as property and the legislature shall have the power to lay and collect graduated net income taxes from whatever source derived, and to provide exemptions, offsets and deductions.

And Be It Further Resolved, That the Secretary of State shall cause the foregoing constitutional amendment to be published at least three months preceding the election in a weekly newspaper in every county where a newspaper is published throughout the state.

Passed the House March 12, 1941.

Passed the Senate March 11, 1941.

HOUSE JOINT RESOLUTION NO. 5.

Be It Resolved, By the House of Representatives and the Senate of the State of Washington, in legislative session assembled:

WHEREAS, The records show that there has not been an investigation of any state penal institutions since 1933; and

WHEREAS, the Legislature of the State of Washington should be advised as to the conditions of the penal institutions; and

WHEREAS, The only information available to the Legislature at this time is what is submitted by the Director of Finance, Budget and Business, who has control of these institutions; and

WHEREAS, The Legislature should have its direct source of information; and

WHEREAS, The Legislature should be directly informed through a committee duly appointed and authorized by the House and Senate as to the existing conditions in the state penal and reformatory institutions;

Now, Therefore, Be It Resolved, That a committee of six, three to be appointed by the Speaker of the House and three to be appointed by the President of the Senate, all six appointments to be from the State Penal and Reformatory Institutions Committees, to investigate said institutions to report to the Legislature their findings not later than the fifteenth day of February, 1941; and

Be It Further Resolved, That the actual and necessary expenses of the committee, not to exceed two hundred dollars (\$200) herein provided, be paid out of the appropriation for legislative expenses upon vouchers duly certified by the Speaker and Chief Clerk of the House and the President and Secretary of the Senate.

Passed the House February 3, 1941.

Passed the Senate January 31, 1941.

HOUSE JOINT RESOLUTION NO. 10.

Be It Resolved, By the Senate and the House of Representatives of the State of Washington, in legislative session assembled:

WHEREAS, Low-cost power from Bonneville will attract industries to locate close to this supply in the scenic gorge of the Columbia River; and

WHEREAS, Such industrial development is highly desirable not only immediately to further defense activities but in the long run to supply jobs for our people and add new wealth to the state; and

WHEREAS, It is believed that proper provision may be made so that these industries and towns which will spring up to house the workers will not detract from nor destroy another wealth producing source, i. e., the scenic attractions of the Columbia gorge; and

WHEREAS, Interstate cooperation between the states of Washington and Oregon is necessary not only to protect the scenic grandeur of the Columbia River gorge but also to protect fish life from river pollution and vegetation from air pollution; and

WHEREAS, There is need carefully to consider the various ways and means whereby such interstate cooperation may be established and implemented;

Therefore, Be It Resolved, By the Senate and the House of Representatives of the State of Washington, in legislative session assembled, that a temporary legislative committee be appointed, one member by the President of the Senate and two members by the Speaker of the House of Representatives, to consult with a like committee of the Oregon State Legislature and with such state agencies as State Planning Councils with regard to practicable measures for safeguarding the interests of the state and of its people;

Be It Further Resolved, That this committee be instructed to proceed with consultations as soon as the corresponding committee is appointed in Oregon and to

report its recommendations prior to the adjournment of this legislative session;

And Be It Further Resolved, That payment of the actual expenses of the Washington members of the Joint Committee in traveling to and from and attending said conference and the expense of reporting the proceedings at such conference, if any, be incurred, be and the same is hereby authorized.

Passed the House February 3, 1941.

Passed the Senate February 4, 1941.

HOUSE JOINT RESOLUTION NO. 15.

Be It Resolved, By the Senate and House of Representatives of the State of Washington in legislative session assembled:

Be It Resolved, By the Senate and the House of Representatives of the State of Washington, that the Governor of the State of Washington is hereby authorized and requested to issue a proclamation designating October 9 of each year as Lief Erickson Day and calling upon officials of the state government to display the flag of the United States on all state buildings on said date and inviting the people of the State of Washington to observe the day in schools and churches, or other suitable places, with appropriate ceremonies.

Passed the House February 18, 1941.

Passed the Senate March 11, 1941.

HOUSE JOINT RESOLUTION NO. 21.

Be It Resolved, By the Senate and House of Representatives of the State of Washington in legislative session assembled:

WHEREAS, The Report of the Joint Conference between legislative committees of the States of Washington and Oregon reveals that further study and research are necessary in order to prepare and present definite legislative proposals for the solution of the development and conservation problem of the interstate area of the Columbia River:

Now, Therefore, Be It Resolved, By the Senate and the House of Representatives of the State of Washington, in legislative session assembled, That the President of the Senate is hereby empowered to appoint two (2) Senate members, and the Speaker of the House of Representatives is hereby empowered to appoint three (3) House members, who are hereby authorized and empowered with a similar committee from the State of Oregon to hold hearings, to make surveys, to conduct research, to determine the needs of the people and the various interests represented in the interstate area of the Columbia River, to study and digest existing laws and regulatory measures affecting the problem, and to make a mutual report, including therein recommendations for legislation for the consideration by the 1943 legislative sessions of the respective states; in such hearings, surveys, researches and studies to use the facilities of the Washington State Planning Council; and

Be It Further Resolved, That the members of said Committee shall be entitled to their actual traveling, lodging and subsistence expenses while absent from their usual places of residence in the service of the state in attendance at meetings of the Committee, and for traveling to and from such meetings, the same to be paid upon their individual vouchers, with the necessary receipts attached, from any sums of money appropriated for

the expenses of this Twenty-seventh Session of the Legislature: *Provided*, That such subsistence and lodging expenses shall not exceed the sum of five dollars (\$5.00) per day per member: *And provided further*, That the total amount which may be expended by this Committee in carrying out its duties under this Resolution shall not exceed the sum of one thousand five hundred dollars (\$1,500).

Passed the House March 8, 1941.

Passed the Senate March 10, 1941.

Initiative and Referendum Measures Filed With the Secretary of State and the Disposition Thereof

- INITIATIVE MEASURE NO. 1 (State Wide Prohibition)—Filed January 2, 1914. Refiled as Initiative Measure No. 3 (q. v.).
- INITIATIVE MEASURE NO. 2 (Eight Hour Law)—Filed January 3, 1914. Refiled as Initiative Measure No. 5 (q. v.).
- INITIATIVE MEASURE NO. 3 (State Wide Prohibition)—Filed January 8, 1914. Submitted to the people November 3, 1914; passed.
- INITIATIVE MEASURE NO. 4 (Drugless Healers)—Filed January 13, 1914. No petition filed.
- INITIATIVE MEASURE NO. 5 (Eight Hour Law)—Filed January 15, 1914. No petition filed. See Initiative Measure No. 13, covering same subject.
- INITIATIVE MEASURE NO. 6 (Blue Sky Law)—Filed January 30, 1914. Submitted to the people November 3, 1914; failed to pass.
- INITIATIVE MEASURE NO. 7 (Abolishing Bureau of Inspection)—Filed January 30, 1914. Submitted to the people November 3, 1914; failed to pass.
- INITIATIVE MEASURE NO. 8 (Abolishing Employment Offices)—Filed January 30, 1914. Submitted to the people November 3, 1914; passed.
- INITIATIVE MEASURE NO. 9 (First Aid to Injured)—Filed January 29, 1914. Submitted to the people November 3, 1914; failed to pass.
- INITIATIVE MEASURE NO. 10 (Convict Labor Road Measure)—Filed January 29, 1914. Submitted to the people November 3, 1914; failed to pass.
- INITIATIVE MEASURE NO. 11 (Fish Code)—Filed January 29, 1914. Petition failed.
- INITIATIVE MEASURE NO. 12 (Abolishing Tax Commission)—Filed January 29, 1914. Petition failed.
- INITIATIVE MEASURE NO. 13 (Eight Hour Law)—Filed February 10, 1914. Submitted to the people November 3, 1914; failed to pass.
- INITIATIVE MEASURE NO. 14 (Reapportionment)—Filed May 13, 1914. No petition filed.
- INITIATIVE MEASURE NO. 15 (Fundamental Reform Act)—Filed May 15, 1914. No petition filed.
- INITIATIVE MEASURE NO. 16 (Reapportionment)—Filed May 20, 1914. No petition filed.

- INITIATIVE MEASURE NO. 17 (State Road Measure)—Filed June 13, 1914. No petition filed.
- INITIATIVE MEASURE NO. 18 (Brewers' Hotel Bill)—Filed December 14, 1914. Submitted to the people November 7, 1916; failed to pass.
- INITIATIVE MEASURE NO. 19 (Non-Partisan Election and Presidential Primary)—Filed February 11, 1916. No petition filed.
- INITIATIVE MEASURE NO. 20 (First Aid)—Filed February 11, 1916. No petition filed.
- INITIATIVE MEASURE NO. 21 (Home Rule)—Filed February 11, 1916. No petition filed.
- INITIATIVE MEASURE NO. 22 (Fisheries Code)—Filed February 11, 1916. No petition filed.
- INITIATIVE MEASURE NO. 23 (Politicians' Code)—Filed March 29, 1916. No petition filed.
- INITIATIVE MEASURE NO. 24 (Brewers' Bill)—Filed April 20, 1916. Submitted to the people November 7, 1916; failed to pass.
- INITIATIVE MEASURE NO. 25 (Repealing Chapter 2, Laws 1915, known as Initiative Measure No. 3)—Filed May 11, 1916. No petition filed.
- INITIATIVE MEASURE NO. 26 (Making the State a Prohibition District)—Filed October 13, 1916. No petition filed.
- INITIATIVE MEASURE NO. 27 (Repealing Chapter 57, Laws 1915)—Filed October 13, 1916. No petition filed.
- INITIATIVE MEASURE NO. 28 (Non-Partisan Elections)—Filed October 26, 1916. No petition filed.
- INITIATIVE MEASURE NO. 29 (Capitol Removal Bill)—Filed November 27, 1916. No petition filed.
- INITIATIVE MEASURE NO. 30 (Eight Hour Law)—Filed January 9, 1918. No petition filed.
- INITIATIVE MEASURE NO. 31 (Municipal Marketing Measure)—Filed February 5, 1918. No petition filed.
- INITIATIVE MEASURE NO. 32 (Picketing Measure)—Filed February 5, 1918. No petition filed.
- INITIATIVE MEASURE NO. 33 (Non-Partisan Elections and Presidential Primary)—Filed February 5, 1918. No petition filed.
- INITIATIVE MEASURE NO. 34 (Relating to Salmon Fishing)—Filed February 8, 1918. No petition filed.
- INITIATIVE MEASURE NO. 35 (Repealing Chapter 174, Laws 1919)—Filed October 7, 1920. Insufficient number of signatures on petition; failed.
- INITIATIVE MEASURE NO. 36 (Municipal Marketing Measure)—Filed November 16, 1920. No petition filed.

- INITIATIVE MEASURE NO. 37 (Relating to Ownership of Land by Aliens)—Filed November 19, 1920. No petition filed.
- INITIATIVE MEASURE NO. 38 (Repealing Chapter 209, Laws 1907)—Filed January 11, 1922. No petition filed.
- INITIATIVE MEASURE NO. 39 (Repealing Chapter 138, Laws 1913)—Filed January 11, 1922. No petition filed.
- INITIATIVE MEASURE NO. 40 (Repealing Chapter 174, Laws 1921)—Filed January 18, 1922. Submitted to the people November 7, 1922; passed.
- INITIATIVE MEASURE NO. 41 (Non-Partisan Elections)—Filed January 18, 1922. No petition filed.
- INITIATIVE MEASURE NO. 42 (Workmen's Compensation Measure)—Filed January 24, 1922. Same as Initiative Measure No. 47; no petition filed.
- INITIATIVE MEASURE NO. 43 (Relating to Injunctions in Labor Disputes)—Filed January 24, 1922. No petition filed.
- INITIATIVE MEASURE NO. 44 (Relating to Municipal Ownership)—Filed January 28, 1922. No petition filed.
- INITIATIVE MEASURE NO. 45 (Reapportionment)—Filed February 14, 1922. No petition filed.
- INITIATIVE MEASURE NO. 46 ("30-10" School Plan)—Filed February 21, 1922. Submitted to the people November 7, 1922; failed to pass.
- INITIATIVE MEASURE NO. 47 (Workmen's Compensation Measure)—Filed March 27, 1922. No petition filed.
- INITIATIVE MEASURE NO. 48 (Compulsory School Attendance)—Filed January 7, 1924. No petition filed.
- INITIATIVE MEASURE NO. 49 (Compulsory School Attendance)—Filed January 15, 1924. Submitted to the people November 4, 1924; failed to pass.
- INITIATIVE MEASURE NO. 50 (Limitation of Taxation)—Filed February 21, 1924. Submitted to the people November 4, 1924; failed to pass.
- INITIATIVE MEASURE NO. 51 (Pertaining to Salmon Fishing)—Filed April 2, 1924. No petition filed.
- INITIATIVE MEASURE NO. 52 (Electric Power Measure)—Filed April 8, 1924. Submitted to the people November 4, 1924; failed to pass.
- INITIATIVE MEASURE NO. 53 (Relating to Sanipractic)—Filed February 4, 1926. No petition filed.
- INITIATIVE MEASURE NO. 54 (State commission to license and regulate horse-racing, pool-selling, etc.—Pari-mutuel Measure)—Filed February 5, 1926. No petition filed.

- INITIATIVE MEASURE NO. 55 (Prohibiting use of purse seines, fish traps, fish wheels, etc.)—Filed February 16, 1928. No petition filed.
- INITIATIVE MEASURE NO. 56 (Re-districting state for legislative purposes)—Filed April 24, 1930. Re filed as Initiative Measure No. 57 (q. v.).
- INITIATIVE MEASURE NO. 57 (Re-districting state for legislative purposes)—Filed April 25, 1930. Submitted to the people November 4, 1930; passed.
- INITIATIVE MEASURE NO. 58 (Permanent Registration)—Filed January 9, 1932. Submitted to the people November 3, 1932; passed.
- INITIATIVE MEASURE NO. 59 (Tax Free Homes)—Filed January 9, 1932. No petition filed.
- INITIATIVE MEASURE NO. 60 (Licensing of Mercantile Establishments)—Filed January 9, 1932. No petition filed.
- INITIATIVE MEASURE NO. 61 (Relating to Intoxicating Liquors)—Filed January 9, 1932. Submitted to the people November 8, 1932. Passed.
- INITIATIVE MEASURE NO. 62 (Creating Department of Game)—Filed January 9, 1932. Submitted to the people November 8, 1932; passed.
- INITIATIVE MEASURE NO. 63 (Exemption of Homes from Taxation)—Filed January 9, 1932. No petition filed.
- INITIATIVE MEASURE NO. 64 (Limits Tax Levy on Real and Personal Property to 40-Mills)—Filed January 9, 1932. Submitted to the people November 8, 1932; passed.
- INITIATIVE MEASURE NO. 65 (Cascade Mountain Tunnel)—Filed February 19, 1932. No petition filed.
- INITIATIVE MEASURE NO. 66 (Scientific Birth Control)—Filed February 26, 1932. No petition filed.
- INITIATIVE MEASURE NO. 67 (Abolishes Excise Tax on Butter Substitutes)—Filed March 7, 1932. No petition filed.
- INITIATIVE MEASURE NO. 68 (Unemployment Insurance)—Filed March 21, 1932. No petition filed.
- INITIATIVE MEASURE NO. 69 (Income Tax Measure)—Filed March 22, 1932. Submitted to the people November 8, 1932; passed.
- INITIATIVE MEASURE NO. 70 (Compulsory Military Training Prohibited)—Filed April 4, 1932. No petition filed.
- INITIATIVE MEASURE NO. 71 (Liquor Control)—Filed January 8, 1934. No petition filed.
- INITIATIVE MEASURE NO. 72 (Distribution of Highway Funds)—Filed January 8, 1934. No petition filed.

- INITIATIVE MEASURE NO. 73 (Catching of Fish)—Filed January 8, 1934. No petition filed.
- INITIATIVE MEASURE NO. 74 (Tax Free Homes)—Filed January 8, 1934. No petition filed.
- INITIATIVE MEASURE NO. 75 (Unemployment Insurance)—Filed January 19, 1934. No petition filed.
- INITIATIVE MEASURE NO. 76 (Tax Free Homes)—Filed January 22, 1934. No petition filed.
- INITIATIVE MEASURE NO. 77 (Fish Traps and Fishing Regulations)—Filed February 1, 1934. Submitted to the people November 6, 1934; passed.
- INITIATIVE MEASURE NO. 78 (Distribution of Highway Funds)—Filed February 9, 1934. No petition filed.
- INITIATIVE MEASURE NO. 79 (Liquor Control)—Filed February 20, 1934. No petition filed.
- INITIATIVE MEASURE NO. 80 (Liquor Control)—Filed February 24, 1934. No petition filed.
- INITIATIVE MEASURE NO. 81 (Liquor Control)—Filed February 28, 1934. No petition filed.
- INITIATIVE MEASURE NO. 82 (Fishing Regulations)—Filed March 10, 1934. No petition filed.
- INITIATIVE MEASURE NO. 83 (State Sale of Gasoline)—Filed March 16, 1934. No petition filed.
- INITIATIVE MEASURE NO. 84 (Blanket Primary)—Filed March 17, 1934. No petition filed.
- INITIATIVE MEASURE NO. 85 (State Fire Insurance)—Filed March 17, 1934. No petition filed.
- INITIATIVE MEASURE NO. 86 (State Fire Insurance)—Filed March 21, 1934. No petition filed.
- INITIATIVE MEASURE NO. 87 (Workmen's Compensation)—Filed March 22, 1934. No petition filed.
- INITIATIVE MEASURE NO. 88 (Liquor Control)—Filed March 24, 1934. No petition filed.
- INITIATIVE MEASURE NO. 89 (One Man Grand Jury)—Filed March 30, 1934. No petition filed.
- INITIATIVE MEASURE NO. 90 (Criminal Appeals)—Filed March 30, 1934. No petition filed.
- INITIATIVE MEASURE NO. 91 (Regulating Motor Carriers)—Filed March 31, 1934. No petition filed.
- INITIATIVE MEASURE NO. 92 (Regulating Motor Carriers)—Filed April 9, 1934. No petition filed.

- INITIATIVE MEASURE NO. 93 (Distribution of Highway Funds)—
Filed May 10, 1934. Insufficient number of signatures on petition; failed.
- INITIATIVE MEASURE NO. 94 (40-Mill Tax Limit)—Filed May 18, 1934. Submitted to the people November 6, 1934; passed.
- INITIATIVE MEASURE NO. 95 (Liquor Control)—Filed May 26, 1934. No petition filed.
- INITIATIVE MEASURE NO. 96 (Repeal of Business Occupation Tax)—
Filed June 4, 1934. No petition filed.
- INITIATIVE MEASURE NO. 97 (Dog Racing)—Filed June 7, 1934. Insufficient number of signatures on petition; failed.
- INITIATIVE MEASURE NO. 98 (Business and Occupation Tax)—
Filed January 4, 1936. No petition filed.
- INITIATIVE MEASURE NO. 99 (Distribution of Highway Funds)—
Filed January 4, 1936. No petition filed.
- INITIATIVE MEASURE NO. 100 (40-Mill Tax Limit)—Filed January 4, 1936. No petition filed.
- INITIATIVE MEASURE NO. 101 (Civil Service)—Filed January 14, 1936. Submitted to the people November 3, 1936; failed to pass.
- INITIATIVE MEASURE NO. 102 (Creating "State Government Bank" Department)—Filed January 21, 1936. No petition filed.
- INITIATIVE MEASURE NO. 103 (Old Age Pension)—Filed January 17, 1936. No petition filed.
- INITIATIVE MEASURE NO. 104 (Tax on gasoline)—Filed February 27, 1936. No petition filed.
- INITIATIVE MEASURE NO. 105 (Relating to gill nets)—Filed March 3, 1936. No petition filed.
- INITIATIVE MEASURE NO. 106 (Voter's Identification Certificate)—
Filed March 3, 1936. No petition filed.
- INITIATIVE MEASURE NO. 107 (Tax on gasoline)—Filed March 7, 1936. No petition filed.
- INITIATIVE MEASURE NO. 108 (40-Mill Tax Limit)—Filed March 12, 1936. No petition filed.
- INITIATIVE MEASURE NO. 109 (Admission of sick to hospitals)—
Filed March 14, 1936. No petition filed.
- INITIATIVE MEASURE NO. 110 (Annuity for crippled and blind)—
Filed March 27, 1936. No petition filed.
- INITIATIVE MEASURE NO. 111 (Admission of sick to hospitals)—
Filed April 8, 1936. No petition filed.
- INITIATIVE MEASURE NO. 112 (Abolishing compulsory military training)—Filed April 9, 1936. No petition filed.
- INITIATIVE MEASURE NO. 113 (Tax on Gasoline)—Filed April 15, 1936. No petition filed.

- INITIATIVE MEASURE NO. 114 (40-Mill Tax Limit)—Filed April 21, 1936. Submitted to the people November 3, 1936; passed.
- INITIATIVE MEASURE NO. 115 (Old Age Pension)—Filed April 21, 1936. Submitted to the people November 3, 1936; failed to pass.
- INITIATIVE MEASURE NO. 116 (Tax on Gasoline)—Filed April 24, 1936. No petition filed.
- INITIATIVE MEASURE NO. 117 (Production for Use)—Filed May 1, 1936. No petition filed.
- INITIATIVE MEASURE NO. 118 (Liens for Labor)—Filed May 5, 1936. No petition filed.
- INITIATIVE MEASURE NO. 119 (Production for Use)—Filed May 9, 1936. Submitted to the people November 3, 1936; failed to pass.
- INITIATIVE MEASURE NO. 120 (Tax on Gasoline)—Filed May 11, 1936. No petition filed.
- INITIATIVE MEASURE NO. 121 (Beer on Sunday)—Filed May 14, 1936. No petition filed.
- INITIATIVE MEASURE NO. 122 (Pertaining to Bribery and Grafting)—Filed May 21, 1936. No petition filed.
- INITIATIVE MEASURE NO. 123 (Business and Occupation Tax)—Filed January 27, 1938. No petition filed.
- INITIATIVE MEASURE NO. 124 (Distribution of Highway Funds)—Filed February 9, 1938. No petition filed.
- INITIATIVE MEASURE NO. 125 (Tax on Intoxicating Liquors)—Filed February 15, 1938. No petition filed.
- INITIATIVE MEASURE NO. 126 (Non-Partisan School Election)—Filed February 24, 1938. Submitted to the people November 8, 1938; passed.
- INITIATIVE MEASURE NO. 127 (Distribution of Highway Funds)—Filed March 1, 1938. No petition filed.
- INITIATIVE MEASURE NO. 128 (Civil Service)—Filed March 14, 1938. No petition filed.
- INITIATIVE MEASURE NO. 129 (40-Mill Tax Limit)—Filed March 18, 1938. Submitted to the people November 8, 1938; passed.
- INITIATIVE MEASURE NO. 130 (Regulation of Labor Disputes)—Filed April 6, 1938. Submitted to the people November 8, 1938; failed to pass.
- INITIATIVE MEASURE NO. 131 (Civil Service)—Filed April 7, 1938. No petition filed.
- INITIATIVE MEASURE NO. 132 (Old Age Assistance)—Filed April 12, 1938. No petition filed.
- INITIATIVE MEASURE NO. 133 (Relating to Licensing Gambling)—Filed April 15, 1938. No petition filed.

- INITIATIVE MEASURE NO. 134 (Old Age Assistance)—Filed April 19, 1938. No petition filed.
- INITIATIVE MEASURE NO. 135 (40-Mill Tax Limit)—Filed May 14, 1938. Insufficient number of signatures on petition; failed.
- INITIATIVE MEASURE NO. 136 (Relating to Retail Beer and Wine Licenses)—Filed June 3, 1938. No petition filed.
- INITIATIVE MEASURE NO. 137 (Relating to Gambling)—Filed June 9, 1938. No petition filed.
- INITIATIVE MEASURE NO. 138 (Relating to Gambling)—Filed June 13, 1938. No petition filed.
- INITIATIVE MEASURE NO. 139 (P. U. D. Bonds)—Filed January 5, 1940. Submitted to the people November 5, 1940. Failed to pass.
- INITIATIVE MEASURE NO. 140 (Liquor Control)—Filed January 9, 1940. No petition filed.
- INITIATIVE MEASURE NO. 141 (Old Age Pension)—Filed January 11, 1940. Submitted to the people November 5, 1940; passed.
- INITIATIVE MEASURE NO. 142 (Chain Store Tax)—Filed January 16, 1940. No petition filed.
- INITIATIVE MEASURE NO. 143 (Relating to State Sale of Gas and Oil)—Filed February 2, 1940. No petition filed.
- INITIATIVE MEASURE NO. 144 (Unicameral Legislature)—Filed February 23, 1940. Withdrawn. Refiled as Initiative Measure No. 147 (q. v.).
- INITIATIVE MEASURE NO. 145 (Government Re-organization)—Filed March 18, 1940. No petition filed.
- INITIATIVE MEASURE NO. 146 (Relating to Sabbath Breaking)—Filed March 22, 1940. No petition filed.
- INITIATIVE MEASURE NO. 147 (Unicameral Legislature)—Filed April 9, 1940. No petition filed.
- INITIATIVE MEASURE NO. 148 (Liquor Control)—Filed May 18, 1940. No petition filed.
- INITIATIVE MEASURE NO. 149 (Anti-subversive activities)—Filed May 23, 1940. No petition filed.

REFERENDUM MEASURES

- REFERENDUM MEASURE NO. 1 (Teachers' Retirement Fund)—
Filed March 11, 1913. Submitted to the people November 3,
1914; failed to pass.
- REFERENDUM MEASURE NO. 2 (Quincy Valley Irrigation Measure)
—Filed March 25, 1913. Submitted to the people November 3,
1914; failed to pass.
- REFERENDUM MEASURE NO. 3 (Chapter 54, Laws 1915, Relating
to Initiative and Referendum)—Filed March 18, 1915. Sub-
mitted to the people November 7, 1916; failed to pass.
- REFERENDUM MEASURE NO. 4 (Chapter 55, Laws 1915, Recall of
Elective Public Officers)—Filed March 18, 1915. Submitted to
the people November 7, 1916; failed to pass.
- REFERENDUM MEASURE NO. 5 (Chapter 52, Laws 1915, Party
Conventions Act)—Filed March 25, 1915. Submitted to the
people November 7, 1916; failed to pass.
- REFERENDUM MEASURE NO. 6 (Chapter 181, Laws 1915, Anti-
Picketing)—Filed March 25, 1915. Submitted to the people No-
vember 7, 1916; failed to pass.
- REFERENDUM MEASURE NO. 7 (Chapter 178, Laws 1915, Certifi-
cate of Necessity Act)—Filed March 25, 1915. Submitted to the
people November 7, 1916; failed to pass.
- REFERENDUM MEASURE NO. 8 (Chapter 46, Laws 1915, Port Com-
mission)—Filed March 25, 1915. Submitted to the people No-
vember 7, 1916; failed to pass.
- REFERENDUM MEASURE NO. 9 (Chapter 49, Laws 1915, Budget
System)—Filed March 25, 1915. Submitted to the people No-
vember 7, 1916; failed to pass.
- REFERENDUM MEASURE NO. 10 (Chapter 19, Laws 1917, Bone
Dry Law)—Filed February 20, 1917. Submitted to the people
November 5, 1918; passed.
- REFERENDUM MEASURE NO. 11 (Chapter 167, Laws 1917, Capitol
Building Fund Bonds)—Filed April 23, 1917. No petition filed.
- REFERENDUM MEASURE NO. 12A (Chapter 77, Laws 1919, Salary
of Judges)—Filed April 14, 1919. No petition filed.
- REFERENDUM MEASURE NO. 13A (Chapter 112, Laws 1919, Death
Penalty)—Filed April 14, 1919. No petition filed.
- REFERENDUM MEASURE NO. 14A (Senate Joint Resolution No. 1,
Laws 1919, Intoxicating Liquor)—Filed March 20, 1919. Insuf-
ficient number of signatures on petition; failed.

- REFERENDUM MEASURE NO. 12B (Chapter 59, Laws 1921, Certificate of Necessity)—Filed March 26, 1921. Submitted to the people November 7, 1922; failed to pass.
- REFERENDUM MEASURE NO. 13B (Chapter 175, Laws 1921, Physical Examination of School Children)—Filed April 4, 1921. Submitted to the people November 7, 1922; failed to pass.
- REFERENDUM MEASURE NO. 14B (Chapter 177, Laws 1921, Primary Nominations and Registration)—Filed April 9, 1921. Submitted to the people November 7, 1922; failed to pass.
- REFERENDUM MEASURE NO. 15 (Chapter 176, Laws 1921, Party Conventions)—Filed April 9, 1921. Submitted to the people November 7, 1922; failed to pass.
- REFERENDUM MEASURE NO. 16 (Chapter 22, Laws 1923, Butter Substitutes)—Filed March 22, 1923. Submitted to the people November 4, 1924; failed to pass.
- REFERENDUM MEASURE NO. 17 (Chapter 115, Laws 1929, Creating Department of Highways)—Filed April 27, 1929. No petition filed.
- REFERENDUM MEASURE NO. 18 (Chapter 51, Laws 1933, Cities and Towns: Electric Energy)—Filed April 7, 1933. Submitted to the people November 6, 1934; passed.
- REFERENDUM MEASURE NO. 19 (Chapter 55, Laws 1933, Horse Racing)—Filed April 3, 1933. No petition filed.
- REFERENDUM MEASURE NO. 20 (Chapter 118, Laws 1935, Regulating Pilots)—Filed February 8, 1935. No petition filed.
- REFERENDUM MEASURE NO. 21 (Chapter 26, Laws 1935, Blanket Primary Ballot)—Filed April 8, 1935. No petition filed.

INITIATIVE MEASURES TO THE LEGISLATURE

- INITIATIVE TO THE LEGISLATURE NO. 1 (District Power Measure)—Filed October 25, 1928. Submitted to the people November 4, 1930; passed.
- INITIATIVE TO THE LEGISLATURE NO. 2 (Blanket Primary Ballot)—Filed August 21, 1934. Passed by the Legislature February 21, 1935.
- INITIATIVE TO THE LEGISLATURE NO. 3 (Tax Free Homes)—Filed August 25, 1934. No petition filed.
- INITIATIVE TO THE LEGISLATURE NO. 4 (Unemployment Insurance)—Filed September 5, 1934. No petition filed.

INITIATIVE TO THE LEGISLATURE NO. 5 (Prohibiting Fishing with Purse Seines)—Filed November 20, 1934. Insufficient number of signatures on petition; failed.

INITIATIVE TO THE LEGISLATURE NO. 6 (Legal Holiday on Saturday)—Filed August 17, 1938. No petition filed.

INITIATIVE TO THE LEGISLATURE NO. 7 (Pension for Blind)—Filed October 7, 1938. Refiled as Initiative to the Legislature No. 8 (q. v.).

INITIATIVE TO THE LEGISLATURE NO. 8 (Pension for Blind)—Filed October 10, 1938. No petition filed.

INITIATIVE TO THE LEGISLATURE NO. 9 (Relating to Intoxicating Liquors)—Filed December 8, 1938. No petition filed.

INITIATIVE TO THE LEGISLATURE NO. 10 (Unicameral Legislature)—Filed May 23, 1940. No petition filed.

REFERENDUM BILLS

REFERENDUM BILL NO. 1 (Chapter 99, Laws 1919, State System Trunk Line Highways)—Filed March 13, 1919. Submitted to the people November 2, 1920; failed to pass.

REFERENDUM BILL NO. 2 (Chapter 1, Laws Extraordinary Session, 1920, Soldiers' Equalized Compensation)—Filed March 25, 1920. Submitted to the people November 2, 1920; passed.

REFERENDUM BILL NO. 3 (Chapter 87, Laws 1923, Electric Power Bill)—Filed March 22, 1923. Submitted to the people November 4, 1924; failed to pass.

REFERENDUM BILL NO. 4 (Chapter 164, Laws 1935, Flood Control; Creating Sinking Fund)—Filed March 22, 1935. Submitted to the people November 3, 1936; failed to pass.

REFERENDUM BILL NO. 5 (Chapter 83, Laws 1939; 40-Mill Tax Limit)—Filed March 10, 1939. Submitted to the people November 5, 1940; passed.

CONSTITUTIONAL AMENDMENTS

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- 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.
 - No. 16. To Section 11, Article XII. Re: Double Liability of Stockholders. Adopted November, 1940.

INDEX TO AMENDMENTS

| | Ch. | Sec. | Page |
|--|----------|------|--------|
| AMENDMENTS, LAWS OF 1863: | | | |
| Section 12, page 425..... | repealed | 30 | 1 65 |
| AMENDMENTS, CODE OF 1881: | | | |
| Section 39 | amended | 174 | 1 472 |
| Section 48 | amended | 81 | 1 203 |
| AMENDMENTS, CODE OF WASHINGTON TERRITORY, 1881: | | | |
| Section 1085 | repealed | 24 | 1 58 |
| Section 1632 | amended | 214 | 1 673 |
| Section 1709 | amended | 89 | 1 216 |
| Section 1702 | amended | 89 | 2 216 |
| Sections 2479 to 2486..... | repealed | 33 | 1 68 |
| AMENDMENTS, LAWS OF 1883: | | | |
| Section 1, page 37..... | amended | 214 | 1 673 |
| AMENDMENTS, LAWS OF 1886: | | | |
| Section 18, pp. 63, 64..... | amended | 191 | 1 537 |
| AMENDMENTS, LAWS OF 1888: | | | |
| Chapter 73 | repealed | 6 | 1 16 |
| AMENDMENTS, LAWS OF 1889-90: | | | |
| Pages 288 to 291, incl..... | repealed | 33 | 1 68 |
| Pages 683 to 684, sec. 22..... | amended | 157 | 1 432 |
| Chapter 7, section 144..... | amended | 91 | 1 221 |
| Chapter 7, section 147..... | amended | 115 | 2 296 |
| Chapter 7, section 176..... | amended | 57 | 2 143 |
| Section 16, page 486..... | amended | 214 | 1 673 |
| AMENDMENTS, LAWS OF 1891: | | | |
| Chapter 28, section 14..... | amended | 158 | 1 436 |
| Chapter 57, section 2..... | repealed | 113 | 2 293 |
| Chapter 98, sections 3, 4, 5, 6, 7 and 8..... | repealed | 167 | 5 457 |
| AMENDMENTS, LAWS OF 1893: | | | |
| Chapter 61, section 29..... | amended | 86 | 1 209 |
| AMENDMENTS, LAWS OF 1895: | | | |
| Chapter 26 | repealed | 167 | 5 457 |
| Chapter 115, section 5..... | amended | 183 | 1 525 |
| AMENDMENTS, LAWS OF 1899: | | | |
| Chapter 40, section 1..... | amended | 89 | 3 217 |
| Chapter 58 | repealed | 33 | 1 68 |
| Chapter 85, section 2..... | amended | 85 | 1 208 |
| AMENDMENTS, LAWS OF 1901: | | | |
| Chapter 65, section 1..... | amended | 89 | 3 217 |
| Chapter 65, section 2..... | amended | 89 | 4 217 |
| Chapter 118, section 3..... | repealed | 167 | 5 457 |
| AMENDMENTS, LAWS OF 1903: | | | |
| Chapter 171, sections 7, 8, 9 and 10..... | repealed | 150 | 8 426 |
| AMENDMENTS, LAWS OF 1905: | | | |
| Chapter 167, section 5 | repealed | 150 | 8 426 |
| AMENDMENTS, LAWS OF 1907: | | | |
| Chapter 66, section 1..... | amended | 204 | 8 601 |
| Chapter 66, section 2..... | amended | 204 | 9 601 |
| Chapter 66, section 3..... | amended | 204 | 10 602 |
| Chapter 98, section 3..... | amended | 219 | 1 687 |
| Chapter 124..... | repealed | 71 | 26 186 |
| Chapter 228, section 3..... | amended | 49 | 1 115 |

AMENDMENTS, LAWS OF 1909.

| AMENDMENTS, LAWS OF 1909: | Ch. | Sec. | Page |
|--|------------|-------------|-------------|
| Chapter 46..... | repealed | 33 | 1 68 |
| Chapter 97, sub-ch. 13, sec. 3..... | amended | 102 | 2 270 |
| Chapter 131, section 2..... | amended | 219 | 1 687 |
| Chapter 143, section 1..... | amended | 183 | 1 525 |
| Chapter 150, section 2..... | amended | 147 | 1 415 |
| Chapter 177..... | repealed | 113 | 2 293 |
| Chapter 192, section 7..... | repealed | 166 | 2 455 |
| Chapter 192, section 9..... | repealed | 166 | 2 456 |
| Chapter 192, section 10..... | repealed | 166 | 2 456 |
| Chapter 249, section 53..... | amended | 151 | 1 427 |
| Chapter 249, section 270..... | amended | 168 | 1 458 |
| Chapter 249, section 310..... | amended | 215 | 1 676 |
| Chapter 249, section 311..... | amended | 215 | 2 676 |
| AMENDMENTS, LAWS OF 1911: | | | |
| Chapter 49, section 75..... | amended | 164 | 1 449 |
| Chapter 49, section 83-A..... | added | 40 | 1 76 |
| Chapter 49, section 85..... | amended | 40 | 3 77 & 78 |
| Chapter 49, section 92..... | amended | 111 | 1 288 |
| Chapter 49, section 187-A..... | amended | 40 | 2 77 |
| Chapter 49, section 235..... | amended | 112 | 1 290 |
| Chapter 74, section 5..... | amended | 209 | 1 624 |
| Chapter 74, section 7..... | amended | 209 | 2 635 |
| Chapter 79, section 3..... | amended | 187 | 1 530 |
| Chapter 98, section 13..... | amended | 90 | 1 218 |
| Chapter 117, section 82..... | amended | 162 | 1 442 |
| AMENDMENTS, LAWS OF 1913: | | | |
| Chapter 79..... | repealed | 71 | 26 186 |
| Chapter 82, section 1..... | repealed | 166 | 2 455 |
| Chapter 162, section 1..... | amended | 110 | 2 285 |
| AMENDMENTS, LAWS OF 1915: | | | |
| Chapter 31, section 72..... | amended | 8 | 1 21 |
| Chapter 31, section 72a..... | added | 8 | 2 21 |
| Chapter 117, section 1..... | amended | 102 | 1 269 |
| Chapter 133..... | amended | 162 | 1 442 |
| Chapter 166, sections 6, 7, and 8..... | repealed | 230 | 20 733 |
| Chapter 175, section 16..... | amended | 15 | 1 28 |
| Chapter 175, section 17..... | amended | 15 | 2 30 |
| Chapter 175, sections 22 and 43..... | repealed | 15 | 9 35 |
| Chapter 175, section 23..... | amended | 15 | 3 31 |
| Chapter 175, section 24..... | amended | 15 | 4 32 |
| Chapter 175, section 38..... | amended | 15 | 5 33 |
| Chapter 184, section 7..... | amended | 115 | 1 295 |
| Chapter 184, section 32..... | amended | 57 | 1 147 |
| AMENDMENTS, LAWS OF 1917: | | | |
| Chapter 35..... | repealed | 113 | 2 293 |
| Chapter 80, section 35..... | amended | 16 | 1 36 |
| Chapter 105, section 1..... | amended | 168 | 2 458 |
| Chapter 156, section 64..... | amended | 206 | 1 605 |
| Chapter 156, section 164-1..... | added | 206 | 2 606 |
| Chapter 156, section 205..... | amended | 83 | 1 205 |
| Chapter 156, section 213-1..... | added | 206 | 3 607 |
| AMENDMENTS, LAWS OF 1919: | | | |
| Chapter 22..... | repealed | 203 | 2 598 |
| Chapter 84, section 7..... | repealed | 150 | 8 426 |
| Chapter 109, section 1..... | amended | 204 | 9 601 |
| Chapter 134, section 5..... | repealed | 166 | 2 456 |
| Chapter 134, section 6..... | repealed | 166 | 2 456 |
| Chapter 145..... | repealed | 56 | 39 146 |
| Chapter 157..... | repealed | 22 | 1 57 |

AMENDMENTS, LAWS OF 1927.

| AMENDMENTS, LAWS OF 1919—CONTINUED: | Ch. | Sec. | Page |
|--|--------------|------|----------|
| Chapter 180, section 15..... | amended 171 | 1 | 467 |
| Chapter 183..... | repealed 56 | 39 | 146 |
| Chapter 195, section 2..... | repealed 230 | 20 | 733 |
| AMENDMENTS, LAWS OF 1921: | | | |
| Chapter 7, section 37a..... | added 196 | 12 | 575 |
| Chapter 52, section 1..... | amended 131 | 1 | 386 |
| Chapter 76..... | repealed 35 | 1 | 69 |
| Chapter 99, section 1..... | amended 213 | 3 | 671 |
| Chapter 99, section 2..... | amended 213 | 4 | 671 |
| Chapter 99, section 3..... | amended 213 | 5 | 671 |
| Chapter 99, section 5..... | amended 213 | 6 | 671 |
| Chapter 115, section 1..... | amended 195 | 1 | 565 |
| Chapter 115, section 6..... | amended 195 | 2 | 566 |
| Chapter 115, section 17..... | amended 195 | 3 | 567 |
| Chapter 115, section 20..... | amended 195 | 4 | 568 |
| Chapter 120, section 1..... | amended 31 | 1 | 65 |
| Chapter 126, sections 1, 2, 3, 6, 7, 8, 9, 10, 11, 13, 16, 17, 18, 19, 20, 21 and 22..... | repealed 47 | 1 | 110 |
| Chapter 146, section 4..... | amended 132 | 1 | 388 |
| Chapter 153..... | repealed 56 | 39 | 146 |
| AMENDMENTS, LAWS OF 1923: | | | |
| Chapter 37, section 4..... | repealed 230 | 20 | 733 |
| Chapter 55..... | repealed 56 | 39 | 146 |
| Chapter 137..... | repealed 56 | 39 | 146 |
| Chapter 138, section 2..... | amended 143 | 1 | 405 |
| Chapter 145, section 1..... | amended 214 | 1 | 673 |
| Chapter 164, section 4..... | amended 99 | 1 | 260 |
| Chapter 172, section 1..... | amended 19 | 1 | 41 |
| Chapter 172, section 7..... | amended 19 | 2 | 42 |
| Chapter 172, section 8..... | amended 19 | 3 | 43 |
| Chapter 172, section 9..... | amended 19 | 4 | 45 |
| Chapter 172, section 12..... | amended 19 | 5 | 46 |
| Chapter 172, section 15..... | amended 19 | 6 | 47 |
| AMENDMENTS, LAWS OF 1925: | | | |
| Chapter 102..... | amended 195 | 2 | 566 |
| AMENDMENTS, LAWS OF EXTRAORDINARY SESSION OF 1925: | | | |
| Chapter 53..... | amended 89 | 3 | 217 |
| Chapter 94, section 2..... | repealed 150 | 8 | 426 |
| Chapter 107, section 1..... | amended 40 | 3 | 77, 78 |
| Chapter 113, sections 1 and 2..... | amended 45 | 1, 2 | 106, 107 |
| Chapter 129..... | repealed 252 | 29 | 870 |
| Chapter 130, section 13..... | amended 155 | 1 | 431 |
| Chapter 130, section 33..... | amended 79 | 1 | 201 |
| Chapter 133..... | amended 214 | 1 | 673 |
| Chapter 147..... | repealed 33 | 1 | 68 |
| Chapter 178, section 26..... | amended 126 | 1 | 361 |
| Chapter 186, section 1..... | amended 19 | 1 | 41 |
| Chapter 186, section 3..... | amended 19 | 2 | 42 |
| Chapter 186, section 4..... | amended 19 | 3 | 43 |
| Chapter 186, section 5..... | amended 19 | 4 | 45 |
| Chapter 186, section 7..... | amended 19 | 5 | 46 |
| AMENDMENTS, LAWS OF 1927: | | | |
| Chapter 145, section 2..... | amended 148 | 1 | 417 |
| Chapter 207, section 1..... | amended 74 | 1 | 189 |
| Chapter 223, section 2..... | amended 140 | 1 | 399 |
| Chapter 240..... | repealed 28 | 1 | 64 |
| Chapter 255, section 10..... | amended 217 | 1 | 679 |
| Chapter 255, section 23..... | amended 217 | 2 | 679 |
| Chapter 285..... | amended 195 | 3 | 567 |

AMENDMENTS, LAWS OF 1929.

| AMENDMENTS, LAWS OF 1929: | | Ch. | Sec. | Page |
|---|----------|------------|-------------|-------------|
| Chapter 61, section 4..... | amended | 27 | 1 | 61 |
| Chapter 74, section 3a..... | amended | 15 | 6 | 33, 34 |
| Chapter 74, section 6..... | amended | 15 | 7 | 35 |
| Chapter 74, section 8a..... | amended | 15 | 8 | 35 |
| Chapter 75, section 1..... | amended | 89 | 3 | 217 |
| Chapter 75, section 4..... | amended | 89 | 4 | 217 |
| Chapter 121, section 2..... | amended | 39 | 1 | 72 |
| Chapter 121, section 3..... | amended | 39 | 3 | 73 |
| Chapter 121, section 4..... | amended | 39 | 2 | 73 |
| Chapter 121, section 5a..... | added | 39 | 4 | 75 |
| Chapter 123, section 1..... | amended | 15 | 2 | 30 |
| Chapter 123, section 3..... | amended | 15 | 4 | 32 |
| Chapter 124, section 2..... | amended | 40 | 2 | 77 |
| Chapter 132, section 2..... | amended | 209 | 1 | 624 |
| Chapter 132, section 3..... | amended | 209 | 2 | 635 |
| Chapter 180, section 1..... | amended | 18 | 1 | 40 |
| Chapter 206..... | repealed | 41 | 10 | 99 |
| Chapter 207, section 2..... | amended | 140 | 1 | 399 |
| AMENDMENTS, LAWS OF 1931: | | | | |
| Chapter 1, section 4..... | amended | 245 | 4 | 813 |
| Chapter 1, section 5..... | amended | 245 | 5 | 817 |
| Chapter 39..... | repealed | 193 | 14 | 551 |
| Chapter 43, section 1..... | amended | 39 | 3 | 73 |
| Chapter 47..... | repealed | 103 | 8 | 273 |
| Chapter 106, section 2..... | amended | 152 | 1 | 428 |
| Chapter 111, section 11..... | amended | 101 | 1 | 262 |
| Chapter 111, section 12..... | amended | 101 | 2 | 264 |
| Chapter 111, section 12a..... | added | 101 | 3 | 267 |
| Chapter 114, section 1..... | amended | 112 | 1 | 290 |
| Chapter 142, section 1..... | amended | 40 | 3 | 77, 78 |
| AMENDMENTS, LAWS OF 1933: | | | | |
| Chapter 3, section 28..... | amended | 126 | 1 | 361 |
| Chapter 10..... | repealed | 156 | 1 | 432 |
| Chapter 42, section 20..... | repealed | 41 | 19 | 99 |
| Chapter 55, section 9..... | amended | 48 | 4 | 113 |
| Chapter 58, section 6..... | repealed | 127 | 30 | 378 |
| Chapter 59..... | repealed | 29 | 1 | 64 |
| Chapter 63..... | repealed | 33 | 1 | 68 |
| Chapter 136, section 1..... | amended | 26 | 1 | 60 |
| Chapter 152, section 2..... | amended | 160 | 1 | 439 |
| Chapter 155, section 1..... | amended | 98 | 1 | 259 |
| Chapter 158..... | amended | 112 | 1 | 290 |
| Chapter 165..... | amended | 162 | 1 | 442 |
| Chapter 183, section 49..... | amended | 222 | 3 | 696 |
| Chapter 183, section 66..... | amended | 222 | 5 | 703 |
| Chapter 165, section 57..... | amended | 103 | 7 | 273 |
| AMENDMENTS, LAWS OF EXTRAORDINARY SESSION OF 1933: | | | | |
| Chapter 3..... | repealed | 21 | 5 | 57 |
| Chapter 29, section 1..... | amended | 180 | 1 | 516 |
| Chapter 46..... | repealed | 56 | 39 | 146 |
| Chapter 62, section 23-M..... | amended | 220 | 1 | 650 |
| Chapter 62, section 23-N..... | amended | 220 | 2 | 691 |
| Chapter 62, section 23-O..... | amended | 220 | 3 | 692 |
| AMENDMENTS, LAWS OF 1935: | | | | |
| Chapter 5, section 1..... | amended | 180 | 1 | 516 |
| Chapter 10, section 1..... | amended | 15 | 6 | 33, 34 |
| Chapter 18, section 2..... | amended | 184 | 1 | 527 |
| Chapter 33, section 1..... | amended | 257 | 1 | 774 |
| Chapter 36..... | amended | 89 | 3 | 217 |
| Chapter 105..... | repealed | 227 | 6 | 713 |

AMENDMENTS, LAWS OF 1935.

| AMENDMENTS, LAWS OF 1935—CONTINUED: | | Ch. | Sec. | Page |
|---|--------------------------|-----|------|------|
| Chapter 112, section 2 | amended | 92 | 1 | 222 |
| Chapter 112, section 4 | amended | 92 | 2 | 223 |
| Chapter 112, section 25 | amended | 92 | 3 | 225 |
| Chapter 119, section 2 | amended | 65 | 1 | 159 |
| Chapter 119, section 3 | amended | 65 | 2 | 159 |
| Chapter 119, section 4 | amended | 65 | 3 | 160 |
| Chapter 119, section 4a | added | 65 | 4 | 160 |
| Chapter 119, section 5 | amended | 65 | 5 | 162 |
| Chapter 119, section 6 | repealed | 65 | 10 | 166 |
| Chapter 119, section 7 | amended | 65 | 6 | 162 |
| Chapter 119, section 8 | amended | 65 | 7 | 163 |
| Chapter 119, section 9 | amended | 65 | 8 | 164 |
| Chapter 119, section 10 | amended | 65 | 9 | 165 |
| Chapter 133, section 1 | amended | 17 | 1 | 39 |
| Chapter 136, section 1 | amended | 217 | 2 | 679 |
| Chapter 138, section 1 | amended | 64 | 1 | 158 |
| Chapter 140 | repealed | 56 | 39 | 146 |
| Chapter 158, section 2 | amended | 220 | 1 | 690 |
| Chapter 158, section 2 | amended | 220 | 2 | 691 |
| Chapter 158, section 2 | amended | 220 | 3 | 692 |
| Chapter 170, section 1 | amended | 133 | 1 | 390 |
| Chapter 180, section 4 | amended | 178 | 1 | 480 |
| Chapter 180, section 5 | amended | 178 | 2 | 482 |
| Chapter 180, section 6 | amended | 178 | 3 | 487 |
| Chapter 180, section 7 | amended | 178 | 4 | 488 |
| Chapter 180, section 8 | amended | 178 | 5 | 489 |
| Chapter 180, section 11 | amended | 178 | 6 | 489 |
| Chapter 180, section 15a | redesignated and amended | 178 | 7 | 492 |
| Chapter 180, section 17 | amended | 178 | 8 | 493 |
| Chapter 180, section 25 | amended | 178 | 9 | 494 |
| Chapter 180, section 32 | amended | 178 | 9a | 495 |
| Chapter 180, section 33 | amended | 178 | 10 | 496 |
| Chapter 180, section 34a | added | 178 | 11 | 497 |
| Chapter 180, section 37 | amended | 178 | 12 | 498 |
| Chapter 180, section 82 | amended | 178 | 13 | 501 |
| Chapter 180, section 84 | amended | 178 | 14 | 504 |
| Chapter 180, section 86 | amended | 178 | 15 | 505 |
| Chapter 180, section 88 | amended | 178 | 16 | 506 |
| Chapter 180, section 92 | amended | 178 | 17 | 507 |
| Chapter 180, section 93 | amended | 178 | 18 | 507 |
| Chapter 180, section 187 | amended | 178 | 19 | 508 |
| Chapter 180, section 211 | amended | 178 | 19a | 510 |
| Chapter 180, section 213 | repealed | 178 | 20 | 511 |
| Chapter 180, section 214 | repealed | 178 | 20 | 512 |
| Chapter 180, section 215 | repealed | 178 | 20 | 512 |
| Chapter 180, section 216 | repealed | 178 | 20 | 512 |
| Chapter 180, section 16 | amended | 76 | 2 | 195 |
| Chapter 180, section 21 | amended | 76 | 3 | 195 |
| Chapter 180, section 22 | amended | 76 | 4 | 196 |
| Chapter 180, section 23 | amended | 76 | 5 | 197 |
| Chapter 180, section 31 | amended | 76 | 6 | 198 |
| Chapter 180 | amended | 118 | 1 | 305 |
| Chapter 180, section 104(n) | added | 124 | 1 | 356 |
| Chapter 180, section 100(a) | added | 124 | 2 | 357 |
| Chapter 182, section 30 | amended | 48 | 4 | 113 |
| Chapter 184, section 5 | amended | 163 | 1 | 444 |
| Chapter 184, section 7 | amended | 163 | 2 | 445 |
| Chapter 184, section 11a | amended | 163 | 3 | 445 |
| Chapter 184, section 15 | amended | 163 | 4 | 446 |
| Chapter 184, sections 38, 39, 40, 41 and 42 | repealed | 36 | 1 | 70 |

AMENDMENTS, LAWS OF 1937.

| AMENDMENTS, LAWS OF 1937: | | Ch. | Sec. | Page |
|--|----------|-----|------|-------|
| Chapter 44..... | repealed | 227 | 6 | 713 |
| Chapter 46, section 1..... | amended | 142 | 1 | 404 |
| Chapter 49..... | repealed | 56 | 39 | 146 |
| Chapter 71, section 2..... | amended | 20 | 9 | 52 |
| Chapter 73, section 1..... | repealed | 113 | 2 | 293 |
| Chapter 95, section 3..... | amended | 15 | 7 | 35 |
| Chapter 95, section 6..... | amended | 15 | 8 | 35 |
| Chapter 100..... | repealed | 23 | 1 | 58 |
| Chapter 104, section 2..... | amended | 43 | 1 | 103 |
| Chapter 114, section 1..... | amended | 242 | 1 | 783 |
| Chapter 114, section 4..... | amended | 242 | 2 | 783 |
| Chapter 114, section 6..... | amended | 242 | 3 | 783 |
| Chapter 114, section 7..... | repealed | 129 | 3 | 384 |
| Chapter 121, section 2..... | amended | 32 | 1 | 66 |
| Chapter 131, section 6..... | repealed | 194 | 30 | 564 |
| Chapter 132, section 8..... | amended | 170 | 1 | 460 |
| Chapter 132, section 9..... | amended | 170 | 2 | 461 |
| Chapter 132, section 10..... | amended | 170 | 3 | 462 |
| Chapter 132, section 13..... | amended | 170 | 4 | 463 |
| Chapter 132, section 16 A..... | added | 170 | 6 | 465 |
| Chapter 132, section 17..... | amended | 170 | 5 | 465 |
| Chapter 152, section 1..... | amended | 63 | 1 | 155 |
| Chapter 162, section 3..... | amended | 253 | 1 | 870 |
| Chapter 162, section 4..... | amended | 253 | 2 | 874 |
| Chapter 162, section 5..... | amended | 253 | 3 | 878 |
| Chapter 162, section 6..... | amended | 253 | 4 | 878 |
| Chapter 162, section 7..... | amended | 253 | 5 | 884 |
| Chapter 162, section 8..... | amended | 253 | 6 | 887 |
| Chapter 162, section 9..... | amended | 253 | 7 | 888 |
| Chapter 162, section 11..... | amended | 253 | 8 | 892 |
| Chapter 162, section 12..... | amended | 253 | 9 | 900 |
| Chapter 162, section 13..... | amended | 253 | 10 | 902 |
| Chapter 162, section 14..... | amended | 253 | 11 | 904 |
| Chapter 162, section 15..... | amended | 253 | 12 | 911 |
| Chapter 162, section 16..... | amended | 253 | 13 | 913 |
| Chapter 162, section 19..... | amended | 253 | 14 | 915 |
| Chapter 162, sections 22 and 23..... | repealed | 253 | 15 | 926 |
| Chapter 162, section 22..... | added | 253 | 16 | 926 |
| Chapter 162, section 23..... | added | 253 | 17 | 927 |
| Chapter 166, section 6..... | amended | 163 | 1 | 444 |
| Chapter 166, section 7..... | amended | 163 | 2 | 445 |
| Chapter 166, section 10..... | amended | 163 | 3 | 445 |
| Chapter 166, section 13..... | amended | 163 | 4 | 446 |
| Chapter 166, sections 24, 25, 26 and 27..... | repealed | 36 | 1 | 70 |
| Chapter 169..... | amended | 162 | 1 | 442 |
| Chapter 187, section 39..... | amended | 138 | 1 | 397 |
| Chapter 188, section 17..... | amended | 224 | 1 | 706-7 |
| Chapter 189, section 49..... | amended | 116 | 1 | 297 |
| Chapter 189, section 50..... | amended | 116 | 2 | 298 |
| Chapter 189, section 51..... | amended | 116 | 3 | 301 |
| Chapter 190, section 11..... | amended | 136 | 1 | 395 |
| Chapter 191..... | amended | 118 | 1 | 305 |
| Chapter 205..... | repealed | 34 | 1 | 69 |
| Chapter 212, section 1..... | amended | 235 | 1 | 772 |
| Chapter 217, section 1..... | amended | 220 | 1 | 690 |
| Chapter 217, section 1..... | amended | 220 | 2 | 691 |
| Chapter 217, section 1..... | amended | 220 | 3 | 692 |
| Chapter 221, section 3..... | amended | 97 | 2 | 235 |
| Chapter 227..... | amended | 118 | 1 | 305 |
| Chapter 227, section 16..... | amended | 178 | 19 | 508 |
| Chapter 228, section 12a..... | added | 153 | 1 | 429 |

AMENDMENTS, LAWS OF 1939.

| AMENDMENTS, LAWS OF 1939: | | Ch. | Sec. | Page |
|-------------------------------|----------|-----|------|--------|
| Chapter 16, section 5..... | amended | 154 | 1 | 430 |
| Chapter 23, section 23a..... | added | 69 | 1 | 170 |
| Chapter 23, section 23b..... | added | 69 | 2 | 171 |
| Chapter 23, section 23c..... | added | 69 | 3 | 171 |
| Chapter 33, section 1..... | amended | 15 | 6 | 33, 34 |
| Chapter 34, section 1..... | amended | 70 | 1 | 173 |
| Chapter 34, section 10..... | amended | 70 | 2 | 173 |
| Chapter 34, section 16a..... | added | 70 | 3 | 174 |
| Chapter 34, section 17..... | amended | 70 | 6 | 176 |
| Chapter 34, section 20..... | amended | 70 | 4 | 175 |
| Chapter 34, section 38..... | amended | 70 | 7 | 177 |
| Chapter 34, section 39..... | amended | 70 | 5 | 176 |
| Chapter 40..... | repealed | 97 | 8 | 258 |
| Chapter 46, section 2..... | amended | 67 | 1 | 167 |
| Chapter 46, section 4..... | amended | 67 | 2 | 167 |
| Chapter 46, section 6..... | amended | 67 | 3 | 168 |
| Chapter 40, section 7..... | amended | 67 | 4 | 168 |
| Chapter 61..... | repealed | 41 | 10 | 99 |
| Chapter 78, section 1..... | amended | 95 | 1 | 228 |
| Chapter 78, section 3..... | repealed | 95 | 2 | 229 |
| Chapter 86, section 1..... | amended | 97 | 1 | 231 |
| Chapter 86, section 3..... | repealed | 97 | 8 | 258 |
| Chapter 86, section 4..... | amended | 97 | 3 | 239 |
| Chapter 86, section 5..... | amended | 97 | 4 | 241 |
| Chapter 86, section 6..... | amended | 97 | 5 | 244 |
| Chapter 86, section 7..... | amended | 97 | 6 | 251 |
| Chapter 86, section 8..... | amended | 97 | 7 | 254 |
| Chapter 87, section 1..... | amended | 108 | 1 | 280 |
| Chapter 87, section 2..... | amended | 108 | 2 | 281 |
| Chapter 95, section 1..... | amended | 19 | 2 | 42 |
| Chapter 95, section 2..... | amended | 19 | 3 | 43 |
| Chapter 95, section 3..... | amended | 19 | 4 | 45 |
| Chapter 98, section 8..... | amended | 222 | 3 | 696 |
| Chapter 104, section 1..... | amended | 144 | 1 | 407 |
| Chapter 106, section 1..... | amended | 43 | 1 | 103 |
| Chapter 108, section 1..... | amended | 65 | 7 | 163 |
| Chapter 108, section 3..... | amended | 65 | 9 | 165 |
| Chapter 130, section 1..... | amended | 123 | 1 | 354 |
| Chapter 130, section 3-A..... | added | 123 | 2 | 355 |
| Chapter 130, section 6-A..... | added | 123 | 3 | 355 |
| Chapter 130, section 7-A..... | added | 123 | 4 | 355 |
| Chapter 131, section 1..... | amended | 42 | 1 | 100 |
| Chapter 131, section 1..... | amended | 179 | 1 | 512 |
| Chapter 132, section 1..... | amended | 206 | 1 | 605 |
| Chapter 135, section 1..... | amended | 235 | 1 | 772 |
| Chapter 158, section 3..... | amended | 122 | 1 | 342 |
| Chapter 158, section 8..... | amended | 122 | 2 | 343 |
| Chapter 158, section 9..... | amended | 122 | 3 | 344 |
| Chapter 158, section 10..... | amended | 122 | 4 | 344 |
| Chapter 158, section 12..... | amended | 122 | 5 | 345 |
| Chapter 158, section 13..... | amended | 122 | 6 | 346 |
| Chapter 158, section 14..... | amended | 122 | 7 | 346 |
| Chapter 158, section 15..... | amended | 122 | 8 | 347 |
| Chapter 158, section 17..... | amended | 122 | 9 | 347 |
| Chapter 158, section 18..... | amended | 122 | 10 | 348 |
| Chapter 158, section 19..... | amended | 122 | 11 | 351 |
| Chapter 158, section 22..... | amended | 122 | 12 | 351 |
| Chapter 158, section 28..... | repealed | 122 | 15 | 354 |
| Chapter 158, section 30..... | amended | 122 | 13 | 352 |
| Chapter 158, section 32..... | amended | 122 | 14 | 353 |
| Chapter 170, section 1..... | amended | 51 | 1 | 118 |
| Chapter 181, section 4..... | amended | 232 | 1 | 739 |

AMENDMENTS, LAWS OF 1939.

AMENDMENTS, LAWS OF 1939—CONTINUED:

| | Ch. | Sec. | Page |
|--|----------|------|---------|
| Chapter 181, section 6..... | amended | 246 | 1 821 |
| Chapter 181, section 21..... | repealed | 246 | 10 832 |
| Chapter 182, section 3..... | amended | 224 | 1 706-7 |
| Chapter 195, section 1..... | amended | 72 | 1 187 |
| Chapter 200, section 2..... | amended | 48 | 1 111 |
| Chapter 200, section 3..... | repealed | 48 | 6 114 |
| Chapter 200, section 5..... | amended | 48 | 2 112 |
| Chapter 200, section 6..... | amended | 48 | 3 112 |
| Chapter 200, section 7..... | repealed | 48 | 6 114 |
| Chapter 202, section 11..... | amended | 107 | 1 577 |
| Chapter 202, section 12..... | amended | 197 | 2 570 |
| Chapter 206, section 12..... | amended | 155 | 1 431 |
| Chapter 206, section 41..... | amended | 32 | 1 60 |
| Chapter 214, section 1..... | amended | 253 | 1 870 |
| Chapter 214, section 2..... | amended | 253 | 2 874 |
| Chapter 214, section 3..... | amended | 253 | 3 876 |
| Chapter 214, section 4..... | amended | 253 | 4 878 |
| Chapter 214, section 5..... | amended | 253 | 5 884 |
| Chapter 214, section 6..... | amended | 253 | 6 887 |
| Chapter 214, section 7..... | amended | 253 | 7 888 |
| Chapter 214, section 9..... | amended | 253 | 8 892 |
| Chapter 214, section 10..... | amended | 253 | 9 900 |
| Chapter 214, section 11..... | amended | 253 | 10 902 |
| Chapter 214, section 12..... | amended | 253 | 11 904 |
| Chapter 214, section 13..... | amended | 253 | 12 911 |
| Chapter 214, section 14..... | amended | 253 | 13 913 |
| Chapter 214 unnumbered sec. (Sec. 10)..... | amended | 253 | 14 915 |
| Chapter 214, section 17..... | repealed | 253 | 15 926 |
| Chapter 216, section 3..... | amended | 128 | 1 379 |
| Chapter 216, section 4..... | amended | 128 | 2 380 |
| Chapter 216, section 10..... | amended | 128 | 3 380 |
| Chapter 218..... | repealed | 37 | 1 70 |
| Chapter 225, section 1..... | amended | 178 | 1 480 |
| Chapter 225, section 2..... | amended | 178 | 2 482 |
| Chapter 225, section 3..... | amended | 178 | 3 487 |
| Chapter 225, section 4..... | amended | 178 | 5 489 |
| Chapter 225, section 5..... | amended | 178 | 6 489 |
| Chapter 225, section 6..... | amended | 178 | 7 492 |
| Chapter 225, section 7..... | amended | 178 | 8 493 |
| Chapter 225, section 12..... | amended | 178 | 9 494 |
| Chapter 225, section 15..... | amended | 178 | 9a 495 |
| Chapter 225, section 16..... | amended | 178 | 10 496 |
| Chapter 225, section 10..... | amended | 70 | 2 195 |
| Chapter 225, section 11..... | amended | 70 | 3 195 |
| Chapter 225, section 14..... | amended | 70 | 6 198 |
| Chapter 225, section 20..... | amended | 178 | 12 498 |
| Chapter 225, section 23..... | amended | 178 | 13 501 |
| Chapter 225, section 24..... | amended | 178 | 14 504 |
| Chapter 225, section 31..... | amended | 178 | 19a 510 |
| Chapter 225..... | amended | 118 | 1 305 |

AMENDMENTS, PIERCE'S 1939 CODE:

| | | | |
|---|----------|-----|--------|
| Section 4-37a..... | added | 196 | 12 575 |
| Sections 98-18r to 98-18y, inclusive..... | repealed | 22 | 1 57 |
| Sections 99 to 112-e, inclusive..... | repealed | 56 | 39 146 |
| Section 112-3..... | repealed | 56 | 39 146 |
| Section 113-a..... | repealed | 56 | 39 146 |
| Section 113-1..... | repealed | 56 | 39 146 |
| Sections 113-13, 113-4, 113-5..... | repealed | 56 | 39 146 |
| Section 134-16..... | amended | 195 | 1 565 |
| Section 134-51..... | amended | 195 | 2 560 |
| Section 134-62..... | amended | 195 | 3 567 |

AMENDMENTS, PIERCE'S 1939 CODE.

| AMENDMENTS, PIERCE'S 1939 CODE—CONTINUED: | Ch. | Sec. | Page |
|---|-----|------|--------|
| Section 134-65.....amended | 105 | 4 | 508 |
| Sections 153, 154, 155, 157a, 157b, 157c, 158, 160, 161, 165, 168, 169, 170, 171, 173, 173a and 174...repealed | 47 | 1 | 110 |
| Section 220-7.....amended | 163 | 1 | 444 |
| Section 220-9.....amended | 163 | 2 | 445 |
| Section 220-14.....amended | 163 | 3 | 445 |
| Section 220-18.....amended | 163 | 4 | 440 |
| Section 245-3.....amended | 122 | 1 | 342 |
| Section 245-8.....amended | 122 | 2 | 343 |
| Section 245-9.....amended | 122 | 3 | 344 |
| Section 245-10.....amended | 122 | 4 | 344 |
| Section 245-12.....amended | 122 | 5 | 345 |
| Section 245-13.....amended | 122 | 6 | 346 |
| Section 245-14.....amended | 122 | 7 | 346 |
| Section 245-15.....amended | 122 | 8 | 347 |
| Section 245-17.....amended | 122 | 9 | 347 |
| Section 245-18.....amended | 122 | 10 | 348 |
| Section 245-19.....amended | 122 | 11 | 351 |
| Section 245-22.....amended | 122 | 12 | 351 |
| Section 245-28.....repealed | 122 | 15 | 354 |
| Section 245-30.....amended | 122 | 13 | 352 |
| Section 245-32.....amended | 122 | 14 | 353 |
| Section 285.....amended | 16 | 1 | 36 |
| Sections 298 to 298-20, inclusive.....repealed | 41 | 19 | 99 |
| Section 365-23a.....amended | 15 | 6 | 33, 34 |
| Section 365-26.....amended | 15 | 7 | 35 |
| Section 365-28a.....amended | 15 | 8 | 35 |
| Section 370.....amended | 15 | 1 | 28 |
| Section 371.....amended | 15 | 2 | 30 |
| Section 376.....repealed | 15 | 9 | 35 |
| Section 377.....amended | 15 | 3 | 31 |
| Section 378.....amended | 15 | 4 | 32 |
| Section 392.....amended | 15 | 5 | 33 |
| Section 397.....repealed | 15 | 9 | 35 |
| Section 616.....amended | 31 | 1 | 65 |
| Section 662.....amended | 40 | 1 | 115 |
| Section 786a.....amended | 108 | 1 | 280 |
| Section 790.....amended | 115 | 1 | 295 |
| Section 815.....amended | 57 | 1 | 147 |
| Section 827.....amended | 91 | 1 | 221 |
| Section 830.....amended | 115 | 2 | 296 |
| Section 830-1 to 830-7, inclusive.....repealed | 193 | 14 | 551 |
| Section 837.....amended | 79 | 1 | 189 |
| Section 855.....amended | 57 | 2 | 148 |
| Section 890-24.....amended | 27 | 1 | 61 |
| Section 1001.....amended | 90 | 1 | 218 |
| Section 1152.....amended | 219 | 1 | 687 |
| Section 1215.....amended | 147 | 1 | 415 |
| Section 1407b.....amended | 64 | 1 | 158 |
| Section 1567-11.....amended | 26 | 1 | 60 |
| Section 1652-4.....amended | 99 | 1 | 263 |
| Section 1728.....amended | 110 | 2 | 285 |
| Sections 1732-21, 1732-22, 1732-23 and 1732-24.....repealed | 227 | 6 | 713 |
| Section 1795.....amended | 101 | 1 | 537 |
| Section 1801.....amended | 237 | 1 | 774 |
| Section 1931-32.....amended | 92 | 1 | 222 |
| Section 1931-34.....amended | 92 | 2 | 223 |
| Section 1931-55.....amended | 92 | 3 | 225 |
| Section 1946-6.....amended | 132 | 1 | 388 |
| Section 1947b.....amended | 133 | 1 | 390 |
| Section 1947-5.....amended | 163 | 1 | 525 |
| Section 1947-6.....amended | 131 | 1 | 380 |

AMENDMENTS, PIERCE'S 1939 CODE.

| AMENDMENTS, PIERCE'S 1939 CODE—CONTINUED: | | Ch. | Sec. | Page |
|---|----------|-----|------|--------|
| Section 2120-5a..... | amended | 180 | 1 | 516 |
| Section 2369-17..... | amended | 101 | 1 | 262 |
| Section 2369-18..... | amended | 101 | 2 | 264 |
| Section 2369-18a..... | added | 101 | 3 | 267 |
| Section 2409-51..... | amended | 70 | 1 | 173 |
| Section 2409-60..... | amended | 70 | 2 | 173 |
| Section 2409-60a..... | added | 70 | 3 | 174 |
| Section 2409-67..... | amended | 70 | 6 | 176 |
| Section 2409-70..... | amended | 70 | 4 | 175 |
| Section 2409-88..... | amended | 70 | 7 | 177 |
| Section 2409-89..... | amended | 70 | 5 | 176 |
| Section 2481..... | amended | 8 | 1 | 21 |
| Section 2481 (a)..... | added | 8 | 2 | 21 |
| Section 2534-381..... | amended | 142 | 1 | 404 |
| Section 2569-1..... | amended | 140 | 1 | 399 |
| Section 2571..... | amended | 63 | 1 | 155 |
| Section 2578-18..... | amended | 43 | 1 | 103 |
| Section 2579..... | amended | 168 | 2 | 458 |
| Section 2611..... | amended | 126 | 1 | 361 |
| Section 2696-124..... | amended | 232 | 1 | 739 |
| Section 2696-708..... | amended | 224 | 1 | 706-7 |
| Section 2696-820..... | amended | 116 | 1 | 297 |
| Section 2696-821..... | amended | 116 | 2 | 298 |
| Section 2696-822..... | amended | 116 | 3 | 301 |
| Section 2697-211..... | amended | 136 | 1 | 395 |
| Section 2697-447..... | amended | 138 | 1 | 397 |
| Section 2706..... | repealed | 113 | 2 | 293 |
| Section 2706-39..... | amended | 48 | 4 | 113 |
| Sections 2712, 2713, 2714..... | repealed | 230 | 20 | 733 |
| Section 2717-B..... | amended | 20 | 9 | 52 |
| Section 2746-82..... | amended | 67 | 1 | 167 |
| Section 2746-84..... | amended | 67 | 2 | 167 |
| Section 2746-86..... | amended | 67 | 3 | 168 |
| Section 2746-87..... | amended | 67 | 4 | 168 |
| Section 2746-123a..... | added | 69 | 1 | 170 |
| Section 2746-123b..... | added | 69 | 2 | 171 |
| Section 2746-123c..... | added | 69 | 3 | 171 |
| Section 2827..... | amended | 214 | 1 | 673 |
| Sections 2908 to 3119-6, inclusive..... | added | 40 | 1 | 76 |
| Section 2982..... | amended | 164 | 1 | 449 |
| Section 2992..... | amended | 40 | 3 | 77, 78 |
| Section 2999..... | amended | 111 | 1 | 288 |
| Section 3117..... | amended | 112 | 1 | 290 |
| Section 3131-2A..... | amended | 40 | 2 | 77 |
| Section 3180-33m..... | amended | 220 | 1 | 690 |
| Section 3180-33n..... | amended | 220 | 2 | 691 |
| Section 3180-33o..... | amended | 220 | 3 | 692 |
| Section 3197-2..... | amended | 143 | 1 | 405 |
| Section 3218..... | amended | 157 | 1 | 432 |
| Section 3238..... | amended | 171 | 1 | 467 |
| Section 3274-82..... | amended | 39 | 1 | 72 |
| Section 3274-83..... | amended | 39 | 3 | 73 |
| Section 3274-84..... | amended | 39 | 2 | 73 |
| Section 3426-56..... | repealed | 194 | 30 | 564 |
| Section 3472..... | amended | 209 | 1 | 624 |
| Section 3472-21..... | amended | 235 | 1 | 772 |
| Section 3475..... | amended | 209 | 2 | 635 |
| Section 3552-31..... | amended | 72 | 1 | 187 |
| Section 3733..... | repealed | 166 | 2 | 455 |
| Section 3735..... | repealed | 166 | 2 | 456 |
| Section 3736..... | repealed | 166 | 2 | 456 |
| Sections 3792 to 3808, inclusive..... | repealed | 6 | 1 | 16 |

AMENDMENTS, PIERCE'S 1939 CODE.

| AMENDMENTS, PIERCE'S 1939 CODE—CONTINUED: | Ch. | Sec. | Page | |
|---|----------|------|------|-----|
| Sections 4289-101 to 4289-105, inclusive..... | repealed | 34 | 1 | 69 |
| Section 4424-101..... | amended | 97 | 1 | 231 |
| Section 4424-103..... | amended | 97 | 2 | 235 |
| Section 4424-104..... | amended | 97 | 3 | 239 |
| Sections 4424-104a & 4424-104b..... | repealed | 97 | 8 | 258 |
| Section 4424-105..... | amended | 97 | 4 | 241 |
| Section 4424-106..... | amended | 97 | 5 | 244 |
| Section 4424-107..... | amended | 97 | 6 | 251 |
| Section 4424-108..... | amended | 97 | 7 | 254 |
| Section 4471-22..... | amended | 184 | 1 | 527 |
| Section 4405-15a..... | amended | 17 | 1 | 39 |
| Section 4498-1..... | amended | 45 | 1 | 106 |
| Section 4498-2..... | amended | 45 | 2 | 107 |
| Section 4498-14..... | amended | 245 | 4 | 813 |
| Section 4498-15..... | amended | 245 | 5 | 814 |
| Sections 4532-1, 4532-2 & 4532-3..... | repealed | 103 | 8 | 273 |
| Section 4504-60..... | amended | 222 | 3 | 696 |
| Section 4504-85..... | amended | 222 | 5 | 703 |
| Section 4502-87..... | amended | 103 | 7 | 273 |
| Section 4640-15a..... | repealed | 33 | 1 | 68 |
| Sections 4657 to 4667, inclusive..... | repealed | 33 | 1 | 68 |
| Section 4691-1..... | amended | 19 | 1 | 41 |
| Section 4691-7..... | amended | 19 | 2 | 42 |
| Section 4691-8..... | amended | 19 | 3 | 43 |
| Section 4691-9..... | amended | 19 | 4 | 45 |
| Section 4691-12..... | amended | 19 | 5 | 46 |
| Section 4691-15..... | amended | 19 | 6 | 47 |
| Section 4709-52..... | amended | 160 | 1 | 419 |
| Section 4719-11..... | amended | 18 | 1 | 40 |
| Section 4730 to 4731..... | repealed | 203 | 2 | 598 |
| Section 4979..... | amended | 42 | 1 | 100 |
| Section 4979..... | amended | 179 | 1 | 512 |
| Section 5010..... | amended | 187 | 1 | 530 |
| Section 5161..... | amended | 102 | 1 | 269 |
| Section 5163..... | amended | 102 | 2 | 270 |
| Sections 5280 to 5288, inclusive..... | repealed | 167 | 5 | 457 |
| Section 5399-31..... | amended | 98 | 1 | 259 |
| Section 5489-32..... | amended | 65 | 1 | 159 |
| Section 5489-33..... | amended | 65 | 2 | 159 |
| Section 5489-34..... | amended | 65 | 3 | 160 |
| Section 5489-34a..... | added | 65 | 4 | 160 |
| Section 5489-35..... | amended | 65 | 5 | 160 |
| Section 5489-36..... | repealed | 65 | 10 | 166 |
| Section 5489-37..... | amended | 65 | 6 | 162 |
| Section 5489-38..... | amended | 65 | 7 | 163 |
| Section 5489-39..... | amended | 65 | 8 | 164 |
| Section 5489-40..... | amended | 65 | 9 | 165 |
| Section 5512-7..... | repealed | 150 | 8 | 426 |
| Section 5512-10..... | repealed | 150 | 8 | 426 |
| Section 5609..... | amended | 162 | 1 | 442 |
| Sections 5724-1 to 5724-23..... | repealed | 252 | 29 | 870 |
| Section 5941..... | amended | 204 | 8 | 601 |
| Section 5942..... | amended | 204 | 9 | 602 |
| Section 5943..... | amended | 204 | 10 | 603 |
| Section 6233-58..... | amended | 170 | 1 | 460 |
| Section 6233-59..... | amended | 170 | 2 | 461 |
| Section 6233-60..... | amended | 170 | 3 | 462 |
| Section 6233-63..... | amended | 170 | 4 | 463 |
| Section 6233-67..... | amended | 170 | 5 | 465 |
| Section 6233-66a..... | added | 170 | 6 | 465 |
| Section 6233-101..... | amended | 242 | 1 | 783 |
| Section 6233-104..... | amended | 242 | 2 | 783 |

AMENDMENTS, PIERCE'S 1939 CODE.

| AMENDMENTS, PIERCE'S 1939 CODE—CONTINUED: | Ch. | Sec. | Page |
|---|--------------------------|------|--------|
| Section 6233-106..... | amended | 242 | 3 784 |
| Section 6233-107..... | repealed | 129 | 3 384 |
| Section 6233-233..... | amended | 128 | 1 379 |
| Section 6233-234..... | amended | 128 | 2 380 |
| Section 6233-240..... | amended | 128 | 3 380 |
| Section 6233-303..... | amended | 253 | 1 870 |
| Section 6233-304..... | amended | 253 | 2 874 |
| Section 6233-305..... | amended | 253 | 3 876 |
| Section 6233-306..... | amended | 253 | 4 878 |
| Section 6233-308..... | amended | 253 | 8 892 |
| Section 6233-310..... | amended | 253 | 5 884 |
| Section 6233-310..... | amended | 253 | 11 904 |
| Section 6233-311..... | amended | 253 | 6 887 |
| Section 6233-312..... | amended | 253 | 7 888 |
| Section 6233-315..... | amended | 253 | 12 911 |
| Section 6233-316..... | amended | 253 | 13 913 |
| Section 6233-317 (a)..... | amended | 253 | 14 915 |
| Section 6233-317 B..... | repealed | 253 | 15 926 |
| Section 6233-318..... | amended | 253 | 9 900 |
| Section 6233-319..... | amended | 253 | 10 902 |
| Section 6233-322 & 6233-323..... | repealed | 253 | 15 926 |
| Section 6233-322..... | added | 253 | 16 926 |
| Section 6233-323..... | added | 253 | 17 927 |
| Section 6297-21..... | amended | 95 | 1 228 |
| Section 6297-52..... | amended | 48 | 1 111 |
| Section 6297-53..... | repealed | 48 | 6 114 |
| Section 6297-55..... | amended | 48 | 2 112 |
| Section 6297-56..... | amended | 48 | 3 112 |
| Section 6297-57..... | repealed | 48 | 6 114 |
| Section 6334-20..... | amended | 217 | 1 679 |
| Section 6334-33..... | amended | 217 | 2 679 |
| Section 6504-51..... | amended | 123 | 1 354 |
| Section 6504-53 A..... | added | 123 | 2 355 |
| Section 6504-56 A..... | added | 123 | 3 355 |
| Section 6504-57 A..... | added | 123 | 4 355 |
| Sections 6552 to 6556c, inclusive..... | repealed | 150 | 8 426 |
| Sections 6779-11 to 6779-21, inclusive..... | repealed | 28 | 1 64 |
| Section 6882-13..... | amended | 155 | 1 431 |
| Section 6882-33..... | amended | 79 | 1 201 |
| Section 6882-84..... | amended | 32 | 1 86 |
| Section 6882-138½ p..... | amended | 144 | 1 407 |
| Section 6882-198..... | amended | 152 | 1 420 |
| Section 6882-204 e..... | amended | 154 | 1 430 |
| Section 6882-205..... | repealed | 156 | 1 432 |
| Section 7029-c-32a..... | added | 153 | 1 429 |
| Section 7029n-25..... | amended | 197 | 1 577 |
| Section 7029n-26..... | amended | 197 | 2 579 |
| Sections 7030-61 to 7030-277..... | amended | 118 | 1 305 |
| Section 7030-64..... | amended | 178 | 1 480 |
| Section 7030-65..... | amended | 178 | 2 482 |
| Section 7030-66..... | amended | 178 | 3 487 |
| Section 7030-67..... | amended | 178 | 4 488 |
| Section 7030-68..... | amended | 178 | 5 489 |
| Section 7030-71..... | amended | 178 | 6 489 |
| Section 7030-75-b..... | redesignated and amended | 178 | 7 492 |
| Section 7030-76..... | amended | 76 | 2 195 |
| Section 7030-77..... | amended | 76 | 3 195 |
| Section 7030-81..... | amended | 76 | 3 195 |
| Section 7030-82..... | amended | 76 | 4 196 |
| Section 7030-83..... | amended | 76 | 5 197 |
| Section 7030-85..... | amended | 178 | 9 494 |
| Section 7030-91..... | amended | 76 | 6 198 |

AMENDMENTS, REMINGTON'S REVISED STATUTES.

| AMENDMENTS, PIERCE'S 1939 CODE—CONTINUED: | Ch. | Sec. | Page |
|---|----------|------|---------|
| Section 7030-92..... | amended | 178 | 9a 495 |
| Section 7030-93..... | amended | 178 | 10 496 |
| Section 7030-94a..... | added | 178 | 11 497 |
| Section 7030-97..... | amended | 178 | 12 498 |
| Section 7030-142..... | amended | 178 | 13 501 |
| Section 7030-144..... | amended | 178 | 14 504 |
| Section 7030-146..... | amended | 178 | 15 505 |
| Section 7030-148..... | amended | 178 | 16 506 |
| Section 7030-152..... | amended | 178 | 17 507 |
| Section 7030-153..... | amended | 178 | 18 507 |
| Section 7030-164 (a)..... | added | 124 | 1 356 |
| Section 7030-166 (a)..... | added | 124 | 2 357 |
| Section 7030-247..... | amended | 178 | 19 508 |
| Section 7030-271..... | amended | 178 | 19a 510 |
| Section 7068-76..... | repealed | 127 | 3 378 |
| Section 7121-31..... | amended | 51 | 1 118 |
| Sections 7122d, 7122c & 7122f..... | repealed | 227 | 6 713 |
| Sections 7123 to 7140..... | repealed | 71 | 26 166 |
| Section 7329..... | amended | 66 | 1 209 |
| Section 7543a..... | repealed | 21 | 5 57 |
| Section 8178..... | amended | 174 | 1 472 |
| Section 8464-1..... | amended | 213 | 3 671 |
| Section 8464-2..... | amended | 213 | 4 671 |
| Section 8464-3..... | amended | 213 | 5 671 |
| Section 8464-5..... | amended | 213 | 6 671 |
| Section 8542..... | amended | 81 | 1 203 |
| Section 8547..... | amended | 148 | 1 417 |
| Section 8583-4 (part)..... | repealed | 113 | 2 293 |
| Section 8687..... | repealed | 150 | 8 426 |
| Section 8745..... | amended | 215 | 1 676 |
| Section 8746..... | amended | 215 | 2 676 |
| Section 8843..... | amended | 168 | 1 458 |
| Section 9136..... | amended | 151 | 1 427 |
| Section 9239..... | amended | 158 | 1 436 |
| Section 9371..... | repealed | 24 | 1 58 |
| Section 9458..... | amended | 89 | 2 216 |
| Section 9474..... | amended | 85 | 1 208 |
| Section 9559-3..... | amended | 89 | 3 217 |
| Section 9560..... | amended | 89 | 4 217 |
| Section 9563..... | amended | 89 | 1 216 |
| Section 9706-1..... | added | 206 | 2 606 |
| Section 9907..... | amended | 83 | 1 205 |
| Section 9915-1..... | added | 206 | 3 607 |
| Section 9950..... | amended | 208 | 1 605 |

AMENDMENTS, REMINGTON AND BALLINGER'S ANNOTATED CODES AND STATUTES OF WASHINGTON:

| | | | |
|-------------------|---------|-----|-------|
| Section 3654..... | amended | 110 | 2 285 |
|-------------------|---------|-----|-------|

AMENDMENTS, REMINGTON'S REVISED STATUTES:

| | | | |
|---|----------|-----|-------|
| Section 43..... | amended | 89 | 1 216 |
| Section 47..... | amended | 89 | 2 216 |
| Section 73 (part)..... | repealed | 113 | 2 293 |
| Sections 113-1 to 113-3, inclusive..... | repealed | 23 | 1 58 |
| Sections 115-1 to 115-4, inclusive..... | repealed | 23 | 1 58 |
| Sections 139-1, 139-2, 139-3, 139-6, 139-7, 139-8, 139-9, 139-10, 139-11, 139-13, 139-16, 139-17, 139-18, 139-19, 139-20, 139-21, 139-22..... | repealed | 47 | 1 110 |
| Section 171..... | amended | 174 | 1 472 |
| Section 205..... | amended | 81 | 1 203 |
| Section 209-2..... | amended | 148 | 1 417 |
| Section 253-1..... | amended | 213 | 3 671 |

AMENDMENTS, REMINGTON'S REVISED STATUTES.

| AMENDMENTS, REMINGTON'S REVISED STATUTES—CONTINUED: | | | Ch. | Sec. | Page |
|---|-------|----------|-----|------|--------|
| Section 253-2 | ..... | amended | 213 | 4 | 671 |
| Section 253-3 | ..... | amended | 213 | 5 | 671 |
| Section 253-5 | ..... | amended | 213 | 6 | 671 |
| Section 905-1 | ..... | repealed | 21 | 5 | 57 |
| Section 1434 | ..... | amended | 206 | 1 | 605 |
| Section 1534-1 | ..... | added | 206 | 2 | 606 |
| Section 1575 | ..... | amended | 83 | 1 | 205 |
| Section 1583-1 | ..... | added | 206 | 3 | 607 |
| Section 1744 | ..... | amended | 80 | 1 | 209 |
| Section 1756 | ..... | amended | 80 | 3 | 217 |
| Section 1757 | ..... | amended | 89 | 4 | 217 |
| Section 2032 | ..... | amended | 158 | 1 | 436 |
| Section 2144 | ..... | repealed | 24 | 1 | 58 |
| Section 2305 | ..... | amended | 151 | 1 | 427 |
| Section 2522 | ..... | amended | 168 | 1 | 458 |
| Section 2562 | ..... | amended | 215 | 1 | 676 |
| Section 2563 | ..... | amended | 215 | 2 | 676 |
| Section 2753-6a | ..... | amended | 48 | 1 | 111 |
| Section 2753-6b | ..... | repealed | 48 | 6 | 114 |
| Section 2753-6d | ..... | amended | 48 | 2 | 112 |
| Section 2753-6e | ..... | amended | 48 | 3 | 112 |
| Section 2753-6f | ..... | repealed | 48 | 6 | 114 |
| Sections 2810 to 2828-1, inclusive | ..... | repealed | 56 | 39 | 146 |
| Section 2844, 2845 & 2846 | ..... | repealed | 230 | 20 | 733 |
| Section 2849-2 | ..... | amended | 20 | 9 | 52 |
| Section 2878 | ..... | amended | 195 | 1 | 565 |
| Section 2883 | ..... | amended | 195 | 2 | 566 |
| Section 2894 | ..... | amended | 195 | 3 | 567 |
| Section 2897 | ..... | amended | 195 | 4 | 568 |
| Sections 3028 to 3035, inclusive | ..... | repealed | 22 | 1 | 57 |
| Section 3242 | ..... | amended | 16 | 1 | 36 |
| Section 3242 | ..... | amended | 132 | 1 | 368 |
| Sections 3255 to 3255t, inclusive | ..... | repealed | 41 | 19 | 99 |
| Section 3345 | ..... | amended | 15 | 1 | 28 |
| Section 3346 | ..... | amended | 15 | 2 | 30 |
| Section 3351 | ..... | repealed | 15 | 9 | 35 |
| Section 3352 | ..... | amended | 15 | 3 | 31 |
| Section 3353 | ..... | amended | 15 | 4 | 32 |
| Section 3367 | ..... | amended | 15 | 5 | 33 |
| Section 3372 | ..... | repealed | 15 | 9 | 35 |
| Section 3381-3a | ..... | amended | 15 | 6 | 33, 34 |
| Section 3381-6 | ..... | amended | 15 | 7 | 35 |
| Section 3381-8a | ..... | amended | 15 | 8 | 35 |
| Section 3717-40 | ..... | amended | 222 | 3 | 696 |
| Section 3717-66 | ..... | amended | 222 | 5 | 703 |
| Section 3803-57 | ..... | amended | 103 | 7 | 273 |
| Section 3836-5½ | ..... | repealed | 33 | 1 | 68 |
| Sections 3852 to 3862, inclusive | ..... | repealed | 33 | 1 | 68 |
| Section 3862-1 | ..... | amended | 19 | 1 | 41 |
| Section 3862-7 | ..... | amended | 19 | 2 | 42 |
| Section 3862-8 | ..... | amended | 19 | 3 | 43 |
| Section 3862-9 | ..... | amended | 19 | 4 | 45 |
| Section 3862-12 | ..... | amended | 19 | 5 | 46 |
| Section 3862-15 | ..... | amended | 19 | 6 | 47 |
| Section 3997-4 | ..... | amended | 99 | 1 | 260 |
| Sections 4015-2, 4015-3, 4015-4 & 4015-5 | ..... | repealed | 227 | 6 | 713 |
| Section 4015-6 | ..... | amended | 142 | 1 | 404 |
| Section 4022 | ..... | amended | 110 | 2 | 285 |
| Sections 4026-1, 4026-2 | ..... | repealed | 227 | 6 | 123 |
| Section 4026-3 | ..... | repealed | 227 | 6 | 123 |
| Section 4033 | ..... | repealed | 113 | 2 | 293 |
| Section 4136 | ..... | amended | 191 | 1 | 537 |

AMENDMENTS, REMINGTON'S REVISED STATUTES.

| AMENDMENTS, REMINGTON'S REVISED STATUTES—CONTINUED: | Ch. | Sec. | Page |
|---|----------|------|---------|
| Section 4172..... | amended | 237 | 1 774 |
| Section 4200-1a..... | amended | 26 | 1 60 |
| Section 4302..... | amended | 183 | 1 525 |
| Section 4303..... | amended | 131 | 1 386 |
| Section 4342-1..... | amended | 133 | 1 390 |
| Section 4709..... | amended | 187 | 1 530 |
| Section 4776..... | amended | 42 | 1 100 |
| Section 4776..... | amended | 179 | 1 512 |
| Sections 4897 to 4898..... | repealed | 203 | 3 598 |
| Section 4995-1..... | amended | 97 | 1 231 |
| Section 4995-3..... | amended | 97 | 2 235 |
| Section 4995-4..... | amended | 97 | 3 239 |
| Section 4995-4a..... | repealed | 97 | 8 258 |
| Section 4995-4b..... | repealed | 97 | 8 258 |
| Section 4995-5..... | amended | 97 | 4 241 |
| Section 4995-6..... | amended | 97 | 5 244 |
| Section 4995-7..... | amended | 97 | 6 251 |
| Section 4995-8..... | amended | 97 | 7 254 |
| Section 5021..... | amended | 102 | 1 269 |
| Section 5023..... | amended | 102 | 2 270 |
| Section 5147..... | amended | 180 | 1 516 |
| Section 5440-11..... | amended | 101 | 1 262 |
| Section 5440-12..... | amended | 101 | 2 264 |
| Section 5440-12a..... | added | 101 | 3 267 |
| Sections 5440-101 to 5440-104..... | repealed | 37 | 1 70 |
| Section 5574-1..... | amended | 18 | 1 40 |
| Section 5654-101..... | amended | 70 | 1 173 |
| Section 5054-110..... | amended | 70 | 2 173 |
| Section 5654-116a..... | added | 70 | 3 174 |
| Section 5054-117..... | amended | 70 | 6 176 |
| Section 5054-120..... | amended | 70 | 4 175 |
| Section 5654-138..... | amended | 70 | 7 177 |
| Section 5654-139..... | amended | 70 | 5 176 |
| Section 5724..... | amended | 8 | 1 21 |
| Section 5724a..... | added | 8 | 2 21 |
| Section 5792-1..... | amended | 140 | 1 399 |
| Section 5794..... | amended | 63 | 1 155 |
| Section 5804..... | amended | 168 | 2 458 |
| Section 5812-11..... | amended | 43 | 1 103 |
| Sections 5831-1, 5831-2 & 5831-3..... | repealed | 103 | 8 273 |
| Section 5880..... | amended | 126 | 1 361 |
| Section 6010-1..... | amended | 98 | 1 259 |
| Sections 6011 to 6017, inclusive..... | repealed | 167 | 5 457 |
| Section 6130-32..... | amended | 67 | 1 167 |
| Section 6130-34..... | amended | 67 | 2 167 |
| Section 6130-36..... | amended | 67 | 3 168 |
| Section 6130-37..... | amended | 67 | 4 168 |
| Section 6312-17..... | amended | 224 | 1 706-7 |
| Section 6312-112a..... | added | 153 | 1 429 |
| Section 6360-49..... | amended | 116 | 1 297 |
| Section 6360-50..... | amended | 116 | 2 298 |
| Section 6360-51..... | amended | 116 | 3 301 |
| Section 6362-62..... | amended | 95 | 1 228 |
| Section 6362-64..... | repealed | 95 | 2 229 |
| Section 6382-5..... | amended | 163 | 1 444 |
| Section 6382-7..... | amended | 163 | 2 445 |
| Section 6382-11a..... | amended | 163 | 3 445 |
| Section 6382-15..... | amended | 163 | 4 446 |
| Sections 6382-38 to 6382-42, inclusive..... | repealed | 36 | 1 20 |
| Section 6401-11..... | amended | 136 | 1 395 |
| Section 6450-39..... | amended | 138 | 1 397 |
| Section 6600-2b..... | amended | 246 | 1 621 |

AMENDMENTS, REMINGTON'S REVISED STATUTES.

| AMENDMENTS, REMINGTON'S REVISED STATUTES—CONTINUED: | Ch. | Sec. | Page |
|--|------------|-------------|-------------|
| Section 0600-25c..... | repealed | 246 | 10 832 |
| Section 0600-3a..... | amended | 232 | 1 739 |
| Section 0600-103..... | amended | 122 | 1 342 |
| Section 0600-108..... | amended | 122 | 2 343 |
| Section 0600-109..... | amended | 122 | 3 344 |
| Section 0600-110..... | amended | 122 | 4 344 |
| Section 0600-112..... | amended | 122 | 5 345 |
| Section 0600-113..... | amended | 122 | 6 346 |
| Section 0600-114..... | amended | 122 | 7 346 |
| Section 0600-115..... | amended | 122 | 8 347 |
| Section 0600-117..... | amended | 122 | 9 347 |
| Section 0600-118..... | amended | 122 | 10 348 |
| Section 0600-119..... | amended | 122 | 11 351 |
| Section 0600-122..... | amended | 122 | 12 351 |
| Section 0600-128..... | repealed | 122 | 15 354 |
| Section 0600-130..... | amended | 122 | 13 352 |
| Section 6600-132..... | amended | 122 | 14 353 |
| Section 6722..... | amended | 219 | 1 687 |
| Section 6889-23a..... | added | 69 | 1 170 |
| Section 6889-23b..... | added | 69 | 2 171 |
| Section 6889-23c..... | added | 69 | 3 171 |
| Section 6930..... | amended | 214 | 1 673 |
| Section 6976..... | repealed | 56 | 39 146 |
| Sections 6977-a, 6977-b, 6977-c..... | repealed | 56 | 39 146 |
| Sections 7032 to 7208, inclusive..... | added | 40 | 1 76 |
| Section 7120..... | amended | 164 | 1 449 |
| Section 7130..... | amended | 40 | 3 77, 78 |
| Section 7137..... | amended | 111 | 1 288 |
| Section 7234..... | amended | 40 | 2 77 |
| Section 7288..... | amended | 112 | 1 290 |
| Section 7306-23-M..... | amended | 220 | 1 690 |
| Section 7306-23-N..... | amended | 220 | 2 691 |
| Section 7306-23-O..... | amended | 220 | 3 692 |
| Section 7417-2..... | amended | 143 | 1 405 |
| Section 7440..... | amended | 157 | 1 432 |
| Section 7460..... | amended | 171 | 1 467 |
| Section 7530-41..... | amended | 39 | 1 72 |
| Section 7530-42..... | amended | 39 | 3 73 |
| Section 7530-43..... | amended | 39 | 2 73 |
| Section 7560-1..... | amended | 61 | 1 158 |
| Section 7612-21..... | amended | 72 | 1 187 |
| Section 7666-6..... | repealed | 194 | 30 564 |
| Section 7679..... | amended | 209 | 1 624 |
| Section 7679-1..... | amended | 235 | 1 772 |
| Section 7681..... | amended | 209 | 2 635 |
| Section 7797-10..... | amended | 217 | 1 679 |
| Section 7797-23..... | amended | 217 | 2 679 |
| Sections 7860 to 7865, inclusive..... | repealed | 35 | 1 69 |
| Section 7879-11..... | amended | 123 | 1 354 |
| Section 7879-13-A..... | added | 123 | 2 355 |
| Section 7879-16-A..... | added | 123 | 3 355 |
| Section 7879-17-A..... | added | 123 | 4 355 |
| Section 8110-1..... | amended | 51 | 1 118 |
| Sections 8217 to 8225, inclusive..... | repealed | 150 | 8 426 |
| Section 8226-2..... | amended | 65 | 1 159 |
| Section 8226-3..... | amended | 65 | 2 159 |
| Section 8226-4..... | amended | 65 | 3 160 |
| Section 8226-4a..... | added | 65 | 4 160 |
| Section 8226-5..... | amended | 65 | 5 160 |
| Section 8226-6..... | repealed | 65 | 10 166 |
| Section 8226-7..... | amended | 65 | 6 162 |
| Section 8226-8..... | amended | 65 | 7 163 |

AMENDMENTS, REMINGTON'S REVISED STATUTES.

| AMENDMENTS, REMINGTON'S REVISED STATUTES—CONTINUED: | Ch. | Sec. | Page | |
|---|--------------------------|------|------|-----|
| Section 8226-9..... | amended | 65 | 8 | 104 |
| Section 8226-10..... | amended | 65 | 9 | 105 |
| Section 8253..... | repealed | 150 | 8 | 426 |
| Section 8254-2..... | repealed | 150 | 8 | 426 |
| Section 8312-9..... | amended | 48 | 4 | 113 |
| Section 8327-6..... | repealed | 127 | 30 | 378 |
| Sections 8340-1 to 8340-23..... | repealed | 252 | 20 | 870 |
| Section 8370-4..... | amended | 178 | 1 | 480 |
| Section 8370-5..... | amended | 178 | 2 | 482 |
| Section 8370-6..... | amended | 178 | 3 | 487 |
| Section 8370-7..... | amended | 178 | 4 | 488 |
| Section 8370-8(a)..... | amended | 178 | 5 | 489 |
| Section 8370-11..... | amended | 178 | 6 | 489 |
| Section 8370-15a..... | redesignated and amended | 178 | 7 | 492 |
| Section 8370-17..... | amended | 178 | 8 | 493 |
| Section 8370-25..... | amended | 178 | 9 | 494 |
| Section 8370-32..... | amended | 178 | 9a | 495 |
| Section 8370-33..... | amended | 178 | 10 | 496 |
| Section 8370-34a..... | added | 178 | 11 | 497 |
| Section 8370-37..... | amended | 178 | 12 | 498 |
| Section 8370-82..... | amended | 178 | 13 | 501 |
| Section 8370-84..... | amended | 178 | 14 | 504 |
| Section 8370-86..... | amended | 178 | 15 | 503 |
| Section 8370-88..... | amended | 178 | 16 | 506 |
| Section 8370-92..... | amended | 178 | 17 | 507 |
| Section 8370-93..... | amended | 178 | 18 | 507 |
| Section 8370-187..... | amended | 178 | 19 | 508 |
| Section 8370-211..... | amended | 178 | 19a | 510 |
| Section 8370-213..... | repealed | 178 | 20 | 511 |
| Section 8370-214..... | repealed | 178 | 20 | 512 |
| Section 8370-215..... | repealed | 178 | 20 | 512 |
| Section 8370-216..... | repealed | 178 | 20 | 512 |
| Sections 8370-1 to 8370-220, inclusive..... | amended | 118 | 1 | 305 |
| Section 8370-16..... | amended | 76 | 2 | 195 |
| Section 8370-21..... | amended | 76 | 3 | 195 |
| Section 8370-22..... | amended | 76 | 4 | 196 |
| Section 8370-23..... | amended | 76 | 5 | 197 |
| Section 8370-31..... | amended | 76 | 6 | 198 |
| Sections 8866 to 8882, inclusive..... | repealed | 6 | 1 | 16 |
| Section 8992..... | amended | 85 | 1 | 208 |
| Sections 9116-1 and 9165-1..... | amended | 108 | 1 | 280 |
| Section 9120..... | amended | 115 | 1 | 205 |
| Section 9146..... | amended | 57 | 1 | 147 |
| Section 9165..... | amended | 91 | 1 | 221 |
| Section 9168..... | amended | 115 | 2 | 296 |
| Section 9175..... | amended | 74 | 1 | 189 |
| Section 9194..... | amended | 51 | 2 | 148 |
| Sections 9198-1 to 9198-7, inclusive..... | repealed | 193 | 14 | 551 |
| Section 9201..... | amended | 49 | 1 | 115 |
| Section 9365..... | amended | 90 | 1 | 218 |
| Section 9489..... | amended | 147 | 1 | 415 |
| Section 9625..... | amended | 204 | 8 | 601 |
| Section 9626..... | amended | 204 | 9 | 601 |
| Section 9627..... | amended | 204 | 10 | 602 |
| Section 9691-1..... | amended | 45 | 1 | 106 |
| Section 9691-2..... | amended | 45 | 2 | 107 |
| Section 9691-A-1..... | amended | 17 | 1 | 30 |
| Section 9871-2..... | amended | 184 | 1 | 527 |
| Sections 9965-11 to 9965-15, inclusive..... | repealed | 34 | 1 | 69 |
| Section 9992-101..... | amended | 242 | 1 | 783 |
| Section 9992-104..... | amended | 242 | 2 | 783 |
| Section 9992-106..... | amended | 242 | 3 | 784 |

AMENDMENTS, REMINGTON'S REVISED STATUTES.

| AMENDMENTS, REMINGTON'S REVISED STATUTES—CONTINUED: | Ch. | Sec. | Page |
|---|----------|------|--------|
| Section 9992-107..... | repealed | 129 | 3 384 |
| Section 9998-103..... | amended | 253 | 1 870 |
| Section 9998-104..... | amended | 253 | 2 874 |
| Section 9998-105..... | amended | 253 | 3 876 |
| Section 9998-106..... | amended | 253 | 4 878 |
| Section 9998-107..... | amended | 253 | 5 884 |
| Section 9998-108..... | amended | 253 | 6 887 |
| Section 9998-109..... | amended | 253 | 7 888 |
| Section 9998-111..... | amended | 253 | 8 892 |
| Section 9998-112..... | amended | 253 | 9 900 |
| Section 9998-113..... | amended | 253 | 10 902 |
| Section 9998-114..... | amended | 253 | 11 904 |
| Section 9998-115..... | amended | 253 | 12 911 |
| Section 9998-116..... | amended | 253 | 13 913 |
| Section 9998-119(a)..... | amended | 253 | 14 915 |
| Sections 9998-122 and 9998-123..... | repealed | 253 | 15 920 |
| Section 9998-120(a)..... | repealed | 253 | 15 926 |
| Section 9998-122..... | added | 253 | 16 926 |
| Section 9998-123..... | added | 253 | 17 927 |
| Section 10007-6..... | amended | 170 | 1 460 |
| Section 10007-7..... | amended | 170 | 2 461 |
| Section 10007-8..... | amended | 170 | 3 462 |
| Section 10007-11..... | amended | 170 | 4 463 |
| Section 10007-15..... | amended | 170 | 5 465 |
| Section 10007-14A..... | added | 170 | 6 465 |
| Section 10007-103a..... | amended | 128 | 1 379 |
| Section 10007-104a..... | amended | 128 | 2 380 |
| Section 10007-110a..... | amended | 128 | 3 380 |
| Section 10010..... | repealed | 166 | 2 455 |
| Section 10012..... | repealed | 166 | 2 456 |
| Section 10013..... | repealed | 166 | 2 456 |
| Section 10031-2..... | amended | 92 | 1 222 |
| Section 10031-4..... | amended | 92 | 2 223 |
| Section 10031-25..... | amended | 92 | 3 225 |
| Sections 10040 to 10055..... | repealed | 71 | 26 186 |
| Section 10074..... | amended | 31 | 1 05 |
| Sections 10298-1 to 10298-17, inclusive..... | repealed | 28 | 1 04 |
| Section 10424..... | amended | 162 | 1 442 |
| Section 10440-2..... | amended | 160 | 1 439 |
| Section 10795a..... | added | 196 | 12 575 |
| Section 11072..... | repealed | 150 | 8 426 |
| Section 11117..... | amended | 155 | 1 43 |
| Section 11133..... | amended | 79 | 1 201 |
| Section 11201(a)..... | added | 124 | 1 356 |
| Section 11202(a)..... | added | 124 | 2 357 |
| Section 11218..... | amended | 197 | 1 577 |
| Section 11218-1..... | amended | 197 | 2 579 |
| Section 11232..... | amended | 27 | 1 61 |
| Section 11241-5..... | amended | 154 | 1 430 |
| Section 11245..... | amended | 32 | 1 66 |
| Section 11273-14A..... | amended | 144 | 1 407 |
| Section 11302..... | amended | 152 | 1 428 |
| Section 11315-8a..... | repealed | 156 | 1 432 |
| Section 11608..... | amended | 245 | 4 813 |
| Section 11609..... | amended | 245 | 5 814 |

GENERAL INDEX

A

ACCIDENT AND HEALTH INSURANCE POLICIES (see INSURANCE).

| ACTION (see also COURT ACTIONS): | Ch. | Sec. | Page |
|---|-----|-------------|-------------------|
| Appeal from orders under small loan act..... | 208 | 23 | 622 |
| Attorney General, enforcement certain provisions of selective service act..... | 201 | 4 | 504 |
| Cities and Towns, foreclosure, delinquent sewage service rates, sale and redemption, foreclosure proceedings..... | 193 | 7 8 9 | 547 548 548 |
| Complaint, sufficiency of unlawful detainer..... | 188 | 3 | 532 |
| Eminent domain, flood control purposes..... | 204 | 10 | 602 |
| Foreclosure proceedings, delinquent sewage service rates..... | 193 | 7 8 9 | 547 548 548 |
| Mandamus, public utilities bond obligations..... | 182 | 10 | 523 |
| Negligence, motor carriers liability..... | 198 | 12 | 586 |
| Prosecuting attorney, selective service act, enforcement of certain provisions..... | 201 | 4 | 594 |
| Public utility districts..... | 182 | 10 | 523 |
| revenue bonds constitute a contract, when..... | 182 | 10 | 523 |
| Restitution, writ of, issuance | 188 | 6 | 572 |
| Selective service act, restoration to former employment..... | 201 | 4 | 594 |
| Unlawful detention, real property, procedure | 188 | 1-10 | 531 |
| ADAMS COUNTY: | | | |
| Appropriations (see APPROPRIATIONS). | | | |
| Lands, deed of..... | 211 | 1 | 668 |
| ADDRESSOGRAPH-MULTIGRAPH CORP., relief..... | 244 | 2 | 795 |
| ADMINISTRATION: | | | |
| Distribution, minor's inheritance less than \$100..... | 206 | 2 | 606 |
| ADMINISTRATORS: | | | |
| Special notice of proceedings to interested parties..... | 206 | 1 | 605 |
| AD VALOREM TAXATION: | | | |
| Municipalities exempt when..... | 13 | 1 | 26 |
| ADVERTISING: | | | |
| Legal advertisements, publication in legal newspapers..... | 213 | 6 | 671 |
| Small loan companies, false and misleading prohibited..... | 208 | 12 | 617 |
| AFFIDAVITS: | | | |
| Publication, legal | 213 | 4 | 671 |
| AGRICULTURAL FAIRS (see FAIRS). | | | |

AGRICULTURAL PRODUCTS.

| | Ch. | Sec. | Page |
|---|-----|------|------|
| AGRICULTURAL PRODUCTS: | | | |
| Business and occupational tax exemption..... | 178 | 6 | 480 |
| AGRICULTURAL SEED REGULATIONS (see WASHINGTON STATE SEED LAW). | | | |
| AGRICULTURE: | | | |
| Cooperative marketing associations, | | | |
| annual audit of books..... | 195 | 3 | 507 |
| contracts, authority to make..... | 105 | 4 | 508 |
| definitions of terms..... | 105 | 1 | 505 |
| stockholders | 105 | 2 | 506 |
| AGRICULTURE, STATE DEPARTMENT OF: | | | |
| Appropriations (see APPROPRIATIONS). | | | |
| Bees in hives, shipment of, into state, issuance of permit, when.. | 130 | 5 | 385 |
| Brands of fur bearing animals, recordation..... | 207 | 2 | 608 |
| Cantaloupes, inspection and grading..... | 189 | 1 | 534 |
| Fairs, | | | |
| allotment, when, amount..... | 48 | 3 | 112 |
| rules and regulations, to make..... | 48 | 5 | 114 |
| Grading of cantaloupes and potatoes..... | 189 | 1 | 534 |
| Horticultural inspectors, | | | |
| inspecting of cantaloupes and potatoes..... | 189 | 1 | 534 |
| Horticultural pests, | | | |
| director to issue proclamation, when..... | 20 | 13 | 54 |
| Indemnities for slaughter of diseased animals, | | | |
| appropriation | 61 | 1 | 152 |
| Insect pests, control and eradication..... | 11 | 1 | 24 |
| Noxious weeds, power to add or subtract from list..... | 56 | 12 | 136 |
| seed dealers, licensed, to be notified..... | 56 | 12 | 136 |
| Pear psylla, control and eradication..... | 11 | 1 | 24 |
| Pests, insect, control and eradication..... | 11 | 1 | 24 |
| Plant diseases, control and eradication..... | 11 | 1 | 24 |
| Poisons, economic, supervision over..... | 230 | 8 | 729 |
| | | 9 | 730 |
| | | 10 | 730 |
| license, to issue, when..... | 230 | 11 | 730 |
| moneys received, expend how..... | 230 | 10 | 733 |
| quarantine, when | 230 | 16 | 733 |
| registration, when | 230 | 13 | 731 |
| cancel, when | 230 | 14 | 732 |
| seize, when | 230 | 16 | 733 |
| violations, notice of..... | 230 | 15 | 732 |
| Potato, inspection and grading..... | 189 | 1 | 534 |
| Seeds (see Washington State Seed Law) | | | |
| Washington State Seed Law, | | | |
| authority | 56 | 26 | 141 |
| court actions, | | | |
| evidence to be published, when..... | 56 | 33 | 144 |
| to institute when..... | 56 | 31 | 143 |
| Attorney general, his agent, when..... | 56 | 32 | 143 |
| Prosecuting attorney, his agent, when..... | 56 | 32 | 143 |
| duties of director..... | 56 | 24 | 141 |
| | | 25 | 141 |
| license necessary when..... | 56 | 34 | 144 |
| exception | 56 | 34 | 144 |
| fee | 56 | 34 | 144 |
| rules and regulations, adoption, enforcement, promulgation.. | 56 | 36 | 144 |
| seizure of unlawful seed..... | 56 | 29 | 143 |
| testing of seeds, | | | |
| charges, fix and collect..... | 56 | 27 | 142 |
| facilities, maintenance of..... | 56 | 27 | 142 |
| samples, submitted by whom, limitation of..... | 56 | 28 | 142 |

APPEALS.

| | Ch. | Sec. | Page |
|--|-----|------|------|
| AID TO DEPENDENT CHILDREN..... | 242 | 1 | 783 |
| AIRPORTS AND AIRPORT SITES: | | | |
| Adjoining state owned property, ad valorem tax exemption, when | 13 | 1 | 26 |
| Municipality may acquire..... | 21 | 1 | 55 |
| acts ratified | 21 | 4 | 57 |
| by eminent domain..... | 21 | 2 | 55 |
| statutes repealed | 21 | 5 | 57 |
| AIR PRESSURE WORKERS, safety standards for..... | 104 | 1-33 | 552 |
| AIR SPACE RESERVATIONS: | | | |
| Activities within prohibited..... | 200 | 6 | 590 |
| Firearms prohibited | 200 | 5 | 590 |
| Violations, gross misdemeanor..... | 200 | 7 | 591 |
| AMENDMENTS of Laws by code numbers..... | 149 | 4 | 419 |
| AMES, CLARENCE E., relief..... | 244 | 2 | 792 |
| ANARCHY, CRIMINAL | 215 | 1 | 676 |
| ANIMALS: | | | |
| Appropriation, indemnities for slaughter of diseased..... | 61 | 1 | 152 |
| Branding, recordation | 207 | 2 | 608 |
| Diseased, | | | |
| indemnities for slaughter..... | 61 | 1 | 152 |
| appropriation | 61 | 1 | 152 |
| purpose of act..... | 61 | 1 | 152 |
| Dogs, | | | |
| hunting, field trials, regulation..... | 221 | 1 | 693 |
| owners liability for bites..... | 77 | 1 | 200 |
| Domestic, poisoning of..... | 105 | 1 | 277 |
| Fox, personal property when..... | 207 | 1 | 608 |
| identification marks, recordation..... | 207 | 2 | 608 |
| Fur bearing, personal property, when..... | 207 | 1 | 608 |
| identification marks, recordation..... | 207 | 2 | 608 |
| Martin, personal property, when..... | 207 | 1 | 608 |
| identification marks, recordation..... | 207 | 2 | 608 |
| Mink, personal property, when..... | 207 | 1 | 608 |
| identification marks, recordation..... | 207 | 2 | 608 |
| Personal property, fox, martin, mink..... | 207 | 1 | 608 |
| APICULTURE: | | | |
| Bees, | | | |
| combless packages of, construed..... | 130 | 1 | 385 |
| in hives, shipment into state when, permit for..... | 130 | 5 | 385 |
| shipment of, how..... | 130 | 2 | 385 |
| certificate | 130 | 2 | 385 |
| Combless package of bees, construed..... | 130 | 1 | 385 |
| Equipment, used, shipment into state unlawful..... | 130 | 3 | 385 |
| Honey for human consumption, | | | |
| shipment into state..... | 130 | 4 | 385 |
| Violation of act..... | 130 | 6 | 386 |
| APPEALS: | | | |
| Costs on | 86 | 1 | 209 |
| amendment | 86 | 1 | 209 |
| supreme court, | | | |
| prevailing party to pay..... | 86 | 1 | 209 |
| enumeration | 86 | 1 | 210 |
| exception | 86 | 1 | 210 |
| Industrial Loan Companies, | | | |
| false or misleading statements, publication of..... | 19 | 6 | 48 |

APPEALS.

APPEALS—CONTINUED:

| | Ch. | Sec. | Page |
|--|-----|------|------|
| Old age assistance, | | | |
| superior court | 1 | 9 | 8 |
| notice of | 1 | 8 | 8 |
| Orders of Sewer District commission..... | 210 | 32 | 656 |
| Orders under small loan act..... | 208 | 23 | 622 |
| Social Security, | | | |
| blind applicants | 170 | 4 | 463 |
| | | | 464 |
| | | | 465 |
| Unemployment Compensation | 253 | 4 | 879 |
| | | 11 | 881 |
| | | | 882 |
| | | | 908 |

APPRENTICESHIP:

| | | | |
|--|-----|---|-----|
| Agreements, | | | |
| definition | 231 | 5 | 738 |
| differences, settlement of..... | 231 | 4 | 737 |
| standards for, enumerated..... | 231 | 4 | 737 |
| Appropriation, necessary | 231 | 7 | 738 |
| Committees, local and state, | | | |
| approval, when | 231 | 3 | 736 |
| composed of | 231 | 3 | 736 |
| duties | 231 | 3 | 736 |
| Council, | | | |
| created | 231 | 1 | 734 |
| duties | 231 | 1 | 735 |
| ex officio members..... | 231 | 1 | 734 |
| expenses | 231 | 1 | 734 |
| powers | 231 | 1 | 735 |
| salaries | 231 | 1 | 734 |
| term of office..... | 231 | 1 | 734 |
| vacancies | 231 | 1 | 734 |
| Director, appointment, duties, salary..... | 231 | 2 | 735 |
| Limitation of act..... | 231 | 6 | 738 |
| Personnel, appointment | 231 | 2 | 736 |
| Separability clause | 231 | 8 | 738 |
| State Board for Vocational Education, responsibilities of..... | 231 | 2 | 736 |

APPROPRIATIONS:

| | | | |
|--|-----|---|-----|
| Adams County, | | | |
| secondary highway allocation..... | 246 | 3 | 822 |
| treasurer, L. I. D. assessment..... | 224 | 2 | 801 |
| Addressograph-Multigraph Corp., relief..... | 244 | 2 | 795 |
| Advance Sheets Session Laws..... | 62 | 1 | 154 |
| Advertisements, | | | |
| legal, publication in legal newspapers..... | 213 | 6 | 671 |
| Agriculture, State Department of, | | | |
| operations | 234 | 2 | 751 |
| operations, salaries and wages from, | | | |
| commission merchant's fund..... | 234 | 2 | 751 |
| feed and fertilizer fund..... | 234 | 2 | 751 |
| grain and hay inspection fund..... | 234 | 2 | 751 |
| nursery fund | 234 | 2 | 751 |
| poisons, commercial, regulation of..... | 244 | 2 | 806 |
| predatory animals, destruction..... | 234 | 2 | 751 |
| salaries and wages..... | 234 | 2 | 751 |
| Washington State Fair..... | 234 | 2 | 751 |
| delinquencies | 244 | 2 | 806 |
| Ames, Clarence E., relief..... | 244 | 2 | 792 |
| Animals, diseased, indemnities for slaughter of..... | 61 | 1 | 152 |
| Army for Naval and Marine Reserve at Tacoma..... | 236 | 1 | 773 |

APPROPRIATIONS.

APPROPRIATIONS—CONTINUED:

| | Ch. | Sec. | Page |
|---|------------|------|-------------------|
| Asotin County, | | | |
| secondary highway allocation..... | 246 | 3 | 822 |
| Athletic Commission, State..... | 234 | 2 | 748 |
| Attorney General, | | | |
| deficiency, printing annual report..... | 244 | 2 | 798 |
| indexing session laws..... | 234 | 2 | 746 |
| operations | 234 | 2 | 746 |
| printing | 234 | 2 | 746 |
| salaries and wages..... | 234 | 2 | 746 |
| Auditor, State, | | | |
| departmental audits | 196 234 | 14 | 576 |
| | | 2 | 746 |
| division of departmental audits..... | 244 | 2 | 800 |
| motor vehicle fund, from | | | |
| for audit of department of highways..... | 234 | 2 | 746 |
| for operations | 234 | 2 | 746 |
| for salaries and wages..... | 234 | 2 | 746 |
| operations | 234 | 2 | 746 |
| salaries and wages..... | 234 | 2 | 746 |
| special printing | 234 | 2 | 746 |
| Authority for | 244 | 2 | 787 |
| Bang's disease | 61 | 2 | 152 |
| Battleship Washington, gift, silver service, engraving, etc..... | 244 | 2 | 799 |
| Bell, Hon. Ralph C., relief..... | 244 | 2 | 790 |
| Bellingham, City of..... | 232 | 1 | 741 |
| treasurer, L. I. D. assessments..... | 244 | 2 | 803 804 |
| | | | |
| Benton County, | | | |
| secondary highway allocation..... | 246 | 3 | 822 |
| treasurer, L. I. D. assessments..... | 224 | 2 | 801 803 804 |
| | | | |
| | | | |
| Berg, Gust, judgment..... | 244 | 2 | 797 |
| Bond, Fred M., judgment..... | 244 | 2 | 797 |
| Bond retirement and interest, from Capitol building construction fund | 234 | 2 | 767 |
| Bracket, W. H., Assignee, judgment..... | 244 | 2 | 797 |
| Bradeson, V. D., Court costs in Miller v. Dept. Labor and Industries | 224 | 2 | 800 |
| Brooks, D. T., administrator Barclay Estate, judgment..... | 244 | 2 | 797 |
| Buchanan Chevrolet Co., relief..... | 244 | 2 | 790 796 |
| | | | |
| Budget, Accounts and Control, Division of..... | 196 | 14 | 576 |
| Burbank, Charles H., relief..... | 244 | 2 | 793 |
| Burns, Lloyd T., relief..... | 244 | 2 | 807 |
| Burroughs Adding Machine Co., relief..... | 244 | 2 | 790 |
| Byram, Arnold, relief..... | 244 | 2 | 793 |
| Capital outlays, major repairs and maintenance..... | 234 | 2 | 762 |
| Capitol Committee, State, | | | |
| Martin, Honorable Clarence D., portrait of..... | 234 | 2 | 762 |
| operations | 234 | 2 | 749 |
| salaries and wages..... | 234 | 2 | 749 |
| temple of justice, major alterations and completion..... | 234 | 2 | 750 |
| transportation building, | | | |
| building contracts | 244 | 2 | 800 |
| grading grounds | 244 | 2 | 800 |
| Cathlamet Meat Market, relief..... | 244 | 2 | 792 |
| Central Meat Market, relief..... | 244 | 2 | 792 |

APPROPRIATIONS.

| APPROPRIATIONS—CONTINUED: | Ch. | Sec. | Page |
|--|-----|------|------------|
| Central Washington College of Education, from Ellensburg normal school fund, operations | 234 | 2 | 761 |
| salaries and wages..... | 234 | 2 | 761 |
| from Normal School Current fund..... | 234 | 2 | 761 |
| land, purchase of..... | 234 | 2 | 766 |
| library, lighting equipment, purchase and installation..... | 234 | 2 | 766 |
| lighting equipment for library, installation and purchase.... | 234 | 2 | 760 |
| science building and equipment, lockers, purchase and in- stallation | 234 | 2 | 766 |
| Chehalls and Pacific Land Co., relief..... | 244 | 2 | 789 |
| Chelan County, secondary highway allocation..... | 246 | 3 | 822 |
| treasurer, L. I. D. assessments..... | 244 | 2 | 804 805 |
| Cities and towns, expenditures and supervision of highway fund..... | 250 | 10 | 853 |
| federal aid | 250 | 11 | 853 |
| location, construction and maintenance of..... | 250 | 11 | 853 |
| streets | 250 | 11 | 853 |
| supervision and expenditures of highway fund..... | 250 | 11 | 853 |
| Clallam County, secondary highway allocation..... | 246 | 3 | 822 |
| Clark County, secondary highway allocation..... | 240 | 3 | 822 |
| Clough, Herbert, relief..... | 244 | 2 | 795 |
| Club Cold Storage System, relief..... | 244 | 2 | 792 |
| Columbia County, secondary highway allocation..... | 246 | 3 | 822 |
| Columbia River Committee..... | 244 | 2 | 807 |
| Combs, Mrs. Retta J., relief..... | 244 | 2 | 794 |
| Commissioner of Public Lands, Clark County tidelands, survey of..... | 244 | 2 | 799 |
| Committee to investigate penal institutions..... | 244 | 2 | 807 |
| Conservation and Development, Dept. of..... | 234 | 2 | 751 |
| bonds for Columbia Basin activities..... | 234 | 2 | 752 |
| forestry division | 234 | 2 | 752 |
| mines and mining, division of..... | 234 | 2 | 752 |
| operations | 234 | 2 | 751 |
| reclamation division (from revolving fund)..... | 234 | 2 | 752 |
| salaries and wages..... | 234 | 2 | 751 |
| water pollution studies..... | 234 | 2 | 752 |
| Consolidated Olympia Line, relief..... | 244 | 2 | 794 |
| Cooll, Marlon, relief..... | 244 | 2 | 795 |
| Cooper, Jim S., relief..... | 244 | 2 | 790 |
| Cooper, T. V., relief..... | 244 | 2 | 790 |
| Counties, distribution to, from state equalization fund..... | 234 | 2 | 767 |
| Counties from which receipts were derived, distribution of funds received under Federal Act of June 28, 1934..... | 234 | 2 | 767 |
| Counties, construction and maintenance of roads..... | 250 | 12 | 853 |
| federal aid | 250 | 16 | 854 |
| location construction and maintenance of roads..... | 250 | 12 | 853 |
| supervision and expenditures of highway fund..... | 250 | 16 | 354 |
| County Commissioners, discretionary use of highway funds..... | 250 | 10 | 853 |
| Court costs in insanity cases (including deficiencies)..... | 234 | 12 | 854 |
| | | 2 | 767 |

APPROPRIATIONS.

APPROPRIATIONS—CONTINUED:

| | Ch. | Sec. | Page |
|---|-----|------|--------------------------|
| Cowlitz County, | | | |
| secondary highway allocation..... | 246 | 3 | 822 |
| treasurer, L. I. D. assessment..... | 244 | 2 | 801 804 805 806 |
| treasurer, relief | 244 | 2 | 796 |
| Criminal cost bills (including deficiencies)..... | 234 | 2 | 767 |
| Cross, Ralph W., relief..... | 244 | 2 | 792 |
| Crowder, H. A., relief..... | 244 | 2 | 796 |
| Crystal Laundry & Supply Co., relief..... | 244 | 2 | 790 |
| Day-Majer Company, relief..... | 244 | 2 | 794 |
| Definitions | 244 | 1 | 788 |
| Desman, Peter and Leo Mogensburg, relief..... | 244 | 2 | 792 |
| Dills, C. H., services..... | 244 | 2 | 807 |
| Disbursements, procedure | 106 | 9 | 573 |
| requisitions, approval of..... | 196 | 12 | 575 |
| Dishman Drug Co., relief..... | 244 | 2 | 703 |
| Distribution of funds received under Federal Act of June 28, 1934. | 234 | 2 | 767 |
| Distribution to counties as provided by Chap. 226, 228, Laws of 1937 (from equalization fund)..... | 234 | 2 | 767 |
| Division of Budget, Accounts and Control..... | 196 | 14 | 576 |
| Division of Departmental Audits..... | 196 | 14 | 576 |
| Douglas County, | | | |
| secondary highway allocation..... | 246 | 3 | 822 |
| Draham Investment Co., relief..... | 244 | 2 | 790 |
| Dubuque, Al, relief..... | 244 | 2 | 792 |
| Eastern State Hospital..... | 244 | 2 | 788 |
| capital outlays, major repairs, betterments..... | 244 | 2 | 788 |
| Eastern Washington College of Education, | | | |
| alterations | 234 | 2 | 766 |
| capital outlays, major repairs, betterments..... | 244 | 2 | 788 |
| from Cheney normal fund, | | | |
| girls' showers, plumbing, and showers..... | 234 | 2 | 766 |
| landscaping and shrubbery..... | 234 | 2 | 766 |
| paving, roadways, sidewalks..... | 234 | 2 | 766 |
| from Ellensburg normal school fund, | | | |
| operations | 234 | 2 | 761 |
| salaries and wages..... | 234 | 2 | 761 |
| from Normal school current fund..... | 234 | 2 | 761 |
| new arts and science building, equipment, furnishings..... | 234 | 2 | 766 |
| reappropriation | 244 | 2 | 788 |
| Showalter Hall, stage lighting, switchboards, wiring..... | 234 | 2 | 766 |
| water softener with meter and feed pump..... | 234 | 2 | 766 |
| Eastern Washington State Historical Society, | | | |
| operations | 234 | 2 | 766 |
| repairs to museum building..... | 234 | 2 | 767 |
| salaries and wages..... | 234 | 2 | 768 |
| Education, State Board of, | | | |
| blind students, assistance..... | 234 | 2 | 748 |
| deficiency, school district reorganization survey, | | | |
| operations | 234 | 2 | 770 |
| salaries and wages..... | 234 | 2 | 770 |
| from school fund, | | | |
| operations | 234 | 2 | 748 |
| salaries and wages..... | 234 | 2 | 748 |
| Emergencies, payment of warrants drawn for..... | 234 | 2 | 767 |
| Ephrata Town Treasurer, L. I. D. assessment..... | 244 | 2 | 805 |
| Equipment fund, highway..... | 250 | 7 | 852 |
| Everett City Treasurer, L. I. D. assessment..... | 244 | 2 | 804 805 |

APPROPRIATIONS.

| APPROPRIATIONS—CONTINUED: | Ch. | Sec. | Page |
|---|-----|------|------|
| Evergreen Beverage Co., relief..... | 244 | 2 | 794 |
| Expenditures, supervision of..... | 196 | 8 | 572 |
| certification of vouchers..... | 196 | 11 | 574 |
| Expenses of officials and employees..... | 244 | 1 | 787 |
| mileage on personal cars..... | 244 | 1 | 787 |
| subsistence and lodging..... | 244 | 1 | 787 |
| Fairfield Farmers Alliance Warehouse and Elevator Co., relief.... | 244 | 2 | 790 |
| Faulkner, Fred, relief..... | 244 | 2 | 790 |
| Federal aid, | | | |
| cities and towns, streets..... | 250 | 11 | 853 |
| county roads..... | 250 | 12 | 853 |
| forest reserves..... | 244 | 2 | 800 |
| health work, public..... | 244 | 2 | 799 |
| highways, department of..... | 250 | 18 | 855 |
| Longview-Keiso bridge..... | 250 | 2 | 851 |
| road act..... | 250 | 6 | 851 |
| social security, department of..... | 244 | 2 | 799 |
| Federal vocational rehabilitation, to secure..... | 234 | 2 | 748 |
| from U. S. vocational education fund..... | 234 | 2 | 748 |
| | | | 749 |
| Ferry County, | | | |
| secondary highway allocation..... | 246 | 3 | 822 |
| Ferry service Tacoma Narrows, emergency..... | 250 | 17 | 855 |
| Fidelity and Casualty Co. of N. Y., assignee, judgment..... | 244 | 2 | 797 |
| Finance, Budget and Business, Department of, | | | |
| banking division..... | 234 | 2 | 752 |
| | 244 | 2 | 807 |
| operations..... | 234 | 2 | 752 |
| salaries and wages..... | 234 | 2 | 752 |
| blind, state school for..... | 234 | 2 | 758 |
| operations..... | 234 | 2 | 758 |
| repairs and extensions..... | 234 | 2 | 763 |
| salaries and wages..... | 234 | 2 | 758 |
| budget, division of..... | 234 | 2 | 752 |
| operations..... | 234 | 2 | 752 |
| salaries and wages..... | 234 | 2 | 752 |
| building, exterior cleaning, interior alterations..... | 234 | 2 | 762 |
| capitol buildings and grounds..... | 234 | 2 | 753 |
| operations..... | 234 | 2 | 753 |
| salaries and wages..... | 234 | 2 | 753 |
| colony house and equipment western state custodial school.... | 234 | 2 | 765 |
| court costs in insanity cases (including deficiencies)..... | 234 | 2 | 767 |
| criminal cost bills (including deficiencies)..... | 234 | 2 | 767 |
| deaf, state school for..... | 244 | 2 | 788 |
| deficiency, operations..... | 234 | 2 | 770 |
| equipment and installation..... | 234 | 2 | 763 |
| operations..... | 234 | 2 | 758 |
| salaries and wages..... | 234 | 2 | 758 |
| eastern state custodial school, | | | |
| addition, remodeling, equipment..... | 234 | 2 | 763 |
| deficiency, remodeling and replacement..... | 234 | 2 | 770 |
| operations, salaries and wages..... | 234 | 2 | 758 |
| eastern state hospital..... | 244 | 2 | 788 |
| capital outlays, major repairs..... | 234 | 2 | 763 |
| deficiency, operations..... | 234 | 2 | 770 |
| operations, salaries and wages..... | 234 | 2 | 758 |
| eastern Washington college of education..... | 244 | 2 | 788 |
| food processing plants (from cannery revolving fund)..... | 234 | 2 | 753 |
| general office, | | | |
| operations..... | 234 | 2 | 752 |
| salaries and wages..... | 234 | 2 | 752 |

APPROPRIATIONS.

APPROPRIATIONS—CONTINUED:

| | Ch. | Sec. | Page |
|---|-----|------|------|
| Finance, Budget and Business, Department of, | | | |
| girls, state school for, | | | |
| operations | 234 | 2 | 758 |
| salaries and wages..... | 234 | 2 | 758 |
| governor, auditing records of state auditor..... | 196 | 14 | 576 |
| McKay memorial research hospital, | | | |
| addition, furnishing and equipment..... | 234 | 2 | 763 |
| operations | 234 | 2 | 759 |
| salaries and wages..... | 234 | 2 | 759 |
| naval and marine corps armory..... | 244 | 2 | 788 |
| northern state hospital, | | | |
| nurses' home and equipment..... | 234 | 2 | 765 |
| operations, salaries and wages..... | 234 | 2 | 759 |
| remodeling, repairs, etc..... | 234 | 2 | 763 |
| | | | 764 |
| parole, transportation and deportation..... | 234 | 2 | 753 |
| savings and loan, division of..... | 234 | 2 | 753 |
| state soldiers' home and colony..... | 234 | 2 | 759 |
| state training school, | | | |
| administration building, officers' quarters and equipment | 244 | 2 | 788 |
| operations, salaries and wages..... | 234 | 2 | 758 |
| Washington state penitentiary..... | 234 | 2 | 759 |
| deficiency, | | | |
| construction of chapel building..... | 234 | 2 | 770 |
| material for prison walls, purchase of..... | 234 | 2 | 770 |
| remodeling, etc. | 234 | 2 | 764 |
| Washington state reformatory..... | 234 | 2 | 769 |
| deficiency, purchase of land and material for prison wall | 234 | 2 | 770 |
| equipment replacement, extensions and alterations..... | 234 | 2 | 764 |
| repairs, extension, equipment..... | 234 | 2 | 764 |
| Washington veterans' home..... | 234 | 2 | 759 |
| western state custodial school..... | 234 | 2 | 759 |
| | 244 | 2 | 788 |
| colony house and equipment..... | 234 | 2 | 765 |
| from Western State Custodial School revolving fund..... | 234 | 2 | 760 |
| purchase of land, clearing, buildings, equipment..... | 234 | 2 | 764 |
| | | | 765 |
| | | | 760 |
| western state hospital | 234 | 2 | 765 |
| | 244 | 2 | 788 |
| western Washington college of education..... | 244 | 2 | 788 |
| Finance Committee, State..... | 234 | 2 | 759 |
| operations | 244 | 2 | 799 |
| Firemen's Relief and Compensation fund, Volunteer, | | | |
| awards, claim and other expense including deficiencies..... | 234 | 2 | 768 |
| Firemen's Relief and Pension funds..... | 234 | 2 | 767 |
| Fisheries Committee | 244 | 2 | 807 |
| Fisheries, Department of, | | | |
| from fisheries fund, | | | |
| biological investigation and protection of oyster reserves | 234 | 2 | 753 |
| biological research and water pollution studies..... | 234 | 2 | 753 |
| capital outlays and major repairs..... | 234 | 2 | 762 |
| legal services | 234 | 2 | 753 |
| operations | 234 | 2 | 753 |
| salaries and wages..... | 234 | 2 | 753 |
| from Lewis River Hatchery Fund..... | 234 | 2 | 762 |
| capital outlays and major repairs..... | 234 | 2 | 762 |
| Fisse, Jack, relief..... | 244 | 2 | 794 |
| Forest Board, State..... | 234 | 2 | 759 |
| deficiency, operations | 234 | 2 | 770 |

APPROPRIATIONS.

APPROPRIATIONS—CONTINUED:

| | Ch. | Sec. | Page |
|--|-----|------|------|
| Forest Reserve Fund, | | | |
| distribution of money received from Federal government.... | 234 | 2 | 768 |
| from Forest reserve fund, | | | |
| deficiency | 244 | 2 | 800 |
| distribution of funds from Federal government..... | 244 | 2 | 800 |
| Forsberg, C. E., relief..... | 244 | 2 | 792 |
| Franklin County, | | | |
| secondary highway allocation..... | 246 | 3 | 822 |
| treasurer, | | | |
| L. I. D. assessments..... | 244 | 2 | 801 |
| Franklin county irrigation district No. 1..... | 244 | 2 | 801 |
| general taxes escheat No. 220-a..... | 244 | 2 | 801 |
| Game Department, State, | | | |
| bounties on predatory animals..... | 234 | 2 | 753 |
| deficiency | 244 | 2 | 800 |
| capital outlays and major repairs..... | 234 | 2 | 763 |
| legal services | 234 | 2 | 753 |
| operations | 234 | 2 | 753 |
| salaries and wages..... | 234 | 2 | 753 |
| wild life restoration..... | 234 | 2 | 754 |
| Garfield County, | | | |
| secondary highway allocation..... | 246 | 3 | 822 |
| Garfield Transfer Co., relief..... | 244 | 2 | 795 |
| Garren Lumber Co., relief..... | 244 | 2 | 790 |
| General, | | | |
| capital outlay, defined..... | 234 | 2 | 744 |
| operations, defined | 234 | 2 | 744 |
| salaries and wages, defined..... | 234 | 2 | 744 |
| General Insurance Co. of America, relief..... | 244 | 2 | 793 |
| Governor, | | | |
| extradition expense..... | 234 | 2 | 745 |
| investigation and emergency..... | 234 | 2 | 745 |
| mansion | 234 | 2 | 745 |
| salaries, wages and operations..... | 234 | 2 | 745 |
| Grand Army of the Republic, Ladies of, home at Puyallup..... | 244 | 2 | 799 |
| Grant County, | | | |
| secondary highway allocation..... | 246 | 3 | 822 |
| treasurer, L. I. D. assessments..... | 244 | 2 | 801 |
| Grant, James E., relief..... | 244 | 2 | 794 |
| Grants in aid to needy school districts..... | 223 | 5 | 706 |
| Grays Harbor County, | | | |
| secondary highway allocation..... | 246 | 3 | 822 |
| treasurer, relief | 244 | 2 | 796 |
| Great Northern Railway Co., judgment..... | 244 | 2 | 798 |
| Great Northern Railway Co., relief..... | 244 | 2 | 794 |
| Hampton, Harry N., services..... | 244 | 2 | 807 |
| Harbor Improvement Fund, from | | | |
| distribution | 234 | 2 | 768 |
| Health, State Department of, | | | |
| county public health work..... | 234 | 2 | 754 |
| crippled children | 234 | 2 | 754 |
| deficiencies, | | | |
| limited to amount of Federal aid..... | 244 | 2 | 799 |
| operations | 234 | 2 | 754 |
| public health work..... | 234 | 2 | 754 |
| salaries and wages..... | 234 | 2 | 754 |
| stream pollution studies..... | 234 | 2 | 754 |
| Healy, Mrs. Millie, relief..... | 244 | 2 | 790 |
| Hidden Treasure Mining Co., relief..... | 244 | 2 | 790 |

APPROPRIATIONS.

APPROPRIATIONS--CONTINUED:

| | Ch. | Sec. | Page |
|--|-----|------|-------|
| Highways, State Department of, administration Federal Aid Road Act..... | 250 | 6 | { 851 |
| | | | { 852 |
| | | | { 849 |
| allocation to primary highways..... | 250 | 2 | { 850 |
| | | | { 851 |
| capital outlay | 250 | 13 | { 853 |
| | | | { 854 |
| capital outlay vehicle safety inspection..... | 250 | 14 | 854 |
| cities and towns allocation, highway fund..... | 250 | 11 | 853 |
| counties, | | | |
| road allocation, highway fund..... | 250 | 12 | 853 |
| road reappropriation and allocation..... | 250 | 16 | 854 |
| equipment fund | 250 | 7 | 852 |
| expenditures authorized for highway purposes..... | 246 | 1 | { 821 |
| | | | { 822 |
| ferry service Tacoma Narrows, emergency..... | 250 | 17 | 855 |
| from motor vehicle fund, | | | |
| deficiency, purchase of ferries and reconstruction of | | | |
| terminal facilities | 234 | 2 | 769 |
| legal services and office rent..... | 250 | 18 | 855 |
| location and construction of, | | | |
| primary highways and bridges..... | 250 | 2 | { 848 |
| | | | { 849 |
| mine to market roads..... | 250 | 15 | 854 |
| national defense roads..... | 250 | 19 | { 855 |
| | | | { 856 |
| primary highways and bridges, location and construction.... | 250 | 2 | { 848 |
| | | | { 849 |
| relief | 244 | 2 | 796 |
| Bremerton Toll Bridge, repair of..... | 244 | 2 | 796 |
| salaries, wages, office operation..... | 250 | { 1 | 848 |
| | | { 18 | 855 |
| reappropriation | 250 | 18 | 855 |
| supervision of work in cities and counties..... | 250 | 10 | 852 |
| traffic control | 250 | 8 | 852 |
| vehicle safety inspection..... | 250 | 9 | 852 |
| Hoefel, Emil, relief..... | 244 | 2 | 808 |
| Inland Empire Refineries, Inc., judgment..... | 244 | 2 | 798 |
| Insect control and eradication..... | 11 | 2 | 24 |
| Insurance Commissioner, State, | | | |
| operations | 234 | 2 | 747 |
| salaries and wages..... | 234 | 2 | 747 |
| Island County, | | | |
| secondary highway allocation..... | 246 | 3 | 822 |
| Jacox, Ruby; Hagen, Arthur and Rapid Transfer Co., relief..... | 244 | 2 | 794 |
| Jefferson County, | | | |
| secondary highway allocation..... | 246 | 3 | 822 |
| Johns, Leona M., estate, relief..... | 244 | 2 | 808 |
| Johnson, John E., relief..... | 244 | 2 | 790 |
| Jones, O. B., judgment..... | 244 | 2 | 797 |
| Joy Service Station, relief..... | 244 | 2 | 792 |
| Judges' retirement fund..... | 234 | 2 | 748 |
| Judicial council | 234 | 2 | 747 |
| deficiency, operations | 234 | 2 | 769 |
| Junior colleges | 146 | 12 | 414 |
| Kassa, Clayton F., relief..... | 244 | 2 | 794 |
| Kaufman, Otto, relief..... | 244 | 2 | 791 |
| King County, | | | |
| secondary highway allocation..... | 246 | 3 | 822 |

APPROPRIATIONS.

APPROPRIATIONS—CONTINUED:

| King County, treasurer, | Ch. | Sec. | Page |
|---|-----|------|--------------------------|
| L. I. D. assessments..... | 244 | 2 | 801 802 804 800 |
| relief | 244 | 2 | 790 |
| Kirkland Cold Storage Lockers, relief..... | 244 | 2 | 792 |
| Kirkland Cooperative Society, relief..... | 244 | 2 | 790 |
| Kitsap County, secondary highway allocation..... | 246 | 3 | 822 |
| Kittitas County, secondary highway allocation..... | 246 | 3 | 822 |
| treasurer, L. I. D. assessments..... | 244 | 2 | 802 |
| relief, delinquent taxes on state owned land..... | 244 | 2 | 791 |
| Klickitat County, secondary highway allocation..... | 246 | 3 | 822 |
| treasurer, L. I. D. assessments..... | 244 | 2 | 802 |
| Koch, John, relief..... | 244 | 2 | 792 |
| Labor and Industries, Department of, claims and awards, deficiencies..... | 244 | 2 | 806 |
| electrical licensing | 244 | 2 | 807 |
| from accident fund, appeal costs | 234 | 2 | 755 |
| claims and awards..... | 234 | 2 | 755 |
| legal services | 234 | 2 | 755 |
| from medical aid fund, appeal costs | 234 | 2 | 754 |
| legal services | 234 | 2 | 754 |
| medical examination division..... | 234 | 2 | 755 |
| operations | 234 | 2 | 754 |
| safety division | 234 | 2 | 754 |
| salaries and wages..... | 234 | 2 | 754 |
| operations | 234 | 2 | 754 |
| safety division | 234 | 2 | 754 |
| salaries and wages..... | 234 | 2 | 754 |
| salaries, wages and operations..... | 244 | 2 | 807 |
| Ladies of G. A. R. home at Puyallup..... | 244 | 2 | 799 |
| Leao, Harry, relief..... | 244 | 2 | 796 |
| Legislative, expenses | 2 | 1 | 13 |
| printing, indexing, etc., public documents..... | 14 | 1 | 27 |
| printing | 244 | 2 | 799 |
| printing | 3 | 1 | 14 |
| subsistence expense | 4 | 1 | 14 |
| Lewis, Clair, judgment..... | 244 | 2 | 797 |
| Lewis County, secondary highway allocation..... | 246 | 3 | 822 |
| Licenses, State Department of, from highway safety fund, highway safety division..... | 234 | 2 | 755 |
| legal services | 234 | 2 | 755 |
| motor vehicle safety responsibility division..... | 234 | 2 | 755 |
| from motor vehicle fund, auditing fuel oil and gas tax collection..... | 234 | 2 | 755 |
| contributions to general fund for office rent..... | 234 | 2 | 755 |
| legal services | 234 | 2 | 755 |
| liquid fuel tax refunds..... | 234 | 2 | 755 |
| operations | 234 | 2 | 755 |
| salaries and wages..... | 234 | 2 | 755 |

APPROPRIATIONS.

APPROPRIATIONS—CONTINUED:

| | Ch. | Sec. | Page |
|---|-----|------|------|
| Pacific County, | | | |
| secondary highway allocation..... | 246 | 3 | 873 |
| Pacific Fruit and Produce Co., Inc., relief..... | 244 | 2 | 700 |
| Pacific National Lumber Co., relief..... | 244 | 2 | 705 |
| Pacific Telephone and Telegraph Co., relief..... | 244 | 2 | 793 |
| Parks Committee, State, | | | |
| from parks and parkway fund..... | 234 | 2 | 750 |
| Millersylvania Park (from Millersylvania park current fund) | 234 | 2 | 750 |
| Pear psylla, control and eradication..... | 11 | 2 | 24 |
| Penal institutions, committee to investigate..... | 244 | 2 | 807 |
| Pend Oreille County, | | | |
| secondary highway allocation..... | 246 | 3 | 823 |
| treasurer, L. I. D. assessments..... | 244 | 2 | 802 |
| Perry, Ezma C., relief..... | 244 | 2 | 791 |
| Peterson, Anna Augusta, relief..... | 244 | 2 | 791 |
| Pharmacy, State Board of..... | 234 | 2 | 749 |
| Pierce County, | | | |
| secondary highway allocation..... | 246 | 3 | 823 |
| treasurer, L. I. D. assessment..... | 244 | 2 | 804 |
| | | | 806 |
| Pilotage Commissioners, State Board of, | | | |
| from Puget Sound Pilotage fund..... | 234 | 2 | 749 |
| Planning Council, State, | | | |
| research for developing industry..... | 244 | 2 | 799 |
| limited to allocations by governor..... | 244 | 2 | 799 |
| Plant disease, control and eradication..... | 11 | 2 | 24 |
| Poff, Roy L., relief..... | 244 | 2 | 793 |
| Porter Distributing Co., relief..... | 244 | 2 | 791 |
| Postal Telegraph-Cable Co., relief..... | 244 | 2 | 795 |
| Primary highways, | | | |
| emergencies, damages | 250 | 5 | 851 |
| federal aid road act..... | 250 | 6 | 852 |
| highways and bridges..... | 250 | 2 | 848 |
| | | | 849 |
| location and construction of..... | 250 | 2 | 848 |
| | | | 849 |
| maintenance of road signs, bridges and ferries..... | 250 | 3 | 851 |
| special maintenance and contingencies..... | 250 | 4 | 851 |
| Primary state highways, allocations, | | | |
| No. 1 | 250 | 2 | 849 |
| No. 2 | 250 | 2 | 849 |
| No. 5 | 250 | 2 | 849 |
| | | | 850 |
| No. 7 | 250 | 2 | 850 |
| No. 8 | 250 | 2 | 850 |
| No. 9 | 250 | 2 | 850 |
| No. 14 | 250 | 2 | 850 |
| No. 17 | 250 | 2 | 850 |
| Prison Terms and Paroles, State Board of, | | | |
| operations | 234 | 2 | 749 |
| salaries and wages..... | 234 | 2 | 749 |
| Providence Hospital, relief..... | 244 | 2 | 791 |
| Provision of sec. 4935 Rem. Comp. Stat., to carry out, | | | |
| from current school fund..... | 234 | 2 | 767 |
| Public Instruction, Superintendent of, | | | |
| from current school fund..... | 234 | 2 | 747 |
| operations | 234 | 2 | 747 |
| salaries | 234 | 2 | 747 |
| legal services | 234 | 2 | 747 |
| publications | 234 | 2 | 747 |

APPROPRIATIONS.

APPROPRIATIONS—CONTINUED:

| | Ch. | Sec. | Page |
|---|-----|------|------------------|
| Public Lands, Commissioner of, | | | |
| appraisal of property, U. S. national park lands..... | 234 | 2 | 747 |
| audit by division of budget..... | 234 | 2 | 747 |
| operations | 234 | 2 | 747 |
| salaries and wages..... | 234 | 2 | 747 |
| survey of tidelands in Clark county..... | 244 | 2 | 799 |
| Public Service, Department of, | | | |
| from public service revolving fund..... | 234 | 2 | 756 |
| office rent | 244 | 2 | 806 |
| Pullman city treasurer, L. I. D. assessments..... | 244 | 2 | 801 |
| Purdin, Lynn, relief..... | 244 | 2 | 791 |
| Purdy, George A., judgment..... | 244 | 2 | 797 |
| Purpose | 244 | 2 | 767 |
| Quarterly estimates | 196 | 9 | 573 |
| departments exempt | 196 | 9 | 573 |
| factors governing revision..... | 196 | 10 | 574 |
| revision by governor..... | 196 | 9 | 573 |
| Radcliffe Co., C. A., relief..... | 244 | 2 | 791 |
| Railway Express Agency, relief..... | 244 | 2 | 793 |
| Raudenbush Motor Supply, relief..... | 244 | 2 | 790 |
| Records to be kept by offices..... | 196 | 13 | 575 |
| Relief of individual firms and corporations..... | 244 | 2 | 789 to 796 |
| Reorganization of School District Act..... | 246 | 18 | 846 |
| Rice, D. M., relief..... | 244 | 2 | 791 |
| Richfield Oil Corporation, judgment..... | 244 | 2 | 798 |
| San Juan Fishing and Packing Co., relief..... | 244 | 1 | 789 |
| San Juan Islands, transportation needs..... | 239 | 4 | 777 |
| Sater, P. S., judgment..... | 244 | 2 | 798 |
| School districts, | | | |
| grants in aid to..... | 223 | 5 | 706 |
| temporary relief for needy..... | 241 | 2 | 782 |
| Scrip books | 244 | 1 | 787 |
| Seattle city treasurer, L. I. D. assessments..... | 244 | 2 | 803 |
| Secondary highways, | | | |
| allocation as to counties..... | 246 | 3 | 822 823 |
| amount of expenditures authorized..... | 246 | 2 | 822 |
| discretion of director of highways..... | 246 | 4 | 823 |
| emergencies, damages | 246 | 9 | 832 |
| excess allocation used at..... | 246 | 4 | 823 |
| joint county projects..... | 246 | 4 | 823 |
| location, construction, maintenance..... | 246 | 3 | 822 |
| maintenance road signs, bridges, ferries, etc..... | 246 | 7 | 831 |
| proportionate allocation on..... | 246 | 4 | 823 |
| road signs, bridges, ferries, etc., maintenance..... | 246 | 7 | 831 |
| special maintenance and contingencies..... | 246 | 8 | 831 |
| Secretary of State, | | | |
| bureau of statistics and immigration, | | | |
| operations, salaries, wages..... | 234 | 2 | 745 |
| deficiency, initiative, referendum and constitutional amend- ments | 234 | 2 | 769 |
| initiative and referendum..... | 234 | 2 | 745 |
| operations | 234 | 2 | 745 |
| salaries and wages..... | 234 | 2 | 745 |
| Session Laws, 1941, temporary publication..... | 62 | 1 | 154 |
| Skagit County, | | | |
| secondary highway allocation..... | 246 | 3 | 823 |
| treasurer, L. I. D. assessments..... | 244 | 2 | 802 |

APPROPRIATIONS.

APPROPRIATIONS—CONTINUED:

| | Ch. | Sec. | Page |
|---|-----|------|-------|
| Skamania County, | | | |
| secondary highway allocation..... | 246 | 3 | 823 |
| Smith, Paul, judgment..... | 244 | 2 | 798 |
| Snohomish County, | | | |
| secondary highway allocation..... | 246 | 3 | 823 |
| treasurer, | | | |
| L. I. D. assessments..... | 244 | 2 | 802 |
| relief | 244 | 2 | 796 |
| Social Security, | | | |
| claims and judgments under minimum wage law, | | | |
| deficiency | 244 | 2 | 800 |
| general supervision | 234 | 2 | 756 |
| grants-in-aid, | | | |
| reappropriation | 244 | 2 | { 788 |
| | | | } 789 |
| legal services | 234 | 2 | 756 |
| old age assistance, deficiency..... | 244 | 2 | 807 |
| previous biennium, relief..... | 244 | 2 | 790 |
| programs, administration of various..... | 234 | 2 | { 756 |
| | | | } 757 |
| purchase of commodity stamps..... | 244 | 2 | 799 |
| supplies and services, relief..... | 244 | 2 | 790 |
| Spokane city treasurer, L. I. D. assessments..... | 244 | 2 | 803 |
| Spokane County, | | | |
| for road fund..... | 247 | 1 | 832 |
| secondary highway allocation..... | 246 | 3 | 823 |
| Standard Oil Co..... | 244 | 2 | 789 |
| State Board for Certification of Librarians..... | 234 | 2 | 748 |
| State Capitol Committee, | | | |
| deficiency, rehabilitation of boulevard lighting system..... | 234 | 2 | 770 |
| Des Chutes water basin improvement, reappropriation..... | 244 | 2 | 769 |
| from capitol building fund, construction transportation build- ing, deficiency | 234 | 2 | 769 |
| Martin, Clarence D., portrait..... | 234 | 2 | 762 |
| portrait of Clarence D. Martin..... | 234 | 2 | 762 |
| State College of Washington, | | | |
| capital outlays, major repairs and betterments..... | 234 | 2 | 765 |
| from college fund..... | 234 | 2 | 765 |
| from general fund..... | 234 | 2 | 765 |
| mechanical and electrical engineering shops..... | 234 | 2 | 765 |
| veterinary classroom, building and clinic..... | 234 | 2 | 765 |
| State Law Library, operations, salaries and wages..... | 234 | 2 | 747 |
| State Library, operations, salaries and wages..... | 234 | 2 | 747 |
| State Parks Committee..... | 234 | 2 | 762 |
| purchase of land for park site, reappropriation..... | 244 | 2 | 789 |
| purchase or condemnation of real estate in San Juan county, reappropriation | 244 | 2 | 789 |
| supplies and services for previous biennium, relief..... | 244 | 2 | 796 |
| State Patrol, supplies and services previous biennium..... | 244 | 2 | 793 |
| State School for Deaf, capital outlay, major repairs and better- ments | 244 | 2 | 788 |
| State Teachers' Retirement System, Board of Trustees, | | | |
| from teachers' retirement fund, | | | |
| deficiency, operations, salaries, wages..... | 234 | 2 | 769 |
| State Training School, | | | |
| administration building, officers' quarters and equipment.... | 244 | 2 | 788 |
| Stevens County, | | | |
| secondary highway allocation..... | 246 | 3 | 823 |
| Stevens, Richard E., relief..... | 244 | 2 | 795 |
| Stowell, Ernest P., relief..... | 244 | 2 | 791 |
| Strom, Sam, relief..... | 244 | 2 | 792 |

APPROPRIATIONS.

APPROPRIATIONS—CONTINUED:

| | Ch. | Sec. | Page |
|--|-----|------|------|
| Sturgill, W. H., relief..... | 244 | 2 | 705 |
| Subsistence and lodging of officials..... | 244 | 1 | 787 |
| Superior court judges..... | 234 | 2 | 747 |
| Superior Court Judges, Association of..... | 234 | 2 | 748 |
| Supplemental appropriations (see APPROPRIATIONS)..... | 244 | 1 | 786 |
| Supreme court judges..... | 234 | 2 | 747 |
| Tacoma City Treasurer, L. I. D. assessments..... | 244 | 2 | 803 |
| Tacoma Narrows Ferry Service..... | 9 | 3 | 22 |
| Tax Commission, | | | |
| administration Revenue Act..... | 234 | 2 | 758 |
| administration S. B. 224..... | 244 | 2 | 807 |
| county clerks, deficiency fees due..... | 244 | 2 | 787 |
| deficiency, | | | |
| defending suits brought by railroad companies, | | | |
| operations, salaries, wages..... | 234 | 2 | 771 |
| fees due county clerks..... | 244 | 2 | 707 |
| inheritance tax and escheat division..... | 234 | 2 | 758 |
| refunds..... | 234 | 2 | 758 |
| tax token purchase..... | 244 | 2 | 807 |
| Taylor, A. R., relief..... | 244 | 2 | 705 |
| Teachers' Retirement, Board of, | | | |
| from teachers' retirement fund..... | 234 | 2 | 750 |
| Teachers' Retirement System, State, | | | |
| from teachers' retirement fund, | | | |
| deficiency..... | 244 | 2 | 800 |
| operations, salaries, wages..... | 234 | 2 | 760 |
| Temple of Justice (from Capitol Building Construction fund)... | 234 | 2 | 750 |
| Thompson, Mrs. J. W., relief..... | 244 | 2 | 791 |
| Thurston County, | | | |
| grand jury expense..... | 244 | 2 | 709 |
| | | | 802 |
| L. I. D. assessments..... | 244 | 2 | 804 |
| | | | 806 |
| secondary highway allocation..... | 246 | 3 | 823 |
| Traffic control, operation..... | 250 | 8 | 852 |
| Transfers to, | | | |
| cannery revolving fund..... | 234 | 2 | 768 |
| employment service account..... | 234 | 2 | 768 |
| state teachers' pension reserve fund..... | 234 | 2 | 768 |
| state teachers' retirement fund..... | 234 | 2 | 768 |
| Treasurer, State, | | | |
| from fisheries fund, operations, salaries, wages..... | 234 | 2 | 746 |
| from motor vehicle fund, operations, salaries, wages..... | 234 | 2 | 746 |
| operations, salaries, wages..... | 234 | 2 | 745 |
| Tuberculosis Hospitals (including deficiencies)..... | 234 | 2 | 708 |
| Tutewiler, A. N., et al., judgment..... | 244 | 2 | 797 |
| Unemployment and Placement, | | | |
| from employment service account..... | 234 | 2 | 758 |
| Uniform Law Commission..... | 234 | 2 | 747 |
| Union Oil Co., relief..... | 244 | 2 | 793 |
| Union Pacific Stages, Inc., relief..... | 244 | 2 | 795 |
| University of Washington..... | 234 | 2 | 760 |
| from University of Washington fund, | | | |
| construction and equipment new recreation building.... | 234 | 2 | 765 |
| recreation building, construction and equipment..... | 234 | 2 | 765 |
| relief, | | | |
| printing supplies furnished department of health pre- | | | |
| vious biennium..... | 244 | 2 | 791 |
| Utility Cartage, Inc., relief..... | 244 | 2 | 790 |
| Van Klippen, Pearl, relief..... | 244 | 2 | 795 |

APPROPRIATIONS.

| APPROPRIATIONS—CONTINUED: | Ch. | Sec. | Page |
|--|--------------|------|--------------|
| Vehicle Safety Inspection..... | 250 | 9 | 852 |
| capital outlay and operation..... | 250 | 14 | 854 |
| Veterans, disabled world war, rehabilitation, entire appropriation to be used for..... | 59 | 2 | 150 |
| relief | 59 | 1 | 150 |
| Vocational Education, State Board of..... | 234 | 2 | { 748 749 |
| Volunteer Firemen's Relief and Compensation Fund, awards, claims and other expense (including deficiencies).... | 234 | 2 | 768 |
| Vouchers, certification of..... | 100 | 11 | 574 |
| Wahkiakum County, secondary highway allocation..... | 246 | 3 | 823 |
| treasurer, L. I. D. assessments..... | 244 | 2 | 802 |
| Walla Walla County, secondary highway allocation..... | 246 | 3 | 823 |
| treasurer, L. I. D. assessments..... | 244 | 2 | 802 |
| Walla Walla Dairymen's Association, relief..... | 244 | 2 | 789 |
| Ward, George W., relief..... | 244 | 2 | 795 |
| Washington State College, operations, salaries and wages..... | 234 | 2 | 760 |
| Washington State Defense Council..... | 177 | 6 | 479 |
| Washington State Fair..... | 234 | 2 | 762 |
| Washington State Historical Society, furniture and equipment..... | 234 | 2 | 767 |
| operations, salaries and wages..... | 234 | 2 | 768 |
| Washington State Patrol, from highway safety fund..... | 234 | 2 | 757 |
| deficiency, purchase of land..... | 234 | 2 | 769 |
| Washington State Planning Council..... | 234 | 2 | 750 |
| Washington State Progress Commission..... | 234 | 2 | 750 |
| Washington Water Power Co., relief..... | 244 | 2 | 793 |
| Western State Custodial School, capital outlays, farm buildings and equipment..... | 244 | 2 | 788 |
| Western State Hospital, capital outlays, major repairs and betterments..... | 244 | 2 | 788 |
| Western Washington College of Education..... | { 234 244 | 2 | 761 |
| capital outlays, major repairs and betterments, reappropriation | 244 | 2 | 788 |
| heating plant and equipment..... | 234 | 2 | 766 |
| landscaping, new roads and sidewalks..... | 234 | 2 | 766 |
| repairs and extension, heat, light and water equipment..... | 234 | 2 | 760 |
| repairs, building and equipment..... | 234 | 2 | 766 |
| sprinkler system, underground..... | 234 | 2 | 766 |
| training school, building and equipment completion..... | 234 | 2 | 766 |
| Weyerhaeuser Timber Co., judgment..... | 244 | 2 | { 797 798 |
| Whaley, George R., relief..... | 244 | 2 | 792 |
| Whatecom County, secondary highway allocation..... | 240 | 3 | 823 |
| treasurer, L. I. D. assessments..... | 244 | 2 | 802 |
| White, H. H., judgment..... | 244 | 2 | 798 |
| Whitman County, secondary highway allocation..... | 246 | 3 | 823 |
| Wilson, Hon. John M., relief..... | 244 | 2 | 791 |
| Wright, Hon. D. F., relief..... | 244 | 2 | 792 |

ATTORNEY GENERAL.

APPROPRIATIONS—CONTINUED:

| | Ch. | Sec. | Page |
|---|-----|---------|------|
| Yakima County, | | | |
| secondary highway allocation..... | 246 | 3 | 823 |
| treasurer, | | | |
| L. I. D. assessments..... | 244 | 2 | 802 |
| relief | 244 | 2 | 804 |
| relief | 244 | 2 | 806 |
| relief | 244 | 2 | 796 |
| Yakima Frozen Food Lockers, Inc., relief..... | 244 | 2 | 792 |
| Zwys, Peter, relief..... | 244 | 2 | 795 |
| ARCHAEOLOGY: | | | |
| Destruction of specimens, gross misdemeanor..... | 216 | 1 | 678 |
| Examination and removal of specimens..... | 216 | 2 | 678 |
| ARMORY: | | | |
| Naval & Marine Corps Reserve at Tacoma, | | | |
| appropriation | 236 | 1 | 773 |
| ARMY: | | | |
| County property, | | | |
| conveyance to U. S. for defense purposes..... | 227 | 1 | 711 |
| legislative consent given..... | 227 | 4 | 713 |
| resolution of county commissioners..... | 227 | 3 | 713 |
| Draftees, restoration of former employment..... | 201 | 1 | 592 |
| enforcement of restoration..... | 201 | 4 | 594 |
| seniority rights unaffected..... | 201 | 3 | 593 |
| unemployment compensation | 201 | 6 | 594 |
| Elective officials, leave of absence..... | 201 | 2 | 593 |
| vacancy, how filled..... | 201 | 2 | 593 |
| Unemployment compensation | 201 | 6 | 594 |
| ASOTIN COUNTY: | | | |
| Secondary Highway Allocation..... | 246 | 3 | 822 |
| ASSESSMENTS: | | | |
| Delinquent, Irrigation districts, | | | |
| lands sold for, | | | |
| redemption | 172 | 1 | 469 |
| Irrigation Districts (see IRRIGATION DISTRICTS). | | | |
| Local Improvement Districts..... | 90 | 1 | 219 |
| | | | 220 |
| Reimbursements, | | | |
| Aurora Avenue assessment payers..... | 232 | 1 | 740 |
| Bellingham, city of, assessment payers..... | 232 | 1 | 741 |
| ASSIGNMENTS: | | | |
| Subject to small loan act, when..... | 208 | 16 | 620 |
| ATHLETIC CONTESTS: | | | |
| Fraud in | 181 | 1 | 517 |
| ATTORNEY GENERAL: | | | |
| Appropriations, | | | |
| Indexing Session Laws, | | | |
| operations | | | |
| printing | 234 | 2 | 746 |
| salaries and wages..... | | | |
| Audit of state administration, | | | |
| prosecution for mal, mis, or nonfeasance..... | 196 | 5 | 571 |
| Charitable trusts, service of documents..... | 279 | 22 | 724 |
| Deficiency, appropriation printing annual report..... | 244 | 2 | 798 |
| Duties, representation of departments, generally..... | 50 | 1, 2, 3 | 116 |
| | | | 117 |
| exception | 50 | 1 | 116 |

ATTORNEY GENERAL.

ATTORNEY GENERAL—CONTINUED:

| | Ch. | Sec. | Page |
|--|-----|------|------|
| Election laws, codification of, advanced, to legislators..... | 100 | 1 | 261 |
| completed, | | | |
| recommendations | 100 | 3 | 262 |
| suggestions | 100 | 3 | 262 |
| revision by | 100 | 1 | 261 |
| advise and consult with Secretary State..... | 100 | 2 | 262 |
| copies of, submit to Legislature..... | 100 | 1 | 261 |
| Partial invalidity of act..... | 50 | 5 | 117 |
| Powers additional | 50 | 1 | 116 |
| appointees, compensation | 50 | 1 | 117 |
| enumerated | 50 | 2-3 | 117 |
| exceptions | 50 | 2-4 | 117 |
| experts, employment of..... | 50 | 3 | 117 |
| Public Service Code, to assist in drafting..... | 93 | 1 | 226 |
| Real Estate Director, legal adviser for..... | 252 | 9 | 860 |
| Selective service act, restoration to employment, enforcement of..... | 201 | 4 | 594 |
| State Teachers' Retirement System, ex-officio legal adviser of board of trustees..... | 97 | 2 | 238 |
| Use Fuel Tax Act, court action, when..... | 127 | 15 | 370 |
| Washington State Seed Law, court action, when..... | 56 | 32 | 144 |
| ATTORNEYS: | | | |
| Special for Grand Jury, compensation | 158 | 1 | 436 |
| duties, not subject to prosecuting attorney..... | 158 | 1 | 436 |
| AUDIT OF STATE DEPARTMENTS: | | | |
| Division of departmental audits, created..... | 196 | 2 | 570 |
| duties | 196 | 3 | 570 |
| powers | 196 | 5 | 570 |
| subpoenas, issuance of..... | 196 | 5 | 570 |
| Post-audit, defined | 196 | 1 | 569 |
| Post-audit to be made, when..... | 196 | 3 | 570 |
| expense of | 196 | 4 | 570 |
| procedure | 196 | 5 | 570 |
| state auditor to make..... | 196 | 3 | 570 |
| Pre-audit defined | 196 | 1 | 569 |
| State departments defined | 196 | 1 | 569 |
| AUDITOR, STATE: | | | |
| Appropriations (see APPROPRIATIONS). | | | |
| Appropriations, division of departmental audits..... | 196 | 14 | 576 |
| Audit of office records..... | 196 | 6 | 571 |
| Audits, Division of Departmental, appropriations..... | 244 | 2 | 306 |
| Audits, Division of Departmental, created..... | 196 | 2 | 570 |
| duties | 196 | 3 | 570 |
| powers | 196 | 5 | 570 |
| State Teachers' Retirement System—ex-officio Auditor, Board of Directors | 97 | 2 | 238 |
| AURORA AVENUE, SEATTLE: | | | |
| Reimbursement to assessment payers..... | 232 | 1 | 740 |
| AUTOMOBILE (see MOTOR VEHICLES). | | | |
| BANG'S DISEASE: | | | |
| Animals, indemnities for, when..... | 61 | 1 | 152 |

BANKS AND BANKING.

| | Ch. | Sec. | Page |
|--|-----|------|------|
| BANKING, STATE SUPERVISOR OF: | | | |
| Debt, to fix value when..... | 15 | 1 | 30 |
| Industrial loan companies, | | | |
| branches, to be approved by..... | 10 | 3 | 44 |
| capital stock reduction, to be approved by..... | 10 | 2 | 43 |
| examination of condition, a duty..... | 10 | 6 | 47 |
| rules and regulations, to make covering..... | 10 | 6 | 47 |
| Small loan act, administration of..... | 208 | 1 | 609 |
| license applications, investigation..... | 208 | 4 | 611 |
| orders, appeal from and trial..... | 208 | 23 | 622 |
| records and reports of companies..... | 208 | 23 | 622 |
| revocation of license..... | 208 | 9 | 614 |
| rules and regulations, promulgation..... | 208 | 20 | 621 |
| statistics, collection of..... | 208 | 24 | 623 |
| violations, investigation of..... | 208 | 10 | 615 |
| Supervision of bookkeeping methods and records of banks..... | 15 | 1 | 29 |
| assets, bank..... | 15 | 1 | 29 |
| disallow, when..... | 15 | 1 | 29 |
| value, to fix, when..... | 15 | 1 | 30 |
| BANKRUPTCY: | | | |
| Funds, | | | |
| bank or trust companies may pledge assets to qualify as de- pository for..... | 38 | 1 | 71 |
| BANKS AND BANKING: | | | |
| Accounting—actual facts..... | 15 | 1 | 28 |
| Appraisals—within six months..... | 15 | 1 | 29 |
| Assets, disallowed by supervisor of banking, not to be carried.... | 15 | 1 | 29 |
| Deposit, limitation of, withdrawal required, when..... | 15 | 2 | 30 |
| Mutual Savings, | | | |
| amendments..... | 15 | 1 | 28 |
| funds—investment of..... | 15 | 6 | 34 |
| limitation by other law not to apply..... | 15 | 6 | 34 |
| loans insurable by F. H. A..... | 15 | 6 | 34 |
| secured by U. S. contract..... | 15 | 6 | 34 |
| mortgages insurable by F. H. A..... | 15 | 6 | 34 |
| other loans insured or guaranteed by U. S. or agency | 15 | 6 | 34 |
| National Mortgage Ass'n, obligations..... | 15 | 6 | 34 |
| funds—investment of, in municipal obligations, valid public | | | |
| utility bonds..... | 15 | 7 | 35 |
| funds—investment of in revenue bonds, when..... | 15 | 8 | 35 |
| limitation..... | 15 | 8 | 35 |
| Property—carried at actual cost..... | 15 | 1 | 29 |
| Real estate..... | 15 | 1 | 29 |
| Saving, | | | |
| bonds—entered at actual cost..... | 15 | 1 | 28 |
| dividends available..... | 15 | 4 | 33 |
| earnings, | | | |
| gross..... | 15 | 3 | 31 |
| books to be closed when..... | 15 | 3 | 31 |
| Items included..... | 15 | 3 | 31 |
| net, | | | |
| Items deducted..... | 15 | 3 | 32 |
| guaranty fund..... | 15 | 4 | 32 |
| guaranty fund computed on total..... | 15 | 4 | 33 |
| mortgages, entered at actual cost, period to be carried..... | 15 | 1 | 28 |
| notes, entered at actual cost, period to be carried..... | 15 | 1 | 28 |
| obligations, interest bearing, entered at actual cost..... | 15 | 1 | 28 |
| period to be carried..... | 15 | 1 | 28 |

BANKS AND BANKING.

BANKS AND BANKING—CONTINUED:

| | Ch. | Sec. | Page |
|---|-----|-------|------|
| Savings, trustees, | | | |
| financial condition determined by semi-annually..... | 15 | 5 | 33 |
| report of examination..... | 15 | 5 | 33 |
| Savings and Loan Associations, | | | |
| cash or deposits on hand, minimum..... | 222 | 3 | 696 |
| operating expenses, limitation..... | 222 | 5 | 703 |
| Small Loan Act..... | 207 | | 609 |
| certain banks, etc., not covered..... | 208 | 19 | 621 |
| Supervisor of banking to supervise bookkeeping methods and records | 15 | 1 | 29 |
| Tax, business and occupation..... | 178 | 6 | 489 |
| exemption | 178 | 6 | 489 |
| BANKS AND TRUST COMPANIES: | | | |
| Amendments | 16 | 1 | 36 |
| Assets of trust liable..... | 16 | 1 | 37 |
| stock, pledges of, liable..... | 16 | 1 | 37 |
| Assets, may pledge to qualify as depository for bankruptcy funds | 38 | 1 | 71 |
| Debts and obligations, | | | |
| insurance, to be furnished..... | 16 | 1 | 38 |
| liability, termination of notice published..... | 16 | 1 | 38 |
| Liability, | | | |
| additional, | | | |
| insurance to be furnished..... | 16 | 1 | 38 |
| not imposed, when..... | 16 | 1 | 37 |
| termination of notice published..... | 16 | 1 | 38 |
| Shareholders, | | | |
| liability of | 16 | 1 | 36 |
| exceptions | 16 | 1 | 37 |
| Stockholders, | | | |
| liability of | 16 | 1 | 36 |
| BATTLESHIP WASHINGTON, GIFT: | | | |
| Silver service, engraving, etc..... | 244 | 2 | 799 |
| BEER: | | | |
| Retailer's license, | | | |
| designation and fees..... | 220 | 1 | 690 |
| | 220 | 2 | 691 |
| BEES (see APICULTURE). | | | |
| BELL, HON. RALPH C.—relief..... | 244 | 2 | 790 |
| BELLINGHAM, CITY OF: | | | |
| Appropriations | 232 | 1 | 741 |
| | 244 | 2 | 803 |
| | | | 804 |
| Local Improvement District No. 937, Fund..... | 232 | 1 | 741 |
| Reimbursement to assessment payers..... | 232 | 1 | 741 |
| BELLINGHAM NORMAL SCHOOL FUND: | | | |
| Allocation of revenue act receipts..... | 178 | 19(a) | 511 |
| BENEFITS TO RETIRED TEACHERS by First Class School Districts (see SCHOOL DISTRICTS). | | | |
| BENTON COUNTY (see APPROPRIATIONS). | | | |
| BERG, GUST: | | | |
| Judgment | 244 | 2 | 797 |
| BIRDS AND ANIMALS: | | | |
| Domestic, poisoning of, | | | |
| unlawful | 105 | 1 | 277 |
| exception | 105 | 1 | 277 |

BONDS.

| | Ch. | Sec. | Page |
|---|------------|----------|------------|
| BIRTH CERTIFICATES: | | | |
| Statutes repealed | 107 | 5 | 457 |
| Unrecorded births, | | | |
| affidavit supporting | 107 | 2 | 456 |
| court, duty of..... | 107 | 3 | 457 |
| fees, | | | |
| application | 107 | 4 | 457 |
| certified copy | 107 | 4 | 457 |
| forms used | 107 | 4 | 457 |
| registration, | | | |
| order | 107 | 4 | 457 |
| procedure | 107 | 1 | 456 |
| BIRTHS: | | | |
| Certificates for unrecorded births, | | | |
| affidavit supporting | 107 | 2 | 456 |
| application | 107 | 2 | 457 |
| court, duty of..... | 107 | 3 | 457 |
| fees, | | | |
| application | 107 | 2 | 457 |
| certified copy | 107 | 4 | 457 |
| forms used | 107 | 4 | 457 |
| procedure | 107 | 1 | 456 |
| Statutes repealed | 107 | 5 | 457 |
| Unrecorded, | | | |
| registration, | | | |
| affidavit supporting | 107 | 2 | 456 |
| fee | 107 | 2 | 457 |
| forms used | 107 | 4 | 457 |
| order of | 107 | 4 | 457 |
| procedure | 107 | 1 | 456 |
| BLASTING, REGULATION OF: | | | |
| Fur farm, near, unlawful when..... | 107 | 1 | 279 |
| Hatchery, near, unlawful when..... | 107 | 1 | 279 |
| Safety standards for, in mines, tunnels, etc..... | 104 | 15, 16 | 558 559 |
| BLIND: | | | |
| Assistance, | | | |
| appeals, | | | |
| court costs | 170 | 13 | 465 |
| procedure | 170 | 13 | 463 464 |
| right of | 170 | 4 | 463 |
| application | 170 | 2 | 462 |
| funeral expenses allowed when..... | 170 | 3 | 463 |
| Support, | | | |
| relative not responsible for..... | 170 | 3 | 463 |
| exception | 170 | 3 | 463 |
| BLIND ASSISTANCE: | | | |
| Not recoverable by state except for fraud..... | 170 | 6 | 465 |
| claims, certain void when..... | 170 | 6 | 465 |
| BOND, FRED M., Judgment..... | 244 | 2 | 707 |
| BONDS: | | | |
| Banks to enter at actual cost..... | 15 | 1 | 28 |
| period to be carried by bank..... | 15 | 1 | 28 |
| Capitol Building | 233 | 1 | 742 |
| endorsement outstanding bonds..... | 233 | 2 | 743 |
| interest lowered | 233 | 2 | 743 |
| maturity date extended..... | 233 | 2 | 743 |
| Cities and towns, | | | |
| sewage disposal system..... | 193 | 3 | 541 |

BONDS.

BONDS—CONTINUED:

| | Ch. | Sec. | Page |
|---|-----|------|------|
| County, | | | |
| interest coupons, | | | |
| signature facsimile | 52 | 1 | 119 |
| Covenants of, | | | |
| public utility district..... | 182 | 3 | 519 |
| Drainage district commissioner..... | 183 | 1 | 525 |
| General indebtedness, cities..... | 193 | 4 | 543 |
| sewage disposal system..... | 193 | 3 | 541 |
| General obligation, | | | |
| tax levy limit..... | 176 | 1 | 474 |
| General Sewer Bonds, | | | |
| authorization | 210 | 18 | 647 |
| interest rate | 210 | 18 | 647 |
| tax levy | 210 | 18 | 648 |
| Indemnity for sheriffs from plaintiff when..... | 237 | 1 | 774 |
| Interest, | | | |
| public utility district..... | 182 | 4 | 520 |
| Lien of utility district funds..... | 182 | 5 | 521 |
| Motor carriers, | | | |
| agent's bond | 198 | 5 | 583 |
| action on | 198 | 5 | 583 |
| motor vehicle bond..... | 198 | 10 | 585 |
| action on | 198 | 12 | 586 |
| Municipal, | | | |
| interest coupons, | | | |
| signature facsimile | 52 | 1 | 119 |
| Negotiability, | | | |
| public utility revenue..... | 182 | 11 | 524 |
| Port District, revenue, | | | |
| aid in national defense..... | 218 | 3 | 683 |
| fund, special | 218 | 5 | 684 |
| refunding bonds | 218 | 6 | 685 |
| resolution authorizing bond issue..... | 218 | 7 | 686 |
| sale of to government..... | 218 | 4 | 684 |
| Port Districts, | | | |
| amortization | 7 | 3 | 18 |
| authorization | 7 | 2 | 18 |
| general obligation of interest rate..... | 7 | 4 | 19 |
| maturity | 7 | 3 | 18 |
| payable, how | 7 | 3 | 18 |
| redemption | 7 | 3 | 18 |
| sale or exchange..... | 7 | 4 | 19 |
| Public Utility District, revenue, | | | |
| lien against special fund..... | 182 | 5 | 521 |
| negotiable as securities..... | 182 | 11 | 524 |
| prima facie valid..... | 182 | 6 | 521 |
| registration with state auditor..... | 182 | 6 | 521 |
| seal to be affixed..... | 182 | 9 | 523 |
| Public Utility Districts, | | | |
| covenants of bond..... | 182 | 3 | 519 |
| enforcement of obligation by mandamus..... | 182 | 10 | 523 |
| funding and refunding bonds..... | 182 | 8 | 522 |
| interest | 182 | 4 | 520 |
| issuance of for betterments..... | 182 | 2 | 519 |
| sale of | 182 | 4 | 520 |
| Redemption, | | | |
| public utility district..... | 182 | 8 | 522 |
| Refunding, | | | |
| public utility districts..... | 182 | 8 | 522 |
| Registration with state auditor, | | | |
| public utility revenue..... | 182 | 6 | 521 |

BUDGETS.

| BONDS—CONTINUED: | Ch. | Sec. | Page |
|---|----------------------|------------------|----------------------|
| Retirement and interest (see APPROPRIATIONS)..... | 234 | 2 | { 767 768 |
| Revenue, covenants of, public utility district..... | 182 | 3 | 519 |
| Revenue, public utility, negotiable as securities..... | 102 | 11 | 524 |
| Sale of, public utility districts..... | 182 | 4 | 520 |
| Sewer district, revenue, authorization by voters..... | 210 | 16 | 646 |
| funds, special, creating..... | { 210 210 | { 20 21 | { 649 650 |
| general sewer bonds, authorization..... | 210 | 18 | 647 |
| Interest rate | 210 | 18 | 647 |
| tax levy | 210 | 18 | 648 |
| Interest rate | 210 | 19 | 649 |
| issuance | 210 | 19 | 649 |
| Small loan company..... | 208 | 3 | 810 |
| additional bond may be required..... | 208 | 6 | 612 |
| Surety, drainage district commissioner..... | 183 | 1 | 526 |
| Third Class Cities, may invest in own, when..... | 145 | 1-2 | 400 |
| Utility, issuance of for reforestation, when..... | 43 | 2 | 104 |
| BONDS AND SECURITIES: | | | |
| Trustee for safekeeping of..... | 18 | 1 | 40 |
| BOOMING GROUND: | | | |
| Public shooting grounds, commissioner of public lands may use for | 165 | 2 | 454 |
| BOVINE TUBERCULOSIS: | | | |
| Indemnities for when..... | 61 | 1 | 152 |
| BRACKET, W. H., Assignee, Judgment..... | 244 | 2 | 797 |
| BRADSON, V. D.: | | | |
| Court costs in <i>Miller v. Dept. of L. & I.</i> | 224 | 2 | 800 |
| BRANDS: | | | |
| Furbearing animals | 207 | 2 | 608 |
| BROKERS: | | | |
| Real estate (see REAL ESTATE BROKERS AND SALESMEN). | | | |
| BROOKS, D. F., Administrator Barclay Estate, Judgment..... | 244 | 2 | 797 |
| BUCHANAN CHEVROLET CO., Relief..... | { 244 244 | { 2 2 | { 790 796 |
| BUDGET, ACCOUNTS & CONTROL, DIVISION OF..... | | | |
| Appropriation | 196 | 7 | 572 |
| Audit of state auditor..... | 196 | 14 | 576 |
| Audit of state auditor..... | 196 | 6 | 571 |
| Powers and duties..... | 196 | 7 | 572 |
| Quarterly estimate of expenditures..... | 196 | 9 | 573 |
| Record of disbursements..... | 196 | 13 | 575 |
| Requisition, approval of..... | 196 | 12 | 575 |
| Supervision of budget, duties..... | 196 | 11 | 574 |
| Supervision of fiscal affairs..... | 196 | 9 | 573 |
| Vouchers, certification of..... | 196 | 11 | 574 |
| BUDGETS: | | | |
| County Budget System, amendments | 99 | 1 | 263 |
| hearings, continued | 99 | 1 | 260 |
| officials to be called..... | 99 | 1 | 260 |
| taxpayers to be heard..... | 99 | 1 | 260 |
| time of | 99 | 1 | 260 |

BUERGERS DISEASE.

BUERGERS DISEASE:

| | Ch. | Sec. | Page |
|--|-----|------|------|
| McKay Memorial Research Hospital, persons afflicted to be treated at..... | 67 | 2 | 167 |
| BURBANK, CHARLES H., Relief..... | 244 | 2 | 793 |
| BURNS, LLOYD T., Relief..... | 244 | 2 | 807 |
| BURROUGHS ADDING MACHINE CO., Relief..... | 244 | 2 | 790 |
| BUSINESS AND OCCUPATION TAX (see REVENUE ACT). | | | |
| BYRAM, ARNOLD, Relief | 244 | 2 | 793 |
| BYRD'S MILL ROAD: | | | |
| Description | 225 | 2 | 709 |
| Established as historical road..... | 225 | 1 | 709 |
| Markers | 225 | 3 | 710 |

C

CAISSONS, TUNNELS, QUARRIES OR SUBWAYS:

| | | | | | | | | |
|--|-----|---|-----|-----|----|-----|----|-----|
| Shafting | 194 | <table border="0"> <tr> <td align="right">19</td> <td align="right">560</td> </tr> <tr> <td align="right">20</td> <td align="right">560</td> </tr> <tr> <td align="right">21</td> <td align="right">561</td> </tr> </table> | 19 | 560 | 20 | 560 | 21 | 561 |
| 19 | 560 | | | | | | | |
| 20 | 560 | | | | | | | |
| 21 | 561 | | | | | | | |
| CANTALOUPE: | | | | | | | | |
| Inspection and regulation..... | 189 | 1 to 4 | 534 | | | | | |
| CAPITOL BUILDING BONDS: | | | | | | | | |
| Endorsement of outstanding bonds..... | 233 | 1 | 742 | | | | | |
| Interest lowered | 233 | 2 | 743 | | | | | |
| Maturity date extended..... | 233 | 2 | 743 | | | | | |
| CAPITOL COMMITTEE, STATE: | | | | | | | | |
| Appropriation (see APPROPRIATIONS). | | | | | | | | |
| Capitol bonds, state treasurer authorized and directed to endorse outstanding | 233 | 2 | 743 | | | | | |
| CATHLAMET MEAT MARKET, Relief..... | 244 | 2 | 792 | | | | | |
| CATTLE GUARDS ON COUNTY ROADS..... | 138 | 1 | 397 | | | | | |
| CAUSES OF ACTION, VENUE OF..... | 81 | 1 | 203 | | | | | |
| CEMETERIES, Fourth Class Cities..... | 74 | 2 | 189 | | | | | |
| CENTRAL MEAT MARKET, Relief..... | 244 | 2 | 792 | | | | | |
| CENTRAL WASHINGTON COLLEGE: | | | | | | | | |
| Appropriations (see APPROPRIATIONS). | | | | | | | | |
| CERTIFICATES OF BIRTH (see BIRTH CERTIFICATES). | | | | | | | | |
| CHARITABLE ORGANIZATIONS: | | | | | | | | |
| Gifts, bequests and devises, inheritance tax exemption..... | 197 | 1 | 577 | | | | | |
| CHARITABLE TRUSTS: | | | | | | | | |
| Uniform trustees accounting act applicable..... | 229 | 22 | 724 | | | | | |
| attorney general to receive documents..... | 229 | 22 | 724 | | | | | |
| CHARLESTON TIDELANDS, KITSAP COUNTY: | | | | | | | | |
| Public place, to be vacated..... | 106 | 2 | 279 | | | | | |
| CHEHALIS AND PACIFIC LAND CO., Relief..... | 244 | 2 | 789 | | | | | |
| CHELAN COUNTY: | | | | | | | | |
| Appropriation (see APPROPRIATIONS). | | | | | | | | |
| State lands deeded to Great Northern Ry., location of..... | 117 | 2 | 303 | | | | | |
| CHENEY NORMAL SCHOOL FUND: | | | | | | | | |
| Allotment of revenue act receipts..... | 178 | 10 | 510 | | | | | |
| CHILD WELFARE SERVICE under supervision of Social Security, | | | | | | | | |
| Division for Children..... | 242 | 3 | 784 | | | | | |

CITIES AND TOWNS.

CHILDREN (see, also CHILD WELFARE SERVICE):

| | Ch. | Sec. | Page |
|---|-----|------|------|
| Crippled, | | | |
| service to | 129 | 1 | 383 |
| statutes repealed | 129 | 3 | 384 |
| Defective hearing tests..... | 202 | 1 | 596 |
| afflicted, special attention for..... | 202 | 2 | 596 |
| forms furnished by Superintendent of Public Instruction.... | 202 | 3 | 597 |
| records to be prepared..... | 202 | 2 | 596 |
| special attention for afflicted..... | 202 | 2 | 596 |
| Defective vision, sight saving equipment for, when..... | 251 | 1 | 857 |
| Dependent, | | | |
| aid to, | | | |
| awarded to whom..... | 242 | 2 | 783 |
| defined | 242 | 1 | 783 |
| welfare services | 242 | 3 | 784 |
| School, | | | |
| defective vision, sight saving equipment for, when..... | 251 | 1 | 857 |
| Sight saving equipment for school children with defective vision, | | | |
| when | 251 | 1 | 857 |

CHIROPODY, Practice of,

| | | | |
|---------------|----|---|----|
| Defined | 31 | 1 | 65 |
|---------------|----|---|----|

CIGARETTE TAX (see, also, REVENUE ACT).

CITIES AND TOWNS:

| | | | |
|--|-----|----|-----|
| Acquisition of sewage system, | | | |
| ratification by electors, when necessary..... | 193 | 2 | 540 |
| required by state board of health..... | 193 | 2 | 541 |
| Appointees, residential qualifications..... | 25 | 1 | 59 |
| Appropriations (see APPROPRIATIONS). | | | |
| Authorization to construct sewage system..... | 193 | 1 | 540 |
| Bonds, | | | |
| betterments, sewage disposal system..... | 193 | 4 | 543 |
| general indebtedness, sewage disposal system..... | 193 | 3 | 541 |
| sewage disposal system, | | | |
| betterments | 193 | 4 | 543 |
| general indebtedness | 193 | 3 | 541 |
| Commission form of government, Chap. 108 not to affect | 108 | 1 | 280 |
| Council, | | | |
| acquisition of sewage system..... | 193 | 2 | 540 |
| bonds, sewage disposal system..... | 193 | 4 | 543 |
| Depositories, | | | |
| trust companies to be designated, notice to treasurer..... | 12 | 1 | 40 |
| Disabled employees, | | | |
| extension of pension system..... | 192 | 1 | 539 |
| Donations to accept when..... | 80 | 1 | 202 |
| Elections, | | | |
| formation of park district..... | 219 | 1 | 687 |
| park commissioners | 219 | 1 | 687 |
| Employees, | | | |
| disabled, extension of pension system..... | 192 | 1 | 539 |
| existing pension systems unaffected..... | 205 | 3 | 604 |
| pension system, extension of..... | 192 | 1 | 539 |
| residential qualifications | 25 | 1 | 59 |
| social security eligibility..... | 205 | 1 | 603 |
| wage deductions authorized..... | 205 | 2 | 603 |
| Federal aid | 250 | 11 | 853 |
| Fire protection districts, | | | |
| may contract with when..... | 70 | 4 | 176 |

CITIES AND TOWNS.

CITIES AND TOWNS—CONTINUED:

| | Ch. | Sec. | Page |
|---|-----|------|------|
| First class cities, | | | |
| justices of peace designated municipal judges when..... | 85 | 2 | 208 |
| municipal judge, | | | |
| additional appointment | 85 | 2 | 208 |
| clerk | 85 | 2 | 208 |
| court room | 85 | 2 | 209 |
| designated as, when..... | 85 | 2 | 208 |
| pension retirement system, extension of..... | 192 | 1 | 539 |
| traffic cases, to expedite handling..... | 852 | 2 | 209 |
| Flood control, | | | |
| disbursement of funds..... | 204 | 7 | 601 |
| expenses | 204 | 3 | 599 |
| funds, maintenance | 204 | 5 | 599 |
| river patrolmen | 204 | 4 | 599 |
| tax levies, estimate and approval..... | 204 | 6 | 600 |
| Foreclosure of liens, | | | |
| sale and redemption..... | 193 | 7 | 547 |
| | | 8 | 548 |
| | | 9 | 548 |
| sewage disposal rates..... | 193 | 7 | 547 |
| | | 8 | 548 |
| | | 9 | 548 |
| Fourth class, | | | |
| claims void | 57 | 1 | 147 |
| disallowed when | 57 | 1 | 147 |
| contractors not to hold office when..... | 57 | 1 | 147 |
| contracts unlawful when..... | 57 | 1 | 147 |
| exceptions when | 57 | 1 | 148 |
| expenditures, | | | |
| debt limits not changed when..... | 27 | 1 | 62 |
| emergency | 27 | 1 | 62 |
| warrants | 27 | 1 | 63 |
| taxes for | 27 | 1 | 63 |
| limit of | 27 | 1 | 61 |
| indebtedness contracted, unlawful when..... | 27 | 1 | 61 |
| mayor to appoint officials when..... | 108 | 2 | 281 |
| exception | 108 | 2 | 281 |
| officers, | | | |
| appointment | 91 | 1 | 221 |
| compensation, | | | |
| how fixed | 91 | 1 | 222 |
| | 115 | 1 | 295 |
| | | 2 | 296 |
| increased or diminished during term of office, not to be | 115 | 1 | 295 |
| lowered or raised during term of office, not to be.... | 115 | 1 | 295 |
| councilman, term of office..... | 91 | 1 | 221 |
| election | 91 | 1 | 221 |
| time of | 91 | 1 | 221 |
| expenses, allowable when for councilman, mayor..... | 115 | 1 | 295 |
| mayor, | | | |
| expenses, allowable when..... | 115 | 1 | 295 |
| officials, to appoint..... | 91 | 1 | 221 |
| term of office..... | 91 | 1 | 221 |
| nomination, caucus | 91 | 1 | 222 |
| rotation | 91 | 1 | 221 |
| term of office..... | 91 | 1 | 221 |
| powers enumerated | 74 | 1 | 189 |
| | | | 190 |
| | | | 191 |
| | | | 192 |

CITIES AND TOWNS.

CITIES AND TOWNS—CONTINUED:

| | Ch. | Sec. | Page |
|--|-----|------|------|
| Fourth class, | | | |
| terms of officers..... | 91 | 1 | 221 |
| mayor, treasurer | 108 | 1 | 280 |
| violations | 57 | 1 | 148 |
| penalties | 57 | 1 | 147 |
| | | 2 | 148 |
| Funds, | | | |
| flood control maintenance, established..... | 204 | 5 | 599 |
| tax levy | 204 | 6 | 600 |
| sewage disposal system, special..... | 193 | 3 | 541 |
| | | 4 | 543 |
| special sewage disposal system..... | 193 | 3 | 541 |
| | | 4 | 543 |
| Incorporated cities, | | | |
| distribution of funds credited to..... | 250 | 10 | 853 |
| Liens, | | | |
| enforcement | 193 | 10 | 549 |
| foreclosure proceedings | 193 | 7 | 547 |
| | | 8 | 548 |
| | | 9 | 549 |
| sewage disposal rates..... | 193 | 6 | 546 |
| Mechanical devices, certain, | | | |
| regulation of when..... | 118 | 1 | 308 |
| Obsolete records, | | | |
| destroyed, authority for..... | 109 | 8 | 283 |
| Items enumerated | 109 | 8 | 283 |
| list to be made..... | 109 | 10 | 284 |
| method | 109 | 8 | 283 |
| supervision of Department of Municipal Corporations.... | 109 | 9 | 283 |
| ten years old..... | 109 | 8 | 284 |
| time | 109 | 9 | 284 |
| Officers, | | | |
| fourth class cities and towns (see FOURTH CLASS CITIES). | | | |
| repeal of acts in conflict..... | 25 | 2 | 59 |
| residential qualifications | 25 | 1 | 59 |
| Park districts, | | | |
| commissioners, nomination and election..... | 219 | 1 | 687 |
| elections | 219 | 1 | 687 |
| Parks, | | | |
| taxation for when..... | 49 | 1 | 115 |
| Pension and retirement system, | | | |
| exempt employes | 192 | 1 | 539 |
| extension of, by ordinance..... | 192 | 1 | 539 |
| Public utilities, betterments, bonds, issuance..... | 193 | 4 | 543 |
| Public Utility Districts furnishing electric energy, | | | |
| tax, to levy when..... | 245 | 3 | 812 |
| Purchase of sewage system, | | | |
| ratification by electors, when necessary..... | 193 | 2 | 540 |
| Reserve funds, cumulative, | | | |
| authorization | 60 | 1 | 151 |
| levy to establish..... | 60 | 2 | 151 |
| purpose to be designated..... | 60 | 1 | 151 |
| Retirement and pension systems, | | | |
| exempt employes | 192 | 1 | 539 |
| extension of, by ordinance..... | 192 | 1 | 539 |
| Second class, | | | |
| commission form of government..... | 88 | 1 | 215 |
| clerk, duties of | 88 | 1 | 215 |
| deputy clerk, duties of..... | 88 | 1 | 215 |

CITIES AND TOWNS.

CITIES AND TOWNS—CONTINUED:

| | Ch. | Sec. | Page |
|--|-----|------|------|
| Sewage disposal service rates, | 193 | 6 | 546 |
| delinquent, lien for..... | 193 | 10 | 549 |
| enforcement of liens..... | 193 | 7 | 547 |
| foreclosure of liens..... | 193 | 8 | 548 |
| | | 9 | 548 |
| Sewage disposal system, | | | |
| acquisition of | 193 | 2 | 540 |
| authorization to construct..... | 193 | 1 | 540 |
| bonds, issuance | 193 | 3 | 541 |
| | | 4 | 543 |
| contract for discharge of sewage of other cities..... | 193 | 11 | 549 |
| rates of service..... | 193 | 5 | 545 |
| regulation of disposal..... | 186 | 1 | 529 |
| violation, public nuisance..... | 186 | 3 | 530 |
| waterworks utility, conjunction with..... | 193 | 12a | 550 |
| Sewer extensions to property outside corporate limits..... | 75 | 1 | 193 |
| agreement, | | | |
| breach, may disconnect for..... | 75 | 1 | 194 |
| covenant binding | 75 | 1 | 193 |
| filed with county auditor..... | 75 | 1 | 193 |
| Tax, | | | |
| apportionment received from public utility districts (electric energy) | 245 | 2 | 812 |
| use designated | 245 | 2 | 812 |
| forty mill tax limit referendum..... | 176 | 1 | 474 |
| levy, sewage disposal system..... | 193 | 3 | 541 |
| Third class, | | | |
| bonds, | | | |
| general, authority to invest reserve funds in own..... | 145 | 1 | 409 |
| local improvement district guaranty, authority to invest | | | |
| local improvement district guaranty fund in..... | 145 | 2 | 409 |
| restrictions | 145 | 2 | 409 |
| reserve, authority to invest in own general bonds..... | 145 | 1 | 409 |
| claims void and disallowable when..... | 57 | 1 | 147 |
| contractors not to hold office when..... | 57 | 1 | 148 |
| contracts, unlawful when, exceptions..... | 57 | 1 | 148 |
| funds, | | | |
| local improvement district guaranty, authority to invest | | | |
| in local improvement district bonds..... | 145 | 2 | 409 |
| restriction | 145 | 2 | 409 |
| investments, | | | |
| own general obligation bonds when..... | 145 | 1 | 409 |
| own local improvement district guaranty bonds when, | | | |
| restrictions | 145 | 2 | 409 |
| mayor, | | | |
| officials, appointment of, when, exception..... | 108 | 2 | 281 |
| office, terms of, | | | |
| attorney | 108 | 1 | 280 |
| clerk | 108 | 1 | 280 |
| mayor | 108 | 1 | 280 |
| treasurer | 108 | 1 | 280 |
| officers, | | | |
| compensation, | | | |
| fixed how, for whom..... | 115 | 1 | 295 |
| | | 2 | 296 |
| increased or diminished during term, not to be..... | 115 | 1 | 295 |
| expenses allowable when for, | | | |
| councillmen, mayor | 115 | 1 | 295 |

CONSERVATION AND DEVELOPMENT, DEPARTMENT OF.

CITIES AND TOWNS—CONTINUED:

| | Ch. | Sec. | Page |
|---|------------|--|--|
| Town officials, | | | |
| claims void when..... | 57 | 1 | 148 |
| contracts, not to make with town when..... | 57 | 2 | 148 |
| exceptions | 57 | 1 | 148 |
| penalties | 57 | 1 | 148 |
| Violations of act, penalties..... | 57 | 1 | 148 |
| Waterworks utility, | | | |
| sewage disposal system, conjunction with..... | 193 | 12a | 550 |
| CIVIL PROCESS: | | | |
| Failure to serve, not liable for when..... | 237 | 1 | 774 |
| CLALLAM COUNTY: | | | |
| Appropriations (see APPROPRIATIONS). | | | |
| Boundary lines with state..... | 94 | 1 | 227 |
| Disclaimer by state..... | 94 | 1 | 227 |
| School land, exchange of..... | 185 | 1 | 528 |
| Timber, sale of damaged in, statutes repealed..... | 35 | 1 | 69 |
| CLAMS (see SHELLFISH). | | | |
| CLAPP, HELEN A., deceased, quit claimed from state to heirs..... | 121 | 1 | 340 |
| CLARK COUNTY: | | | |
| Appropriations (see APPROPRIATIONS). | | | |
| CLOUGH, HERBERT, Relief..... | 244 | 2 | 795 |
| CODE COMMITTEE: | | | |
| Creation | 149 | 1 | 418 |
| Duties, | | | |
| compile uniform system..... | 149 | 2 | 419 |
| numbering of sections..... | 149 | 2 | 419 |
| CODES, certified by Secretary of State..... | 149 | 3 | 410 |
| CODIFICATION OF ELECTION LAWS (see ELECTIONS). | | | |
| COLD CLUB STORAGE SYSTEM, Relief..... | 244 | 2 | 792 |
| COLLATERAL SECURITY, For deposit of public or other funds.... | 249 | 2 | 847 |
| COLUMBIA BASIN HIGHWAY, Established, route..... | 136 | 1 | 395 |
| COLUMBIA COUNTY, Appropriations (see APPROPRIATIONS). | | | |
| COLUMBIA RIVER COMMITTEE, Appropriations..... | 244 | 2 | 807 |
| COMBS, MRS. RETTA J., Relief..... | 244 | 2 | 794 |
| COMPENSATING TAX (see REVENUE ACT)..... | 178 | <div style="display: inline-block; vertical-align: middle;"> } </div> | <div style="display: inline-block; vertical-align: middle;"> 9 10 11 </div> |
| | | | 495 |
| | | | 496 |
| | | | 497 |
| CONDEMNATIONS: | | | |
| United States, compromise by state when..... | 95 | 2 | 228 |
| CONSERVATION AND DEVELOPMENT, DEPARTMENT OF: | | | |
| Appropriations (see APPROPRIATIONS). | | | |
| Bonds, | | | |
| diking, drainage or irrigation..... | 39 | 3 | 74 |
| cancellation, when | 39 | 3 | 75 |
| payment may be extended when..... | 39 | 3 | 74 |
| refunding, may exchange for when..... | 39 | 3 | 74 |
| Flood Control, Division of, | | | |
| creation | 204 | 2 | 599 |
| approval of local tax levies..... | 204 | 6 | 600 |
| supervisor of | 204 | 2 | 599 |
| approval of local tax levies..... | 204 | 6 | 600 |
| local flood control engineers..... | 204 | 3 | 599 |
| river patrolmen | 204 | 4 | 599 |

CONSOLIDATED OLYMPIA LINE.

| | Ch. | Sec. | Page |
|--|-----|------|------|
| CONSOLIDATED OLYMPIA LINE, Relief..... | 244 | 2 | 794 |
| CONSTRUCTION OPERATION: | | | |
| Tunnels, quarries, caissons or subways, | | | |
| air compression and decompression..... | 194 | 2 | 553 |
| lighting in air compression chambers..... | 194 | 3 | 554 |
| safety regulations | 194 | 1 | 552 |
| CONTRACTS: | | | |
| Diking districts, issuance authorized when..... | 39 | 4 | 76 |
| Installment, | | | |
| compensating tax | 178 | 11 | 497 |
| sales tax | 178 | 9 | 494 |
| Officials of third and fourth class cities and towns not to make with, when | 57 | 1 | 147 |
| Public improvement, | | | |
| business and occupational tax lien on..... | 178 | 7 | 492 |
| Real Estate, sales, taxes as personal property, when..... | 79 | 1 | 201 |
| deed deliverable, when..... | 79 | 1 | 202 |
| exemption as personal property, none..... | 79 | 1 | 202 |
| Sewer districts, | | | |
| letting of, by bids..... | 210 | 44 | 665 |
| COOIL, MARION, Relief..... | 244 | 2 | 795 |
| COOPER, JIM S., Relief..... | 244 | 2 | 790 |
| COOPER, T. V., relief..... | 244 | 2 | 790 |
| COOPERATIVE MARKETING ASSOCIATION: | | | |
| Annual audit of books..... | 195 | 3 | 567 |
| Contracts, authority to make..... | 195 | 4 | 568 |
| Definition of terms..... | 195 | 1 | 565 |
| Stockholders | 195 | 2 | 566 |
| CORPORATIONS: | | | |
| Foreign, statutes repealed..... | 33 | 1 | 68 |
| Insolvent (see INSOLVENT CORPORATIONS). | | | |
| COSTS: | | | |
| Collection of, in certain criminal cases, | | | |
| repeal of statutes..... | 30 | 1 | 65 |
| Supreme Court, to prevailing party..... | 86 | 1 | 209 |
| enumeration, exception | 86 | 1 | 210 |
| COUNCIL: | | | |
| Indigent persons accused of crime, to have..... | 151 | 1 | 427 |
| compensation | 151 | 1 | 427 |
| COUNTIES: | | | |
| Appropriations (see APPROPRIATIONS). | | | |
| Auditor, certification of, to water district territory withdrawal petition | 55 | 2 | 128 |
| Bonds, | | | |
| interest coupons on signature facsimile..... | 52 | 1 | 119 |
| Budget system, | | | |
| hearings, | | | |
| continuance | 99 | 1 | 260 |
| officials to be called..... | 99 | 1 | 260 |
| tax payers to be heard..... | 99 | 1 | 260 |
| time of | 99 | 1 | 260 |
| Class A, | | | |
| constables, jurisdiction | 64 | 1 | 158 |
| motor vehicle violations, arrests limited..... | 64 | 1 | 158 |
| county budget system..... | 99 | 1 | 261 |
| judges, additional, | | | |
| statutes repealed | 29 | 1 | 64 |

COUNTIES.

COUNTIES—CONTINUED:

| | Ch. | Sec. | Page |
|--|-----|------|------|
| Class B, | | | |
| county budget system..... | 99 | 1 | 261 |
| Classification by population..... | 26 | 1 | 60 |
| County Commissioners (see COUNTY COMMISSIONERS). | | | |
| Current expense fund, available surplus may be kept for..... | 99 | 1 | 261 |
| Depositories, | | | |
| bank or trust company to be designated..... | 18 | 1 | 40 |
| notice to county treasurer..... | 18 | 1 | 40 |
| qualification of trustee, approval by county treasurer..... | 18 | 1 | 40 |
| Dikes and dams, construction of..... | 204 | 9 | 601 |
| eminent domain, power of..... | 204 | 10 | 602 |
| Election board, | | | |
| composition | 180 | 1 | 516 |
| jurisdiction of | 180 | 1 | 516 |
| powers and duties..... | 180 | 1 | 516 |
| precinct officers, appointment of..... | 180 | 1 | 516 |
| Eminent domain, flood control purposes..... | 204 | 10 | 602 |
| Employees, social security eligibility..... | 205 | 1 | 603 |
| existing pension system unaffected..... | 205 | 3 | 604 |
| wage deductions authorized..... | 205 | 2 | 603 |
| Flood control, | | | |
| construction work | 204 | 9 | 601 |
| disbursement of funds..... | 204 | 7 | 601 |
| eminent domain, power of..... | 204 | 10 | 602 |
| engineer | 204 | 3 | 599 |
| fund, maintenance | 204 | 5 | 599 |
| river patrolmen | 204 | 4 | 599 |
| tax levies, estimate and approval..... | 204 | 6 | 600 |
| Funds, | | | |
| flood control maintenance fund, established..... | 204 | 5 | 599 |
| disbursement of fund..... | 204 | 7 | 601 |
| tax levy, estimate and approval..... | 204 | 6 | 600 |
| river improvement fund..... | 204 | 8 | 601 |
| purpose | 204 | 9 | 601 |
| Grand jury, | | | |
| prosecuting attorney, duties of..... | 191 | 1 | 537 |
| Lands, | | | |
| development of, statutes repealed..... | 6 | 1 | 16 |
| inadvertently conveyed to state or state forest board to be re-conveyed when | 84 | 1 | 207 |
| leasing of, | | | |
| apportionment of rentals..... | 110 | 3 | 287 |
| building to become county property when..... | 110 | 2 | 287 |
| rentals, apportionment of..... | 110 | 3 | 287 |
| term of | 110 | 2 | 286 |
| exception | 110 | 2 | 286 |
| Libraries, regional, two or more counties may establish..... | 65 | 5 | 162 |
| contract entered into..... | 65 | 5 | 162 |
| division of property when..... | 65 | 5 | 162 |
| withdrawal of unit, division of property..... | 65 | 5 | 162 |
| Mechanical devices, certain, may regulate..... | 118 | 1 | 308 |
| National defense, | | | |
| conveyance of property to United States..... | 227 | 1 | 711 |
| legislative consent | 227 | 2 | 712 |
| resolution by county commissioners..... | 227 | 4 | 713 |
| resolution by county commissioners..... | 227 | 3 | 713 |
| Obsolete records, | | | |
| destroyed when | 109 | 9 | 284 |
| items enumerated | 109 | 8 | 283 |
| method | 109 | 8 | 283 |

COUNTIES.

COUNTIES—CONTINUED:

| | Ch. | Sec. | Page |
|---|-----|------|------|
| Pierce, | | | |
| tax refund, school district No. 340..... | 10 | 1 | 23 |
| Port commissioner, | | | |
| election of | 45 | 1 | 107 |
| term of office..... | 45 | 2 | 107 |
| Property, | | | |
| conveyed to United States Government for flood control, navigation, power development, reclamation, when..... | 142 | 1 | 404 |
| leasing of, | | | |
| suitable for industrial or public purposes, | | | |
| adjustment as to rentals..... | 110 | 2 | 287 |
| contents of lease..... | 110 | 2 | 286 |
| rentals, adjustment, arbitration..... | 110 | 2 | 287 |
| term of | 110 | 2 | 286 |
| real and personal, | | | |
| conveyed to United States for defense purposes..... | 227 | { 1 | 711 |
| | | 2 | 712 |
| legislative consent given..... | 227 | 4 | 713 |
| resolution of county commissioners..... | 227 | 3 | 713 |
| Prosecuting attorney, | | | |
| duties relative to grand jury..... | 191 | 1 | 537 |
| Public records, obsolete, destruction of..... | 109 | 8 | 283 |
| Roads, | | | |
| cattle guards on..... | 138 | 1 | 397 |
| Spokane County, appropriation..... | 247 | 1 | 832 |
| Spokane County, appropriation..... | 247 | 1 | 832 |
| Tax, apportionment received from public utility district electric energy, use designated..... | 245 | 2 | 811 |
| Taxation, forty mill tax limit referendum..... | 176 | 1 | 474 |
| Treasurer, | | | |
| notices, | | | |
| personal to issue to taxpayer | 32 | 1 | 67 |
| publication of tax rolls..... | 32 | 1 | 66 |
| tax rolls, | | | |
| collector of, sole..... | 32 | 1 | 66 |
| publication notice..... | 32 | 1 | 66 |
| taxes, personal and real..... | 32 | 1 | 66 |
| posting of, method..... | 32 | 1 | 66 |
| Welfare department, | | | |
| administrator, | | | |
| appointment of | 128 | 2 | 380 |
| bond, to furnish..... | 128 | 2 | 380 |
| established | 128 | 2 | 380 |
| public assistance, full charge of..... | 128 | 2 | 380 |
| COUNTY BUDGET SYSTEM (see COUNTIES, BUDGETS). | | | |
| COUNTY CLERK: | | | |
| Fees, filing, | | | |
| unlawful detainer complaint..... | 188 | 9 | 533 |
| COUNTY COMMISSIONERS: | | | |
| County Budget System, | | | |
| budget fixed by item..... | 99 | 1 | 260 |
| copy filed with director municipal corporations..... | 99 | 1 | 260 |
| current expense fund, | | | |
| available surplus may be kept for..... | 99 | 1 | 261 |
| levy, to fix..... | 99 | 1 | 260 |
| resolution, adoption of..... | 99 | 1 | 260 |
| surplus, available, may keep for working capital..... | 99 | 1 | 261 |
| Dikes and dams, construction of..... | 204 | 9 | 601 |
| eminent domain, power of..... | 204 | 10 | 602 |

COURT ACTIONS.

| | Ch. | Sec. | Page |
|---|-----|------|------|
| COUNTY COMMISSIONERS—CONTINUED: | | | |
| Discretionary use of highway funds..... | 250 | { 12 | 853 |
| | | { 16 | 854 |
| Drainage districts, organization..... | 183 | 1 | 525 |
| Elections, special, establishment of sewer districts..... | 210 | 4 | 639 |
| Hearings, petitions to establish sewer district..... | 210 | 3 | 638 |
| Highway funds, discretionary use of..... | 250 | { 12 | 853 |
| | | { 16 | 854 |
| Horticultural pests, to destroy, when..... | 20 | 10 | 53 |
| Lands, leasing of | 110 | 2 | 285 |
| arbitration, when | 110 | 2 | 287 |
| assignment, to be authorized by county commissioners.... | 110 | 2 | 287 |
| rental adjustment | 110 | 2 | 287 |
| term of lease..... | 110 | 2 | 286 |
| exception | 110 | 2 | 286 |
| Property, real and personal, conveyance to United States for defense purposes..... | 227 | { 1 | 711 |
| | | { 2 | 712 |
| legislative consent | 227 | 4 | 713 |
| resolution of board..... | 227 | 3 | 713 |
| Resolutions, conveyance of property for defense purposes..... | 227 | 3 | 713 |
| COUNTY ROADS: | | | |
| Cattle guards permitted when..... | 138 | 1 | 397 |
| Spokane County, appropriation..... | 247 | 1 | 832 |
| River Improvement fund..... | 204 | 8 | 601 |
| flood control maintenance account..... | 204 | 8 | 601 |
| purposes | 204 | 9 | 601 |
| tax levy for..... | 204 | 8 | 601 |
| Sewer districts, conflicting petitions, priority..... | 210 | 2 | 637 |
| hearings on petitions..... | 210 | 2 | 638 |
| petitions for establishment..... | 210 | 2 | 637 |
| special election | 210 | 4 | 639 |
| Tax levies, flood control, river improvement fund..... | 204 | 8 | 601 |
| Treasurer, sewer district bond coupons, payment..... | 210 | 45 | 666 |
| Water districts, boundaries, new, alteration when..... | 55 | 8 | 132 |
| elections, special for withdrawal of territory..... | 55 | 9 | 132 |
| ballot, question on..... | 55 | 9 | 132 |
| boundaries, final fixing of..... | 55 | 8 | 132 |
| notice of | 55 | 10 | 133 |
| hearing, further, to fix time..... | 55 | 7 | 131 |
| continuation, may have..... | 55 | 8 | 131 |
| objections | 55 | 8 | 132 |
| publication notice of hearing, contents..... | 55 | 7 | 131 |
| resolutions on findings..... | 55 | 8 | 132 |
| boundaries, final fixing of..... | 55 | 8 | 132 |
| alteration, when | 55 | 8 | 132 |
| Welfare department, to establish..... | 128 | 2 | 380 |
| COUNTY TREASURER (see, also, OFFICES AND OFFICERS, County): | | | |
| Sewer district bond coupons, payment..... | 210 | 45 | 666 |
| COURT ACTIONS (see, also, ACTIONS): | | | |
| Criminal cases, trials..... | 24 | 1 | 58 |
| statutes repealed | 24 | 1 | 58 |
| Insolvent corporations, receiver, limited..... | 103 | 2 | 271 |

COURTS AND COURT PROCEEDINGS.

COURTS AND COURT PROCEEDINGS:

| | Ch. | Sec. | Page |
|--|-----|------|------|
| Actions (see, also, ACTIONS), | | | |
| criminal cases, trials..... | 24 | 1 | 58 |
| statutes repealed | 24 | 1 | 58 |
| insolvent corporations, receiver, limited..... | 103 | 2 | 271 |
| venue, | | | |
| damages, recovery of, where accident occurs..... | 81 | 1 | 203 |
| forfeiture, trial in county where cause arose..... | 81 | 1 | 203 |
| penalty, trial in county where cause arose..... | 81 | 1 | 203 |
| public officer, county where act occurs..... | 81 | 1 | 203 |
| Clerk of, | | | |
| duties regarding trustees..... | 220 | 14 | 723 |
| Cost bill, criminal cases..... | | | |
| prosecuting attorney to audit..... | 191 | 1 | 538 |
| prosecuting attorney to audit..... | 191 | 1 | 538 |
| Insanity hearings | | | |
| maintenance cost in state hospital..... | 214 | 1 | 673 |
| maintenance cost in state hospital..... | 214 | 1 | 675 |
| Insolvent corporations, dissolution proceedings..... | | | |
| 103 | 7 | | 273 |
| Jurisdiction, | | | |
| unlawful detention action..... | 188 | 2 | 532 |
| Jurisdiction over trustees..... | | | |
| 229 | 17 | | 723 |
| Justice, | | | |
| courts of record, vested with powers of, when..... | 80 | 1 | 216 |
| jurisdiction | 80 | 2 | 216 |
| exception | 89 | 4 | 217 |
| venue of civil actions..... | 89 | 3 | 217 |
| Soldiers' and Sailors' Civil Relief Act, application..... | | | |
| 201 | 5 | | 594 |
| Trustees, | | | |
| accounts and inventories, forms prescribed..... | 229 | 20 | 724 |
| jurisdiction over trustees of trust estates..... | 229 | 17 | 723 |
| Trust estates, jurisdiction over trustee of..... | | | |
| 229 | 17 | | 723 |
| Uniform Motor Vehicle Safety Responsibility Act, | | | |
| convictions and judgments, to report on..... | 122 | 6 | 346 |
| Writ of restitution, issuance..... | | | |
| 188 | 6 | | 532 |

COWLITZ COUNTY:

 Appropriations (see APPROPRIATIONS).

CRABS (see SHELL FISH).

CRIMES:

| | | | |
|---|-----|----|-----|
| Air space reservations, | | | |
| violation of restrictions, misdemeanor..... | 200 | 7 | 591 |
| Animals, domestic, poisoning of, gross misdemeanor..... | | | |
| 105 | 2 | | 278 |
| Cigarette tax, violations..... | | | |
| 178 | 15 | | 505 |
| Criminal anarchy, penalty..... | | | |
| 215 | 2 | | 676 |
| Defense areas, protective, | | | |
| violation of restriction, misdemeanor..... | 200 | 7 | 591 |
| Destruction of archaeological specimens..... | | | |
| 216 | 1 | | 678 |
| Felonies, | | | |
| criminal anarchy, punishment..... | 215 | 1 | 676 |
| railroad equipment, | | | |
| receiving stolen | 212 | 2 | 669 |
| taking of | 212 | 1 | 669 |
| receiving stolen railroad equipment..... | 212 | 2 | 669 |
| Indictments and information, prosecuting attorney, duties..... | | | |
| 191 | 1 | | 537 |
| Indigent persons accused of, | | | |
| counsel appointed, compensation..... | 151 | 1 | 427 |
| Misdemeanor, | | | |
| motor carriers act, violation..... | 198 | 8 | 585 |
| | | 13 | 587 |
| Motor carriers act, violation of..... | | | |
| 198 | 8 | | 585 |
| | | 13 | 587 |
| Motor vehicle, operating without license, | | | |
| punishment | 122 | 14 | 354 |

DEEDS.

CRIMES—CONTINUED:

| | Ch. | Sec. | Page |
|---|-----|------|------|
| National defense aid act, | | | |
| violation, gross misdemeanor..... | 200 | 7 | 591 |
| Operating motor vehicle without license..... | 122 | 14 | 353 |
| punishment | 122 | 14 | 354 |
| Railroad equipment, | | | |
| receiving stolen equipment, a felony..... | 212 | 2 | 609 |
| stolen equipment, receiving, a felony..... | 212 | 2 | 609 |
| tampering with, a felony..... | 212 | 1 | 609 |
| Safety regulations, | | | |
| tunnels, quarries, etc., violation of, misdemeanor..... | 194 | 31 | 504 |
| Sale of uncertified cantaloupes or potatoes..... | 189 | 5 | 535 |
| Small loan act, violation of, gross misdemeanor..... | 208 | 18 | 021 |
| Sporting contests, fraud in..... | 181 | 1 | 517 |
| State administration, | | | |
| mal or misfeasance as revealed by audit..... | 196 | 5 | 571 |
| Taxation, failure to procure registration certificate..... | 178 | 19 | 510 |
| Tunnels, quarries, etc., violation of safety regulations a misde- meanor | 194 | 31 | 564 |
| Untested cantaloupes or potatoes, sale of..... | 189 | 5 | 535 |
| Witnesses, | | | |
| falsification of audit proceeding..... | 196 | 5 | 571 |
| refusal to testify at audit proceeding..... | 196 | 5 | 571 |
| CRIMINAL CASES: | | | |
| Costs, collection of in certain, | | | |
| repeal of statutes..... | 30 | 1 | 05 |
| Trials in, | | | |
| repeal of statutes..... | 24 | 1 | 58 |
| CRIPPLED CHILDREN: | | | |
| Service to | 129 | 1 | 383 |
| Statutes repealed | 129 | 3 | 384 |
| CROSS, RALPH W., Relief..... | 244 | 2 | 792 |
| CROWDER, H. A., Relief..... | 244 | 2 | 796 |
| CRYSTAL LAUNDRY AND SUPPLY CO., Relief..... | 244 | 2 | 790 |
| CUMULATIVE RESERVE FUNDS, Cities and towns..... | 60 | 1 | 151 |

D

DAMAGES:

| | | | |
|---------------|-----|---|-----|
| Coroner | 237 | 1 | 774 |
| Sheriff | 237 | 1 | 774 |

| | | | |
|--------------------------------|-----|---|-----|
| DAY-MAJER COMPANY, relief..... | 244 | 2 | 794 |
|--------------------------------|-----|---|-----|

DEAF:

| | | | |
|--|----|---|-----|
| Lip reading, free instruction to adult deaf, when..... | 42 | 1 | 103 |
|--|----|---|-----|

DECEDENTS ESTATES:

| | | | |
|--|-----|---|-----|
| Accounts, filing of, | | | |
| notice to creditors, heirs, etc..... | 206 | 1 | 605 |
| Distribution, | | | |
| minor heirs, inheritance less than \$100..... | 206 | 2 | 606 |
| Minor heirs, | | | |
| inheritance of less than \$100..... | 206 | 2 | 606 |
| guardianship proceedings unnecessary..... | 206 | 2 | 606 |
| Petitions for sales, orders, etc., | | | |
| special notice to creditors, heirs, etc..... | 206 | 1 | 605 |
| Special notice of proceedings to interested parties..... | 206 | 1 | 665 |

DEEDS:

| | | | |
|--|-----|---|-----|
| Adams county land..... | 211 | 1 | 668 |
| Clapp, Helen A., deceased, | | | |
| heirs of, State to issue quit-claim deed to..... | 121 | 1 | 340 |

DEEDS.

DEEDS—CONTINUED:

| | Ch. | Sec. | Page |
|--|-----|------|-------|
| Quit-claim to, | | | |
| Great Northern Ry. Co., from State, | 117 | 2 | 303 |
| Chelan County, location..... | 117 | 2 | 304 |
| consideration | 117 | 2 | 304 |
| description | 117 | 1 | 301 |
| Douglas County, location..... | 117 | 1 | 301 |
| agreement, real property under..... | 117 | 1 | 301 |
| description | 117 | 1 | 302 |
| | | | } 303 |
| Kitsap County, State to..... | 106 | 1 | 278 |
| DEFENSE: | | | |
| Housing authorities | 54 | 1 | 123 |
| Lease of State lands..... | 66 | 1 | 166 |
| Local Councils of, | | | |
| creation, appointment by Governor..... | 177 | 5 | 479 |
| duties | 177 | 5 | 479 |
| termination | 177 | 5 | 470 |
| Protective defense areas (see Protective Defense areas). | | | |
| State Defense Council, | | | |
| creation | 177 | 2 | 477 |
| dissolution, etc., proclamation by Governor..... | 177 | 2 | 477 |
| organization, personnel | 177 | 3 | 478 |
| powers and duties..... | 177 | 4 | 478 |
| DEFENSE ACTIVITY WORKERS: | | | |
| Housing for, | | | |
| purpose of act..... | 54 | 1 | 121 |
| | | | } 122 |
| DEFINITIONS (see WORDS and PHRASES). | | | |
| DELINQUENT TAX CONTRACTS: | | | |
| Amendment | 144 | 1 | 407 |
| Interest credited to county expense fund..... | 144 | 1 | 408 |
| Real property, | | | |
| agreement to pay..... | 144 | 1 | 407 |
| balance in full at any time..... | 144 | 1 | 408 |
| provisions | 144 | 1 | 407 |
| contract closed, penalties waived when..... | 144 | 1 | 407 |
| delinquent installment voids agreement..... | 144 | 1 | 408 |
| foreclosure proceedings | 144 | 1 | 408 |
| installments, | | | |
| delinquency voids contract..... | 144 | 1 | 408 |
| payment, application of..... | 144 | 1 | 408 |
| DENTISTS AND DENTISTRY: | | | |
| License necessary | 92 | 2 | 223 |
| application, | | | |
| contents and form..... | 92 | 2 | 224 |
| fees | 92 | 2 | 224 |
| examinations | 92 | 2 | 224 |
| fees | 92 | 2 | 225 |
| further, restrictions | 92 | 2 | 225 |
| Oral Surgery, licensed physicians may perform, when..... | 92 | 3 | 225 |
| Practice of, | | | |
| amendment | 92 | 1 | 222 |
| Board of Examiners, | | | |
| creation, appointment by Governor..... | 92 | 1 | 222 |
| duties | 92 | 1 | 223 |
| name | 92 | 1 | 222 |
| qualifications | 92 | 1 | 223 |
| restrictions | 92 | 1 | 223 |
| term of office..... | 92 | 1 | 223 |
| vacancy, how filled..... | 92 | 1 | 223 |
| Students, practice when..... | 92 | 3 | 225 |

DIVISION OF DEPARTMENTAL AUDITS.

DEPENDENT CHILDREN (see CHILDREN).

| DEPOSITORIES: | Ch. | Sec. | Page |
|--|-----|------|------|
| Bank or Trust Company, designated as, may pledge assets to qualify for bankruptcy funds..... | 38 | 1 | 71 |
| City, | | | |
| amendment | 18 | 1 | 40 |
| trust company to be designated..... | 18 | 1 | 40 |
| notice to Treasurer..... | 18 | 1 | 40 |
| County, | | | |
| amendment | 18 | 1 | 40 |
| trust company to be designated..... | 18 | 1 | 40 |
| notice to Treasurer..... | 18 | 1 | 40 |
| qualification of trustee, when, approval by Treasurer, when..... | 18 | 1 | 40 |
| Town, | | | |
| amendment | 18 | 1 | 40 |
| trust company to be designated..... | 18 | 1 | 40 |
| notice to Treasurer..... | 18 | 1 | 40 |
| DESIMON, PETER, and LEO MOGENSBERG, relief..... | 244 | 2 | 792 |
| DIKES AND DAMS: | | | |
| Flood control, | | | |
| construction of | 204 | 9 | 601 |
| eminent domain, power of..... | 204 | 10 | 602 |
| DIKING DISTRICTS: | | | |
| Bonds, | | | |
| contracts, Director of Conservation and Development, may enter into with..... | 39 | 1 | 72 |
| issuance authorized when..... | 39 | 4 | 76 |
| payments extended when..... | 39 | 1 | 73 |
| time extended when..... | 39 | 3 | 74 |
| with Director of Conservation and Development, compromised or settled when..... | 39 | 1 | 73 |
| indebtedness, evidence of authorized to issue when..... | 39 | 4 | 76 |
| Elections, | | | |
| amendment | 132 | 1 | 388 |
| board | 132 | 1 | 389 |
| appointment of | 132 | 1 | 389 |
| compensation | 132 | 1 | 389 |
| canvassing vote | 132 | 1 | 389 |
| commlsioners, | | | |
| terms of office..... | 132 | 1 | 388 |
| notice of | 132 | 1 | 389 |
| resolution for, contents..... | 132 | 1 | 389 |
| time for | 132 | 1 | 388 |
| vote, canvass of by..... | 132 | 1 | 389 |
| DILLS, C. H., for services..... | 244 | 2 | 807 |
| DISABILITY COMPENSATION: | | | |
| Statute repealed | 95 | 2 | 229 |
| Washington State Patrol, | | | |
| active duty, relief from, when..... | 95 | 1 | 229 |
| incapacitated patrolmen | 95 | 1 | 229 |
| DISHMAN DRUG CO., relief..... | 244 | 2 | 793 |
| DISTRICT ATTORNEY: | | | |
| Prosecuting Attorney, title changed to, repealed..... | 23 | 1 | 58 |
| DIVISION OF DEPARTMENTAL AUDITS: | | | |
| Appropriation | 196 | 14 | 576 |

DOCKS.

| | Ch. | Sec. | Page |
|--|-----|------|------|
| DOCKS: | | | |
| Grant renewal to J. P. McGowan & Sons..... | 58 | 1 | 149 |
| DOCUMENTS (see PUBLICATIONS AND DOCUMENTS). | | | |
| DOG BITES: | | | |
| Damages, owner liable for when..... | 77 | 1 | 200 |
| defense when | 77 | 3 | 200 |
| Person lawfully on property, when..... | 77 | 2 | 200 |
| DOGS: | | | |
| Field trials, regulation..... | 221 | 1 | 693 |
| DONATIONS: | | | |
| Municipalities, to accept when..... | 80 | 1 | 202 |
| DOUGLAS COUNTY (see HIGHWAY ALLOCATION). | | | |
| Appropriation | 246 | 3 | 822 |
| Location of State lands deeded to Great Northern Ry..... | 117 | 1 | 301 |
| DRAFTEES: | | | |
| Election officials, leave of absence..... | 201 | 2 | 593 |
| vacancy, how filled..... | 201 | 2 | 593 |
| Restoration to former employment..... | 201 | 1 | 592 |
| enforcement of restoration..... | 201 | 4 | 594 |
| seniority rights unaffected..... | 201 | 3 | 593 |
| Unemployment compensation benefits for..... | 201 | 6 | 595 |
| DRAHAM INVESTMENT CO., relief..... | 244 | 2 | 790 |
| DRAINAGE DISTRICTS: | | | |
| Bonds, | | | |
| contracts, Director of Conservation and Development may | | | |
| enter into when..... | 39 | 1 | 72 |
| payments extended when..... | 39 | 1 | 73 |
| time extended when..... | 39 | 3 | 74 |
| | | 1 | 73 |
| | | 3 | 74 |
| with Director of Conservation and Development, com- | | | |
| promise or settled when..... | 39 | 2 | 73 |
| indebtedness, evidence authorized to issue when..... | 39 | 4 | 76 |
| Commissioners, | | | |
| election | 183 | 1 | 525 |
| official bond, sureties..... | 183 | 1 | 526 |
| approval by county commissioners..... | 183 | 1 | 526 |
| powers enumerated | 133 | 1 | 390 |
| restrictions | 133 | 1 | 391 |
| qualifications | 183 | 1 | 526 |
| term of office..... | 183 | 1 | 526 |
| Elections, | | | |
| canvassing votes | 131 | 1 | 387 |
| | 183 | 1 | 526 |
| commissioners, board of, | | | |
| term of office..... | 131 | 1 | 386 |
| rotation | 131 | 1 | 387 |
| date of | 131 | 1 | 388 |
| election board, | | | |
| appointment of | 131 | 1 | 387 |
| compensation | 131 | 1 | 387 |
| electors, qualification of..... | 183 | 1 | 525 |
| notice of, time..... | 131 | 1 | 387 |
| polls, closing, opening, time fixed..... | 131 | 1 | 387 |
| votes, canvassing by Board..... | 131 | 1 | 387 |
| Electors, | | | |
| corporation may vote by agent..... | 183 | 1 | 525 |
| qualification | 183 | 1 | 525 |
| Organization, | | | |
| election | 183 | 1 | 525 |
| DUBUQUE, AL., relief..... | 244 | 2 | 792 |

EDUCATION.

E

| | Ch. | Sec. | Page |
|---|-------|------|---------|
| EAGLES, Fraternal Order of: | | | |
| Benefits of, act not to affect..... | 112 | 1 | 290 |
| Exclusive of insurance department of..... | 112 | 1 | 291 |
| EASTERN STATE HOSPITAL: | | | |
| Appropriation, | | | |
| capital outlays, major repairs and betterments..... | 244 | 2 | 788 |
| EASTERN WASHINGTON COLLEGE OF EDUCATION: | | | |
| Appropriations (see APPROPRIATIONS). | | | |
| EASTERN WASHINGTON STATE HISTORICAL SOCIETY | | | |
| (see APPROPRIATIONS). | | | |
| ECONOMIC POISONS (see POISONS, economic). | | | |
| EDUCATION (see, also, SCHOOLS AND SCHOOL DISTRICTS): | | | |
| Adult instruction, | | | |
| lip reading classes..... | 179 | 1 | 515 |
| Children, defective hearing tests..... | 202 | 1 | 596 |
| forms furnished by Superintendent of Public Instruction.... | 202 | 3 | 597 |
| records to be kept..... | 202 | 2 | 596 |
| special attention to afflicted..... | 202 | 2 | 596 |
| Curriculum, | | | |
| United States and Washington State history required..... | 203 | 1 | 597 |
| grades and high school..... | 203 | 1 | 597 |
| teachers' colleges and teachers' courses..... | 203 | 1 | 598 |
| Defective hearing tests, | | | |
| forms furnished by Superintendent of Public Instruction.... | 202 | 3 | 597 |
| records to be kept..... | 202 | 2 | 596 |
| special attention to afflicted..... | 202 | 2 | 596 |
| Department of, | | | |
| sight-saving equipment for school children with defective | | | |
| vision, to furnish when..... | 251 | 1 | 857 |
| property of | 251 | 1 | 857 |
| Grade Schools, | | | |
| course in U. S. and Washington State history required..... | 203 | 1 | 597 |
| Grants in aid to needy school districts, | | | |
| application for | 223 | 3 | 705 |
| appropriation | 223 | 5 | 706 |
| authorization | 223 | 2 | 705 |
| federal funds allocated..... | 223 | 4 | 706 |
| purpose | 223 | 1 | 704 |
| Social Security Committee, to regulate..... | 223 | 2 | 705 |
| survey and study to be made by..... | 223 | 3 | 705 |
| Handicapped children, defective hearing tests..... | 202 | 1 | 596 |
| forms furnished by Superintendent of Public Instruction.... | 202 | 3 | 597 |
| records to be kept..... | 202 | 2 | 596 |
| special attention to afflicted..... | 202 | 2 | 596 |
| High school, | | | |
| course in U. S. and Washington State history required..... | 203 | 1 | 597 |
| History, U. S. and Washington State, required..... | 203 | 1 | 597 |
| Junior Colleges (see JUNIOR COLLEGES). | | | |
| Night Schools authorized..... | 179 | 1 | 514 |
| Pupils, | | | |
| expulsion of | 179 | 1 | 513 |
| furnished with textbooks..... | 179 | 1 | 513 |
| transportation of | 179 | 1 | 514 |
| School Directors, | | | |
| powers and duties..... | { 101 | 1 | 100-103 |
| | { 179 | 1 | 512-515 |

EDUCATION.

EDUCATION—CONTINUED:

| | Ch. | Sec. | Page |
|--|-----|------|------|
| State Board of, | | | |
| appropriation (see APPROPRIATIONS). | 146 | | |
| junior colleges, duties regarding applications..... | 146 | 5 | 411 |
| rules to make..... | 146 | 3 | 410 |
| rules and enforcement prescribed..... | 42 | 1 | 101 |
| Teachers, | | | |
| employment of | 179 | 1 | 512 |
| Teachers' Colleges, | | | |
| history and government of the U. S. and Washington State required | 203 | 1 | 598 |
| ELECTIONS: | | | |
| Cities and towns, | | | |
| acquisition of sewage system..... | 193 | 2 | 540 |
| sewage system ownership..... | 147 | 2 | 416 |
| Cities, fourth class, | | | |
| officials, nomination of..... | 91 | 1 | 222 |
| caucus may nominate..... | 91 | 1 | 222 |
| notice of | 91 | 1 | 222 |
| County board, | | | |
| composed of | 180 | 1 | 516 |
| jurisdiction of | 180 | 1 | 516 |
| powers and duties..... | 180 | 1 | 516 |
| precinct officers, appointment of..... | 180 | 1 | 516 |
| sewer district elections..... | 210 | 40 | 663 |
| Diking districts, | | | |
| board | 132 | 1 | 389 |
| appointment | 132 | 1 | 389 |
| compensation | 132 | 1 | 389 |
| canvassing vote | 132 | 1 | 389 |
| commissioners | 132 | 1 | 388 |
| notice of | 132 | 1 | 389 |
| Drainage districts | 183 | 1 | 525 |
| canvassing of votes..... | 131 | 1 | 387 |
| commissioners, | | | |
| date of election..... | 131 | 1 | 386 |
| term of office..... | 131 | 1 | 386 |
| election board | 131 | 1 | 387 |
| notice of | 131 | 1 | 387 |
| polls, opening and closing of..... | 131 | 1 | 387 |
| votes, canvassing | 131 | 1 | 387 |
| Fire protection districts, | | | |
| special by petition..... | 70 | 3 | 174 |
| unnecessary when | 70 | 3 | 175 |
| Irrigation Districts, | | | |
| ballot, voting by, only..... | 171 | 2 | 468 |
| candidates, names of..... | 171 | 2 | 468 |
| contents | 171 | 2 | 468 |
| sticker candidates | 171 | 2 | 468 |
| betterments, for, | | | |
| procedure | 171 | 1 | 467 |
| improvements, for, | | | |
| procedure | 171 | 1 | 467 |
| voting by ballot only..... | 171 | 2 | 468 |
| Laws, codification of, | | | |
| Attorney General to revise, | | | |
| advise and consult with Secretary of State..... | 100 | 2 | 262 |
| submission to legislature, advance copies to members..... | 100 | 1 | 261 |
| revision, complete, | | | |
| recommendations, suggestions | 100 | 3 | 262 |
| Secretary of State to advise and consult with Attorney General | 100 | 2 | 262 |

EMERGENCIES.

| ELECTIONS—CONTINUED: | Ch. | Sec. | Page |
|---|------------|-------------|-------------|
| Metropolitan park districts..... | 219 | 1 | 687 |
| commlssioners, nomination, term of office, etc..... | 219 | 1 | 687-689 |
| Port districts, | | | |
| biennially when, exceptions..... | 17 | 1 | 39 |
| commlssioner | 45 | 2 | 107 |
| holding of | 45 | 1 | 107 |
| special to issue bonds..... | 7 | 6 | 20 |
| first may be..... | 17 | 1 | 39 |
| Preclnet officers, appointment..... | 180 | 1 | 516 |
| School district, | | | |
| directors, for, date, place, time of election..... | 102 | 1 | 269 |
| election board, appointment, oath..... | 102 | 2 | 270 |
| electors, qualifications | 12 | 1 | 25 |
| voting places, second and third class districts..... | 102 | 1 | 269 |
| Sewer district, | | | |
| additions and betterments, adoption and ratification..... | 210 | 17 | 647 |
| adoption and ratification of disposal plan..... | 210 | 12 | 645 |
| notice of election..... | 210 | 13 | 645 |
| annexation of adjoining territory..... | 210 | 38 | 662 |
| commlssioner | 210 | 7 | 640 |
| county election board to conduct..... | 210 | 40 | 663 |
| establishment of | 210 | 4 | 639 |
| general indebtedness | 210 | 14 | 645 |
| ..... |  | 15 | 646 |
| ..... |  | 16 | 646 |
| sewer district commlssioner..... | 210 | 7 | 640 |
| nomination and election..... | 210 | 8 | 641 |
| term of office..... | 210 | 7 | 640 |
| Water District, special for withdrawal of territory, | | | |
| ballot, question submitted..... | 55 | 9 | 132 |
| canvass, official | 55 | 10 | 133 |
| electors | 55 | 10 | 133 |
| majority of votes cast..... | 55 | 10 | 133 |
| notice of | 55 | 10 | 133 |
| official canvass | 55 | 10 | 133 |
| resolution, final after election..... | 55 | 10 | 133 |
| ELECTORS, Qualification of: | | | |
| Drainage districts | 183 | 1 | 525 |
| School districts | 12 | 1 | 25 |
| ELECTRIC ENERGY: | | | |
| Public Utility Districts engaged in furnishing, | | | |
| tax payable, when..... | 245 | 2 | 809 |
| date effective | 245 | 2 | 809 |
| distribution | 245 | 2 | 811 |
| rate | 245 | 2 | 810 |
| report, filing of, contents..... | 245 | 2 | 810 |
| taxation, | | | |
| county districts tentative tax..... | 245 | 2 | 811 |
| distribution of tax..... | 245 | 2 | 811 |
| interest on unpaid tax..... | 245 | 2 | 812 |
| levy | 245 | 2 | 809 |
| tax commission to compute and notify district..... | 245 | 2 | 810 |
| taxing districts tentative tax..... | 245 | 2 | 811 |
| voluntary payments authorized..... | 245 | 2 | 812 |
| ELEEMOSYNARY INSTITUTIONS: | | | |
| Tax, business and occupational, exemption..... | 178 | 6 | 491 |
| ELLENSBURG NORMAL SCHOOL FUND: | | | |
| Allocating revenue act receipts..... | 178 | 19a | 511 |
| EMERGENCIES, payment of warrants drawn for..... | 234 | 2 | 767 |

EMINENT DOMAIN.

| | Ch. | Sec. | Page |
|--|-----|------|------------|
| EMINENT DOMAIN: | | | |
| Airport and airport sites..... | 21 | 2 | 55 |
| Flood control purposes..... | 204 | 10 | 602 |
| county to institute..... | 204 | 10 | 602 |
| Sewer districts, power of..... | 210 | 10 | 642 |
| EMPLOYMENT: | | | |
| Draftees, restoration to former employment..... | 201 | 1 | 502 |
| enforcement of right..... | 201 | 4 | 594 |
| seniority rights unaffected..... | 201 | 1 | 593 |
| unemployment compensation benefits..... | 201 | 6 | 595 |
| Tunnels, quarries, etc..... | 194 | 1 | 552 |
| compression and decompression chambers..... | 194 | 2 | 553 |
| safety regulations | 194 | 1 | 552 |
| Unemployment compensation benefits, draftees | 201 | 6 | 595 |
| EPHRATA, TOWN TREASURER: | | | |
| Local Improvement District assessment, appropriation..... | 244 | 2 | 805 |
| EQUIPMENT FUND, HIGHWAY (see APPROPRIATIONS). | | | |
| ESTATES: | | | |
| Decedents, special notice of proceedings to interested parties..... | 206 | 1 | 605 |
| Guardians of, accounting to court..... | 83 | 1 | 205 |
| penalty for failure to..... | 83 | 1 | 205 |
| trust, end of..... | 83 | 1 | 206 |
| debts, demands | 83 | 1 | 206 |
| duties | 83 | 1 | 205 |
| education of ward..... | 83 | 1 | 205 |
| interest of ward..... | 83 | 1 | 205 |
| inventory, fled | 83 | 1 | 205 |
| penalty, failure to account to court..... | 83 | 1 | 205 |
| wards, education | 83 | 1 | 206 |
| interest of | 83 | 1 | 205 |
| Guardianship, investments, court permission not required, when..... | 206 | 3 | 607 |
| EVERETT, CITY TREASURER: | | | |
| Local Improvement District assessment, appropriation..... | 244 | 2 | 804 805 |
| EVERGREEN BEVERAGE COMPANY, Relief..... | | | |
| | 244 | 2 | 794 |
| EXCISE TAX (see, also, TAXATION): | | | |
| Three per cent, effective date | 76 | 6 | 198 |
| reduction when | 76 | 6 | 199 |
| EXECUTORS: | | | |
| Distribution, minor's inheritance less than \$100..... | 206 | 2 | 606 |
| Special notice of proceedings to interested parties..... | 206 | 1 | 605 |
| EXECUTORS AND ADMINISTRATORS: | | | |
| Uniform trustees accounting act inapplicable..... | 229 | 28 | 725 |
| EXPENSES OF OFFICIALS AND EMPLOYEES: | | | |
| Mileage on personal cars..... | 234 | 2 | 744 |
| | 244 | 1 | 787 |
| Subsistence and lodging..... | 234 | 2 | 744 |
| | 244 | 1 | 787 |
| EXPLOSIVES: | | | |
| Blasting, unlawful when..... | 107 | 1 | 279 |

FAIRS.

| EXPLOSIVES—CONTINUED: | Ch. | Sec. | Page |
|--|-----|------|------|
| Dealer, not to barter, dispose of, give to, or sell to unlicensed person | 101 | 5 | 268 |
| violation, a misdemeanor..... | 101 | 5 | 268 |
| Dealer, to comply with other state laws, when..... | 101 | 4 | 267 |
| violation, a misdemeanor..... | 101 | 5 | 268 |
| Labor and Industries, Department of, to make inspection when.. | 101 | 1 | 264 |
| license, | | | |
| duration of | 101 | 1 | 264 |
| issuance of | 101 | 1 | 264 |
| exceptions | 101 | 1 | 264 |
| License for dealing in, | | | |
| application | 101 | 3 | 267 |
| contents enumerated | 101 | 3 | 267 |
| cancellation, when | 101 | 3 | 267 |
| denial, when | 101 | 3 | 267 |
| issuance, when | 101 | 3 | 267 |
| Manufacture of, | | | |
| persons engaged in, duties..... | 101 | 1 | 262 |
| plant, plan of..... | 101 | 1 | 262 |
| report to Department of Labor and Industries..... | 101 | 1 | 263 |
| contents enumerated | 101 | 1 | 263 |
| to comply with other state laws, when..... | 101 | 4 | 267 |
| violation, a misdemeanor..... | 101 | 5 | 268 |
| Plant, plan of buildings..... | 101 | 1 | 263 |
| inspectors, Department of Labor and Industries, open to.... | 101 | 1 | 263 |
| information to | 101 | 1 | 263 |
| Possession of, | | | |
| inspection, by Department of Labor and Industries..... | 101 | 2 | 265 |
| license issued when..... | 101 | 2 | 265 |
| cancellation when | 101 | 2 | 266 |
| modification when | 101 | 2 | 266 |
| report to be made..... | 101 | 2 | 264 |
| contents enumerated | 101 | 2 | 264 |
| | | | 265 |
| Purchase and sale of, | | | |
| statutes repealed | 22 | 1 | 57 |
| Report of manufacturer..... | 101 | 1 | 263 |
| contents enumerated | 101 | 1 | 263 |
| Storage, | | | |
| inspection by Department of Labor and Industries..... | 101 | 2 | 265 |
| license, issued when..... | 101 | 2 | 265 |
| cancellation when | 101 | 2 | 266 |
| modification when | 101 | 2 | 266 |
| report made by whom..... | 101 | 2 | 264 |
| contents, enumerated | 101 | 2 | 264 |
| | | | 265 |
| EXPOSITIONS: | | | |
| Pacific Northwest Centennial, | | | |
| statutes repealed | 37 | 1 | 70 |

F

| | | | |
|---|------------|----------|------------|
| FAIRFIELD FARMERS' ALLIANCE WAREHOUSE AND ELECTRIC CO., relief | 244 | 2 | 790 |
| FAIRS: | | | |
| Agricultural, | | | |
| classification | 48 | 1 | 111 |
| requisites | 48 | 1 | 111 |
| 4-H Club | 48 | 2 | 112 |
| Racing Commission, | | | |
| expenses | 48 | 4 | 113 |
| salaries | 48 | 4 | 113 |

FAIRS.

FAIRS—CONTINUED:

| | Ch. | Sec. | Page |
|--|------------|----------|------------|
| Agricultural, | | | |
| Racing Commission, | | | |
| racing fees, | 48 | 4 | 113 |
| amount, disposition | 48 | 2 | 112 |
| site | 48 | 2 | 112 |
| Yakima, designated as site..... | 48 | 2 | 112 |
| FARMS: | | | |
| Trucks and trailers, | | | |
| license fees, schedule of..... | 224 | 1 | 706 |
| FAULKNER, FRED, relief..... | 244 | 2 | 786 |
| FEDERAL AID: | | | |
| Appropriation | 244 | 2 | 799 |
| Cities and Towns, streets..... | 250 | 1 | 853 |
| County Roads | 250 | 12 | 853 |
| Forest Reserves | 244 | 2 | 800 |
| Highways, Department of..... | 250 | 18 | 855 |
| Longview-Kelso Bridge | 250 | 2 | 851 |
| Public health work..... | 244 | 2 | 799 |
| Road Act | 250 | 6 | 851 |
| Social Security, Department of..... | 244 | 2 | 799 |
| FEDERAL AREAS: | | | |
| State taxing jurisdiction..... | 175 | { 1 | 473 |
| | | 2 | 473 |
| FEDERAL GOVERNMENT: | | | |
| State-Federal defense cooperation..... | 200 | 1 | 589 |
| air space reservations..... | 200 | 5 | 590 |
| protective defense areas..... | 200 | 2 | 589 |
| taxing authority granted State by..... | 175 | 1 | 473 |
| FEDERAL VOCATIONAL REHABILITATION, to secure..... | 234 | 2 | 748 |
| From U. S. Vocational Education fund..... | 234 | 2 | { 748 |
| | | | 749 |
| FEES (see also various headings): | | | |
| Commercial, | | | |
| fish, food, taken with jiggers..... | 8 | 2 | 21 |
| Court, | | | |
| supreme, allowed to prevailing party..... | 86 | 1 | 209 |
| enumeration of | 86 | 1 | 210 |
| exceptions | 86 | 1 | 210 |
| Extension for removal of timber from state lands..... | 135 | 1 | 394 |
| Inspection, cantaloupes and potatoes..... | 189 | 4 | 535 |
| License, | | | |
| beer retailers | 220 | { 1 | 690-692 |
| | | 2 | |
| farm trucks and trailers..... | 224 | 1 | 707 |
| privilege on crabs..... | 125 | 1 | 358 |
| small loan company..... | 208 | 3 | 610 |
| application for | 208 | 3 | 610 |
| issuance, condition precedent..... | 208 | 4 | 611 |
| renewal | 208 | 8 | 613 |
| trucks and trailers, schedule of..... | 224 | 1 | 707 |
| veterinarian, various | 71 | 19 | 185 |
| wine retailers | 220 | 3 | 692 |
| FELONIES (see CRIMES): | | | |
| Criminal anarchy | 215 | 1 | 676 |
| Perjury, examination of state accounts..... | 196 | 5 | 571 |
| Receiving stolen railroad equipment..... | 212 | 2 | 669 |
| Taking or tampering with railroad equipment..... | 212 | 1 | 669 |
| Veterinarians diploma, false use of..... | 71 | 23 | 186 |

FIREARMS.

| | Ch. | Sec. | Page |
|--|------------|-----------|------------|
| FERRIES: | | | |
| Service, operation at Tacoma Narrows..... | 9 | { 1 | 22 |
| | | 2 | 22 |
| appropriation | 9 | 3 | 22 |
| FERRY COUNTY: | | | |
| Secondary highway allocation..... | 248 | 3 | 822 |
| FERRY SERVICE, TACOMA NARROWS, emergency..... | 250 | 17 | 855 |
| FIDELITY AND CASUALTY CO. OF NEW YORK, assignee judgment | 244 | 2 | 797 |
| FINANCE, BUDGET & BUSINESS, DEPT. OF: | | | |
| Appropriation (see APPROPRIATIONS). | | | |
| Division of Budget, accounts and control, | | | |
| appropriation | 196 | 14 | 576 |
| Division of Budget, renamed..... | 196 | 7 | 572 |
| powers and duties..... | 196 | 7 | 572 |
| quarterly estimates of expenditures..... | 196 | 9 | 573 |
| requisitions, approval of..... | 196 | 12 | 575 |
| vouchers, certification of..... | 196 | 11 | 574 |
| Fire protection, State property, may arrange for when..... | 139 | 1 | 398 |
| Housing costs, assessment and collection..... | 228 | 2 | 714 |
| Public records of State, to destroy when..... | 109 | { 1 | 282 |
| | | 7 | 283 |
| FINANCE COMMITTEE, STATE: | | | |
| Appropriations (see APPROPRIATIONS). | | | |
| FIRE COMMISSIONERS, BOARD OF: | | | |
| Election of | 70 | 2 | 173 |
| Taxes, may levy when, | | | |
| limits | 70 | 5 | 176 |
| Warrants, issuance of..... | 70 | 7 | 177 |
| FIRE FIGHTING EQUIPMENT AND PERSONNEL: | | | |
| Municipalities, owned by, use of outside of boundaries..... | 96 | { 1 | 229 |
| | | 2 | 230 |
| FIRE HAZARD: | | | |
| Forest material, waste, | | | |
| clearance, application for..... | 140 | 1 | 399 |
| certificate issued when..... | 140 | 1 | 399 |
| area covered | 140 | 1 | 400 |
| contents | 140 | 1 | 400 |
| inspection | 140 | 1 | 400 |
| FIRE INSURANCE: | | | |
| Companies, mutual, | | | |
| corporations, sponsored, may insure when..... | 73 | 1 | 188 |
| FIRE PRECAUTIONS: | | | |
| Failure to observe, misdemeanor..... | 168 | 1 | 458 |
| Tunnels, quarries, etc..... | 204 | 5 | 555 |
| FIRE PROTECTION: | | | |
| Forest land owners to provide..... | 168 | 2 | 459 |
| Irrigation districts to install fire hydrants and water mains..... | 143 | 1 | 406 |
| State property, arrange for, when, payment of service..... | 139 | 1 | 398 |
| U. S. Forestry Patrol, adequate when..... | 168 | 2 | 459 |
| FIRE PROTECTION DISTRICTS: | | | |
| Authorities enumerated | 70 | 4 | 175 |
| Authorization | 70 | 1 | 173 |
| Local Improvement Districts, may create, when..... | 70 | 6 | 176 |
| State property, fire protection, arrange for when, payment of | | | |
| service | 139 | 1 | 398 |
| FIREARMS: | | | |
| Air space reservations..... | 200 | 5 | 590 |

FIREMEN'S RELIEF AND COMPENSATION FUND.

| | | | |
|--|-----|------|---------|
| FIREMEN'S RELIEF AND COMPENSATION FUND, Volunteer: | | | |
| Appropriation, | Ch. | Sec. | Page |
| awards, claims and other expenses, deficiencies..... | 234 | 2 | 768 |
| FIREMEN'S RELIEF AND PENSION FUND: | | | |
| Appropriations | 234 | 2 | 767 |
| FIRES: | | | |
| Forest land owners to provide protection..... | 168 | 2 | 459 |
| Forest, prevention of..... | 63 | 1 | 155-157 |
| equipment for logging railroad locomotive..... | 63 | 1 | 155 |
| power pump | 63 | 1 | 155 |
| spark arrester | 63 | 1 | 155 |
| sprinkler | 63 | 1 | 156 |
| logging engines, trucks, etc., equipment..... | 63 | 1 | { 156 |
| | | | { 157 |
| penalties for violation..... | 63 | 1 | 157 |
| Permit to burn, when..... | 168 | 1 | 458 |
| penalty for failure to secure..... | 168 | 1 | 458 |
| Railroad common carriers operating in forests, duties, | | | |
| furnish fire patrol after each train..... | 63 | 1 | 157 |
| regulation by Supervisor of Forestry..... | 63 | 1 | 157 |
| speeder patrol for prevention, by, equipment | 63 | 1 | 157 |
| Supervisor of Forestry may furnish patrol, when..... | 63 | 1 | 157 |
| payment for patrol service..... | 63 | 1 | 157 |
| FISH: | | | |
| Food, | | | |
| catch limitation of..... | 8 | 3 | 22 |
| commercial license fee..... | 8 | 2 | 21 |
| jiggers, taking with..... | 8 | 1 | 21 |
| limitation of catch..... | 8 | 3 | 22 |
| unlawful to shoot, gaff, etc..... | 8 | 1 | 21 |
| exception, bottom fish, sturgeon excluded..... | 8 | 1 | 21 |
| Shell, | | | |
| clam farmers license, map, etc..... | 104 | 5 | 275 |
| closed season, shrimp and crabs, area..... | 104 | 1 | 274 |
| exception, private oyster beds..... | 104 | 2 | 274 |
| duties of Director of Fisheries, investigate habits and classify..... | 104 | 3 | 275 |
| rules, make, contents..... | 104 | 3 | 275 |
| protection, etc. | 104 | 2 | 274 |
| FISHERIES COMMITTEE: | | | |
| Columbia River System, appropriation | 244 | 2 | 807 |
| FISHERIES, STATE DEPARTMENT OF: | | | |
| Appropriation (see APPROPRIATIONS). | | | |
| FISHERIES, STATE DIRECTOR OF: | | | |
| Clam farmers licensed by..... | 104 | 5 | 276 |
| location map filed with, contents..... | 104 | 5 | 276 |
| penalties for violation..... | 104 | 6 | 276 |
| Crabs, tax on, to make rules and regulations..... | 125 | 1 | 359 |
| Fish, food, commercial fee..... | 8 | 2 | 21 |
| Oysters, private beds, conservation of shell fish, act not applicable | 104 | 3 | 275 |
| Shell fish, conservation of, duties of, | | | |
| rules, make, contents of..... | 104 | 3 | 275 |
| survey of habits, etc., classification..... | 104 | 3 | 275 |
| FISSE, JACK, relief..... | 244 | 2 | 794 |

FOREST FIRES.

| | <i>Ch.</i> | <i>Sec.</i> | <i>Page</i> |
|--|------------|-------------|-------------|
| FLOOD CONTROL: | | | |
| County Commissioners, tax levies..... | 204 | 8 | 601 |
| river improvement fund..... | 204 | 8 | 601 |
| Dikes and dams, construction of..... | 204 | 9 | 601 |
| eminent domain, power of..... | 204 | 10 | 602 |
| funds | 204 | 8 | 601 |
| Districts, | | | |
| disbursement of funds..... | 204 | 7 | 601 |
| engineer, local | 204 | 3 | 599 |
| flood control maintenance fund..... | 204 | 5 | 599 |
| levy for, amount, limit..... | 204 | 8 | 601 |
| tax levies, estimates and approval..... | 204 | 6 | 600 |
| Division of, | | | |
| creation and establishment..... | 204 | 2 | 599 |
| supervisor | 204 | 2 | 599 |
| river patrol, establish or modify system..... | 204 | 4 | 599 |
| tax levies, approval of estimates..... | 204 | 6 | 600 |
| Eminent domain, powers..... | 204 | 10 | 602 |
| counties to institute action..... | 204 | 10 | 602 |
| Funds, flood control maintenance..... | 204 | 5 | 599 |
| disbursement of funds..... | 204 | 7 | 601 |
| river improvement, creation..... | 204 | 8 | 601 |
| levy, limitation | 204 | 8 | 601 |
| tax levy, including aid to Federal..... | 204 | 6 | 600 |
| estimates, approval, allocation..... | 204 | 6 | 600 |
| River Improvement fund, | | | |
| creation | 204 | 8 | 601 |
| flood control maintenance account..... | 204 | 8 | 601 |
| expenditures for purposes of act..... | 204 | 9 | 601 |
| tax levies, limit..... | 204 | 8 | 601 |
| River Patrolmen, employment of..... | 204 | 4 | 599 |
| Tax levy, estimates, approval and allocation..... | 204 | 6 | 601 |
| federal projects, included, aid to..... | 204 | 6 | 601 |
| U. S. Government, conveyance to when..... | 142 | 1 | 404 |
| Warrants, disbursement of funds by..... | 204 | 7 | 601 |
| FOOD FISH (see FISH). | | | |
| FORECLOSURE (see SPECIFIC TITLES). | | | |
| FOREIGN CORPORATIONS: | | | |
| Statutes repealed | 33 | 1 | 68 |
| FOREST BOARD, STATE: | | | |
| Appropriation (see APPROPRIATIONS). | | | |
| Cooperative agreement regarding State Forest Board lands..... | 123 | 1 | 354 |
| Lands to be reconveyed to county, when..... | 84 | 1 | 207 |
| Reconveyance of lands to county, when..... | 84 | 1 | 207 |
| FOREST FIRES: | | | |
| Permit to burn, necessary, when..... | 168 | 1 | 458 |
| penalty for failure to procure or observe rules..... | 168 | 1 | 458 |
| Prevention of, | | | |
| acts unlawful, specified..... | 63 | 1 | 155 |
| equipment for logging railroad locomotive..... | 63 | 1 | 155 |
| specified | 63 | 1 | 155 |
| logging engines, trucks, etc., equipment..... | 63 | 1 | 156 |
| penalties for violation..... | 63 | 1 | 157 |
| permit to burn, necessary, when..... | 168 | 1 | 458 |
| Protection, adequate to be furnished by owners of forest lands... .. | 168 | 2 | 459 |
| Railroad common carriers operating in forest lands, | | | |
| duties, | | | |
| furnish speeder patrol after each train..... | 63 | 1 | 157 |
| equipment | 63 | 1 | 157 |
| regulation by Supervisor of Forestry, when..... | 63 | 1 | 157 |
| Supervisor of Forestry may furnish patrol, when..... | 63 | 1 | 157 |
| payment for patrol service by..... | 63 | 1 | 157 |

FOREST MATERIAL, WASTE.

| | Ch. | Sec. | Page |
|--|-----|------|------|
| FOREST MATERIAL, WASTE: | | | |
| Certificate of clearance, application for..... | 140 | 1 | 399 |
| contents | 140 | 1 | 399 |
| | | | 400 |
| Fire hazard | 140 | 1 | 399 |
| Inspection by Supervisor of Forestry..... | 140 | 1 | 399 |
| certificate of clearance, contents..... | 140 | 1 | 399 |
| | | | 400 |
| evidence of abatement..... | 140 | 1 | 400 |
| FOREST RESERVE FUND (see APPROPRIATIONS). | | | |
| FORESTRY, SUPERVISOR OF, | | | |
| Certificate of clearance, when..... | 140 | 1 | 399 |
| Fire hazard, waste forest material..... | 140 | 1 | 399 |
| certificate of clearance, when..... | 140 | 1 | 399 |
| contents, area, etc..... | 140 | 1 | 399 |
| | | | 400 |
| evidence of abatement..... | 140 | 1 | 400 |
| Forest fires, protection against..... | 63 | 1 | 157 |
| provide fire patrol, when..... | 63 | 1 | 157 |
| railroad common carriers, fire patrol, designated by, when..... | 63 | 1 | 157 |
| FORESTS AND FOREST LANDS: | | | |
| Assessment, basis | 120 | 2 | 331 |
| Assessment rolls, collection of tax by County Treasurer..... | 120 | 4 | 335 |
| computation of tax, basis..... | 120 | 4 | 335 |
| forms, items carried..... | 120 | 4 | 333 |
| posting items | 120 | 4 | 333 |
| transmission to county auditor..... | 120 | 4 | 335 |
| Cascade Mountains, east of summit, fire permit for burning necessary, when..... | 168 | 1 | 458 |
| fire protection, adequate when | 168 | 2 | 459 |
| by owners, when..... | 168 | 2 | 459 |
| Classification, appeal from, procedure..... | 120 | 3 | 332 |
| final order after hearing, contents..... | 120 | 3 | 332 |
| hearing before commission..... | 120 | 3 | 332 |
| Assessor to make, when..... | 120 | 3 | 331 |
| petition for by owner..... | 120 | 3 | 331 |
| description of lands, etc..... | 120 | 3 | 331 |
| Assessor to notify owner after..... | 120 | 3 | 332 |
| Conflicting laws repealed..... | 120 | 11 | 339 |
| pending actions for collection of taxes not abated..... | 120 | 11 | 339 |
| Cooperative management, State Board forest lands, agreement for with, Indian tribes | 123 | 1 | 354 |
| private owners | 123 | 1 | 354 |
| U. S. Government..... | 123 | 1 | 354 |
| casement over by contracting party..... | 123 | 2 | 355 |
| State Board, authority over..... | 123 | 1 | 354 |
| state granted lands, Commissioner of Public Lands, authority over..... | 123 | 1 | 354 |
| Crop, assessed as personal property..... | 120 | 2 | 331 |
| Cutting timber, permit for, when, contents..... | 120 | 6 | 336 |
| taxes paid before issuance..... | 120 | 6 | 337 |
| report by permittee, contents..... | 120 | 7 | 337 |
| time for | 120 | 7 | 337 |

FORESTS AND FOREST LANDS.

FORESTS AND FOREST LANDS—CONTINUED:

| | Ch. | Sec. | Page |
|---|-----|------|------|
| Fire hazard, | | | |
| waste forest material, | | | |
| clearance certificate issued when..... | 140 | 1 | 399 |
| area covered | 140 | 1 | 400 |
| contents | 140 | 1 | 399 |
| | | | 400 |
| inspection by Supervisor..... | 140 | 1 | 399 |
| Fire permit, necessary, when..... | 168 | 1 | 458 |
| penalty for failure to procure..... | 168 | 1 | 458 |
| Forest crop, | | | |
| assessed as personal property..... | 120 | 2 | 331 |
| assessment roll, forms..... | 120 | 4 | 333 |
| defined | 120 | 1 | 330 |
| Forest land, defined..... | 120 | 1 | 330 |
| Harvesting, | | | |
| acreage, annual report on..... | 120 | 7 | 337 |
| defined | 120 | 1 | 330 |
| penalties for violation..... | 120 | 10 | 339 |
| permit issued when..... | 120 | 6 | 336 |
| | | | 337 |
| penalty for without..... | 120 | 7 | 337 |
| Legal description, defined..... | 120 | 1 | 330 |
| Merchantable timber, defined..... | 120 | 1 | 330 |
| Owner, | | | |
| defined | 120 | 1 | 330 |
| fire protection to provide, when..... | 168 | 2 | 459 |
| exception, U. S. forestry patrolled areas..... | 168 | 2 | 459 |
| Partial invalidity | 120 | 12 | 339 |
| Person, defined | 120 | 1 | 330 |
| Protection by land owner, when..... | 168 | 2 | 459 |
| exception, U. S. forestry patrolled areas..... | 168 | 2 | 459 |
| State, | | | |
| bonds, | | | |
| issuance, when | 43 | 2 | 104 |
| limitations | 43 | 2 | 104 |
| cooperative management agreement, entered into, when..... | 123 | 1 | 354 |
| reforestation | 43 | 2 | 103 |
| State Forest Board lands, | | | |
| assignment to be approved by whom..... | 123 | 3 | 355 |
| bond, performance of purchaser, amount..... | 123 | 4 | 355 |
| forfeited for failure to perform contract..... | 123 | 4 | 356 |
| contract, failure to perform, bonds forfeited..... | 123 | 4 | 356 |
| cooperative agreement, when, with whom..... | 123 | 1 | 354 |
| easement over, for private contracting party..... | 123 | 2 | 355 |
| term of | 123 | 2 | 355 |
| performance bond, amount..... | 123 | 4 | 355 |
| timber cut not to exceed deposit..... | 123 | 4 | 355 |
| transfer to be approved by whom..... | 123 | 3 | 355 |
| State granted lands, | | | |
| assignment to be approved by whom..... | 123 | 3 | 355 |
| bond, performance by purchaser, amount..... | 123 | 4 | 355 |
| forfeiture of for nonperformance..... | 123 | 4 | 356 |
| contract, failure to perform, bond forfeited..... | 123 | 4 | 356 |
| cooperative agreement, when, with whom..... | 123 | 4 | 356 |
| easement over, for private contracting party..... | 123 | 2 | 355 |
| term of | 123 | 2 | 355 |
| performance bond, amount..... | 123 | 4 | 355 |
| timber cut not to exceed deposit..... | 123 | 4 | 356 |
| transfer to be approved, when, by whom..... | 123 | 3 | 355 |

FORESTS AND FOREST LANDS.

FORESTS AND FORESTS LANDS—CONTINUED:

| | Ch. | Sec. | Page |
|---|------------|----------|------------|
| Taxation of, | | | |
| assessment, basis of..... | 120 | 2 | 331 |
| crops assessed as personal property..... | 120 | 2 | 331 |
| Commission, Tax, defined..... | 120 | 1 | 330 |
| deferred taxes, a prior lien..... | 120 | 9 | 339 |
| forest land deemed realty..... | 120 | 2 | 331 |
| timber on, deemed personal property for..... | 120 | 2 | 331 |
| FORSBERG, C. E., relief..... | 244 | 2 | 792 |
| FORTY MILL TAX LIMIT REFERENDUM..... | 176 | 1 | 474 |
| Referred to voters at next general election..... | 176 | 2 | 477 |
| 4-H CLUBS: | | | |
| Fairs, agriculture participation..... | 48 | 1 | 111 |
| classification | 48 | 1 | 111 |
| prizes | 48 | 3 | 112 |
| requisites | 48 | 1 | 111 |
| site | 48 | 2 | 112 |
| Yakima designated as for annual..... | 48 | 2 | 112 |
| FOXES: | | | |
| Branding, recording of brand, with Department of Agriculture.. | 207 | 2 | 608 |
| Personal property, declared to be, when..... | 207 | 1 | 608 |
| Proof of lawful acquisition..... | 207 | 1 | 608 |
| furnished when, to whom..... | 207 | 1 | 608 |
| FRANCHISES: | | | |
| Grants by cities and towns..... | 114 | 1 | 294 |
| referendum, subject to popular..... | 114 | 1 | 294 |
| petition for, time limit for filing..... | 114 | 2 | 294 |
| FRANKLIN COUNTY: | | | |
| Appropriations (see APPROPRIATIONS). | | | |
| FRATERNAL SOCIETIES: | | | |
| Accident benefits included in act when..... | 112 | 1 | 292 |
| Compensation for procuring new members not permissible when | 112 | 1 | 292 |
| Insurance benefits, application of Act..... | 112 | 1 | 290 |
| exceptions | 112 | 1 | 291 |
| | | 2 | 292 |
| Organizations organized prior to passage of Act not affected..... | 112 | 2 | 292 |
| FUNDS: | | | |
| Accident, transfer from to reserve, when..... | 209 | 1 | 630 |
| Allocation of certain tax receipts..... | 178 | 19(a) | 511 |
| Bellingham Normal School fund..... | 178 | 19(a) | 511 |
| Cheney Normal School fund..... | 178 | 19(a) | 511 |
| Cities and Towns, | | | |
| cumulative reserve | 60 | 1 | 151 |
| reserves, investment in general bonds, when..... | 145 | 1 | 409 |
| County Current Expense, | | | |
| available surplus may be kept for..... | 99 | 1 | 261 |
| delinquent tax contracts, interest on, credited to..... | 144 | 1 | 408 |
| tax for public assistance purposes to be deposited in..... | 128 | 3 | 381 |
| disbursement | 128 | 3 | 381 |
| surplus to be returned to state..... | 128 | 3 | 381 |
| Cumulative reserve, for cities and towns, | | | |
| authorization | 60 | 1 | 151 |
| creation by ordinance..... | 60 | 1 | 151 |
| fund not to lapse..... | 60 | 2 | 152 |
| purpose specific only..... | 60 | 2 | 152 |
| available for no other..... | 60 | 2 | 152 |

FUNDS.

FUNDS--CONTINUED:

| | Ch. | Sec. | Page |
|---|-----|-------|------|
| Disbursement by warrant, | | | |
| flood control maintenance fund..... | 204 | 7 | 601 |
| Ellensburg Normal School fund..... | 178 | 19(a) | 511 |
| Fair, agricultural, | | | |
| allotment, when | 48 | 3 | 112 |
| amount | 48 | 3 | 112 |
| maximum | 48 | 3 | 112 |
| available to Director of Agriculture..... | 48 | 4 | 114 |
| Flood control, maintenance account..... | 204 | 8 | 601 |
| river improvement fund..... | 204 | 8 | 601 |
| levy for | 204 | 8 | 601 |
| purposes | 204 | 9 | 601 |
| Flood control maintenance, establishment..... | 204 | 5 | 599 |
| disbursement of fund..... | 204 | 7 | 601 |
| tax levy, estimates and approval..... | 204 | 6 | 600 |
| Guardianship, | | | |
| investment, court permission not required, when..... | 204 | 3 | 607 |
| Industrial Insurance reserve, created..... | 209 | 1(e) | 629 |
| Irrigation Districts (see IRRIGATION DISTRICTS). | | | |
| Library, | | | |
| derived how | 65 | 10 | 165 |
| expenditure | 65 | 10 | 165 |
| Motor vehicle (see MOTOR VEHICLE FUND), | | | |
| Tacoma Narrows ferry service, | | | |
| appropriation for | 9 | 3 | 22 |
| Use Fuel Tax money to be credited to..... | 127 | 28 | 378 |
| Parks, of cities, fourth, second, third class..... | 49 | 1 | 115 |
| Port District, | | | |
| bond retirement | 218 | 5 | 684 |
| Public, | | | |
| safekeeping of securities..... | 18 | 1 | 40 |
| securities, safekeeping of..... | 18 | 1 | 40 |
| Public or other, | | | |
| collateral security for..... | 249 | 2 | 847 |
| Public Utility District, | | | |
| revenue bond priority..... | 182 | 5 | 521 |
| special fund for betterments..... | 182 | 2 | 519 |
| Reserve, cumulative, cities and towns..... | 60 | { 1 | 151 |
| | | { 2 | 151 |
| River improvement fund..... | 204 | 8 | 601 |
| flood control maintenance account..... | 204 | 8 | 601 |
| purpose | 204 | 9 | 601 |
| tax levy for..... | 204 | 8 | 601 |
| School Districts, first class, | | | |
| insurance fund, investment of..... | 187 | 1 | 530 |
| Sewer District, | | | |
| deposit with County Treasurer..... | 210 | 46 | 666 |
| special bonding funds, created..... | 210 | { 20 | 649 |
| | | { 21 | 650 |
| Special, | | | |
| city sewage disposal system..... | 193 | 4 | 543 |
| State Current School fund..... | 178 | 19(a) | 511 |
| State General fund..... | 178 | 19(a) | 511 |
| Trust (see TRUST FUNDS). | | | |
| University of Washington fund..... | 178 | 19(a) | 511 |
| Washington State College fund..... | 178 | 19(a) | 511 |
| Workmen's Compensation Act (see WORKMEN'S COMPENSA- TION ACT). | | | |

FUR BEARING ANIMALS.

| FUR BEARING ANIMALS: | Ch. | Sec. | Page |
|---|------------|-------------|-------------|
| Brands, recording of, with whom..... | 207 | 2 | 608 |
| Personal property, when..... | 207 | 1 | 608 |
| proof of lawful acquisition, filed with whom..... | 207 | 1 | 608 |
| FUR FARM: | | | |
| Blasting near, unlawful when..... | 107 | 1 | 279 |

G

| | | | |
|---|------------|----------|------------|
| GAME: | | | |
| Bag limits of..... | 126 | 1 | { 361 |
| any kind of animals or birds..... | 126 | 1 | { 362 |
| Open season, amendments..... | 126 | 1 | 361 |
| Season, | | | |
| closing | 126 | 1 | 362 |
| fixing of | 126 | 1 | 361 |
| open | 126 | 1 | 361 |
| regulation | 126 | 1 | 362 |
| reopening | 126 | 1 | { 361 |
| special open, area to be fixed, when..... | 126 | 1 | { 362 |
| drawing by lot, number fixed..... | 126 | 1 | 362 |
| GAME COMMISSION, STATE: | | | |
| Dogs, field trials, regulation..... | 221 | 1 | 693 |
| Game season, approval of, authority granted..... | 126 | 1 | 361 |
| authority to close or fix..... | 126 | 1 | 362 |
| GAME DEPARTMENT, STATE: | | | |
| Appropriation (see APPROPRIATIONS). | | | |
| Public shooting grounds, Mason County, control of..... | 190 | 3 | 536 |
| return to Land Commissioner, when..... | 190 | 3 | 536 |
| Public shooting grounds, Skagit County, control of..... | 165 | 2 | 454 |
| return to Land Commissioner, when..... | 165 | 2 | 454 |
| GAME DIRECTOR, STATE: | | | |
| Game season, to fix..... | 126 | 1 | 361 |
| approval by State Game Commission..... | 126 | 1 | 361 |
| bag limits, written order filed..... | 126 | 1 | 362 |
| closing, written order filed..... | 126 | 1 | 362 |
| regulations | 126 | 1 | 362 |
| reopening, written order filed..... | 126 | 1 | 362 |
| special open | 126 | 1 | 362 |
| GARBAGE COLLECTION AND DISPOSAL: | | | |
| Sanitary districts, | | | |
| rural, authorized | 98 | 1 | 250 |
| GARFIELD COUNTY: | | | |
| Appropriation (see APPROPRIATIONS). | | | |
| GARREN LUMBER CO., relief..... | 244 | 2 | 780 |
| GENERAL APPROPRIATIONS (see APPROPRIATIONS)..... | 234 | 1 | 743 |
| Capital outlay, defined..... | 234 | 2 | 744 |
| Operations, defined | 234 | 2 | 744 |
| Salaries and wages, defined..... | 234 | 2 | 744 |
| GENERAL INSURANCE CO. OF AMERICA, relief..... | 244 | 2 | 783 |
| GIFT TAX ACT OF 1941: | | | |
| Appeal to supreme court..... | 119 | 13 | 319 |
| Assessments, | | | |
| collection | 119 | 16 | 322 |
| limitations | 119 | 16 | 322 |
| commencement | 119 | 17 | 322 |

GIFT TAX OF 1941.

GIFT TAX OF 1941—CONTINUED:

| | Ch. | Sec. | Page |
|--|-----|------|-------|
| Assessments, | | | |
| over, refund when..... | 119 | 14 | 321 |
| under, collection | 119 | 14 | 322 |
| within one year..... | 119 | 16 | 322 |
| Bona fide sale divests lien..... | 119 | 10 | 316 |
| Calendar year, defined..... | 119 | 29 | 329 |
| Certificate of release, tax commission to issue, when..... | 119 | 10b | 316 |
| Classifications | 119 | 2 | 310 |
| exemptions | 119 | 2 | 310 |
| rates | 119 | 2 | 310 |
| Court action, jurisdiction..... | 119 | 13 | 317 |
| judgment, collection | 119 | 14 | 321 |
| Date due | 119 | 9 | 315 |
| Deductions | 119 | 2 | 310 |
| Deficiency, | | | |
| assessed, when | 119 | 14 | 320 |
| bond required, when..... | 119 | 13 | 319 |
| definition | 119 | 12 | 317 |
| error in computation..... | 119 | 13 | 319 |
| notice of | 119 | 13 | 317 |
| petition for court review..... | 119 | 13 | 317 |
| court review, determination..... | 119 | 13 | 317 |
| distrainment not until notice mailed..... | 119 | 13 | 317 |
| final | 119 | 13 | 318 |
| procedure | 119 | 13 | { 317 |
| | | | { 318 |
| Donor, | | | |
| bond | 119 | { 13 | { 319 |
| | | { 14 | { 320 |
| | | | { 321 |
| | | | { 318 |
| deficiency | 119 | 13 | { 319 |
| | | | { 320 |
| record, to keep..... | 119 | 8 | 315 |
| requirements, further | 119 | 8 | 315 |
| return, duplicate to be made..... | 119 | 7 | 315 |
| contents, filing of..... | 119 | 7 | 315 |
| stay, may obtain..... | 119 | 14 | 320 |
| sworn statement, filing of..... | 119 | 7 | 314 |
| Fiduciary, | | | |
| liability of | 119 | 25 | 326 |
| powers of donor, when..... | 119 | 26 | 327 |
| Interest, | | | |
| collected as part of tax, rate of..... | 119 | 21 | 324 |
| delinquent payment | 119 | 23 | { 234 |
| | | | { 235 |
| extension period for..... | 119 | 20 | 323 |
| jeopardy assessment on, rate of..... | 119 | 22 | 324 |
| Jurisdiction, Thurston County Superior Court..... | 119 | 13 | 317 |
| Liabilities, | | | |
| limitation, | | | |
| assessment of | 119 | 25 | { 326 |
| | | | { 327 |
| commencement | 119 | 25 | 327 |
| paid as deficiency when..... | 119 | 25 | 326 |
| enumerated | 119 | 25 | 326 |
| Lien, bona fide sale divests, when..... | 119 | 10 | 316 |
| attaches to all property of donee after sale..... | 119 | 10a | 316 |
| subordinate to mortgage..... | 119 | 10a | 316 |
| unpaid, may file lien notice..... | 119 | 10b | 316 |
| Misdemeanor | 119 | 24 | 326 |

GIFT TAX OF 1941.

GIFT TAX OF 1941—CONTINUED:

| | Ch. | Sec. | Page |
|---|------------|------------|------------|
| Net gifts, | | | |
| exemption | 119 | 4 | 311 |
| deductions | 119 | 5 | 311 |
| defined | 119 | 4 | 311 |
| Overpayment, refunds, procedure..... | 119 | 27 | 328 |
| Payment of tax, | | | |
| date of | 119 | 9 | 315 |
| to state treasurer..... | 119 | 8 | 315 |
| Penalties, | | | |
| for fraud | 119 | 19 | 323 |
| for negligence | 119 | 19 | 323 |
| return, failure to make..... | 119 | 19 | 323 |
| Property, all in state transferred by gift to be taxed..... | | | |
| community property, how transferred..... | 119 | 1 | 309 |
| exception | 119 | 1 | 309 |
| gift to be computed at fair value..... | 119 | 6 | 314 |
| encumbrances thereon, deductible..... | 119 | 6 | 314 |
| value, tax commission to determine..... | 119 | 6 | 314 |
| appeal | 119 | 6 | 314 |
| Refund | 119 | 14 | 321 |
| Release, certificate of to be issued when..... | 119 | 10b | 316 |
| Return, tax commission to examine..... | 119 | 11 | 317 |
| Review, Thurston County Superior Court..... | 119 | 13 | 317 |
| Rules and regulations, tax commission to make..... | 119 | 28 | 329 |
| Tax a lien on real estate..... | 119 | 10a | 316 |
| Thurston County Superior Court, jurisdiction..... | 119 | 13 | 117 |
| Title of act..... | 119 | 30 | 329 |
| Transferee, defined | 119 | 25 | 327 |
| Trust property passing, included..... | 119 | 2 | 311 |
| Value, true, to be considered in transfer of property..... | 119 | 3 | 311 |
| Violations | 119 | 24 | 325 |
| GIFTS (see also GIFT TAX ACT OF 1941): | | | |
| Bequests and devises, inheritance tax exemptions..... | 197 | { 1 | 577 |
| | | 2 | 579 |
| Cities and towns to accept, when..... | 80 | 1 | 202 |
| Inheritance tax exemptions, when..... | 197 | { 1 | 577 |
| | | 2 | 579 |
| Taxation, | | | |
| inheritance tax, | | | |
| credits on, when..... | 124 | 2 | 357 |
| exemption | 197 | { 1 | 577 |
| | | 2 | 579 |
| GIFTS, BEQUESTS AND DEVISES, inheritance tax exemptions..... | 197 | { 1 | 577 |
| | | 2 | 579 |
| GOVERNMENT AGENCIES: | | | |
| Tax, business and occupation, | | | |
| exemption | 178 | 6 | 491 |
| GOVERNOR: | | | |
| Appropriation (see APPROPRIATIONS). | | | |
| auditing records of state auditor..... | 106 | 14 | 576 |
| Budgets of state departments..... | | | |
| disbursements, procedure | 196 | 8 | 572 |
| disbursements, procedure | 196 | 9 | 573 |
| expenditures, supervising | 196 | 8 | 572 |
| factors governing revision of estimates..... | 108 | 10 | 524 |
| quarterly estimates, revision of..... | 196 | 9 | 573 |
| supervision of budget, duties..... | 196 | 11 | 574 |
| Fiscal affairs, control of..... | 196 | 8 | 573 |
| Local Defense Councils, | | | |
| members, appointment of..... | 177 | 5 | 470 |

GUARDIANS OF ESTATES.

GOVERNOR—CONTINUED:

| | Ch. | Sec. | Page |
|---|-----|------|-------|
| National Defense, | | | |
| protective defense areas, designation of..... | 200 | 3 | 500 |
| Protective defense areas, designation of..... | 200 | 3 | 500 |
| Washington State Defense Council, | | | |
| members, appointment of..... | 177 | 3 | 477 |
| GRADE CROSSINGS: | | | |
| Definitions | 101 | 1 | 440 |
| Fee, inspection | 101 | 3 | 441 |
| disposition | 161 | 3 | 441 |
| Penalty for failure to report..... | 101 | 3 | 442 |
| Railroads, | | | |
| Industrial, | | | |
| definition | 101 | 1 | 441 |
| inspection annually, by Department of Public Service.... | 101 | 2 | 441 |
| logging, | | | |
| definition | 161 | 1 | 441 |
| inspection annually, by Department of Public Service.... | 101 | 2 | 441 |
| Statement of location and number must be filed by..... | 161 | 3 | 441 |
| GRAND JURY: | | | |
| Prosecuting attorney, | | | |
| duties | 191 | 1 | { 537 |
| no power to act or intervene when..... | 158 | 1 | { 538 |
| Special attorney for, | | | 430 |
| compensation | 158 | 1 | 436 |
| duties | 158 | 1 | 436 |
| not subject to Prosecuting Attorney..... | 158 | 1 | 436 |
| GRANT COUNTY: | | | |
| Appropriations (see APPROPRIATIONS). | | | |
| GRANT, JAMES E., Relief..... | 244 | 2 | 784 |
| GRANTS: | | | |
| Renewals, | | | |
| McGowan & Sons, P. J., to, for dock and building purposes... 58 | 58 | 1 | 149 |
| GRAYS HARBOR COUNTY: | | | |
| Appropriation (see APPROPRIATIONS). | | | |
| GREAT NORTHERN RAILWAY CO.: | | | |
| Judgment | 244 | 2 | 798 |
| Relief | 244 | 2 | 794 |
| GUARDIANS AND WARD: | | | |
| Investment without court permission, when..... | 206 | 3 | 607 |
| GUARDIANS OF ESTATES: | | | |
| Account to the court, contents..... | 83 | 1 | 205 |
| penalties for failure to..... | 83 | 1 | 205 |
| Collect all monies due estate..... | 83 | 1 | 206 |
| Debts and demands to pay when due..... | 83 | 1 | 206 |
| Duties of, | | | |
| account fully to court..... | 83 | 1 | 205 |
| time | 83 | 1 | 205 |
| collect all accounts due..... | 83 | 1 | 206 |
| education of ward, when..... | 83 | 1 | 206 |
| inventory estate | 83 | 1 | 205 |
| penalty for failure, removal..... | 83 | 1 | 205 |
| time to make and file..... | 83 | 1 | 205 |
| manage estate to interest of ward..... | 83 | 1 | 205 |
| pay all debts and obligations due from estate..... | 83 | 1 | 206 |
| Penalties, | | | |
| forfeiture of fees..... | 83 | 1 | 205 |
| liable on bond..... | 83 | 1 | 205 |
| removal for failure to inventory..... | 83 | 1 | 205 |

HAMPTON, HARRY N.

| | H | Ch. | Sec. | Page |
|---|----------|-----|------|------|
| HAMPTON, HARRY N., Relief..... | | 244 | 2 | 807 |
| HARBOR IMPROVEMENT FUND, Distribution from..... | | 234 | 2 | 768 |
| HATCHERIES: | | | | |
| Blasting near, unlawful, when..... | | 107 | 1 | 279 |
| Tax, business and occupation, exemption..... | | 178 | 6 | 490 |
| HEALTH: | | | | |
| Children, defective hearing tests..... | | 202 | 1 | 596 |
| forms furnished by Superintendent of Public Instruction..... | | 202 | 3 | 597 |
| records to be kept..... | | 202 | 2 | 596 |
| special attention to afflicted..... | | 202 | 2 | 596 |
| Deficiency appropriation | | 234 | 2 | 799 |
| limited to amount of Federal aid..... | | 234 | 2 | 799 |
| HEALTH AND ACCIDENT INSURANCE, Policy (see INSURANCE): | | | | |
| Printed in readable type, size..... | | 40 | 2 | 77 |
| Reductions in benefits printed in bold face type..... | | 40 | 2 | 77 |
| HEALTH, DEPARTMENT OF: | | | | |
| Appropriation (see APPROPRIATIONS). | | | | |
| HEALTH, DIRECTOR OF: | | | | |
| Children, crippled, | | | | |
| administer and establish program of service to..... | | 120 | 1 | 383 |
| deaf, hearing tests..... | | 203 | 1 | 596 |
| rehabilitation of | | 129 | 1 | 384 |
| Duties, | | | | |
| administer program of service to crippled children..... | | 120 | 1 | 383 |
| cooperate with other groups..... | | 120 | 1 | 384 |
| establish program of service to crippled children..... | | 120 | 1 | 383 |
| expend funds of U. S. and State for crippled children..... | | 120 | 1 | 384 |
| rules, promulgate for aid to crippled children..... | | 120 | 2 | 384 |
| Sewage disposal, | | | | |
| duties of for, | | | | |
| investigate systems | | 186 | 2 | 529 |
| order cities to install adequate systems..... | | 186 | 2 | 529 |
| public nuisance, deemed when, abatement of..... | | 186 | 3 | 530 |
| regulation of in certain cities..... | | 186 | 1 | 529 |
| HEALY, MRS. MILLIE, Relief..... | | 244 | 2 | 790 |
| HIDDEN TREASURE MINING CO., Relief..... | | 244 | 2 | 790 |
| HIGHWAY ADVISORY COMMISSION: | | | | |
| Appointment by Governor..... | | 134 | 1 | 391 |
| Creation | | 134 | 1 | 391 |
| Duties and powers, | | | | |
| approve or disapprove maps, etc., when..... | | 134 | 4 | 393 |
| approve or disapprove routes, when..... | | 134 | 4 | 393 |
| designate projects, when..... | | 134 | 4 | 393 |
| recommendations, submit to Governor..... | | 134 | 4 | 393 |
| Meetings | | 134 | 3 | 392 |
| place of provided by Director of Highways..... | | 134 | 3 | 392 |
| Members, number | | 134 | 1 | 391 |
| compensation | | 134 | 2 | 392 |
| expenses | | 134 | 2 | 392 |
| removal for cause..... | | 134 | 2 | 392 |
| residence of | | 134 | 2 | 392 |
| terms of office, rotation..... | | 134 | 2 | 392 |
| vacancies, how filled..... | | 134 | 2 | 392 |
| Organization, election of chairman..... | | 134 | 3 | 392 |
| Purpose | | 134 | 1 | 391 |
| Rules, adoption of..... | | 134 | 3 | 392 |

HORTICULTURE.

HIGHWAY ADVISORY COMMISSION—CONTINUED:

| | Ch. | Sec | Page |
|--------------------------------------|-----|-----|------|
| Services, supplies and facilities, | | | |
| Director of Highways to furnish..... | 134 | 3 | 392 |
| Terms of office, rotation..... | 134 | 2 | 392 |
| Vacancies, how filled..... | 134 | 2 | 392 |

HIGHWAY PATROL (see WASHINGTON STATE PATROL).

HIGHWAYS:

| | | | |
|--|-----|---|-----|
| Byrd's Mill Road, | | | |
| established | 225 | 2 | 709 |
| first road established by law in state..... | 224 | 1 | 709 |
| markers furnished by director of..... | 225 | 3 | 710 |
| route | 225 | 2 | 710 |
| Columbia Basin Highway, | | | |
| designated as primary highway No. 11..... | 136 | 1 | 395 |
| established | 136 | 1 | 395 |
| route | 136 | 1 | 395 |
| Construction and repair, township roads, | | | |
| township roads, levy for..... | 226 | 1 | 711 |
| Ferries for Tacoma Narrows..... | 9 | 2 | 22 |
| Primary State Highway No. 11..... | 136 | 1 | 395 |
| Townships, levy for construction and repair..... | 226 | 1 | 711 |

HIGHWAYS, DEPARTMENT OF:

| | | | |
|---|-----|---|-----|
| Appropriations (see APPROPRIATIONS). | | | |
| Relief, appropriation from Bremerton-East Bremerton Toll Bridge | | | |
| Revenue Fund for repairs to Bremerton toll bridge..... | 244 | 2 | 796 |
| San Juan Islands transportation needs, | | | |
| appropriation | 239 | 4 | 777 |
| duties, | | | |
| compile data and information relating to..... | 239 | 3 | 777 |
| study needs to facilitate travel in..... | 239 | 2 | 776 |
| Tacoma Narrows, | | | |
| acts of department ratified..... | 9 | 1 | 22 |
| appropriations | 9 | 3 | 22 |
| ferries, authorized to operate..... | 9 | 2 | 22 |

HISTORICAL ASSOCIATION:

State Capitol (see STATE CAPITOL HISTORICAL ASSOCIATION).

HISTORICAL ROAD:

| | | | |
|--|-----|---|-----|
| Byrd's Mill Road, | | | |
| establishment | 225 | 2 | 709 |
| first road established by law in state..... | 225 | 1 | 709 |
| markers furnished by Director of Highways..... | 225 | 3 | 710 |
| route | 225 | 2 | 710 |

HISTORY:

| | | | |
|---|-----|---|-----|
| Courses in United States and Washington State required in common schools and teachers colleges..... | 203 | 1 | 597 |
|---|-----|---|-----|

| | | | |
|---------------------------|-----|---|-----|
| HOEFEL, EMIL, Relief..... | 244 | 2 | 808 |
|---------------------------|-----|---|-----|

HONEY:

| | | | |
|--|-----|---|-----|
| For human consumption, shipment into state not prohibited..... | 130 | 4 | 385 |
|--|-----|---|-----|

HORTICULTURE:

| | | | |
|-------------------------------------|-----|---|-----|
| Cantaloupes and potatoes, | | | |
| inspection and regulation..... | 189 | 1 | 534 |
| Commercial area defined..... | 20 | 4 | 50 |
| Cooperative Marketing Associations, | | | |
| annual audit of books..... | 195 | 3 | 567 |
| contracts, authority to make..... | 195 | 4 | 568 |
| definition of terms..... | 195 | 1 | 565 |
| | | | 566 |
| stockholders | 195 | 2 | 566 |

HORTICULTURE.

| HORTICULTURE—CONTINUED: | Ch. | Sec. | Page |
|--|-----|------|------|
| Infested products, dumping of prohibited, when..... | 20 | 14 | 54 |
| Infested property | 20 | 3 | 49 |
| action, court to abate..... | 20 | 8 | 51 |
| appeal | 20 | 11 | 53 |
| bond | 20 | 11 | 53 |
| notice of, time..... | 20 | 12 | 53 |
| hearing and judgment..... | 20 | 10 | 53 |
| notice of petition to owner, contents..... | 20 | 9 | 52 |
| petition to court..... | 20 | 8 | 52 |
| contents | 20 | 8 | 52 |
| Prosecuting Attorney to file..... | 20 | 8 | 51 |
| report of inspectors, prima facie evidence, when..... | 20 | 10 | 53 |
| Insect pests and plant diseases..... | 11 | 1 | 24 |
| control and eradication..... | 11 | 1 | 24 |
| appropriation | 11 | 2 | 24 |
| pear psylla included..... | 11 | 1 | 24 |
| Inspection Board, | | | |
| appointment | 20 | 5 | 50 |
| compensation | 20 | 7 | 51 |
| examination of premises infested..... | 20 | 5 | 50 |
| powers and duties..... | 20 | 5 | 50 |
| report of findings..... | 20 | 6 | 51 |
| Inspector, duties | 20 | 5 | 50 |
| Inspectors at large, duties..... | 20 | 5 | 50 |
| | | 8 | 51 |
| Nuisance defined | 20 | 2 | 49 |
| Pear psylla and plant diseases..... | 11 | 1 | 24 |
| Pests, | | | |
| abatement by court action..... | 20 | 8 | 51 |
| proclamation by Director of Agriculture regarding to issue when | 20 | 13 | 54 |
| Potato and cantaloupe, sale of, | | | |
| inspection of before shipping..... | 189 | 1 | 534 |
| certificate of or permit..... | 189 | 1 | 534 |
| fees for, exceptions..... | 189 | 4 | 535 |
| mark or sign denoting grade or culls..... | 189 | 3 | 535 |
| unlawful to sell without grade mark..... | 189 | 2 | 534 |
| Products, | | | |
| business and occupation tax exemption..... | 178 | 6 | 490 |
| infested, disposal of..... | 20 | 14 | 54 |
| unlawful to dump, when..... | 20 | 14 | 54 |
| Property, infested, nuisance per se..... | 20 | 3 | 48 |
| HOSPITALS: | | | |
| McKay Memorial Research, | | | |
| available to | 67 | 1 | 167 |
| Buergers disease, treatment of..... | 67 | 1 | 167 |
| charges to be fixed by Director of Health..... | 67 | 3 | 168 |
| contracts for care with United States and other states..... | 67 | 4 | 168 |
| terms of | 67 | 4 | 168 |
| establishment of | 67 | 1 | 167 |
| patients, | | | |
| Buergers disease, persons affected with..... | 67 | 2 | 167 |
| indigent citizens and others when..... | 67 | 4 | 168 |
| purpose | 67 | 1 | 167 |
| research and study of Buergers disease..... | 67 | 1 | 167 |
| HOUSING: | | | |
| Administration and development..... | 54 | 3 | 124 |
| Administration defined | 54 | 2 | 123 |

HOUSING AUTHORITY.

HOUSING—CONTINUED:

| | Ch. | Sec. | Page |
|---|-----|------|------|
| Bonds and other obligations, | | | |
| prior issuance ratified..... | 54 | 8 | 126 |
| security for public deposits and legal investments..... | 54 | 7 | 126 |
| Defense activity workers, | | | |
| purpose of act..... | 54 | 1 | 122 |
| provide sanitary dwellings for..... | 54 | 1 | 122 |
| secure federal assistance when necessary..... | 54 | 1 | 122 |
| Defense workers, defined..... | 54 | 2 | 122 |
| Development, defined..... | 54 | 2 | 123 |
| Federal Government, defined..... | 54 | 2 | 123 |
| Housing Authority, defined..... | 54 | 2 | 123 |
| Persons of low income, defined..... | 54 | 2 | 122 |
| Rural (see RURAL HOUSING). | | | |
| State agencies and departments, | | | |
| assessment and collection of rentals, rate of..... | 228 | 2 | 714 |
| payment to general fund..... | 228 | 2 | 715 |
| duties of Director of Finance, Budget and Business..... | 228 | 2 | 714 |
| housing cost, defined..... | 228 | 1 | 714 |
| provide temporary space to government, no cost..... | 228 | 2 | 714 |
| purpose, | | | |
| provide offices to agencies and departments of state financed by other than general fund for rentals at cost..... | 228 | 1 | 714 |

HOUSING AUTHORITY:

| | | | |
|--|----|------|-----|
| Act constitutes independent authorization..... | 54 | 0 | 126 |
| additional and supplemental to existing laws..... | 54 | 10 | 127 |
| administration after national defense period under housing administration law..... | 54 | 4 | 125 |
| Additional and supplemental to existing laws..... | 54 | 10 | 127 |
| Administration after national defense period to be under au- thority of housing administration law..... | 54 | 4 | 125 |
| Agent of Federal Government, may be..... | 54 | 4, 5 | 125 |
| Authorization, | | | |
| act constitutes independent..... | 54 | 9 | 126 |
| limitations, none..... | 54 | 4 | 125 |
| exception, land acquisition..... | 54 | 9 | 127 |
| exception, land acquisition..... | 54 | 4 | 125 |
| Bonds and other obligations, issued by, | | | |
| legal investments..... | 54 | 7 | 126 |
| prior issued, ratified..... | 54 | 8 | 126 |
| security for public deposits..... | 54 | 7 | 126 |
| Limitations, none..... | 54 | 4 | 125 |
| exception, land acquisition..... | 54 | 9 | 127 |
| exception, land acquisition..... | 54 | 4 | 125 |
| Powers, | | | |
| administer, develop and manage projects..... | 54 | 3 | 124 |
| cooperate with Federal Government..... | 54 | 5 | 125 |
| limitations, none..... | 54 | 4 | 125 |
| exception, land acquisition..... | 54 | 9 | 127 |
| exception, land acquisition..... | 54 | 4 | 125 |
| own and manage projects..... | 54 | 4 | 124 |
| secure Federal assistance..... | 54 | 1 | 122 |
| sell to Federal Government..... | 54 | 5 | 125 |
| Project, commencement of, defined..... | 54 | 2 | 123 |
| Projects, to develop, etc..... | 54 | 3 | 124 |
| Purposes, | | | |
| provide adequate and sanitary housing for national defense workers..... | 54 | 1 | 122 |
| persons of low income..... | 54 | 2 | 122 |
| Supplemental and additional to existing laws..... | 54 | 10 | 127 |

HUNTING DOGS.

| | Ch. | Sec. | Page |
|---|-----|------|------|
| HUNTING DOGS: | | | |
| Field trials, regulation of..... | 221 | 1 | 693 |
| Game Commission to prescribe rules..... | 221 | 1 | 693 |
| time for, limited..... | 221 | 1 | 693 |

I

| | | | |
|--|-----|---|---------|
| INCORPORATED CITIES: | | | |
| Distribution of funds credited to..... | 232 | 1 | 730 |
| INDEMNITIES, For slaughter of diseased animals..... | 61 | 1 | 152 |
| INDEMNITY BONDS FOR SHERIFFS: | | | |
| From plaintiff when..... | 237 | 1 | 774 |
| INDIAN: | | | |
| Graves, mutilation of, misdemeanor..... | 216 | 1 | 678 |
| examination and removal of specimens..... | 216 | 2 | 678 |
| INDIGENT PERSONS: | | | |
| Accused of crime, | | | |
| counsel appointed for..... | 151 | 1 | 427 |
| compensation | 151 | 1 | 427 |
| Care and treatment at McKay Memorial Hospital..... | 67 | 7 | 168 |
| INDUSTRIAL INSURANCE: | | | |
| Beneficiary, | | | |
| abandoning spouse | 208 | 1 | 634 |
| invalid child | 209 | 3 | 636 |
| out of state..... | 209 | 1 | 634 |
| Compensation schedules | 209 | 1 | 625-636 |
| aggravation | 209 | 1 | 633 |
| amputation | 209 | 1 | 631 |
| | | | 632 |
| beneficiaries, | | | |
| abandoning spouse | 209 | 1 | 634 |
| invalid child | 209 | 3 | 636 |
| out of state..... | 209 | 1 | 634 |
| death benefits | 209 | 1 | 625 |
| lump sum settlements | 209 | 2 | 635 |
| permanent partial disability, | | | |
| amputation schedule | 209 | 1 | 631 |
| defined | 209 | 1 | 631 |
| further injury | 209 | 1 | 633 |
| permanent total disability..... | 209 | 1 | 627 |
| death during | 209 | 1 | 627 |
| pre-existing disease | 209 | 1 | 635 |
| reserve fund created..... | 209 | 1 | 630 |
| investment of | 209 | 1 | 630 |
| spouse, abandoning | 209 | 1 | 634 |
| temporary total disability, duration..... | 209 | 1 | 628 |
| waiting period | 209 | 1 | 635 |
| Fund, reserve, created..... | 209 | 1 | 630 |
| Lump sum settlements..... | 209 | 2 | 635 |
| Occupational disease, | | | |
| compensation for when..... | 235 | 1 | 772 |
| defined | 235 | 1 | 772 |
| fund, paid from same as accident..... | 235 | 2 | 772 |
| included under | 235 | 1 | 772 |
| medical treatment when..... | 235 | 2 | 772 |
| INDUSTRIAL LOAN COMPANIES..... | 19 | 6 | 47 |
| Advertising matter, not to be misleading..... | 19 | 6 | 48 |
| Appeals, | | | |
| court costs | 19 | 6 | 48 |
| transcript | 19 | 6 | 48 |
| trial de novo..... | 19 | 6 | 48 |
| venue, Thurston County Superior Court..... | 19 | 6 | 46 |

INSECT CONTROL AND ERADICATION.

| | Ch. | Sec. | Page |
|--|------------|----------|------------|
| INDUSTRIAL LOAN COMPANIES—CONTINUED: | | | |
| Articles of Incorporation..... | 19 | 2 | 42 |
| amendments | 19 | 2 | 42 |
| meetings | 19 | 2 | 42 |
| notice of | 19 | 2 | 42 |
| purpose of | 19 | 2 | 42 |
| Capital stock | 19 | 2 | 42 |
| decreased | 19 | 2 | 42 |
| meeting, notice of..... | 19 | 2 | 42 |
| vote necessary | 19 | 2 | 42 |
| increase, when paid..... | 19 | 2 | 43 |
| certificate | 19 | 2 | 43 |
| limitations | 19 | 2 | 43 |
| increased | 19 | 2 | 42 |
| meeting, notice of..... | 19 | 2 | 42 |
| vote necessary | 19 | 2 | 42 |
| reduction, approval by Supervisor of Banking..... | 19 | 2 | 43 |
| Defined | 19 | 1 | 41 |
| Dividends | 19 | 5 | 47 |
| Examination by Supervisor of Banking..... | 19 | 6 | 47 |
| Limitations | 19 | 4 | 45 |
| | | | 46 |
| Name, when used..... | 19 | 1 | 41 |
| | | | 42 |
| Powers of | 19 | 3 | 43 |
| | | | 44 |
| Records of company to be kept, period..... | 19 | 6 | 47 |
| | | | 46 |
| Regulation and rules by Supervisor of Banking..... | 19 | 6 | 47 |
| Restrictions | 19 | 4 | 45 |
| | | | 46 |
| Supervisor of Banking, duties..... | 19 | 6 | 47 |
| INDUSTRIAL RAILROADS, Defined..... | 161 | 1 | 441 |
| INFANTS: | | | |
| Beneficiaries, testamentary trusts, representations..... | 229 | 9 | 721 |
| Inheritance less than \$100..... | 206 | 2 | 606 |
| guardianship proceedings unnecessary..... | 206 | 2 | 606 |
| INHERITANCE TAXES: | | | |
| Credits for gift taxes when..... | 124 | 2 | 357 |
| Exemptions | 197 | 1, 2 | 577 |
| | | | to |
| | | | 579 |
| Gift tax, credits allowed on when..... | 124 | 2 | 357 |
| Non-residents, not applicable when..... | 124 | 1 | 357 |
| INITIATIVES (see OLD AGE ASSISTANCE): | | | |
| Old Age Pension (see OLD AGE ASSISTANCE)..... | 1 | 1 | 3 |
| INLAND EMPIRE REFINERIES, INC., Judgment..... | 244 | 2 | 798 |
| INSANE: | | | |
| Hearing, examination before court..... | 214 | 1 | 673 |
| Maintenance in state hospital..... | 214 | 1 | 675 |
| INSECT CONTROL AND ERADICATION: | | | |
| Appropriation | 11 | 2 | 24 |
| Duties of Director of Agriculture, | | | |
| cooperate with U. S. Department of Agriculture..... | 11 | 1 | 24 |
| provide funds, etc., for..... | 11 | 1 | 24 |

INSOLVENT CORPORATIONS.

| | Ch. | Sec. | Page |
|--|-----|------|------|
| INSOLVENT CORPORATIONS: | | | |
| Actions by receiver, limitation..... | 103 | 2 | 271 |
| Counter-claim, allowable when..... | 103 | 6 | 273 |
| Court actions by receiver, limited..... | 103 | 2 | 271 |
| Date of application, defined..... | 103 | 1 | 271 |
| Debts, mutual | 103 | 6 | 272 |
| Dissolution proceedings | 103 | 7 | 273 |
| Preference, defined | 103 | 1 | 271 |
| Preferences, | | | |
| avoided | 103 | 3 | 272 |
| court actions | 103 | 2 | 271 |
| limitation | 103 | 3 | 272 |
| re-examination of, to attorney, when..... | 103 | 5 | 272 |
| set off against..... | 103 | 4 | 272 |
| to attorney, re-examination of..... | 103 | 5 | 272 |
| Receiver, defined | 103 | 1 | 271 |
| INSURANCE: | | | |
| Agents, | | | |
| affidavit | 164 | 1 | 451 |
| filing | 164 | 1 | 451 |
| bond to do business with unauthorized companies outside state necessary | 164 | 1 | 449 |
| business, record to keep..... | 164 | 1 | 450 |
| statement of annual business..... | 164 | 1 | 450 |
| filing | 164 | 1 | 451 |
| time of | 164 | 1 | 451 |
| tax, payable when..... | 164 | 1 | 451 |
| companies, resident | 164 | 1 | 449 |
| license | 164 | 1 | 449 |
| fee | 164 | 1 | 449 |
| license revocable | 164 | 1 | 449 |
| limited number | 164 | 1 | 449 |
| resident company | 164 | 1 | 449 |
| Business, | | | |
| record to be kept..... | 164 | 1 | 450 |
| statement of agent, annual..... | 164 | 1 | 450 |
| filing | 164 | 1 | 451 |
| time of | 164 | 1 | 450 |
| tax payable when..... | 164 | 1 | 451 |
| Classification, | | | |
| motor vehicle insurance defined..... | 40 | 1 | 77 |
| Companies, | | | |
| business, record of to be kept..... | 164 | 1 | 450 |
| resident, | | | |
| license to do business with unauthorized companies out- side state | 164 | 1 | 449 |
| bond | 164 | 1 | 449 |
| fee | 164 | 1 | 449 |
| revocation | 164 | 1 | 449 |
| limited number | 164 | 1 | 449 |
| unlicensed, | | | |
| suits against on policies..... | 164 | 1 | 451 |
| answer of company, time..... | 164 | 1 | 452 |
| summons and complaint..... | 164 | 1 | 451 |
| service on resident agent..... | 164 | 1 | 451 |
| venue | 164 | 1 | 451 |
| Domestic societies | 112 | 1 | 291 |
| limits | 112 | 1 | 291 |
| Fraternal Society, by..... | 112 | 1 | 290 |
| limitation | 112 | 1 | 291 |

INSURANCE COMPANIES.

INSURANCE—CONTINUED:

| | Ch. | Sec. | Page |
|---|-----|------|------|
| Life, | | | |
| policies, | | | |
| valuation of by Commissioner, annually..... | 111 | 1 | 288 |
| basis, standard to be stated..... | 111 | 1 | 288 |
| company may fix, limitation..... | 111 | 2 | 289 |
| Motor carriers, | | | |
| agent, transportation, | | | |
| bond or policy of..... | 198 | 5 | 583 |
| vehicle, policy on each..... | 198 | 11 | 586 |
| action on for damage or injury..... | 198 | 12 | 586 |
| Motor vehicle, | | | |
| cancellation of policy..... | 122 | 10 | 350 |
| notice of to Director..... | 122 | 10 | 350 |
| defined | 40 | 1 | 77 |
| Other associations, | | | |
| limits | 112 | 1 | 291 |
| Other societies, | | | |
| limits | 112 | 1 | 291 |
| Policies, | | | |
| accident and health, contents, | | | |
| exceptions, reducing benefits, bold face type..... | 40 | 2 | 77 |
| restrictions, size type..... | 40 | 2 | 77 |
| annuities, | | | |
| valuation of, basis, fixed by Commissioner..... | 111 | 1 | 289 |
| death, contents, | | | |
| exceptions, reducing benefits, bold face type..... | 40 | 2 | 77 |
| restrictions, size of type..... | 40 | 2 | 77 |
| health and accident, contents, | | | |
| exceptions, reducing benefits, bold face type..... | 40 | 2 | 77 |
| restrictions, size of type..... | 40 | 2 | 77 |
| industrial, | | | |
| valuation, basis of, fixed by Commissioner..... | 111 | 1 | 289 |
| abandonment, when | 111 | 1 | 290 |
| company may fix, limitation..... | 111 | 1 | 290 |
| life, | | | |
| valuation, basis of, fixed by Commissioner..... | 111 | 1 | 289 |
| abandonment, when | 111 | 1 | 290 |
| company may fix, limitation..... | 111 | 1 | 290 |
| registration of by unlicensed companies..... | 164 | 1 | 450 |
| statement of on policy, form..... | 164 | 1 | 450 |
| Tax, business and occupation, | | | |
| exemption from | 178 | 6 | 489 |
| INSURANCE COMMISSIONER, STATE: | | | |
| Annuities, valuation to fix, annually, basis..... | 111 | 1 | 289 |
| Appropriation | 234 | 2 | 747 |
| Domestic associations or societies, | | | |
| information, may require, when..... | 12 | 1 | 291 |
| Fraternal Society benefits, | | | |
| information, may require when..... | 12 | 1 | 291 |
| Industrial policies, | | | |
| valuation to fix, annually, basis..... | 111 | 1 | 289 |
| Life policies, | | | |
| valuation to fix, annually, basis..... | 111 | 1 | 289 |
| abandonment, notice | 111 | 1 | 290 |
| company may fix own, limitation..... | 111 | 1 | 290 |
| standard, minimum | 111 | 1 | 289 |
| variation, when | 111 | 1 | 289 |
| INSURANCE COMPANIES (see, also, INSURANCE): | | | |
| Fire, mutual, may insure sponsored corporations when..... | 73 | 1 | 188 |

INSURANCE CORPORATIONS.

| | Ch. | Sec. | Page |
|---|-----|------|------|
| INSURANCE CORPORATIONS: | | | |
| Articles of incorporation, in quadruplicate..... | 40 | 3 | 78 |
| acknowledgments | 40 | 3 | 78 |
| amendments | 40 | 3 | 79 |
| | | | 80 |
| approved | 40 | 3 | 78 |
| contents | 40 | 3 | 78 |
| | | | 79 |
| defects, act not to cure..... | 40 | 3 | 80 |
| filing | 40 | 3 | 78 |
| Inter-Insurers, | | | |
| requisites for | 40 | 3 | 78 |
| Lloyds, | | | |
| requisites for | 40 | 3 | 78 |
| Mutual Companies, | | | |
| requisites for | 40 | 3 | 78 |
| Requisites for | 40 | 3 | 78 |
| Stock Companies, | | | |
| requisites for | 40 | 3 | 78 |
| INTEREST: | | | |
| Bonds, sewer districts, | | | |
| funds, special, creation..... | 210 | 20 | 649 |
| | | 21 | 650 |
| general indebtedness | 210 | 18 | 647 |
| revenue bonds | 210 | 19 | 649 |
| Compounding, prohibited on small loans..... | 208 | 13 | 618 |
| Computation and rate of, small loan act..... | 208 | 13 | 618 |
| inapplicable to, | | | |
| loans in excess of \$500..... | 208 | 15 | 620 |
| non-licensees | 208 | 17 | 620 |
| Coupons, county, municipalities, bonds..... | 52 | 1 | 119 |
| signature, facsimile | 52 | 1 | 119 |
| Delinquent tax contracts, credited to county current expense fund | 145 | 1 | 408 |
| Small Loan Act, | | | |
| assignments of compensation, interest..... | 208 | 16 | 620 |
| charge in lieu of interest..... | 208 | 13 | 618 |
| compounding; prohibited | 208 | 13 | 618 |
| computation and rate of..... | 208 | 13 | 618 |
| inapplicable to loans in excess of \$500..... | 208 | 15 | 620 |
| license required | 208 | 2 | 609 |
| | | 208 | 17 |
| | | 208 | 13 |
| maximum amount of loan..... | 208 | 13 | 618 |
| rules and regulations, promulgation..... | 208 | 20 | 621 |
| INTOXICATING LIQUOR: (see, also, LIQUOR) | | | |
| Beer, retailers license, | | | |
| Class A | 220 | 1 | 690 |
| Class B | 220 | 2 | 691 |
| License, | | | |
| beer retailers, classes A and B..... | 220 | 1 | 690 |
| | | 2 | 691 |
| wine retailers | 220 | 3 | 692 |
| Minors, giving to, prohibited, penalty..... | 78 | 1 | 201 |
| Wine, retailers license | | | |
| Class C | 220 | 3 | 692 |
| INVESTMENTS: | | | |
| Guardianship funds, | | | |
| court permission not required, when..... | 206 | 7 | 607 |
| Trust Funds (see, TRUST FUNDS) | | | |

IRRIGATION DISTRICTS.

IRRIGATION DISTRICTS:

| | Ch. | Sec. | Page |
|--|-----|------|------|
| Assessment roll, | | | |
| contracts with the United States | 141 | 4 | 402 |
| deliver to County Treasurer, when..... | 141 | 4 | 402 |
| directors to prepare..... | 141 | 4 | 402 |
| equalization and fixing..... | 141 | 4 | 402 |
| County Commissioners, Board of, | | | |
| may prepare, equalize and levy, when..... | 157 | 1 | 435 |
| expenses paid by district..... | 157 | 1 | 435 |
| delivery to County Treasurer, when..... | 141 | 4 | 402 |
| failure to prepare and deliver, procedure..... | 157 | 1 | 435 |
| Assessments, | | | |
| bonds at maturity..... | 157 | 1 | 433 |
| collection by County Treasurer..... | 141 | 4 | 402 |
| deficiencies | 157 | 1 | 433 |
| deficits | 157 | 1 | 433 |
| increase for discharge at maturity..... | 157 | 1 | 433 |
| interest, annual on outstanding bonds..... | 157 | 1 | 433 |
| levy and equalization..... | 141 | 4 | 402 |
| local improvements | 157 | 1 | 433 |
| payments, date | 141 | 5 | 403 |
| discount | 141 | 2 | 401 |
| surplus fund created..... | 157 | 1 | 434 |
| limit of | 157 | 1 | 434 |
| Assessor, County, to enter property sold on tax rolls..... | 157 | 1 | 434 |
| Authority to acquire fire protection equipment..... | 143 | 1 | 405 |
| | | | 408 |
| Board of equalization, | | | |
| directors to act as..... | 141 | 3 | 402 |
| resolution | 141 | 3, 4 | 402 |
| Bonds, | | | |
| contracts with Director of Conservation and Development to extend, when..... | 39 | 1 | 72 |
| compromised and settled, when..... | 39 | 3 | 74 |
| extension of payments, without refunding..... | 39 | 2 | 73 |
| payments extended, when..... | 39 | 1 | 72 |
| time extended, when..... | 39 | 3 | 74 |
| Comprising of 200,000 acres or more, | | | |
| land sold for delinquent taxes, | | | |
| redemption, limitation of..... | 172 | 1 | 469 |
| notice of sale to assessed owner..... | 172 | 2 | 470 |
| Construction, betterments and improvements, special, | | | |
| investigation by Board and engineer..... | 171 | 1 | 468 |
| petition for by land owners..... | 171 | 1 | 467 |
| bond to cover costs of investigation..... | 171 | 1 | 467 |
| additional may be required..... | 171 | 1 | 467 |
| dismissed when | 171 | 1 | 468 |
| plans made if feasible..... | 171 | 1 | 468 |
| Contracts authorized | 39 | 4 | 70 |
| director of conservation and development, with, may be compromised and settled..... | 39 | 2 | 73 |

IRRIGATION DISTRICTS.

IRRIGATION DISTRICTS—CONTINUED:

| | Ch. | Sec. | Page |
|---|-----|------|------|
| United States, | | | |
| assessment, date payable..... | 141 | 1 | 401 |
| | | 5 | 403 |
| discount, when | 141 | 2 | 401 |
| resolution for | 141 | 2 | 401 |
| levy made | 141 | 4 | 402 |
| resolution | 141 | 4 | 402 |
| Elections, | | | |
| ballot, voting by, only..... | 172 | 2 | 468 |
| candidates, names of..... | 172 | 2 | 468 |
| contents of | 172 | 2 | 468 |
| sticker candidates | 172 | 2 | 469 |
| uniform size and quality..... | 172 | 2 | 468 |
| voting by ballot only..... | 172 | 2 | 468 |
| Final levy, directors to make, when..... | 157 | 1 | 435 |
| surplus | 157 | 1 | 434 |
| investment, when | 157 | 1 | 435 |
| Indebtedness, evidence of, | | | |
| authorized to issue when..... | 39 | 4 | 76 |
| Lands sold for delinquent assessments, | | | |
| deed to issue when..... | 172 | 2 | 470 |
| legality of sale, title, not affected, when..... | 172 | 3 | 470 |
| notice to record owner..... | 172 | 2 | 470 |
| redemption, limitation | 172 | 1 | 469 |
| Laws, existing not modified..... | 141 | 6 | 403 |
| | 172 | 3 | 470 |
| Powers enumerated | 143 | 1 | 405 |
| | | | 406 |
| Special construction, etc. (see Construction, above). | | | |
| Surplus fund | 157 | 1 | 434 |
| investment of, when..... | 157 | 1 | 435 |
| secretary accountable for, when..... | 157 | 1 | 434 |
| ISLAND COUNTY: | | | |
| Allocation of secondary highway funds..... | 246 | 3 | 822 |

J

| | | | |
|---|-----|---|-----|
| JACOX, RUBY, HAGEN, ARTHUR AND RAPID TRANSFER COMPANY, relief | 244 | 2 | 794 |
| JEFFERSON COUNTY: | | | |
| Allocation of secondary highway funds..... | 246 | 3 | 822 |
| Boundary line contracts with State, property in..... | 94 | 1 | 227 |
| approval of by Governor and Attorney General..... | 94 | 1 | 228 |
| disclaimer by Commissioner of Public Lands, when..... | 94 | 1 | 227 |
| owners of land, may enter into with State..... | 94 | 1 | 227 |
| Timber, sale of damaged, statute repealed..... | 35 | 1 | 69 |
| JOHNS, LEONA M., ESTATE OF, relief..... | 244 | 2 | 808 |
| JOHNSON, JOHN E., relief..... | 244 | 2 | 790 |
| JONES, O. B., judgment..... | 244 | 2 | 797 |
| JOY SERVICE STATION, relief..... | 244 | 2 | 792 |
| JUDGES: | | | |
| Additional for Class A counties, statute repealed..... | 29 | 1 | 64 |
| Affidavit of prejudice, when..... | 148 | 1 | 417 |
| attorney or party may make, when..... | 148 | 1 | 417 |
| called to attention of Judge, when..... | 148 | 1 | 417 |
| limited to one..... | 148 | 1 | 418 |
| Class A Counties, additional, statute repealed..... | 29 | 1 | 64 |
| Disqualification, | | | |
| affidavit of prejudice filed, when..... | 148 | 1 | 418 |

JUNIOR COLLEGES, PUBLIC.

| JUDGES—CONTINUED: | <i>Ch.</i> | <i>Sec.</i> | <i>Page</i> |
|---|------------|-------------|-------------|
| Insanity hearings, duties of, | | | |
| appoint guardian, when..... | 214 | 1 | 675 |
| examine the charge..... | 214 | 1 | 673 |
| inform accused of right to trial by jury and appointment of counsel | 214 | 1 | 674 |
| judgment and findings..... | 214 | 1 | 675 |
| financial ability of estate or relatives..... | 214 | 1 | 675 |
| maintenance of insane, | | | |
| relatives or estate, by when..... | 214 | 1 | 675 |
| State, by when..... | 214 | 1 | 675 |
| summon guardian and/or relatives..... | 214 | 1 | 674 |
| Municipal, | | | |
| additional, when | 85 | 1 | 208 |
| appointment, when | 85 | 1 | 208 |
| bond, official | 85 | 1 | 208 |
| clerk, may appoint..... | 85 | 1 | 208 |
| court room for..... | 85 | 1 | 209 |
| duties, same as other..... | 85 | 1 | 208 |
| salary fixed by ordinance..... | 85 | 1 | 209 |
| appointment of, when..... | 85 | 1 | 208 |
| bond, additional | 85 | 1 | 208 |
| first class cities, | | | |
| Justice of the Peace, regularly elected, designated as..... | 85 | 1 | 208 |
| Police Judge or Justice designated as..... | 85 | 1 | 208 |
| traffic offense cases, additional to expedite..... | 85 | 1 | 209 |
| Superior Court, | | | |
| affidavit of prejudice, when, by whom..... | 148 | 1 | 417 |
| disqualification, when | 148 | 1 | 417 |
| JUDGES' RETIREMENT FUND: | | | |
| Appropriation | 234 | 2 | 748 |
| JUDICIAL COUNCIL: | | | |
| Administration of not affected by Chapter 30..... | 50 | 4 | 117 |
| Appropriation | 234 | 2 | 747 |
| deficiency, operations | 234 | 2 | 769 |
| JUDICIAL NOTICE: | | | |
| Act, | | | |
| cited as | 82 | 7 | 204 |
| construed and interpreted..... | 82 | 6 | 204 |
| Citation of act..... | 82 | 7 | 204 |
| Foreign laws, | | | |
| court may inform itself..... | 82 | 2 | 204 |
| determination of, by court..... | 82 | 3 | 204 |
| interpretation of act..... | 82 | 6 | 204 |
| Laws not subject to act..... | 82 | 5 | 204 |
| Uniform Judicial Notice of Foreign Laws Act, cited as..... | 82 | 7 | 204 |
| JUDICIARY: | | | |
| Selective Service Act, leave of absence..... | 201 | 2 | 593 |
| JUDGMENTS (see APPROPRIATIONS): | | | |
| Foreclosure proceedings, sewer districts, sewage disposal rates, delinquent..... | 103 | 7 | 547 |
| Motor Vehicle Safety Responsibility Act, payment of | 122 | 5 | 345 |
| JUNIOR COLLEGES, PUBLIC: | | | |
| Application for by petition..... | 146 | 4 | 410 |
| Appropriation | 146 | 5 | 411 |
| Buildings and permanent equipment, residents to furnish..... | 146 | 12 | 414 |
| | | 11 | 414 |

JUNIOR COLLEGES, PUBLIC.

| JUNIOR COLLEGES, PUBLIC—CONTINUED: | | | |
|---|-----|------|-------|
| | Ch. | Sec. | Page |
| Counties having college, act not to apply..... | 140 | 14 | 414 |
| Course of study, by..... | 146 | 7 | 412 |
| Defined | 146 | 2 | 410 |
| Equipment, | | | |
| pecuniary interest by officers or employees prohibited..... | 146 | 8 | 413 |
| permanent, furnished by residents of community..... | 146 | 11 | 414 |
| purchase of by Board..... | 143 | 7 | 412 |
| Established as part of educational system of state..... | 146 | 1 | 410 |
| Establishment, | | | |
| plans, | | | |
| existing Junior College may become, | | | |
| petition by Trustees, approval..... | 146 | 4 | { 410 |
| | | | 411 |
| petition by qualified voters, number..... | 146 | 5 | 411 |
| certificate of approval to Governor..... | 146 | 5 | 411 |
| Governor to authorize..... | 146 | 5 | 411 |
| Faculty, election | 146 | 7 | 412 |
| Fees, student, approval by..... | 146 | 10 | 413 |
| Government of, general, | | | |
| Board of Trustees, | | | |
| appointed by Governor, consent of Senate..... | 146 | 6 | 411 |
| duties | 146 | 7 | { 412 |
| | | | 413 |
| meetings | 146 | 7 | 412 |
| number | 146 | 6 | 411 |
| quorum | 146 | 7 | 412 |
| terms of office..... | 146 | 6 | 412 |
| vacaney | 146 | 6 | 412 |
| Maintenance, | | | |
| amount per student, by State..... | 146 | 9 | 413 |
| apportionment regulated | 146 | 9 | 413 |
| maximum amount per school..... | 146 | 9 | 413 |
| Number limited | 146 | 9 | 413 |
| Organization of Board of Trustees, | | | |
| chairman elected by..... | 146 | 7 | 412 |
| secretary, President of college to act as..... | 146 | 7 | 412 |
| Pecuniary interest, officers or employees not to have in purchase | | | |
| of equipment and supplies..... | 146 | 8 | 413 |
| penalty for | 146 | 8 | 413 |
| Report, biennial, to Governor, when..... | 146 | 7 | 412 |
| Rules and regulations, | | | |
| curriculum, location, etc., by State Board of Education and | | | |
| State Board of Vocational Education..... | 146 | 3 | 410 |
| student government, by Board of Trustees..... | 146 | 7 | 410 |
| State Board of Education and State Board of Vocational Educa- | | | { 3 |
| tion, duties | 146 | 5 | 410 |
| | | | 411 |
| | | | 9 |
| | | | 413 |
| | | | 10 |
| | | | 413 |
| JUSTICE COURTS: | | | |
| Actions to be tried..... | 89 | 1 | 216 |
| civil to be tried where..... | 89 | 3 | 217 |
| Jurisdiction, coextensive with county..... | 89 | 2 | 216 |
| exception | 89 | 4 | 217 |
| Powers, necessary, | | | |
| courts of record, same as, where applicable..... | 89 | 1 | 216 |
| JUSTICES OF THE PEACE: | | | |
| Actions, civil to be tried, where..... | 89 | 3 | 217 |
| Appointment as Municipal Judge, where..... | 85 | 1 | 208 |
| bond, additional, when..... | 85 | 1 | 208 |

LABOR AND INDUSTRIES, COMMISSIONER OF.

JUSTICES OF THE PEACE—CONTINUED:

| | Ch. | Sec. | Page |
|--|-----|------|------|
| Cities of first class, | | | |
| appointment of as Municipal Judge..... | 85 | 1 | 208 |
| additional, when | 85 | 1 | 208 |
| bond, additional, when..... | 85 | 1 | 208 |
| clerk for, appointment..... | 85 | 1 | 209 |
| court room furnished..... | 85 | 1 | 209 |
| designated as | 85 | 1 | 208 |
| powers, same as other..... | 85 | 1 | 208 |
| purpose, expedition of traffic causes..... | 85 | 1 | 209 |
| Jurisdiction, | | | |
| coextensive with county..... | 89 | 2 | 216 |
| exception | 89 | 4 | 217 |
| powers, necessary, | | | |
| same as courts of record, when applicable..... | 89 | 1 | 216 |
| Venue, civil actions..... | 89 | 3 | 217 |

K

| | | | |
|---|-----|---|-----|
| KASSA, CLAYTON F., relief..... | 244 | 2 | 794 |
| KAUFMAN, OTTO, relief..... | 244 | 2 | 791 |
| KING COUNTY: | | | |
| Allocation of secondary highway funds..... | 246 | 3 | 822 |
| Local Improvement District assessments..... | 244 | 2 | 801 |
| | | | 804 |
| Relief | 244 | 2 | 798 |
| | | | 806 |
| KIRKLAND COOPERATIVE SOCIETY, relief..... | 244 | 2 | 790 |
| KITSAP COUNTY: | | | |
| Allocation of secondary highway funds..... | 246 | 3 | 822 |
| Quit-claim deed from State..... | 106 | 1 | 278 |
| property description | 106 | 1 | 279 |
| Vacation of tidelands in..... | 106 | 2 | 279 |
| KITTITAS COUNTY: | | | |
| Allocation of secondary highway funds..... | 246 | 3 | 822 |
| Relief, delinquent taxes on state owned land..... | 244 | 2 | 791 |
| KLICKITAT COUNTY: | | | |
| Allocation of secondary highway funds..... | 246 | 3 | 822 |
| Local Improvement District assessments..... | 244 | 2 | 802 |
| KNIGHTS OF PYTHIAS, GRAND OR SUBORDINATE LODGES: | | | |
| Benefits of, Chapter 112 not to apply..... | 112 | 1 | 290 |
| exception, insurance department of supreme lodge..... | 112 | 1 | 291 |
| KOCH, JOHN, relief..... | 244 | 2 | 792 |

L

LABOR:

| | | | |
|--|-----|---|-----|
| Railroad companies to erect shelters for workmen in yards..... | 230 | 1 | 775 |
| date effective | 238 | 3 | 776 |
| penalty for failure..... | 238 | 2 | 776 |
| Safety regulations, | | | |
| tunnels, quarries, caissons or subways..... | 194 | 1 | 552 |

LABOR AND INDUSTRIES, COMMISSIONER OF:

| | | | |
|----------------------------------|-----|---|-----|
| Apprenticeship, | | | |
| council, | | | |
| appointment by | 231 | 1 | 734 |
| members, number | 231 | 1 | 734 |
| director of, appointment by..... | 231 | 2 | 735 |

LABOR AND INDUSTRIES, DEPARTMENT OF.

LABOR AND INDUSTRIES, DEPARTMENT OF:

Appropriation (see APPROPRIATIONS).

| | Ch. | Sec. | Page |
|---|-----|------|-------|
| Explosives, | | | |
| inspection | 101 | { 1 | 264 |
| | | 2 | 265 |
| licensing | 101 | { 1 | 264 |
| | | 2 | 265 |
| cancelled, when | 101 | 3 | 266 |
| manufacture, persons engaged in, | | | |
| license of, by..... | 101 | 1 | 264 |
| report to | 101 | 1 | 263 |
| records | 101 | 4 | 268 |
| storage, persons engaged in, | | | |
| license of, by..... | 101 | 2 | 265 |
| report to | 101 | 2 | { 264 |
| | | | 265 |
| contents | 101 | 1 | 263 |
| Pilotage Commission, office..... | 184 | 1 | 527 |
| Tunnels, quarries, etc., safety regulations by..... | 194 | 32 | 564 |

LADIES OF G. A. R.:

| | | | |
|--------------------------------------|-----|---|-----|
| Home at Puyallup, appropriation..... | 244 | 2 | 799 |
|--------------------------------------|-----|---|-----|

LANDLORD AND TENANT:

Unlawful detention (see UNLAWFUL DETENTION):

| | | | |
|--------------------------|-----|-----|-----|
| recovery procedure | 188 | { 1 | 531 |
| | | to | to |
| | | 10 | 534 |

LANDS:

| | | | |
|--|-----|-----|-------|
| Adams County, deed to by state..... | 211 | 1 | 668 |
| County, | | | |
| conveyance for defense purposes..... | 227 | { 1 | 711 |
| | | 2 | 712 |
| legislative consent given..... | 227 | 4 | 713 |
| resolution of county commissioner..... | 227 | 3 | 713 |
| development of, statutes repealed..... | 6 | 1 | 16 |
| leasing of, | | | |
| procedure, term | 110 | { 2 | 285 |
| | | to | to |
| | | 3 | 288 |
| Forest (see FORESTS AND FOREST LANDS). | | | |
| Sale of, for delinquent irrigation district assessments..... | 172 | 1 | { 469 |
| | | | 470 |

State,

| | | | |
|---|-----|-----|-------|
| appraisalment and leasing of, by board of state land commis- sioners | 217 | 2 | 679 |
| board of state land commisloners, | | | |
| inspection and leasing of lands..... | 217 | 2 | 679 |
| members | 217 | 1 | 679 |
| powers and duties..... | 217 | { 2 | 679 |
| | | 3 | 681 |
| deeded to Great Northern Railway Co., in Chelan County..... | 117 | 2 | 303 |
| consideration | 117 | 2 | 304 |
| description | 117 | 2 | 304 |
| defense purposes, for..... | 66 | 1 | 166 |
| Douglas County, | | | |
| agreement | 117 | 1 | 301 |
| description | 117 | 1 | { 302 |
| | | | 303 |
| leasing to United States for defense purposes..... | 66 | 1 | 166 |
| recovery of lands to county by state, when..... | 84 | 1 | 207 |
| reforestation | 43 | 2 | { 103 |
| | | | 104 |

LEGISLATORS.

LANDS—CONTINUED:

| State, timber, | Ch. | Sec. | Page |
|---|------------|----------|-------------------|
| extension for removal under previous act..... | 135 | 3 | 395 |
| removal from, when..... | 135 | 1 | 394 |
| extension for removal..... | 135 | 1 | 394 |
| ratification of prior extension..... | 135 | 2 | 395 |
| LAW LIBRARY, STATE: | | | |
| Supervisor not affected by chapter 50..... | 50 | 4 | 117 |
| LAWS: | | | |
| Amended by code numbers..... | 149 | 4 | 419 |
| Election, | | | |
| codification of, attorney general to revise..... | 100 | 1 | 261 |
| advise and consult with Secretary of State..... | 100 | 2 | 262 |
| revision to be submitted to legislature..... | 100 | 1 | 262 |
| advance copies to legislators..... | 100 | 1 | 261 |
| completed recommendations and suggestions..... | 100 | 3 | 262 |
| Old age assistance, copy to applicant on request..... | 1 | 14 | 10 |
| Practice of law, statutes repealed..... | 47 | 1 | 110 |
| Repealed by code numbers..... | 149 | 4 | 419 |
| LAWS OF 1941, SESSION: | | | |
| Appropriation (see APPROPRIATIONS). | | | |
| Delivery of | 150 | 3 | 421 |
| Distribution | 150 | 4 | 421 422 423 |
| Sale of, price | 150 | 4 | 423 |
| Temporary publication, | | | |
| appropriation | 62 | 1 | 154 |
| LEAO, HARRY, Relief..... | 244 | 2 | 796 |
| LEGAL PUBLICATIONS: | | | |
| Newspapers, legal, | | | |
| act not retroactive..... | 213 | 7 | 672 |
| act not to apply to counties where no..... | 213 | 5 | 671 |
| affidavit of publication..... | 213 | 4 | 671 |
| approval by Superior Court..... | 213 | 1 | 670 |
| designation, exclusive, when more than one..... | 213 | 6 | 671 |
| exceptions | 213 | 5 | 671 |
| notices to be published in..... | 213 | 6 | 671 |
| order of approval, termination..... | 213 | 2 | 670 |
| qualifications of | 213 | 3 | 671 |
| LEGISLATIVE EXPENSES: | | | |
| Appropriations | 2 | 1 | 13 |
| | 14 | 1 | 27 |
| printing, indexing, etc., public documents..... | 244 | 2 | 799 |
| subsistence expense | 4 | 1 | 14 |
| LEGISLATIVE JOURNALS: | | | |
| Distribution | 150 | 5 | 423 |
| exchange | 150 | 5 | 424 |
| sale, price of..... | 150 | 5 | 424 |
| LEGISLATORS: | | | |
| Appropriation | 4 | 1 | 14 |
| Lodging and subsistence expenses, | | | |
| maximum rate, method of payment..... | 173 | 2 | 471 |
| reimbursement | 173 | 1 | 471 |
| Subsistence and lodging expenses, | | | |
| maximum rate, method of payment..... | 173 | 2 | 471 |
| reimbursement | 173 | 1 | 471 |

LEGISLATURE.

| | Ch. | Sec. | Page |
|---|------------|----------|------------|
| LEGISLATURE: | | | |
| Consent to conveyance of county property for defense purposes.. | 227 | 4 | 713 |
| Expenses, except printing, appropriation..... | { 2 | 1 | 13 |
| | { 14 | 1 | 27 |
| Members, expense of, | | | |
| appropriation for lodging and subsistence..... | 4 | 1 | 14 |
| lodging and subsistence, reimbursement for..... | 173 | 1 | 471 |
| maximum rate | 173 | 2 | 471 |
| payment, method | 173 | 2 | 471 |
| Printing, appropriation | 3 | 1 | { 13 |
| | | | { 14 |
| LEWIS, CLAIR, Judgment..... | 244 | 2 | 797 |
| LEWIS COUNTY: | | | |
| Allocation of secondary highway funds..... | 246 | 3 | 822 |
| LIABILITY: | | | |
| Bank and trust companies..... | 16 | 1 | { 37 |
| | | | { 38 |
| shareholders | 16 | 1 | 36 |
| Dog bites, for, | | | |
| owner liable, when..... | 77 | 1 | 200 |
| person lawfully on property, when..... | 77 | 2 | 200 |
| defense | 77 | 3 | 200 |
| LIBRARIES: | | | |
| Free public, | | | |
| board of trustees, | | | |
| appointment | 65 | 7 | 163 |
| compensation for expenses only..... | 65 | 7 | 163 |
| duties | 65 | 8 | 164 |
| organization | 65 | 8 | 164 |
| removal of, procedure..... | 65 | 7 | 164 |
| terms | 65 | 7 | 163 |
| vacancies | 65 | 7 | 163 |
| budget levy | 65 | 8 | 164 |
| Funds, how derived..... | 65 | 9 | 165 |
| custody | 65 | 9 | 165 |
| expenditure, limitation | 65 | 9 | 165 |
| Governmental unit, | | | |
| defined | 65 | 2 | 159 |
| may contract for services from existing library..... | 65 | 7 | 162 |
| Legislative body defined..... | 65 | 2 | 159 |
| Library, defined | 65 | 2 | 159 |
| Regional library defined..... | 65 | 2 | 159 |
| Rural county library district, defined..... | 65 | 2 | 159 |
| Rural free public, | | | |
| districts authorized, procedure..... | 65 | 4 | 160 |
| establishment of, procedure..... | 65 | 4 | 160 |
| governmental unit, defined..... | 65 | 2 | 159 |
| legislative body, defined..... | 65 | 2 | 159 |
| levy | 65 | 4 | 161 |
| maintenance and establishment..... | 65 | 4 | 159 |
| procedure to establish..... | 65 | 4 | 160 |
| public corporation, a..... | 65 | 4 | 160 |
| regional library, defined..... | 65 | 2 | 159 |
| revenues derived, county treasurer to receive and disburse.. | 65 | 4 | 161 |
| rural county library district, defined..... | 65 | 2 | 159 |
| Service may be contracted for..... | 65 | 7 | 162 |
| restrictions | 65 | 7 | 163 |
| LICENSES: | | | |
| Beer retailers, classification and fees..... | 220 | { 1 | 690 |
| | | { 2 | 691 |

LICENSES.

LICENSES—CONTINUED:

| | Ch. | Sec. | Page |
|--|-----|------|-------|
| Clam farmers, | | | |
| fees, payable to state treasurer..... | 104 | 5 | 275 |
| season | 104 | 5 | 275 |
| Dentists, necessary | 92 | 2 | 223 |
| application | 92 | 2 | 224 |
| contents | 92 | 2 | 224 |
| form | 92 | 2 | 224 |
| clinical demonstrations, when..... | 92 | 3 | 225 |
| examinations | 92 | 2 | 224 |
| further restrictions | 92 | 2 | 225 |
| fees | 92 | 2 | 224 |
| | | | } 225 |
| Explosives, | | | |
| dealers in | 101 | 3 | 267 |
| application for | 101 | 3 | 267 |
| contents enumerated | 101 | 3 | 267 |
| cancellation, reason | 101 | 3 | 267 |
| denial, when | 101 | 3 | 267 |
| issuance, when | 101 | 3 | 267 |
| manufacturers of | 101 | 1 | 264 |
| duration of license..... | 101 | 1 | 264 |
| issuance of | 101 | 1 | 264 |
| labor and industries, department of, to issue, when..... | 101 | 1 | 264 |
| report, contents | 101 | 1 | 263 |
| | | | } 264 |
| storage, keeping or possession of. | | | |
| cancellation, when, procedure..... | 101 | 2 | 266 |
| labor and industries, department of, to issue, when... | 101 | 2 | 265 |
| modification, when | 101 | 2 | 266 |
| report, contents | 101 | 2 | 264 |
| | | | } 265 |
| Farm trucks and trailers..... | 224 | 1 | 706 |
| Fees, | | | |
| beer retailers | 220 | 1 | 690 |
| | | 2 | 691 |
| fish, food, taken with jiggers, commercial..... | 8 | 2 | 21 |
| motor carrier license..... | 198 | 4 | 582 |
| small loan companies..... | 208 | 3 | 610 |
| trucks and trailers, schedule of..... | 224 | 1 | 706 |
| wine retailers | 220 | 3 | 692 |
| Fish, food, taken with jiggers..... | 8 | 2 | 21 |
| fee, commercial | 8 | 2 | 21 |
| Fishing, food fish..... | 8 | 2 | 21 |
| Insurance | 104 | 1 | 449 |
| revocation, when | 104 | 1 | 452 |
| Jiggers, commercial license for..... | 8 | 2 | 21 |
| Motor carrier transportation agent, | | | |
| application for agent's license, when made..... | 198 | 3 | 582 |
| bonds required | 198 | 5 | 583 |
| | | 10 | 585 |
| fee for license..... | 198 | 4 | 582 |
| hearing on license application..... | 198 | 4 | 582 |
| | | 15 | 587 |
| insurance | 198 | 5 | 583 |
| | | 11 | 586 |
| license, | | | |
| agent's | 198 | 2 | 582 |
| motor vehicle | 198 | 9 | 585 |
| revocation of agent's..... | 198 | 4 | 582 |
| Motor vehicle, | | | |
| forfeiture for violation of motor vehicle act..... | 116 | 2 | 300 |

LICENSES.

| LICENSES—CONTINUED: | Ch. | Sec. | Page |
|--|-----|------|------|
| Motor vehicle operators', | | | |
| additional, when | 122 | 5 | 346 |
| cancellation under Uniform Motor Vehicle Safety Responsibility Act | 122 | 13 | 353 |
| new issued, when | 122 | 13 | 353 |
| effective until | 122 | 4 | 344 |
| safety responsibility | 122 | 2 | 343 |
| damages, ability to respond in | 122 | 2 | 343 |
| second judgment, after, when | 122 | 7 | 346 |
| surrender of | 122 | 9 | 348 |
| failure to, penalty | 122 | 9 | 348 |
| suspension | 122 | 2 | 343 |
| waived, when | 122 | 5 | 345 |
| Real estate brokers, | | | |
| application for, | | | |
| recommendation | 252 | 11 | 801 |
| requirements | 252 | 11 | 801 |
| additional | 252 | 12 | 802 |
| | | | 863 |
| bond | 252 | 11 | 801 |
| examination for | 252 | 12 | 803 |
| | | 15 | 804 |
| commission of three members to conduct | 252 | 13 | 803 |
| compensation | 252 | 14 | 804 |
| expenses | 252 | 14 | 804 |
| requirements | 252 | 13 | 804 |
| lists | 252 | 15 | 804 |
| applicants successful and unsuccessful | 252 | 15 | 804 |
| method, place, time prescribed by director | 252 | 12 | 803 |
| questions | 252 | 15 | 804 |
| temporary, pending | 252 | 12 | 803 |
| fee | 252 | 11 | 801 |
| limitations | 252 | 10 | 800 |
| revocation, when | 252 | 19 | 805 |
| | | | 866 |
| salesmen, | | | |
| examination, | | | |
| fee | 252 | 15 | 804 |
| lists | 252 | 15 | 804 |
| applicants successful and unsuccessful | 252 | 15 | 804 |
| questions | 252 | 15 | 804 |
| revocation, when | 252 | 19 | 805 |
| | | | 806 |
| suspension, when | 252 | 19 | 805 |
| | | | 806 |
| violations enumerated | 252 | 19 | 805 |
| | | | 806 |
| suspension, when | 252 | 19 | 805 |
| | | | 806 |
| violations enumerated | 252 | 19 | 805 |
| | | | 806 |
| Small loan companies, | | | |
| application and fees | 208 | 3 | 610 |
| information required | 208 | 5 | 612 |
| assets, proof of | 208 | 3 | 610 |
| | | 5 | 612 |
| bond | 208 | 3 | 610 |
| additional | 208 | 5 | 612 |
| change of address | 208 | 7 | 613 |
| denial of, procedure | 208 | 4 | 611 |
| | | | 612 |

LICENSES, DIRECTOR OF.

| LICENSES—CONTINUED: | Ch. | Sec. | Page |
|--|-----|------|------|
| Small loan companies, | | | |
| fee | 208 | 3 | 610 |
| issuance, conditions precedent..... | 208 | 4 | 611 |
| places of business..... | 208 | 7 | 613 |
| records and reports..... | 208 | 11 | 616 |
| renewal fee | 208 | 8 | 613 |
| required | 208 | 2 | 609 |
| revocation, grounds and effect..... | 208 | 9 | 614 |
| appeal from order and trial..... | 208 | 23 | 622 |
| rules and regulations, promulgation..... | 208 | 20 | 621 |
| suspension, grounds and effect..... | 208 | 9 | 614 |
| appeal from order and trial..... | 208 | 23 | 622 |
| violation, investigation | 208 | 10 | 615 |
| misdemeanor | 208 | 18 | 621 |
| Trucks and trailers, | | | |
| fees, schedule of | 224 | 1 | 706 |
| Use fuel tax act, | | | |
| dealer must have..... | 127 | 3 | 376 |
| Veterinarian, | | | |
| act not applicable to United States employecs..... | 71 | 20 | 185 |
| display of, required..... | 71 | 18 | 185 |
| fees, various | 71 | 19 | 185 |
| issuance, procedure | 71 | 9 | 181 |
| mandatory | 71 | 6 | 180 |
| revocation | 71 | 13 | 182 |
| appeal from | 71 | 13 | 182 |
| causes for | 71 | 13 | 182 |
| procedure | 71 | 13 | 182 |
| suspension | 71 | 13 | 182 |
| appeal from decision..... | 71 | 15 | 184 |
| causes for | 71 | 13 | 183 |
| procedure | 71 | 14 | 183 |
| temporary | 71 | 11 | 181 |
| Washington state seed law, | | | |
| exception | 56 | 35 | 144 |
| fee | 56 | 34 | 144 |
| required, when | 56 | 34 | 144 |
| Wine retailer, designation and fees..... | 220 | 3 | 692 |
| LICENSES, DEPARTMENT OF: | | | |
| Appropriations (see APPROPRIATIONS). | | | |
| Motor vehicle transportation, | | | |
| powers and duties of..... | 163 | 3 | 445 |
| Powers and duties of..... | 163 | 3 | 445 |
| Tariffs, motor vehicle transportation, to fix, compile, publish and distribute | 163 | 3 | 446 |
| fees | 163 | 3 | 446 |
| LICENSES, DIRECTOR OF: | | | |
| Medicine and surgery, practice of, | | | |
| certificate, application fee..... | 166 | 1 | 455 |
| registration with, annually..... | 166 | 1 | 455 |
| failure to, penalty..... | 166 | 1 | 455 |
| fee | 166 | 1 | 455 |
| Motor vehicle (private) excise tax, | | | |
| duties of county auditor, director may designate any other person to perform..... | 153 | 1 | 429 |
| Use fuel tax, | | | |
| act, appointment of assistants..... | 127 | 24 | 377 |
| dealers, license, to issue..... | 127 | 23 | 376 |
| enforcement of act..... | 127 | 24 | 377 |
| money to be transmitted to state treasurer..... | 127 | 28 | 378 |

LICENSES, DIRECTOR OF.

LICENSES, DIRECTOR OF—CONTINUED:

| | Ch. | Sec. | Page |
|--|-----|------|------|
| Use fuel tax, | | | |
| permit, to issue..... | 127 | 4 | 364 |
| application | 127 | 4 | 364 |
| cancellation, when | 127 | 5 | 365 |
| emblem, to issue without charge..... | 127 | 4 | 365 |
| return of, when..... | 127 | 5 | 366 |
| power to revoke..... | 127 | 5 | 365 |
| revocation, when | 127 | 5 | 365 |
| records, | | | |
| confidential | 127 | 25 | 377 |
| dealer to keep..... | 127 | 24 | 376 |
| director to examine..... | 127 | 24 | 376 |
| user to keep..... | 127 | 24 | 376 |
| Veterinarian licenses, to issue..... | 71 | 6 | 180 |
| examinations, when, directed by..... | 71 | 7 | 180 |
| retake, on failure | 71 | 10 | 181 |
| reciprocal relations | 71 | 12 | 182 |
| refusal of, when..... | 71 | 6 | 180 |
| revocation of license..... | 71 | 13 | 182 |
| causes | 71 | 13 | 183 |
| procedure | 71 | 14 | 183 |
| subpoenas, to issue, when..... | 71 | 14 | 183 |
| suspension of license..... | 71 | 13 | 182 |
| causes | 71 | 13 | 183 |
| procedure | 71 | 14 | 183 |
| LIENS: | | | |
| Cities and towns, | | | |
| delinquent sewage disposal rates..... | 193 | 6 | 546 |
| enforcement | 193 | 10 | 549 |
| foreclosure, sale and redemption..... | 193 | 7 | 547 |
| | | 8 | 548 |
| | | 9 | 548 |
| Foreclosure, delinquent sewage disposal charges, | | | |
| procedure | 193 | 7 | 547 |
| sale and redemption..... | 193 | 8 | 548 |
| | | 9 | 548 |
| Sewage disposal rates, | | | |
| foreclosure by cities..... | 193 | 7 | 547 |
| enforcement of | 193 | 10 | 549 |
| LIEUTENANT GOVERNOR: | | | |
| Appropriations (see APPROPRIATIONS). | | | |
| LINCOLN COUNTY: | | | |
| Allocation of secondary highway funds..... | 246 | 3 | 822 |
| LIP READING: | | | |
| Instruction, free to deaf, when | 42 | 1 | 103 |
| LIQUOR: | | | |
| Minors, | | | |
| age, misrepresentation by others, misdemeanor..... | 78 | 1 | 201 |
| not to have, when..... | 78 | 1 | 201 |
| purchase for, prohibited..... | 78 | 1 | 201 |
| treat, not to, when..... | 78 | 1 | 201 |
| LIQUOR BOARD: | | | |
| Licenses, | | | |
| beer retailers, designation and fee..... | 220 | 1 | 600 |
| | | 2 | 601 |
| wine retailers, designation and fee..... | 220 | 3 | 602 |
| LITIGATION, TAX: | | | |
| Statutes repealed | 156 | 1 | 432 |

LOANS.

LOAN COMPANIES:

| | Ch. | Sec. | Page |
|--|-----|------|------|
| Industrial, | | | |
| capital stock, decrease or increase, vote necessary..... | 19 | 2 | 42 |
| decrease or increase, vote necessary..... | 19 | 2 | 42 |
| approval certificates | 19 | 2 | 43 |
| limitations | 19 | 2 | 43 |
| meeting, notice of..... | 19 | 2 | 42 |
| defined | 19 | 1 | 41 |
| name, when used..... | 19 | 1 | 41 |

LOANS:

| | | | |
|---|-----|----|-----|
| Interest rates, small loan act..... | 208 | 13 | 618 |
| charges in lieu of interest..... | 208 | 13 | 618 |
| compounding, prohibited | 208 | 13 | 618 |
| inapplicable to loans in excess of \$500..... | 208 | 15 | 620 |
| inapplicable to non-licensees..... | 208 | 17 | 620 |
| Repayments, receipts, | | | |
| small loan act..... | 208 | 14 | 619 |
| Small Loan Act, | | | |
| assignment of wages, loan when..... | 208 | 16 | 620 |
| business not covered..... | 208 | 19 | 621 |
| definition of terms..... | 208 | 1 | 609 |
| interest chargeable | 208 | 13 | 618 |
| inapplicable to loans in excess of \$500..... | 208 | 15 | 620 |
| inapplicable to non-licensees..... | 208 | 17 | 620 |
| loan, maximum amount | 208 | 13 | 618 |
| notices, service of | 208 | 21 | 622 |
| rules and regulations, promulgation..... | 208 | 20 | 621 |
| rules governing conduct of business..... | 208 | 12 | 617 |
| violations, investigation of..... | 208 | 10 | 615 |
| contracts void | 208 | 18 | 621 |
| gross misdemeanor | 208 | 18 | 621 |
| Small Loan Companies, | | | |
| advertising, false, prohibited..... | 208 | 12 | 617 |
| assets, proof of..... | 208 | 3 | 610 |
| bond | 208 | 5 | 612 |
| additional bond | 208 | 3 | 610 |
| additional bond | 208 | 5 | 612 |
| change of address..... | 208 | 7 | 613 |
| false advertising, prohibited..... | 208 | 12 | 617 |
| interest, rates and computation..... | 208 | 13 | 618 |
| compounding prohibited | 208 | 13 | 618 |
| inapplicable to loans in excess of five hundred dollars.... | 208 | 15 | 620 |
| inapplicable to non-licensees..... | 208 | 17 | 620 |
| license required | 208 | 2 | 610 |
| application for | 208 | 3 | 610 |
| denial of | 208 | 4 | 611 |
| fee | 208 | 3 | 610 |
| information required | 208 | 5 | 612 |
| issuance, conditions precedent..... | 208 | 4 | 611 |
| renewal | 208 | 8 | 613 |
| revocation and suspension..... | 208 | 9 | 614 |
| appeal from order and trial..... | 208 | 23 | 622 |
| loans, maximum | 208 | 13 | 618 |
| payments on loans and receipts..... | 208 | 14 | 619 |
| places of business..... | 208 | 7 | 613 |
| records, | | | |
| inspection of | 208 | 10 | 615 |
| to be kept..... | 208 | 11 | 616 |
| reports, annual | 208 | 11 | 616 |
| statistics concerning practice of collection..... | 208 | 24 | 623 |

LOANS.

| LOANS—CONTINUED: | Ch. | Sec. | Page |
|---|------------|----------|------------|
| Small Loan Companies, | | | |
| terms of loans | 208 | 14 | 619 |
| violation of act, misdemeanors..... | 208 | 18 | 621 |
| contracts void | 208 | 18 | 621 |
| investigation of | 208 | 10 | 615 |
| LOCAL IMPROVEMENT DISTRICTS: | | | |
| Assessments | 90 | 1 | 219 |
| method of | 90 | 1 | 219 |
| divisions for assessment purposes..... | 90 | 1 | 219 |
| ratio of | 90 | 1 | 220 |
| property deemed benefited..... | 90 | 1 | 218 |
| | | | } 219 |
| rate of | 90 | 1 | 220 |
| roll | 90 | 1 | 220 |
| inclusion | 90 | 1 | 220 |
| Establishment of | 90 | 1 | 218 |
| Fire protection districts, authority to create when..... | 70 | 1 | 173 |
| | | } 6 | 176 |
| | | 1 | 218 |
| Territorial limits | 90 | 1 | 218 |
| LODGES (see FRATERNAL SOCIETIES). | | | |
| LOGGING RAILROAD, Defined..... | 161 | 1 | 441 |
| LONG, A. E., INC., Relief..... | 244 | 2 | 791 |
| LONGVIEW-KELSO BRIDGE, Appropriation..... | 250 | 2 | 851 |
| LOOMIS, L. E. and LENA, Judgment..... | 244 | 2 | 797 |
| LUMBER: | | | |
| Assessed and taxed, where..... | 155 | 1 | 431 |
| M | | | |
| MacDONALD, GEORGE D., Relief..... | 244 | 2 | 794 |
| MANSFIELD, CHARLES E., Relief..... | 244 | 2 | 792 |
| MAPS: | | | |
| Clam farmers location to be filed..... | 104 | 5 | 276 |
| MARINE AND NAVAL CORPS RESERVE ARMORY at Tacoma, appropriation | 236 | 1 | 773 |
| MARLINO, A. A., Relief..... | 244 | 2 | 795 |
| MARTIN, CLARENCE D., portrait, appropriation for..... | 234 | 2 | 762 |
| MASON COUNTY: | | | |
| Allocation of secondary highway funds..... | 246 | 3 | 823 |
| Lands, authorization as public shooting grounds..... | 190 | 1 | 536 |
| MASONIC, Grand or subordinate lodges, benefits, chapter 112 not applicable to | 112 | 1 | 290 |
| MASON-WALSH-ATKINSON-KIER CO., Judgment | 244 | 2 | 797 |
| MASTER AND SERVANT: | | | |
| Tunnels, quarries, etc., | | | |
| lighting in air compression chambers..... | 104 | 3 | 554 |
| safety regulations | 194 | 1 | 552 |
| compression and decompression chambers..... | 194 | 2 | 553 |
| MAXWELL, H. P., PETROLEUM CORP., Judgment..... | 244 | 2 | 798 |
| MAYFIELD, THOMAS J., Judgments..... | 244 | 2 | 798 |
| McCANDLESS, JESSICA T., Judgment..... | 244 | 2 | 798 |
| McCONAGHY, JAMES, Judgment..... | 244 | 2 | 797 |

MILITARY AND NAVAL SERVICE.

| | Ch. | Sec. | Page |
|---|-----|------|------|
| McGLOTHERN, ROY, Relief..... | 244 | 2 | 792 |
| McGOWAN & SONS, P. J., renewal of grant to, for wharves and building purposes | 58 | 1 | 149 |
| McKAY MEMORIAL RESEARCH HOSPITAL: | | | |
| Buergers disease, research and study of..... | 67 | 1 | 167 |
| Contracts of care, with United States and others..... | 67 | 4 | 168 |
| terms | 67 | 4 | 168 |
| Cost of hospitalization..... | 67 | 3 | 168 |
| Established at Soap Lake..... | 67 | 2 | 167 |
| Hospitalization, | | | |
| cost of | 67 | 3 | 168 |
| free to veterans, veterans' wives or widows..... | 67 | 3 | 168 |
| Patients, available to, | | | |
| Buergers disease, persons afflicted with..... | 67 | 2 | 167 |
| indigent citizens and others, when..... | 67 | 2 | 167 |
| MECHANICAL DEVICES, CERTAIN: | | | |
| Cities may regulate or prohibit..... | 118 | 1 | 308 |
| Counties may regulate or prohibit..... | 118 | 1 | 308 |
| Defined | 118 | 1 | 306 |
| Gross operating income defined..... | 118 | 1 | 306 |
| Income records to be kept, open to tax commission..... | 118 | 1 | 307 |
| Machine, description of..... | 118 | 1 | 306 |
| Operator, defined | 118 | 1 | 306 |
| Pay-out, defined | 118 | 1 | 306 |
| Player, defined | 118 | 1 | 306 |
| Return, taxpayer to make..... | 118 | 1 | 307 |
| sworn returns, when..... | 118 | 1 | 307 |
| Tax, | | | |
| additional to any other..... | 118 | 1 | 308 |
| levied | 118 | 1 | 305 |
| fixed, how | 118 | 1 | 305 |
| payable bi-monthly | 118 | 1 | 307 |
| Taxpayer to keep income record..... | 118 | 1 | 307 |
| Towns may regulate or prohibit..... | 118 | 1 | 308 |
| MEDICINE AND SURGERY, PRACTICE OF: | | | |
| Application for certificate, fee..... | 166 | 1 | 455 |
| Certificate, application for, fee..... | 166 | 1 | 455 |
| Registration with director of licenses annually..... | 166 | 1 | 455 |
| failure to, penalty..... | 166 | 1 | 455 |
| fee | 166 | 1 | 455 |
| annual renewal | 166 | 1 | 455 |
| METROPOLITAN PARK DISTRICTS: | | | |
| Commissioners, nomination and election..... | 219 | 1 | 687 |
| term of office..... | 219 | 1 | 687 |
| vacancies | 219 | 1 | 687 |
| Election, time of | 219 | 1 | 687 |
| Electors | 219 | 1 | 688 |
| MILEAGE, Appropriation for personal cars..... | 244 | 2 | 787 |
| MILITARY AND NAVAL SERVICE: | | | |
| Draftees, | | | |
| elective officials, leave of absence..... | 201 | 2 | 593 |
| enforcement of restoration..... | 201 | 4 | 594 |
| seniority rights unaffected..... | 201 | 3 | 593 |
| restoration to former employment..... | 201 | 1 | 592 |
| unemployment compensation | 201 | 6 | 594 |
| vacancy, how filled..... | 201 | 2 | 593 |
| Elective officials, leave of absence..... | 201 | 2 | 593 |
| vacancy, how filled..... | 201 | 2 | 593 |

MILITARY AND NAVAL SERVICE.

| | Ch. | Sec. | Page |
|---|-----|------|------|
| MILITARY AND NAVAL SERVICE—CONTINUED: | | | |
| Restoration to former employment upon discharge..... | 201 | 1 | 592 |
| enforcement of | 201 | 4 | 504 |
| seniority rights unaffected | 201 | 3 | 503 |
| Unemployment compensation | 201 | 6 | 594 |
| MILITARY AREAS: | | | |
| Air-space reservations | 200 | 5 | 590 |
| firearms prohibited | 200 | 5 | 590 |
| photography prohibited | 200 | 6 | 590 |
| violations, gross misdemeanor | 200 | 7 | 591 |
| Protective defense areas..... | 200 | 2 | 589 |
| activities within prohibited..... | 200 | 4 | 500 |
| defined | 200 | 2 | 589 |
| designation, by whom..... | 200 | 3 | 590 |
| violations, gross misdemeanor..... | 200 | 7 | 591 |
| MILITARY DEPARTMENT: | | | |
| Appropriations (see APPROPRIATIONS). | | | |
| MILLER, DOLORES, Relief..... | 244 | 2 | 791 |
| MILLER ICE AND COLD STORAGE, Relief..... | 244 | 2 | 702 |
| MILLERSYLVANIA PARK, Appropriation..... | 234 | 2 | 750 |
| MINE TO MARKET ROADS, Appropriation..... | 250 | 15 | 854 |
| MINORS: | | | |
| Inheritance less than \$100..... | 206 | 2 | 606 |
| guardianship proceedings, unnecessary..... | 206 | 2 | 606 |
| Liquor, | | | |
| age, misrepresentation of, by others a misdemeanor..... | 78 | 1 | 201 |
| not to have, when..... | 78 | 1 | 201 |
| treats, not to, when..... | 78 | 1 | 201 |
| MISBRANDING: | | | |
| Poisons, economic | 230 | 4 | 727 |
| MONEYS: | | | |
| Washington state seed law, collected under, use of..... | 56 | 38 | 145 |
| MOOSE, Loyal Order of, grand or subordinate lodges, | | | |
| Benefits, chapter 112 not applicable to..... | 112 | 1 | 290 |
| MORAN STATE PARK: | | | |
| Highway department to study transportation needs to make park | | | |
| attractive to tourists..... | 239 | 1 | 776 |
| MORSE BEAUTY CULTURAL SCHOOL OF SPOKANE, Judgment... | 244 | 2 | 798 |
| MORTGAGES: | | | |
| Banks to enter at actual cost..... | 15 | 1 | 28 |
| Period to be carried by bank..... | 15 | 1 | 28 |
| Real estate, deemed first, when..... | 41 | 6 | 84 |
| | | | 85 |
| MOTOR FUEL INVESTIGATING COMMITTEE: | | | |
| Motor fuel and motor lubricant investigation, statutes repealed.. | 34 | 1 | 69 |
| MOTOR VEHICLES (see, also, UNIFORM MOTOR VEHICLE SAFETY RESPONSIBILITY ACT): | | | |
| Axel weight limit, vehicle and trailer..... | 116 | 2 | 298 |
| Brake requirements | 116 | 2 | 299 |
| Clearance lights, equipment..... | 116 | 1 | 297 |
| Combination, construed | 116 | 1 | 298 |
| Equipment, clearance light..... | 116 | 1 | 297 |
| Exceptions, construed | 116 | 1 | 298 |
| Farm trucks and trailers, schedule of license fees..... | 224 | 1 | 706 |

MOTOR VEHICLES.

MOTOR VEHICLES—CONTINUED:

| | Ch. | Sec. | Page |
|--|-----|------|------|
| Formulas, | | | |
| length | 116 | 2 | 300 |
| weight | 116 | 2 | 299 |
| Fund, | | | |
| use fuel tax to be credited to..... | 127 | 28 | 378 |
| Insurance, defined | 40 | 1 | 77 |
| Length, | | | |
| formula | 116 | 2 | 300 |
| limited | 116 | 1 | 297 |
| License, | | | |
| fees, | | | |
| farm trucks and trailers..... | 224 | 1 | 706 |
| trucks and trailers..... | 224 | 1 | 706 |
| motor carriers | 198 | 9 | 585 |
| Lien on, use fuel tax, when..... | 127 | 11 | 367 |
| Limited, | | | |
| combination of not more than two..... | 116 | 1 | 298 |
| length | 116 | 1 | 297 |
| weight | 116 | 1 | 298 |
| Load, extension limit, front and rear..... | 116 | 1 | 298 |
| Motor carrier transportation agents..... | 198 | 7 | 584 |
| application for license, where made..... | 198 | 3 | 582 |
| bond, | | | |
| agents | 198 | 5 | 583 |
| motor vehicle | 198 | 10 | 585 |
| action on | 198 | 12 | 586 |
| definition of terms..... | 198 | 1 | 581 |
| fee for license..... | 198 | 4 | 582 |
| hearing on license application..... | 198 | 4 | 582 |
| | | 15 | 587 |
| insurance, | | | |
| agents | 198 | 5 | 583 |
| motor vehicle | 198 | 11 | 586 |
| action on | 198 | 12 | 586 |
| license, | | | |
| agents | 198 | 2 | 582 |
| motor vehicles | 198 | 9 | 585 |
| records to be kept..... | 198 | 6 | 584 |
| revocation of agent's license..... | 198 | 4 | 582 |
| violations, misdemeanor | 198 | 8 | 585 |
| | | 13 | 587 |
| Negligence, motor carrier liability..... | 198 | 12 | 586 |
| Non-resident operators, | | | |
| actions against | 122 | 8 | 347 |
| damages, ability to respond..... | 122 | 8 | 347 |
| Pressure limit on highway..... | 116 | 2 | 299 |
| Public Carriers (see Motor carrier transportation agents). | | | |
| Registration, | | | |
| fuel used, if subject to use fuel act..... | 127 | 10 | 367 |
| Tire measurement, method of..... | 116 | 2 | 299 |
| Transportation, | | | |
| classification, | | | |
| department to compel operation within..... | 163 | 4 | 447 |
| procedure | 163 | 4 | 447 |
| order | 163 | 4 | 448 |
| proper, method of determining..... | 163 | 4 | 447 |
| fees, for, | | | |
| permits | 163 | 2 | 445 |
| tariffs, tariff maintenance additional..... | 163 | 3 | 446 |
| forms prescribed | 163 | 2 | 445 |

MOTOR VEHICLES.

MOTOR VEHICLES—CONTINUED:

| | Ch. | Sec. | Page |
|---|-----|------|------|
| Transportation, | | | |
| permits, | | | |
| denied, when | 163 | 1 | 445 |
| fees | 163 | 2 | 445 |
| necessary, when | 163 | 1 | 444 |
| applicant to be financially responsible..... | 163 | 1 | 444 |
| exclusive privilege not granted..... | 163 | 1 | 445 |
| proceedings, | | | |
| documents to be furnished when..... | 163 | 4 | 448 |
| testifying person | 163 | 4 | 448 |
| property, transportation by motor vehicle, | | | |
| statutes repealed | 30 | 1 | 70 |
| Trucks and trailers, | | | |
| farm operation, schedule of license fees..... | 224 | 1 | 708 |
| schedule of license fees..... | 224 | 1 | 707 |
| Use fuel tax a lien on, when..... | 127 | 11 | 367 |
| Venue of causes of action..... | 81 | 1 | 203 |
| damages from accident..... | 81 | 1 | 203 |
| Violations, | | | |
| constables of class A counties, | | | |
| arrests, warrant necessary for..... | 64 | 1 | 158 |
| license forfeiture, when, | | | |
| judge to forward to director of licenses..... | 118 | 2 | 300 |
| penalty | 116 | 2 | 300 |
| Weight, | | | |
| formula | 116 | 2 | 299 |
| on axels, vehicle and trailer, limited..... | 116 | 2 | 298 |
| Wheel base, minimum..... | 116 | 3 | 301 |

MUNICIPAL CORPORATIONS:

| | | | |
|---|-----|----|-----|
| Ad valorem tax exemption, | | | |
| airport purposes, property owned by adjoining state used for. | 13 | 1 | 26 |
| Airports and airport sites, acquisition by..... | 21 | 1 | 55 |
| eminent domain, power of..... | 21 | 2 | 55 |
| Appropriations | 234 | 2 | 746 |
| Board commissioners, defined..... | 87 | 1 | 211 |
| Bonds, interest coupons on, signature facsimile..... | 52 | 1 | 119 |
| Cities, second class, | | | |
| clerks, duties of..... | 88 | 1 | 215 |
| Contracts, third and fourth class cities, | | | |
| interest in, by officers, prohibited..... | 57 | 1 | 147 |
| Cumulative reserve funds, | | | |
| authorization | 60 | 1 | 151 |
| ordinances establishing | 60 | 2 | 151 |
| ordinances establishing | 60 | 1 | 151 |
| Dissolution of, | | | |
| act, | | | |
| construed liberally, to be..... | 87 | 13 | 214 |
| intention | 87 | 12 | 214 |
| District, defined | 87 | 1 | 211 |
| Donations accepted when..... | 80 | 1 | 202 |
| Employees, social security eligibility..... | 205 | 1 | 603 |
| existing pension system unaffected..... | 205 | 3 | 604 |
| wage deduction authorized..... | 205 | 2 | 603 |
| Expenditures, fourth class cities regulated..... | 27 | 1 | 62 |
| Fire apparatus and equipment, use of outside of boundaries..... | 96 | 1 | 63 |
| Fire protection districts, | | | |
| may contract with, when..... | 70 | 4 | 176 |
| Firemen, outside boundaries, considered duties, when..... | 96 | 2 | 230 |

MUTUAL SAVINGS BANKS.

| MUNICIPAL CORPORATIONS—CONTINUED: | Ch. | Sec. | Page |
|--|-----|-------------|-------------------|
| Fourth class cities, powers of..... | 74 | 1 | 180 to 192 |
| Franchises of cities and towns for utilities subject to, referendum | 114 | 1 | 294 |
| filing of petition, time limited..... | 114 | 2 | 294 |
| petition, time limited for filing..... | 114 | 2 | 294 |
| Garbage collection and disposal, rural..... | 98 | 1 | 259 |
| Insolvency, costs | 87 | 10 | 214 |
| final order | 87 | 9 | 214 |
| findings | 87 | 6 | 212 |
| proceedings | 87 | 6 7 8 | 212 213 213 |
| Judges, appointment of in first class cities..... | 85 | 2 | 208 |
| Obsolete records, destruction (see PUBLIC RECORDS, Obsolete). | | | |
| Officers, fourth class cities..... | 91 | 1 | 221 |
| residential qualifications | 25 | 1 | 59 |
| Park maintenance, tax levy for..... | 49 | 1 | 115 |
| Property for public use, acquisition | 21 | 2 | 56 |
| acts ratified | 21 | 4 | 57 |
| appropriation of money to acquire..... | 21 | 3 | 58 |
| may grant or acquire..... | 21 | 2 | 56 |
| restrictions | 21 | 2 | 56 |
| Safekeeping of bonds, pledge..... | 18 | 1 | 40 |
| Sanitary districts, territory outside limits..... | 98 | 1 | 259 |
| Sewer district to constitute..... | 210 | 6 | 640 |
| MUNICIPAL CORPORATIONS, DIRECTOR OF: | | | |
| Appropriation (see APPROPRIATIONS). | | | |
| County budget system, to receive copy of budget..... | 99 | 1 | 260 |
| MUNICIPAL JUDGES: | | | |
| Additional for first class cities, appointed, when..... | 85 | 1 | 208 |
| bond | 85 | 1 | 208 |
| clerk, appointment of additional..... | 85 | 1 | 208 |
| court room, provided..... | 85 | 1 | 209 |
| Appointment, when | 85 | 1 | 208 |
| Justice of Peace designated as, when..... | 85 | 1 | 208 |
| Traffic cases, to expedite handling of..... | 85 | 1 | 209 |
| MUSEUMS: | | | |
| Archaeological specimens | 216 | 2 | 678 |
| Curator, appointment of | 44 | 5 | 106 |
| duties | 44 | 5 | 106 |
| report | 44 | 5 | 106 |
| State capitol historical, building and grounds..... | 44 | 3 | 104 |
| location | 44 | 3 | 104 |
| name | 44 | 3 | 104 |
| MUSSELS (see SHELLFISH). | | | |
| MUTUAL FIRE INSURANCE COMPANIES: | | | |
| Corporations, sponsored, may insure when..... | 73 | 1 | 188 |
| MUTUAL SAVINGS BANKS (see BANKS AND BANKING, Mutual Savings). | | | |

NARROWS BRIDGE.

N

| | Ch. | Sec. | Page |
|---|-----|------|------|
| NARROWS BRIDGE: | | | |
| Ferry system, after collapse, authorized..... | 9 | 2 | 22 |
| NATIONAL DEFENSE: | | | |
| Air space reservations..... | 200 | 5 | 590 |
| activities, within prohibited..... | 200 | 6 | 590 |
| firearms prohibited..... | 200 | 5 | 590 |
| violations, gross misdemeanor..... | 200 | 7 | 591 |
| Airport property, | | | |
| acquisition..... | 21 | 2 | 55 |
| tax exempt..... | 13 | 1 | 26 |
| Appropriations..... | 250 | 19 | 855 |
| location, construction and maintenance of access highways... | 250 | 19 | 856 |
| location, construction and maintenance of access highways... | | | 855 |
| location, construction and maintenance of access highways... | | | 856 |
| Leasing lands to United States for local councils of defense..... | 177 | 5 | 470 |
| municipal corporations..... | 21 | 2 | 55 |
| state..... | 66 | 1 | 56 |
| state..... | | | 166 |
| Port Districts, | | | |
| assistance in national defense, authorization..... | 218 | 1 | 682 |
| construction of improvements..... | 218 | 2 | 682 |
| fund, special bond retirement..... | 218 | 5 | 684 |
| refunding bonds..... | 218 | 6 | 685 |
| resolution authorizing bond issue..... | 218 | 7 | 686 |
| revenue bonds for improvements..... | 218 | 3 | 683 |
| sale, bonds to government..... | 218 | 4 | 684 |
| Property, real and personal, | | | |
| conveyance by counties..... | 227 | 1 | 711 |
| conveyance by counties..... | | 2 | 712 |
| legislative consent given..... | 227 | 4 | 713 |
| resolution of county commissioner..... | 227 | 3 | 713 |
| Protective defense area, defined..... | 200 | 2 | 589 |
| activities, within area prohibited..... | 200 | 4 | 590 |
| designation..... | 200 | 3 | 590 |
| violations, gross misdemeanor..... | 200 | 7 | 591 |
| State Defense Council..... | 177 | 2 | 477 |
| State—federal cooperation..... | 200 | 1 | 589 |
| NATIONAL DEFENSE ACTIVITIES: | | | |
| Act, | | | |
| limit of..... | 54 | 3 | 124 |
| purpose of..... | 54 | 1 | 122 |
| Administration, defined..... | 54 | 2 | 123 |
| Defense workers, defined..... | 54 | 2 | 122 |
| Development, defined..... | 54 | 2 | 123 |
| Federal Government, defined..... | 54 | 2 | 123 |
| Housing Authority, defined..... | 54 | 2 | 123 |
| Housing for workers, | | | |
| purpose of act..... | 54 | 1 | 122 |
| Projects, | | | |
| administration and development, | | | |
| commencement of..... | 54 | 2 | 123 |
| cooperation of state public body with housing authority or | | | |
| Federal Government, when..... | 54 | 6 | 126 |
| NATIONAL GUARD: | | | |
| Selective Training, | | | |
| elective officials, leave of absence..... | 201 | 2 | 593 |
| vacancy, how filled..... | 201 | 2 | 593 |

OBSOLETE RECORDS, DESTRUCTION OF.

| | <i>Ch.</i> | <i>Sec.</i> | <i>Page</i> |
|---|------------|-------------|-------------|
| NATIONAL GUARD—CONTINUED: | | | |
| restoration of former employment..... | 201 | 1 | 592 |
| enforcement of restoration..... | 201 | 4 | 594 |
| seniority rights unaffected..... | 201 | 3 | 593 |
| unemployment compensation benefits..... | 201 | 6 | 594 |
| Unemployment Compensation Benefits..... | 201 | 6 | 594 |
| NAVAL AND MARINE CORPS RESERVE ARMORIES: | | | |
| Seattle, | | | |
| construction of, | | | |
| deficiency appropriation | 234 | 2 | 771 |
| reappropriation | 244 | 2 | 788 |
| Tacoma, | | | |
| appropriation | 236 | 1 | 773 |
| NAVAL AND MILITARY SERVICE: | | | |
| Draftees, restoration to former employment..... | 201 | 1 | 592 |
| enforcement of restoration..... | 201 | 4 | 594 |
| seniority rights unaffected..... | 201 | 3 | 593 |
| unemployment compensation | 201 | 6 | 594 |
| Elective officials, leave of absence..... | 201 | 2 | 593 |
| vacancy, how filled..... | 201 | 2 | 593 |
| Unemployment compensation benefits..... | 201 | 6 | 594 |
| NAVIGATION: | | | |
| County property conveyed to United States government, when... | 142 | 1 | 404 |
| NEGLIGENCE: | | | |
| Motor carriers, liability..... | 198 | 12 | 586 |
| NEGOTIABLE INSTRUMENTS: | | | |
| Public utility revenue bonds..... | 182 | 11 | 524 |
| NEWPORT CREAMERY CO., Relief..... | 244 | 2 | 794 |
| NEWSPAPERS: | | | |
| Legal, | | | |
| act not retroactive | 213 | 7 | 672 |
| affidavit of publication..... | 213 | 4 | 671 |
| approval of superior court..... | 213 | 1 | 670 |
| notices to be published in..... | 213 | 6 | 671 |
| exceptions | 213 | 5 | 671 |
| order of approval, termination..... | 213 | 2 | 670 |
| qualifications of newspapers..... | 213 | 3 | 671 |
| NEWTON, NELLIE, Relief..... | 244 | 2 | 796 |
| NORTHWESTERN MUTUAL FIRE ASSOCIATION, Relief..... | 244 | 2 | 795 |
| NOTES: | | | |
| Banks to enter at actual cost..... | 15 | 1 | 28 |
| Period to be carried by bank..... | 15 | 1 | 28 |

O

| | | | |
|--|-----|----|-----|
| OATHS AND AFFIRMATIONS: | | | |
| Administration of by city clerk and deputy, when..... | 88 | 1 | 215 |
| Trustee | 229 | 21 | 724 |
| officer of corporations..... | 229 | 21 | 724 |
| OBSOLETE RECORDS, DESTRUCTION OF (see also PUBLIC RECORDS). | | | |
| City, to be destroyed, authority for, when..... | 109 | 8 | 283 |
| ten years old..... | 109 | 8 | 284 |
| Committee to authorize..... | 109 | 3 | 282 |
| County, to be destroyed, authority for, when..... | 109 | 8 | 283 |
| ten years old..... | 109 | 8 | 284 |

OBSOLETE RECORDS, DESTRUCTION OF.

| OBSOLETE RECORDS, DESTRUCTION OF—CONTINUED: | Ch. | Sec. | Page |
|--|------------|----------|---------------------|
| Director of Finance, Budget and Business, duties..... | 109 | 1 | 282 |
| Listing of | 109 | 2, 6 | { 282 283 282 |
| State, to be destroyed when..... | 109 | 1 | 282 |
| OCCUPATIONAL DISEASE: | | | |
| Compensation to disabled extrahazardous workers..... | 235 | 1 | 772 |
| Industrial insurance and medical aid acts to apply..... | 235 | 2 | 772 |
| Medical care to disabled extrahazardous workers..... | 235 | 1 | 772 |
| Payments from same fund as accidents..... | 235 | 2 | 772 |
| ODDFELLOWS, grand or subordinate lodges, benefits, chapter 112 not applicable | 112 | 1 | 290 |
| OFFICES AND OFFICERS (see also CITIES AND TOWNS, COUNTIES, STATE): | | | |
| Bonds, | | | |
| coroner, indemnity from plaintiff when..... | 237 | 1 | 774 |
| deputy sheriffs, indemnity from plaintiff when..... | 237 | 1 | 774 |
| sheriffs, indemnity from plaintiff when..... | 237 | 1 | 774 |
| Cities and towns, | | | |
| appointees, | | | |
| residential qualifications of employees and officers..... | 25 | 1 | 59 |
| commission form of government of cities, chapter 108 not applicable to | 108 | 1 | 281 |
| first class cities, extension of pension systems..... | 192 | 1 | 539 |
| flood control engineer..... | 204 | 3 | 599 |
| fourth class, | | | |
| appointment of | 91 | 1 | 221 |
| attorney, | | | |
| appointment of by whom, when, exception..... | 108 | 2 | 281 |
| compensation fixed by council..... | 115 | 1 | 295 |
| change, not to be made during term..... | 115 | 2 | 296 |
| clerk, | | | |
| appointment of by whom, when, exception..... | 108 | 2 | 281 |
| compensation fixed by council..... | 115 | 1 | 295 |
| compensation | 91 | 1 | 222 |
| councilmen, | | | |
| expenses | 115 | 1 | 295 |
| salary, limited | 115 | 1 | 295 |
| election | 91 | 1 | 221 |
| health officer, compensation fixed by council..... | 115 | 1 | 295 |
| marshal, salary not to be increased or decreased during term | 115 | 1 | 295 |
| mayor, | | | |
| compensation as fixed..... | 115 | 1 | 295 |
| expenses | 115 | 1 | 295 |
| officials, appointment of, exceptions..... | 108 | 2 | 281 |
| nomination, caucus | 91 | 1 | 222 |
| officials, appointment of..... | 108 | 2 | 281 |
| police justice, compensation not to be changed during term | 115 | 1 | 295 |
| term of office..... | { 91 | 1 | 221 |
| | { 108 | 1 | 281 |
| exceptions | 108 | { 1 | 281 |
| | | { 2 | 281 |
| mayor | 108 | 1 | 280 |
| treasurer | 108 | 1 | 280 |
| exception | 108 | 1 | 280 |
| treasurer, | | | |
| compensation fixed by council..... | 115 | 1 | 295 |
| not to be changed during term..... | 108 | 2 | 296 |
| term of office, exception..... | 108 | 1 | 280 |

OFFICES AND OFFICERS.

OFFICES AND OFFICERS—CONTINUED:

| | Ch. | Sec. | Page |
|---|-----|------|------|
| Cities and towns, | | | |
| park commissioners, nomination and election..... | 219 | 1 | 087 |
| superintendent of schools, | | | |
| notice to board of all teachers' contracts, when filed..... | 97 | 5 | 246 |
| third class, | | | |
| attorney, appointment of by whom, when..... | 108 | 2 | 281 |
| compensation fixed by council..... | 115 | 1 | 205 |
| not to be changed during term..... | 115 | 2 | 206 |
| exception | 108 | 2 | 281 |
| term of office..... | 108 | 1 | 280 |
| clerk, appointment of by whom, when..... | 108 | 2 | 281 |
| compensation fixed by council..... | 115 | 1 | 295 |
| exception | 108 | 2 | 281 |
| term of office..... | 108 | 1 | 280 |
| councilmen, | | | |
| expenses | 115 | 1 | 295 |
| salary, limited | 115 | 1 | 295 |
| marshal, salary not to be changed during term..... | 115 | 1 | 205 |
| mayor, | | | |
| compensation fixed | 115 | 1 | 295 |
| expenses | 115 | 1 | 295 |
| term of office..... | 108 | 1 | 280 |
| police justice, | | | |
| compensation not to be changed during term..... | 115 | 1 | 295 |
| terms of office, exceptions..... | 108 | 1 | 281 |
| | | 2 | 281 |
| treasurer, | | | |
| compensation fixed by council..... | 115 | 1 | 295 |
| exception | 108 | 1 | 280 |
| not to be changed during term..... | 108 | 2 | 296 |
| term of office..... | 108 | 1 | 280 |
| Counties, | | | |
| assessor (see also COUNTY ASSESSOR), | | | |
| assessment of forest crop as personal property..... | 120 | 4 | 333 |
| classification of forest lands..... | 120 | 3 | 331 |
| requirements | 120 | 3 | 331 |
| forest crop, assessed as personal property..... | 120 | 4 | 333 |
| forest lands, classification of..... | 120 | 3 | 331 |
| auditor (see also COUNTY AUDITOR), | | | |
| drainage districts, certification of electors..... | 183 | 1 | 525 |
| election board member..... | 180 | 1 | 516 |
| fire protection districts, certification of petition..... | 70 | 3 | 174 |
| sewer districts, certification of petition..... | 210 | 2 | 638 |
| water district petition for territory withdrawal, | | | |
| certification and examination..... | 55 | 2 | 128 |
| class A, | | | |
| constables, | | | |
| jurisdiction | 64 | 1 | 158 |
| motor vehicle arrests, warrants necessary for..... | 64 | 1 | 158 |
| deputy prosecuting attorney, | | | |
| private law practice prohibited..... | 46 | 2 | 109 |
| port commissioners, | | | |
| election | 45 | 1 | 106 |
| term of office..... | 45 | 2 | 106 |
| private practice of law by prosecuting attorney and deputy prohibited | 46 | 2 | 109 |
| prosecuting attorney, | | | |
| private law practice prohibited..... | 46 | 2 | 109 |
| salary | 46 | 1 | 109 |
| commissioners (see also COUNTY COMMISSIONERS), | | | |
| duties of, under reorganization of school district act..... | 248 | 15 | 844 |
| fire protection districts, organization of..... | 70 | 2 | 173 |

OFFICES AND OFFICERS.

OFFICES AND OFFICERS—CONTINUED:

| | Ch. | Sec. | Page |
|---|-----|------|------|
| Counties, | | | |
| deputy prosecuting attorney, | Ch. | Sec. | Page |
| private practice of law prohibited..... | 46 | 2 | 109 |
| first class counties, | | | |
| port commissioner, election, time of..... | 45 | 2 | 108 |
| prosecuting attorneys, and deputies, | | | |
| private practice of law prohibited..... | 46 | 2 | 109 |
| flood control engineer, local..... | 204 | 3 | 599 |
| river patrolmen, employment of..... | 204 | 4 | 599 |
| office hours | 113 | 1 | 293 |
| prosecuting attorney (see also first class and class A counties), | | | |
| Washington state seed law, court actions, when..... | 50 | 32 | 144 |
| superintendent of schools, | | | |
| duty | 97 | 5 | 246 |
| notice to board of all teachers..... | 97 | 5 | 246 |
| contents | 97 | 5 | 246 |
| filed when | 97 | 5 | 246 |
| treasurer, | | | |
| depositories, | | | |
| approval by, when..... | 18 | 1 | 40 |
| notice to, when..... | 18 | 1 | 40 |
| libraries, | | | |
| regional, receive and disburse revenues..... | 65 | 5 | 102 |
| revenues, to receive and disburse..... | 65 | 4, 5 | 101 |
| | | | 162 |
| rural free public, receive and disburse revenues..... | 65 | 4 | 161 |
| notices, | | | |
| personal, to issue to taxpayer..... | 32 | 1 | 67 |
| sewer district, | | | |
| bond coupons, endorse..... | 210 | 45 | 666 |
| create special funds for..... | 210 | 46 | 666 |
| tax rolls, | | | |
| collector, sole, of delinquent taxes..... | 32 | 1 | 67 |
| notice to taxpayer..... | 32 | 1 | 67 |
| publication | 32 | 1 | 66 |
| taxes, personal and real..... | 32 | 1 | 66 |
| posting of, method..... | 32 | 1 | 66 |
| Diking districts (see DIKING DISTRICTS), | | | |
| commissioners, election, duties, term of office..... | 132 | 1 | 389 |
| Draftees, | | | |
| elective officials | 201 | 2 | 593 |
| Drainage districts (see, also, DRAINAGE DISTRICTS)..... | 131 | 1 | 387 |
| commissioners, powers | 133 | 1 | 390 |
| powers | 133 | 1 | 390 |
| term of office..... | 131 | 1 | 386 |
| Elective officials, | | | |
| selective training service..... | 201 | 2 | 593 |
| Fire protection districts, | | | |
| commissioners, board of, | | | |
| authority | 70 | 7 | 177 |
| duties, | | | |
| levy taxes, limited..... | 70 | 5 | 176 |
| Military and naval service, | | | |
| elective officials, leave of absence..... | 201 | 2 | 593 |
| Office hours, public offices..... | 113 | 1 | 293 |
| Officials, third and fourth class cities, | | | |
| claims void and disallowed when..... | 57 | 1 | 147 |
| violations, penalties | 57 | 1 | 148 |
| contractor not to hold office, when..... | 57 | 1 | 147 |

OFFICES AND OFFICERS.

OFFICES AND OFFICERS—CONTINUED:

| | Ch. | Sec. | Page |
|--|-----|------|------|
| Officials, third and fourth class cities, | | | |
| contracts, not to make with city..... | 57 | 1 | 147 |
| exceptions | 57 | 1 | 148 |
| supplies | 57 | 1 | 147 |
| work | 57 | 1 | 147 |
| Pension and retirement systems, | | | |
| extension of, in cities of first class..... | 192 | 1 | 539 |
| Public officer, court action against, venue..... | 81 | 1 | 203 |
| Public service department, | | | |
| code, drafting of, by whom..... | 93 | 1 | 226 |
| School directors (see SCHOOLS AND SCHOOL DISTRICTS). | | | |
| School districts, | | | |
| duties of under reorganization of school district act..... | 248 | 1 | 844 |
| Social security (see SOCIAL SECURITY). | | | |
| director of, | | | |
| grievances | 1 | 8 | 7 |
| fair hearing before..... | 1 | 8 | 7 |
| State, | | | |
| agriculture, director of (see, also, DIRECTOR OF AGRICULTURE), | | | |
| horticultural pests, | | | |
| proclamation issued when..... | 20 | 13 | 54 |
| regulations and rules, to promulgate and adopt..... | 20 | 15 | 54 |
| noxious-weed seeds, power to add to or subtract from list | 56 | 12 | 136 |
| seed dealers, licensed to be notified..... | 56 | 12 | 136 |
| attorney general (see, also, ATTORNEY GENERAL), | | | |
| attorneys, by whom appointed..... | 50 | 1 | 116 |
| compensation | 50 | 1 | 117 |
| public service code, assist drafting..... | 93 | 1 | 226 |
| audit of state departments (see STATE DEPARTMENTS), | | | |
| budget, division of, renamed..... | 196 | 7 | 572 |
| capital historical association, state (see, also, STATE HISTORICAL ASSOCIATION) | 44 | 1 | 104 |
| board of trustees..... | 44 | 4 | 106 |
| curator | 44 | 5 | 106 |
| conservation and development, director of, | | | |
| diking, drainage and irrigation districts..... | 39 | 1 | 72 |
| bonds, | | | |
| may cancel | 39 | 1 | 72 |
| may exchange refunding bonds..... | 39 | 1 | 72 |
| interest on, may cancel..... | 39 | 1 | 72 |
| payments extended when..... | 39 | 3 | 74 |
| may extend payment of..... | 39 | 1 | 72 |
| contracts, may enter into with..... | 39 | 1 | 73 |
| compromise or settle at discretion..... | 39 | 4 | 73 |
| division of flood control, under..... | 204 | 2 | 599 |
| dental examiners, Washington state board of (see, also, WASHINGTON STATE BOARD OF DENTAL EXAMINERS), | | | |
| appointment and qualifications..... | 92 | 1 | 223 |
| flood control, division of..... | 204 | 2 | 599 |
| approval of local tax levies..... | 204 | 6 | 600 |
| river patrolmen, employment..... | 204 | 4 | 599 |
| forest board (see STATE FOREST BOARD). | | | |

OFFICES AND OFFICERS.

OFFICES AND OFFICERS—CONTINUED:

| | Ch. | Sec. | Page |
|--|-----|------|------|
| State, | | | |
| governor, | | | |
| control of fiscal affairs..... | 196 | 8 | 572 |
| quarterly estimates, approval of..... | 196 | 9 | 573 |
| records to keep..... | 196 | 13 | 475 |
| requisitions, approval of..... | 196 | 12 | 575 |
| vouchers, certification of..... | 196 | 11 | 574 |
| housing costs, offices liable..... | 228 | 1 | 714 |
| assessment and collections..... | 228 | 2 | 714 |
| land commissioners, board of state, | | | |
| inspection and leasing of state lands..... | 217 | 2 | 679 |
| members | 217 | 1 | 679 |
| powers and duties..... | 217 | 2 | 679 |
| | | 3 | 681 |
| licenses, director of (see LICENSES, DIRECTOR OF). | | | |
| office hours, regulation..... | 113 | 1 | 293 |
| public instruction, superintendent of (see PUBLIC INSTRUCTION, DEPARTMENT OF). | | | |
| public lands, commissioner of (see PUBLIC LANDS, COMMISSIONER OF), | | | |
| member of state board of land commissioners..... | 217 | 1 | 679 |
| secretary of state (see, also, SECRETARY OF STATE), | | | |
| member of board of state land commissioners..... | 217 | 1 | 679 |
| social security eligibility..... | 205 | 1 | 603 |
| existing pension systems unaffected..... | 205 | 3 | 604 |
| wage deductions authorized..... | 205 | 2 | 603 |
| tax commission (see, also, STATE TAX COMMISSION), | | | |
| federal monies in lieu of property taxes..... | 199 | 1 | 588 |
| appointment by | 199 | 3 | 588 |
| treasurer (see, also, STATE TREASURER), | | | |
| federal monies in lieu of property taxes..... | 199 | 1 | 588 |
| receive and transfer to county treasurers..... | 199 | 1 | 588 |
| OKANOGAN COUNTY: | | | |
| Allocation of secondary highway funds..... | 246 | 3 | 823 |
| OLD AGE ASSISTANCE: | | | |
| Administrative staff | 1 | 19 | 11 |
| Age, | | | |
| false statement, a felony when..... | 1 | 11 | 10 |
| proof of, how established..... | 1 | 11 | 10 |
| Appeal, notice of..... | 1 | 8 | 8 |
| to director, | | | |
| procedure following | 1 | 8 | 8 |
| to superior court, | | | |
| procedure following | 1 | 9 | 6 |
| | | | 9 |
| to supreme court, | | | |
| procedure following | 1 | 9 | 9 |
| Applicant defined | 1 | 3 | 4 |
| Application for grant, | | | |
| action within 30 days..... | 1 | 7 | 7 |
| investigation | 1 | 7 | 7 |
| record made | 1 | 7 | 7 |
| Appropriations | 1 | 18 | 11 |
| Burial expenses of recipient of..... | 1 | 13 | 10 |
| Care, additional, when..... | 1 | 15 | 41 |
| Court appeals to, | | | |
| superior court | 1 | 9 | 8 |
| supreme court | 1 | 9 | 9 |
| Department defined | 1 | 3 | 4 |
| Director defined | 1 | 3 | 4 |

OLD AGE ASSISTANCE—CONTINUED:

| | Ch. | Sec. | Page |
|--|-----|------|------|
| Eligibility, | | | |
| age | 1 | 4 | 6 |
| income | 1 | 4 | 6 |
| property disposal | 1 | 4 | 6 |
| residence | 1 | 4 | 6 |
| False statements, a felony when..... | 1 | 11 | 10 |
| Felonies, | | | |
| evasion of act..... | 1 | 17 | 11 |
| false statements, when..... | 1 | 11 | 10 |
| violation, or attempted violation of act..... | 1 | 17 | 11 |
| Grant, | | | |
| defined | 1 | 3 | 4 |
| not assignable | 1 | 16 | 11 |
| not subject to execution | 1 | 16 | 11 |
| paid immediately | 1 | 6 | 7 |
| Grievances, | | | |
| fair hearings on..... | 1 | 8 | 7 |
| hearings, on grievances..... | 1 | 8 | 7 |
| transcript | 1 | 8 | 8 |
| where conducted | 1 | 8 | 8 |
| Income defined | 1 | 3 | 4 |
| Intent of act..... | 1 | 2 | 3 |
| Law, copy of given to applicant on request..... | 1 | 14 | 10 |
| Payments, | | | |
| federal matching funds..... | 1 | 5 | 6 |
| inmates, to when..... | 1 | 6 | 7 |
| manner of | 1 | 5 | 6 |
| minimum uniform | 1 | 5 | 6 |
| Property of applicant, | | | |
| claims void when..... | 1 | 12 | 10 |
| disposal of | 1 | 4 | 6 |
| lens on, prohibited..... | 1 | 12 | 10 |
| Provisions, | | | |
| evasions, a felony..... | 1 | 17 | 11 |
| violations or attempted violation, a felony..... | 1 | 17 | 11 |
| Recipients defined | 1 | 3 | 5 |
| Records to be confidential..... | 1 | 20 | 11 |
| Regulations and rules, | | | |
| department authorized to make..... | 1 | 10 | 9 |
| filing of, with secretary of state..... | 1 | 10 | 9 |
| Repeal of acts in conflict..... | 1 | 22 | 12 |
| Residence, | | | |
| false statement regarded a felony when..... | 1 | 11 | 10 |
| proof of, how established..... | 1 | 11 | 10 |
| Resources defined | 1 | 3 | 5 |
| Senior citizen | 1 | 3 | 5 |
| Title of act..... | 1 | 1 | 3 |

OLD AGE PENSIONS (see OLD AGE ASSISTANCE).

OLD AGE and SURVIVOR'S INSURANCE:

| | | | |
|---|-----|---|-----|
| Public employees, eligibility..... | 205 | 1 | 603 |
| existing pension systems unaffected..... | 205 | 3 | 604 |
| wage deductions authorized..... | 205 | 2 | 603 |
| OLSEN, OLAF L., Relief..... | 244 | 2 | 791 |
| OLSON FERRIES, INC., Relief..... | 244 | 2 | 790 |
| OLSON, O. H., Public Printer, relief..... | 244 | 2 | 792 |

OLYMPIC FEDERAL WORKS PROJECT NO. 723.

| | Ch. | Sec. | Page |
|---|------------|----------|------------|
| OLYMPIC FEDERAL WORKS PROJECT NO. 723: | | | |
| Boundary lines included in..... | 95 | 1 | 227 |
| establishment by state and counties..... | 95 | 1 | 227 |
| Compromise condemnations | 95 | 2 | 228 |
| Disclaimer by state..... | 95 | 1 | 227 |
| OLYMPIC NATIONAL PARK: | | | |
| Acceptance, notification of..... | 51 | 1 | 118 |
| Ceded to United States..... | 51 | 1 | 118 |
| Civil and criminal process, rights reserved to serve when..... | 51 | 1 | 118 |
| Rights reserved | 51 | 1 | 118 |
| Taxation, right reserved when..... | 51 | 1 | 118 |
| ORAL SURGERY, Physicians and surgeons may perform, when..... | 92 | 3 | 225 |
| OVER-CROSSING, Defined | 161 | 1 | 440 |
| OYSTERS: | | | |
| Private beds, conservation of..... | 104 | 2 | 274 |
| shellfish act not applicable..... | 104 | 2 | 274 |

P

| | | | |
|--|------------|----------|------------|
| PACIFIC COUNTY: | | | |
| Allocation of secondary highway funds..... | 246 | 3 | 823 |
| PACIFIC FRUIT AND PRODUCE CO. INC., Relief..... | 244 | 2 | 790 |
| PACIFIC NATIONAL LUMBER CO., Relief..... | 244 | 2 | 795 |
| PACIFIC NORTHWEST CENTENNIAL EXPOSITION, | | | |
| Statutes repealed | 37 | 1 | 71 |
| PACIFIC TELEPHONE AND TELEGRAPH CO., Relief..... | 244 | 2 | 793 |
| PARA-TUBERCULOSIS, Indemnity for when..... | 61 | 1 | 152 |
| PARK COMMISSION, STATE, Appropriation..... | 234 | 2 | 750 |
| PARKS AND PARK DISTRICTS: | | | |
| Cities, second, third and fourth class, | | | |
| tax for, limited..... | 49 | 1 | 115 |
| Metropolitan park districts..... | 219 | 1 | 687 |
| Millersylvania Park, appropriation..... | 234 | 2 | 750 |
| Olympic National Park, rights reserved to state..... | 51 | 1 | 118 |
| Tax levy by cities authorized..... | 49 | 1 | 115 |
| PAROCHIAL SCHOOL: | | | |
| Transportation of pupils (see SCHOOLS AND SCHOOL DISTRICTS). | | | |
| PATROLMEN: | | | |
| River (see FLOOD CONTROL DISTRICTS), | | | |
| Washington state (see, also, WASHINGTON STATE PATROL), | | | |
| active duty, relief from when..... | 95 | 1 | 229 |
| disability compensation | 95 | 1 | 228 |
| incapacitated | 95 | 1 | 229 |
| PEAR PSYLLA, Control and eradication, appropriation..... | 11 | 2 | 24 |
| PENAL INSTITUTIONS, COMMITTEE TO INVESTIGATE, Appropriation | 244 | 2 | 807 |
| PEND ORELLE COUNTY: | | | |
| Allocation of secondary highway funds..... | 246 | 3 | 823 |
| Treasurer, appropriation for L. I. D. assessments..... | 244 | 2 | 802 |
| PENSION AND RETIREMENT SYSTEM: | | | |
| Cities of first class, | | | |
| extension by ordinance..... | 192 | 1 | 539 |
| Patrolmen (see WASHINGTON STATE PATROL). | | | |
| Teachers' retirement system (see STATE TEACHERS' RETIREMENT SYSTEM). | | | |

PLANNING COUNCIL, STATE.

| | Ch. | Sec. | Page |
|---|-----|------|------|
| PERRY, EZMA C., Relief..... | 244 | 2 | 791 |
| PERSONAL PROPERTY: | | | |
| Animals, fur bearing..... | 207 | 1 | 608 |
| identification marks, recordation..... | 207 | 2 | 608 |
| Contracts for purchase of real estate taxable as, when..... | 79 | 1 | 201 |
| exemption, none | 79 | 1 | 202 |
| Fur bearing animals, identification marks, recordation..... | 207 | 1 | 608 |
| Lumber assessed and taxed, where..... | 155 | 1 | 431 |
| Saw logs, assessed and taxed, where..... | 155 | 1 | 431 |
| Schools and school districts, to purchase and hold..... | 42 | 1 | 101 |
| Taxes, | | | |
| notices, | | | |
| personal to tax payer..... | 32 | 1 | 66 |
| publication taxrolls | 32 | 1 | 66 |
| posting, method of..... | 32 | 1 | 66 |
| Trust corporation may hold, when..... | 41 | 11 | 97 |
| PESTS: | | | |
| Horticultural property, abatement or removal..... | 20 | 1 | 49 |
| Insects, control of, eradication..... | 11 | 1 | 24 |
| Nuisance, defined | 20 | 2 | 49 |
| PETERSON, ANNA AUGUSTA, Relief..... | 244 | 2 | 791 |
| PETITIONS: | | | |
| Establishment of fire protection districts..... | 70 | 3 | 174 |
| Establishment of sewer districts..... | 210 | 2 | 637 |
| conflicting petitions, priority..... | 210 | 5 | 640 |
| procedure | 210 | 5 | 540 |
| Nomination by, port commissioners..... | 219 | 1 | 688 |
| Nomination by, sewer commissioners..... | 210 | 8 | 641 |
| Port district organization..... | 45 | 1 | 107 |
| PHARMACY, STATE BOARD OF, Appropriation..... | 234 | 2 | 749 |
| PHOTOGRAPHY: | | | |
| Air space reservations, | | | |
| activities prohibited | 200 | 6 | 590 |
| violations | 200 | 7 | 591 |
| Protective defense areas, | | | |
| activities prohibited | 200 | 4 | 590 |
| violations | 200 | 7 | 591 |
| PHYSICIANS AND SURGEONS: | | | |
| Licenses, | | | |
| certificate to practice, fee..... | 166 | 1 | 455 |
| registration annually, fee..... | 166 | 1 | 455 |
| oral surgery, may perform when..... | 92 | 3 | 225 |
| registration annually, fee..... | 166 | 1 | 455 |
| teeth, extraction | 92 | 3 | 225 |
| PIERCE COUNTY: | | | |
| Allocation of secondary highway funds..... | 246 | 3 | 823 |
| Treasurer, appropriation for L. I. D. assessments..... | 244 | 2 | 804 |
| | | | 806 |
| PIERCE COUNTY SCHOOL DISTRICT NO. 340, Tax refund..... | 10 | 1 | 23 |
| PILOTAGE COMMISSIONERS, STATE BOARD OF: | | | |
| Appropriation | 234 | 2 | 749 |
| Commissioners, compensation | 184 | 1 | 527 |
| Records | 184 | 1 | 527 |
| PLANNING COUNCIL, STATE: | | | |
| Appropriation | 244 | 2 | 799 |
| research for developing industry..... | 244 | 2 | 799 |
| limited to allocations by governor..... | 244 | 2 | 799 |

PLANT DISEASE.

| | Ch. | Sec. | Page |
|---|-----|------|------|
| PLANT DISEASE: | | | |
| Control and eradication..... | 11 | 1 | 24 |
| appropriation | 11 | 2 | 24 |
| POFF, ROY L., Relief..... | 244 | 2 | 793 |
| POISONING: | | | |
| Animals, domestic | 105 | 1 | 277 |
| Birds, domestic | 105 | 1 | 277 |
| POISONS: | | | |
| Economic, | | | |
| analysis, examination, investigation, when..... | 230 | 9 | 730 |
| adulterated, when | 230 | 3 | 727 |
| definition | 230 | 1 | 726 |
| enforcement of act, | | | |
| analysis, examination, investigations, when..... | 230 | 9 | 730 |
| results, to be published, when..... | 230 | 10 | 730 |
| exclusions | 230 | 2 | 727 |
| fees, | | | |
| license | 230 | 11 | 730 |
| registration, | | | |
| penalty added when..... | 230 | 13 | 731 |
| refusal, when | 230 | 14 | 732 |
| license necessary when..... | 230 | 11 | 730 |
| cancellation, when | 230 | 14 | 732 |
| expiration | 230 | 13 | 731 |
| fees | 230 | 11 | 730 |
| issuance | 230 | 13 | 731 |
| refusal, when | 230 | 14 | 732 |
| requirements | 230 | 11 | 730 |
| manufacture, distribution, sale, who shall not be interested in | 230 | 17 | 733 |
| misbranded, when | 230 | 4 | 727 |
| moneys received by director, paid into state treasury..... | 230 | 19 | 733 |
| expended, how | 230 | 19 | 733 |
| prosecuting attorney to prosecute violations, when..... | 230 | 18 | 733 |
| quarantined, when | 230 | 16 | 733 |
| permit necessary for disposal of, when..... | 230 | 16 | 733 |
| registrant, requirements regarding packages..... | 230 | 5 | 728 |
| registration | 230 | 13 | 731 |
| expiration | 230 | 13 | 731 |
| penalties added, when..... | 230 | 13 | 731 |
| rules and regulations..... | 230 | 8 | 729 |
| sale of | 230 | 5 | 729 |
| adulterated or misbranded, unlawful..... | 230 | 6 | 729 |
| prosecution, defense | 230 | 7 | 729 |
| seizure, when | 230 | 16 | 733 |
| terms defined..... | 230 | 1 | 726 |
| unlawful acts | 230 | 13 | 731 |
| violations of act, procedure..... | 230 | 15 | 732 |
| Strychnine, | | | |
| sale, | | | |
| notification to officers when..... | 105 | 2 | 277 |
| penalty for violation..... | 105 | 2 | 278 |
| pharmacist, duty of..... | 105 | 2 | 277 |
| unlawful, exception, when..... | 105 | 2 | 277 |
| POLICE JUDGES (see JUDGES, Police). | | | |
| PORT DISTRICTS: | | | |
| Assistance in national defense, authorization..... | 218 | 1 | 682 |
| construction of improvements..... | 218 | 2 | 682 |
| fund, special bond retirement..... | 218 | 5 | 684 |
| refunding bonds, issuance..... | 218 | 6 | 685 |
| resolution authorizing bond issue..... | 218 | 7 | 686 |
| revenue bonds for improvements..... | 218 | 3 | 683 |
| sale of bonds to government..... | 218 | 4 | 684 |

PRIMARY STATE HIGHWAY NO. 11.

PORT DISTRICTS—CONTINUED:

| | Ch. | Sec. | Page |
|---|------------|----------|------------|
| Bonds, | | | |
| authorized by election..... | 7 | 2 | 14 |
| revenue, aid of national defense..... | 218 | 3 | 683 |
| fund, special | 218 | 5 | 684 |
| refunding bonds | 218 | 6 | 685 |
| resolution authorizing bond issue..... | 218 | 7 | 686 |
| sale of, to government..... | 218 | 4 | 684 |
| county commissioners, power to fund and refund..... | 7 | 2 | 18 |
| Elections, | | | |
| biennially when, exceptions..... | 17 | 1 | 39 |
| commissioner, term of office..... | 45 | 2 | 107 |
| holding of | 45 | 1 | 107 |
| special, first may be..... | 17 | 1 | 39 |
| Fund, special bond retirement..... | 218 | 5 | 684 |
| Improvements in aid of national defense..... | 218 | 2 | 682 |
| fund, special bond retirement..... | 218 | 5 | 684 |
| refunding bonds | 218 | 6 | 685 |
| resolution authorizing bond issue..... | 218 | 7 | 686 |
| revenue bonds, issuance of..... | 218 | 3 | 683 |
| sale of bonds to government..... | 218 | 4 | 684 |
| Indebtedness, | | | |
| investigation | 7 | 1 | 17 |
| election, general and special, vote necessary..... | 7 | 5 | 20 |
| limitations | 7 | 1 | 17 |
| resolution | 7 | 5 | 20 |
| validated, | | | |
| three-fifths vote | 7 | 5 | 20 |
| without election | 7 | 1 | 17 |
| vote, three-fifths | 7 | 5 | 20 |
| National defense programs, | | | |
| assistance in | 218 | 1 | 682 |
| construction of improvements..... | 218 | 2 | 682 |
| fund, special bond retirement..... | 218 | 5 | 684 |
| refunding bonds | 218 | 8 | 685 |
| resolution authorizing bond issue..... | 218 | 7 | 686 |
| revenue bonds for improvements..... | 218 | 3 | 683 |
| sale of bonds to government..... | 218 | 4 | 684 |
| Special election for bond issue..... | 7 | 6 | 20 |
| validation of indebtedness..... | 7 | 5 | 20 |
| vote necessary | 7 | 5 | 20 |
| PORTER DISTRIBUTING CO., Relief..... | 244 | 2 | 790 |
| POSTAL TELEGRAPH CO., Relief..... | 244 | 2 | 795 |
| POTATOES, Inspection and regulation..... | 189 | 1 | 534 |
| POWDER AND EXPLOSIVES: | | | |
| Purchase and sale of..... | 22 | 1 | 57 |
| repeal of statutes..... | 22 | 1 | 57 |
| POWER DEVELOPMENT: | | | |
| County property conveyed to United States government, when... 142 | 1 | | 404 |
| PRACTICE OF LAW: | | | |
| Private, prosecuting attorneys prohibited from, when..... | 46 | 2 | 109 |
| Statutes repealed | 47 | 1 | 110 |
| PREVENTION OF FOREST FIRES (see FOREST FIRES). | | | |
| PRIMARY HIGHWAYS, Appropriation (see APPROPRIATIONS). | | | |
| PRIMARY STATE HIGHWAY NO. 11, COLUMBIA BASIN HIGH- | | | |
| WAY: | | | |
| Established | 136 | 1 | 395 |
| Route | 136 | 1 | 395 |

PRIMARY STATE HIGHWAYS.

| | <i>Ch.</i> | <i>Sec.</i> | <i>Page</i> |
|--|------------|-------------|-------------|
| PRIMARY STATE HIGHWAYS, Allocation: | | | |
| No. 1 | 250 | 2 | 849 |
| No. 2 | 250 | 2 | 849 |
| No. 5 | 250 | 2 | 849 |
| | | | } 850 |
| No. 7 | 250 | 2 | 850 |
| No. 8 | 250 | 2 | 850 |
| No. 9 | 250 | 2 | 850 |
| No. 14 | 250 | 2 | 850 |
| No. 17 | 250 | 2 | 850 |
| PRINTING AND PUBLISHING: | | | |
| Appropriations (see APPROPRIATIONS). | | | |
| Legislative printing, appropriation..... | 3 | 1 | 13 |
| Tax, business and occupational..... | 178 | 1 | 480 |
| PRISON TERMS AND PAROLES, STATE BOARD OF: | | | |
| Appropriation | 234 | 2 | 749 |
| PRIVATE SCHOOLS: | | | |
| Transportation of pupils (see SCHOOLS AND SCHOOL DISTRICTS). | | | |
| PRIVILEGE TAX (see TAXATION). | | | |
| PROBATE: | | | |
| Minor heirs, inheritance less than \$100..... | 206 | 2 | 608 |
| guardianship proceedings unnecessary..... | 206 | 2 | 608 |
| Special notice of proceedings to interested parties..... | 206 | 1 | 605 |
| Testamentary trustees, uniform trustees act, | | | |
| accounts, approval or disapproval..... | 229 | 11 | 721 |
| affidavits of service..... | 229 | 10 | 721 |
| distribution accounts | 229 | 5 | 719 |
| final account | 229 | 5 | 719 |
| notice of hearing to beneficiaries..... | 229 | 7 | 720 |
| infant beneficiaries, representation..... | 229 | 9 | 721 |
| intermediate account | 229 | 3 | 717 |
| hearing on | 229 | 6 | 719 |
| notice of filing to beneficiaries..... | 229 | 6 | 719 |
| inventory, filing of..... | 229 | 2 | 717 |
| vouchers for expenditures, production in court..... | 229 | 8 | 721 |
| PROCESSING TAX (see TAXATION). | | | |
| PROPERTY: | | | |
| County, | | | |
| conveyance for defense purposes..... | 227 | 1 | 711 |
| | | 2 | 711 |
| legislative consent given..... | 227 | 4 | 713 |
| resolution of county commissioners..... | 227 | 3 | 713 |
| Personal (see PERSONAL PROPERTY). | | | |
| Real (see REAL ESTATE and REAL PROPERTY). | | | |
| State, | | | |
| fire protection for..... | 139 | 1 | 398 |
| Writ of attachment, or other order, | | | |
| sheriff may release levy when..... | 237 | 1 | 774 |
| PROSECUTING ATTORNEY: | | | |
| Duties, | | | |
| cost bills | 191 | 1 | 537 |
| grand jury | 191 | 1 | 537 |
| informations and indictments..... | 191 | 1 | 537 |
| Grand jury, | | | |
| attendance | 191 | 1 | 537 |
| no power to act or intervene, when..... | 156 | 1 | 436 |
| Law practice, private, prohibited in class A and first class | | | |
| counties | 46 | 2 | 109 |

PUBLIC EMPLOYEES.

| PROSECUTING ATTORNEY—CONTINUED: | Ch. | Sec. | Page |
|---|-----|------|------|
| Private law practice prohibited in class A and first class counties | 46 | 2 | 109 |
| Salary (class A and first class counties)..... | 46 | 2 | 109 |
| Selective service act, restoration to employment, enforcement of..... | 201 | 4 | 504 |
| Title, district attorney, statutes repealed..... | 23 | 1 | 58 |
| PROTECTIVE DEFENSE AREAS: | | | |
| Activities within prohibited..... | 200 | 4 | 500 |
| Designation of | 200 | 3 | 590 |
| Violations, gross misdemeanor..... | 200 | 7 | 591 |
| PROVIDENCE HOSPITAL, Relief..... | 244 | 2 | 791 |
| PUBLIC ASSISTANCE: | | | |
| Appeal from county department..... | 128 | 4 | 381 |
| County welfare administrator, appointment | 128 | 2 | 380 |
| duties | 128 | 2 | 380 |
| merit system for personnel..... | 128 | 1 | 379 |
| personnel, merit system for..... | 128 | 1 | 379 |
| Social security, federal system, to conform with..... | 128 | 2 | 380 |
| Tax for | 128 | 3 | 381 |
| receipts to be deposited in county current expense fund..... | 128 | 3 | 381 |
| disbursement | 128 | 3 | 381 |
| surplus to be returned to state..... | 128 | 3 | 381 |
| Welfare department, counties to establish..... | 128 | 2 | 380 |
| PUBLIC CARRIERS: | | | |
| Agents, transportation | 198 | 7 | 584 |
| bond | 198 | 5 | 583 |
| issuance | 198 | 5 | 583 |
| license | 198 | 2 | 582 |
| Motor carrier transportation agent..... | 198 | 7 | 584 |
| application for license, where made..... | 198 | 3 | 582 |
| bond, agent | 198 | 5 | 583 |
| motor vehicle | 198 | 10 | 585 |
| action on | 198 | 12 | 586 |
| definition of terms..... | 198 | 1 | 581 |
| fee for license..... | 198 | 4 | 582 |
| hearing on license application..... | 198 | 4 | 582 |
| | | 15 | 537 |
| insurance, agents | 198 | 5 | 583 |
| motor vehicles | 198 | 11 | 586 |
| action on | 198 | 12 | 586 |
| license, agents | 198 | 2 | 582 |
| motor vehicles | 198 | 9 | 585 |
| records to be kept..... | 198 | 6 | 584 |
| revocation of agent's license..... | 198 | 4 | 582 |
| violations, misdemeanors | 198 | 8 | 585 |
| | | 13 | 587 |
| Public carriers, records to be kept..... | 198 | 6 | 584 |
| PUBLIC DOCUMENTS (see PUBLICATIONS AND DOCUMENTS). | | | |
| PUBLIC EMPLOYEES: | | | |
| Office hours | 113 | 1 | 293 |
| Social security benefits..... | 205 | 1 | 603 |
| existing pension systems unaffected..... | 205 | 3 | 604 |
| wage deductions authorized..... | 205 | 3 | 603 |

PUBLIC FUNDS.

| | Ch. | Sec. | Page |
|--|-----|------|------|
| PUBLIC FUNDS (see, also, FUNDS): | | | |
| Safekeeping of securities..... | 18 | 1 | 40 |
| Securities, safekeeping of..... | 18 | 1 | 40 |
| PUBLIC INSTRUCTION, STATE SUPERINTENDENT OF: | | | |
| Appropriations (see APPROPRIATIONS). | | | |
| Defective hearing tests to be given..... | 202 | 1 | 596 |
| forms prescribed by..... | 202 | 3 | 597 |
| records to be kept..... | 202 | 2 | 596 |
| Hearing, defective, tests to be given..... | 202 | 1 | 596 |
| Rules and enforcement prescribed..... | 42 | 1 | 101 |
| Sight-saving equipment, to furnish, when..... | 251 | 1 | 857 |
| PUBLIC LANDS: | | | |
| Clallam county school land, exchange of..... | 185 | 1 | 528 |
| Mason county, public shooting grounds..... | 190 | 1 | 536 |
| Shooting grounds, public, in Mason county..... | 190 | 1 | 536 |
| Skagit county, public shooting grounds..... | 165 | 1 | 453 |
| PUBLIC LANDS, STATE COMMISSIONER OF: | | | |
| Appropriations..... | 234 | 2 | 747 |
| survey of tidelands in Clark county..... | 244 | 2 | 799 |
| Board of state land commissioners..... | 217 | 1 | 679 |
| creation..... | 217 | 1 | 679 |
| inspection and leasing of state lands..... | 217 | 2 | 679 |
| members..... | 217 | 1 | 679 |
| powers and duties..... | 217 | 2 | 679 |
| Clark county, appropriation for survey of tidelands in..... | 244 | 2 | 799 |
| Commissioner, | | | |
| public shooting grounds, | | | |
| deed of..... | 165 | 1 | 453 |
| Mason county, | 190 | 1 | 536 |
| booming grounds, used for..... | 190 | 3 | 536 |
| certification of release of..... | 190 | 3 | 536 |
| Skagit county, | | | |
| booming grounds, used for..... | 165 | 2 | 454 |
| certification of release of..... | 165 | 2 | 454 |
| state granted lands, cooperative agreement entered into, when | 123 | 1 | 354 |
| transfer, approval..... | 123 | 3 | 355 |
| state lands leased to United States government, | | | |
| rental value determined by..... | 66 | 1 | 166 |
| Leasing of state lands, | | | |
| inspection and appraisal..... | 217 | 2 | 679 |
| PUBLIC NUISANCES: | | | |
| Sewage disposal, | | | |
| violation of regulation by certain cities..... | 186 | 3 | 550 |
| PUBLIC OFFICE HOURS..... | 113 | 1 | 293 |
| PUBLIC PRINTER: | | | |
| Appropriation (see APPROPRIATIONS). | | | |
| Publication of documents, | | | |
| duties..... | 150 | 2 | 420 |
| PUBLIC RECORDS: | | | |
| City, | | | |
| obsolete, destruction of, | | | |
| age..... | 109 | 8 | 283 |
| authority..... | 109 | 8 | 283 |
| items enumerated..... | 109 | 8 | 283 |
| list to be filed, commissioners', with division of municipal corporations..... | 109 | 10 | 284 |

PUBLIC SERVICE COMPANIES.

PUBLIC RECORDS—CONTINUED:

| | Ch. | Sec. | Page |
|---|-----|------|------|
| City, | | | |
| obsolete, destruction of, | | | |
| method | 109 | 8 | 283 |
| supervision, department of municipal corporations..... | 109 | 9 | 284 |
| ten years old..... | 109 | 8 | 284 |
| time | 109 | 9 | 284 |
| County, | | | |
| obsolete, destruction of, | | | |
| age | 109 | 8 | 283 |
| authority for | 109 | 8 | 283 |
| items enumerated | 109 | 8 | 283 |
| list to be filed, commissioners', with department of municipal corporations | 109 | 10 | 284 |
| method | 109 | 8 | 283 |
| supervision, department of municipal corporations..... | 109 | 9 | 284 |
| ten years old..... | 109 | 8 | 284 |
| time | 109 | 9 | 284 |
| State, | | | |
| obsolete, | | | |
| advisory committee, | | | |
| composed of | 109 | 4 | 283 |
| cooperation of state departments with..... | 109 | 6 | 283 |
| expenses, when | 109 | 5 | 283 |
| recommendations as to permanent record..... | 109 | 4 | 283 |
| salary, none | 109 | 5 | 283 |
| cooperation of state departments with advisory committee | 109 | 6 | 283 |
| destruction of | 109 | 7 | 283 |
| committee authorized | 109 | 7 | 283 |
| composed of | 109 | 3 | 282 |
| duties | 109 | 3 | 282 |
| finance, budget and business, director to destroy, | | | |
| when | 109 | 1 | 282 |
| items to be destroyed..... | 109 | 4 | 282 |
| director of finance, budget and business to destroy, when. | 109 | 1 | 282 |
| historically valued, to be kept..... | 109 | 4 | 283 |
| lists, prepared by all state departments..... | 109 | 2 | 282 |
| retained as records..... | 109 | 4 | 283 |
| PUBLIC SERVICE CODE: | | | |
| Drafting of | 93 | 1 | 226 |
| department of public service, upon advice of attorney general | 93 | 1 | 226 |
| Laws, code of..... | 93 | 1 | 226 |
| PUBLIC SERVICE COMPANIES: | | | |
| Change of charge, fare, rate, rental, etc..... | 162 | 1 | 443 |
| hearing, | | | |
| suspension pending, when..... | 162 | 1 | 443 |
| increase, burden of proof upon company to show just and reasonable | 162 | 1 | 443 |
| Contracts, all, subject to approval of department..... | 160 | 1 | 439 |
| approval, when | 160 | 1 | 440 |
| copies, to file with department, when..... | 160 | 1 | 439 |
| Defined | 159 | 1 | 437 |
| Department, defined | 159 | 1 | 437 |
| Penalties, when | 159 | 6 | 438 |
| Property, | | | |
| contract without approval, void..... | 159 | 4 | 438 |
| purchase, order not necessary, when..... | 159 | 4 | 438 |
| transfer of, | | | |
| order necessary | 159 | 2 | 437 |
| void without order..... | 159 | 3 | 437 |
| Purchase of property, order not necessary, when..... | 159 | 4 | 438 |

PUBLIC SERVICE COMPANIES.

| PUBLIC SERVICE COMPANIES—CONTINUED: | Ch. | Sec. | Page |
|---|-----|------|------|
| Rules and regulations to be made by department..... | 159 | 5 | 438 |
| Service charges, fares, rates, rentals, etc., change of..... | 162 | 1 | 443 |
| Transfer of property, | | | |
| order necessary | 159 | 2 | 437 |
| void without order..... | 159 | 3 | 437 |
| PUBLIC SERVICE, STATE DEPARTMENT OF: | | | |
| Appropriation (see APPROPRIATIONS). | | | |
| Code, to draft..... | 93 | 1 | 226 |
| Motor carrier transportation agents..... | 198 | 7 | 584 |
| application for license..... | 198 | 3 | 582 |
| bond, | | | |
| agent's | 198 | 5 | 583 |
| motor vehicle | 198 | 10 | 585 |
| action on | 198 | 12 | 586 |
| definition of terms..... | 198 | 1 | 581 |
| fee for license..... | 198 | 4 | 582 |
| hearing on license application..... | 198 | 4 | 582 |
| | | 15 | 587 |
| insurance, | | | |
| agent's | 198 | 5 | 583 |
| motor vehicle | 198 | 11 | 586 |
| action on | 198 | 12 | 588 |
| license, | | | |
| agent's | 198 | 2 | 582 |
| motor vehicle | 198 | 9 | 585 |
| records to be kept..... | 198 | 6 | 584 |
| revocation of agent's license..... | 198 | 4 | 582 |
| violation, misdemeanor | 198 | 8 | 585 |
| | | 13 | 587 |
| Public service companies, | | | |
| approval of contract, when..... | 160 | 1 | 440 |
| contracts, | | | |
| all subject to approval of department..... | 160 | 1 | 439 |
| approval, when | 160 | 1 | 440 |
| copies, to be filed with department..... | 160 | 1 | 439 |
| property, transfer of, | | | |
| order to be issued by department..... | 159 | 3 | 437 |
| void without authority of department..... | 159 | 3 | 437 |
| rules and regulations, department to make..... | 159 | 5 | 437 |
| telephone companies, | | | |
| appeal records of, available to..... | 137 | 2 | 396 |
| exchange area, boundaries, to prescribe..... | 137 | 1 | 396 |
| powers of department under existing laws..... | 137 | 1 | 396 |
| territorial area boundaries, to prescribe..... | 137 | 1 | 396 |
| PUBLIC SHOOTING GROUNDS: | | | |
| Mason county tide lands..... | 190 | 1 | 536 |
| booming grounds, used for..... | 190 | 3 | 536 |
| Skagit county tide lands..... | 165 | 1 | 453 |
| booming grounds, use of for..... | 165 | 2 | 454 |
| PUBLIC UTILITIES (see, also, MUNICIPAL CORPORATIONS and PUBLIC SERVICE COMPANIES): | | | |
| Cities and towns, ownership, how, when..... | 147 | 2 | 415 |
| Ownership, how, when, exceptions..... | 147 | 2 | 415 |
| Sewage system, | | | |
| acquisition by cities..... | 193 | 1 | 540 |
| procedure, necessary, to acquire..... | 147 | 2 | 416 |
| Tax (see REVENUE ACT). | | | |
| Telephone companies, | | | |
| appeal records available to department of public service..... | 137 | 2 | 396 |

PUBLIC UTILITY DISTRICTS.

PUBLIC UTILITIES—CONTINUED:

| | Ch. | Sec. | Page |
|--|-----|------|------|
| Telephone companies, | | | |
| exchange area boundaries to be prescribed by department of public service | 137 | 1 | 396 |
| territorial area boundaries prescribed by department of public service | 137 | 1 | 396 |

PUBLIC UTILITY DISTRICTS:

| | | | |
|--|-----|----|-----|
| Acquisition of additional or betterments, | | | |
| issuance of bonds or warrants..... | 182 | 2 | 519 |
| procedure | 182 | 1 | 518 |
| Actions, enforcement of resolutions..... | 182 | 10 | 523 |
| Additions or betterments, | | | |
| bonds, covenants of | 182 | 3 | 519 |
| contract of payment..... | 182 | 4 | 520 |
| cost of operation | 182 | 5 | 521 |
| Bonds, | | | |
| obligations of, enforcement by mandamus..... | 182 | 10 | 523 |
| president and secretary to sign..... | 182 | 9 | 523 |
| refunding, issuance of..... | 182 | 8 | 522 |
| revenue, | | | |
| constitute legal securities..... | 182 | 11 | 524 |
| covenants of | 182 | 3 | 519 |
| interest | 182 | 4 | 520 |
| lien of against special fund..... | 182 | 5 | 521 |
| negotiable | 182 | 11 | 524 |
| payment of principal and interest..... | 182 | 7 | 522 |
| redemption | 182 | 8 | 522 |
| registration with state auditor..... | 182 | 6 | 521 |
| prima facie valid..... | 182 | 6 | 521 |
| sale of | 182 | 4 | 520 |
| Bonds and warrants, | | | |
| special fund for betterments. | 182 | 2 | 519 |
| Commissioners, | | | |
| acquisition of additions or betterments..... | 182 | 1 | 518 |
| creation of special fund for betterments..... | 182 | 2 | 519 |
| certification to election board, officers, positions..... | 245 | 5 | 818 |
| compensation | 245 | 6 | 818 |
| districts, boundaries, change of..... | 245 | 4 | 816 |
| expenses, reimbursement for..... | 245 | 6 | 819 |
| president and secretary to sign bonds..... | 182 | 9 | 523 |
| resolutions, enforcement by mandamus..... | 182 | 10 | 523 |
| Commissioners' districts, change of boundaries..... | 245 | 4 | 816 |
| District, defined | 245 | 1 | 809 |
| Electric energy, furnished by, to be taxed, when..... | 245 | 2 | 809 |
| date effective | 245 | 2 | 809 |
| general election, | | | |
| construed | 245 | 5 | 817 |
| notice, election board to give..... | 245 | 5 | 817 |
| operating property within city or town, regulation of..... | 245 | 3a | 813 |
| permission to construct and maintain operating properties, when | 245 | 3a | 812 |
| rate | 245 | 2 | 810 |
| report, contents of, filing..... | 245 | 2 | 810 |
| special election, when..... | 245 | 5 | 817 |
| election board, composed of, duties..... | 245 | 5 | 817 |
| method of conducting..... | 245 | 5 | 818 |
| tax, | | | |
| commissioners to compute and notify district..... | 245 | 2 | 810 |
| distribution | 245 | 2 | 811 |
| use designated | 245 | 2 | 812 |
| interest on unpaid..... | 245 | 2 | 812 |
| levied by city, when..... | 245 | 3 | 812 |
| voluntary payments authorized..... | 245 | 2 | 812 |

PUBLIC UTILITY DISTRICTS.

| PUBLIC UTILITY DISTRICTS—CONTINUED: | Ch. | Sec. | Page |
|---|-----|------|------|
| Employees, group insurance of, when..... | 245 | 8 | 820 |
| number, necessary | 245 | 8 | 820 |
| premiums, how paid..... | 245 | 8 | 820 |
| Existence, legal, questioned only, when, by whom..... | 245 | 10 | 820 |
| Fund, special | 182 | 2 | 519 |
| operation of additions and betterments..... | 182 | 5 | 521 |
| revenue bonds prior charge against..... | 182 | 5 | 521 |
| Insurance of employees, when..... | 245 | 8 | 820 |
| number, necessary | 245 | 8 | 820 |
| premiums, how paid..... | 245 | 8 | 820 |
| Mandamus, enforcement of resolutions..... | 182 | 10 | 523 |
| Municipal corporations, when..... | 245 | 4 | 813 |
| commissioners | 245 | 4 | 813 |
| election | 245 | 4 | 814 |
| expense | 245 | 4 | 815 |
| qualifications | 245 | 4 | 814 |
| quorum | 245 | 4 | 816 |
| vacancy | 245 | 4 | 816 |
| name | 245 | 4 | 813 |
| powers, how exercised..... | 245 | 4 | 813 |
| Operating property, defined..... | 245 | 1 | 809 |
| Receipts, allocation to special funds..... | 182 | 7 | 522 |
| Refunding bonds, issuance of..... | 182 | 8 | 522 |
| Registration of bonds with state auditor..... | 182 | 8 | 521 |
| Resolutions, enforcement by mandamus..... | 182 | 10 | 523 |
| Revenue bonds, | | | |
| covenants of | 182 | 3 | 519 |
| issuance of, for betterments..... | 182 | 2 | 519 |
| Seal, affixed to bonds..... | 182 | 9 | 523 |
| Special fund for betterments..... | 182 | 2 | 519 |
| Tax commissioner, defined..... | 245 | 1 | 809 |
| Taxing district, defined..... | 245 | 1 | 809 |
| Warrants for betterments, | | | |
| covenants of | 182 | 3 | 519 |
| interest | 182 | 4 | 520 |
| issuance of, for betterments..... | 182 | 2 | 519 |
| negotiable as securities..... | 182 | 11 | 524 |
| redemption | 182 | 8 | 522 |
| sale of | 182 | 4 | 520 |
| PUBLICATION, LEGAL: | | | |
| Newspaper, | | | |
| act not retroactive..... | 213 | 7 | 672 |
| affidavit of publication..... | 213 | 4 | 671 |
| approval by superior court..... | 213 | 1 | 670 |
| exemptions | 213 | 5 | 671 |
| notices to be published in..... | 213 | 6 | 671 |
| order of approval, termination..... | 213 | 2 | 670 |
| qualification of newspaper..... | 213 | 3 | 671 |
| PUBLICATIONS AND DOCUMENTS: | | | |
| Records, obsolete (see PUBLIC RECORDS). | | | |
| State, | | | |
| legislative journals, | | | |
| distribution | 150 | 5 | 423 |
| exchange | 150 | 5 | 424 |
| sale | 150 | 5 | 424 |
| public documents | 150 | 2 | 420 |
| copies to be printed..... | 150 | 2 | 420 |
| defined | 150 | 1 | 420 |
| distribution | 150 | 2 | 420 |
| obsolete records, list of..... | 109 | 4 | 283 |

RAILROAD COMPANIES OR OPERATORS.

PUBLICATIONS AND DOCUMENTS—CONTINUED:

| State, | Ch. | Sec. | Page |
|--|------------|----------|------------|
| publications not printed by public printer. | | | |
| three copies to be deposited with state library..... | 150 | 2 | 421 |
| session laws, | | | |
| county officials, list of, distribution to..... | 150 | 4 | 423 |
| distribution | 150 | 4 | 421 |
| exchange with other states..... | 150 | 4 | 423 |
| journals, house and senate..... | 150 | 3 | 421 |
| state law librarian to receive..... | 150 | 3 | 421 |
| supreme court reports..... | 150 | 3 | 421 |
| supreme court reports, | | | |
| distribution | 150 | 6 | 425 |
| | | 7 | 426 |
| purchase of | 150 | 7 | 426 |
| PULLMAN, CITY OF: | | | |
| Appropriation for L. I. D. assessments..... | 244 | 2 | 801 |
| PURCHASES AND SALES: | | | |
| State departments, | | | |
| records to be kept..... | 196 | 13 | 575 |
| requisitions, approval of..... | 196 | 12 | 575 |
| vouchers, certification of..... | 196 | 11 | 574 |
| PURDIN, LYNN, Relief..... | 244 | 2 | 791 |
| PURDY, GEORGE A., Judgment..... | 244 | 2 | 797 |

Q

QUARRIES (see TUNNELS, QUARRIES, ETC.).

QUIT CLAIM DEEDS:

| | | | |
|--|-----|---|-----|
| Adams County, | | | |
| governor authorized to issue to..... | 211 | 1 | 668 |
| property description | 211 | 1 | 668 |
| Clapp, Helen A., heirs of, property in Jefferson County..... | 121 | 1 | 340 |
| description of property..... | 121 | 1 | 340 |
| | | | 341 |
| governor authorized to issue..... | 121 | 1 | 340 |
| Jefferson County, | | | |
| property in, to heirs of Helen A. Clapp, deceased..... | 121 | 1 | 340 |
| description | 121 | 1 | 340 |
| | | | 341 |
| governor authorized to issue..... | 121 | 1 | 340 |
| Kitsap County, | | | |
| state to issue to..... | 106 | 1 | 278 |
| property description | 106 | 1 | 279 |
| tide lands in, | | | |
| governor authorized to do all necessary things..... | 106 | 2 | 279 |

R

RACING COMMISSION:

| | | | |
|--|----|---|-----|
| Fairs, agricultural, | | | |
| expenses | 48 | 4 | 113 |
| fees, racing, amount, disposition..... | 48 | 4 | 113 |
| salaries | 48 | 4 | 113 |
| sums collected, disposition of..... | 48 | 4 | 113 |

| | | | |
|---|------------|----------|------------|
| RADCLIFF CO., C. A., Relief..... | 244 | 2 | 791 |
|---|------------|----------|------------|

RAILROAD COMPANIES OR OPERATORS:

| | | | |
|--|-----|---|-----|
| Shelters for workmen, when..... | 238 | 1 | 775 |
| non-compliance with act, a misdemeanor..... | 238 | 2 | 775 |
| separate offense, each day's non-compliance..... | 238 | 2 | 776 |

RAILROADS.

| RAILROADS: | Ch. | Sec. | Page |
|---|-----|------|------|
| Equipment, | | | |
| receiving of stolen equipment, felony..... | 212 | 2 | 669 |
| taking of railroad equipment, felony..... | 212 | 1 | 669 |
| Workmen, shelters for, when..... | 238 | 1 | 775 |
| non-compliance with act, a misdemeanor..... | 238 | 2 | 775 |
| separate offense, each day's non-compliance..... | 238 | 2 | 776 |
| RAILWAY EXPRESS AGENCY, Relief..... | 244 | 2 | 793 |
| RAUDENBUSH MOTOR SUPPLY, Relief..... | 244 | 2 | 790 |
| REAL ESTATE: | | | |
| Broker (see REAL ESTATE BROKERS AND SALESMEN). | | | |
| Contracts, taxed, amendment..... | 79 | 1 | 201 |
| Director, | | | |
| licenses, director of, to be..... | 252 | 1 | 857 |
| compensation, none | 252 | 1 | 857 |
| office created | 252 | 1 | 857 |
| Salesmen (see REAL ESTATE BROKERS AND SALESMEN). | | | |
| REAL ESTATE BROKERS AND SALESMEN: | | | |
| Act not applicable to..... | 252 | 3 | 858 |
| Action or suit cannot be brought when..... | 252 | 25 | 859 |
| Appeal, procedure | 252 | 30 | 868 |
| Bonds, | | | |
| approved, filed | 252 | 16 | 864 |
| right of action on, when..... | 252 | 17 | 864 |
| limitation | 252 | 17 | 865 |
| Commission, unlawful payment of..... | 252 | 24 | 869 |
| Contracts for purchase of, taxable as personal property, when.... | 79 | 1 | 202 |
| exemption as personal property, none..... | 79 | 1 | 202 |
| Director, | | | |
| definition | 252 | 2 | 858 |
| duties | 252 | 4 | 859 |
| fees collected, paid to state treasurer..... | 252 | 7 | 860 |
| deposited in general fund..... | 252 | 7 | 860 |
| office of, | | | |
| appointees and employees..... | 252 | 5 | 859 |
| uninterested parties in real estate business..... | 252 | 5 | 859 |
| inspectors, qualifications | 252 | 5 | 859 |
| salaries, director to fix..... | 252 | 5 | 859 |
| powers enumerated | 252 | 21 | 868 |
| process issued by, extension to all parts of state..... | 252 | 21 | 868 |
| service by whom..... | 252 | 21 | 868 |
| witnesses, fees and mileage, payment of..... | 252 | 21 | 868 |
| publish and distribute annually, | | | |
| act | 252 | 27 | 869 |
| names and addresses of licensed real estate brokers and | | | |
| salesmen | 252 | 27 | 860 |
| other data | 252 | 27 | 869 |
| uninterested party in real estate business, to be..... | 252 | 5 | 859 |
| Hearing on revocation or suspension of license..... | 252 | 29 | 867 |
| Interpretation of act by attorney general..... | 252 | 9 | 860 |
| Investigation, when | 252 | 19 | 865 |
| License, | | | |
| application for, contents..... | 252 | 11 | 861 |
| recommendations | 252 | 11 | 861 |
| requirements | 252 | 11 | 861 |
| additional | 252 | 12 | 862 |
| bond | 252 | 11 | 861 |
| display of | 252 | 18 | 865 |

REAL PROPERTY.

REAL ESTATE BROKERS AND SALESMEN—CONTINUED:

| | Ch. | Sec. | Page |
|---|-----|------|------|
| License, | | | |
| examination | 252 | 12 | 863 |
| commission of three members to correct..... | 252 | 13 | 863 |
| compensation and expenses..... | 252 | 14 | 864 |
| requirements | 252 | 13 | 864 |
| fee, application | 252 | 16 | 864 |
| list of applicants, successful and unsuccessful..... | 252 | 15 | 864 |
| method, place, time prescribed..... | 252 | 12 | 863 |
| questions and answers..... | 252 | 15 | 864 |
| temporary, pending | 252 | 12 | 863 |
| fee | 252 | 11 | 861 |
| necessary | 252 | 6 | 859 |
| revocation, when | 252 | 19 | 865 |
| appeal, procedure | 252 | 20 | 867 |
| hearing, procedure | 252 | 20 | 868 |
| suspension, when | 252 | 19 | 865 |
| appeal, procedure | 252 | 20 | 866 |
| hearing, procedure | 252 | 20 | 867 |
| violations enumerated | 252 | 19 | 865 |
| Licensed, | | | |
| act, copy of published and distributed annually to..... | 252 | 27 | 869 |
| business, place of, required to have..... | 252 | 18 | 865 |
| names and addresses to be published and distributed annually | 252 | 27 | 869 |
| office of | 252 | 18 | 865 |
| other data, publication and distribution of..... | 252 | 27 | 869 |
| provisions of act, must comply with..... | 252 | 6 | 859 |
| Misdemeanor, guilty of when..... | 252 | 23 | 869 |
| Names and addresses, publication and distribution annually..... | 252 | 27 | 869 |
| Opinions, attorney general to give..... | 252 | 9 | 860 |
| Person, defined | 252 | 2 | 858 |
| Real Estate Director, | | | |
| copies of papers and records, certified true under hand and | | | |
| seal | 252 | 8 | 860 |
| director of licenses to be..... | 252 | 1 | 857 |
| compensation, none additional..... | 252 | 1 | 857 |
| office created | 252 | 1 | 857 |
| seal adopted | 252 | 8 | 860 |
| Real estate salesmen, | | | |
| charged with violations by employees, written statement of | | | |
| facts to be filed..... | 252 | 26 | 869 |
| defined | 252 | 2 | 858 |
| Trust funds, wrongful conversion of, | | | |
| right of action on bond for damages..... | 252 | 17 | 864 |
| limitation | 252 | 17 | 865 |
| Unlawful acts | 252 | 6 | 859 |
| Violations, prosecution of..... | 252 | 22 | 866 |
| REAL ESTATE DIRECTOR: | | | |
| Creation of office..... | 252 | 1 | 857 |
| Director of licenses to be, no additional compensation..... | 252 | 1 | 857 |
| Papers and records, copies of, certified true under hand and seal.. | 252 | 8 | 860 |
| Seal adopted | 252 | 8 | 860 |
| REAL PROPERTY (see also REAL ESTATE): | | | |
| Airports and airport sites..... | 21 | 1 | 55 |
| acquired for public use..... | 21 | 2 | 56 |
| public use, acquired for..... | 21 | 2 | 56 |
| Delinquent tax contracts..... | 144 | 1 | 407 |
| Restitution, writ of, issuance..... | 188 | 6 | 532 |

REAL PROPERTY.

| REAL PROPERTY—CONTINUED: | Ch. | Sec. | Page |
|--|------------|-------------|-------------|
| Schools and school districts, to purchase and hold..... | 42 | 1 | 101 |
| State land deeded to Great Northern Railway Co..... | 117 | 1 | 301 |
| | | 2 | 303 |
| Taxes, | | | |
| amendments | 32 | 1 | 66 |
| notices, personal to taxpayer..... | 32 | 1 | 67 |
| posting, method of..... | 32 | 1 | 66 |
| publication notice, tax rolls..... | 32 | 1 | 66 |
| Trust corporation may hold when..... | 41 | 11 | 97 |
| Unlawful detention, | | | |
| recovery of possession, procedure..... | 188 | 1 | 531 |
| | | to | to |
| | | 10 | 534 |
| REBATE OF WAGES (see WAGES, rebate). | | | |
| RECLAMATION: | | | |
| County property conveyed to United States government, when... .. | 142 | 1 | 404 |
| RECONVEYANCES: | | | |
| Lands inadvertently conveyed, state authorized to reconvey when .. | 84 | 1 | 207 |
| RECORDS (see PUBLIC RECORDS). | | | |
| RED MEN, IMPROVED ORDER OF: | | | |
| Grand or subordinate lodge benefits, chapter 112 not to apply to.. | 112 | 1 | 290 |
| REFERENDUM: | | | |
| Forty mill tax limit..... | 176 | 1 | 474 |
| REFORESTATION OF STATE LANDS | 43 | 2 | 103 |
| REFORMATORY FOR WOMEN, WASHINGTON STATE, statutes | | | |
| repealed | 28 | 1 | 64 |
| REFUND OF TAXES, PIERCE COUNTY | 10 | 1 | 23 |
| REHABILITATION: | | | |
| World war veterans, disabled, | | | |
| appropriation | 59 | 1 | 15 |
| funds, entire to be used for..... | 59 | 2 | 15 |
| RELIEF OF INDIVIDUALS, FIRMS AND CORPORATIONS, | | | |
| appropriations | 244 | 2 | 789 |
| | | | to |
| | | | 796 |
| RELIGIOUS ORGANIZATIONS: | | | |
| Inheritance tax exemption..... | 197 | 2 | 579 |
| REORGANIZATION OF SCHOOL DISTRICTS ACT: | | | |
| Act construed | 248 | 2 | 834 |
| Adjustment of debts, liabilities, property..... | 248 | 16 | 845 |
| appeals | 248 | 16 | 845 |
| court adjustment, when..... | 248 | 16 | 845 |
| Appeals, | | | |
| adjustment of debts, liabilities, property..... | 248 | 16 | 845 |
| court adjustment of debts, liabilities, property, when..... | 248 | 16 | 845 |
| Appropriation | 248 | 18 | 846 |
| Approved plan, | | | |
| adjustment, debts, liabilities, property..... | 248 | 10 | 841 |
| alteration of boundaries..... | 248 | 10 | 841 |
| boundaries, alteration of..... | 248 | 10 | 841 |
| order establishing attachments, transfers..... | 248 | 10 | 841 |
| Boundaries, established under act, | | | |
| alteration, not for five years, exception..... | 248 | 14 | 844 |
| Comprehensive plan for county..... | 248 | 5 | 836 |
| Construed, act | 248 | 2 | 834 |

REORGANIZATION OF SCHOOL DISTRICTS ACT.

REORGANIZATION OF SCHOOL DISTRICTS ACT—CONTINUED:

| | Ch. | Sec. | Page |
|---|-----|------|--------------------------|
| County committee, | | | |
| compensation, none | 248 | 3 | 835 |
| creation | 248 | 3 | 834 |
| defined | 248 | 2 | 834 |
| duties | 248 | 5 | 835 to 839 |
| expenses, payment of..... | 248 | 3 | 835 |
| meetings | 248 | 4 | 835 |
| members, | | | |
| appointment | 248 | 2 | 834 |
| county superintendent, may be included..... | 248 | 3 | 835 |
| residential requirement | 248 | 3 | 835 |
| vacancies | 248 | 3 | 835 |
| organization | 248 | 4 | 835 |
| secretary, county superintendent of schools..... | 248 | 4 | 835 |
| County superintendent, | | | |
| duties | 248 | 10 | 841 842 841 842 |
| special election, procedure | 248 | 10 | 841 843 841 843 |
| proceedure | 248 | 10 | 841 |
| special elections | 248 | 10 | 841 |
| Five director districts, division into, when..... | 248 | 5 | 838 |
| Information, essential, available from county and state officers... | 248 | 9 | 841 |
| Maps showing boundaries..... | 248 | 5 | 838 |
| New district established containing city of 7,000 population, | | | |
| board of school directors..... | 248 | 12 | 844 |
| organization | 248 | 12 | 844 |
| elections following, method..... | 248 | 12 | 844 |
| directors, selection of..... | 248 | 12 | 843 |
| Officers, county and school district, duties under act..... | 248 | 15 | 844 |
| Proposals for organization of new district, | | | |
| alterations of boundaries after passage of act..... | 248 | 13 | 844 |
| organization of new district after passage of act, procedure.. | 248 | 13 | 844 |
| Public hearings, procedure..... | 248 | 5 | 837 |
| Purpose | 248 | 1 | 833 |
| Records, essential available from county and state officers..... | 248 | 9 | 841 |
| School districts, | | | |
| first and second class, when..... | 248 | 17 | 846 |
| board of directors, duty..... | 248 | 17 | 846 |
| reorganized, | | | |
| adjustment | 248 | 10 | 841 |
| attachments | 248 | 10 | 841 |
| debts | 248 | 10 | 841 |
| liabilities | 248 | 10 | 841 |
| property | 248 | 10 | 841 |
| transfers | 248 | 10 | 841 |
| Special elections, | | | |
| procedure, notice | 248 | 10 | 842 |
| result, | | | |
| favorable, procedure | 248 | 10 | 842 |
| unfavorable, procedure | 248 | 11 | 842 843 |
| State Board of Education to appoint state committee..... | 248 | 6 | 838 |
| State committee, | | | |
| appointment | 248 | 6 | 838 |
| compensation, none | 248 | 6 | 839 |
| defined | 248 | 2 | 834 |

REORGANIZATION OF SCHOOL DISTRICTS ACT.

| | Ch. | Sec. | Page |
|--|-----|------|------|
| REORGANIZATION OF SCHOOL DISTRICTS ACT—CONTINUED: | | | |
| State committee, | | | 839 |
| duties | 248 | 8 | 840 |
| | | | 841 |
| expenses, payment of..... | 248 | 6 | 839 |
| members | 248 | 6 | 838 |
| qualifications | 248 | 6 | 838 |
| organization | 248 | 7 | 839 |
| powers and duties enumerated..... | 248 | 8 | 839 |
| | | | 840 |
| | | | 841 |
| termination of | 248 | 6 | 839 |
| vacancies | 248 | 6 | 839 |
| Title of act..... | 248 | 1 | 833 |
| REPEALS (see AMENDMENTS and REPEALS): | | | |
| Laws repealed by code numbers..... | 149 | 4 | 419 |
| RETAIL SALES AND COMPENSATING TAX (Three per cent): | | | |
| Bi-monthly return | 76 | 5 | 197 |
| effective date | 76 | 8 | 199 |
| Buyer to pay to seller..... | 76 | 3 | 196 |
| Collected by seller..... | 76 | 3 | 196 |
| Excise tax, | | | |
| effective date | 76 | 6 | 198 |
| reduction when | 76 | 6 | 199 |
| Levied, when | 76 | 2 | 195 |
| Misappropriation, penalty for..... | 76 | 3 | 196 |
| effective date | 76 | 8 | 199 |
| Part of act, effective date..... | 76 | 8 | 199 |
| Payments, how made..... | 76 | 3 | 196 |
| effective date | 76 | 8 | 199 |
| Purpose | 76 | 1 | 194 |
| Reduced to 2%, when..... | 76 | 2 | 195 |
| Refusal to collect, a misdemeanor..... | 76 | 3 | 198 |
| effective date | 76 | 8 | 199 |
| Rules, tax commission to make..... | 76 | 4 | 197 |
| effective | 76 | 8 | 199 |
| Schedules, tax commission to make..... | 76 | 4 | 197 |
| effective | 76 | 8 | 199 |
| Seller, to collect tax..... | 76 | 3 | 196 |
| effective date | 76 | 8 | 199 |
| Tax acerued, to be paid by seller..... | 76 | 5 | 197 |
| effective date | 76 | 8 | 199 |
| Tokens available | 76 | 4 | 197 |
| effective date | 76 | 8 | 199 |
| RETIREMENT AND PENSION SYSTEM: | | | |
| Cities of first class, | | | |
| extension by ordinance..... | 102 | 1 | 539 |
| Teachers (see STATE TEACHERS' RETIREMENT SYSTEM). | | | |
| REVENUE ACT: | | | |
| Allocation of receipts..... | 178 | 19a | 510 |
| Business and occupation tax..... | 178 | 1 | 480 |
| definition of terms..... | 178 | 2 | 482 |
| | | | to |
| | | | 487 |
| exemptions | 178 | 6 | 489 |
| extractors | 178 | 1 | 480 |
| manufacturers | 178 | 1 | 481 |
| persons liable, rate..... | 178 | 1 | 482 |
| printers and publshers..... | 178 | 1 | 481 |
| public improvement contracts, lien on..... | 178 | 7 | 492 |
| service tax | 178 | 5 | 489 |

REVENUE ACT.

REVENUE ACT—CONTINUED:

| | Ch. | Sec. | Page |
|---|-----|------|------|
| Business and occupation tax, | | | |
| services within and without state..... | 178 | 5 | 489 |
| valuation of taxable products..... | 178 | 4 | 488 |
| Cigarette tax, | | | |
| collection | 178 | 13 | 501 |
| contraband goods, seizure and sale of..... | 178 | 16 | 506 |
| interstate business | 178 | 13 | 501 |
| penalties for violation..... | 178 | 15 | 505 |
| rate | 178 | 13 | 501 |
| records | 178 | 14 | 504 |
| refunds, rules governing..... | 178 | 17 | 507 |
| report of sales by wholesalers..... | 178 | 14 | 504 |
| stamps | 178 | 13 | 501 |
| vending machines | 178 | 18 | 507 |
| wholesalers and retailers..... | 178 | 13 | 501 |
| Compensating tax, | | | |
| collection by retailer..... | 178 | 10 | 496 |
| conversion of by collector, penalty..... | 178 | 10 | 496 |
| exemptions | 178 | 9 | 495 |
| failure to collect, liability..... | 178 | 10 | 496 |
| installment sales | 178 | 11 | 497 |
| lease with option to purchase..... | 178 | 11 | 497 |
| refunds or rebates punishable..... | 178 | 10 | 496 |
| returns, may be bi-monthly..... | 178 | 11 | 497 |
| Definition of terms, | | | |
| business and occupation tax..... | 178 | 2 | 485 |
| public utility tax..... | 178 | 12 | 498 |
| sales tax | 178 | 8 | 493 |
| Exemption, | | | |
| business and occupation tax..... | 178 | 6 | 489 |
| compensating tax | 178 | 9 | 495 |
| | | | 496 |
| Installment, | | | |
| compensating tax | 178 | 11 | 497 |
| Installment sales, | | | |
| sales tax | 178 | 9 | 494 |
| Public improvement contracts, lien on..... | 178 | 7 | 492 |
| Public utility tax, | | | |
| definition of terms..... | 178 | 12 | 498 |
| | | | to |
| | | | 501 |
| Registration certificates, | | | |
| failure to have..... | 178 | 19 | 508 |
| fee | 178 | 19 | 508 |
| persons required to have..... | 178 | 19 | 508 |
| retailers, for vending machines..... | 178 | 18 | 508 |
| vending machines | 178 | 19 | 508 |
| for each | 178 | 18 | 508 |
| violations | 178 | 19 | 508 |
| Sales tax, | | | |
| definition of terms..... | 178 | 8 | 493 |
| installment sales | 178 | 9 | 494 |
| Seizure and sale, contraband goods..... | 178 | 16 | 506 |
| | | 19 | 508 |
| Service tax, services within and without state..... | 178 | 5 | 489 |
| Taxable products, valuation..... | 178 | 4 | 488 |
| Valuation, | | | |
| extracted products | 178 | 4 | 488 |
| manufactured products | 178 | 4 | 488 |

REVENUE STAMPS.

| | Ch. | Sec. | Page |
|--|-----|------|------|
| REVENUE STAMPS: | | | |
| Cigarette tax | 178 | 13 | 501 |
| RICE, D. M., relief..... | 244 | 2 | 791 |
| RICHFIELD OIL CORPORATION, judgment..... | 244 | 2 | 798 |
| RIVERS AND HARBORS: | | | |
| Dikes, dams, etc., | | | |
| construction of | 204 | 9 | 601 |
| eminent domain, power of..... | 204 | 10 | 602 |
| Flood control districts..... | 204 | 2 | 599 |
| patrolmen, river, system of..... | 204 | 3 | 599 |
| river improvement fund..... | 204 | 8 | 601 |
| expenditures | 204 | 9 | 601 |
| purpose | 204 | 9 | 601 |
| ROADS: | | | |
| County, | | | |
| cattle guards permitted, when..... | 138 | 1 | 397 |
| Historical, | | | |
| Byrd's Mill road..... | 225 | 1 | 709 |
| State (see HIGHWAYS). | | | |
| Township, levy for maintenance and repair..... | 226 | 1 | 710 |
| RURAL FREE LIBRARIES (see LIBRARIES). | | | |
| RURAL HOUSING (see also HOUSING): | | | |
| Act, | | | |
| powers conferred, additional to any other law..... | 69 | 5 | 172 |
| Authority, powers | 69 | 1 | 170 |
| tenant selection, not limited to..... | 69 | 1 | 170 |
| Farmer's low income, | | | |
| application for | 69 | 2 | 170 |
| defined | 69 | 3 | 171 |
| Projects | 69 | 1 | 170 |
| S | | | |
| SAFETY REGULATIONS: | | | |
| Tunnels, quarries, etc., | | | |
| lighting in air compression chambers..... | 194 | 3 | 554 |
| Workmen, | | | |
| air compression and decompression chambers..... | 194 | 2 | 553 |
| tunnels, quarries, etc..... | 194 | 2 | 553 |
| SALARIES AND WAGES: | | | |
| Appropriations (see APPROPRIATIONS). | | | |
| Rebate of wages, | | | |
| books to show, if any..... | 72 | 1 | 187 |
| employer or agent not to receive or rebate..... | 72 | 1 | 187 |
| entries, false on books..... | 72 | 1 | 187 |
| lower lawful scale..... | 72 | 1 | 187 |
| misdemeanor | 72 | 1 | 188 |
| receipt, false, not to be accepted..... | 72 | 1 | 188 |
| SALES: | | | |
| Cantaloupes and potatoes, regulation of..... | 189 | 2 | 534 |
| Damaged timber in Clallam and Jefferson Counties, | | 3 | 535 |
| statutes repealed | 35 | 1 | 69 |
| Tax on (see REVENUE ACT). | | | |
| SALES TAX (see RETAIL SALES TAX). | | | |
| SAN JUAN FISHING AND PACKING CO., Relief..... | 244 | 1 | 789 |
| SAN JUAN ISLANDS: | | | |
| Appropriation for study of transportation needs..... | 239 | 4 | 777 |
| Transportation needs, highway department to study..... | 239 | 1 | 776 |
| appropriation | 239 | 4 | 777 |
| duties of highway department..... | 239 | 2 | 776 |

SCHOOLS AND SCHOOL DISTRICTS.

SANITARY DISTRICTS:

| | Ch. | Sec. | Page |
|--|-----|------|------|
| Rural, | | | |
| garbage, collection and disposal authorized..... | 98 | 1 | 259 |
| SATER, P. S., judgment..... | 244 | 2 | 798 |

SAVINGS AND LOAN ASSOCIATIONS:

| | | | |
|---|-----|----|-----|
| Assets, cash on hand, minimum..... | 222 | 3 | 696 |
| Cash or deposits on hand, minimum..... | 222 | 3 | 696 |
| Operating expense, limitation..... | 222 | 5 | 703 |
| Trust funds may be invested in, when..... | 41 | 12 | 97 |

SAVINGS BANKS:

Mutual, regulation (see BANKS AND BANKING).

SAW LOGS:

| | | | |
|-------------------------------|-----|---|-----|
| Assessed and taxed where..... | 155 | 1 | 431 |
|-------------------------------|-----|---|-----|

SCHOOL DIRECTORS (see SCHOOLS AND SCHOOL DISTRICTS).

SCHOOLS AND SCHOOL DISTRICTS:

| | | | |
|--|-----|---|-----|
| Adult instruction, lip reading classes..... | 179 | 1 | 512 |
| Appropriations (see APPROPRIATIONS). | | | |
| Assessments, forty mill tax limit referendum..... | 176 | 1 | 474 |
| Bus, | | | |
| insurance | 42 | 1 | 102 |
| limitations | 42 | 1 | 102 |
| parochial and private schools, privileges, when..... | 53 | 2 | 120 |
| privileges to private and parochial schools, when..... | 53 | 2 | 120 |
| Children, | | | |
| defective hearing tests to be given..... | 202 | 1 | 596 |
| forms to be furnished by superintendent of public in- | | | |
| struction | 202 | 3 | 597 |
| records to be kept..... | 202 | 2 | 596 |
| defective vision, | | | |
| sight-saving equipment provided when..... | 251 | 1 | 857 |
| property of Department of Education..... | 251 | 1 | 857 |
| loan of, to schools..... | 251 | 1 | 857 |
| special attention to afflicted..... | 202 | 2 | 596 |
| Clallam County, exchange of land..... | 185 | 1 | 528 |
| Curriculum, United States and Washington state history required. | 203 | 1 | 597 |
| Directors, board of, | | | |
| defective hearing tests..... | 202 | 1 | 596 |
| duties (see POWERS AND DUTIES). | | | |
| investments of insurance fund..... | 187 | 1 | 530 |
| powers and duties..... | 179 | 1 | 512 |
| libraries, limitation, restriction, supervision..... | 42 | 1 | 102 |
| lip reading, free instruction to deaf, when..... | 42 | 1 | 103 |
| literature, limitation, restriction, supervision..... | 42 | 1 | 102 |
| night schools, to establish and maintain, when..... | 42 | 1 | 103 |
| property, to purchase and hold..... | 42 | 1 | 101 |
| pupils, discipline, exclusion under six years of age..... | 42 | 1 | 101 |
| rules, enforcement of prescribed by, | | | |
| state board of education..... | 42 | 1 | 101 |
| superintendent of public instruction..... | 42 | 1 | 101 |
| school houses, to maintain, heat, light, ventilate..... | 42 | 1 | 101 |
| teachers, | | | |
| contracts, written or printed make and approve..... | 42 | 1 | 101 |
| employ and discharge..... | 42 | 1 | 101 |
| notice of renewal of contract, when..... | 42 | 1 | 101 |
| text books, | | | |
| free, to provide..... | 42 | 1 | 102 |
| rules, to make..... | 42 | 1 | 102 |
| transportation, | | | |
| limitation | 42 | 1 | 102 |
| motor vehicle insurance..... | 42 | 1 | 102 |

SCHOOLS AND SCHOOL DISTRICTS.

SCHOOLS AND SCHOOL DISTRICTS—CONTINUED:

| | <i>Ch.</i> | <i>Sec.</i> | <i>Page</i> |
|--|------------|-------------|-------------|
| Elections, | | | |
| board appointment | 102 | 2 | 270 |
| oath | 102 | 2 | 270 |
| directors, for, date, place, time..... | 102 | 1 | 269 |
| electors, qualifications | 12 | 1 | 25 |
| qualification of electors..... | 12 | 1 | 25 |
| special | 102 | 1 | 269 |
| voting places, second and third class districts..... | 102 | 1 | 269 |
| Exchange of land, Clallam county..... | 185 | 1 | 528 |
| Expulsion of pupils..... | 170 | 1 | 512 |
| First class districts, | | | |
| insurance fund, investment of..... | 187 | 1 | 530 |
| retired benefits to teachers, when..... | 243 | 1 | 785 |
| eligibility, not affected by membership in teacher's re- tirement | 243 | 3 | 785 |
| Funds, | | | |
| insurance, investment of..... | 187 | 1 | 530 |
| Grants in aid to needy districts, | | | |
| application for | 223 | 3 | 705 |
| appropriation | 223 | 5 | 706 |
| authorization | 223 | 1 | 704 |
| federal funds to be allocated..... | 223 | 4 | 706 |
| social security committee to regulate..... | 223 | 2 | 705 |
| survey and study of conditions to be made..... | 223 | 3 | 705 |
| Handicapped children, | | | |
| defective hearing tests to be given..... | 202 | 1 | 596 |
| forms furnished by superintendent of public instruction.. | 202 | 3 | 597 |
| records to be kept..... | 202 | 2 | 596 |
| special attention to afflicted..... | 202 | 2 | 596 |
| defective vision, | | | |
| sight-saving equipment provided when..... | 251 | 1 | 857 |
| property of department of education..... | 251 | 1 | 857 |
| loan of, to schools..... | 251 | 1 | 857 |
| High schools, | | | |
| United States and Washington state history, a required course | 203 | 1 | 597 |
| History, | | | |
| United States and Washington state, required course..... | 203 | 1 | 597 |
| Inheritance tax exemption..... | 197 | 1 | 577 |
| Insurance fund, investment of..... | 187 | 1 | 530 |
| Libraries, limitations, restrictions..... | 42 | 1 | 102 |
| Library service, may contract for..... | 65 | 7 | 163 |
| Lip reading, free instruction in, when..... | 42 | 1 | 103 |
| Literature, limitation, restrictions..... | 42 | 1 | 102 |
| Municipal corporations, dissolved, proceeds credited to, when..... | 87 | 5 | 212 |
| Needy, temporary relief for, | | | |
| appropriation | 241 | 2 | 782 |
| expenditures, how made..... | 241 | 2 | 782 |
| expiration of act..... | 241 | 3 | 782 |
| purpose of act..... | 241 | 1 | 781 |
| Night schools | 179 | 1 | 512 |
| established and maintained, when..... | 42 | 1 | 103 |
| free, to be established, when..... | 42 | 1 | 103 |
| Parochial schools, transportation of pupils, when..... | 53 | 2 | 120 |
| intent of act..... | 53 | 1 | 120 |
| Pierce county school district No. 340, tax refund..... | 10 | 1 | 23 |
| Private schools, | | | |
| transportation of children, when..... | 53 | 1 | 120 |
| intent of act..... | 53 | 1 | 120 |

SELECTIVE TRAINING.

| SCHOOLS AND SCHOOL DISTRICTS—CONTINUED: | Ch. | Sec. | Page |
|--|-----|------|------|
| Proceeds from dissolved municipal corporations credited to, when Pupils, | 87 | 5 | 212 |
| age limitation | 42 | 1 | 101 |
| discipline of | 42 | 1 | 101 |
| exclusion, under six years old..... | 42 | 1 | 101 |
| Relief, temporary, for needy..... | 241 | 2 | 782 |
| Reorganization (see REORGANIZATION OF SCHOOL DISTRICTS ACT). | | | |
| School houses, maintenance, etc..... | 42 | 1 | 101 |
| Tax apportionment received from public utility districts furnishing electric energy..... | 245 | 2 | 812 |
| use designated | 245 | 2 | 812 |
| Teachers, | | | |
| colleges, | | | |
| United States and Washington state history, required course | 203 | 1 | 597 |
| contracts, | | | |
| approval | 42 | 1 | 100 |
| non-renewal, notice | 42 | 1 | 100 |
| deaf children, special attention..... | 202 | 2 | 596 |
| discharge | 42 | 1 | 100 |
| employment | 42 | 1 | 100 |
| reemployment, presumption of..... | 179 | 1 | 512 |
| resignation | 42 | 1 | 101 |
| resignation | 42 | 1 | 100 |
| Temporary relief for needy, appropriation..... | 241 | 2 | 782 |
| Textbooks | 179 | 1 | 512 |
| free | 42 | 1 | 102 |
| rules regarding, making of..... | 42 | 1 | 102 |
| Transportation of pupils..... | 179 | 1 | 512 |
| limitation | 42 | 1 | 102 |
| motor vehicle insurance..... | 42 | 1 | 102 |
| SCRIP BOOKS | 244 | 1 | 787 |
| SEATTLE CITY TREASURER, L. I. D. assessments, appropriation for | 244 | 2 | 803 |
| SECONDARY HIGHWAY, Appropriation (see APPROPRIATIONS). | | | |
| SECRETARY OF STATE: | | | |
| Appropriations (see APPROPRIATIONS). | | | |
| Codes, certified by, deemed official..... | 149 | 3 | 419 |
| Election laws, codification of, | | | |
| attorney general to advise and consult with..... | 100 | 2 | 262 |
| SECURITIES: | | | |
| Collateral for deposit of public or other funds..... | 249 | 2 | 847 |
| Investments by guardians, | | | |
| court permission not required, when..... | 206 | 3 | 607 |
| SEEDS: | | | |
| Dealers, licensed, to be notified of change in list of noxious-weeds | 56 | 12 | 136 |
| Noxious-weeds, change in list, | | | |
| dealers, licensed, to be notified of..... | 56 | 12 | 136 |
| Regulation (see WASHINGTON STATE SEED LAW). | | | |
| SELECTIVE TRAINING: | | | |
| Draftees, restoration to former employment..... | 201 | 1 | 592 |
| enforcement of restoration..... | 201 | 4 | 594 |
| seniority rights unaffected..... | 201 | 3 | 593 |
| unemployment compensation | 201 | 6 | 594 |
| Elective officials, leave of absence..... | 201 | 2 | 593 |
| vacancy, how filled..... | 201 | 2 | 593 |
| Unemployment compensation | 201 | 6 | 594 |

SENIOR CITIZENS GRANT ACT.

SENIOR CITIZENS GRANT ACT (see OLD AGE ASSISTANCE).

SESSION LAWS:

| | Ch. | Sec. | Page |
|---|-----|------|------|
| Appropriation (see APPROPRIATIONS). | | | |
| Temporary publication, appropriation..... | 62 | 1 | 154 |

SEWAGE DISPOSAL SYSTEM:

| | | | |
|---|-----|-----|-----|
| Acquisition of by cities..... | 193 | 2 | 540 |
| ratification of by electors, when necessary..... | 193 | 2 | 540 |
| Bonds, general indebtedness..... | 193 | 3 | 541 |
| issuance by city..... | 193 | 4 | 543 |
| Cities, | | | |
| authorization to construct..... | 193 | 1 | 540 |
| bonds, general indebtedness..... | 193 | 3 | 541 |
| | | 4 | 543 |
| Cities and towns, | | | |
| contract for discharge of sewage of other cities..... | 193 | 11 | 549 |
| ownership when | 147 | 2 | 416 |
| procedure necessary | 147 | 2 | 416 |
| rates of service | 193 | 5 | 454 |
| Public nuisance, abatement of..... | 186 | 3 | 530 |
| Rates of service, | | | |
| delinquent, | | | |
| lien for | 193 | 6 | 546 |
| enforcement of lien..... | 193 | 10 | 540 |
| foreclosure of lien..... | 193 | 7 | 547 |
| | | 8 | 548 |
| | | 9 | 548 |
| enforcement of lien..... | 193 | 10 | 540 |
| fixing of | 193 | 5 | 545 |
| Regulating of, in certain cities..... | 186 | 1 | 520 |
| Waterworks utility, conjunction with..... | 193 | 12a | 550 |
| authorization | 193 | 12b | 550 |

SEWER DISTRICTS:

| | | | |
|--|-----|----|-----|
| Additions and betterments..... | 210 | 17 | 647 |
| adoption and ratification | 210 | 17 | 647 |
| utility improvement districts..... | 210 | 31 | 656 |
| Annexation of adjoining property..... | 210 | 34 | 659 |
| authorization by petition..... | 210 | 34 | 659 |
| confirmation of petition..... | 210 | 38 | 661 |
| election | 210 | 38 | 661 |
| conduct of election..... | 210 | 39 | 662 |
| filing of petition..... | 210 | 35 | 659 |
| hearing on | 210 | 37 | 661 |
| notice of hearing..... | 210 | 36 | 660 |
| Appeal from orders of commissioner..... | 210 | 32 | 656 |
| Assessments, utility improvement district..... | 210 | 26 | 652 |
| | | 28 | 654 |
| confirmation conclusive | 210 | 33 | 658 |
| notice of and publication..... | 210 | 29 | 655 |
| protests | 210 | 30 | 655 |
| Authorization for establishment..... | 210 | 1 | 637 |
| Bonds, | | | |
| coupons, payable from general fund..... | 210 | 45 | 606 |
| general sewer, | | | |
| authorization | 210 | 18 | 647 |
| funds, special, creation..... | 210 | 20 | 649 |
| | | 21 | 650 |
| interest rate | 210 | 18 | 647 |
| tax levy | 210 | 18 | 647 |

SEWER DISTRICTS.

SEWER DISTRICTS—CONTINUED:

| | Ch. | Sec. | Page |
|--|-----|------|------|
| Bonds, | | | |
| revenue, | | | |
| authorization by voters..... | 210 | 16 | 642 |
| interest rate | 210 | 19 | 649 |
| issuance | 210 | 19 | 649 |
| Commissioners, board of, | | | |
| adoption of comprehensive plan for sewer system..... | 210 | 11 | 693 |
| notice and election | 210 | 13 | 645 |
| ratification by voters..... | 210 | 12 | 645 |
| appeal from orders, procedure..... | 210 | 32 | 656 |
| compensation | 210 | 9 | 642 |
| contracts, letting of, by bids..... | 210 | 44 | 665 |
| procedure | 210 | 44 | 665 |
| employees, appointment and salary..... | 210 | 25 | 652 |
| | | 43 | 665 |
| establishment of utility improvement district..... | 210 | 28 | 654 |
| formation of utility improvement district..... | 210 | 28 | 654 |
| funds, special creating..... | 210 | 20 | 649 |
| | | 21 | 650 |
| general tax levy..... | 210 | 41 | 664 |
| hearing on petition..... | 210 | 27 | 653 |
| Improvement districts, | | | |
| assessments | 210 | 26 | 652 |
| confirmation conclusive | 210 | 33 | 658 |
| levying and collection..... | 210 | 28 | 654 |
| notice and publication..... | 210 | 29 | 655 |
| protest | 210 | 30 | 655 |
| nomination and election..... | 210 | 8 | 641 |
| organization | 210 | 9 | 642 |
| rates and charges, | | | |
| collection | 210 | 23 | 651 |
| fixing of | 210 | 22 | 651 |
| foreclosure | 210 | 24 | 652 |
| resolution and order accepting petition..... | 210 | 28 | 654 |
| terms | 210 | 7 | 640 |
| Comprehensive plan | 210 | 11 | 643 |
| Disincorporation | 210 | 47 | 667 |
| Disposal system, joint use of..... | 210 | 48 | 667 |
| Elections, | | | |
| additions and betterments, ratification..... | 210 | 17 | 647 |
| adoption and ratification of disposal plan..... | 210 | 12 | 645 |
| notice and election..... | 210 | 13 | 645 |
| annexation of adjoining territory, | | | |
| authorization by petition..... | 210 | 34 | 659 |
| confirmation of petitions..... | 210 | 38 | 661 |
| election | 210 | 38 | 661 |
| conduct of | 210 | 39 | 662 |
| filing of petition..... | 210 | 35 | 659 |
| hearing on petition..... | 210 | 37 | 661 |
| notice of hearing..... | 210 | 36 | 660 |
| establishment of district..... | 210 | 4 | 639 |
| commissioners, election of..... | 210 | 8 | 641 |
| general indebtedness, authorization to incur..... | 210 | 14 | 645 |
| | | 15 | 646 |
| revenue bonds, authority to issue..... | 210 | 16 | 646 |
| Eminent domain, right of..... | 210 | 10 | 642 |
| procedure in exercising..... | 210 | 10 | 642 |
| Employees, | | | |
| appointment | 210 | 25 | 652 |
| bonds | 210 | 43 | 665 |
| salaries | 210 | 43 | 665 |

SEWER DISTRICTS.

| SEWER DISTRICTS—CONTINUED: | Ch. | Sec. | Page |
|--|-----|------|------|
| Establishment, petition for..... | 210 | 2 | 637 |
| hearing on petition..... | 210 | 3 | 638 |
| procedure | 210 | 2 | 637 |
| special election | 210 | 4 | 630 |
| Funds, | | | |
| deposit of with county treasurer..... | 210 | 46 | 666 |
| special, creation | 210 | { 20 | 649 |
| | | 21 | 650 |
| General indebtedness, authorization by voters..... | 210 | { 14 | 645 |
| | | 15 | 646 |
| General sewer bonds, | | | |
| authorization | 210 | 18 | 647 |
| funds, special, creation..... | 210 | { 20 | 649 |
| | | 21 | 650 |
| interest rate | 210 | 18 | 647 |
| tax levy | 210 | 18 | 647 |
| General tax levy..... | 210 | 41 | 664 |
| Indebtedness, limit | 210 | 42 | 664 |
| exceeding by authority of electors..... | 210 | 42 | 664 |
| Joint use of disposal facilities..... | 210 | 48 | 667 |
| Municipal corporation, district to constitute..... | 210 | 6 | 640 |
| Petition for creation of utility improvement district..... | 210 | 26 | 652 |
| hearing on petition..... | 210 | 27 | 653 |
| resolution and order accepting petition..... | 210 | 28 | 654 |
| Petition for establishment..... | 210 | 2 | 637 |
| conflicting, priority | 210 | 5 | 640 |
| filing | 210 | 2 | 637 |
| hearing on | 210 | 3 | 638 |
| publication by county commissioners..... | 210 | 2 | 637 |
| special election | 210 | 4 | 630 |
| Rates and charges, | | | |
| collection of | 210 | 23 | 651 |
| fixing of | 210 | 22 | 651 |
| foreclosure of delinquents..... | 210 | 24 | 652 |
| Revenue bonds, | | | |
| authorization by voters..... | 210 | 16 | 646 |
| funds, special, creation..... | 210 | { 20 | 649 |
| | | 21 | 650 |
| interest rate | 210 | 19 | 649 |
| issuance | 210 | 19 | 649 |
| Sewer systems, acquisition and addition to..... | 210 | 10 | 642 |
| adoption of scheme or plan..... | 210 | 11 | 643 |
| notice and election..... | 210 | 13 | 645 |
| ratification by voters..... | 210 | 12 | 645 |
| Tax levy, | | | |
| general | 210 | 41 | 664 |
| general sewer bonds..... | 210 | 18 | 647 |
| utility improvement district assessments..... | 210 | { 26 | 652 |
| | | 28 | 654 |
| confirmation conclusive | 210 | 33 | 658 |
| levying and collection..... | 210 | 26 | 652 |
| notice and publication..... | 210 | 29 | 655 |
| protest | 210 | 30 | 655 |
| Utility improvement districts, | | | |
| additions and betterments..... | 210 | 31 | 656 |
| assessments, levying and collection..... | 210 | { 26 | 652 |
| | | 28 | 654 |
| confirmation conclusive | 210 | 33 | 658 |
| notice of and publication..... | 210 | 29 | 655 |
| protests | 210 | 30 | 655 |
| establishment, authorization | 210 | 26 | 652 |

SHELTERS.

SEWER DISTRICTS—CONTINUED:

| | Ch. | Sec. | Page |
|--|-----|------|------|
| Utility improvement districts, | | | |
| formation by sewer commission..... | 210 | 28 | 654 |
| hearing on petition..... | 210 | 27 | 653 |
| resolution and order accepting petition..... | 210 | 28 | 654 |

SEWER EXTENSIONS:

| | | | |
|--|----|---|-----|
| Property outside corporate cities and towns..... | 75 | 1 | 193 |
| contract | 75 | 1 | 193 |
| breach, may disconnect for..... | 75 | 1 | 194 |

SHELL FISH:

| | | | |
|-----------------------------------|-----|---|-----|
| Clam farmers, | | | |
| employees, written authority..... | 104 | 5 | 276 |
| license necessary when..... | 104 | 5 | 275 |
| fee | 104 | 5 | 275 |
| issuance | 104 | 5 | 275 |
| season | 104 | 5 | 275 |
| location map, to file..... | 104 | 5 | 276 |
| violations, penalty | 104 | 6 | 276 |

Clams,

| | | | |
|---|-----|---|-----|
| map, location of land held by clam farmers to be filed..... | 104 | 5 | 276 |
| marketing of, license necessary..... | 104 | 5 | 276 |
| sale of, container to bear serial number..... | 104 | 5 | 276 |

Conservation of,

| | | | |
|------------------------------------|-----|---|-----|
| closed season | 104 | 1 | 274 |
| territory | 104 | 1 | 274 |
| time | 104 | 1 | 274 |
| violations, penalty | 104 | 6 | 276 |
| waters, boundaries of, closed..... | 104 | 1 | 274 |

Crabs,

| | | | |
|--|-----|---|-----|
| canning, packing, privilege tax on..... | 125 | 1 | 358 |
| privilege tax on, | | | |
| canning, packing | 125 | 1 | 358 |
| license fee, in addition to..... | 125 | 1 | 358 |
| rate | 125 | 1 | 358 |
| territory covered | 125 | 1 | 358 |
| processing, tax on..... | 125 | 1 | 358 |
| license fee, in addition to..... | 125 | 1 | 358 |
| rate | 125 | 1 | 358 |
| territory covered | 125 | 1 | 358 |
| tax, | | | |
| collected from whom..... | 125 | 1 | 359 |
| date of payment..... | 125 | 1 | 359 |
| lien, tax to constitute a..... | 125 | 1 | 359 |
| rules and regulations, state treasurer and director of fish- | | | |
| eries to make..... | 125 | 1 | 359 |
| unlawful acts, | | | |
| penalty for violations..... | 125 | 1 | 360 |
| jurisdiction, justice of peace. | 125 | 1 | 360 |

Mussels,

| | | | |
|--|-----|---|-----|
| clam farmers license necessary when..... | 104 | 5 | 275 |
| fee | 104 | 5 | 275 |
| issuance | 104 | 5 | 275 |
| season | 104 | 5 | 275 |

Preservation,

| | | | |
|-----------------|-----|---|-----|
| exception | 104 | 2 | 274 |
| purpose | 104 | 2 | 274 |

| | | | |
|--|-----|---|-----|
| Statutes repealed, to remain operative as rules until..... | 104 | 4 | 275 |
|--|-----|---|-----|

| | | | |
|-------------------------------------|-----|---|-----|
| Violations of act, penalty for..... | 104 | 6 | 276 |
|-------------------------------------|-----|---|-----|

SHELTERS:

| | | | |
|---|-----|---|-----|
| Certain employees to have, when..... | 238 | 1 | 775 |
| non-compliance with act, a misdemeanor..... | 238 | 2 | 775 |
| separate offense, each day's non-compliance with act..... | 238 | 2 | 776 |

SHERIFF.

| | Ch. | Sec. | Page |
|--|-----|------|------|
| SHERIFF: | | | |
| Writ of restitution, execution of..... | 188 | 6 | 532 |
| SHOOTING GROUNDS, PUBLIC: | | | |
| Tideland for, in, | | | |
| Mason county | 190 | 1 | 536 |
| description | 190 | 1 | 536 |
| for no other purpose..... | 190 | 3 | 536 |
| governor to convey to state game department..... | 190 | 2 | 536 |
| granted to state game department..... | 190 | 3 | 536 |
| reversion, certificate | 190 | 3 | 537 |
| rules and regulations by game department..... | 190 | 4 | 537 |
| Skagit County | 165 | 1 | 453 |
| certificate, filing with commissioner of public lands..... | 165 | 2 | 454 |
| description | 165 | 1 | 453 |
| game department, under control of..... | 165 | 2 | 454 |
| return to land commissioner, when..... | 165 | 2 | 454 |
| used as booming grounds..... | 165 | 2 | 454 |
| SIGHT SAVING EQUIPMENT: | | | |
| Department of education to furnish, when..... | 251 | 1 | 857 |
| School children with defective vision to have, when..... | 251 | 1 | 857 |
| SKAGIT COUNTY: | | | |
| Allocation of secondary highway funds..... | 246 | 3 | 723 |
| Public shooting grounds, located in..... | 165 | 1 | 453 |
| Treasurer, appropriation for L. I. D. assessments..... | 244 | 2 | 802 |
| SKAMANIA COUNTY: | | | |
| Secondary highway allocation..... | 246 | 3 | 823 |
| SLAUGHTERING: | | | |
| Animals, diseased, indemnities for..... | 61 | 1 | 152 |
| SMALL LOAN ACT: | | | |
| Advertising, false or misleading, prohibited..... | 208 | 12 | 617 |
| Assets required | 208 | 3 | 610 |
| | | 6 | 613 |
| Assignments of compensation subject to act, when..... | 208 | 16 | 620 |
| Banks, savings and loan associations, etc., not covered..... | 208 | 19 | 621 |
| Bond, surety | 208 | 3 | 610 |
| additional bond may be required..... | 208 | 6 | 612 |
| Borrowers' rights | 208 | 14 | 619 |
| Conduct of business, manner..... | 208 | 12 | 617 |
| Confession of judgment, taking of prohibited..... | 208 | 12 | 617 |
| Definition of terms..... | 208 | 1 | 609 |
| Interest, rate of..... | 208 | 13 | 618 |
| charge in lieu of interest..... | 208 | 13 | 618 |
| compound interest prohibited..... | 208 | 13 | 618 |
| computation | 208 | 13 | 618 |
| inapplicable to amounts in cases of \$500..... | 208 | 15 | 620 |
| inapplicable to non-licensees..... | 208 | 17 | 620 |
| Licensee, | | | |
| change of address..... | 208 | 7 | 613 |
| defined | 208 | 1 | 609 |
| false advertising prohibited..... | 208 | 12 | 617 |
| places of business..... | 208 | 7 | 613 |
| | | 12 | 617 |
| records, inspection of..... | 208 | 10 | 615 |
| reports of | 208 | 11 | 616 |
| Licenses, | | | |
| application for | 208 | 3 | 610 |
| assets, proof of..... | 208 | 3 | 610 |
| bond | 208 | 3 | 610 |
| additional bond | 208 | 6 | 612 |
| denial of, procedure..... | 208 | 4 | 611 |

SOAP LAKE.

SMALL LOAN ACT--CONTINUED:

| | Ch. | Sec. | Page |
|--|-----|------|------|
| Licenses, | | | |
| fee | 208 | 3 | 610 |
| information required | 208 | 5 | 612 |
| issuance, conditions precedent..... | 208 | 4 | 611 |
| renewal fee | 208 | 8 | 613 |
| required | 208 | 2 | 609 |
| revocation, grounds and, | | | |
| appeal from order and trial..... | 208 | 23 | 622 |
| grounds and effect..... | 208 | 9 | 614 |
| suspension, | | | |
| appeal from order and trial..... | 208 | 23 | 622 |
| grounds and effect..... | 208 | 9 | 614 |
| Loans, maximum amount..... | 208 | 13 | 618 |
| interest, rate of..... | 208 | 13 | 618 |
| inapplicable to loans in excess of \$500..... | 208 | 15 | 620 |
| inapplicable to non-licensees..... | 208 | 17 | 620 |
| payments and receipts..... | 208 | 14 | 619 |
| terms of loan..... | 208 | 14 | 619 |
| Notices, service of..... | 208 | 21 | 622 |
| Payments on loans, | | | |
| advance payments may be made..... | 208 | 14 | 619 |
| receipts for | 208 | 14 | 619 |
| Records of licenses..... | 208 | 11 | 616 |
| inspection of | 208 | 10 | 615 |
| Reports of licensees..... | 208 | 11 | 616 |
| Revocation of licenses..... | 208 | 9 | 614 |
| | | 23 | 622 |
| appeal from order..... | 208 | 23 | 622 |
| trial de novo..... | 208 | 22 | 622 |
| Rules and regulations, | | | |
| copies to licensees..... | 208 | 20 | 621 |
| promulgation | 208 | 20 | 621 |
| Supervisor of banking..... | 208 | 1 | 609 |
| application for license, investigation..... | 208 | 4 | 611 |
| notices, service of..... | 208 | 21 | 622 |
| records and reports of companies..... | 208 | 11 | 616 |
| revocation of license..... | 208 | 9 | 614 |
| | | 23 | 622 |
| appeal from order and trial..... | 208 | 23 | 622 |
| rules and regulations, | | | |
| copies to licensees..... | 208 | 20 | 621 |
| promulgation | 208 | 20 | 621 |
| statistics, collection of..... | 208 | 24 | 623 |
| Violations, | | | |
| contracts void | 208 | 18 | 621 |
| investigation of | 208 | 10 | 615 |
| misdemeanor | 208 | 18 | 621 |
| revocation of license..... | 208 | 9 | 614 |
| | | 23 | 622 |
| SMITH-HUGHES STUDENTS: | | | |
| Fairs, agricultural, participation..... | 48 | 1 | 111 |
| allotment of funds..... | 48 | 3 | 112 |
| classification | 48 | 1 | 111 |
| requisites | 48 | 1 | 111 |
| prizes | 48 | 3 | 112 |
| SMITH, PAUL, Judgment..... | 244 | 2 | 798 |
| SNOHOMISH COUNTY: | | | |
| Secondary highway allocation..... | 246 | 3 | 823 |
| Treasurer, appropriation for L. I. D. assessments..... | 244 | 2 | 796 |
| | | | 802 |
| SOAP LAKE, location of McKay Memorial Research Hospital..... | 67 | 1 | 167 |

SOCIAL SECURITY.

| | Ch. | Sec. | Page |
|--|-----|------|------|
| SOCIAL SECURITY: | | | |
| Abode, property used as, disposal unnecessary..... | 170 | 3 | 463 |
| Appeal to, from county department..... | 123 | 4 | 381 |
| Application | 170 | 2 | 462 |
| granted or denied within thirty days..... | 170 | 2 | 462 |
| Appropriation (see APPROPRIATIONS). | | | |
| Blind assistance not recoverable by state except for fraud..... | 170 | 6 | 465 |
| Director to make rules and regulations to carry out provisions of chapter 170 | 170 | 5 | 465 |
| necessary action | 170 | 5 | 465 |
| Division for children, cooperation with federal government, when | 242 | 3 | 784 |
| Eligibility for assistance..... | 170 | 1 | 460 |
| exceptions | 170 | 1 | 461 |
| inmate of institution, when..... | 170 | 1 | 461 |
| Federal system, to conform with..... | 128 | 2 | 380 |
| Information from records, unlawful to divulge..... | 128 | 5 | 382 |
| Organizations supported by recipients to make report, when..... | 170 | 6 | 466 |
| Payments, monthly, amount of..... | 170 | 3 | 462 |
| how determined | 170 | 3 | 463 |
| Public employees, eligible for benefits..... | 205 | 1 | 603 |
| existing pension systems unaffected..... | 205 | 3 | 604 |
| wage deductions unauthorized..... | 205 | 2 | 603 |
| Public soliciting defined..... | 170 | 1 | 461 |
| Records, information contained in, unlawful to divulge..... | 128 | 5 | 382 |
| Report of organizations supported by recipients, when..... | 170 | 6 | 466 |
| contents | 170 | 6 | 466 |
| failure to report, penalty..... | 170 | 6 | 466 |
| penalty for failure to report..... | 170 | 6 | 466 |
| Residence, defined | 170 | 2 | 462 |
| Rule-making power | 128 | 5 | 382 |
| SOCIAL SECURITY COMMITTEE: | | | |
| Grants in aid to needy school districts, | | | |
| application for | 223 | 3 | 705 |
| appropriation | 223 | 5 | 706 |
| authorization | 223 | 1 | 704 |
| federal funds to be allotted..... | 223 | 4 | 706 |
| social security committee to regulate..... | 223 | 2 | 705 |
| survey and study to be made..... | 223 | 3 | 705 |
| SOLDIERS' AND SAILORS' CIVIL RELIEF ACT: | | | |
| Military and naval service, | | | |
| elective officials, leave of absence..... | 201 | 2 | 593 |
| restoration to former employment..... | 201 | 1 | 592 |
| enforcement of restoration..... | 201 | 4 | 594 |
| seniority rights unaffected..... | 201 | 3 | 593 |
| unemployment compensation benefits..... | 201 | 6 | 594 |
| SPOKANE, CITY OF: | | | |
| Appropriation for L. I. D. assessments..... | 244 | 2 | 803 |
| SPOKANE COUNTY: | | | |
| Roads, appropriation | 247 | 1 | 832 |
| Secondary highway allocation..... | 246 | 3 | 823 |
| SPORTING CONTESTS: | | | |
| Fraud in | 181 | 1 | 517 |
| Tax, business and occupation, exemption..... | 178 | 6 | 489 |
| STANDARD OIL CO., Appropriation..... | 244 | 2 | 763 |
| STATE ATHLETIC COMMISSION, Appropriation..... | 234 | 2 | 748 |
| STATE AUDITOR (see AUDITOR, State, also APPROPRIATIONS). | | | |
| Bonds, public utility, registration of..... | 182 | 6 | 521 |

STATE DEPARTMENTS.

| | Ch. | Sec. | Page |
|--|-----|------|------|
| STATE BOARD FOR CERTIFICATION OF LIBRARIANS, Appropriation | 234 | 2 | 748 |
| STATE BOARD OF TRUSTEES for State Teachers' Retirement System, Appropriation | 234 | 2 | 769 |
| STATE CAPITOL COMMITTEE, Appropriation (see APPROPRIATIONS). | | | |
| STATE CAPITOL HISTORICAL ASSOCIATION: | | | |
| Creation | 44 | 1 | 104 |
| Curator, appointment of | 44 | 5 | 106 |
| Duties | 44 | 1 | 104 |
| Members, duties | 44 | 4 | 106 |
| Property held in trust..... | 44 | 2 | 105 |
| Purpose | 44 | 1 | 104 |
| Report of curator..... | 44 | 5 | 106 |
| Trustee of state..... | 44 | 1 | 104 |
| STATE CAPITOL HISTORICAL MUSEUM: | | | |
| Building and grounds..... | 44 | 3 | 105 |
| location | 44 | 3 | 105 |
| Curator, | | | |
| appointment of | 44 | 5 | 106 |
| duties | 44 | 5 | 106 |
| Name | 44 | 3 | 104 |
| Report on | 44 | 5 | 106 |
| STATE COLLEGE OF WASHINGTON, Appropriation (see APPROPRIATIONS). | | | |
| STATE CURRENT SCHOOL FUND: | | | |
| Allocation of revenue act receipts..... | 178 | 19a | 510 |
| STATE DEFENSE COUNCIL: | | | |
| Creation of | 177 | 2 | 477 |
| Local council | 177 | 5 | 479 |
| Organization | 177 | 3 | 477 |
| Powers and duties..... | 177 | 4 | 478 |
| STATE DEPARTMENTS: | | | |
| Appropriations, | | | |
| disbursements, procedure | 196 | 9 | 573 |
| expenditure, supervision of..... | 196 | 8 | 572 |
| factors governing revision..... | 196 | 10 | 574 |
| quarterly estimates, revision..... | 196 | 9 | 573 |
| records of disbursements | 196 | 13 | 575 |
| requisitions, approval of..... | 196 | 12 | 575 |
| vouchers, certification of..... | 196 | 11 | 574 |
| Audit of | 196 | 3 | 570 |
| auditor's office | 196 | 6 | 572 |
| expense of | 196 | 4 | 570 |
| post-audit, | | | |
| defined | 196 | 1 | 569 |
| when made | 196 | 3 | 570 |
| pre-audit, defined | 196 | 1 | 569 |
| state auditors to make..... | 196 | 3 | 570 |
| subpoenas, issuance of | 196 | 5 | 570 |
| witnesses, falsification by..... | 196 | 5 | 571 |
| Defined | 196 | 1 | 569 |
| Disbursements, | | | |
| procedure | 196 | 9 | 573 |
| requisition, approval of..... | 196 | 12 | 575 |
| Division of budget, accounts and control..... | 196 | 7 | 572 |
| audit of state auditor..... | 196 | 6 | 571 |
| powers and duties..... | 196 | 7 | 572 |

STATE DEPARTMENTS.

STATE DEPARTMENTS--CONTINUED:

| | Ch. | Sec. | Page |
|--|-----|------|------|
| Division of budget, | | | |
| quarterly estimate of expenditures..... | 106 | 9 | 573 |
| records to be kept..... | 106 | 13 | 575 |
| requisitions, approval of..... | 106 | 12 | 575 |
| supervisor of budget, duties..... | 106 | 11 | 574 |
| vouchers, certification of..... | 106 | 11 | 574 |
| Division of departmental audits, | | | |
| creation | 106 | 2 | 570 |
| duties | 106 | 3 | 570 |
| powers | 196 | 5 | 570 |
| Expenditures, supervision of..... | 106 | 8 | 572 |
| certification of vouchers..... | 106 | 11 | 574 |
| Housing costs, offices liable..... | 228 | 1 | 714 |
| assessment and collection..... | 228 | 2 | 714 |
| Misfeasance, etc., as revealed by audit..... | 196 | 5 | 571 |
| prosecution | 196 | 5 | 571 |
| settlement or compromise, prohibited..... | 196 | 5 | 571 |
| exception | 196 | 5 | 571 |
| Post-audit, when made..... | 196 | 3 | 570 |
| expense of | 106 | 4 | 570 |
| procedure | 196 | 5 | 570 |
| Quarterly estimates | 106 | 9 | 575 |
| factors governing revision..... | 106 | 10 | 574 |
| revision by governor..... | 106 | 9 | 573 |
| Record of disbursements to be kept..... | 106 | 13 | 575 |
| | | | |
| STATE EMPLOYEES (see, also, EMPLOYEES): | | | |
| Social security benefits..... | 205 | 1 | 603 |
| existing pension systems unaffected..... | 205 | 3 | 604 |
| wage deductions authorized..... | 205 | 2 | 603 |
| | | | |
| STATE-FEDERAL DEFENSE COOPERATION: | | | |
| Air-space reservations, | | | |
| activities within, prohibited..... | 200 | 6 | 590 |
| firearms prohibited | 200 | 5 | 590 |
| violations, gross misdemeanor..... | 200 | 7 | 591 |
| Protective defense areas..... | 200 | 2 | 589 |
| activities within prohibited..... | 200 | 4 | 590 |
| designation by governor..... | 200 | 3 | 590 |
| violations, gross misdemeanor..... | 200 | 7 | 591 |
| | | | |
| STATE FOREST BOARD: | | | |
| Appropriations (see APPROPRIATIONS). | | | |
| Bonds, issuance of, when, limitation..... | 43 | 1 | 104 |
| Reforestation of state lands..... | 43 | 1 | 103 |
| | | | |
| STATE FOREST LANDS: | | | |
| Bonds, issuance of when..... | 43 | 1 | 104 |
| limitations | 43 | 1 | 104 |
| Reforestation | 43 | 1 | 103 |
| Utility bonds, issuance when..... | 43 | 1 | 104 |
| | | | |
| STATE HOSPITAL FOR INSANE: | | | |
| Appropriation (see APPROPRIATIONS). | | | |
| Commitment to, procedure..... | 214 | 1 | 674 |
| Maintenance of patient..... | 214 | 1 | 675 |
| | | | |
| STATE INSURANCE COMMISSIONER (see INSURANCE COMMISSIONER, STATE): | | | |
| Appropriation (see APPROPRIATIONS). | | | |
| Ex-officio member board of trustees of teachers' retirement system | 97 | 2 | 235 |

STATE TEACHERS' RETIREMENT SYSTEM.

| | Ch. | Sec. | Page |
|--|-----|------|------|
| STATE LAND COMMISSIONERS, BOARD OF: | | | |
| Inspection and leasing of state lands..... | 217 | 2 | 679 |
| Members | 217 | 1 | 679 |
| Powers and duties..... | 217 | 2 | 679 |
| | | 3 | 681 |
| STATE LANDS (sec. also, LANDS, STATE): | | | |
| Boundary lines, establishment, | | | |
| Clallam county | 94 | 1 | 227 |
| Jefferson county | 94 | 1 | 227 |
| Olympia federal works project No. 723..... | 94 | 1 | 227 |
| Disclaimer by state when, | | | |
| Clallam county | 94 | 1 | 227 |
| Jefferson county | 94 | 1 | 227 |
| Olympia federal works project No. 723..... | 94 | 1 | 227 |
| Reconveyance to county, when..... | 84 | 1 | 207 |
| STATE LAW LIBRARY: | | | |
| Appropriation (see APPROPRIATIONS). | | | |
| Supervision of, not affected by chapter 50..... | 50 | 4 | 117 |
| STATE LIBRARY: | | | |
| Appropriation | 234 | 2 | 747 |
| Commission (see STATE LIBRARY COMMISSION). | | | |
| STATE LIBRARY COMMISSION: | | | |
| Creation of | 5 | 1 | 15 |
| Duties | 5 | 2 | 15 |
| Expenses | 5 | 1 | 15 |
| Members | 5 | 1 | 15 |
| powers | 5 | 2 | 15 |
| term of office..... | 5 | 1 | 15 |
| vacancies | 5 | 1 | 15 |
| STATE OBSOLETE PUBLIC RECORDS (see PUBLIC RECORDS, Obsolete). | | | |
| STATE PARKS COMMITTEE: | | | |
| Appropriation (see APPROPRIATIONS). | | | |
| STATE PATROL: | | | |
| Appropriation (see APPROPRIATIONS). | | | |
| Relief from active duty for disability..... | 95 | 1 | 229 |
| STATE PROPERTY: | | | |
| Fire protection for..... | 139 | 1 | 398 |
| STATE PUBLIC RECORDS (see PUBLIC RECORDS, Obsolete). | | | |
| STATE SUPERINTENDENT OF PUBLIC INSTRUCTION: | | | |
| Appropriation (see APPROPRIATIONS). | | | |
| Ex-officio member board of trustees' retirement system.. | 97 | 2 | 235 |
| STATE SUPERVISOR OF FORESTRY: | | | |
| Forest fire, protection against..... | 63 | 1 | 155 |
| STATE TEACHERS' RETIREMENT SYSTEM: | | | |
| Actuary, | | | |
| appointment, duties | 97 | 2 | 238 |
| Annuity fund, | | | |
| composed of | 97 | 5 | 245 |
| contributions, how determined..... | 97 | 5 | 245 |
| expenses, pro rate deductions from..... | 97 | 5 | 248 |
| Appropriation, legislature to make..... | 97 | 5 | 246 |
| Assets, | | | |
| credited to proper funds..... | 97 | 5 | 244 |

STATE TEACHERS' RETIREMENT SYSTEM.

| STATE TEACHERS' RETIREMENT SYSTEM—CONTINUED: | | | Ch. | Sec. | Page |
|--|----|---|-----|------|------|
| Benefits for twenty-year or less members..... | 97 | 7 | | 258 | |
| amount | 97 | 7 | | 258 | |
| duration | 97 | 7 | | 258 | |
| limitation | 97 | 7 | | 258 | |
| Board of trustees, | | | | | |
| decision, majority vote necessary..... | 97 | 2 | | 237 | |
| deduction months, to designate..... | 97 | 5 | | 247 | |
| draw warrants payable to state treasurer and remit..... | 97 | 5 | | 247 | |
| report to accompany..... | 97 | 5 | | 247 | |
| contents of report..... | 97 | 5 | | 247 | |
| employee of board not to have interest in profits of invest- ment, except | 97 | 6 | | 252 | |
| estimate, total disbursements to prepare..... | 97 | 5 | | 244 | |
| contents of estimate..... | 97 | 5 | | 244 | |
| submit to governor..... | 97 | 5 | | 244 | |
| expenses, to estimate..... | 97 | 6 | | 253 | |
| allocation of, to different funds..... | 97 | 6 | | 253 | |
| deduction from different funds..... | 97 | 6 | | 253 | |
| fund, how made up..... | 97 | 6 | | 253 | |
| funds, | | | | | |
| annuity, assets transferred to, when..... | 97 | 6 | | 252 | |
| appraisal of assets..... | 97 | 6 | | 252 | |
| credit to members' accounts..... | 97 | 6 | | 252 | |
| expense, how made up..... | 97 | 6 | | 253 | |
| members may withdraw existing credits..... | 97 | 6 | | 252 | |
| no interest in profits of investments, except..... | 97 | 6 | | 252 | |
| pension fund, use of..... | 97 | 6 | | 252 | |
| officers, ex-officio | 97 | 6 | | 238 | |
| organization | 97 | 2 | | 237 | |
| personnel, | | | | | |
| compensation, expenses only..... | 97 | 2 | | 236 | |
| oath of office..... | 97 | 2 | | 236 | |
| successors | 97 | 2 | | 236 | |
| terms | 97 | 2 | | 236 | |
| vacancies | 97 | 2 | | 236 | |
| secretary-manager, | | | | | |
| compensation fixed by board..... | 97 | 2 | | 237 | |
| duties of | 97 | 2 | | 237 | |
| Contributions, | | | | | |
| deduction from salaries..... | 97 | 5 | | 246 | } |
| | | | | 247 | |
| deduction months designated by board of trustees..... | 97 | 5 | | 247 | |
| maximum rate | 97 | 5 | | 246 | |
| rate of deduction reduced when..... | 97 | 5 | | 246 | |
| Credits allowed, | | | | | |
| defense member | 97 | 4 | | 242 | |
| leave of absence..... | 97 | 4 | | 243 | |
| contributions | 97 | 4 | | 243 | |
| limitation | 97 | 4 | | 243 | |
| maximum service outside of state, when..... | 97 | 4 | | 242 | |
| military member | 97 | 4 | | 242 | |
| Custodian of all funds, state treasurer to be..... | 97 | 6 | | 251 | |
| Death of member, | | | | | |
| contributions accumulated payable to estate, when..... | 97 | 7 | | 256 | |
| Declaration not to be a member, when..... | 97 | 3 | | 239 | } |
| | | | | 240 | |
| Deductions from salaries, | | | | | |
| credited to members accounts..... | 97 | 5 | | 248 | |
| made without qualification..... | 97 | 5 | | 247 | |
| Disability, continued, option upon..... | 97 | 7 | | 258 | |
| Disability reserve fund, | | | | | |
| benefits, disability, actuary to determine..... | 97 | 5 | | 250 | |
| deductions | 97 | 5 | | 250 | |

STATE TEACHERS' RETIREMENT SYSTEM.

| STATE TEACHERS' RETIREMENT SYSTEM--CONTINUED: | Ch. | Sec. | Page |
|--|-----|------|------|
| Emergency employment | 97 | 2 | 238 |
| Employee, notice to regarding provisions of act relating to membership | 97 | 5 | 246 |
| Expense fund, defined..... | 97 | 5 | 250 |
| Expenses, pro rate deductions for..... | 97 | 5 | 248 |
| Interest allowable on, | | | |
| funds, expense and pension funds excepted..... | 97 | 5 | 250 |
| members balance, when..... | 97 | 5 | 248 |
| Medical director, appointment, duties..... | 97 | 2 | 238 |
| Members, | | | |
| class A, payments to be made by..... | 97 | 5 | 250 |
| class B, contributions by..... | 97 | 5 | 240 |
| class C may become class B member, when..... | 97 | 5 | 240 |
| former, retired, amount received..... | 97 | 7 | 257 |
| continuance of payments, provided..... | 97 | 7 | 257 |
| medical advisor's report, when..... | 97 | 7 | 257 |
| partial payments, when..... | 97 | 7 | 257 |
| Membership, | | | |
| certificate conclusive evidence..... | 97 | 4 | 244 |
| classification | 97 | 3 | 240 |
| creditable service | 97 | 4 | 244 |
| may cease when, conditions enumerated..... | 97 | 3 | 241 |
| minimum for benefits..... | 97 | 7 | 254 |
| non-certified employees | 97 | 3 | 239 |
| exception | 97 | 3 | 240 |
| re-entering..... | 97 | 4 | 244 |
| teachers | 97 | 3 | 239 |
| exception | 97 | 3 | 239 |
| termination of, certificate void..... | 97 | 4 | 244 |
| Method of receiving benefits, members may elect..... | 97 | 7 | 256 |
| options enumerated | 97 | 7 | 256 |
| | | | 257 |
| Non-certified employee, same as class C teacher..... | 97 | 3 | 240 |
| Notice to board of all teachers employed..... | 97 | 5 | 246 |
| contents | 97 | 5 | 246 |
| date filed | 97 | 5 | 246 |
| Office, provided by state at capitol..... | 97 | 5 | 244 |
| Pension fund, | | | |
| appropriations | 97 | 5 | 248 |
| gifts | 97 | 5 | 248 |
| purpose | 97 | 5 | 248 |
| Pension fund, use of..... | 97 | 6 | 253 |
| Personnel, change in, notification of, when, to whom..... | 97 | 5 | 246 |
| Rates, board to certify, how determined..... | 97 | 2 | 239 |
| Re-entry, contribution necessary..... | 97 | 5 | 248 |
| Retirement, | | | |
| age | 97 | 7 | 254 |
| | | | 255 |
| allowance | 97 | 7 | 254 |
| | | | 255 |
| benefits, minimum | 97 | 7 | 255 |
| on application, when..... | 97 | 7 | 258 |
| service | 97 | 7 | 255 |
| Salary warrants, deductions for contributions..... | 97 | 5 | 246 |
| State finance committee to invest funds, when..... | 97 | 6 | 254 |
| Status, member to file statement of..... | 97 | 4 | 241 |
| Tables, board to adopt..... | 97 | 2 | 239 |
| Transfer of funds, when..... | 97 | 7 | 258 |
| Vouchers to authorize warrants..... | 97 | 6 | 251 |
| Withdrawal of member, | | | |
| contributions, accumulated payable how, when..... | 97 | 2 | 256 |

STATE TRAINING SCHOOL.

| | | | |
|--|-----|------|------|
| STATE TRAINING SCHOOL: | | | |
| Appropriations (see APPROPRIATIONS). | | | |
| STATE TREASURER: | | | |
| Appropriations (see APPROPRIATIONS). | | | |
| State teachers' retirement system, | Ch. | Sec. | Page |
| credits to, when | 97 | 5 | 247 |
| disbursements by order of board of trustees..... | 97 | 5 | 247 |
| STEVENS COUNTY: | | | |
| Secondary highway allocation..... | 246 | 3 | 823 |
| STEVENS, RICHARD E., Relief..... | 244 | 2 | 795 |
| STOWELL, ERNEST P., Relief..... | 244 | 2 | 791 |
| STREETS: | | | |
| Lighting systems, water district may maintain and operate..... | 68 | 1 | 169 |
| STROM, SAM, Relief | 244 | 2 | 792 |
| STRYCHNINE: | | | |
| Sale, | | | |
| notification to officer, when..... | 105 | 2 | 278 |
| pharmacist, duty of..... | 105 | 2 | 277 |
| record | 105 | 2 | 277 |
| unlawful, exception | 105 | 2 | 277 |
| violations, penalty for..... | 105 | 3 | 278 |
| STURGILL, W. H., Relief..... | 244 | 2 | 795 |
| SUBSISTENCE AND LODGING OF OFFICIALS, Appropriation..... | 244 | 1 | 787 |
| SUMMONS: | | | |
| Publication, legal newspaper..... | 213 | 6 | 671 |
| SUPERINTENDENT OF PUBLIC INSTRUCTION (see PUBLIC IN- STRUCTION, STATE SUPERINTENDENT OF): | | | |
| Appropriations (see APPROPRIATIONS). | | | |
| SUPERIOR COURT JUDGES: | | | |
| Appropriation (see APPROPRIATIONS). | | | |
| Class A counties..... | 29 | 1 | 64 |
| Disqualification, | | | |
| affidavit of prejudice, when..... | 148 | 2 | 417 |
| SUPERIOR COURT JUDGES, ASSOCIATION OF: | | | |
| Appropriation (see APPROPRIATIONS). | | | |
| SUPPLEMENTAL APPROPRIATIONS (see APPROPRIATIONS). | | | |
| SUPREME COURT JUDGES: | | | |
| Appropriation (see APPROPRIATIONS). | | | |
| SUPREME COURT REPORTS: | | | |
| Distribution | 150 | { 6 | 425 |
| | | { 7 | 426 |
| Purchase of | 150 | { 7 | 426 |
| SURGERY (see MEDICINE AND SURGERY). | | | |

T

| | | | |
|--|-----|---|-----|
| TACOMA, CITY OF, Appropriation for L. I. D. assessments..... | 244 | 2 | 803 |
| TACOMA NARROWS FERRY SERVICE: | | | |
| Appropriation | 9 | 3 | 22 |
| Ferry service, appropriation..... | 9 | 3 | 22 |
| State highway department, | | | |
| acts of, ratified..... | 9 | 1 | 22 |
| ferries, authorized to operate..... | 9 | 2 | 22 |

TAXATION.

TAX COMMISSION, STATE:

| | Ch. | Sec. | Page |
|--|-----|------|------|
| Appropriations (see APPROPRIATIONS). | | | |
| Cigarette tax stamps..... | 178 | 13 | 501 |
| Contraband goods, seizure and sale of..... | 178 | { 16 | 506 |
| | | 19 | 509 |
| | | 4 | 333 |
| Forest lands, assessment forms to prescribe, contents..... | 120 | | |
| Gift tax act of 1941, | | | |
| certificate of release, to issue, when..... | 119 | 10 | 316 |
| property, gift of, value to be determined by..... | 119 | 6 | 314 |
| release, certificate of, to issue, when..... | 119 | 10 | 316 |
| return, to examine and determine amount..... | 119 | 11 | 317 |
| rules and regulations, to make..... | 119 | 28 | 320 |
| Mechanical devices, certain, | | | |
| certificate of registration for each..... | 178 | 19 | 509 |
| income records, to inspect, when..... | 118 | 1 | 307 |
| returns, sworn, to require, when..... | 118 | 1 | 307 |
| Moneys in lieu of property taxes, apportionment..... | 190 | 3 | 588 |
| Registration certificates, issuance of..... | 178 | 19 | 508 |
| Retail sales and compensating tax, three per cent, | | | |
| rules, to make..... | 76 | 4 | 197 |
| effective date | 76 | 8 | 199 |
| schedules, to make..... | 76 | 4 | 197 |
| effective date | 76 | 8 | 199 |
| tokens, make available..... | 76 | 4 | 197 |
| effective date | 76 | 8 | 199 |
| Rules governing cigarette tax refunds..... | 178 | 17 | 507 |
| Tax refunds (see TAXATION). | | | |

TAXATION:

| | | | |
|--|-----|------|-------|
| Ad valorem taxes, | | | |
| exemption from | 13 | 1 | 26 |
| municipal corporations of adjoining states used for air- | | | |
| port purposes | 13 | 1 | 26 |
| Airports, tax exempt when..... | 13 | 1 | 26 |
| Apportionment, | | | |
| property taxes, federal payments in lieu of..... | 190 | 1 | 588 |
| Assessments, | | | |
| forty mill limit referendum..... | 176 | { 1 | 474 |
| | | 2 | 477 |
| utility improvement districts..... | 210 | { 26 | 652 |
| | | 28 | 654 |
| confirmation conclusive | 210 | 33 | 658 |
| levy and collection..... | 210 | 26 | 652 |
| notice and publication..... | 210 | 29 | 655 |
| protest | 210 | 30 | 655 |
| Banks, | | | |
| business and occupation tax exemption..... | 178 | 6 | 489 |
| Business or occupation tax, | | | |
| definition of terms (see, also, REVENUE ACT)..... | 178 | 2 | { 482 |
| | | | to |
| | | | 487 |
| exemptions | 178 | 6 | 489 |
| executors | 178 | 1 | 480 |
| manufacturers | 178 | 1 | 481 |
| persons liable, rate..... | 178 | { 1 | 482 |
| | | 3 | 488 |
| printers and publishers..... | 178 | 1 | 481 |
| public improvement contracts, lien on..... | 178 | 7 | 492 |
| retailers | 178 | 1 | 481 |
| services within and without state..... | 178 | 5 | 489 |
| valuation of taxable products..... | 178 | 4 | 488 |
| wholesalers | 178 | 1 | 481 |
| Cigarette tax (see, also, REVENUE ACT)..... | 178 | { 13 | 501 |
| | | 14 | 504 |

TAXATION.

TAXATION—CONTINUED:

| | Ch. | Sec. | Page |
|---|-----|------|------|
| Cities and towns, | | | |
| sewage disposal system..... | 193 | 3 | 541 |
| City tax for park purposes..... | 49 | 1 | 115 |
| fund | 49 | 1 | 115 |
| limitations | 49 | 1 | 115 |
| Collection by county treasurers..... | 32 | 1 | 67 |
| Compensating tax (see, also, REVENUE ACT), | | | |
| collection by retailer..... | 178 | 10 | 496 |
| exemptions | 178 | 9 | 495 |
| installment sales | 178 | 11 | 497 |
| leases with option to purchase..... | 178 | 11 | 497 |
| County, | | | |
| budget system | 99 | 1 | 260 |
| levy not to exceed..... | 99 | 1 | 261 |
| Delinquent installment contracts..... | 144 | 1 | 407 |
| real property, | | | |
| agreement to pay..... | 144 | 1 | 407 |
| balance paid in full at any time..... | 144 | 1 | 408 |
| provision | 144 | 1 | 407 |
| void, when | 144 | 1 | 406 |
| contract closed | 144 | 1 | 408 |
| penalties waived when..... | 144 | 1 | 408 |
| foreclosure | 144 | 1 | 408 |
| interest credited to current expense fund..... | 144 | 1 | 408 |
| payments, application of..... | 144 | 1 | 408 |
| Eleemosynary institutions, business and occupation tax exemption | 178 | 6 | 489 |
| Excise tax (see, also, USE FUEL TAX ACT), | | | |
| levied, | | | |
| effective date | 76 | 6 | 198 |
| reduction, when | 76 | 6 | 199 |
| motor vehicles, private, | | | |
| duties of county auditor, director of licenses may designate any other person to perform..... | 153 | 1 | 429 |
| Exemptions, | | | |
| business and occupation tax..... | 178 | 6 | 489 |
| compensation tax | 178 | 9 | 495 |
| inheritance tax | 197 | 1 | 577 |
| Federal areas, jurisdiction over..... | 175 | 2 | 579 |
| Federal government, | | | |
| payments in lieu of property taxes..... | 199 | 1 | 588 |
| apportionment | 199 | 2 | 588 |
| Fire commissioners may levy tax when..... | 70 | 5 | 176 |
| Fire protection districts, levy and collect special taxes, when..... | 70 | 6 | 177 |
| Flood control districts, | | | |
| estimates and approval..... | 204 | 6 | 600 |
| river improvement fund..... | 204 | 8 | 601 |
| Forest crop, assessed as personal property..... | 120 | 4 | 333 |
| Forests and forest lands, | | | |
| assessment rolls, | | | |
| collection of tax..... | 120 | 4 | 334 |
| computation, basis | 120 | 4 | 333 |
| posting items | 120 | 4 | 333 |
| current tax and interest collected annually..... | 120 | 5 | 335 |
| deferred taxes, | | | |
| county may borrow on, when..... | 120 | 8 | 338 |
| delinquency, cancellation after five years..... | 120 | 5 | 335 |
| payment | 120 | 5 | 335 |
| prior lien, when..... | 120 | 9 | 339 |
| distribution of taxes..... | 120 | 8 | 338 |
| forest crop, assessed as personal property..... | 120 | 4 | 333 |

TAXATION.

| TAXATION—CONTINUED: | Ch. | Sec. | Page |
|---|-----|------|-------|
| Forty mill limit referendum..... | 176 | { 1 | 474 |
| | | { 2 | 477 |
| Fraternal benefit societies, business and occupation tax exemption..... | 178 | 6 | 479 |
| Gift tax, lien on real estate..... | 119 | 10 | 316 |
| moneys to be paid to state treasurer..... | 119 | 9 | 315 |
| mortgages subordinate to tax on gifts..... | 119 | 10 | 315 |
| tax a lien on gift..... | 119 | 10 | 315 |
| mortgage, subordinate to..... | 119 | 10 | 315 |
| Gifts, all property in state transferred by..... | 119 | 1 | 408 |
| exemption | 119 | 1 | 409 |
| bequests and devises, inheritance tax exemption..... | 197 | { 1 | 577 |
| | | { 2 | 579 |
| classifications, A, B, C, exemptions | 119 | 2 | 310 |
| rates | 119 | 2 | 310 |
| deductions | 119 | 2 | 310 |
| inheritance tax exemption, gifts, bequests and devises..... | 197 | { 1 | 577 |
| | | { 2 | 579 |
| net, deductions | 119 | 5 | { 311 |
| | | | { 312 |
| charitable gifts | 119 | 5 | 312 |
| defined | 119 | 4 | 311 |
| education | 119 | 5 | 312 |
| proviso | 119 | 5 | 312 |
| exceptions | 119 | 4 | 311 |
| passing out of state..... | 119 | 5 | 312 |
| religious non-profit purposes..... | 119 | 5 | 312 |
| trust property passing, included..... | 119 | 2 | 311 |
| value, true to be considered in transfer of property..... | 119 | 3 | 311 |
| Governmental agencies | 178 | 6 | 489 |
| business and occupation tax exemption..... | 178 | 6 | 489 |
| Hatcheries, business and occupation tax exemption..... | 178 | 6 | 489 |
| Highways, construction and maintenance, townships authorized to levy five mills..... | 276 | 1 | 710 |
| Inheritance tax (see, also, INHERITANCE TAX), exemptions | 197 | { 1 | 577 |
| | | { 2 | 579 |
| Levy, forty mill limit referendum..... | 176 | { 1 | 474 |
| | | { 2 | 477 |
| Limitation, forty mill referendum..... | 176 | { 1 | 474 |
| | | { 2 | 477 |
| Litigation, statutes repealed..... | 156 | 1 | 432 |
| Lumber, assessed and taxed, where..... | 155 | 1 | 431 |
| Mechanical devices, certain, bond given as surety for tax, when..... | 178 | 19 | 509 |
| tax, additional to any other..... | 118 | 1 | 308 |
| Park purposes, city, fund, limitations..... | 49 | 1 | 115 |
| Personal property | 32 | 1 | 66 |
| method of entry of taxes..... | 32 | 1 | 66 |
| notices, personal to tax payer..... | 32 | 1 | 67 |
| publication of tax rolls..... | 32 | 1 | 66 |
| Property, all in state transferred by gift..... | 119 | 1 | 308 |
| exceptions | 119 | 1 | 309 |

TAXATION.

TAXATION—CONTINUED:

| | Ch. | Sec. | Page |
|--|-----|------|-------------------------|
| Property, | | | |
| taxes, payments from United States in lieu of..... | 199 | 2 | 588 |
| apportionment | 199 | 2 | 588 |
| tax commission to apportion..... | 199 | 3 | 588 |
| Protest, taxes paid under, | | | |
| re-assessed, relisted, retaxed, revalued, when..... | 152 | 1 | 428 |
| Public improvement contracts, | | | |
| business and occupation tax lien on..... | 178 | 7 | 492 |
| Public utility districts furnishing electric energy, | | | |
| levy | 245 | 2 | 809 |
| payment of tax | 245 | 2 | 809 |
| date effective | 245 | 2 | 809 |
| rate | 245 | 2 | 810 |
| report, contents, filing of..... | 245 | 2 | 810 |
| tax commissioner to compute and notify district..... | 245 | 2 | 810 |
| distribution | 245 | 2 | 811 |
| tax distribution | 245 | 2 | 811 |
| Public utility tax, | | | |
| definition of terms | 178 | 12 | } 499 to 501 |
| Real estate, | | | |
| contracts taxed as personal property, when..... | 79 | 1 | 201 |
| exemption as personal property, none..... | 79 | 1 | 202 |
| deed not to be delivered until..... | 79 | 1 | 202 |
| delinquent installment | 144 | 1 | 407 |
| exemption as personal property, none..... | 79 | 1 | 202 |
| personal property, real estate contracts taxed as, not exempt.. | 79 | 1 | 202 |
| Real property, | | | |
| method of entering taxes..... | 32 | 1 | 66 |
| notices, | | | |
| personal to taxpayers | 32 | 1 | 67 |
| publication of tax rolls..... | 32 | 1 | 66 |
| Re-assessment when taxes paid under protest..... | 152 | 1 | 428 |
| relisted, retaxed, revalued, when..... | 152 | 1 | 428 |
| Refunds, | | | |
| limitation, | | | |
| amount | 154 | 1 | 430 |
| time of filing petition for..... | 154 | 1 | 430 |
| Pierce county school district No. 340..... | 10 | 1 | 23 |
| Registration certificate | 178 | | } 18 508 |
| failure to have..... | 178 | 19 | 509 |
| fee | 178 | 19 | 508 |
| persons required to have..... | 178 | 18 | 508 |
| vending machines | 178 | 19 | 508 |
| violations | 178 | 19 | 509 |
| violations | 178 | 19 | 510 |
| Retail sales and compensating tax (see, also, Three per cent sales and compensating tax), | | | |
| bimonthly return | 76 | 5 | 197 |
| effective date | 76 | 8 | 199 |
| tax accrued, to be paid by seller..... | 76 | 5 | 197 |
| effective date | 76 | 8 | 199 |
| effective date | 76 | 1 | 194 |
| effective date | 76 | 2 | 195 |
| effective date | 76 | 4 | 197 |
| effective date | 76 | 5 | 197 |
| effective date | 76 | 8 | 199 |
| Sales (see, also, RETAIL SALES TAX)..... | 76 | | } 1 2 4 5 8 |

TEACHERS.

TAXATION—CONTINUED:

| | Ch. | Sec. | Page |
|---|-----|------------|--------------|
| Sales, | | | |
| definition of terms (see, also, REVENUE ACT)..... | 178 | 8 | { 493 494 |
| federal areas | 175 | { 1 2 | { 473 473 |
| installment sales | 178 | 9 | 494 |
| Saw logs, assessed and taxed, where..... | 155 | 1 | 431 |
| Seizure and sale, contraband goods..... | 178 | { 18 19 | { 506 510 |
| Service tax, | | | |
| service within and without state..... | 178 | 5 | 480 |
| Sewer districts, | | | |
| general tax levy..... | 210 | 41 | 664 |
| levy | 210 | 18 | 648 |
| utility improvement district assessments..... | 210 | 26 | 652 |
| Sporting contests, | | | |
| business and occupation tax exemption..... | 178 | 6 | 480 |
| Tax commission, | | | |
| cigarette tax stamps..... | 178 | { 13 18 | { 502 508 |
| contraband goods, seizure and sale of..... | 178 | { 16 19 | { 506 510 |
| moneys in lieu of property taxes, apportionment..... | 199 | 3 | 588 |
| registration certificates, issuance of..... | 178 | 19 | 508 |
| rules governing cigarette tax refunds..... | 178 | 17 | 507 |
| Taxing districts tentative tax..... | 245 | 2 | 811 |
| Taxpayer, defined | 32 | 1 | 67 |
| Three per cent sales and compensating tax..... | 76 | 1 | 194 |
| levied, when | 76 | 2 | 195 |
| misappropriation, penalty for..... | 76 | 3 | 196 |
| effective date | 76 | 8 | 199 |
| payments, how made..... | 76 | 3 | 196 |
| purpose | 76 | 1 | 194 |
| reduced to two per cent, when..... | 76 | 2 | 195 |
| refusal to collect, a misdemeanor..... | 76 | 3 | 196 |
| effective date | 76 | 8 | 199 |
| seller, to collect tax..... | 76 | 3 | 196 |
| effective date | 76 | 8 | 199 |
| Timber, permit for cutting of, taxes to be paid before issuance.... | 120 | 6 | 337 |
| Township, levy for construction and repair of roads..... | 226 | 1 | 710 |
| Treasurer, | | | |
| allocation of tax receipts..... | 178 | 10 | 510 |
| United States, | | | |
| payments in lieu of property taxes..... | 199 | 1 | 588 |
| Use fuel tax act (see USE FUEL TAX ACT). | | | |
| Valuation, | | | |
| extracted products | 178 | 4 | 488 |
| manufactured products | 178 | 4 | 488 |
| Vending machines, | | | |
| cigarette tax, stamps attached..... | 178 | 18 | 508 |
| other merchandise, payment of..... | 178 | 10 | 509 |
| Voluntary payments of electric energy public utility districts | | | |
| authorized, when | 245 | 2 | 812 |
| Water districts, | | | |
| withdrawal of territory, existing taxes to remain a lien..... | 55 | 11 | 133 |
| TAYLOR, A. R., Relief..... | 244 | 2 | 795 |
| TEACHERS: | | | |
| Assistant, defined | 243 | 2 | 785 |
| Contracts, | | | |
| approval | 42 | 1 | 100 |
| non renewal, notice of..... | 42 | 1 | 100 |

TEACHERS.

| | <i>Ch.</i> | <i>Sec.</i> | <i>Page</i> |
|---|------------|-------------|-------------------|
| TEACHERS—CONTINUED: | | | |
| Employment and discharge..... | 42 | 1 | 100 |
| Definition | 243 | 2 | 785 |
| Re-employment, presumption of..... | 42 | 1 | 101 |
| Resignation | 42 | 1 | 100 |
| Retired, benefits to, of first class school districts, - directors, board to appoint agents, when..... | 243 | 4 | 785 |
| eligibility not affected by membership in teachers' retirement. | 243 | 3 | 785 |
| payment, when | 243 | 1 | 785 |
| regulations and rules..... | 243 | 4 | 785 |
| TEACHERS' RETIREMENT SYSTEM (see, also, STATE TEACHERS' RETIREMENT SYSTEM): | | | |
| Appropriation (see APPROPRIATIONS). | | | |
| TEACHERS' RETIREMENT SYSTEM, BOARD OF TRUSTEES: | | | |
| Appropriation (see APPROPRIATIONS). | | | |
| TELEPHONE COMPANIES: | | | |
| Exchange area boundaries to be prescribed..... | 137 | 1 | 396 |
| Hearings, department of public service to conduct..... | 137 | 2 | 396 |
| Rules, department of public service to promulgate..... | 137 | 2 | 396 |
| Territorial area boundaries to be prescribed..... | 137 | 1 | 396 |
| TEMPLE OF JUSTICE, Appropriation..... | 234 | 2 | 750 |
| THOMPSON, MRS. J. W., Relief..... | 244 | 2 | 791 |
| THURSTON COUNTY: | | | |
| Allocation of secondary highway funds..... | 246 | 3 | 823 |
| Appropriations, grand jury expense..... | 244 | 2 | 802 |
| L. I. D. assessments..... | 244 | 2 | 802 804 806 |
| TIDELANDS: | | | |
| Mason county, grant of, as shooting grounds..... | 190 | 1 | 536 |
| Skagit county, grant of, as shooting grounds..... | 165 | 1 | 453 |
| TIMBER: | | | |
| Cutting, permit for, when..... | 120 | 6 | 336 |
| Damaged January 29, 1921, sale of, repeal of statutes..... | 35 | 1 | 69 |
| Deemed personal property, when..... | 120 | 2 | 331 |
| Permit for cutting, when..... | 120 | 6 | 336 |
| Personal property, deemed to be, when..... | 120 | 2 | 331 |
| Removal from state lands, when..... | 135 | 1 | 394 |
| sold separately | 135 | 1 | 394 |
| extension, fee | 135 | 1 | 394 |
| ratification of prior, when..... | 135 | 2 | 395 |
| State lands, removal from, extension under previous act..... | 135 | 3 | 395 |
| TOKENS, RETAIL SALES TAX: | | | |
| Tax commission to make available..... | 76 | 4 | 197 |
| date effective | 76 | 8 | 199 |
| TOWNS (see CITIES AND TOWNS). | | | |
| TOWNSHIPS: | | | |
| Construction and repair of roads levy for..... | 226 | 1 | 710 |
| TRAFFIC CONTROL OPERATION, Appropriation..... | 250 | 8 | 852 |
| TRANSFERS TO: | | | |
| Cannery revolving fund..... | 234 | 2 | 768 |
| Employment service account..... | 234 | 2 | 768 |

TREASURER.

TRANSFERS TO—CONTINUED:

| | Ch. | Sec. | Page |
|--|-----|------|------|
| State teachers' retirement fund..... | 234 | 2 | 768 |
| State teachers' retirement pension reserve fund..... | 234 | 2 | 768 |

TRANSPORTATION:

| | | | |
|--|-----|----|-----|
| Motor carrier transportation agents..... | 198 | 7 | 584 |
| application for license, where made..... | 198 | 3 | 582 |
| bond, | | | |
| agent's | 198 | 5 | 583 |
| motor vehicle | 198 | 10 | 585 |
| action on | 198 | 12 | 586 |
| definition of terms..... | 198 | 1 | 581 |
| | | | 582 |
| fee for license..... | 198 | 4 | 583 |
| hearing on license application..... | 198 | 4 | 582 |
| | | 15 | 587 |
| insurance, | | | |
| agent's | 198 | 5 | 583 |
| motor vehicle | 198 | 11 | 586 |
| action on | 198 | 12 | 586 |
| license, | | | |
| agent's | 198 | 2 | 582 |
| motor vehicle | 198 | 9 | 585 |
| records to be kept..... | 198 | 6 | 584 |
| revocation of agent's license..... | 198 | 4 | 582 |
| violations, misdemeanor | 198 | 8 | 585 |
| | | 13 | 587 |
| Motor vehicle, | | | |
| classification, | | | |
| order | 163 | 4 | 448 |
| to operate within, | | | |
| method of determining..... | 163 | 4 | 447 |
| procedure, to compel..... | 163 | 4 | 447 |
| fees for permits..... | 163 | 2 | 445 |
| permits, fees | 163 | 2 | 445 |
| proceedings, | | | |
| documents to be furnished, when..... | 163 | 4 | 448 |
| testify, persons to, when..... | 163 | 4 | 448 |
| property, transportation of, statutes repealed..... | 36 | 1 | 70 |
| regulation, | | | |
| forms prescribed | 163 | 2 | 445 |
| permit, | | | |
| denied when | 163 | 1 | 445 |
| necessary | 163 | 1 | 444 |
| applicant to be financially responsible..... | 163 | 1 | 444 |
| privilege, exclusive, not granted..... | 163 | 1 | 445 |
| transporting property, statutes repealed..... | 36 | 1 | 70 |
| School children, | | | |
| attending parochial or private schools by school bus, when... 53 | | 1 | 120 |
| | | 2 | 120 |
| limitation | 42 | 1 | 102 |
| motor vehicle, insurance..... | 42 | 1 | 102 |

TREASURER (see, also, OFFICES AND OFFICERS):

City (see OFFICES AND OFFICERS).

County,

| | | | |
|---|-----|---|-----|
| federal monies in lieu of property taxes..... | 199 | 1 | 588 |
| apportionment to | 199 | 2 | 588 |
| tax commission to apportion..... | 199 | 3 | 588 |
| school district insurance fund..... | 187 | 1 | 530 |
| Pierce county, refunds to tax payers..... | 10 | 1 | 23 |

TREASURER.

TREASURER—CONTINUED:

| | Ch. | Sec. | Page |
|--|-----------|----------|------------------|
| State, | | | |
| appropriation (see APPROPRIATIONS)..... | 233 | 2 | 743 |
| capitol bonds, authorized and directed to endorse..... | 104 | 5 | 275 |
| clam farmers, license fee, to receive..... | 125 | 1 | 359 |
| crabs, tax on, rules and regulations, to make, when..... | 119 | 8 | 315 |
| gift tax act, to receive tax moneys..... | 104 | 5 | 275 |
| license fee, clam farmers, to receive..... | 199 | 1 | 588 |
| moneys in lieu of property taxes, receipt of..... | 199 | 2 | 588 |
| apportionment | | | |
| state teachers' retirement system, | | | |
| custodian of all funds..... | 97 | 6 | 251 |
| ex-officio treasurer of board of trustees..... | 97 | 2 | 238 |
| taxation, | | | |
| allocation of receipts..... | 178 | 19 | 510 |
| uniform motor vehicle safety responsibility act, | | | |
| damages, ability to respond in, to issue certificate when.. | 122 | 10 | 351 |
| TRIALS IN CRIMINAL CASES, Statutes repealed..... | 24 | 1 | 58 |
| TRUCKS AND TRAILERS: | | | |
| License fees, schedule of..... | 22 | 1 | 706 to 708 |
| TRUST COMPANIES: | | | |
| Assets, may pledge to qualify as depository for bankruptcy funds | 38 | 1 | 71 |
| Trust funds, may be exchanged for authorized securities..... | 41 | 15 | 98 |
| TRUST FUNDS: | | | |
| Accounting, term defined..... | 41 | 7 | 89 |
| Banks, may be invested or deposited in where..... | 41 | 12 | 97 |
| Default, defined | 41 | 3 | 82 |
| Expenses and revenue, defined..... | 41 | 9 | 95 |
| Investment, as provided in trust agreement..... | 41 | 13 | 98 |
| Investments authorized | 41 | 1 | 81 |
| light and power revenue bonds (restricted)..... | 41 | 4 | 82 |
| miscellaneous (restricted) | 41 | 5 | 82 |
| general obligations of municipal bonds of other states... | 41 | 5 | 82 |
| exceptions—Idaho and Oregon..... | 41 | 5 | 82 |
| restrictions | 41 | 5 | 82 |
| securities enumerated, | | | |
| Canadian guaranteed obligations (restrictions)..... | 41 | 3 | 81 |
| municipal obligations | 41 | 4 | 82 |
| default | 41 | 4 | 82 |
| general obligation bonds..... | 41 | 4 | 82 |
| restrictions | 41 | 4 | 82 |
| state, | | | |
| default | 41 | 4 | 82 |
| restrictions | 41 | 4 | 82 |
| state, | | | |
| direct obligation bonds..... | 41 | 4 | 82 |
| general obligation bonds..... | 41 | 4 | 82 |
| United States guaranteed obligation bonds..... | 41 | 2 | 81 |
| United States insured mortgage bonds and notes..... | 41 | 2 | 81 |
| water revenue bonds (restricted)..... | 41 | 4 | 82 |
| Investments, statutes, repealed..... | 41 | 19 | 99 |
| Miscellaneous investments, enumerated..... | 41 | 5 | 82 |
| real estate, improved, mortgage deeded first, when..... | 41 | 6 | 84 85 |
| requirements | 41 | 6 | 83 |
| restrictions | 41 | 5 | 82 |
| Property, may hold, exception..... | 41 | 11 | 97 |
| Revenues and expenses, defined..... | 41 | 9 | 95 |

TUNNELS, QUARRIES, ETC.

| TRUST FUNDS—CONTINUED: | Ch. | Sec. | Page |
|--|-----|------|------|
| Revenues, defined | 41 | 7 | 89 |
| Savings and Loan Association, insured, invested in when..... | 41 | 12 | 97 |
| Securities authorized, | | | |
| exchange of when..... | 41 | 15 | 98 |
| investment, generally | 41 | 14 | 98 |
| trustee may invest generally..... | 41 | 14 | 98 |
| Securities enumerated, requisites, restrictions, | | | |
| electric corporation | 41 | 8 | 89 |
| gas corporation | 41 | 9 | 92 |
| industrial corporation obligations..... | 41 | 10 | 96 |
| railroad obligations (street railways excluded)..... | 41 | 7 | 85 |
| accounting terms, defined..... | 41 | 7 | 89 |
| interstate commerce commission may define terms..... | 41 | 7 | 89 |
| street railways excluded..... | 41 | 7 | 89 |
| telephone company bonds..... | 41 | 9 | 93 |
| Trust companies may exchange authorized securities..... | 41 | 15 | 98 |
| Trust corporation, | | | |
| securities, buying trust fund securities for self prohibited.... | 41 | 17 | 99 |
| not authorized to invest in when..... | 41 | 16 | 99 |
| selling trust fund securities to self prohibited, when..... | 41 | 16 | 99 |
| validity, must keep literature acquired to establish..... | 41 | 18 | 99 |
| Trustee, may invest generally in authorized securities..... | 41 | 14 | 98 |
| | | | |
| TRUSTEES: | | | |
| Accounts and inventories, forms prescribed by court..... | 229 | 20 | 724 |
| Clerk of court, records and reports..... | 229 | 14 | 723 |
| Courts, jurisdiction over..... | 229 | 7 | 723 |
| Failure to perform duties, penalty..... | 229 | 19 | 724 |
| Non-testamentary, | | | |
| definition | 229 | 1 | 716 |
| duties | 229 | 12 | 722 |
| | | 13 | 722 |
| Oaths and affirmations..... | 229 | 21 | 724 |
| Performance of duties, enforcement of by beneficiary..... | 229 | 18 | 724 |
| Relief of duties by, | | | |
| beneficiary | 229 | 16 | 723 |
| settlor | 229 | 15 | 723 |
| Removal of | 229 | 19 | 724 |
| Testamentary, | | | |
| intermediate account | 229 | 3 | 717 |
| hearing on | 229 | 6 | 719 |
| notice of filing to beneficiaries..... | 229 | 6 | 719 |
| inventory, filing of..... | 229 | 2 | 717 |
| Uniform trustees act, | | | |
| accounts, approval or disapproval..... | 229 | 11 | 721 |
| affidavits of service, filing of..... | 229 | 10 | 721 |
| definition of terms..... | 229 | 1 | 716 |
| exceptions | 229 | 1 | 717 |
| intermediate, final and distribution accounts..... | 229 | 13 | 722 |
| inventory, filing of..... | 229 | 12 | 722 |
| testamentary trustee, | | | |
| distribution account | 229 | 5 | 719 |
| final account | 229 | 5 | 719 |
| notice of hearing to beneficiaries..... | 229 | 7 | 720 |
| infant beneficiaries, representation..... | 229 | 9 | 721 |
| vouchers for expenditures, production in court..... | 229 | 8 | 721 |
| | | | |
| TUBERCULOSIS HOSPITALS: | | | |
| Appropriation | 234 | 2 | 768 |
| | | | |
| TUNNELS, QUARRIES, ETC.: | | | |
| Air plants | 194 | 9 | 556 |
| | | 10 | 556 |

TUNNELS, QUARRIES, ETC.

TUNNELS, QUARRIES, ETC.—CONTINUED:

| | <i>Ch.</i> | <i>Sec.</i> | <i>Page</i> |
|--|------------|-------------|-------------|
| Air pressure, | | | |
| use of air chambers..... | 194 | 6 | 555 |
| Blasting, exhaust valves..... | 194 | 4 | 554 |
| Bulkheads, man locks, and valves..... | 194 | 7 | 555 |
| Cages, equipment | 194 | 22 | 562 |
| Caisson work, air chamber..... | 194 | 20 | 561 |
| bracing | 194 | 21 | 561 |
| Electrical systems | 194 | { 25 | 558 |
| emergency lamps to be available..... | 194 | 28 | 564 |
| equipment to be properly grounded..... | 194 | 26 | 563 |
| insulation | 194 | 29 | 564 |
| lamps, emergency, to be available..... | 194 | 28 | 564 |
| voltage | 194 | 27 | 563 |
| Explosives, | | | |
| blasting | 194 | { 16 | 559 |
| care of | 194 | 15 | 558 |
| locking in air chamber..... | 194 | 8 | 556 |
| Fire precautions | 194 | 5 | 555 |
| Hoisting, guides required..... | 194 | 23 | 562 |
| Illumination | 194 | { 14 | 558 |
| generators to be properly grounded..... | 194 | 26 | 563 |
| voltage | 194 | 27 | 563 |
| Inspection of equipment..... | 194 | 11 | 557 |
| Lighting in air compression chambers..... | 194 | 3 | 554 |
| Loaded cars and cages..... | 194 | 12 | 557 |
| Safety regulations, | | | |
| labor and industries, department of, to establish..... | 194 | 32 | 564 |
| violations of, misdemeanor..... | 194 | 31 | 564 |
| Shafting, ladders in..... | 194 | 19 | 560 |
| Signals, code of..... | 194 | 18 | 560 |
| Telephone systems, when..... | 194 | 24 | 563 |
| Underground vehicles, speed limit..... | 194 | 13 | 557 |
| Workmen, | | | |
| air compression and decompression chambers..... | 194 | 2 | 553 |
| safety regulations | 194 | 1 | 552 |
| TUTEWILER, A. N. et al., Judgment..... | 244 | 2 | 797 |

U

| | | | |
|---|-----|----|-----|
| UNDER CROSSING, defined..... | 161 | 1 | 440 |
| UNEMPLOYMENT AND PLACEMENT, Appropriation (see APPROPRIATIONS). | | | |
| UNEMPLOYMENT COMPENSATION: | | | |
| Accounts of unemployment compensation fund..... | 253 | 7 | 888 |
| Acquisition of employing unit..... | 253 | 14 | 917 |
| Adjustment or refund..... | 253 | 11 | 908 |
| remedies exclusive | 253 | 11 | 910 |
| Administration fund | 253 | 10 | 902 |
| Administration of act..... | 253 | 8 | 892 |
| Advisory council | 253 | 17 | 927 |
| Agricultural labor defined..... | 253 | 14 | 920 |
| Annual payroll defined..... | 253 | 14 | 915 |
| Appeals, | | | |
| from adjustment or refund determination..... | 253 | 11 | 909 |
| from initial determination..... | 253 | 4 | 880 |
| time for taking..... | 253 | 4 | 881 |
| to courts | 253 | 4 | 882 |
| tribunals | 253 | 4 | 881 |

UNEMPLOYMENT COMPENSATION.

UNEMPLOYMENT COMPENSATION—CONTINUED:

| | Ch. | Sec. | Page |
|---|-----|------|------|
| Appellate, | | | |
| procedure | 253 | 4 | 882 |
| review by commissioner..... | 253 | 4 | 881 |
| Assessment, | | | |
| notice of | 253 | 11 | 906 |
| remedies exclusive | 253 | 11 | 910 |
| Assignment, | | | |
| for benefit of creditors..... | 253 | 11 | 911 |
| of benefits void..... | 253 | 12 | 912 |
| Attorney fees | 253 | 4 | 884 |
| | | 12 | 912 |
| Attorney General to represent commissioner..... | 253 | 4 | 882 |
| Available for work..... | 253 | 2 | 874 |
| Bankruptcy proceeding | 253 | 11 | 911 |
| Base year defined..... | 253 | 14 | 926 |
| Benefits, | | | |
| accounts and disbursements..... | 253 | 6 | 888 |
| amount of | 253 | 1 | 871 |
| | | | 879 |
| appeals | 253 | 4 | 881 |
| | | | 884 |
| assignment or pledge of void..... | 253 | 12 | 911 |
| benefit year defined..... | 253 | 14 | 925 |
| claim for | 253 | 2 | 874 |
| | | 4 | 878 |
| computation of | 253 | 1 | 871 |
| | | | 873 |
| definition of | 253 | 14 | 915 |
| determination of | 253 | 4 | 879 |
| disqualification for | 253 | 3 | 876 |
| | | | to |
| | | | 879 |
| duration of | 253 | 1 | 873 |
| eligibility conditions generally..... | 253 | 2 | 874 |
| execution on, barred..... | 253 | 12 | 912 |
| exception, necessities, when..... | 253 | 12 | 913 |
| exemption of | 253 | 12 | 912 |
| false statements to obtain..... | 253 | 13 | 913 |
| initial determination | 253 | 4 | 879 |
| labor dispute disqualification..... | 253 | 3 | 878 |
| maximum and minimum..... | 253 | 1 | 871 |
| | | | 873 |
| military and naval service..... | 201 | 6 | 594 |
| part time worker defined..... | 253 | 1 | 873 |
| payment of | 253 | 1 | 870 |
| employment officers to pay..... | 253 | 1 | 871 |
| reciprocal state arrangements..... | 253 | 8 | 893 |
| reduction of, by other remuneration..... | 253 | 1 | 871 |
| seasonal employment | 253 | 1 | 871 |
| eligibility | 253 | 2 | 876 |
| wage requirements | 253 | 2 | 876 |
| waiting period | 253 | 2 | 875 |
| waiver of, void..... | 253 | 12 | 912 |
| weekly amount of..... | 253 | 1 | 871 |
| Bill of sale or deed to goods sold on execution..... | 253 | 11 | 907 |
| Blind placement service..... | 253 | 9 | 901 |
| Bond, | | | |
| of employer to insure contributions, when not required..... | 253 | 11 | 910 |
| of treasurer | 253 | 7 | 888 |
| | | 10 | 902 |
| on appeal | 253 | 4 | 883 |
| Bonuses as wages..... | 253 | 14 | 924 |

UNEMPLOYMENT COMPENSATION.

| UNEMPLOYMENT COMPENSATION—CONTINUED: | Ch. | Sec. | Page |
|--|-----|------|------|
| Burden of proof..... | 253 | 4 | 884 |
| Calendar quarter defined..... | 253 | 14 | 926 |
| Casual labor | 253 | 14 | 923 |
| Charitable organizations, employment by..... | 253 | 14 | 921 |
| Child employment by parent..... | 253 | 14 | 921 |
| Civil action to collect contributions..... | 253 | 11 | 910 |
| Claim, filing of..... | 253 | 4 | 878 |
| Classification of employers..... | 253 | 5 | 885 |
| Clearing account | 253 | 7 | 888 |
| Combining employing units..... | 253 | 14 | 917 |
| Commercial canning and freezing..... | 253 | 14 | 920 |
| Commissioner, | | | |
| appellate review by..... | 253 | 4 | 881 |
| powers and duties..... | 253 | 8 | 892 |
| | | | 893 |
| procedure, determination by..... | 253 | 4 | 881 |
| record of proceedings..... | 253 | 4 | 883 |
| Commissions as wages..... | 253 | 14 | 924 |
| Compositions | 253 | 11 | 911 |
| Conclusiveness of assessments..... | 253 | 11 | 909 |
| Confidential information | 253 | 8 | 898 |
| Contractors | 253 | 14 | 918 |
| Contributions, | | | |
| accrual of | 253 | 5 | 884 |
| adjustment of refund..... | 253 | 11 | 908 |
| assessment, | | | |
| before due date..... | 253 | 11 | 909 |
| notice of | 253 | 11 | 906 |
| change of rate..... | 253 | 8 | 893 |
| classification of employers..... | 253 | 5 | 885 |
| collection | 253 | 11 | 909 |
| by civil action..... | 253 | 11 | 910 |
| defined | 253 | 14 | 915 |
| delinquent | 253 | 11 | 905 |
| due date of..... | 253 | 5 | 884 |
| election to pay..... | 253 | 6 | 887 |
| false statements concerning..... | 253 | 13 | 913 |
| future rate of..... | 253 | 5 | 885 |
| interest on | 253 | 11 | 904 |
| joint accounts | 253 | 5 | 886 |
| lien for | 253 | 11 | 905 |
| | | | 911 |
| paid erroneously to other states..... | 253 | 11 | 904 |
| payment of, by whom..... | 253 | 12 | 912 |
| period of coverage..... | 253 | 6 | 887 |
| priority in dissolution..... | 253 | 11 | 911 |
| rate of | 253 | 5 | 885 |
| refund or adjustment..... | 253 | 11 | 908 |
| remedies cumulative | 253 | 11 | 911 |
| reports, failure to make..... | 253 | 11 | 882 |
| | | | 13 |
| | | | 910 |
| termination of liability for..... | 253 | 6 | 887 |
| Control of employing units..... | 253 | 14 | 917 |
| Contumacy | 253 | 8 | 898 |
| Cooperation with Social Security Board..... | 253 | 8 | 900 |
| Court, | | | |
| calendar, preference on..... | 253 | 11 | 910 |
| jurisdiction of | 253 | 4 | 882 |
| | | | 11 |
| | | | 910 |
| review | 253 | 4 | 882 |

UNEMPLOYMENT COMPENSATION.

UNEMPLOYMENT COMPENSATION—CONTINUED:

| | Ch. | Sec. | Page |
|--|-----|------|-------|
| Coverage, | | | |
| period | 253 | 6 | 887 |
| termination | 253 | 6 | 887 |
| voluntarily | 253 | 6 | 887 |
| Declaratory judgments barred..... | 253 | 11 | 910 |
| Deeds or bills of sale for property sold on execution..... | 253 | 11 | 907 |
| Definitions (see specific headings). | | | |
| Delinquent contributions | 253 | 11 | { 904 |
| | | | 905 |
| Depositions | 253 | 8 | 898 |
| Determination of benefit claims..... | 253 | 4 | 879 |
| Disbursement of funds..... | 253 | 7 | 889 |
| Discharge of worker..... | 253 | 3 | 876 |
| Discontinuance of unemployment trust fund..... | 253 | 7 | { 890 |
| | | | 891 |
| Disqualification for benefits..... | 253 | 3 | 876 |
| Distrain, seizure and sale..... | 253 | 11 | { 906 |
| | | | 907 |
| Domestic service excluded..... | 253 | 14 | 921 |
| Duration of benefits..... | 253 | 1 | 873 |
| Educational, organizations, employment by..... | 253 | 4 | 921 |
| Election of coverage..... | 253 | 6 | 887 |
| Eligibility for benefits..... | 253 | 2 | 874 |
| Employer defined | 253 | 14 | 917 |
| after July 1, 1941..... | 253 | 14 | 917 |
| prior to July 1, 1941..... | 253 | 14 | 917 |
| Employers, | | | |
| injunctions against | 253 | 11 | 910 |
| records and reports of..... | 253 | 8 | 897 |
| Employing unit, | | | |
| defined | 253 | 14 | 915 |
| failure to report..... | 253 | 14 | 909 |
| reports | 253 | 8 | 897 |
| Employment, | | | |
| by government | 253 | 14 | 921 |
| defined | 253 | 14 | 918 |
| exceptions | 253 | 14 | 920 |
| office, | | | |
| defined | 253 | 14 | 923 |
| to pay when..... | 253 | 1 | 871 |
| service account | 253 | 10 | 903 |
| stabilization | 253 | 8 | 897 |
| Employment service division, | | | |
| blind placement service..... | 253 | 9 | 901 |
| establishment of employment offices..... | 253 | 9 | 901 |
| federal conformity and cooperation..... | 253 | 9 | 901 |
| financing of division..... | 253 | 9 | 902 |
| personnel, appointment | 253 | 9 | 901 |
| Examiners, appeal | 253 | 4 | 981 |
| Exemptions, | | | |
| from distraint and sale..... | 253 | 11 | 906 |
| of benefits | 253 | 12 | 912 |
| Expenses of appeal hearings..... | 253 | 4 | 882 |
| Experience rating of employers..... | 253 | 5 | 885 |
| Failure, | | | |
| to produce records..... | 253 | 8 | 898 |
| to submit reports..... | 253 | { 11 | 909 |
| | | | 13 |
| | | | 913 |
| False statements | 253 | { 3 | 876 |
| | | | 13 |
| | | | 913 |
| Farming operations | 253 | { 4 | 882 |
| | | | 14 |
| | | | 921 |

UNEMPLOYMENT COMPENSATION.

| UNEMPLOYMENT COMPENSATION—CONTINUED: | Ch. | Sec. | Page |
|--|-----|------|------|
| Federal arrangements | 253 | 8 | 893 |
| Federal-state cooperation | 253 | 8 | 900 |
| Fees, | | | |
| attorney | 253 | 4 | 883 |
| clerk and court fees on appeals..... | 253 | 4 | 883 |
| limitation on | 253 | 12 | 912 |
| witness | 253 | 4 | 882 |
| Files and records, obsolete, destruction of..... | 253 | 16 | 926 |
| Funds, | | | |
| administration revolving | 253 | 10 | 902 |
| defined | 253 | 14 | 923 |
| employment service account..... | 253 | 10 | 903 |
| replacement of certain funds..... | 253 | 10 | 903 |
| unemployment compensation | 253 | 7 | 888 |
| Future rate of contributions..... | 253 | 5 | 885 |
| Government employment exempt..... | 253 | 14 | 921 |
| Governor's report | 253 | 8 | 892 |
| Gratuities as wages..... | 253 | 14 | 924 |
| Hearings, | | | |
| on appeal, conduct of..... | 253 | 4 | 881 |
| on assessments | 253 | 11 | 906 |
| Hearings of claims provided..... | 253 | 4 | 881 |
| Horticultural employment | 253 | 14 | 920 |
| Husband employed by spouse..... | 253 | 14 | 921 |
| Information, | | | |
| confidential | 253 | 8 | 898 |
| refusal to give..... | 253 | 8 | 898 |
| Initial benefit determination..... | 253 | 4 | 879 |
| Injunctions, | | | |
| against delinquent employer..... | 253 | 11 | 910 |
| stay of bond..... | 253 | 11 | 910 |
| Insolvency | 253 | 11 | 911 |
| immediate assessment | 253 | 11 | 909 |
| Insurance agents excluded..... | 253 | 14 | 922 |
| Interest, | | | |
| adjustment or refund of..... | 253 | 11 | 908 |
| on contributions | 253 | 11 | 904 |
| Interstate, | | | |
| arrangements | 253 | 8 | 893 |
| employment | 253 | 8 | 893 |
| | | 14 | 918 |
| Inventory of distrained goods..... | 253 | 11 | 906 |
| Joint accounts | 253 | 5 | 886 |
| Judgment of court..... | 253 | 4 | 883 |
| Judicial review | 253 | 4 | 882 |
| Jurisdiction of court..... | 253 | 4 | 882 |
| Labor disputes | 253 | 3 | 878 |
| Liens | 253 | 11 | 905 |
| | | | 911 |
| Literary organizations, employed by..... | 253 | 14 | 921 |
| Marital community, employment by..... | 253 | 14 | 921 |
| Marriage | 253 | 2 | 875 |
| Merit rating of employers..... | 253 | 5 | 885 |
| Merit system, appointment of personnel..... | 253 | 8 | 896 |
| Military and naval service as affecting wages..... | 201 | 6 | 594 |
| | 253 | 14 | 925 |
| Minor employed by parent..... | 253 | 14 | 921 |
| Misconduct, discharge for..... | 253 | 3 | 876 |
| Misrepresentations | 253 | 13 | 913 |
| Mushroom growing excluded..... | 253 | 14 | 922 |
| National guard service..... | 201 | 6 | 594 |
| Naval service as employment..... | 201 | 6 | 594 |
| Newsboys excluded | 253 | 14 | 922 |

UNEMPLOYMENT COMPENSATION.

UNEMPLOYMENT COMPENSATION—CONTINUED:

| Notice, of, | Ch. | Sec. | Page |
|--|-----|------|-------|
| appeal (see APPEALS). | | | |
| appearance | 253 | 4 | 882 |
| assessment | 253 | 11 | 906 |
| distrain, seizure and sale..... | 253 | 11 | 906 |
| initial determination of benefits..... | 253 | 4 | 879 |
| lien, when required..... | 253 | 11 | 905 |
| Oaths and affirmations..... | 253 | 8 | 898 |
| Operating unit defined..... | 253 | 1 | 872 |
| Order to procure records..... | 253 | 8 | 899 |
| Part time, | | | |
| employment | 253 | 14 | 922 |
| worker | 253 | 1 | 873 |
| Penalties for violations of act..... | 253 | 13 | { 913 |
| | | | { 914 |
| Personnel | 253 | 8 | 896 |
| board, standards set for..... | 253 | 8 | 896 |
| Pledge or assignment of benefits void..... | 253 | 12 | 912 |
| Political subdivisions, employment by..... | 253 | 14 | 921 |
| Posting of regulations by employers..... | 253 | 4 | 878 |
| Pregnancy | 253 | 2 | 875 |
| Priorities | 253 | 11 | { 905 |
| | | | { 911 |
| Probate proceedings | 253 | 11 | 911 |
| Procedure on appeals..... | 253 | 4 | 881 |
| Publications | 253 | 8 | 895 |
| Qualifying wages for eligibility..... | 253 | 4 | 878 |
| Quarter, defined | 253 | 14 | 926 |
| Quitting work voluntarily..... | 253 | 3 | 875 |
| Railroad Retirement Board, cooperation with..... | 253 | { 8 | 900 |
| | | { 9 | 901 |
| Railroad unemployment insurance accounts..... | 253 | 7 | 891 |
| Receiverships | 253 | 11 | 911 |
| Reciprocal arrangements | 253 | 8 | 893 |
| Record of all proceedings to be kept..... | 253 | 4 | 881 |
| Records and files..... | 253 | 16 | 926 |
| Records, employing unit shall make..... | 253 | 8 | 897 |
| Reduction of benefit amount..... | 253 | 1 | 871 |
| Refusal to, | | | |
| accept employment | 253 | 3 | 877 |
| give information | 253 | 8 | 899 |
| submit reports | 253 | { 11 | 909 |
| | | { 13 | 913 |
| Registered for work..... | 253 | 2 | 874 |
| Regulations, employers to post..... | 253 | 4 | 878 |
| Religious organizations, employment by..... | 253 | 14 | 921 |
| Remedies, | | | |
| cumulative | 253 | 11 | 911 |
| exclusive | 253 | 11 | 910 |
| Remuneration defined | 253 | 14 | 924 |
| Reports, | | | |
| Commissioners to Governor..... | 253 | 8 | 893 |
| employing unit shall make..... | 253 | 8 | 897 |
| failure to make..... | 253 | 11 | 909 |
| Representation in court..... | 253 | 4 | 882 |
| Review of decisions by commissioner..... | 253 | 4 | 881 |
| Revolving fund | 253 | 10 | 902 |
| Rules and regulations..... | 253 | 8 | 892 |
| Sale, distraint and seizure..... | 253 | 11 | { 906 |
| | | | { 907 |
| Scientific organizations, employment by..... | 253 | 14 | 921 |
| Seal of office..... | 253 | 8 | 892 |

UNEMPLOYMENT COMPENSATION.

| UNEMPLOYMENT COMPENSATION—CONTINUED | Ch. | Sec. | Page |
|--|-----|------|------|
| Seamen excluded | 253 | 14 | 921 |
| Seasonal determination | 253 | 1 | 872 |
| Seasonal employer, | | | |
| classified in groups..... | 253 | 1 | 873 |
| defined | 253 | 1 | 871 |
| successor in interest..... | 253 | 1 | 872 |
| Seasonal employment, benefit in..... | 253 | 1 | 873 |
| Seasonal period | 253 | 1 | 872 |
| Seasonal worker defined..... | 253 | 1 | 872 |
| Security defined | 253 | 11 | 905 |
| Seizure, sale and distraint..... | 253 | 11 | 906 |
| Selective training service..... | 201 | 6 | 594 |
| Self-incrimination | 253 | 8 | 899 |
| Service on vessels excluded..... | 253 | 14 | 921 |
| Service within and without state..... | 253 | 14 | 918 |
| | | | 919 |
| Social Security Board, cooperation with..... | 253 | 8 | 900 |
| Spouse employed | 253 | 14 | 919 |
| Stabilization of employment..... | 253 | 8 | 897 |
| State and subdivision employees excluded..... | 253 | 14 | 921 |
| State arrangements | 253 | 8 | 893 |
| State defined | 253 | 14 | 923 |
| State-federal cooperation | 253 | 8 | 900 |
| Subcontractors | 253 | 14 | 915 |
| Subpoena, | | | |
| issuance of | 253 | 8 | 898 |
| refusal to obey..... | 253 | 8 | 898 |
| Suitable work | 253 | 3 | 877 |
| Temporary labor | 253 | 14 | 923 |
| Termination of coverage..... | 253 | 6 | 887 |
| Testimony, self-incrimination | 253 | 8 | 899 |
| Transfer to railroad account..... | 253 | 7 | 891 |
| Treasurer | 253 | 7 | 898 |
| | | 10 | 902 |
| Trust fund, | | | |
| account | 253 | 7 | 898 |
| discontinuance | 253 | 7 | 899 |
| withdrawals | 253 | 7 | 889 |
| Unemployment compensation administration fund..... | 253 | 10 | 902 |
| defined | 253 | 14 | 924 |
| Unemployment compensation fund..... | 253 | 7 | 888 |
| Unemployment defined | 253 | 14 | 923 |
| Vessels, service on excluded..... | 253 | 14 | 921 |
| Violations of act, penalties for..... | 253 | 13 | 913 |
| Voluntary, | | | |
| election of coverage..... | 253 | 9 | 887 |
| quit | 253 | 3 | 876 |
| Wage requirements | 253 | 2 | 876 |
| Wages, | | | |
| defined | 253 | 14 | 924 |
| exclusion from | 253 | 14 | 924 |
| Waiting period | 253 | 2 | 875 |
| increase | 253 | 3 | 876 |
| Waiver of, | | | |
| benefit rights void..... | 253 | 12 | 911 |
| exemption void | 253 | 12 | 912 |
| Warrants issued by treasurer..... | 253 | 7 | 889 |
| Week defined | 253 | 14 | 925 |
| Weekly benefit amount..... | 253 | 1 | 871 |
| fractional part, when..... | 253 | 1 | 871 |
| Wife employed by spouse..... | 253 | 14 | 921 |
| Withdrawals of funds..... | 253 | 7 | 889 |

UNIFORM MOTOR VEHICLE SAFETY RESPONSIBILITY ACT.

UNEMPLOYMENT COMPENSATION—CONTINUED:

| | Ch. | Sec. | Page |
|--------------------------|-----|------|------|
| Witness, | | | |
| fees | 253 | 4 | 882 |
| oaths | 253 | 8 | 899 |
| self-incrimination | 253 | 8 | 899 |
| Work, | | | |
| refusal of | 253 | 3 | 877 |
| suitable | 253 | 3 | 877 |
| Year, | | | |
| base | 253 | 14 | 926 |
| benefit | 253 | 14 | 925 |

UNIFORM JUDICIAL NOTICE OF FOREIGN LAWS ACT:

| | | | |
|------------------------------|----|---|-----|
| Citation | 82 | 7 | 204 |
| Construction | 82 | 4 | 204 |
| | | 0 | 204 |
| Court, | | | |
| may inform itself..... | 82 | 2 | 204 |
| to determine law..... | 82 | 3 | 204 |
| Interpretation | 82 | 6 | 204 |
| Laws of other jurisdictions, | | | |
| not subject to act..... | 82 | 5 | 204 |
| pleading necessary when..... | 82 | 4 | 204 |
| Notice of foreign laws..... | 82 | 1 | 204 |

UNIFORM LAW COMMISSION, appropriation..... 234 2 747

UNIFORM MOTOR VEHICLE SAFETY RESPONSIBILITY ACT:

| | | | |
|---|-----|----|-----|
| Ability to respond in damages, proof of, | | | |
| issuance of certificate of requirements..... | 122 | 10 | 348 |
| Civil actions | 122 | 6 | 346 |
| Convictions, court to report..... | 122 | 6 | 346 |
| Criminal actions | 122 | 6 | 346 |
| Damages, | | | |
| ability of operator to respond in..... | 122 | 2 | 343 |
| ability to respond in, | | | |
| certificate to be issued by state treasurer, when..... | 122 | 10 | 351 |
| proof, | | | |
| further required, when..... | 122 | 11 | 351 |
| released when | 122 | 13 | 352 |
| record to be furnished by director..... | 122 | 12 | 352 |
| fee | 122 | 12 | 352 |
| Insurance policies, cancelled, procedure..... | 122 | 10 | 350 |
| Judgment creditor may sue on bond in name of state..... | 122 | 10 | 351 |
| Judgments, | | | |
| court to report..... | 122 | 6 | 346 |
| installments, may be paid in, when..... | 122 | 5 | 345 |
| license suspension effective until..... | 122 | 4 | 344 |
| payments, in installments, when..... | 122 | 5 | 345 |
| proof required for suspension of license, when..... | 122 | 3 | 344 |
| successive | 122 | 7 | 346 |
| License, | | | |
| motor vehicle operators, | | | |
| new, issued when..... | 122 | 13 | 353 |
| suspension when | 122 | 2 | 343 |
| Motor vehicle operators license, | | | |
| new, issued when..... | 122 | 13 | 353 |
| suspension when | 122 | 2 | 343 |
| Non-resident, defined | 122 | 1 | 342 |
| Non-resident operators, | | | |
| actions against | 122 | 8 | 347 |
| ability to respond..... | 122 | 8 | 347 |
| records, copy of, forwarded to other states..... | 122 | 8 | 347 |

UNIFORM MOTOR VEHICLE SAFETY RESPONSIBILITY ACT.

UNIFORM MOTOR VEHICLE SAFETY RESPONSIBILITY ACT—

CONTINUED:

| | Ch. | Sec. | Page |
|--|-----|------|------|
| Non-resident operators, | | | |
| damages, ability to respond..... | 122 | 8 | 347 |
| insurance policy of..... | 122 | 10 | 349 |
| requirements | 122 | 10 | 349 |
| Operating motor vehicle without license a crime..... | 122 | 14 | 353 |
| punishment | 122 | 14 | 354 |
| Operator, defined | 122 | 1 | 342 |
| Operator's license, | | | |
| surrender of | 122 | 9 | 348 |
| failure to, penalty..... | 122 | 4 | 348 |
| suspension | 122 | 2 | 343 |
| Owner, defined | 122 | 1 | 342 |
| Person, defined | 122 | 1 | 342 |
| | | | |
| UNIFORM TRUSTEES ACCOUNTING ACT: | | | |
| Accounts and inventories, forms prescribed by court..... | 229 | 20 | 724 |
| Beneficiary, | | | |
| compelling trustee to perform duties..... | 229 | 18 | 724 |
| relieving trustee of certain duties..... | 229 | 16 | 723 |
| Charitable trusts subject to act..... | 229 | 22 | 724 |
| attorney general to receive documents..... | 229 | 22 | 724 |
| Clerk of court, duties..... | 229 | 14 | 723 |
| Courts, jurisdiction over trustees..... | 229 | 17 | 723 |
| Definition of terms..... | 229 | 1 | 716 |
| Effective dates | 229 | 27 | 725 |
| Executors and administrators exempt..... | 229 | 28 | 725 |
| Exempt trusts | 229 | 1 | 716 |
| Non-testamentary trustees, | | | |
| intermediate, final and distribution accounts..... | 229 | 13 | 722 |
| inventory, filing of..... | 229 | 12 | 722 |
| Oaths and affirmations of trustees..... | 229 | 21 | 724 |
| Records of accounts, clerk of court to keep..... | 229 | 14 | 723 |
| Removal of trustee..... | 229 | 19 | 724 |
| Settlers, relieving trustees of certain duties..... | 229 | 15 | 723 |
| Testamentary trustees, | | | |
| accounts, approval or disapproval..... | 229 | 11 | 721 |
| affidavits of service, filing..... | 229 | 10 | 721 |
| distribution account | 229 | 5 | 719 |
| final account | 229 | 4 | 719 |
| notice of hearing to beneficiaries..... | 229 | 7 | 720 |
| infant beneficiaries, representation..... | 229 | 9 | 721 |
| intermediate account | 229 | 3 | 717 |
| hearing on | 229 | 6 | 719 |
| notice of filing to beneficiaries..... | 229 | 6 | 719 |
| inventory, filing of..... | 229 | 2 | 717 |
| vouchers for expenditures, production in court..... | 229 | 8 | 721 |
| Trustees, duties of, | | | |
| failure to perform..... | 229 | 19 | 724 |
| performance of, enforcement by beneficiary..... | 229 | 18 | 724 |
| UNION OIL CO., Relief..... | 244 | 2 | 793 |
| UNION PACIFIC STAGES, INC., Relief..... | 244 | 2 | 795 |
| | | | |
| UNITED AMERICAN MECHANICS, Junior Order of, benefits, | | | |
| Chapter 112 not applicable to exclusive of beneficiary degree or insurance branch of the national council..... | 112 | 1 | 291 |
| | | | |
| UNITED STATES EMPLOYEES, Veterinarian license act not applicable to | | | |
| | 71 | 20 | 185 |
| | | | |
| UNITED STATES GOVERNMENT: | | | |
| Flood control, county property conveyed to, for..... | 142 | 1 | 404 |
| History of, required course in schools..... | 203 | 1 | 597 |

USE (COMPENSATING) TAX.

| | Ch. | Sec. | Page |
|---|-----|------|------|
| UNITED STATES GOVERNMENT—CONTINUED: | | | |
| Irrigation district project contracts, assessments under..... | 141 | 1 | 401 |
| Navigation, county property conveyed to, for..... | 142 | 1 | 404 |
| Payments to state in lieu of property taxes..... | 199 | 1 | 588 |
| apportionment | 199 | 2 | 588 |
| State Treasurer to receive..... | 199 | 1 | 588 |
| Tax Commission to apportion..... | 199 | 3 | 588 |
| Power development, county property conveyed to, for..... | 142 | 1 | 404 |
| Reclamation, county property conveyed to, for..... | 142 | 1 | 404 |
| UNIVERSITY OF WASHINGTON: | | | |
| Appropriation (see APPROPRIATIONS). | | | |
| Law school of, | | | |
| supervision of, not affected by chapter 50..... | 50 | 4 | 117 |
| UNIVERSITY OF WASHINGTON FUND: | | | |
| Allocation of revenue act receipts..... | 178 | 19 | 510 |
| UNLAWFUL DETAINER: | | | |
| Acceptance of payment, effect of..... | 188 | 1 | 531 |
| Actions, | | | |
| commenced how | 188 | { 1 | 531 |
| | | } 8 | 533 |
| jurisdiction | 188 | 2 | 533 |
| summons and complaint, service of..... | 188 | { 1 | 531 |
| | | } 8 | 533 |
| contents and sufficiency..... | 188 | 3 | 532 |
| venue | 188 | 2 | 532 |
| Bond, | | | |
| defendant to file when..... | 188 | 7 | 533 |
| security for continuance..... | 188 | 5 | 532 |
| plaintiff not required to file..... | 188 | 10 | 533 |
| Complaint, | | | |
| contents and sufficiency..... | 188 | 3 | 532 |
| hearing on, time fixed by court order..... | 188 | 4 | 532 |
| continuance, limitation | 188 | 5 | 532 |
| exception, security filed by defendant..... | 188 | 5 | 532 |
| Continuance, | | | |
| limitation of | 188 | 5 | 532 |
| exception, security filed by defendant..... | 188 | 5 | 532 |
| Damages, | | | |
| plaintiff only liable..... | 188 | 10 | 534 |
| Sheriff not liable to defendant..... | 188 | 10 | 533 |
| Default in rentals, cause for action..... | 188 | 1 | 531 |
| Fees, | | | |
| clerk of the court..... | 188 | 9 | 533 |
| sheriffs | 188 | 9 | 533 |
| Hearing on complaint, | | | |
| procedure, | | | |
| examination of parties..... | 188 | 6 | 532 |
| orders of the court. | 188 | 6 | 533 |
| Orders of the court, | | | |
| issuance of writ of restitution, when..... | 188 | 6 | 533 |
| proceed on complaint, when..... | 188 | 6 | 533 |
| Real property, recovery of possession, when..... | 188 | 1 | 531 |
| Rentals, limit of monthly, act applicable..... | 188 | 1 | 531 |
| Writ of restitution, | | | |
| issuance when | 188 | 6 | 533 |
| order for | 188 | 6 | 533 |
| recalled, when | 188 | 7 | 533 |
| service of | 188 | 6 | 533 |

USE (COMPENSATING) TAX (see RETAIL SALES AND COMPENSATING TAX).

USE FUEL TAX ACT.

| USE FUEL TAX ACT: | Ch. | Sec. | Page |
|--|-----|------|------|
| Assessment, final, when..... | 127 | 19 | 373 |
| Assessments, | | | |
| interest on | 127 | 18 | 372 |
| jeopardy | 127 | 18 | 372 |
| re-assessment | 127 | 18 | 372 |
| procedure | 127 | 18 | 373 |
| Attorney General, court actions, when..... | 127 | 15 | 370 |
| Court action, Attorney General to institute, when..... | 127 | 15 | 370 |
| Court proceedings against state for recovery, when..... | 127 | 22 | 375 |
| judgment | 127 | 22 | 375 |
| jurisdiction | 127 | 22 | 375 |
| waiver | 127 | 22 | 375 |
| Creditors of delinquent user notified when..... | 127 | 13 | 368 |
| Dealer to keep records..... | 127 | 24 | 376 |
| Dealer's license | 127 | 23 | 376 |
| Delinquency, collection, method..... | 127 | 14 | 369 |
| Delinquent user, creditors notified when..... | 127 | 13 | 368 |
| Director defined | 127 | 2 | 264 |
| Emblem | 127 | 4 | 365 |
| charge, none | 127 | 4 | 365 |
| display of by user..... | 127 | 4 | 365 |
| on vehicle delivering motor vehicle fuel..... | 127 | 26 | 377 |
| Excess payments, | | | |
| claim | 127 | 21 | 374 |
| credit for | 127 | 21 | 374 |
| refunds | 127 | 21 | 374 |
| Excise tax, payable when..... | 127 | 6 | 366 |
| Failure to make report..... | 127 | 18 | 371 |
| Fraud, | | | |
| action, limitation of..... | 127 | 20 | 374 |
| exception | 127 | 20 | 373 |
| increase for | 127 | 17 | 371 |
| Fraudulent report, penalty for..... | 127 | 27 | 378 |
| Fuel, defined | 127 | 2 | 363 |
| Highway, defined | 127 | 2 | 363 |
| Interest on assessment..... | 127 | 18 | 372 |
| penalty | 127 | 18 | 372 |
| Internal combustion engine, defined..... | 127 | 2 | 364 |
| Investigation, reports and tax paid, when, result..... | 127 | 17 | 371 |
| Lien on vehicle, tax and penalty and interest are..... | 127 | 11 | 367 |
| Liens, | | | |
| security deposited, sold to satisfy when..... | 127 | 13 | 368 |
| transfer of certificate of title or vehicle registration, not until satisfied | 127 | 12 | 368 |
| Mailing, date of, deemed date of receipt..... | 127 | 8 | 366 |
| Monies, tax, transmitted to state treasurer..... | 127 | 28 | 378 |
| Motor vehicle, | | | |
| certificate of title not to be issued until lien satisfied..... | 127 | 12 | 368 |
| defined | 127 | 2 | 363 |
| license, transfer of not to be issued until lien satisfied..... | 127 | 12 | 368 |
| registration, director to ascertain if fuel is subject to act..... | 127 | 10 | 367 |
| tax a lien, when..... | 127 | 11 | 367 |
| Non-payment, penalty for..... | 127 | 9 | 367 |
| Penalties for, | | | |
| deficiency, when | 127 | 17 | 371 |
| failure to make report..... | 127 | 18 | 371 |
| fraudulent report | 127 | 27 | 378 |
| if not paid when final..... | 127 | 19 | 373 |
| procedure | 127 | 19 | 373 |
| non-payment | 127 | 9 | 367 |

VEHICLE SAFETY INSPECTION.

USE FUEL TAX ACT—CONTINUED:

| | Ch. | Sec. | Page |
|---|-----|------|------|
| Permit, | | | |
| cancellation, when | 127 | 5 | 365 |
| emblem | 127 | 4 | 365 |
| return of | 127 | 5 | 365 |
| necessary to have..... | 127 | 4 | 364 |
| revocation | 127 | 5 | 365 |
| Person, defined | 127 | 2 | 364 |
| Rate, five cents per gallon additional to all other taxes..... | 127 | 3 | 364 |
| Receival date, date of mailing deemed to be..... | 127 | 8 | 366 |
| Records, | | | |
| confidential | 127 | 25 | 377 |
| dealer to keep..... | 127 | 24 | 376 |
| confidential | 127 | 25 | 377 |
| examination of by director..... | 127 | 24 | 376 |
| user to keep..... | 127 | 24 | 376 |
| confidential | 127 | 25 | 377 |
| Remedies, cumulative | 127 | 16 | 370 |
| Remittance | 127 | 7 | 366 |
| Report, | | | |
| contents | 127 | 7 | 366 |
| fallure to make..... | 127 | 18 | 371 |
| filing of | 127 | 7 | 366 |
| fraudulent, penalty for..... | 127 | 27 | 378 |
| Security, user to deposit when..... | 127 | 13 | 368 |
| sale of, when..... | 127 | 13 | 368 |
| Tax monies to be credited to the motor vehicle fund..... | 127 | 28 | 378 |
| Title of act..... | 127 | 1 | 363 |
| Transfer of motor vehicle, | | | |
| certificate of registration not to be issued until lien satisfied.. | 127 | 12 | 368 |
| certificate of title not to be changed until lien satisfied..... | 127 | 12 | 368 |
| United States mail, date of mailing deemed date of receipt..... | 127 | 8 | 366 |
| Use, defined | 127 | 2 | 264 |
| User, | | | |
| defined | 127 | 2 | 264 |
| to keep records..... | 127 | 24 | 376 |
| Vehicle dellvering motor vehicle fuel to bear emblem..... | 127 | 26 | 377 |
| UTILITIES (see, also, PUBLIC UTILITIES): | | | |
| Franchises of cities or towns subject to referendum..... | 114 | 1 | 294 |
| filing of petition, time limited..... | 114 | 2 | 294 |
| petition, filing of, time limited..... | 114 | 2 | 294 |
| UTILITY CARTAGE, INC., Relief..... | 244 | 2 | 700 |
| UTILITY IMPROVEMENT DISTRICTS: | | | |
| Additions and betterments..... | 210 | 31 | 656 |
| Formation of sewer commissioner districts..... | 210 | 28 | 654 |
| Incorporation by sewer district..... | 210 | 26 | 652 |
| Petition for establishment..... | 210 | 26 | 652 |
| hearing on petition..... | 210 | 27 | 653 |
| resolution and order accepting petition..... | 210 | 28 | 654 |
| Sewer districts, | | | |
| assessment rolls | 210 | 28 | 654 |
| notice and publication..... | 210 | 29 | 655 |
| protests | 210 | 30 | 655 |
| V | | | |
| VAN KLINKEN, PEARL, Relief..... | 244 | 2 | 795 |
| VEHICLE SAFETY INSPECTION: | | | |
| Appropriation for | 250 | 9 | 852 |
| capital outlay and operations..... | 250 | 14 | 854 |
| Capital outlay and operations, appropriation..... | 250 | 14 | 854 |

VENDING MACHINES.

| | <i>Ch.</i> | <i>Sec.</i> | <i>Page</i> |
|--|------------------------------|-------------------|--------------------|
| VENDING MACHINES: | | | |
| Bond to secure tax may be required..... | 178 | 19 | 509 |
| Cigarettes, sale of by..... | 178 | 18 | 508 |
| certificate for each to be issued..... | 178 | 18 | 508 |
| tax stamps to be applied, evidence of tax..... | 178 | 18 | 508 |
| Registration certificate for each required..... | 178 | 19 | 509 |
| use of without a misdemeanor..... | 178 | 19 | 510 |
| Seizure as contraband, when..... | 178 | 19 | 510 |
| procedure | 178 | 19 | 510 |
| sale procedure | 178 | 19 | 510 |
| VENUE (see COURT ACTIONS). | | | |
| VETERANS: | | | |
| Disabled American Veterans of the World War, | | | |
| appropriation for relief..... | 59 | 1 | 150 |
| assistance in prosecution of claims..... | 59 | 2 | 150 |
| officers of organization not to be paid..... | 59 | 2 | 150 |
| rehabilitation service maintenance..... | 59 | 1 | 150 |
| funds to be used entirely for..... | 59 | 2 | 150 |
| VETERINARIANS: | | | |
| Act not to apply to United States employees..... | 71 | 20 | 185 |
| Board, defined | 71 | 21 | 185 |
| Defined | 71 | 1 | 178 |
| Definitions | 71 | 1 | 178 |
| Diploma, false use of, a felony..... | 71 | 23 | 186 |
| Examination for license as..... | 71 | 7, 8 | 181 |
| Examiners, board of..... | 71 | 3 | 179 |
| appointment by governor..... | 71 | 3 | 179 |
| Fees, various | 71 | 19 | 185 |
| License, | | | |
| application, contents | 71 | 6 | 180 |
| display of, required..... | 71 | 18 | 185 |
| examination for | 71 | 7 | 181 |
| grade of, minimum..... | 71 | 8 | 181 |
| fees, various | 71 | 19 | 185 |
| issuance, procedure | 71 | 9 | 181 |
| mandatory | 71 | 6 | 180 |
| refusal when | 71 | 6 | 180 |
| revocation of | 71 | 13 | 183 |
| appeal from decision of..... | 71 | 15 | 184 |
| causes for | 71 | 13 | 183 |
| procedure | 71 | 14 | 183 |
| suspension of when..... | 71 | 13 | 182 |
| appeal from decision to..... | 71 | 15 | 184 |
| causes for | 71 | 13 | 183 |
| procedure | 71 | 14 | 183 |
| Registration of, annually..... | 71 | 16 | 184 |
| fee | 71 | 19 | 185 |
| penalty for failure to..... | 71 | 17 | 184 |
| State board of veterinary examiners, name..... | 71 | 3 | 179 |
| Temporary to issue, when..... | 71 | 11 | 181 |
| period of | 71 | 11 | 181 |
| Title, use unlawful, when..... | 71 | 22 | 185 |
| Treatment by owner, exception from act..... | 71 | 20 | 185 |
| United States officers and employees, | | | |
| act not applicable..... | 71 | 20 | 185 |
| VETOES, by the governor of acts or parts of acts relating to: | | | |
| Aid to dependent children..... | <i>Bill No.</i> S. B. 323 | <i>Ch.</i> 242 | <i>Sec.</i> 5 |
| Appropriations, general, in part, | | | <i>Page</i> 784 |
| auditor, division of municipal corporations, codifying and printing of laws..... | S. B. 30 | 234 | 2 |

VETOES.

VETOES—CONTINUED:

| | Bill No. | Ch. | Sec. | Page |
|--|-----------|-----|------|--------------------|
| Appropriations, general, in part, | | | | |
| department of agriculture, bangs disease testing..... | S. B. 30 | 234 | 2 | 751 |
| national defense and other activities..... | S. B. 30 | 234 | 2 | 747 |
| social security committee, grants-in-aid..... | S. B. 30 | 234 | 2 | 757 |
| tax commission, legal services..... | S. B. 30 | 234 | 2 | 758 |
| Appropriations, general highway, | | | | |
| primary highway No. 5, Puyallup to Sumner..... | S. B. 362 | 250 | 2 | 850 |
| primary highway No. 9, Discovery Bay to Hood Canal | S. B. 362 | 250 | 2 | 850 |
| primary highway No. 17, Marblemount-east..... | S. B. 362 | 250 | 2 | 850 |
| Appropriations, secondary highway, | | | | |
| allocation of funds within counties..... | H. B. 15 | 246 | 5 | 823 to 830 inc 830 |
| report and budget of Director..... | H. B. 15 | 246 | 6 | 830 |
| Appropriations; Supplemental, | | | | |
| Allyn, Mrs. Orma, relief for damage..... | H. B. 561 | 244 | 2 | 793 |
| Attorney General for codifying election laws..... | H. B. 561 | 244 | 2 | 798 |
| Austin, J. W., relief for damage..... | H. B. 561 | 244 | 2 | 793 |
| Bagley, Bert J., relief for fire loss..... | H. B. 561 | 244 | 2 | 796 |
| Burglehaus, May S., relief for damage..... | H. B. 561 | 244 | 2 | 807 |
| Conservation and Development, Dept. of, | | | | |
| Division of Flood Control..... | H. B. 561 | 244 | 2 | 799 |
| Dahl, Melvin, and Klein, George, relief for fire loss | H. B. 561 | 244 | 2 | 796 |
| Highways, Department of, for construction of | | | | |
| research laboratory | H. B. 561 | 244 | 2 | 799 |
| Jackson, F. C., relief for loss of horse..... | H. B. 561 | 244 | 2 | 794 |
| National Guard, construction of armory at | | | | |
| Spokane | H. B. 561 | 244 | 2 | 789 |
| Paulk, Paul, relief for loss on account of bank failure when county clerk of Thurston County | H. B. 561 | 244 | 2 | 791 |
| State Restaurant and Hotel Board for restaurant inspection | H. B. 561 | 244 | 2 | 807 |
| Yuen, Shal-Yue, relief for overpayment of tuition at University..... | H. B. 561 | 244 | 2 | 795 |
| Attorney General, | | | | |
| appropriation for codifying election laws..... | H. B. 561 | 244 | 2 | 798 |
| duties of | H. B. 606 | | | |
| Auditor, Division of Municipal Corporations, for | | | | |
| codifying and printing of laws..... | S. B. 30 | 234 | 2 | 746 |
| Barbers licenses | H. B. 116 | | | |
| College scholarships | S. B. 37 | | | |
| Community property | S. B. 8 | | | |
| County lands, leasing of..... | S. B. 154 | 110 | 1 | 285 |
| rental of | H. B. 375 | | | |
| Court costs | H. B. 135 | | | |
| Court deposits | H. B. 225 | | | |
| Firemen's pension | S. B. 273 | | | |
| Gift taxes, in part..... | S. B. 262 | 119 | 15 | 322 |
| Highways, primary, in part..... | S. B. 362 | 250 | 2 | 850 |
| secondary, in part..... | H. B. 15 | 246 | 2 | 823 to 839 inc 846 |
| Housing Act obligations, in part..... | S. B. 135 | 249 | 1 | |
| Housing Commissioners, removal of..... | S. B. 391 | | | |
| Insane persons, maintenance of..... | S. B. 212 | | | |
| Liquor company agents..... | S. B. 17 | | | |

VETOES.

| VETOES—CONTINUED: | Bill No. | Ch. | Sec. | Page |
|--|--------------|-----|-----------------|--------------------------------------|
| Liquor sales | S. B. 171 | | | |
| Meat inspection | H. B. 198 | | | |
| Mines to Market Road Commission..... | S. H. B. 141 | | | |
| Narrows Bridge reconstruction..... | S. B. 357 | | | |
| National defense | S. B. 30 | 234 | 2 | 747 |
| National Guard, construction of armory in Spokane.. | H. B. 561 | 244 | 2 | 789 |
| Public Utility Districts, privilege tax, in part..... | H. B. 302 | 245 | { 7 8 9 } | 819 820 |
| Radio broadcasts, defamatory..... | H. B. 284 | | | |
| Restaurant inspection | H. B. 173 | | | |
| Retirement of city employees..... | H. B. 372 | | | |
| Revenue Act amendments..... | H. B. 593 | 178 | 11 | 498 |
| Safety Standards, mine and tunnel operations, in part | H. B. 401 | 194 | { 33 34 } | 564 565 |
| Sales Tax, definitions..... | H. B. 344 | | | |
| Savings and Loan Associations, regulation of..... | H. B. 330 | 222 | { 1 2 4 } | 693 to 695 697 to 703 |
| School District elections, in part..... | S. B. 51 | 12 | 2 | 25 |
| State Land Commissioners, Board of, appropriation.. | S. B. 299 | 217 | 4 | 681 |
| Tax Commission, appropriation for legal services.... | S. B. 30 | 234 | 2 | 758 |
| Tax on punch boards..... | H. B. 594 | | | |
| Truck and trailer fees..... | S. B. 171 | | | |
| Unemployment compensation, in part..... | S. B. 275 | 253 | 14 | 918 |
| VOCATIONAL EDUCATION, STATE BOARD OF: | | | | |
| Apprenticeship duties and responsibilities..... | | 231 | 2 | 736 |
| Appropriations for | | 234 | 2 | { 748 749 |
| Junior Colleges, duties..... | | 146 | 3 | 410 |
| establish standards, rules and regulations for..... | | 146 | 3 | 410 |
| VOLUNTEER FIREMEN: | | | | |
| Appropriation | | 234 | 2 | 768 |
| Relief and compensation fund, appropriation..... | | 234 | 2 | 768 |
| awards, claims, expenses and deficiency..... | | 234 | 2 | 768 |
| VOUCHERS, STATE: | | | | |
| Certification of | | 196 | 11 | 575 |
| Record of disbursements..... | | 196 | 13 | 575 |

W

WAGES (see SALARIES AND WAGES).

WAHKIAKUM COUNTY:

| | | | |
|---|-----|---|-----|
| Appropriation for L. I. D. assessments..... | 244 | 2 | 802 |
| Secondary highway allocation..... | 240 | 3 | 823 |

WALLA WALLA COUNTY:

| | | | |
|---|-----|---|-----|
| Appropriation for L. I. D. assessments..... | 244 | 2 | 802 |
| Secondary highway allocation..... | 240 | 3 | 823 |

| | | | |
|---|-----|---|-----|
| WALLA WALLA DAIRYMEN'S ASSOCIATION, Relief..... | 244 | 2 | 789 |
|---|-----|---|-----|

| | | | |
|------------------------------|-----|---|-----|
| WARD, GEORGE W., Relief..... | 244 | 2 | 795 |
|------------------------------|-----|---|-----|

WARDS:

| | | | |
|--------------------|----|---|-----|
| Education of | 83 | 1 | 206 |
|--------------------|----|---|-----|

WASHINGTON STATE PROGRESS COMMISSION.

WARDS—CONTINUED:

| | Ch. | Sec. | Page |
|---|-----|------|------|
| Guardians of, | | | |
| accounting to court..... | 83 | 1 | 205 |
| penalty for failure to..... | 83 | 1 | 205 |
| trust, end of..... | 83 | 1 | 206 |
| debts, demands | 83 | 1 | 206 |
| duties | 83 | 1 | 205 |
| penalty, failure to account to court..... | 83 | 1 | 205 |
| provide for education of..... | 83 | 1 | 206 |
| Interest of | 83 | 1 | 205 |

WARRANTS:

| | | | |
|---|-----|----|-----|
| Fire protection district..... | 70 | 7 | 177 |
| Flood control district disbursements..... | 204 | 7 | 601 |
| Public utility district, | | | |
| covenants of | 182 | 3 | 519 |
| interest | 182 | 4 | 520 |
| issuance of for betterments..... | 182 | 2 | 519 |
| negotiable as securities..... | 182 | 11 | 524 |
| redemption | 182 | 8 | 522 |
| sale of | 182 | 4 | 520 |

WASHINGTON STATE BAR ASSOCIATION:

| | | | |
|--|----|---|-----|
| Supervision of not affected by chapter 50..... | 50 | 4 | 117 |
|--|----|---|-----|

WASHINGTON STATE BOARD OF DENTAL EXAMINERS:

| | | | |
|----------------------|----|---|-----|
| Creation | 92 | 1 | 222 |
| Duties | 92 | 1 | 223 |
| Qualifications | 92 | 1 | 223 |
| Requirements | 92 | 1 | 223 |
| Restrictions | 92 | 1 | 223 |
| Term of office..... | 92 | 1 | 223 |
| Vacancy | 92 | 1 | 223 |

WASHINGTON STATE BOARD OF VETERINARY EXAMINERS:

| | | | |
|------------------------------|----|---|-----|
| Appointment by governor..... | 71 | 3 | 179 |
| Compensation | 71 | 5 | 179 |
| Duties | 71 | 4 | 179 |
| Qualifications | 71 | 3 | 179 |

| | | | |
|--|-----|---|-----|
| WASHINGTON STATE COLLEGE, Appropriation..... | 234 | 2 | 760 |
|--|-----|---|-----|

WASHINGTON STATE COLLEGE FUND:

| | | | |
|---|-----|-----|-----|
| Allocation of revenue act receipts..... | 178 | 10a | 510 |
|---|-----|-----|-----|

WASHINGTON STATE DEFENSE COUNCIL:

| | | | |
|------------------------|-----|---|-----|
| Appropriations | 177 | 6 | 479 |
| Creation | 177 | 2 | 477 |
| Local councils | 177 | 5 | 479 |
| Organization | 177 | 3 | 477 |
| Powers and duties..... | 177 | 4 | 478 |

| | | | |
|---|-----|---|-----|
| WASHINGTON STATE FAIR, Appropriation..... | 234 | 2 | 762 |
|---|-----|---|-----|

WASHINGTON STATE HISTORICAL SOCIETY, Appropriation (see APPROPRIATIONS).

WASHINGTON STATE PATROL:

Appropriations (see APPROPRIATIONS).

| | | | |
|------------------------------------|----|---|-----|
| Disability compensation | 95 | 1 | 228 |
| active duty, relief from when..... | 95 | 1 | 229 |
| incapacitated patrolmen | 95 | 2 | 229 |
| statutes repealed | 95 | 2 | 229 |
| Retirement of officers, when..... | 95 | 1 | 229 |

| | | | |
|---|-----|---|-----|
| WASHINGTON STATE PLANNING COUNCIL, Appropriation..... | 231 | 2 | 750 |
|---|-----|---|-----|

| | | | |
|--|-----|---|-----|
| WASHINGTON STATE PROGRESS COMMISSION, Appropriation... | 234 | 2 | 750 |
|--|-----|---|-----|

WASHINGTON STATE REFORMATORY FOR WOMEN.

| | Ch. | Sec. | Page |
|--|-----|------|------|
| WASHINGTON STATE REFORMATORY FOR WOMEN: | | | |
| Statutes repealed | 28 | 1 | 64 |
| WASHINGTON STATE SEED LAW: | | | |
| Acts, unlawful, enumerated..... | 56 | 37 | 145 |
| Advertisement, defined | 56 | 14 | 136 |
| Agricultural seed container to be labeled..... | 56 | 15 | 136 |
| Agricultural seeds, | | | |
| definition | 56 | 5 | 134 |
| label, | | | |
| contents of package to be shown—name, lot number or identification number | 56 | 16 | 136 |
| germination, percentage of | 56 | 16 | 136 |
| name and ratio of seeds—cereal grains, grass, hay seeds.. | 56 | 16 | 137 |
| origin, when | 56 | 16 | 136 |
| percentage by weight, | | | |
| inert matter | 56 | 16 | 137 |
| other agricultural seeds..... | 56 | 16 | 137 |
| weed seeds, all..... | 56 | 16 | 137 |
| percentage, germination | 56 | 16 | 136 |
| percentage hard seed, when..... | 56 | 16 | 137 |
| labeler, name and address of..... | 56 | 16 | 138 |
| mixed or mixture, to be marked when..... | 56 | 16 | 138 |
| Agriculture, Director of, | | | |
| authority | 56 | 26 | 141 |
| duties, enumerated | 56 | 24 | 141 |
| | | 25 | 141 |
| Application of terms..... | 56 | 2 | 134 |
| Certified seeds include..... | 56 | 7 | 134 |
| Containers, seeds to be labeled..... | 56 | 15 | 136 |
| Court action, evidence published when..... | 56 | 33 | 144 |
| Directors defined | 56 | 4 | 134 |
| Expenses, from moneys collected..... | 56 | 38 | 145 |
| Imported seeds, to comply with requirements..... | 56 | 37 | 145 |
| Labeling, | | | |
| defined | 56 | 13 | 136 |
| requirements, exceptions | 56 | 20 | 139 |
| Labels or tags, | | | |
| agricultural seed containers to have..... | 56 | 15 | 136 |
| vegetable seed containers to have..... | 56 | 15 | 136 |
| Liable, persons taking necessary precautions are not..... | 56 | 21 | 139 |
| License necessary when..... | 56 | 34 | 144 |
| exception | 56 | 35 | 144 |
| fee | 56 | 34 | 144 |
| Moneys collected, use of..... | 56 | 38 | 145 |
| Noxious-weed seeds, defined..... | 56 | 9 | 135 |
| Person, defined | 56 | 3 | 134 |
| Primary noxious-weed seeds, defined, named..... | 56 | 10 | 135 |
| Sample, seeds for testing..... | 56 | 28 | 142 |
| Screenings, | | | |
| disposal of | 56 | 22 | 140 |
| labeled, how, when..... | 56 | 23 | 140 |
| removal | 56 | 23 | 140 |
| Secondary noxious-weed seeds, defined, named..... | 56 | 11 | 135 |
| Seeds, | | | |
| imported, comply with requirements..... | 56 | 37 | 145 |
| seizure of unlawful seeds..... | 56 | 29 | 143 |
| test samples, submitted by whom, limit..... | 56 | 28 | 142 |
| testing—charges, facilities, maintenance..... | 56 | 27 | 142 |
| unlawful, seizure of..... | 56 | 29 | 143 |
| Seizure of unlawful seed..... | 56 | 29 | 143 |
| Statutes repealed | 56 | 39 | 146 |

WATER DISTRICTS.

| WASHINGTON STATE SEED LAW—CONTINUED: | Ch. | Sec. | Page |
|--|-----|------|------|
| Stop sale order..... | 56 | 26 | 141 |
| appeal from | 56 | 26 | 142 |
| failure to comply with..... | 56 | 19 | 139 |
| Terms, application | 56 | 2 | 134 |
| Testing of seeds, | | | |
| charges | 56 | 27 | 142 |
| facilities for | 56 | 27 | 142 |
| maintenance | 56 | 27 | 142 |
| samples, submitted by whom, limit..... | 56 | 28 | 142 |
| Title | 56 | 1 | 134 |
| Unlawful acts, when..... | 56 | 37 | 145 |
| Unlawful seeds, seizure of..... | 56 | 29 | 143 |
| Vegetable seeds, | | | |
| advertising, false or misleading..... | 56 | 18 | 138 |
| | | 19 | 139 |
| container to be labeled..... | 56 | 15 | 136 |
| definition | 56 | 6 | 134 |
| include | 56 | 6 | 134 |
| labels and tags, contents to be enumerated on..... | 56 | 17 | 138 |
| sale of, unlawful when..... | 56 | 18 | 138 |
| unlawful acts, | | | |
| advertising, false or misleading..... | 56 | 18 | 138 |
| | | 19 | 139 |
| labeling false | 56 | 18 | 138 |
| labels, to alter, deface, destroy, detach..... | 56 | 19 | 139 |
| official, to hinder..... | 56 | 19 | 139 |
| primary noxious-weed seeds included..... | 56 | 18 | 138 |
| stop-sale order, failure to comply with..... | 56 | 19 | 139 |
| Violations | 56 | 30 | 143 |
| court proceedings instituted..... | 56 | 31 | 143 |
| | | 32 | 144 |
| penalties | 56 | 30 | 143 |
| Weed seeds, inclusion of..... | 56 | 8 | 135 |
| WASHINGTON WATER POWER CO., Relief..... | 244 | 2 | 793 |
| WASTE FOREST MATERIAL (see FORESTS AND FOREST LANDS). | | | |
| WATER DISTRICTS: | | | |
| Assessments remain as lien upon withdrawn territory..... | 55 | 11 | 133 |
| Boundaries of water districts, new, fixed..... | 55 | 8 | 132 |
| alteration not to be made..... | 55 | 8 | 132 |
| exception | 55 | 8 | 132 |
| Commissioners, | | | |
| boundaries, to establish, exclusions..... | 55 | 5 | 130 |
| changes, to make proper, when..... | 55 | 3 | 130 |
| date of hearing fixed by..... | 55 | 4 | 129 |
| resolution, contents | 55 | 5 | 130 |
| transmittal of petition and recommendations..... | 55 | 6 | 131 |
| Election, special, | | | |
| electors | 55 | 10 | 133 |
| majority | 55 | 10 | 133 |
| official canvass | 55 | 10 | 133 |
| propositions | 55 | 9 | 132 |
| resolution, final after election..... | 55 | 10 | 133 |
| Hearing, further, county commissioners to fix time..... | 55 | 7 | 131 |
| continuation, may have..... | 55 | 8 | 131 |
| objections | 55 | 8 | 132 |
| publication notice of hearing, contents..... | 55 | 7 | 131 |
| resolution of findings..... | 55 | 8 | 132 |
| boundaries, final fixing of..... | 55 | 8 | 132 |

WATER DISTRICTS.

WATER DISTRICTS—CONTINUED:

| | Ch. | Sec. | Page |
|--|------------|----------|--------------|
| Petition for withdrawal of territory, hearing, | | | |
| continued, may be..... | 55 | 5 | 130 |
| date of, fixed by commissioners..... | 55 | 4 | 129 |
| final | 55 | 5 | 130 |
| notice published | 55 | 4 | 129 |
| additional notice, when..... | 55 | 4 | 130 |
| Street lighting systems, may maintain and operate..... | 68 | 1 | 189 |
| Withdrawal of territory from..... | 55 | 1 | 128 |
| assessments, existing remain a lien..... | 55 | 11 | 133 |
| method | 55 | 1 | 128 |
| petition, | | | |
| certification by county auditor..... | 55 | 2 | 128 |
| contents designated | 55 | 2 | 128 |
| denied when | 55 | 9 | 128 |
| examination by county auditor..... | 55 | 2 | 128 |
| filed | 55 | 2 | 128 |
| taxes, existing, remain a lien..... | 55 | 11 | 133 |
| WATERWORKS UTILITY: | | | |
| Sewage disposal system, conjunction with..... | 193 | 12a | 530 |
| authorization | 193 | 12a | 530 |
| WEEDS: | | | |
| Seeds | 56 | 8 | 135 |
| noxious weeds | 56 | 9 | 135 |
| primary noxious weeds..... | 56 | 10 | 135 |
| secondary noxious weeds..... | 56 | 11 | 135 |
| WELFARE: | | | |
| Child (see CHILD WELFARE). | | | |
| Department, counties to establish..... | 128 | 2 | 380 |
| WESTERN STATE CUSTODIAL SCHOOL: | | | |
| Appropriations (see APPROPRIATIONS). | | | |
| WESTERN STATE HOSPITAL: | | | |
| Appropriations (see APPROPRIATIONS). | | | |
| WESTERN WASHINGTON COLLEGE OF EDUCATION: | | | |
| Appropriations (see APPROPRIATIONS). | | | |
| WEYERHAEUSER TIMBER CO., Judgment..... | 244 | 2 | { 797 |
| | | | { 798 |
| WHALEY, GEORGE R., Relief..... | 244 | 2 | 791 |
| WHARVES: | | | |
| Grant renewal to P. J. McGowan & Sons..... | 58 | 1 | 149 |
| WHATCOM COUNTY: | | | |
| Appropriation for L. I. D. assessments..... | 244 | 2 | 802 |
| Secondary highway allocation..... | 246 | 3 | 823 |
| WHITE, H. H., Judgment..... | 244 | 2 | 798 |
| WHITMAN COUNTY: | | | |
| Secondary highway allocation..... | 246 | 3 | 823 |
| WILLS: | | | |
| Testamentary trustees—uniform trustees act, | | | |
| accounts, approval or disapproval..... | 229 | 11 | 721 |
| affidavits of service, filing..... | 229 | 10 | 721 |
| distribution account | 229 | 5 | 719 |
| final account | 229 | 4 | 719 |
| copy of, to beneficiary..... | 229 | 7 | 720 |
| notice of hearing to beneficiary..... | 229 | 7 | 720 |
| infant beneficiaries, representation..... | 229 | 9 | 721 |

WORDS AND PHRASES.

WILLS—CONTINUED:

| | Ch. | Sec. | Page |
|---|-----|------|-------|
| Testamentary trustees—uniform trustees act, | | | |
| intermediate account, contents..... | 229 | 3 | { 717 |
| | | | { 718 |
| hearing on | 229 | 6 | 719 |
| notice of filing to beneficiaries..... | 229 | 6 | 719 |
| inventory, filing of..... | 229 | 2 | 717 |
| vouchers for expenditures, production in court..... | 229 | 8 | 721 |
| WILSON, HON. JOHN M., Relief..... | 244 | 2 | 791 |

WINE:

| | | | |
|---|-----|---|-----|
| Retailer's license, | | | |
| classification and fee..... | 220 | 3 | 602 |
| WOMEN'S STATE REFORMATORY, Statutes repealed..... | 28 | 1 | 64 |

WORDS AND PHRASES:

| | | | |
|----------------------------------|-----|----|-----|
| Accounting terms defined..... | 41 | 7 | 89 |
| Accumulated contributions | 97 | 1 | 231 |
| Actuarial equivalent | 97 | 1 | 231 |
| Administration | 54 | 2 | 123 |
| Advertisement | 56 | 14 | 136 |
| Agricultural seeds | 56 | 5 | 134 |
| Aid to dependent children..... | 242 | 1 | 783 |
| Annuity | 97 | 1 | 231 |
| Annuity guarantee allowance..... | 97 | 1 | 231 |
| Applicant | 1 | 3 | 4 |
| Assistant | 243 | 2 | 785 |
| Beneficiary | 97 | 1 | 232 |
| Board | 71 | 21 | 185 |
| Board of commissioners..... | 87 | 1 | 211 |
| Board of trustees..... | 97 | 1 | 232 |
| Calendar year | 119 | 29 | 329 |
| Capital outlay | 234 | 2 | 744 |
| | 244 | 1 | 706 |
| Certified seed | 56 | 7 | 134 |
| Chiroprody, practice of..... | 31 | 1 | 65 |
| Commission | 120 | 1 | 330 |
| Contract | 97 | 1 | 232 |
| County committee | 248 | 2 | 834 |
| Creditable service | 97 | 1 | 232 |
| Date of application..... | 103 | 1 | 271 |
| Default defined | 41 | 4 | 82 |
| Defense workers | 54 | 2 | 122 |
| Deficiency | 119 | 12 | 317 |
| | 1 | 3 | 4 |
| Department | 159 | 1 | 437 |
| | 230 | 1 | 720 |
| Dependent child | 242 | 1 | 783 |
| Development | 54 | 2 | 123 |
| | 1 | 3 | 4 |
| Director | 56 | 4 | 134 |
| | 127 | 2 | 264 |
| | 230 | 1 | 720 |
| | 252 | 2 | 858 |
| Disability allowance | 97 | 1 | 231 |
| District | 87 | 1 | 211 |
| | 245 | 1 | 809 |
| Earnable compensation | 97 | 1 | 232 |
| Economic poisons | 230 | 1 | 726 |
| Employer | 97 | 1 | 232 |
| Expenses and revenue..... | 41 | 9 | 95 |
| Farmers of low income..... | 69 | 3 | 171 |
| Federal government | 54 | 2 | 123 |

WORDS AND PHRASES.

| WORDS AND PHRASES—CONTINUED: | Ch. | Sec. | Page |
|---------------------------------|-----|------|------|
| Fiscal year | 97 | 1 | 232 |
| Forest crop | 120 | 1 | 330 |
| Forest land | 120 | 1 | 330 |
| Former state fund..... | 97 | 1 | 233 |
| Fuel | 127 | 2 | 263 |
| General election | 345 | 5 | 817 |
| Governmental unit | 65 | 2 | 159 |
| Grade crossings | 161 | 1 | 440 |
| Grant | 1 | 3 | 4 |
| Gross operating income..... | 118 | 1 | 306 |
| Harvesting | 120 | 1 | 330 |
| Highway | 127 | 2 | 363 |
| Housing authority | 54 | 2 | 123 |
| Income | 1 | 3 | 5 |
| Industrial railroad | 161 | 1 | 441 |
| Insect | 230 | 1 | 726 |
| Internal combustion engine..... | 127 | 2 | 264 |
| Junior colleges | 146 | 2 | 410 |
| Labeling | 56 | 13 | 136 |
| Legal description | 120 | 1 | 330 |
| Legislative body | 65 | 2 | 159 |
| Library | 65 | 2 | 159 |
| Light repairs | 238 | 1 | 775 |
| Local fund | 97 | 1 | 233 |
| Logging railroad | 161 | 1 | 441 |
| Masculine pronoun | 97 | 1 | 235 |
| Medical director | 97 | 1 | 233 |
| Member | 97 | 1 | 233 |
| Membership service | 97 | 1 | 233 |
| Merchantable timber | 120 | 1 | 330 |
| Motor vehicle | 127 | 2 | 363 |
| Net gifts | 119 | 4 | 311 |
| Non-certified employees | 97 | 1 | 235 |
| Non-resident | 122 | 1 | 342 |
| Noxious-weed seeds | 56 | 9 | 135 |
| Occupational disease | 235 | 1 | 772 |
| Operating property | 245 | 1 | 809 |
| Operating unit | 253 | 1 | 872 |
| Operations | 234 | 2 | 744 |
| | 244 | 1 | 787 |
| Operator | 122 | 1 | 342 |
| Over-crossing | 161 | 1 | 440 |
| Owner | 120 | 1 | 330 |
| | 122 | 1 | 342 |
| Pay-out | 118 | 1 | 306 |
| Pension reserve | 97 | 1 | 233 |
| Pensions | 97 | 1 | 233 |
| | 56 | 3 | 134 |
| | 120 | 1 | 330 |
| Person | 122 | 1 | 342 |
| | 127 | 2 | 264 |
| | 230 | 1 | 726 |
| | 252 | 2 | 858 |
| Player | 118 | 1 | 306 |
| Preference | 103 | 1 | 271 |
| Primary noxious-weed seeds..... | 56 | 10 | 135 |
| Prior service | 97 | 1 | 233 |
| Prior service contribution..... | 97 | 1 | 233 |
| Project, commencement of..... | 54 | 2 | 123 |
| Public documents | 150 | 1 | 420 |
| Public school | 97 | 1 | 234 |
| Public service company..... | 150 | 1 | 437 |
| Public soliciting | 170 | 1 | 461 |

WORKMEN'S COMPENSATION ACT.

WORDS AND PHRASES—CONTINUED:

| | Ch. | Sec. | Page |
|--|-----|------|------|
| Real estate broker..... | 252 | 2 | 858 |
| Real estate salesman..... | 252 | 2 | 858 |
| Receiver | 103 | 1 | 271 |
| Recipient | 1 | 3 | 4 |
| Regional library | 65 | 2 | 150 |
| Registrant | 230 | 1 | 726 |
| Regular contribution | 97 | 1 | 234 |
| Regular interest | 97 | 1 | 234 |
| Reorganization of school districts..... | 243 | 1 | 834 |
| Residence | 170 | 2 | 402 |
| Resources | 1 | 3 | 5 |
| Retirement | 97 | 1 | 234 |
| Retirement allowance | 97 | 1 | 234 |
| Retirement system | 97 | 1 | 234 |
| Revenue and expenses..... | 41 | 9 | 95 |
| Revenues | 41 | 7 | 89 |
| Rodent | 230 | 1 | 726 |
| Rural county library district..... | 65 | 1 | 159 |
| Salaries and wages..... | 234 | 2 | 744 |
| | 244 | 1 | 786 |
| Seasonal employer | 253 | 1 | 871 |
| Seasonal worker | 253 | 1 | 872 |
| Sell | 230 | 1 | 726 |
| Senior citizen | 1 | 3 | 4 |
| Service | 97 | 1 | 234 |
| Small loan act..... | 208 | 1 | 609 |
| State committee | 248 | 2 | 834 |
| Tax commission | 245 | 1 | 809 |
| Taxing district | 245 | 1 | 809 |
| Taxpayer | 32 | 1 | 67 |
| Teacher | 97 | 1 | 235 |
| | 243 | 2 | 785 |
| Transferee | 119 | 25 | 327 |
| Under-crossing | 161 | 1 | 440 |
| Use | 127 | 2 | 264 |
| User | 127 | 2 | 264 |
| Vegetable seeds | 56 | 6 | 134 |
| Veterinarians | 71 | 1 | 178 |
| Weed | 230 | 1 | 726 |
| Weed seeds | 56 | 8 | 135 |
| WORKMEN: | | | |
| Safety regulations, | | | |
| tunnels, quarries, caissons or subways..... | 194 | 1 | 552 |
| air compression and decompression chambers..... | 194 | 2 | 553 |
| lighting in air compression chambers..... | 194 | 3 | 554 |
| Shelter, railway company to furnish for..... | 238 | 1 | 775 |
| WORKMEN'S COMPENSATION ACT (see, also, INDUSTRIAL IN- | | | |
| SURANCE): | | | |
| Compensation schedule | 209 | 1 | 624 |
| | | | to |
| | | | 632 |
| | | 2 | 635 |
| Fund, | | | |
| reserve, | | | |
| created | 209 | 1e | 629 |
| set up from accident, for each death..... | 169 | 1 | 459 |
| basis | 169 | 1 | 460 |
| Lump sum settlements | 209 | 2 | 635 |
| Occupational diseases, | | | |
| compensation to disabled workers, when..... | 235 | 1 | 772 |
| medical care to disabled workers..... | 235 | 1 | 772 |
| payments from same fund as accidents..... | 235 | 2 | 772 |

WORLD WAR.

WORLD WAR:

| | Ch. | Sec. | Page |
|---|-----|------|------|
| Disabled American veterans, appropriation | 59 | 1 | 150 |
| Rehabilitation, funds to be used exclusively for..... | 59 | 2 | 150 |
| WRIGHT, HON. D. F., Relief..... | 244 | 2 | 792 |

Y

YAKIMA COUNTY:

| | | | |
|---|-----|---|-----|
| Appropriation for L. I. D. assessments..... | 244 | 2 | 802 |
| | | | 804 |
| | | | 806 |
| Secondary highway allocation..... | 246 | 3 | 823 |
| relief appropriation | 244 | 2 | 796 |
| YAKIMA FROZEN FOOD LOCKERS, INC., Relief..... | 244 | 2 | 792 |

Z

| | | | |
|---------------------------|-----|---|-----|
| ZWYNS, PETER, Relief..... | 244 | 2 | 795 |
|---------------------------|-----|---|-----|